



AGENDA - Planning Commission

DATE: June 17, 2024 7:00 PM City Council Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes
 - I. Approval of May 20, 2024 Minutes
- IV. Public Comment (Agenda Items)
- V. Unfinished Business
 - I. Zoning Ordinance Draft 3 Review
- VI. New Business
- VII. Public Comment (Non-Agenda Items)
- 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 - May 20, 2024
7:00 PM

CALL TO ORDER

ROLL CALL

MEMBERS PRESENT: Saros, Stachecki, Hodges, Vethacke, and Chair Coletta.

MEMBERS ABSENT: Evans.

MEMBERS EXCUSED: Taylor

ALSO PRESENT: Warren Rothe, Secretary and Assistant City Manager; Michael Boettcher, McKenna.

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

Motion carried on a unanimous voice vote.

APPROVAL OF MEETING MINUTES

APPROVAL OF MEETING MINUTES:
APPROVAL OF APRIL 22, 2024 MINUTES

Motion by Vethacke, seconded by Hodges to approve the minutes from April 22, 2024 meeting.

The motion carried on a unanimous voice vote.

PUBLIC COMMENT (AGENDA ITEMS)

Two public comments were given.

UNFINISHED BUSINESS

UNFINISHED BUSINESS:
ZONING ORDINANCE REVIEW

The Commission reviewed in detail Articles 2, 3, and 4 of Draft 2 of the Zoning Ordinance involving the Table of Land Uses, Use Standards, and Schedule of Regulations, Materials, Building Form and Design. Specific land uses discussed included multifamily and senior housing, accessory dwelling units, parking lots, and home occupations. Discussion on Article 4 focused on allowed building materials.

NEW BUSINESS

The Commission discussed scheduling another Commission meeting for July 2024 and selected July 22, 2024 as the date.

PUBLIC COMMENT (NON-AGENDA ITEMS)

No public comments were given.

ADJOURNMENT

Motion by Vethacke, seconded by Stachecki to adjourn the meeting.

The meeting adjourned at 8:14 PM.

DRAFT PENDING APPROVAL



PLANNING COMMISSION MEETING

DATE: June 17, 2024

SUBJECT: Zoning Ordinance Draft 3 Review

SUMMARY: Further modifications have been made to the Zoning Ordinance, resulting in the attached Draft 3. The Zoning Map is unchanged and can be accessed [here](#). A separate document summarizing all changes between this draft and Draft 2 accompanies the ordinance. Included in Draft 3 are zoning provisions related to short-term rentals. This is separate from the standalone police-power ordinance or "licensing" ordinance the Commission has been developing. The next iteration of this ordinance will be considered at the July Commission meeting.

FINANCIAL IMPACT:

RECOMMENDATION: Review draft 3 of the Zoning Ordinance and provide direction.

PREPARED BY: Warren Rothe, Assistant City Manager

Zoning Ordinance Draft 3 Summary of Changes

Article 2: Districts and Table of Land Uses

<u>Section</u>	<u>Changes</u>
2.07 – Table of Land Uses by Zoning District	Uses Modified: - Boat wells changed to a special land use. Currently they fall under the jurisdiction of the ZBA. - Solar Energy Systems now reference additional standards contained in the new Section 3.02. - Schools are now removed from ER and are now a special land use in all districts, except Civic. - Senior Living (Assisted and Independent) is now one land use and is a special land use in all applicable districts. - Parking lots were not previously listed in all mixed-use districts. They have been added to the NMU district. - Standalone recreational uses are removed from the residential districts. The definition of accessory structures has been modified to allow for private recreational facilities such as a tennis court. - Greenhouse, Florist, Landscape are now referred to as Plant Material Retail. - Specific categories of short-term rentals have been added. See Section 3.14 and glossary for more background.

Article 3: Use Standards – *After adding Section 3.02 Solar Energy System, all subsequent sections were renumbered.*

<u>Section</u>	<u>Changes</u>
3.02 – Solar Energy Systems	New section regulating solar panels both freestanding and building mounted.
30.6 – Private Pools	Revised Subsection (f) to incorporate various Michigan Building Code regulations involving motorized covers.
3.07 – Accessory Dwelling Units	Removed restriction on allowing ADUs on single-family residences as several currently exist in the Cabbage Patch.
3.12 - Gas Stations	Distance from residential zoning district has been modified to be from property line to gas pump to avoid exclusionary zoning.
3.14 – Short Term Rentals	Investor-Owned Short-Term Rentals are proposed to be a nonconforming use in all residential districts, grandfathering existing ones who comply with police-power licensing requirements. Principal Resident Short-Term Rentals are proposed as a Special Land Use in all residential zoning districts. Existing ones that existed before the special land use shall be grandfathered in as

	nonconforming uses and must comply with police-power licensing requirements. For both, the police-power licensing requirements will be a separate ordinance from the Zoning Ordinance.
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Article 4: Schedule of Regulations, Materials, Building Form and Design

<u>Section</u>	<u>Changes</u>
4.02 – Schedule of Dimensional Regulations	Added footnote “Q” to allow for four-story buildings on Kercheval provided the fourth floor is set back a minimum of 15 feet from the building façade of the third story or enclosed in a mansard roof.

Article 5: Parking, Loading and Access

<u>Section</u>	<u>Changes</u>
5.02 – General Standards	Removed language that allowed parking lots for multi-family dwellings to be located in a front yard. Sec 5.02(F)

Article 6: Landscaping, Screening and Fences

<u>Section</u>	<u>Changes</u>
6.02 – General Standards	Clarified that the incorporation of alternative stormwater controls (swales, pervious paving, vegetated roofs) may be used as an alternative means for complying with the landscaping requirements of Article 6.
6.06 – Fences	- Revised how to determine front lots on corner parcels for fencing purposes to match the language/approach used for general front/side yard determinations. - The proposed 9-foot height requirement for living fences was modified to apply only to waterfront lots.

Article 7: Signage

<u>Section</u>	<u>Changes</u>
7.03 – General Standards	Moved feather and pennant flags at non-residential properties to prohibited signs.
7.06 – Signs Allowed with a Permit	Awing Signs – added standards 4, 6, and 7 Canopy Signs – Modified standard 2 Flag – added “of bracket” to maximum height standard Wall – Revised maximum height and added standard 2

Article 8: Adaptive Reuse and Non-conformités

<u>Section</u>	<u>Changes</u>
8.04 – Class A Approval Standards	The time limit for a nonconforming use to be discontinued was lowered from 12 months to 6 months to match current code.
8.06 – Class B Approval Standards	The time limit for a nonconforming use to be discontinued was lowered from 12 months to 6 months to match current code. The Business License requirement as a measuring point was removed.

Chapter 16: Glossary

<u>Section</u>	<u>Changes</u>
16.02 – Glossary	Definitions Added: • Short-Term Rental, Investor-Owned • Short-Term Rental, Principal Residence • Plant Material Retail • Permanent Resident • Premises • Principal Residence Definitions Modified: • Clarified that sports courts are an accessory use. • Landscape Nursery or Greenhouse now links to Plant Material Retail • Senior Living • Short-Term Rental

Zoning Ordinance

CITY OF GROSSE POINTE PARK, MICHIGAN

DRAFT 3.0 · June 7, 2024



Zoning Ordinance

CITY OF GROSSE POINTE PARK, MICHIGAN



ADOPTED _____, 2024
EFFECTIVE _____, 2024
AS AMENDED _____, 2024

Prepared by:



235 East Main Street, Suite 105
Northville, MI 48167
mcka.com

[illegible]



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Summary of Amendments

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Article 1.

Title, Scope, and Purpose

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 1.01 Short Title

This Ordinance is known and cited as the “City of Grosse Pointe Park Zoning Ordinance” or the “Zoning Ordinance”. The official Zoning Map, a part of this Ordinance, is known and cited as the “City of Grosse Pointe Park Zoning Map” or the “Zoning Map.”

Section 1.02 Intent and Purpose

Grosse Pointe Park’s Zoning Ordinance promotes and protects the public health, safety, and general welfare by incorporating provisions to achieve the following:

- A) Prevent the overcrowding of land and undue concentration of structures and uses by regulating the intensity of land uses and lot areas and to determine the areas of open spaces surrounding buildings and structures necessary to protect adequate light, air, privacy, and convenience of access to properties.
- B) Promote economic development and conserve and preserve the value of land, buildings, and structures.
- C) Allow for a variety of residential housing types, and commercial, institutional, and public uses.
- D) Protect against noxious fumes and odors, fires, crime, heat, dust, smoke, glare, noise, radioactivity, and other nuisances and hazards.
- E) Promote efficient mobility throughout the city by a variety of modes, as appropriate to the character of each part of the community, while minimizing congestion and safety concerns.
- F) Promote the orderly and beneficial development of uses and prohibit uses that are incompatible with the character of development, uses, or structures permitted within zoning districts.

To reach these objectives, Grosse Pointe Park will consider the character of each district, its peculiar suitability for particular uses, the general and appropriate trends, and the character of land, buildings and population development, as studied, recommended and/or adopted within the master plan.

Section 1.03 Legal Basis

Grosse Pointe Park’s Zoning Ordinance is enacted pursuant to:

- A) **The Zoning Enabling Act.** The Michigan Zoning Enabling Act (PA 110 of 2006), as amended establishes the authority for local units of government to adopt comprehensive zoning regulations and empowers the city to enact a zoning code and provide for its administration, enforcement, and amendment.
- B) **Necessity.** Grosse Pointe Park has determined it necessary to enact zoning regulations for the purpose of promoting public health, safety, and general welfare.
- C) **Master Plan Compliance.** Grosse Pointe Park has adopted a Master Plan and sub-area plans intended to guide growth in a logical and orderly fashion, which serves as the basis of this Zoning Ordinance.



Section 1.04 Scope of Application

- A) Zoning applies to every building, structure, and use.
- B) Any use not expressly permitted within this Zoning Ordinance is prohibited, unless otherwise reviewed and approved by the Planning Commission as a special land use. See Article 2 for the Table of Permitted Uses by District on the determination for uses not specifically listed.
- C) No building, structure, or land is to be used or occupied, and no building or structure or part thereof is to be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Zoning Ordinance, unless specifically superseded by a law or regulation of Wayne County, the State of Michigan, or the Federal Government of the United States.

Section 1.05 Conflicting Laws

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

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

Section 1.06 Prior Unlawful Structures, Sites, Lots, and Uses

Any structure, site, lot, or use that was unlawfully constructed, occupied, or created before the effective date of this Zoning Ordinance will continue to be unlawful, unless expressly permitted by this Zoning Ordinance, and is not legally non-conforming.

Section 1.07 Vested Right

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare unless otherwise permitted by law.

Section 1.08 Toolbox

- A) **Intent.** The intent of this Toolbox Section is to provide tools to be used to answer the most commonly asked dimensional and other zoning questions. While this Section is designed to be comprehensive and stand-alone from a regulatory standpoint, there are cross references to more detailed information



provided in the Zoning Ordinance. If there is a conflict between this Section and another section elsewhere, the other section shall govern.

B) How do I know where I can construct a structure on my property?

- 1) **Determine the Buildable Area.** The Buildable Area is the position of any property where it is legal to construct a structure. The Buildable Area is defined by the required setbacks and the building height allowed in the zoning district. Once the required setbacks and heights are determined, the area inside of the required setback yards is the Buildable Area.

C) How do I determine what the required setbacks and heights are for my property?

- 1) **Determine your Front, Side, and Rear Property Lines.** These are also considered lot lines.
 - a) Front Property Line. The shortest property line running along a street.
 - b) Rear Property Line. Opposite the front property line.
 - c) Side Property Lines. All other property lines.
- 2) **Additional Requirements and Special Circumstances.**
 - a) Corner Lots. For addressed corner lots, the lot shall be considered fronting upon the street that corresponds with the permanent address.
 - b) Alleys are not streets. A lot line along an alley shall be considered a rear or side property line depending on the alley's location relative to the front property line.
 - c) Lakefront Lots. The rear yard of a water fronting lot is the one fronting the street. The yard between the water body and the water-facing side of the building is considered a lakefront yard.
- 3) **Determine the height and setback standards for the zoning district where the property is located.** See Section 4.02 Schedule of Dimensional Regulations.
- 4) **How do I measure the required minimum setback?**
 - a) A minimum setback is the minimum distance that a structure can be located from the property line. Setbacks are used to preserve and enhance the character of areas and to respond in a context-sensitive way to external variables such as traffic speed or levels of walkability.
 - b) Setbacks are measured at grade along the ground between the lot line and the nearest covered foundation.

D) How do I measure building height?

- 1) **Feet.** Where the Zoning Ordinance calls for a maximum building height, the height is measured in feet from the average finished grade.
- 2) **Stories.** When the Zoning Ordinance calls for a maximum number of stories, a story is either 16 feet in height or the distance between the floor and the ceiling of a building, whichever is less.
- 3) **Flat Roofs.** The height of a flat roof is measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.
- 4) **Mansard and Gambrel Roofs.** The height of a mansard roof is measured from the average elevation of the finished grade at the front of the building to the deck line of the roof.
- 5) **Gabled and Hip Roofs.** The height of a gable or hip roof is measured from the average elevation of the finished grade at the front of the building to the midpoint of the highest ridge and eave.
- 6) **Accessory Structures.** Typically limited to 20 feet. See Section 3.08 Accessory Structures.

E) How do I measure my lot width?

- 1) The lot width is measured using a line, parallel to the street, connecting the two side lot lines at the principal building's required minimum setback.

F) What is the minimum allowable size of a dwelling unit in a multi-unit building? See Section 4.03

- 1) Studio/Efficiency Unit: 450 square feet
- 2) 1-Bedroom Unit: 600 square feet



- 3) 2-Bedroom Unit: 800 square feet
- 4) 3+Bedroom Unit: 1,000 square feet

G) When do I need a permit?

- 1) Zoning permits are required for most structures where the Zoning Administrator has authority. This is to ensure proper setbacks and heights are maintained. Common examples are driveways, accessory structures, signs, fences, and temporary uses.
- 2) Construction permits are required for buildings and structures that are regulated by the Michigan Residential Code or Michigan Building Code. This includes building, plumbing, mechanical, and electrical work.

Article 2.

Zoning Districts and Zoning Map

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 2.01 Zoning Districts

Grosse Pointe Park is divided into the following zoning districts, which are known by the following respective abbreviations and intent statements:

Code	Zoning District	Zoning District Intent Statement
Civic	Civic and Parks District	Provides an environment of buildings and active and passive spaces for public use, including city facilities, parks, schools, and religious institutions.
ER	Estate Residential District	Provides an environment of low-density single-family dwellings along with other uses that serve the residents in the district. To preserve the estates of Grosse Pointe Park by discouraging the subdivision of existing lots.
NR-1	Neighborhood Residential District – 1	Provides an environment of low-density single-family dwellings along with other uses that serve the residents in the district. Higher densities of dwellings are permitted within the city under the NR-1 zoning district than the ER District.
NR-2	Neighborhood Residential District – 2	Provides an environment of intermediate density one-family to two-family dwellings along with other uses that serve the residents in the district.
NR-3	Neighborhood Residential District – 3	Provides an environment of intermediate density with a mix of housing types from single-family homes to six or more attached multi-family dwellings along with other uses that serve the residents in the district. Higher density developments are subject to special conditions regarding lot size and lot coverage and require Planning Commission approval.
NMU	Neighborhood Mixed-Use District	Permits daily services and goods to be readily available for the surrounding neighborhoods in addition to context-sensitive live/work developments, residential units, office, and smaller-scale commercial uses that lend themselves to encouraging a walkable, pedestrian oriented neighborhood. This district is intended to accommodate a less intensive mix of uses than Grosse Pointe Park's more intensive, auto-focused business districts and major thoroughfares. Permitted uses include retail, personal services, live/work units, upper floor residential and office uses.
CBD	Central Business District	Permits small to medium scale mixed-use development that encourages pedestrian, bicycle, and transit uses as a means of accessing and supporting these developments. This includes a variety of commercial, office, recreation, civic, and residential uses to enhance the vitality and appeal of the corridor. This district further intends to protect the integrity of the surrounding residential uses by requiring the installation of landscaping, buffers, etc. at its borders with adjacent residentially zoned districts, as necessary. The district requires build-to widths, high levels of transparency on the front building facade, frequent entrance spacing, and ground floor elevation at or near sidewalk grade. This promotes a legible street wall and activates the public realm with pedestrian activity and visual interest.
CMU	Corridor Mixed-Use District	Provides a "city identity", indicating to residents and visitors that they are in Grosse Pointe Park while supporting a mix that includes more auto-oriented uses, while remaining walkable, with diverse uses, including mobile vendors, and increased night-time population.

Section 2.02 District Boundaries and the Zoning Map

The areas establishing Grosse Pointe Park's zoning districts and the boundaries of the districts are hereby established as shown on the Zoning Map, which accompanies this Zoning Ordinance, and which the Zoning Map with all notations, references, and other information shown thereon is as much a part of this Ordinance as if fully described herein. The Zoning Map is certified as the official copy by the City Clerk and kept on display at City Hall.



Section 2.03 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of a district on the Zoning Map, the following rules apply:

- A) Boundaries following the centerlines of streets, highways, or alleys, are construed as following such centerlines.
- B) Boundaries following platted or unplatted lot lines are construed as following such lot lines.
- C) Boundaries following the boundaries of the city are construed as following such boundaries.
- D) Boundaries parallel to, extensions of, or perpendicular to, features indicated in the above subsections A-C are so construed. Distances not specifically indicated on the Zoning Map are determined by the scale of the map.
- E) In other circumstances not clearly covered above by subsections A-D, the Director of Public Services determines the boundaries by applying the criteria for such determination for subsections A-D, or by any other criteria as determined appropriate to construe the boundaries of the district in a reasonable and harmonious manner.

Section 2.04 Zoning of Vacated Areas

Whenever any park, common area, outlot, street, alley, or other public way within the city is vacated, such property (or portion thereof) is automatically classified in the district of the adjoining property on either side of such vacated property. In the event such vacated property is a district boundary between two or more different districts, the new district boundary is the former centerline of such vacated property.

Section 2.05 Annexed Areas

Whenever land is annexed to the city, such land shall automatically be assigned the zoning of the district to which it most closely conforms under this Ordinance. The Planning Commission shall recommend the most appropriate zoning to the City Council, who shall determine by resolution the zoning classification(s) into which the property shall be placed.

Section 2.06 Essential Services

Essential services are permitted in all zoning districts and subject to the standards of this Zoning Ordinance and permitted to receive waivers from requirements upon demonstration to the Director of Public Services that the Ordinance standard in question would inhibit the provision of the essential service to Grosse Pointe Park residents. However, buildings, towers, and substations (such as wastewater treatment facilities, telephone repeater stations, gas, or electric regulator stations, and the like) are not eligible for waivers and limited to the zoning district within which they are located.



Section 2.07 Table of Land Uses by Zoning District

- A) Throughout this table, “P” means permitted “Use by Right”, and “S” means permitted by “Special Land Use”. An asterisk (*) next to the letter indicates that additional use standards must be met.
- B) The Planning Commission has the authority to determine that a use (including a temporary use) not listed within this Zoning Ordinance is similar in character and intensity to the uses permitted in a given district. Uses determined to be similar to uses permitted in a given district are permitted in that district. Uses determined to be similar to uses permitted by special land use are permitted by special land use approval (in accordance with the process established in Article 13). In determining the “character and intensity” of a use, the Planning Commission must determine that the use is consistent with the uses permitted in the district per the following:
- 1) Noise, odor, dust, and vibration.
 - 2) Traffic generation and the number of people likely to gather onsite.
 - 3) The scale and massing of buildings.
 - 4) Impact on natural features and the environment.
 - 5) Views from adjacent properties.
 - 6) Duration of uses, if not permanent.
 - 7) Any other criteria deemed applicable by the Planning Commission.

Land Use	ER	NR-1	NR-2	NR-3	NMU	CBD	CMU	CIVIC
Accessory Uses								
Boat Well	S							
Home Occupation	P*	P*	P*	P*	P*	P*		
Solar Energy System	P*	P*	P*	P*	P*	P*	P*	P*
Accessory Structures	P*	P*	P*	P*	P*	P*	P*	P*
Voting Place	P	P	P	P	P	P	P	P
Dwelling Units								
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*				
Duplex (Side-By-Side or Stacked)			P*	P				
Economy Efficiency Dwelling (EED)				P				
Live-Work					P	P	P	
Dwelling Units Above Commercial Use					P	P	P	
Single-Family Dwelling	P	P	P	P				
Single-Family Dwelling, Manufactured		P	P	P				
Multi-Family Dwelling, Low-Density (up to four units)			P*	P	S	S	S	
Multi-Family Dwelling, Medium Density (five or more units)				P*	S	S	S	



Land Use	ER	NR-1	NR-2	NR-3	NMU	CBD	CMU	CIVIC
Group Homes								
Adult Foster Care, Family Home (1-6 persons)	P	P	P	P				
Adult Foster Care, Small Group Home (7-12 persons)				S				
Childcare Home, Family (1-6 children)	P	P	P	P				
Childcare Home, Group (7-12 children)				S				
Foster Care, Family Home (1-6 children)	P	P	P	P				
Foster Care, Group Home (7+ children)				S				
Transitional Housing							S	
Senior Living			S	S			S	
Public / Quasi Public Uses								
Parking Lot (Surface)					P*	P*	P*	
Parking Structure					P*	P*	P*	
Public / Municipal Building	P	P	P	P	P	P	P	P
Public Utility Building	S	S	S	S	P	P	P	P
Recreation, Indoor (Public or Private)					P	P	P	P
Recreation, Outdoor (Public or Private)					P	P	P	P
Religious Institution		S	S	S	S	S	S	S
School, Elementary		S	S	S				P
School, Middle and High		S	S	S				P
School, College and University					S	S	S	S
Schools, Trade and Vocational					S	S	S	S
Wireless Communication Facility					S*	S*	S*	S*
Wireless Communication Facility, Small Cell					S*	S*	S*	S*
Commercial Uses								
Artisan / Maker Space					P	P	P	
Bar					P	P	P	
Body Art / Tattoo Shop					P	P	P	
Catering							P	
Childcare Center					P	P	P	
Cultural Institution (e.g., museum, library)					P	P	P	P
Event Hall						P	P	
Financial Institution					P	P	P	
Funeral Home / Mortuary		S	S	S	P	P	P	



Land Use	ER	NR-1	NR-2	NR-3	NMU	CBD	CMU	CIVIC
Gas Station							S*	
Grocery Store					P	P	P	
Health or Fitness Club					P	P	P	
Home Improvement (e.g., Painting, Decorating, Plumbing)					P	P	P	
Hotel / Motel							S	
Hotel, Boutique						P	P	
Kennel / Pet Grooming / Pet Boarding					P	P	P	
Laundry / Dry Cleaner					P	P	P	
Medical Office					P		P	
Microbrewery / Distillery / Winery					P	P	P	
Outdoor Dining					P*	P*	P*	P*
Outdoor Sales					P*	P*	P*	P*
Personal Service Establishment					P	P	P	
Pharmacy					P	P	P	
Plant Material Retail					P	P	P	
Private Club					P	P	P	
Professional Office					P	P	P	
Restaurant, Café / Takeaway					P	P	P	
Restaurant, Full-Service					P	P	P	
Retail Sale Establishment					P*	P*	P*	
Secondhand / Rummage Shop					P	P	P	
Short-Term Rental, Investor-Owned					P*	P*	P*	
Short-Term Rental, Principal Residence	S*	S*	S*	S*	P*	P*	P*	
Spa					P	P	P	
Studio (Dance, Art, Photography)					P	P	P	
Temporary Use	P*	P*	P*	P*	P*	P*	P*	P*
Theatre / Entertainment Venue					S	S	P	S
Vehicle Repair Shop							S*	
Vehicle Sales (Establishment, Open Air, Showroom)							S*	
Vehicle Wash Facility							S	
Veterinary Clinic					P	P	P	

Article 3. Use Standards

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 3.01 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 3.02 Solar Energy System

- A)** Solar Energy systems, structure-mounted on buildings or on an accessory building are allowed by right subject to the following:
- 1) **Flat or Mansard Roofs:** The system may extend up to 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
 - 2) **Pitched Roofs:** The system shall not exceed the peak height of the roof.
 - 3) **Rooftop Equipment Classification:** The system will not be classified as rooftop equipment.
 - 4) **Reflective Glare Prevention:** The system must be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties and adjacent street rights-of-way.
- B)** Freestanding solar energy systems are allowed by right subject to the following:
- 1) **Height and Area:** Each unit may be erected to a height not exceeding 15 feet and an area not exceeding 150 square feet. The units must be placed entirely in the rear yard within the area defined by the extended building lines and cannot exceed 25% of the rear yard area. The following exceptions are allowed:
 - a) On waterfront lots, systems may be located in the yard facing the street.
 - b) On thorough lots, systems may be located toward the street side of the principal building on the less traveled street, unless deemed impractical by the Director of Public Services.
 - 2) **Setback and Quantity:** Systems must be set back at least 20 feet from side and rear property lines and are limited to two units per parcel. Guy wires are not allowed.
 - 3) **Reflective Glare Prevention:** Systems must be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties and adjacent street rights-of-way.
 - 4) **Impervious Surface Requirements:** Systems must meet the impervious surface requirements of the district.

Section 3.03 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 3.04 Multi-Family Dwellings, 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 3.05 Multi-Family Dwellings, Medium Density (five or more units) in NR-3 zoning district

- A) The multi-family dwelling must be located at the intersection of two streets.
- B) The location requirement for subsection 3.04(1) may be waived by the Planning Commission who may approve the placement of a Medium Density Multi-Family Dwelling anywhere within the NR-3 District as a Special Land Use.

Section 3.06 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) In accordance with the Michigan Building Code, all outdoor swimming pools must be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 of the International Swimming Pool and Spa Code. Generally, for the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside or above the gate, no less than four feet above grade and not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. However, in the event the wall of a dwelling or structure serves as part of the barrier and where



doors, gates, or windows provide direct access to the swimming pool, then the pool must be covered by a safety cover that is listed and labeled in accordance with ASTM F1346 when not actively in use, and an audible alarm of no less than 80db shall be provided at the doors or gates entering the pool area with the disabling controls no less than four feet above the floor.

Section 3.07 Accessory Dwelling Units

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

1) ***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

2) ***Scaled and Dimensioned Floor Plan.*** Showing the following:

- a) Kitchen
- b) Bathroom
- c) Sleeping area
- d) Entry stairs, porches, or entrances
- e) Total square footage of the ADU
- f) Gross square footage of the principal dwelling unit.

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

- 1) ***Number Allowed.*** 1 ADU maximum shall be permitted on a property.
- 2) ***Location and Setbacks.*** The ADU shall comply with all setbacks for accessory buildings in the zoning district in which it is located.
- 3) ***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.



- 4) **Height.** The ADU shall comply with the height requirements for accessory buildings in the zoning district in which it is located.
- 5) **Orientation.** Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.
- 6) **Property Requirements.**
 - a) An ADU shall count towards the maximum number of permitted accessory structures on the lot.
 - b) An ADU shall be connected to an approved water and sewer system.
 - c) An ADU shall not be sold separately.
 - d) The ADU shall have one dedicated parking space in addition to one parking space for the principal structure.
 - e) A property with an ADU shall not have a Short-Term Rental on the same property.

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:

- 1) 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.
- 2) The ADU is restricted to the approved size.
- 3) The ADU shall not be sold separately.
- 4) All above declarations shall run with the land and are binding upon any successor in ownership.
- 5) The deed restrictions shall lapse upon the removal of the ADU.

D) Review Process

- 1) **Approving Authority.** The Building Official shall be the approving authority and shall use the criteria listed in subsection B.
- 2) **Notice to adjacent Property Owners.** After the Building Official receives a complete application for an ADU and determines that the application meets all the standards for approval, a notice shall be provided to all property owners within a 300-foot radius of the subject property with a description of the ADU request.
- 3) **Public Hearing and Planning Commission Review.** A notified property owner may request a public hearing and review by the Planning Commission. To initiate a hearing by the Planning Commission, the notified property owner shall provide a written request to the Building Official describing the specific reasons for the request. The due date for the public hearing request must be submitted to the Building Official within 15 days after the public notice is postmarked. The Planning Commission may approve an ADU with conditions if necessary to ensure compatibility with adjoining or nearby residential properties, or to protect the health, safety, and general welfare of the neighbors or the public.



Section 3.08 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

- 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:
 - 1) 35% of a required rear yard.
 - 2) 1,000 square feet per structure.
 - 3) 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 3.09 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 10 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.**
- 1) Garage and Block Sales. See Section 3.17.
 - 2) The sale of horticultural products grown on the premises may be sold on the premises and shall be exempt from this section.
 - 3) Piano lessons and similar fine arts lessons are exempt per State law.
- G) Prohibited Home Occupations and Home-Based Businesses:**
- 1) 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.
 - 2) 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 10 of the CityCode. In case any violation is not remedied within the time set forth in the notice, the following action shall be taken:
- 1) A Home Occupation shall be required to apply for a Type 1 or Type 2 Home-Based Business.
 - 2) A Type 1 Home-Based Business permit shall be revoked or shall be required to apply for a Type 2 Home-Based Business.
 - 3) A Type 2 Home-Based Business shall have a hearing before the Planning Commission.
 - 4) 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).
 - 5) 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 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 3.10 Parking and Storage of Commercial and 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 3.11 Parking Lots/Parking Structures as a Principal Use

- A) Approving Authority.** The Zoning Board of Appeals as a Special Exception.
- B) Additional Review Process.** Planning Commission Site Plan Review per Article 9.
- C) Standards.**
 - 1) The basic Special Land Use Standards must be met.
 - 2) The ZBA must determine the parking lot/structure is necessary to support nearby users.
 - 3) The ZBA must determine the parking lot/structure will not negatively impact the vibrancy, walkability, or historic character of the surrounding area.
 - 4) The applicable standards in Article 5 must be met.



Section 3.12 Gas Stations

- A)** Must be located 300 feet away from a residential zoning district, measured by property line to the nearest gas station pump. 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 3.13 Retail Sales Establishments

- A)** Businesses where packaged liquors or alcoholic liquors are sold for consumption off the premises.
 - 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) The Zoning Board of Appeals may waive the distances required under subsection 2(a) as a Special Exception.
- B)** A drive-thru facility may be permitted only as an accessory use in combination with a bank or financial institution.

Section 3.14 Reserved (for Short Term Rentals)

- A)** An Investor-Owned Short-Term Rental established in a Residential Zoning District prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. ____ within 120 days of the adoption of this ordinance.
- B)** A Principal Residence Short-Term Rental established prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this



Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. _____ within 120 days of the adoption of this ordinance.

Section 3.15 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	—
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:
- 1) **Complete Application.** A completed application and required fee.
 - 2) **Written Description.** A written statement describing the requested use and the proposed hours and days of operation.
 - 3) **Illustrative Plan.** An illustrative plan that shows the following, plus any other information needed to demonstrate compliance with the specific use requirements contained within this article as requested by the 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 Planning and the Department of Public Services.
 - 4) **Signs.** Temporary signs are permitted as part of a temporary use with the following standards:
 - a) Signs must be in the same location as the vendor/display.
 - b) Signs located on a canopy or vending unit must be banner.
 - c) Signs located apart from a canopy or vending unit must be a yard sign or sandwich board sign.
 - d) Signs must meet the standards listed in Article 10: Signs.
 - 5) **Proof of Ownership / Property Owner Permission.** Proof of ownership or, if the applicant is not the owner of the land, written permission from the owner to use the property for said use. If the activity is proposed to occur in public right-of-way, then the Public Services Director must provide written permission.
 - 6) **Liability Insurance.** Applicants must submit their insurance information, including company and policy number, with a temporary use application.
 - 7) **Additional Permits / Approvals.** Applicant must acquire all outside agency permits and approvals, if necessary.
- C) Prohibited and Violations.**
- 1) **Alteration/construction of a permanent building.** The construction or alteration of any permanent building or structure is not considered a temporary use.
 - 2) **No negative impact on adjacent properties or municipal services.** Temporary uses cannot negatively affect adjacent properties or municipal facilities.



- 3) **Use not allowed in Zoning District.** The temporary use must be consistent with the uses permitted in a zoning district.
- 4) **Violations.** If a temporary use violates any of its standards, it must cease operations and receive approval from the Director of Public Services for subsequent operation.

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

- 1) **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:
 - (1) One trailer per builder or contractor.
 - (2) Setback requirements for the zoning district must be met.
 - (3) Trailer must be anchored per Department of Public Services requirements.
 - (4) Trailer must have skirting.
 - (5) Trailer must meet Michigan Building Code, Michigan OSHA, and Michigan barrier free requirements.
 - (6) 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.
- 2) **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.

- 3) **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.
 - a) **General Standards.** When applicable:
 - (1) **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.
 - (2) **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.
 - (3) **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.
 - (4) **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.
 - (5) **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.
 - (6) **Traffic and Motor Vehicle Code.** Mobile vending shall be subject to City Traffic Ordinance.
 - (7) **Health Code.** Vendors must comply with all health requirements of the state or county health departments.
 - (8) **Noise Control.** Mobile vending shall be subject to City Noise Ordinance.
 - (9) **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.
 - (10) **Unattended Vending Unit.** A mobile vending unit shall not be left unattended for longer than 15 minutes.
 - (11) **American Disabilities Act.** Mobile vending activity shall not violate the American with Disabilities Act.
 - (12) **Hours of Operation.** No mobile vendor shall operate between the hours of midnight and 7:00 a.m.



- (13) **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.
 - (14) **No Outdoor Cooking.** A mobile food vendor shall at no time make use of any outdoor cooking facilities, including grills.
 - (15) **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.
 - (16) **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.
 - (17) **Outdoor Dining.** A mobile vendor may set up an outdoor dining area if the design complies with the general standards for mobile vending, including parking area standards, and the general standards for outdoor dining.
- 4) **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.
- a) **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.
 - b) **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.
 - c) **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.
 - d) **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.
 - e) **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.
 - f) **Storage.** When not used in a daily fashion, the storage of the outdoor dining facility must be indoors and concealed from public view.



- g) **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.
 - h) **Codes.** The cafe shall meet all County, State, and Federal requirements for food sales, liquor control, building, fire and other relevant regulations.
 - i) **Permit Required.** Outdoor dining at any location is not permitted without a city-issued permit.
- 5) **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.
- a) **General Standards.** When applicable:
 - (1) **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.
 - (2) **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.
 - (3) **Location.** The items proposed to be sold outdoors are related to and displayed immediately adjacent to an existing licensed place of business.
 - (4) **Duration.** Outdoor sales are limited to three per calendar year per business, for up to 90 days per occurrence.
 - (5) **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.
 - (6) **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.
 - (7) **Traffic and Motor Vehicle Code.** Vendors must abide by City Ordinance.
 - (8) **Health Code.** Vendors must comply with all health requirements of the state or county health departments.



- (9) **Noise Control.** Vendors must abide by City Ordinance.
 - (10) **Contain Supplies.** Vendors must contain all materials and supplies in the display and shall not store supplies or other materials on public property.
 - (11) **Unattended Vending Units.** A vending display shall not be left unattended while on a public sidewalk for longer than 15 minutes.
 - (12) **Hours of Operation.** No vendor shall operate between the hours of 11 p.m. and 7 a.m.
 - (13) **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.
 - (14) **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.
 - (15) **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.
- 6) **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.
- a) **General Standards.**
- (1) **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.
 - (2) **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.
 - (3) **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.
 - (4) **Parking Area.** The pop-up use must occupy less than 25% of the required business parking area.
 - (5) **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.
 - (6) **Health Code.** Vendors must comply with all health requirements of the state or county health departments.
 - (7) **Noise Control.** Vendors must comply with City noise ordinance.



- (8) **Contain Supplies.** Vendors must contain all materials and supplies in the pop-up and shall not store supplies or other materials on public property.
 - (9) **Hours of Operation.** No vendor shall operate between the hours of 3:00 a.m. and 8:00 a.m.
 - (10) **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.
 - (11) **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.
 - (12) **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.
- 7) **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:
- a) Portable On-Demand Storage Structures may be allowed by the Public Services Director on any lot, subject to the following regulations:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - b) Dumpster Roll-Off Containers. A Dumpster Roll-Off Container may be allowed by the Public Services Director, subject to the following regulations:
 - (1) 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.



- (2) 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.
 - (3) 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.
- 8) **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.
- a) **Tents or Canopies, 10 x 10 SF or less.** A permit is not required. Must meet general standards.
 - b) **Tents or Canopies, greater than 10 x 10 SF.** A special event permit is required. Must meet general standards.
 - c) **Bounce House, Public.** A temporary use permit is required. Additionally, a special event permit may be required. Must meet general standards.
 - d) **Bounce House / Canopy / Tent, Private Residential.** No permit is required. Must meet general standards.
 - e) **General Standards.** When applicable:
 - (1) **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.
 - (2) **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.
- 9) **Yard Sales, Garage Sales, Estate Sales, Block Sales, Auctions, or other Similar Events.**
- a) **Yard Sales.** When the City declares a Yard Sale Day, no permit is required. Use must meet general standards.
 - b) **Garage Sales, Estate Sales, Auctions.** A permit is required.
 - (1) 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.
 - (2) The permit shall be valid for the length of the garage sale. No sale may operate for more than three consecutive days.
 - (3) 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.
 - c) **Block Sales.** A permit is required.



- (1) A block sale is a sale in which five or more homes on a block are participating.
 - (2) 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.
 - (3) The permit shall be valid for the length of the block sale. No sale may operate for more than three consecutive days.
 - (4) 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.
- d) **General Standards.** When applicable:
- (1) **Hours of Operation.** No sale shall operate between the hours of 8 p.m. and 8:00 a.m.
 - (2) **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.
 - (3) **Noise Control.** Vendors must comply with Chapter 28 of the City Code.
 - (4) **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 3.16 Vehicle Repair Shops

- 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 3.17 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 3.18 Wireless Communication Facilities

- 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:
- 1) Facilitate adequate and efficient provision of sites for wireless communication facilities.
 - 2) Establish zoning district for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - 3) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land use, structures, and buildings.
 - 4) 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.
 - 5) Promote the public health, safety, and welfare.
 - 6) 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.
 - 7) Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - 8) 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.
 - 9) 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:**
- 1) 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.



- 2) 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.
 - 3) 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.
- 1) 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.
 - 2) The following use standards must be also met:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.



- e) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- f) 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.
- g) 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.
- h) 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.
- i) 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:

- 1) 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.
- 2) The proposal must be reviewed in conformity with the colocation requirements of this Section.

F) Application requirements.

- 1) A site plan prepared in accordance with Article 9 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.

- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.

- 1) 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.



- 2) Requirements for colocation.
 - a) 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.
 - b) All new and modified wireless communication facilities must be designed and constructed so as to accommodate colocation.
 - c) 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.

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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 4.01 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 4.02 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	-	30, A, B	10	D, E	30	60%	1,200	H, I, J, K, M, N, O, P
NR-1, Neighborhood Residential District	10,000	80	2 1/2	35	-	25, A	4	C, E	25	70%	750	H, I, J, K, M, N, O, P
NR-2, Neighborhood Residential District	5,000	60	2 1/2	35	-	20, A	3	C, E	20	70%	600	H, I, J, K, L, M, N, O, P
NR-3, Neighborhood Residential District	3,000	30	2 1/2	35	-	15, A	3	C, E, F	15	90%	500	H, I, J, K, L, M, N, O, P
NMU, Neighborhood Mixed-Use	-	-	3	40	12	0	0	E	0	90%	-	F, G, L, M, N, O
CBD, Central Business District	-	-	3, Q	40, Q	12	0	0	E	0	100%	-	F, G, L, M, N, O
CMU, Corridor Mixed-Use District	-	-	3	40	12	0	0	E	0	85%	-	F, G, L, M, N, O
CP, Civic and Parks District	-	-	3	40	-	A	-	C, D, E	-	100%	-	M, N, O



Section 4.03 Footnotes to the Schedule of Regulations

- A) Front Yard Setback.** Front yard setback is the greater of the average setback of the residential structures adjacent to the property on both sides, or the minimum setback indicated in the Schedule of Dimensional Regulations. 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 from the water's edge or seawall 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 Services 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) Alley Setback and Lot Coverage.** One half the width of an alley may be used to meet the rear yard setbacks in any zoning district. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this article, one half the width of such alley abutting the lot shall be considered as part of such lot.
- I) Rear Yard Setback, Nonresidential Uses in Residential District.** For nonresidential uses in residential areas the rear yard shall be not less than forty feet.
- J) 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).
- K) 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 Services Director based on the pattern of development on adjacent lots.
- L) Minimum Square Footages.** Minimum square footages apply to all multiple-family dwelling units:
 - 1) Studio / efficiency unit: 450 square feet
 - 2) 1-bedroom unit: 600 square feet
 - 3) 2-bedroom unit: 800 square feet



- 4) 3+ bedroom unit: 1,000 square feet

- M) Enhanced Design Guidelines.** Refer to design guidelines within this Ordinance for more information.
- N) Parking Lot Setbacks.** Refer to Article 5.
- O) Accessory Structure Setbacks.** See Section 3.08.
- P) Imperviousness in Front Yards.** No more than 25% of a front yard in a residential district shall be covered by either:
- 1) Any driveway or other area devoted to vehicular access; or
 - 2) Any material impervious to water.
- Q) Buildings in the CBD district** may include an additional story, or 54 feet provided, the fourth story shall be enclosed in a mansard roof or setback 15 feet from the building façade of the third story.

Section 4.04 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 and screening thereof, 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.
- 1) 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 4.05 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
Brick (including face brick but not veneer), burnished concrete masonry or masonry	P	P	P	P	P
Cut stone, field stone, ceramic cladding, cast stone, natural stone, or manufactured stone	P	P	P	P	P
Wood, including cross laminated timber, dimension lumber, and reclaimed wood	S	P	P	P	P
Burnished and textured concrete masonry units (CMU)	S	P	P	P	P
Standard concrete masonry units (CMU)	-	S	S	S	S
Fiber cement siding or panels	P	P	P	S	P
Precast concrete panels	-	-	-	S	S
Stone composite panels (e.g., Steni Colour)	S	S	P	P	P
Closed cavity façade (e.g., glass curtain wall system)	S	S	S	S	S
Clear or lightly tinted glass	S	S	S	S	S
Green façade (plant materials covering a façade)	S	P	P	S	P
Metal wall panel (including steel) <i>Only up to 50% of the façade as a primary material</i>	-	P	P	P	P
Vinyl	-	-	-	-	-
Exterior Insulation and Finishing System (EIFS) / Stucco	-	-	-	-	-

- 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 4.06 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 styles. 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.
 - 1) Construction of new residential structures, including Accessory Dwelling Units;
 - 2) Additions to existing residential structures;
 - 3) Reconstruction or substantial renovations to existing residential structures where 50% or more of the exterior shell is substantially altered; and
 - 4) 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.**
 - 1) 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.
- 2) 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.
 - 3) 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.
 - 4) 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 4.07 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.
 - 1) 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.

- 2) 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.
- 3) Building fronts shall be oriented to the primary street.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Windows shall be un-tinted. Mirrored or reflective glass is not permitted.
- 8) 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.
- 9) Windows should not be visually obstructed by signs, advertisements, window screens, security grills, or other permanent window coverings.
- 10) 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) 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.



D) 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 must have pedestrian access along the principal street frontage.
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.



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

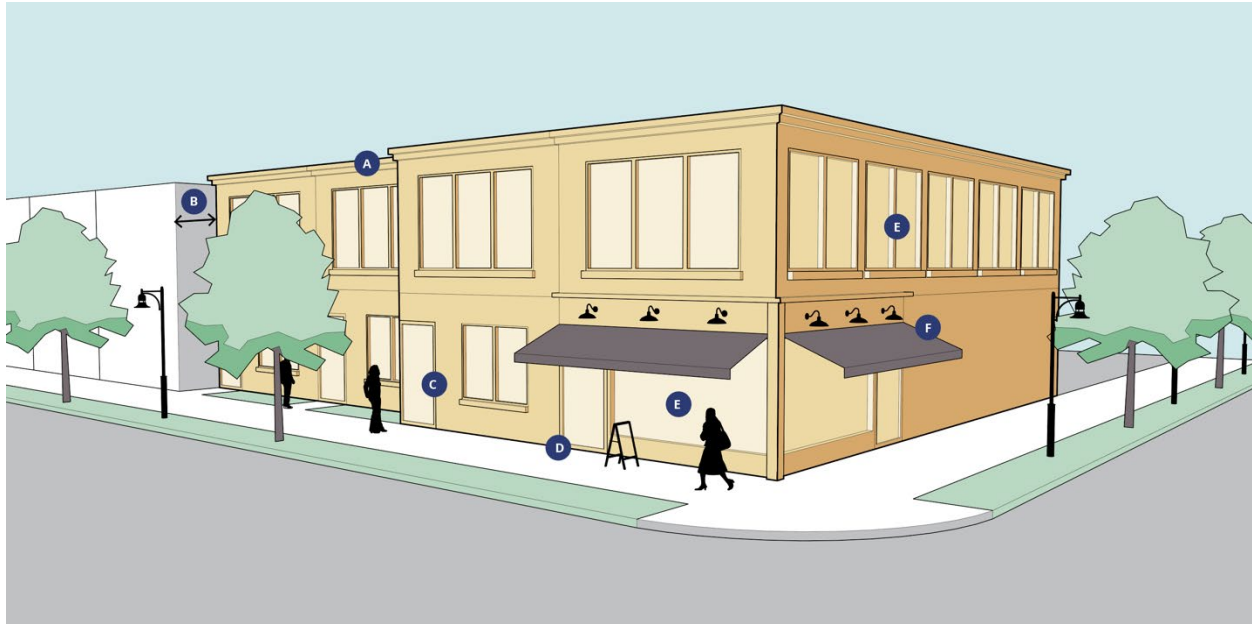


DESIGN REQUIREMENTS

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 must have pedestrian access along the principal street frontage. If the building has upper-story residential and off-street parking in the rear, it must have additional pedestrian access from the 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.



- F) 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 must have pedestrian access along the principal street frontage. If the building has off-street parking in the rear, it must have additional pedestrian access from the 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 4.08 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:

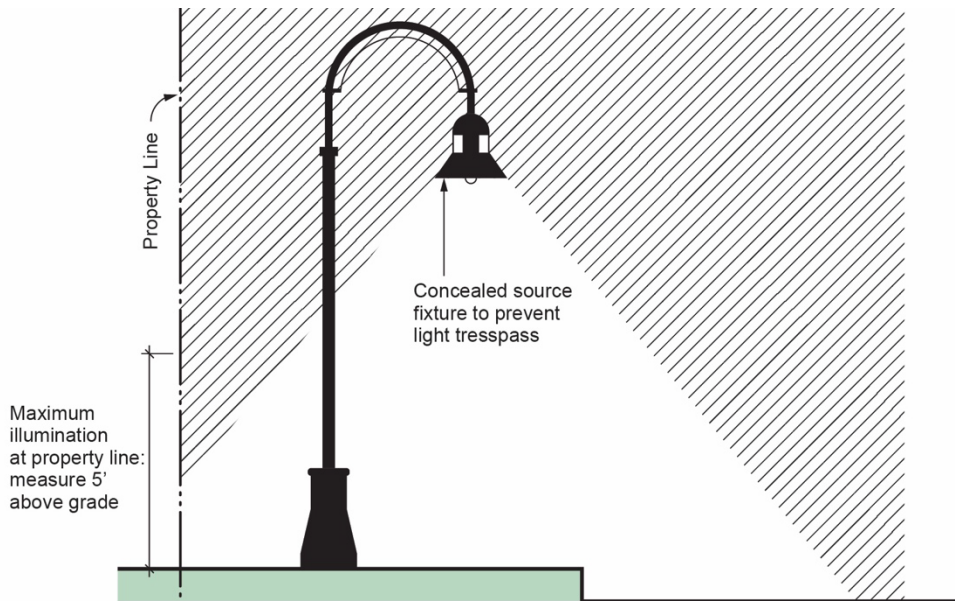
- 1) Permit reasonable uses of exterior lighting for night-time security, utility, productivity, enjoyment, and commerce.
- 2) Minimize glare, obtrusive light, and artificial sky glow by limiting exterior lighting that is misdirected, excessive, or unnecessary.
- 3) Conserve energy and resources.
- 4) Protect the natural environment from the damaging effects of light pollution.

B) General Standards.

- 1) **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	1.0 fc
Gas station (<i>under the canopy only</i>)	20.0 fc

- 2) **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

- 3) **Customer Safety.** Provide adequate illumination to provide customer safety at front and rear entries.
- 4) **Consistent Fixtures.** The type and design of lighting must be consistent throughout a site.
- 5) **Decorative Lighting.** Buildings within the NMU, CMU, CBD, and C 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.
- 6) **Warm Hues.** The use of warm temperature LED or incandescent lighting is encouraged.
- 7) **Accent Lighting.** Soft uplighting may be used to highlight unique architectural features.
- 8) **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.
- 9) **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:

- 1) Required exit signs and safety lights for stairs and ramps.
- 2) 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).
- 3) Lights required by the Federal Aviation Administration, or other federal or state agency.



- 4) Interior lights.
- 5) Temporary lights necessary for construction or emergencies.

D) Prohibited Lighting. The following lights are prohibited:

- 1) 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.
- 2) Aerial lasers and/or “searchlight” style lights.
- 3) Flashing, moving, or intermittent lights (including lighting that changes colors).
- 4) Other intense lights, defined as having a light source exceeding 200,000 lumens or more.

E) Special Exception Lighting.

- 1) 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.
- 2) 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 5. Parking, Loading and Access

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 5.01 Intent Statement

The purpose of this article is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the city or with land uses allowed by this Article. Additionally, this article recognizes that parking requirements have been excessive and existing lots may be overparked. Overly large parking lots are a drain on economic vitality, present safety hazards to pedestrians and motorists, and create environmental hazards such as heat islands, stormwater runoff, loss of habitat, and flood hazard. For these reasons, this article establishes flexible parking requirements and eliminates parking requirements for some types of projects.

Section 5.02 General Standards

- A) Parking Required.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings erected, altered or extended after the effective date of this chapter shall be provided as prescribed herein.
- B) Flexibility in Parking.** Uses for which off-street parking is required as specified in this article may meet the number of required parking spaces by any of the following:
 - 1) Providing the required off-street parking within the same lot as the principal use for which the parking is required.
 - 2) Providing the required off-street parking on an adjacent shared parking lot, either exclusively or via a Shared Parking Agreement. For non-residential projects, required parking spaces must be within a 500-foot radius of such lot unless otherwise specified herein. For residential projects, required parking spaces must be within a 300-foot radius of such lot unless otherwise specified herein. Both measurements are performed from property line to property line. A waiver of the maximum allowable distance between the user and associated parking may be approved by the Planning Commission, with written justification and supporting information provided by the applicant. For projects subject to administrative review, the Director of Public Services may waive up to 10% of the total required spaces, not to exceed 5 spaces.
 - 3) Obtaining a parking waiver from the Planning Commission.
- C) Storage of Vehicles Prohibited.** Parking must be for temporary housing of vehicles while in use by occupants, employees, visitors, and patrons of nearby land uses. The storage of merchandise or motor vehicles for sale or the repair of vehicles is prohibited.
- D) Parking Structures.** For parking structures, commercial space or other space oriented to pedestrian traffic must be provided on the ground floor of a parking structure for at least 60 percent of the street frontage. This liner use must be integrated into the parking structure.
- E) Outdoor Display Areas.** Where permitted, any outdoor display areas for ancillary sales of products such as, vehicles or merchandise, must be provided in a specific area designated on the site plan and may not block parking spaces or interfere with site circulation of automobiles or pedestrians.
- F) Parking Location for Multi-Family Dwellings.** Parking lots for multi-family dwellings cannot be located in the front yard. All parking lots must be setback at least 3-feet from any perimeter lot line, except for parking that abuts an alley in a commercial district. Parking may only be located at the rear of the building in the CBD



and NMU Districts. Parking may be located in the rear or side yard in the CMU District but must be located in the rear along Mack Avenue.

G) Residential Parking. The following standards shall apply to all residential parking:

- 1) Parking may consist of a parking strip, parking bay, driveway, garage, or combination thereof that consists of asphalt, concrete, or permeable paving stones. Traditional cobblestone shall be permitted in the ER district. Driveways cannot be wider than 3-feet on either side of the opening of the garage door(s) or carport opening.
- 2) In total, the land area improved for parking between the front lot line and the front setback shall not exceed 30% of the total land area between the front lot line and the front setback. For the purposes of this section, front setback means the line formed at the outer surface of a building where the building wall meets the surface ground level, not to be construed to be the minimum required front yard setback, and such line shall extend the width of such lot parallel to the front lot line. This provision shall not include impervious surface area meant for pedestrian access between vehicles and structures.
- 3) Parking is prohibited on lawn areas.
- 4) The parking or storage of commercially licensed motor vehicles is not permitted in the following cases if such parking or storage exceeds a one-hour period (this subsection does not apply to the lawful and expeditious loading, unloading, delivery or pick-up of materials, goods, merchandise, or persons):
 - a) The parking or storage of commercially licensed motor vehicles for which the Secretary of State requires either gross vehicle weight or International Registration Plan registration plates for operation, including, but not limited to, semi tractors, semi-trailers, semi-trucks, and tow trucks.
 - b) The parking or storage of commercially licensed motor vehicles used to transport persons for hire, including, but not limited to, taxicabs, limousines, hearses, and buses.
 - c) The parking or storage of commercially licensed motor vehicles which weigh over 10,000 pounds when empty but fully equipped for service.

H) PEV Charging Stations and Spaces

- 1) PEV charging stations, as well as all structures and equipment ancillary to PEV charging stations (protective bollards, signage, etc.) shall collectively be considered an accessory use to any principal permitted use.
- 2) The location of PEV charging stations and spaces shall be subject to the following:
 - a) PEV charging stations and spaces shall be permitted anywhere off-street parking is permitted.
 - b) PEV charging stations and spaces shall be permitted anywhere within an off-street parking area that a standard parking space is permitted, provided all standards pertaining to off-street parking spaces and to off-street parking areas are met.
- 3) PEV charging stations and spaces shall meet the following design requirements:
 - a) PEV charging stations shall meet all applicable electrical and building codes, including but not limited to the National Electrical Code (NEC) and the Michigan Building Code.
 - b) PEV charging stations shall be Level-1 and Level-2 capable as defined by the National Electrical Code (NEC).
 - c) PEV charging spaces shall meet all dimensional requirements of a standard parking space per Section 5.05, including length and width. PEV charging spaces shall meet the requirements of the



- City's Design and Construction Standards, including those pertaining to parking lot curbing and pavement.
- d) Where a PEV charging station is installed adjacent to a sidewalk, the station and all structures ancillary to it shall maintain a five (5) foot wide clearance for the sidewalk.
 - e) PEV charging stations and spaces shall be identified with the State-standard "Reserved Parking Only – Charging Station" sign and corresponding plaque (R7-8c and R7-8cP, respectively) as detailed in the Michigan Standard Highway Signs Book, or its equivalent. PEV identification signs shall meet the same standards relative to location, height, and design as barrier-free parking signs.
 - f) PEV charging spaces shall be identified with the MMUTCD-standard pavement marking D9-11b (ALT) or its equivalent.
 - g) PEV charging stations shall be installed in a suitable location such that any cords connecting the charging station with the vehicle will not extend across a pedestrian walkway or will otherwise present a tripping hazard. Charging stations featuring self-retracting cords are encouraged.
 - h) PEV charging stations available to the public shall be maintained in safe and operational repair and shall clearly display a toll-free telephone number to report any problems.
- 4) PEV charging spaces shall be considered as standard parking spaces for the purpose of meeting the minimum off-street parking requirements of Section 5.2.
 - 5) A minimum of one (1) PEV charging space serviced by a Level 2 PEV charging station shall be provided for every 10 constructed parking spaces.
 - 6) PEV charging stations and spaces, as well as all structures ancillary to PEV charging stations and spaces, including but not limited to bollards, signs, canopies, shelters, solar collectors, etc., shall be subject to the following:
 - a) PEV charging stations and spaces, as well as all ancillary structures installed as part of a PEV charging station, shall meet the minimum parking setback requirements of the applicable zoning district.
 - b) Solar collector-equipped panels and canopies, shelters, carports, and similar large structures installed as part of a PEV charging station or space shall meet the minimum building setback requirements of the applicable zoning district.
 - c) All ancillary structures installed as part of a PEV charging station shall meet the maximum height requirements of the applicable zoning district.
 - d) PEV charging stations shall be permitted no additional signage beyond the required City-standard sign identifying the PEV charging station space.

Section 5.03 Off-Street Parking Requirements

- A) Minimum Off-Street Parking Requirements.** Unless otherwise specified in this article, the minimum number of off-street parking spaces is determined in accordance with the table in the subsection below. The following circumstances shall be exempt:
 - 1) All non-residential uses in the NMU District.
 - 2) All non-residential uses in the CBD District.
- B) Maximum Off-Street Parking Requirements.** The maximum number of off-street parking spaces shall be 15% more than the minimum number of required spaces, in accordance with the table in the subsection below.



- C) Religious Institutions.** Parking spaces already provided to meet off-street parking requirements for auditoriums and other places of public assembly, stores, and office buildings lying within 500 feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking may be used to meet not more than 75 percent of the off-street parking requirements of a religious institution.
- D) Uses Not Specified.** For uses not specifically listed in this Section, the provisions for a similar listed use shall apply as determined by the Planning Commission. If no adequate similar use is listed, the Planning Commission shall determine either that no minimum parking is necessary, or the appropriate minimum parking using one or more of the following resources:
- 1) A review of the parking demand ratios measured by the Institute of Traffic Engineers in the most recent edition of the Parking Generation Manual.
 - 2) A review of the parking demand ratios set forth by the Urban Land Institute in the most recent edition of the Shared Parking Manual.
 - 3) A review of the minimum parking requirements set forth by neighboring municipalities which are similar in land use character to the City of Grosse Pointe Park.
 - 4) Observations of parking occupancy for the use in question at nearby comparable locations.
- E) Measurement.**
- 1) **Usable Floor Area.** To compute the number of parking spaces required, the definition of usable floor area (UFA) governs: that area used for, or intended to be used for, the sale of merchandise or service or to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for hallways, kitchens, storage rooms, utilities, or sanitary facilities, is excluded from this computation. Measurement of usable floor area is the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
 - 2) **Rounding of Required Spaces.** Any fraction up to and including one-half is rounded down; any fraction greater than one-half is rounded up.
- F) Required off-street parking spaces are as follows:**

Land Use	Minimum Number of Parking Spaces per Unit of Measure
All Residential Uses	1 per dwelling unit
Group Homes	
Adult Foster Care, Family Home (1-6 persons)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Adult Foster Care, Small Group Home (7-12 persons)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Child Care Home, Family (1-6 children)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Child Care Home, Group (7-12 children)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space



Land Use	Minimum Number of Parking Spaces per Unit of Measure
Foster Care, Family Home (1-6 children)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Foster Care, Group Home (7+ children)	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Transitional Housing	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Senior Living	1 per employee in largest working shift, plus 1 per 10 resident beds and an adequate drop-off/pick-up space
Public / Quasi Public Uses	
Recreation, Indoor (Public or Private)	1 per 500 sq. ft. of usable floor area
Recreation, Outdoor (Public or Private)	1 per 3 people in the capacity authorized by the Fire Code
Religious Institution	1 per 3 people in the capacity authorized by the Fire Code
School, Elementary, Middle, and High	1 per employee in largest working shift, plus adequate drop-off spaces
School, Vocational, College, and University	1 per 3 people in the capacity authorized by the Fire Code
Commercial Uses	
Artisan / Maker Space	1 space per workstation
Bar	1 per 4 seats, plus 1 per employee in the largest working shift
Bed And Breakfast / Short- Term Rental	1 per occupancy unit, plus 1 per employee in the largest working shift
Body Art / Tattoo Shop	1.5 per tattoo chair
Catering	1 space per employee plus 1 per delivery van
Childcare Center	1 per employee in largest working shift, plus adequate drop-off/pick-up space
Cultural Institution (e.g., museum, library)	1 per 500 sq. ft. of usable floor area, plus 1 space per employee
Event Hall	1 per 5 people in the capacity authorized by the Fire Code
Financial Institution	1 per 1000 sf. of usable floor area
Funeral Home / Mortuary	1 per employee, plus 1 per 100 sf of usable floor area
Gas Station	1 per employee in the largest working shift, plus 1 at each fuel pump space, plus 1 per 150 sf of usable floor area
Grocery Store	1 per employee, plus 1 per 400 sf of usable floor area
Health or Fitness Club	1 per 400 sf of usable floor area
Home Improvement (e.g., Painting, Decorating, Plumbing)	1 per 500 sf of usable floor area
Hotel / Motel	1 per occupancy unit plus 1 per employee in the largest working shift
Hotel, Boutique	0.75 spaces per room
Laundry / Dry Cleaner	1 per 1000 sq. ft. of usable floor area
Medical Office / Pharmacy	1 per 400 sq. ft. of usable floor area
Microbrewery / Distillery / Winery	1 per 4 seats, plus 1 per employee in the largest working shift
Personal Service Establishment	1 per beauty or barber chair, plus 1 per employee in the largest working shift or 1 per 300 sq. ft. of usable floor area
Pet Grooming / Pet Boarding Facility	1 per employee in largest working shift, plus adequate drop-off spaces



Land Use	Minimum Number of Parking Spaces per Unit of Measure
Plant Material Retail	1 per 500 sf of usable interior floor area, plus 1 per employee in the largest working shift
Professional Office	1 per 400 sq. ft. of usable floor area
Restaurant, Café/Take-Away	1 per 500 sq. ft. of usable floor area, including any outdoor dining area, plus 1 per employee
Restaurant, Full Service	1 per 4 seats, including any outdoor dining area, plus 1 per employee in the largest working shift
Retail Sale Establishment	1 per 350 sq. ft. of usable floor area
Spa	1 per 400 sf of usable floor area
Studio (Dance, Art, Photography)	1 per 5 people in the capacity authorized by the Fire Code
Theatre / Entertainment Venue	1 per 3 people in the capacity authorized by the Fire Code
Vehicle Minor Repair Shop	2 per auto mechanical service stall, plus 1 per employee in the largest working shift
Vehicle Sales (Establishment, Open Air, Showroom)	1 space per 265 sf of usable floor area
Vehicle Wash Facility	1 per employee on largest shift
Veterinary Clinic	1 per employee in largest working shift, plus adequate drop-off spaces

G) Shared Parking. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses. In all non-residential and mixed-use zones, private parking facilities may be shared by multiple uses whose activities are not normally conducted during the same hours, or when hours of peak use vary. The applicant shall have the burden of proof of a reduction in the total number of required off-street parking spaces. No reduction in the number of spaces reserved for persons with disabilities shall be permitted on site.

- 1) **Proof from Applicant.** Evidence must be submitted that demonstrates shared parking will not result in inadequate parking. Below is a list of required application information.
 - a) An analysis of available and used parking spaces based on parking counts taken at certain time intervals and days to verify parking usage patterns.
 - b) The type and hours of operation and parking demand for each land use.
 - c) A sketch or site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.
 - d) A description of the character of land use and parking patterns of adjacent land uses.
 - e) An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.
- 2) **Design Standards.**
 - a) Users sharing a parking facility shall provide for safe, convenient walking between land uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting. Pedestrian paths should be as direct and short as possible, without compromising safety. A



pedestrian circulation plan that shows connections and walkways between the parking facilities and subject uses shall be provided.

- b) Details regarding the maintenance of the shared parking areas, including snow removal, must be provided within the shared parking agreement.
 - c) Signage to direct drivers to the most convenient parking areas for each use shall be provided.
- 3) **Process.** An applicant must submit an application for shared parking to the Planning Commission, along with the required fee as established by the City under the most recent fee schedule. The Planning Commission has final authority over granting shared parking agreements. If the Planning Commission approves the shared parking agreement, and prior to the issuance of a certificate of compliance, a written agreement shall be reviewed and approved by the City Attorney and executed by the property owner to assure the continued availability of the shared parking spaces for the life of the use. The agreement shall, at a minimum:
- a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties.
 - b) Provide a legal description of the land upon which the parking area(s) and building(s) appurtenant to the parking areas are located.
 - c) Include a sketch or site plan showing the area of the parking parcel, pedestrian and driver circulation, maintenance, etc.
 - d) Provide details regarding the maintenance of the shared parking areas, including snow removal.
- 4) **Change in Use.** Should any of the shared parking uses be changed, or should the planning department find that any of the conditions described in the approved shared parking study or agreement no longer exist, or if insufficient parking is an issue due to complaints, the owner shall either submit a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection, or provide the number of spaces required for each use as if computed separately. If the Department of Public Services determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided.
- H) **Parking Waivers.** The Director of Public Services and Planning Commission may grant waivers in off-street parking requirements, provided that there is no reduction in the number of spaces reserved for persons with disabilities, unless the applicant proves that they do not have sufficient space on their lot.
- 1) **Director of Public Services.** The Director of Public Services may waive 5 off-street parking spaces or less, provided that the 5 parking spaces do not make up more than 10% of the total required parking.
 - 2) **Planning Commission.** The Planning Commission may waive up to 100% of the total required parking for an individual site. The Planning Commission may attach conditions of approval to a modification in the minimum required parking.
 - 3) **Proof from Applicant.** In order for the Director of Public Services or Planning Commission to waive off-street parking requirements, the applicant must demonstrate that the required amount of parking spaces is excessive based on the needs of the proposed use or that the site cannot physically accommodate the required number of parking spaces.



- 4) **Process.** An applicant must submit an application for shared parking to the Planning Commission, along with the required fee as established by the City under the most recent fee schedule. The Planning Commission has final authority over granting shared parking agreements.

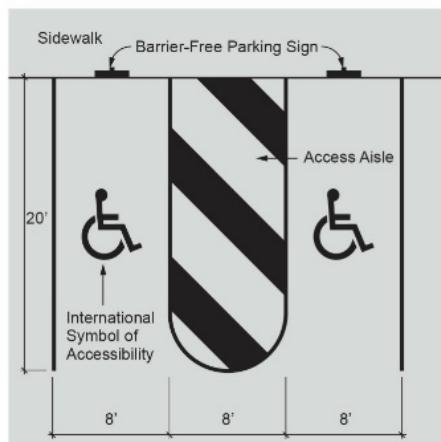
Section 5.04 Barrier-Free Parking

- A) Where off-street parking is required in association with a non-residential use, and at all government buildings, barrier-free parking spaces must be provided in the quantity specified herein.
- B) All barrier free parking shall comply with Federal regulations governing disability access.
- C) Barrier-free spaces must be located as close as possible to the entrance of the building with which they are associated. barrier-free route of travel from accessible parking spaces to the nearest barrier-free building approach must be provided.
- D) A minimum number of barrier-free spaces is required, as described in the table below:

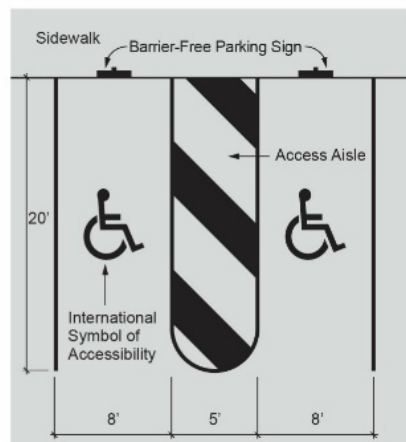
Total Number of Provided Off-Street Parking Spaces	Total Min. Number of Barrier-Free Spaces Required	Min. Number of Spaces that must be Sized for Van-Accessible
Up to 25	1 total	At least 1
26 to 50	2 total	At least 1
51 to 75	3 total	At least 1
76 to 100	4 total	At least 1
101 to 150	5 total	At least 1
151 to 200	6 total	At least 1

- E) The minimum dimensions for barrier-free spaces are:

Van Accessible



Standard



Barrier-Free Parking Space Layout

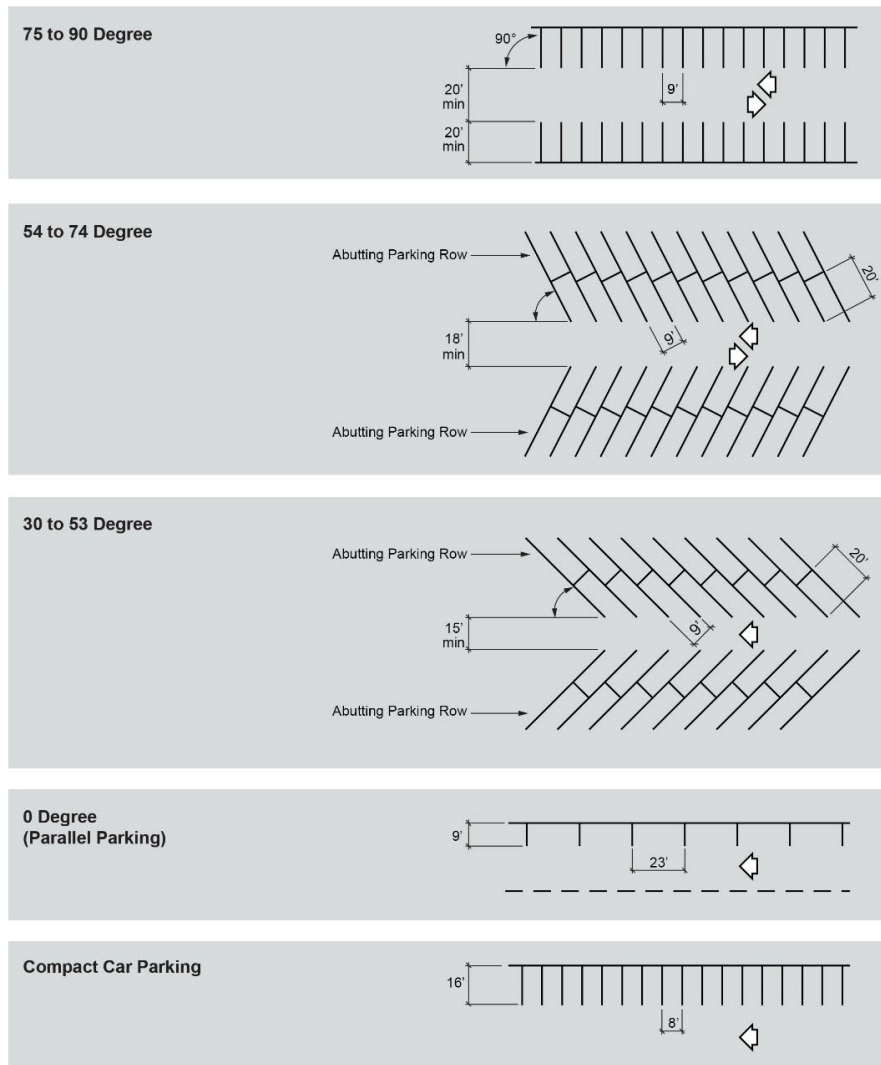


Section 5.05 Parking Lot Layout, Design, and Landscaping

Off-street parking lots must be laid out, constructed, and maintained as follows:

- A) Dimensions.** Parking facilities must be in accord with the following dimensions. See graphic below for more detail.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces and Maneuvering Lane	Total Width of 2 Tiers of Spaces and Maneuvering Lane
0° (Parallel)	-	9 feet	23 feet	-	-
35° – 50°	15 feet	9 feet	20 feet	35 feet	57 feet
51° – 74°	18 feet	9 feet	20 feet	35 feet	60 feet
75° – 90°	20 feet	9 feet	20 feet	32 feet	60 feet



- B) Length Reduction.** Parking stall length may be reduced from 20-feet to 18-feet when the vehicle overhang is positioned over open green space or would not interfere with pedestrian access.
- C) Direction.** All maneuvering lane widths shall only permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- D) Street Backing.** All spaces must be provided adequate access by means of maneuvering lanes; backing directly onto a street is prohibited apart from alleys.
- E) Signage and Striping.** Appropriate signage and striping must be included within all parking lots. Designating the traffic flow at all entrances and exits with directional arrows may be required by the Director of Public Services if traffic safety is a concern. Double striping is the minimum standard.
- F) Curbing.** Wheel chocks are not permitted, parking areas must be curbed or incorporate bumper stops. All curbing and bumper stops shall be made of concrete and 6-inches in height to prevent vehicle overhang into



landscaped or pedestrian areas. Bumper stops must be kept in alignment with the approved site plan for the subject site on which they are located.

- G) **Grading.** The parking lot must be graded and adequately drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent properties or toward any buildings.
- H) **Surfacing.** The entire parking area, storage area and non-landscaped portion of the lot, including parking spaces and maneuvering lanes, must be provided with asphalt or concrete surfacing. Where appropriate based on infiltration and soil conditions, permeable paving stones and other forms of permeable parking surfaces shall also be permitted. All other forms of surfacing shall be prohibited.
- I) **Landscaping.** Refer to Article 6.
- J) **Pedestrian Access.** Parking lots must have a minimum of one pedestrian access point on each street frontage. The Planning Commission has authority to waive this requirement as part of the site plan review process.

Section 5.06 Loading Zones

- A) **Location.** In connection with every building, structure, or use hereafter erected (except one- to four-family dwelling units) an off-street loading zone must be provided in the rear yard or if in the side yard, screened from the public right-of-way and any residentially zoned or used property. A dedicated alley or designated on-street loading zone within 100 feet of the subject site may be used satisfy this requirement.
- B) **Dimensions.** Loading zones must be a minimum of 10-feet by 40-feet, with a 14-foot height clearance.
- C) **Access.** Loading zones cannot back out directly onto a public road, excluding alleys.
- D) **Quantity.** In the case of a mix of uses or a mixed-use building on one developed lot, the total requirements for loading zones is the sum of the various uses computed separately. Loading zones must be provided as follows:

Usable Floor Area (square feet)	Number of Loading Zone(s) Required
0 – 5,000 square feet	None
5,001 – 20,000 square feet	1 loading zone
20,001 – 100,000 square feet	1 loading zone, plus 1 for each 20,000 sq.ft. in excess of 20,001 sq.ft.
100,001 square feet and greater	5 loading zones, or more if needed in the opinion of the Planning Commission

- E) **Waiver.** The Planning Commission may modify or waive the requirement for a loading zone, upon determination that adequate loading space is available to serve the building/use, or that provision of such a loading zone is unnecessary for the use.

Section 5.07 Access Management

- A) **Number of Non-Residential Driveways.** Access must be provided for each site; where feasible, access must be provided via a shared access driveway. One additional driveway may be allowed for properties with



a continuous frontage of over 500-feet and one additional driveway for each additional 250-feet of frontage. The Planning Commission may determine additional driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the street, based upon a traffic impact study submitted by the applicant.

- B) Intersection Setback.** The minimum spacing between a proposed non-residential driveway and the centerline of the nearest intersection must be 20-feet. Alleys shall not constitute intersections for the purposes of this requirement.
- C) Modification of Standards.** During the site plan review, the Planning Commission has the authority to modify the standards of this Section upon consideration of the following:
- 1) The standards would prevent reasonable access to the site.
 - 2) Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
 - 3) Roadway improvements (such as the addition of a traffic signal, center turn lane, or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - 4) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - 5) The proposed location and design are supported by the Michigan Department of Transportation (MDOT) or Wayne County as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.
 - 6) Where there is a change in use or expansion at a site that does not comply with standards of this Zoning Ordinance, the Planning Commission may determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this Ordinance to the extent practical.
- D) Traffic Impact Studies.** The city may require a traffic impact study (TIS) for all development proposals that it reviews. The TIS must be submitted by the applicant to determine the potential future traffic conditions on adjacent roadways once a proposed development is finished. The TIS must including a prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development. The results of the TIS may be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards as published by the Southeast Michigan Council of Governments (SEMCOG) and MDOT in the handbook titled *Evaluating Traffic Impact Studies* and found acceptable by the city prior to being used.
- E) Commercial Cross-Access.**
- 1) Cross access drive(s) are an easement which will permit the use of the drive for traffic circulation to provide ingress and egress to the two or more properties. All non-one or two-family residential developments in the NMU, CBD and CMU Districts must permit pedestrian and vehicle cross access for adjacent non-one or two-family sites.
 - 2) A cross access agreement must be in a recordable form, approved by the City Attorney and will run with the land and benefit/burden the heirs, assigns and transferees of the properties to be served by the drives. In addition, the easement must specify the means and program by which the drives shall be



maintained, including a specification of responsible parties for snow plowing, repair, and other maintenance practices.

- 3) The applicant must have the easement(s) recorded with the Wayne County Register of Deeds office and submit a copy to the city for permanent records.

Section 5.08 Clear Vision Triangle

No fence, wall, shrub or other forms of landscaping, signs, or any other obstruction to vision above a height of two feet, measured from the established centerline grades of the abutting street, shall be allowed within any of the following restricted clear corner vision areas:

- A) Within a triangular area formed at the intersection of two or more streets in any zoning district by a straight line intersecting the two rights-of-way lines at a point 25-feet along from their point of intersection.
- B) Within a triangular area formed at the intersection of a driveway serving a nonresidential or multiple family use with a street or alley right-of-way line, or interior property line, by a straight line extending between the right-of-way line or interior property line and the nearest edge of the driveway at a point 15-feet along the right-of-way line, or interior property line and the intersecting driveway line.
- C) Within a triangular area formed at the intersection of a driveway serving a single-family residential use with a street or alley right-of-way line, or an interior property line, by a straight line intersecting the right-of-way line or interior property line and the nearest edge of the driveway, 6-feet from the point of intersection.

Section 5.09 Maintenance

All parking lots and loading zones must be maintained in accordance with this Article, an approved site plan, and the following:

- A) Alterations to an approved parking lot or loading zone that are not in accordance with an approved site plan are a violation of this Ordinance.
- B) All parking lots, perimeter landscaped areas, and required screening must be kept clean and free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements must be kept in good repair.
- C) Parking lots and loading zones must be diligently kept clear of snow; up to 10% of the parking lot may be used for snow deposit.

Article 6. Landscaping, Screening and Fences

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 6.01 Intent Statement

Recognizing that the proper management and use of trees, plants and other types of vegetation improves the appearance, value, character, quality of life, and the natural environment in Grosse Pointe Park, this Article establishes standards for the development, installation, and maintenance of landscaping to accomplish the following:

- A) Preserve existing trees and vegetation.
- B) Conserve energy, provide adequate light and air, prevent the overcrowding of land, and reduce impervious surfaces.
- C) Encourage the use of native plant materials and a diversity of species in plantings.
- D) Provide visual buffers and enhance the beautification of Grosse Pointe Park.
- E) Safeguard and enhance property values and protect public and private investment.

Section 6.02 Scope of Landscaping Requirements

- A) On developed sites (excluding one-family residential dwelling units, when developed on a parcel-by-parcel basis), landscaping must be brought into compliance with the Zoning Ordinance. This applies to:
 - 1) New construction (or the modification of an existing building where the total building square footage is increased by 25% or greater).
 - 2) Projects where the total amount of impervious surface on the site has increased by 50% or greater.
 - 3) Project for which a special land use permit is required.
- B) No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a site plan.
- C) These requirements are minimum requirements; nothing precludes a developer from proposing a more extensive landscape plan.

Section 6.03 General Standards

- A) **Plans.** Landscape plans must be prepared, sealed, and signed by a licensed landscape architect, unless the application is for a re-occupancy only and no special planning processes (e.g., special land use, variance) are required. In addition to the standards set forth in this Article, landscape plans will be reviewed to ensure compliance with the following general standards for quality and design:
 - 1) The proper spacing, placement, and location of plant materials must ensure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved. The proposed relationship between deciduous and evergreen plant materials must ensure that the obscuring effect will be maintained throughout the various seasonal periods. The size of plant material must be able to adequately screen use at the time of planting and over time as the plants mature.



- 2) The choice and selection of plant materials must ensure that root systems will not interfere with public utilities or rights-of-way and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners.

- B) General Requirements.** The entire landscaped area (including lawn areas and landscape islands) must be planted with grass, groundcover, shrubbery, or other suitable plant material (excluding areas used as paved patios, terraces, sidewalks, and similar site features).
- C) Maintenance of Existing Landscaping.** All existing landscaping must be maintained in good condition to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead materials must be replaced within 45 days of notice from the city (or within the next planting period, whichever comes next). Grass areas must be kept weed free and mowed on a regular basis and all edges trimmed and maintained. Landscape inspections may be conducted on a regular basis to ensure long-term compliance.
- D) Preservation of Existing Vegetation.** Existing healthy vegetation must be protected during construction with temporary fencing around the drip line. To promote the preservation of natural features, sites should be designed to preserve existing woodlands and wetlands to the greatest extent possible.
- E) Planting Setbacks.** The trunks of trees cannot be planted closer than 4-feet to a property line. Trees must be located in a manner that avoids future conflicts between roots and sidewalks, paved areas, or building foundations. This distance will vary based on the species of tree and the spread of the roots.
- F) Retention/Detention and Private Ponds.** Ponds are permitted for recreational, scenic, or stormwater management purposes and must meet all federal, state, county, and city requirements. The property owner must maintain the pond and the filter system, including, but not limited to the cleaning of the pond, the mowing of grass, and the elimination of any nuisances created by standing water or a water body. Ponds must incorporate water tolerant grasses and seed mixes at the bottom of the pond/basin and appropriate trees, shrubs, and grasses along the banks based on the environment to improve views, filter runoff, and enhance wildlife habitat. Ponds with a natural, rather than square or rectangular, design and appearance are encouraged.
- G) Alternative Stormwater Methods.** The integration of alternative stormwater detention and retention features, also commonly known as bioretention measures or green infrastructure, in the overall landscape is recommended. Landscaped islands may be located below grade if serving as a swale or other form of bioretention. For features adjacent to a parking lot or right-of-way, salt and sediment-tolerant plants must be selected. Naturalized stormwater management features that are integrated in a cohesive and logical manner to take advantage of site topography, orientation, and visibility should be utilized. The following Low Impact Development (LID) principles for stormwater management are recommended for incorporation into landscape design, subject to adopted engineering standards:
- 1) Swales.
 - 2) Pervious paving/pavers.
 - 3) Rain gardens, which do not require engineering review when being installed as an accessory feature in the EP, NR-1, NR-1, or NR-3 districts.
 - 4) Rain barrels or cisterns, subject to the following:



- a) Underground cisterns or rain barrels are subject to engineering review and constructed in accordance with the State Building Code.
 - b) Aboveground rain barrel or cistern systems in excess of 250 gallons must conform to the accessory building standards in place for those building types, must be constructed in accordance with the Building Code, and may be subject to engineering review at the discretion of the Building Official.
- 5) Vegetated roofs, in accordance with the Building Code.

Other methods of onsite stormwater control may be submitted to the Planning Department and, at their discretion, may be approved, approved subject to another City department(s) review, approved subject to Planning Commission review, or denied. The alternative stormwater methods described in this subsection may be used to meet landscaping requirements (including quantity and placement) of this Article, provided that the Planning Commission or other approving body finds that the intent of this Article is met.

H) Plant Minimum Requirements.

- 1) Trees planted in Grosse Pointe Park must conform to the list of recommended species of trees for community planting, as amended, published by the State of Michigan Department of Natural Resources Forest Resources Division.
- 2) All landscape plans must include a minimum of 50% native plants.
- 3) All plant material must conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials must be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.
- 4) Artificial plants are prohibited from satisfying landscape requirements.

- I) **Mulch.** Planting beds must present a finished appearance, with shredded hardwood bark mulch or a similar natural material at a minimum depth of 3-inches. All mulched areas must be refreshed seasonally.

- J) **Lawn Area and Ground Cover.** Where present, lawns must be planted with species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched. Sod or seed must be clean, free of weeds and noxious pests or disease. The property owner is responsible for soil erosion protection prior to the installation and for maintaining the approved grade before and after lawn installation. Lawns may be substituted for alternative forms of groundcover, such as myrtle, wildflowers, garden beds, or clover in whole or in part. The combined ground cover(s) must achieve full lot coverage, and at no point shall landscaping consist of loose dirt or gravel. Where possible, Xeriscape design is highly encouraged.

- K) **Irrigation.** Where irrigated, sprinklers may only operate between the hours of 6pm and 10am.

- L) **Minimum Planting Size.** All plantings must meet the following minimum size at the time of planting:

- 1) **Deciduous Trees.** 2½-inches in caliper, measured at 18-inches above grade.
- 2) **Ornamental Trees.** 2-inches in caliper, measured at 18-inches above grade.
- 3) **Evergreen Trees.** 8-feet in height, measured from grade.
- 4) **Shrubs.** 30-inches in height, measured from grade.



- M) Prohibited Species.** All invasive plant species, as designated by the State of Michigan as invasive, shall be prohibited in the City of Grosse Pointe Park. Based on their undesirability, the following species are also prohibited; the city may prohibit other species not listed in the following table:

Prohibited Tree Species			
Ash	Cottonwood	Mulberry	Tree of Heaven
Black Locust	Elm	Norway Maple	Willow
Box Elder	Ginkgo (Female)	Olive	Poplar
Buckthorn	Honey Locust (With Thorns)	Poplar	Buckeye
Catalpa	Horse Chestnut (Nut Bearing)	Silver Maple	

If damaged, diseased, removed during construction, or otherwise destroyed, a prohibited plant cannot be re-planted or encouraged to continue.

- N) Installation.** All landscaping must be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscape plan, and the following:
- 1) All trees must be balled and burlapped at the time of planting.
 - 2) Plant material must be freshly dug, and nursery grown. Plant material must be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees must have straight trunks with leaders intact, undamaged, and uncut.
 - 3) A minimum of 4-inches of topsoil must be provided for all lawn areas, groundcovers, berms, and planting beds.
 - 4) All tags must be left on planted materials and may only be removed after the site passes the landscape inspection.
- O) Payment In-Lieu of Tree Planting.** The Planning Commission may allow for a payment in-lieu of tree planting, in an amount to be established by resolution of the City Council, on a case-by-case basis, to be used for tree planting elsewhere in the city. In doing so, rough proportionality between the number of trees that would be required to be planted and those that are being planted per the site plan is achieved.

Section 6.04 Commercial, Mixed-Use, and other Non-Residential Landscape Design Standards

All landscaping must comply with the following minimum standards:

- A) Site Trees.** One deciduous tree or one evergreen tree per 1,000 square feet of non-paved surface must be provided, in addition to other trees required elsewhere.
- B) Frontage Landscaping.** When a site abuts a road right-of-way, frontage landscaping must be provided in the front yard area adjacent to the right-of-way or within the right-of-way, per the table below. For the purposes of computing length of road frontage, openings for driveways and sidewalks are counted towards the total linear frontage. Shrubs may be planted at uniform intervals, at random, or in groupings.

Type of Frontage Landscaping	Min. Required per Linear Foot of Road Frontage (or fraction thereof)
Deciduous Trees*	1 per 20 linear feet



	<i>*Evergreen trees may be considered by the Planning Commission when so located as to not obstruct sight lines).</i>
Ornamental (Flowering) Trees	1 per 50 linear feet
Shrubs	8 per 40 linear feet

- C) Parking Lot Landscaping.** To improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of parking lots, off-street parking lots with 20 or more parking spaces must dedicate at least 5% of the total parking lot area to interior landscape islands: each island must be a minimum size of 150 square feet, contain at least 1 deciduous tree, 2 decorative shrubs, and be covered with grasses or alternative groundcover (excluding mulch).
- D) Screening from Parking Lot.** Screening adjacent to a parking lot is not required if the parking surface area is completely screened from the right-of-way by an intervening building or structure. Where a parking lot is located adjacent to sidewalks, streets, and other rights-of-way, screening must be provided within 10-feet of the parking lot with the following (or a combination thereof):
- 1) **Vegetative Buffer.** A minimum 5-foot-wide greenbelt with an evergreen or deciduous hedge, at least 3-feet in height. No plant material may be located within 2-feet from the front of a parking space curb (to account for vehicle overhang).
 - 2) **Screen Wall/Fence.** A decorative masonry wall or black aluminum fencing, at least 3-feet in height. Walls must contain a stone or masonry cap and fences must incorporate stone or masonry piers at regular intervals. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty percent (20%) of the surface. Where included, the openings must be so spaced as to maintain the obscuring character required and cannot be used to reduce the minimum height requirement.
- E) Screening from Residential Uses.** All non-residential uses that abut a residentially used property must provide screening by one or a combination of the following:
- 1) **Screen Wall.** A reinforced, decorative masonry wall, 6-feet in height above grade. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreeable to affected property owners. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty percent (20%) of the surface. Where included, the openings must be so spaced as to maintain the obscuring character required and cannot be used to reduce the minimum height requirement.
 - 2) **Vegetated Buffer.** A minimum 10-foot-wide greenbelt with evergreen trees forming a continuous screen (trees planted 10-15 feet apart (on center) in 2 staggered rows).
 - 3) **Berm.** A 6-foot in height earth berm, with a slope (measured on the cross-section) no greater than 1:3 and at least a 2-foot-wide landscaped planting area at its crest. Plant materials within the berm area shall be installed in accordance with the requirements for plant materials contained herein. Berms shall be constructed as landscaped earth mounds with a crest area at least 4 feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall.



- F) Landscaping Adjacent to Buildings.** All building walls visible from a right-of-way or publicly accessible area must have a 3-foot-wide landscape area adjacent to them for at least 25% of their total width. This area may include inground landscaping, raised landscape beds, decorative landscape containers, or a combination thereof.
- G) Dumpster/Refuse Containers.** In all zoning districts except single-family residential districts, dumpsters must be screened by a decorative masonry or composite wall as approved by the Director of Public Services, at least 6-feet in height above grade, or 1-foot above the object which it is screening, whichever is greater, with posts or bumpers installed at the opening doorway to the screening walls. A gate constructed from metal, wood, or composite material is required. Chain link fencing with obscuring fabric or slats is prohibited. The inside dimensions of the enclosure shall permit adequate access for refuse collection vehicles and the enclosure shall be situated on a reinforced concrete pad at least 6-inches thick, which pad shall extend at least 6-feet beyond the opening of the enclosure.
- Refuse dumpsters and exterior service areas shall at all times be maintained in good repair and be structurally sound, free of debris and neat and clean in appearance. The name, address and telephone number of the owner and lessee of each dumpster shall be clearly marked on each dumpster.
- The proposed structure, location and materials shall be acceptable to the Director of Public Services as a prerequisite to the issuance of any building permit, and the Director of Public Services shall not issue a certificate of occupancy unless the provisions of this Section have been fully met. Within one year of the effective date of this Ordinance, any outside storage of rubbish in dumpsters shall comply with this Section.
- H) Outdoor Storage.** Outdoor storage areas shall be screened from all adjacent rights-of-way with an obscuring wall no less than 4-feet 6-inches in height or the height of the materials being screened, whichever is greater. The Planning Commission may approve a wood fence as an alternative to a masonry wall in the event that masonry wall would negatively impact the community design context.
- I) Mechanical and Utility Equipment Screening.** Transformers, wireless communication facilities, climate control and mechanical equipment, and other above ground utility cabinets must be screened with evergreen plantings or a decorative opaque fence at least 1-foot taller than the height of the cabinet / equipment. This requirement does not apply to equipment serving one- or two-family dwelling units.

Section 6.05 Residential Landscape Design Standards

- A) Single-Family Residential.** Within 1-year of the issuance of a temporary certificate of compliance, the following is required for new single-family dwelling units:
- 1) **Landscaping.** Front yards must be landscaped with lawns, groundcover plants, flower beds, deciduous shrubs, evergreen material, and ornamental trees. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
 - 2) Where present, lawns must be sodded, seeded or hydro seeded, and installed in all areas of residential property not otherwise landscaped, and must be maintained and present complete coverage within 3-months of planting. The property owner is responsible for soil erosion protection prior to the installation and for maintaining the approved grade before and after lawn installation.
 - 3) **Trees.** Two trees (deciduous or evergreen) must be planted per parcel; at least one tree must be planted in the front yard. Ornamental trees shall not count toward this requirement.



- B) Multiple-Family Residential.** In addition to the standards listed in subsection A, multiple-family residential uses must provide a minimum of 2 deciduous or evergreen trees per dwelling unit, unless otherwise determined by the Planning Commission. This requirement shall not apply to mixed-use residential projects, the landscaping standards for which shall be governed by Section 6.04 of this Ordinance.

Section 6.06 Fences

A) General Standards.

- 1) Fences shall not contain barbed wire or any other type of sharp-edged wire or have electric current or a charge of electricity.
- 2) No chain link or similar type fencing shall contain slats, webbing, synthetic materials, or other fabric for the purpose of creating a privacy type fence.
- 3) Fences, over two feet in height (other than spit rail and chain link) shall not be constructed within the clear corner vision triangle as defined in Section 5.08 of this Ordinance.
- 4) For fences erected along a lot line, a joint permit application shall be submitted and consent to install the fence provided by all property owners. Except for a fence with a common end or corner post, no fence shall be attached to or touch a fence located on another property owner's lot or on the same lot.
- 5) All fence support posts shall face the property of the person erecting the fence. In the case of abutting property owners who elect to share the expense and erect a fence together, both shall be co-owners of the same and it shall be the responsibility of the property owners to determine the location of the posts in compliance with this Section.

B) Materials.

- 1) Fences may be constructed of metal, wire, chain link, iron, vinyl (or similar), composite, naturally durable wood or treated wood.
- 2) Hedges, ornamental shrubs and trees, and bushes may be considered fences for the purpose of this Article when placed in a manner or position to serve as such. A living fence shall be a continuous natural barrier intended to separate two yards or two areas of a yard. A continuous hedge, tightly knit row of shrubs or ornamental trees, or lattice-woven fence composed of living woody plants are all considered a living fence.
- 3) A mixture of differing materials shall not be permitted along a continuous face of the fence.

C) Definitions. The following definitions shall apply when considering fences, specifically.

- 1) **Height.** Height shall be measured from the general level of the ground in the immediate vicinity. Where the level is different on either side of a fence, the average between the two shall be used.
- 2) **Frontage (Corner Parcels).** For corner lots, or lots that have two parallel or multiple street frontages, the front and rear yards are determined by the Public Services Director based on the pattern of development on adjacent lots.
- 3) **Front/Rear Yard (Waterfront Parcels).** For the purposes of this section, the side of the parcel abutting the waterbody shall be considered the "front yard" and the side of the parcel abutting the street shall be



considered the “rear yard” for all waterfront parcels, with “yard” meaning the space as defined in Section 16.2 of this Ordinance.

D) Location and Height.

- 1) No fence shall be constructed or maintained on any part of a front yard.
- 2) No fence shall be more than 4 inches off the ground at its lowest point between the supporting posts or slats.
- 3) Fences shall not be located less than two feet from any public sidewalk.
- 4) Fences shall not exceed 6 feet in height along any rear lot line, or when constructed in the rear yard interior, and shall not exceed 4 feet in height along any side lot line, or when constructed in the side yard interior.
 - a) Fence height may be increased up to 6 feet along any side lot line, or when constructed in the side yard interior, if the side yard directly abuts a right-of-way or the resident proposing to build such fence has notified his immediately adjoining property owners of his intention to construct such fence and has obtained their written consent thereto within a period of (sixty) 60 days preceding the issuance of a permit for the construction of such fence.
 - b) For all waterfront parcels, fences shall not exceed 4 feet in height along any rear lot line, or when constructed in the rear yard interior, and fences shall be set back no less than 3 feet from the established right-of-way or rear lot line, whichever is greater.
 - c) For all waterfront parcels, standard fence requirements apply on side yards up to the water view side of the principal structure, except living fences shall not exceed nine feet in height. Only living fences of 4 feet in height or below are allowed between the front line of the structure and the water itself, on the condition that the adjacent owner gives written consent within a period of 60 days preceding the issuance of a permit for the construction of such fence.

Rear yard fences on waterfront parcels are limited to 4 feet in height. The height limit may be increased to 6 feet if the fence is 50% transparent or greater.
 - d) For commercial uses, fence height may be increased up to 6 feet along any side lot line, or when constructed in the side yard interior, when, in the determination of the Planning Commission, the additional height is necessary to adequately screen and secure a permanent outdoor storage area.

E) Construction and Maintenance.

- 1) Construction of fences shall comply with the state construction code as applicable.
- 2) Fences shall be maintained in a neat and safe condition at the expense of the owner of the property in accordance with the terms of this Ordinance.
- 3) The maintenance of fences erected between residential properties shall be at the expense of the owner constructing the fence or as may be mutually agreed upon with the adjoining property owner; the city shall not enforce any agreement regarding a mutual or separate payment for the costs of maintenance or repair.

F) Permitting. Unless otherwise provided, no person shall erect, re-erect, alter or relocate any fence unless a permit has first been obtained from the Department of Public Services, unless a review has been conducted



by the city Department of Public Services verifying no permit or fee is required. The Department of Public Services shall have the authority to issue a fence permit, provided the application satisfies all requirements of this article and other applicable laws of the city and the state. An application for a fence permit shall be submitted to the Department of Public Services and shall include:

- 1) Plans and specifications showing the dimensions, materials and required details of erecting the fence.
- 2) Plans indicating the location of the parcel of land upon which the fence is to be erected, the property line and the position of the fence in relation to adjoining houses, buildings or structures (it shall be the responsibility of the person erecting the fence to identify the property lines).
- 3) A plot plan or survey which shall be attached to the application and which shall show the property line.
- 4) Such other information as the Department of Public Services may require showing full compliance with this and other applications of the city and the state.
- 5) The assigned fee, as set by the fee schedule adopted by resolution of the Council and, paid to the Department of Public Services at the time the application is filed.

G) Exceptions and Appeals. Deviations from this section may be allowed in the circumstances described herein:

- 1) Churches, day care facilities, and private schools shall be exempt from the location requirements of subsection D(1).
- 2) Any party who has been refused a fence permit by the Department of Public Services for a proposed fence erection may seek a variance from the provisions of this article by filing a claim of appeal to the Zoning Board of Appeals. The Zoning Board of Appeals shall follow its normal procedural requirements for variances.
- 3) At the variance hearing, the Zoning Board of Appeals may grant a variance from the provisions of this Article upon a finding of all of the following:
 - a) The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this Article difficult and would likely result in a particular hardship on the person erecting the fence as distinguished from inconvenience of the article requirements or a desire to increase financial gain or avoid the financial expense of compliance.
 - b) Strict enforcement of the provisions of this article would be futile.
 - c) The type of fence and the location proposed would not pose a significant risk to the public health, safety and general welfare.
 - d) The benefit of the fence to the general public and/or the applicant under the circumstances outweighs any risk to the health, safety and general welfare of the residents of the city.
 - e) A variance would be in the best interest of the city and not against the spirit and intent of this Section.
- 4) In issuing a variance from the strict letter of the provisions of this Ordinance, the Zoning Board of Appeals may modify any fence requirement or place reasonable conditions or restrictions upon issuance of a permit.



Article 7. Signage

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 7.01 Intent Statement

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 7.02 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 7.03 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. 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.
 11. Signs shall comply with all safety regulations and prohibitions specified herein
 12. Handicap Signage with the international symbol of accessibility or van accessible recognized logo for Americans with Disability Act (ADA) compliance and accessibility
 13. 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
 14. Signs erected by the City for an official function or purpose



15. Writing or logos that are an integral part of a fabric umbrella, used primarily to provide shade or cover to customers dining outdoors
16. 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. Feather and pennant flags at nonresidential properties.
12. 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 7.04 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.**



- 1) 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.
 - 2) 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 7.05 Nonconforming Signs

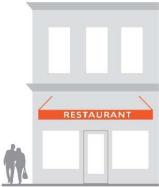
A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- 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 7.06 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	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. - First floor awnings shall be a maximum of the lesser of 12 ft. above grade or the bottom of an architectural feature that separates the ground floor and second floor. - Awnings shall not encroach onto or over the public right-of-way unless expressly permitted by the Director of Public Services. - The valence of drip edge may only contain letters and numerals identifying the tenant and location. - 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 and a maximum of the lesser of 12 ft. above grade or the bottom of an architectural feature that separates the ground floor and second floor. - 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.



SIGN TYPE	ER, NR-1, NR-2, NR-3	CMU, CIVIC	NMU, CBD	Supplemental Standards
				- 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. - 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 of Bracket: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per parcel	Maximum Height of Bracket: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per business	Maximum Height of Bracket: 20 ft Maximum Area: 15 sq ft Maximum Number: 1 per business	- Flagpoles shall be used exclusively to display a flag. Attachment to any other site fixture or feature shall be prohibited. - 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	- Internal illumination prohibited. - Projecting signs are only allowed on 1st floor. - Shall be a minimum 7.5 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.
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	- 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. - 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. - 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: The lesser of 12 ft. above grade or the bottom of an architectural feature that separates the ground floor and second floor.	Maximum Height: The lesser of 12 ft. above grade or the bottom of an architectural feature that separates the ground floor and second floor.	- Internal illumination prohibited. - Shall be a minimum of 7.5 ft. above grade. - 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. - Panel signs, whose letters and/or symbols are on a panel contained within a frame, which is



SIGN TYPE	ER, NR-1, NR-2, NR-3	CMU, CIVIC	NMU, CBD	Supplemental Standards
		Maximum Area: 60% of signable area. Maximum Number: 1 per façade.	Maximum Area: 40% of signable area. Maximum Number: 1 per façade.	an integral part of the sign, shall consist of a dark background with light lettering.
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 8.01 Intent Statement

Nonconformities and adaptive reuse go hand in hand. The reuse of an old building or site 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 one or more of these nonconformities. 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 continuation. 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 8.02 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 8.03 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 that 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 8.04 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 six 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 8.05 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 8.06 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 6 months (consecutive), the use or structure cannot be re-established, and future uses and structures must conform to the regulations of this Zoning Code.
- 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 8.07 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 8.08 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 within this Ordinance. 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.

Article 9. Site Plan Review

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 9.01 Intent Statement

- A) Purpose.** The purpose of a site plan review is to ensure project compliance with the City of Grosse Pointe Park's Zoning Ordinance, along with other applicable ordinances and laws (e.g., Michigan's Building Code), all of which protect the health, safety, and well-being of a community.
- B) All Projects Require a Site Plan Review.** No building can be erected, moved, relocated, or structurally altered and there cannot be a change or addition of use, nor expansion or reduction of off-street parking, and no filling, excavation or grading can be undertaken until a required plan has been submitted for review and approval, as specified in this section.

Section 9.02 Types of Site Plans and Reviews

- A) Two Types of Site Plans and Reviews:**
- 1) **Administrative Site Plans.** Site plans that meet the ordinance requirements must be approved per State of Michigan law. Therefore, all projects fall under administrative site plans except for projects that require special planning processes, such as a special land use, re-zoning, or planned unit development. Examples of these projects include but are not limited to new construction of permitted uses, additions for residential dwellings, and changes to site exterior (e.g., landscaping, screening, lighting).
 - 2) **Planning Commission Site Plans.** Planning Commission site plan projects involve projects with special planning processes such as special land use reviews, re-zonings, variances and planned unit development.
- B) Discretion of the Department of Public Services Director.** The DPS Director makes the final determination on the type of site plan review required and the criteria needed for each plan. The DPS Director has the right to waive and add additional criteria to a site plan review.



Section 9.03 Types of Projects for Site Plans

Zoning Review	Types of Projects	Review Authority	Contents
Administrative Site Plan	• Renovation / New Construction of Permitted Uses • Re-Use / Re-Occupancy • Temporary Uses • Exterior Site Improvements	Director of Public Services, or their designee	Depends on project and at the discretion of the CED Director.
Planning Commission Site Plan	• Special Planning Process (e.g., Special Land Use, Re-Zoning, Planned Unit Development)	Planning Commission	Plans require a certified land survey stamped and sealed by a licensed architect / engineer / builder / land surveyor, and a stamp from a landscape architect.

Section 9.04 Required Plan Elements

The DPS Director has final discretion over site plan submission criteria and requiring applicants to bring their property closer into compliance with zoning ordinance standards. For the latest plan review criteria, reach out to the Department of Public Services. See overview of criteria below.

APPLICATION DATA

Requirements

☐	One pdf copy and one paper copy of the site plan (additionally copies shall be provided upon request)
☐	Review fee
☐	Completed application form. Form includes proof of ownership. If the applicant is not the owner, a written explanation of their legal relationship shall be submitted. Other form requirements: written project description; contact information for all parties involved in project; and a proposed timeline of project completion.

DESCRIPTIVE AND IDENTIFICATION DATA

Requirements

☐	Project title, street address and parcel number.
☐	Location map showing relationship to streets, major thoroughfares, adjacent properties.
☐	Legal property description.
☐	Property Size: Acres, square feet, dimensions.
☐	Zoning classification of petitioner's parcel and all abutting parcels.
☐	Written project description including proposed uses of buildings and site improvements. Include estimate number of employees, if applicable.
☐	Name, address, phone number of owner/lessee and professional who prepared the plans.



☐	Seal of registered architect, landscape architect, land surveyor, or engineer that prepared the plan.
☐	Proposed time of project completion and phasing schedule.
☐	Note indicating any variances previously received.
☐	Note indicating additional use standards.

GENERAL SITE DATA

Requirements

☐	North point and scale drawn no less than 1" = 30'. Sites greater than three acres must be drawn at a scale not less than 1" = 50'.
☐	Date of preparation of drawings and revisions.
☐	Location of all existing and proposed lot lines, lot dimensions, property lines, easements, right-of-way, road centerlines.
☐	Location and/or size and depth (±) of all existing sewer, water, gas, telephone, and electrical utility lines, and associated structures, both on-site and adjacent to the site.
☐	Verification of ownership of all existing utilities and/or rights-of-way.
☐	All existing (recorded) easements for utilities and/or rights-of-way.
☐	Location of any 100-year floodplain and floodway locations present on the subject property, or within 50 feet of the subject property.
☐	Location of any known or anticipated wetlands present on the subject property, or within 50 feet of the subject property.
☐	Topography on the site and within 100 ft of the site at two ft contour intervals, referenced to a U.S.G.S. benchmark.
☐	Note indicating any anticipated changes in terms of dust, odor, smoke, fumes, noise, light, etc.
☐	Assessment of potential impacts from the use, storage, processing, or movement of hazardous materials or chemicals, if applicable.

BUILDING FORM, MATERIALS AND DESIGN STANDARDS

Requirements

☐	Front, side, and rear yard setbacks.
☐	Distances between existing and/or proposed buildings.
☐	Location, dimensions, height, and number of stories for all existing and/or proposed structures.
☐	Façade and ground floor heights.
☐	Building façade elevations for each side of the building, indicating the type of building materials, colors, height, architectural detail and wall lengths. Note, be mindful to avoid blank walls.
☐	Primary entrance details.
☐	Percentage of first floor and additional floors glass windows.
☐	Floor Plan.
☐	Gross floor area and usable floor area of all existing and/or proposed structures.
☐	For multiple-family structures, include a schedule of dwelling units indicating the total number of units broken down by the number of bedrooms and keyed to the buildings.
☐	Schedule showing maximum allowable lot coverage and proposed lot coverage.
☐	Other pertinent features, including entrance details, decks, porches, fences, flag poles, mailboxes or other structures.



BUILDING FORM, MATERIALS AND DESIGN STANDARDS

Requirements

☐	Method of solid waste collection. For waste receptacles, provide location, detail, and method of screening for the enclosure.
☐	Rooftop equipment and the method of screening.

LIGHTING

Requirements

☐	Location, type, and height of all outdoor lighting.
☐	Photometric Plan.
☐	Manufacturers cut sheets for all proposed outdoor light fixtures. Light fixtures must be shielded.

PARKING & CIRCULATION

Requirements

☐	Parking lot layout showing the dimensions of the parking bays, maneuvering lanes, islands, turnarounds, the location of directional signage, and pavement markings. Space layout cannot impede circulation.
☐	Location and type of surfacing for all pavement areas and curbs.
☐	Location and dimensions of barrier-free spaces and barrier-free ramps.
☐	Table showing the total number of parking spaces required and proposed. Include the calculations used to determine the number of parking spaces.
☐	Location and dimensions of any loading and unloading spaces, service areas, and/or stacking spaces.
☐	Location and width of access drives and abutting streets and sidewalks, including radii information.
☐	Illustration of route and dimensions for turning movements of expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles, etc.
☐	Location and width of existing and/or proposed sidewalks.
☐	Demonstration that all pedestrian walking lanes are safe and provide uninterrupted path to entrance.
☐	Area designated for "snow storage".
☐	Note indicating that approaches to roads under the jurisdiction of Wayne County are required to meet County standards and permit requirements.
☐	Note indicating that approaches to roads under the jurisdiction of MDOT are required to meet State of Michigan standards and permit requirements. A note to that effect must be provided.
☐	Letter from the road agency with jurisdiction indicating the approval of the location and geometrics of any proposed ingress/egress.

LANDSCAPE & SCREENING

Requirements

☐	Location of all existing and proposed landscaped areas, including trees and shrubs
☐	Linear length (in feet) of road frontage.



☐	Landscape Schedule indicating the type, size, and quantity of plant and tree materials. Calculations used to determine the quantity of trees and shrubs required.
☐	Off-street parking lots with 20 or more spaces must dedicate at least 5% of total parking area to interior landscaping islands. Each island must be a minimum of 150 SF and contain at least 1 deciduous tree, covered with mulch, grass or groundcover.
☐	Written description indicating the landscape maintenance procedures.
☐	Note indicating that all landscaping shall be kept in a neat, orderly, and healthy growing condition, free of debris and refuse.
☐	Note indicating that pruning shall be minimal to ensure the proper maturation of plants.
☐	Note indicating that all landscape areas will be irrigated by an automatic, underground irrigation system.
☐	Note indicating tree and shrub planting details.
☐	Cross-sections illustrating relationship between proposed grades, materials, landscaping, screening, etc.
☐	Location and description of existing and proposed screening walls and fences, including dimensions, placement, relationship to grading, materials and color. Review City's standards in Article 10 for more information on screening devices required for parking lots and from residential uses.

SIGNAGE

Requirements

☐	Location and illumination of all proposed signage and sign structures.
☐	Note indicating that "No signage has been approved as part of this Site Plan Approval, and prior to erecting a sign, an application and appropriate documentation and submissions must be made to the Department of Public Services for review, approval, and the issuance of a sign permit."

ENGINEERING INFORMATION

Requirements

☐	Proposed grade elevations showing all high points, low points, and grade changes on the site, including the grades of the property corners and along the perimeter of the site.
☐	Finish grades of the building corners, driveways, sidewalks, parking areas, culvert inverts, ditch or swale lines, and along the right-of-way. Clearly differentiate from existing grade elevations by underlining, boxing, or some other means.
☐	Schematic layout of the location and/or size and depth of all proposed sewer, water, gas, telephone, and electrical utility lines, and associated structures, both on-site and adjacent to the site.
☐	Length, size, and slope of the pipe to be used for each of the proposed storm sewer, sanitary sewer, and watermain lines.
☐	Type of pipe to be used for each of the proposed storm sewer, sanitary sewer, and watermain lines.
☐	Rim and invert elevations of all proposed structures for each of the proposed storm sewer, sanitary sewer, and watermain lines.
☐	Invert elevation at the building and at the point of connection for the main sanitary sewer line.
☐	Bedding and backfill requirements for each of the proposed storm sewer, sanitary sewer, and watermain lines.
☐	Profile views of all proposed storm sewer, sanitary sewer, and watermain lines.
☐	Depth of the lead at the easement or right-of-way line from the final grade.
☐	Note indicating the proposed water service to the building, and the size.
☐	Location of fire hydrants and gate valves.



ENGINEERING INFORMATION

Requirements

☐	Storm sewer calculations must be provided for all sites.
☐	Soil erosion and sedimentation control measures.
☐	Proposed pavement specifications and/or cross-section detail.
☐	Acceleration, deceleration, and passing lanes and tapers on major thoroughfares, as required by MDOT or Wayne County.
☐	Written description of utility easements.
☐	Written detailed cost estimate for the construction of the proposed sanitary sewer or watermain.
☐	List of all public improvements as result of this project.

Section 9.05 Review Standards

In the process of reviewing the site plans, consider the following standards:

- A) Application, Descriptive and General Site Data.** The proposed use has the potential to be compatible with the zoning district and surrounding uses. The plan submission provides all basic site information in a visually legible manner.
- B) Building Form and Design Standards.** Building form and design must relate to and be harmonious with the surrounding neighborhood in terms of texture, scale, mass, proportion, materials, and color. Buildings and structures must meet or exceed setback standards, build-to lines, height and other dimensional standards, and so placed to preserve environmentally sensitive areas.
- C) Lighting.** Encourage site lighting that will be attractive to the eye while at the same time adequately illuminating a site for safety and convenience. It is further the intent of this section to discourage excessively bright and harsh site illumination that creates undesirable halo effects on the property, diminishes the residential environment and presents a potential hazard to vehicle and pedestrian traffic on abutting streets and sidewalks.
- D) Parking and Circulation.** The pedestrian and vehicular circulation system planned for the proposed development must be in the best interest of the public health, safety, and welfare in regard to on-site circulation and the overall circulation of the neighborhood and community. Attention must be directed to the ingress/egress access points, maneuvering lane, turning movements, loading areas, street and alley intersections. The parking pattern proposed shall be in the best interest of the public health, safety, and welfare in regard to size, layout and quantity, and the location of parking facilities will not be detrimental to nearby developments, properties, or public streets.
- E) Landscaping and Screening.** Walls, earth berms, planting screens or combinations act as buffers to provide a more compatible, safer and visually attractive physical separation between various land use types. Where necessary, these devices create a definitive site improvement, thereby minimizing the impact that one type of land use may have on another. General landscaping enhances the appearance, character and value of property while having a positive impact on the community. Landscaping breaks up masses of paved and building areas and provides a cooling effect, encourages the preservation of existing vegetation where possible, and can provide a physical separation between pedestrian and vehicle traffic.



- F) **Signage.** Site signing must meet the requirements of the zoning ordinance and must be approved by the Director of Public Services.
- G) **Engineering Information.** Utility services, including sanitary, water and storm runoff, must not exceed the existing or planned capacity of such services, and shall be developed in the best interest of the public health, safety, and welfare of the community. The proposed development must be designed and located so that public services, including streets and sidewalks, police and fire protection, and public schools have sufficient capacity to properly serve the development, and so that such services will not be adversely affected by the proposed development.

Section 9.06 Site Plan Review Process

- A) **Process Overview.** See flowcharts for each site plan process at the end of this Article.
- B) **Pre-Application Meetings.** Prior to beginning any development or site plan process in the city, applicants are encouraged to meet with city staff for a conceptual review of the proposed project. This meeting can help promote a smooth approval process once a formal application is submitted. Please call the Department of Public Services to schedule a meeting and view the checklist below for information about what to bring to the meeting and what to expect. It is at the discretion of the DPS Director to determine if a fee must be paid to attend the pre-application meeting. If a meeting is larger in scope and requires the attention of the City Engineer, then a fee must be paid, as stated in the fee schedule.
 - 1) **Pre-Development Meeting Material Checklist.** Please bring the following information:
 - a) Project location
 - b) Existing land use and zoning classification
 - c) Surrounding land uses
 - d) Intended development (residential, office, retail, commercial, etc.)
 - e) Preliminary sketches (hand-drawn are acceptable)
 - f) Any other additional project information available
 - 2) **Pre-Application Meeting Topics of Discussion.**
 - a) Review the proposed use for general conformance with existing zoning
 - b) Initial feedback on design (if applicable)
 - c) The correct zoning process and what to expect
 - d) Potential options for incentives through local, county or state programs
 - e) Answer any questions you may have about development in the City of Grosse Pointe Park
- C) **Performance Guarantee.** The Director of Public Services and the Planning Commission may require that a performance guarantee be deposited with the city to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open-space improvements, streets, lighting, and sidewalks.



- D) Decision Statement.** The DPS Director and Planning Commission must state, in the record of its proceedings, the grounds for the actions taken concerning each site plan submitted for its approval and list any conditions imposed.

Section 9.07 Procedures after Plan Approval

- A) Final Approved Plan.** The applicant must submit a final approved site plan with the changes required by the DPS Director and the Planning Commission and list any conditions as a note on the plan, before receiving a work permit or submitting construction drawings. The final plan is a requirement of the planning process, and no project can move forward without an authorized final plan. Final plans are authorized by the DPS Director.
- B) Approval Expiration.** The approval of a site plan shall be effective for a period of two years from the date of such approval. If a building permit has not been obtained and construction has not commenced within the two-year approval period, the site plan approval shall be null and void. In such a case, the applicant shall be required to obtain a new site plan approval as specified in this Article.
- C) Approval Extensions.** Administrative site plans shall not be granted an extension. An extension of up to 12 months for an approved planning commission site plan may be granted by the planning commission. An extension may be granted provided the approved site plan continues to adequately represent current conditions on and surrounding the site, and that the site plan conforms to the standards of the city regulations in affect at the time of the applicant's request for an extension.
- D) Site Maintenance after Approval.**
- 1) It is the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved plans, including all site design elements and improvements, on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which plan approval was based, or a new plan is approved.
 - 2) Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the city according to the provisions of these regulations, is in violation of these regulations and required to return the site conditions consistent with the approved plans or they will lose their site plan approval and risk the loss of their certificate of occupancy and business license.
- E) Revocation.** Any approved site plans may be revoked by the Planning Commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the plan will be placed on the agenda of a Planning Commission meeting for a consideration. The city must give written notice to the applicant at least 10 days prior to the meeting. The Director of Public Services, other city staff, the applicant, and other interested persons shall be allowed to present information and testimony to the Planning Commission. If the Planning Commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the Planning Commission may revoke the approval of the plan and order the site returned to its original condition by a date certain. Failure to comply with such an order is a violation of these regulations.
- F) Modification to Approved Plan.** A previously approved plan may be subsequently modified, subject to the review and approval requirements of this article based on the scope of the proposed modifications. The DPS Director can approve minor plan modifications. The DPS Director determines if a revised site plan must receive administrative or Planning Commission approval.



1) **Minor modifications:**

- a) Movement of a building or buildings by no more than five feet, provided all setback, parking, landscaping and other site requirements are still met.
- b) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provide a similar screening effect on an equal or greater basis.
- c) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
- d) Changes of building materials or design, fencing, screening, or site amenities will result in a higher quality development, as determined by the community development department.
- e) Changes in interior floor plans which do not alter the character of the use.
- f) Slight modification of sign placement or reduction of size.
- g) Changes required or requested by a city, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- h) Situations the community development department deems similar to the above do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

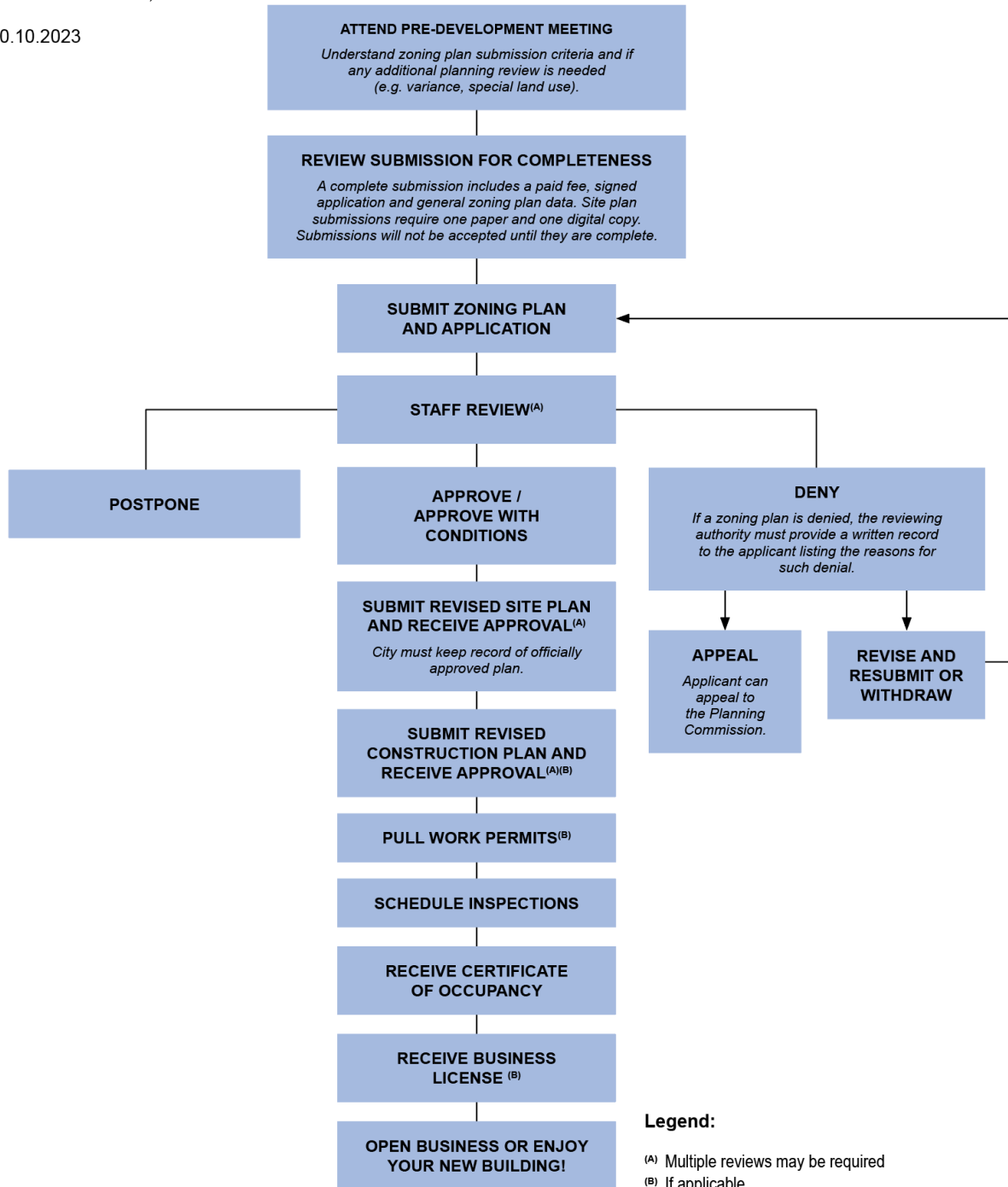


Section 9.08 Flowcharts

Administrative Site Plan Process

Grosse Pointe Park, MI

10.10.2023

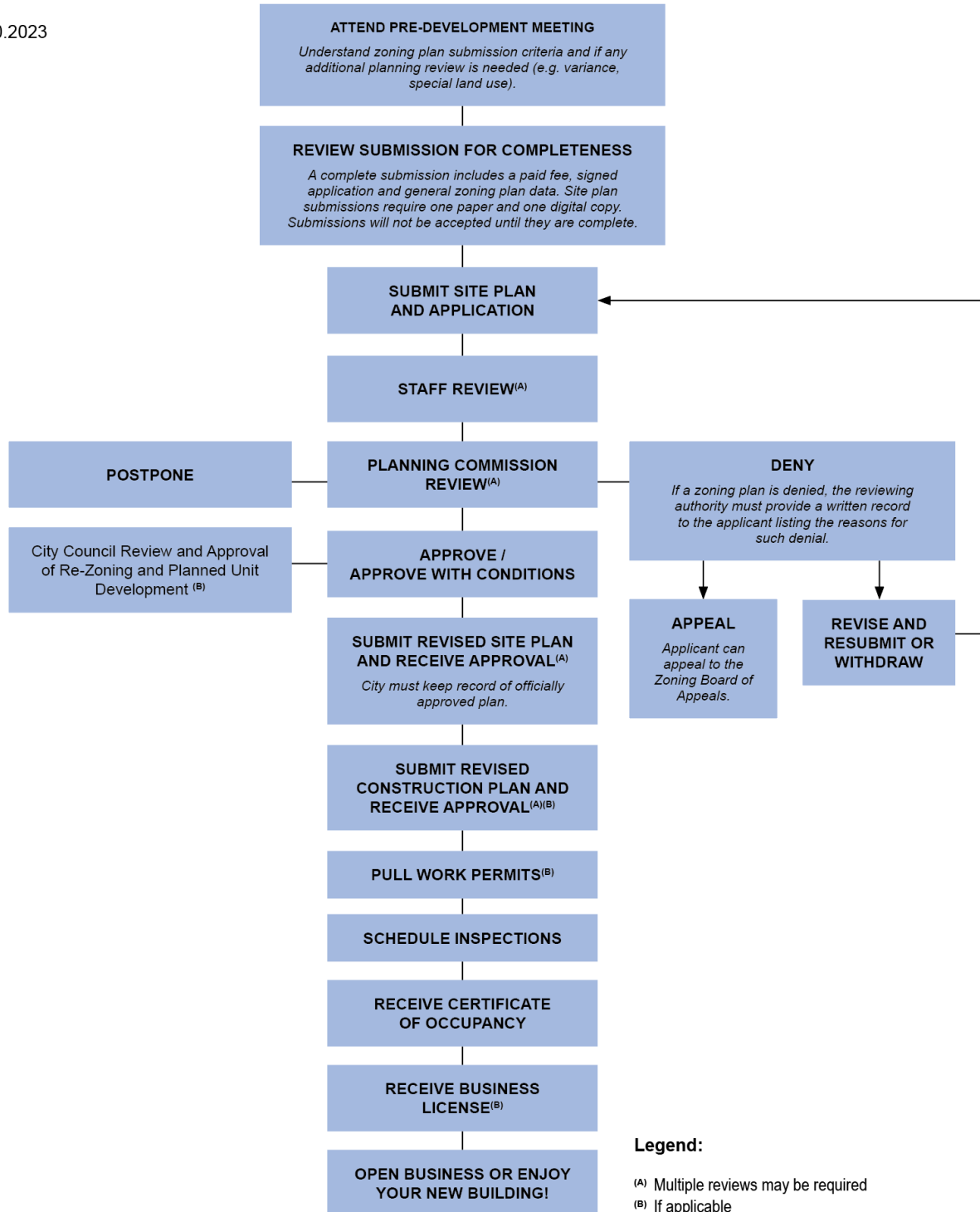




Planning Commission Site Plan Process

Grosse Pointe Park, MI

10.10.2023



Article 10. Special Land Use Review

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 10.01 Intent Statement

There are three types of uses within a zoning district: permitted, not permitted and special land uses. Special land uses are uses that are more intense than permitted uses and therefore require more discretion when allowed to operate by the City. A special land use review process involves a public hearing in front of Planning Commission and Planning Commission approval. All special land uses must be accompanied by site plans and information demonstrating compliance with current zoning requirements and special land use criteria. The review criteria are meant to review the special land use request and ensure that it can operate without adversely affecting the public health, safety, and welfare of the city as a whole.

Section 10.02 Special Land Uses Required

Special Land Uses (or “SLUs”) are required when the zoning table in Article 2 designates a use as a special land use. Additionally, SLUs are required when there is not a record of special land uses on file and the ordinance designates the desired use as a special land use. In this case, when there is not an SLU record on file, the applicant must go through the special land use process, including submitting a site plan. Planning Commission grants final approval of special land uses. If the proposed use is re-occupying a building, the Department of Public Services (DPS) Director may provide waivers in site plan submittal requirements.

Section 10.03 Special Land Use Approval Standards

Prior to the Planning Commission approving any application for a special land use approval, the Planning Commission shall find adequate evidence that the proposed use:

- A) Compatible with Adjacent Uses and Improvement to the Community.** The proposed use must be compatible with the adjacent uses and an improvement to the community. In determining whether this requirement has been met, consideration shall be given to location and screening of vehicular circulation and parking; location and screening of outdoor storage; hours of operation, bulk and placement of proposed structures in relation to surrounding uses, proposed landscaping and other site amenities.
- B) Consistent with Master Plan.** The proposed use must be consistent with the goals and vision of the Master Plan and any other strategic plans relevant to the area.
- C) Adequately Served by Essential Public Facilities.** The proposed use must be in a place that is served by essential public facilities and services. Is this Special Land Use located so as to be adequately served by essential public facilities, such as highways, streets, police, water and sewage, etc.? Explain.
- D) Impact on Pedestrian and Vehicle Traffic.** The proposed use must minimize the impact of the traffic generated by proposed use on surrounding uses. Does the location of the proposed Special Land Use within the zoning district minimize the impact of the traffic generated by the proposed use? Consider, proximity and access to major thoroughfares, estimated traffic generated by proposed use, proximity and relation to intersection, adequacy of driver sight distances, location of and access to off-street parking, required vehicular turning movements and provision for pedestrian traffic.
- E) Protect Health, Safety, and Welfare of Community from Nuisances.** The proposed use must not generate activities that are detrimental to the public health, safety, and welfare. Are there any detrimental



effects or nuisances involved in the Special Land Use and how are these nuisances mitigated? Consider production of traffic, noise, vibration, smoke, fumes, odor, dust, glare, light, etc.

- F) Consistent with Zoning Ordinance and Intent of the Zoning District.** The use must be consistent and promote the intent and purpose of the Zoning Ordinance and the zoning district. Explain how this application for Special Land Use approval meets all specific criteria and design standards for the specific use outlined in the Zoning Ordinance.

Section 10.04 Application Requirements

- A) Application Submittal.** An application for special land use review shall be filed with the Department of Public Services on a form provided by the City along with the required application fee and any necessary escrow payment. The completed application shall be signed by the property owner. Applications will not be processed unless they are complete and unless all fees are paid in accordance with the schedule of fees adopted by the City Council.
- B) Required Information.** An application for special land use shall be accompanied by a detailed description of the operations and characteristics of the proposed use sufficient for the Planning Commission to make an informed decision. A site plan that meets the requirements of this Ordinance must be submitted with an application, however, the applicant can decide to wait and submit a formal site plan until after receiving SLU approval.
- C) Technical Review.** Special land use applications may be forwarded to the planner, engineer, and city department heads for review to determine compliance with applicable City, County and State ordinances and standards. For special land use applications determined not to be in substantial compliance by any technical reviewer, the applicant may be required to complete revisions and re-submit the application for further review prior to final action.

Section 10.05 Planning Commission Review

- A) Public Hearing Required.** Prior to making a recommendation and as a part of completing a review and study of a special land use application, the Planning Commission shall hold a public hearing in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).
- B) Planning Commission Decision.** The Planning Commission shall review the application for Special Use, together with the public hearing findings and reports and recommendations from the Director of Public Services, City Planner, City Engineer, and other departments. The Planning Commission shall then make a determination on the Special Land Use application. The Planning Commission may approve, approve with conditions, or deny a Special Land Use request.
- 1) **Approve.** Upon determination by the Planning Commission that the final plan for Special Use is in compliance with the standards and requirements of this Article and other applicable ordinances and laws, approval shall be granted.
 - 2) **Approve with Conditions.** The Planning Commission may impose reasonable conditions with the approval of a Special Use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements.



- a) Conditions shall be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b) Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c) Conditions shall be necessary to meet the intent and purpose of this Article, related to the standards established in this Article for the land use or activity under consideration, and necessary to ensure compliance with those standards.
- 3) **Deny.** Upon determination by the Planning Commission that a Special Use proposal does not comply with the standards and regulations set forth in this Article, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the city, the Special Use proposal shall be denied. Planning Commission must provide its reasoning for denying the project.

Section 10.06 Procedures after Planning Commission Review

- A) Site Plan Requirement.** All Special Use applications shall require Site Plan Approval in addition to Special Use Approval. In order for the Site Plan to be approved, the site must be brought up to all relevant standards of this Ordinance, including, but not limited to, lighting, signage, dumpster enclosures, landscaping, and parking. The Planning Commission may refer the required Site Plan Approval to the Director of Public Services for Administrative Site Plan Review, upon determining that the physical site changes proposed or required are minor in nature.
- B) Performance Guarantee.** The Planning Commission may require that a performance guarantee be deposited with the city to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to landscaping, open-space improvements, streets, lighting, and sidewalks.
- C) Recording and Continued Compliance with Conditions of Approval.** Approval by the Planning Commission may require additional conditions and safeguards as deemed necessary for the protection of the health, safety, and general welfare and individual property rights as well as ensuring that the intent and objectives of this Article are observed. The breach of any condition, safeguard or requirement and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the permit. Additional time for correction of the cited violation may be allowed by the city upon submission of proof of good and sufficient cause. Conditions and requirements stated as a part of special land use approval authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect. Accordingly, the special land use approval and any conditions shall be recorded with the Wayne County Register of Deeds.
- D) Approval Effective Date.** Special Land Use Approval is effective for a period of 1-year. If after a period of one year from the date of Planning Commission approval, site plans have not been submitted for review and approved, Special Land Use approval shall automatically be revoked. The Planning Commission may however, upon written request of the applicant, prior to the expiration period, grant one extension up to 12-months.



- E) Amendments to Approved Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application is subject to the same procedures followed for an original special approval of land use.
- F) Resubmission.** No application for a special use permit which has been denied by the Planning Commission can be resubmitted until the expiration of 1-year from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration by the Planning Commission. Each reapplication will be treated as a new application.
- G) Revocation of Special Land Use Approval.** Approval of a Special Land Use proposal and site plan may be revoked by the Planning Commission if construction has not commenced or if the use is operating contrary to the conditions of approval. In such a case, the Director of Public Services shall place the Special Use proposal be placed on the agenda of the Planning Commission. Written notice shall be provided to the applicant at least five days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The Planning Commission, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

Article 11.

Text / Map Amendments (Rezoning)

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 11.01 Intent Statement

A Zoning Ordinance is a living document, which means that it must evolve to changes within the community and outside of the community—such as amendments in planning law. Amending a zoning ordinance means the community is modernizing its policy to reflect the changing needs and desires of the community. Furthermore, a zoning ordinance is the primary tool to implement the Master Plan. Zoning ordinances are encouraged to be amended so they match the vision of the Master Plan.

Section 11.02 Review Authority

The City Council may amend, supplement, or change the regulations of this Zoning Ordinance pursuant to the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.

Section 11.03 Overview

Zoning amendments come in one of two forms: zoning text amendments and zoning map amendments. Simply put, a zoning amendment is a change made to a specific section of a zoning code, or area on a zoning map, without requiring a complete rewriting of the zoning code.

- A) **Text Amendment.** A zoning text amendment will rewrite a section of a zoning code that applies to every use permitted in the district, writing the rezoning of land into the zoning code, or by revising specific policy language in the zoning code. Examples of text amendments are changing the list of uses permitted in any zoning district; changing the setback required for a building; or changing the permitted size for signs.
 - 1) **Amendment Request.** Requests may be initiated by the City Council, Planning Commission, or any interested person or organization.
- B) **Map Amendment.** A zoning map amendment changes the zoning district on a particular property or collection of properties. Examples include changing a parcel from a residential district to a commercial district or changing the zoning of a parcel via a conditional rezoning. As outlined in Section 12.8 below, conditional rezoning is where an applicant wishes to petition to change the zoning of a parcel(s), with limiting conditions imposed. To reduce controversy or concerns regarding a rezoning request, an applicant might volunteer to offer conditions that restrict the use of the parcel(s). For example, an applicant wants to open an ice cream store in a residential district, so they need to rezone their parcel to a commercial zone. To avoid allowing all types of commercial uses on that parcel, the applicant submits a condition that the only permitted commercial use is ice cream stores on that parcel. If the zoning amendment is approved, the City Clerk and County Register of Deeds record the amendment so that only the restricted uses may occur on the parcel. Only applicants can voluntarily offer conditions. The city is prohibited from requiring conditions.
 - 1) **Amendment Request.** Requests may be initiated by the City Council, Planning Commission, or the owner(s) of the premises concerned, or by the designated agent of a person having a freehold interest in the property. Conditional rezonings may only be initiated by the owner or designated agent of the property of interest.



Section 11.04 Approval Standards*

*See Conditional Rezoning section below for additional standards.

In considering any amendment, the Planning Commission and City Council must consider the following criteria. The city may consider other factors that are applicable to the application but not listed below as well.

- A) Consistency with Plans.** Consistency with the goals, policies and objectives of Grosse Pointe Park's Master Plan and other city or regional planning documents. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area may be considered.
- B) Consistency with Ordinance.** Consistency with the intent and purpose of Grosse Pointe Park's Zoning Ordinance.
- C) Compatibility with the Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- D) Sufficient Public Utilities and Services.** The capacity of the City's utilities and services to sufficiently accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of Grosse Pointe Park.
- E) Additional Criteria for a Map Amendment.** If a map amendment (rezoning) is requested, the following criteria also apply:
 - 1) **Compatibility with Built Form.** Compatibility of the site's physical, hydrological, and environmental features with the uses permitted in the proposed zoning district.
 - 2) **Compatibility with Uses.** Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, density, nature of use, traffic impacts, aesthetics, and infrastructure.
 - 3) **Compatibility with Zoning District.** Compatibility of the requested zoning district in relationship to surrounding zoning districts, such that future construction can meet the dimensional regulations for the requested zoning district.
 - 4) **Map Amendment Preferred.** If requested to allow for a specific use, rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 - 5) **Spot Zoning.** Will not create an isolated or incompatible zone in the city.

Section 11.05 Application Procedures

- A) Application for Rezoning.** An application for an amendment to the text or map of this Zoning Code is initiated by submitting an application on forms provided by the city and accompanied by the fees specified. The completed application shall be signed by the property owner. Applications will not be processed unless they are complete and unless all fees are paid in accordance with the schedule of fees adopted by the City Council.



The application must clearly describe the proposed amendment and must be signed by the applicant. Applications for rezoning of a specific site must be accompanied by a survey which specifies the boundaries and legal description of the site. The city may request additional information with the application. The applicant may request that the proposed text amendment be drafted by the city, in pursuit of a clearly stated policy goal requested by the applicant and accompanied by specified fees.

B) Required Information.

- 1) **Text Amendment.** An application for text amendment shall include the existing ordinance language to remain, the existing ordinance language to be deleted and the proposed new ordinance language. The proposed changes shall be easily discernible from each other using various types of font enhancements.
- 2) **Map Amendment.** Petitions for property rezoning of a specific site shall be accompanied by a plot plan or survey and shall contain the following information:
 - a) Applicant's name, address, and telephone number.
 - b) Scale, north arrow, and dates of submission and revision.
 - c) Current zoning classification of petitioner's parcel and all abutting parcels.
 - d) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
 - e) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
 - f) Location of existing drainage courses, floodplains, and natural features.
 - g) All existing and proposed easements.
 - h) Location of all existing and proposed utilities.

- C) **Technical Review.** Text amendments and amendments to the official zoning map may be forwarded to the planner for review to determine compliance with the City Master Plan and applicable ordinance standards for approval. For amendment applications determined not to contain all required information, the applicant may be required to complete revisions and re-submit the application for further review prior to final action.

Section 11.06 Review Process

After the completed petition and all required supporting materials have been received and fees paid, the petition will be placed on the next regularly scheduled meeting of the Planning Commission.

- A) **Public Hearing Required.** Prior to making a recommendation and as a part of completing a review and study of a text amendment or property rezoning, the Planning Commission shall hold a public hearing in accordance with the procedures of PA 110 of 2006 (MCL 125.3101 et seq.), as amended.

- 1) **Map Rezoning Request of 10 properties or fewer.** For amendments to the official zoning map, if an individual property or ten or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper that circulates in the city, and shall be sent by mail to the owners of property for which approval is being considered, to all persons to whom



real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date the application will be considered.

- 2) **Map Rezoning Request of 11 properties or more.** For amendments to the official zoning map, if 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper which circulates in the city. The notice shall be published not less than 15 days before the date the application will be considered.

- B) Planning Commission Recommendation.** After the public hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Article, and shall report its findings and recommendation to the City Council.
- C) City Council Action.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section. If the City Council denies the rezoning application, they must provide grounds for denial to the applicant during the meeting.
- D) Protest Petition.** An amendment to the official zoning map is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 et seq.) as amended. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be duly signed by the owners, or part owners, of 20 percent of the land proposed to be altered, or by the owners of at least 20 percent of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area. If a protest petition is filed that meets the criteria outlined above, approval of the property rezoning shall require a 2/3 affirmative vote of the City Council.

Section 11.07 Procedures after City Council Action

- A) Petitions Previously Denied.** Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of one year from the date of denial, unless the Planning Commission determines that one or more of the following conditions has been met:
 - 1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
 - 2) New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
 - 3) The new application is materially different from the prior application.



B) Notice and Record of Amendment Adoption.

- 1) **Adoption.** Following adoption of an amendment by the City Council, a notice of adoption must be filed with the City Clerk and published in a newspaper of general circulation within 15-days after adoption, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended. The notice must include the following information:
 - a) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Grosse Pointe Park."
 - b) In the case of an amendment to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- 2) **Records.** A record of all amendments and the Zoning Map must be maintained by the City.

Section 11.08 Conditional Rezoning

- A) **Intent.** The city recognizes that, in certain instances, it would be advantageous to both Grosse Pointe Park and to a property owner seeking rezoning, if the property owner proposes certain conditions and limitations as part of their rezoning petition. Therefore, the city provides a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to permit property owners to offer conditions regarding a use and/or development of land as part of the rezoning request. A conditional rezoning is intended to accomplish, among other things, the objectives of the Zoning Code and the Master Plan.
- B) **Definitions.** The following definitions apply in the interpretation of this Section:
 - 1) **"Applicant"** means the property owner, or a person acting with the written and signed authorization of the property owner to make application under this Section.
 - 2) **"Conditional Rezoning Agreement" (CRA)** means a written agreement approved and executed by the city and property owner setting forth the conditions attached to the rezoning pursuant to Michigan Zoning Enabling Act (PA 110 of 2006), as amended, and any other terms mutually agreed upon by the parties relative to land for which the city has approved a conditional rezoning.
 - 3) **"Conditional Rezoning Plan"** means a plan of the property, which is the subject of a conditional rezoning, with conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture, or other feature for and/or of buildings, structures, improvements, and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the conditional rezoning plan are determined by the applicant, subject to approval of the City Council after recommendation by the Planning Commission.
 - 4) **"Rezoning Conditions"** means conditions regarding the development and use of property proposed by the applicant and approved by the city.
 - 5) **"Rezoning"** means the amendment of this Zoning Code to change the Zoning Map classification on property from its existing district to a new district classification.

**C) Authorization and Eligibility.**

- 1) The standards of this section grant an applicant the option of voluntarily proposing conditions for the development and use of property in connection with the submission of a rezoning petition. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.
- 2) To be eligible for consideration, an applicant must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a conditional rezoning agreement) that are stricter or more limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:
 - a) Location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other physical features of the proposed development.
 - b) Specification of maximum density or intensity of development and/or use (e.g.: units per acre, maximum usable floor area, hours of operation, or type of use).
 - c) Preservation of open space and/or natural features.
 - d) Improvements to address traffic issues, including paving, and/or substantial improvements to or funding of improvements to roads to the benefit of the entire city.
 - e) Site improvements such as signage, lighting, landscaping, and exterior building materials, above and beyond what would otherwise be required.
 - f) Limitations on permissible uses of the property.
 - g) Any other conditions that are voluntarily proposed by the applicant.

D) Review Criteria. A conditional rezoning may only be approved if it meets the following criteria:

- 1) **General Standards.** All criteria listed in Section 12.4.
- 2) **Conforms with the Zoning District Requirements.** The use of the subject property is in conformity with all regulations governing development and use within the proposed zoning district, including, without limitation, permitted uses, lot area and width, setbacks, height limits, buffers, open space, and density; provided, however that the following apply:
 - a) Development and use of the property is subject to the more restrictive requirements shown or specified in the conditional rezoning agreement and supersedes all inconsistent regulations otherwise applicable under the Zoning Code.
 - b) City Council is authorized to grant modifications to the strict terms of the Zoning Code governing dimensional requirements on the property; provided, such authorization to grant modifications is conditioned upon the City Council finding that each Zoning Code provision sought to be modified will result in an enhancement of the development that is in the public interest, and that approving the modification is consistent with the Master Plan and with the surrounding area.



- 3) **Improves Community.** Conditional rezoning results in an enhancement to the subject area, as compared to the existing zoning, and such an enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.
- 4) **Serves Public Interest.** As compared to the existing zoning and considering site-specific conditions and/or the proposed land uses, it is in the public interest to grant a conditional rezoning. In determining whether a proposed application is in the public interest, the benefits which would reasonably be expected to accrue from the proposal must be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration best practices in planning, engineering, environmental and other principles.
- 5) **Enforceable Conditions.** The offered condition(s) are likely to be enforceable.
- 6) **Use Variance Prohibited.** Does not have the same effect as a use variance.
- 7) **Site Plan and Special Land Use Approvals Required.** Does not relieve the applicant of the responsibility of securing any applicable site plan, plat, or condominium approvals. Special land use approvals, if permitted as part of the Conditional Rezoning Agreement (CRA), do not have to be separately considered, noticed, and approved.

E) Effect of Approval. Approval of the conditional rezoning confirms only the rezoning of the property(ies), subject to any conditions reflected in the conditional rezoning agreement. Any applicable site plan, plat, condominium, or variance approvals are required before any improvements to the property(ies) may be undertaken.

If approved, the zoning district classification of the subject property must consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning". The Zoning Map must specify the new zoning district, plus a reference to "CR". Use of the property classified and approved must comply with the conditions set forth in the CRA. No development or use of the land inconsistent with the CRA is permitted.

F) Compliance.

- 1) Any person who establishes a development or commences a use upon land that is conditionally rezoned must continuously operate and maintain the development or use in compliance with all of the conditions set forth in the conditional rezoning agreement. Failure to comply constitutes a violation of this Zoning Code and deemed a nuisance per se and subject to judicial abatement as provided by law.
- 2) No permit or approval may be granted under this Zoning Code for any use or development that is contrary to an applicable conditional rezoning agreement.

G) Period of Approval.

- 1) **Site Plan Expiration.** Conditional rezoning site plan approval expires one year from the effective date of the rezoning, unless substantial progress towards obtaining site plan and other required approvals has been made, and it expires two years from the effective date of the rezoning, unless development of the property is substantially started and proceeds diligently and in good faith as required by the Zoning Code to completion.
- 2) **Revocation.** In the event substantial progress towards obtaining site plan and other required approvals have not commenced within one year and bona fide development has not commenced within two years from the effective date of the rezoning, the conditional rezoning and agreement is void and of no effect.



- 3) **Site Plan Extension.** The applicant may apply for a one-year extension. The request must be submitted to the city in writing before the approval time limit expires. The applicant must demonstrate why an extension should be granted and that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently to completion. An extension request may be considered by the City Council following a recommendation by the Planning Commission.
- 4) **Void Application.** If the conditional rezoning becomes void in the manner provided in this Section, the following procedures apply:
 - a) The applicant may seek a new rezoning of the property within 30 days of the expiration of the period of approval.
 - b) If no application is made for a new rezoning of the property, the land reverts to its former zoning classification.

H) Conditional Rezoning Agreement Requirements. A Conditional Rezoning Agreement (CRA) must be executed between the applicant and the city at the time of City Council approval, and at a minimum, contain the following:

- 1) Identification of the requested zoning district and a listing of the conditions offered by the applicant.
- 2) A statement acknowledging that the conditional rezoning was proposed by the applicant, and further agreement and acknowledgment that the conditions and agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.
- 3) Agreement and understanding that the subject property cannot be developed or used in a manner inconsistent with the CRA.
- 4) Agreement and understanding that the approval and CRA is binding upon and to the benefit of the property owner and city, and their respective heirs, successors, assigns, and transferees.
- 5) The date upon which the conditional rezoning becomes void. If the City Council grants an extension of approval, a new conditional rezoning agreement with the new expiration date must be recorded.
- 6) Agreement and understanding that each of the requirements in the CRA represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
- 7) A legal description of the subject property.
- 8) Development regulations impacted by the conditional rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.
- 9) Revocation of approval provisions returning the property to its original zoning designation if the applicant violates the terms of the conditional rezoning agreement.
- 10) A conditional rezoning plan may be included as an exhibit to the agreement and may show the conceptual layout of the proposed development or use, along with any other information deemed



relevant by the applicant. Inclusion of such a plan as an exhibit shall not replace the requirement for site plan, subdivision, condominium, or variance review and approval.

- I) **Amendment of a Conditional Rezoning Agreement.** Amendment of a CRA must be submitted, reviewed, and approved in the same manner as a new conditional rezoning application.
- J) **Recording of a Conditional Rezoning Agreement.** A conditional rezoning becomes effective following publication in the manner provided by law, and, after recordation of the conditional rezoning agreement with the Wayne County Register of Deeds.
- K) **Termination.** The City Council is the only body with the authority to terminate a CRA. The consideration to terminate the agreement must be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The termination must comply with any applicable provisions of this Zoning Code and/or the CRA.

Article 12. Planned Unit Development (PUD)

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 12.01 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:
- 1) 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.
 - 2) Implement the Master Plan goals.
 - 3) Achieve efficiency in the use of land, natural resources, energy, public services and utilities.
 - 4) Permit flexibility in the zoning regulations while assuring the application of sound site planning standards.
 - 5) Provide opportunities for improvements to public infrastructure and facilities.
 - 6) Promote the development of compact, mixed-use developments that will support public transportation and result in sustainable and healthy neighborhoods.
 - 7) Encourage the reuse and improvement of existing sites.
 - 8) Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.

Section 12.02 Permitted Uses

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

Section 12.03 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 here.
- B) **Phase 1: Pre-Application.** 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 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.
- 1) **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.

- 2) **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.
 - 3) **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.
- (1) **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.



- (2) 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.
 - c) Applicant and Planner work together to determine when site plan is ready.
 - d) Planner schedules Site Plan at an upcoming Planning Commission meeting.
 - e) 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 12.04 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 12.05 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 12.06 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 13.01 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, 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 13.02 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 13.03 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 13.04 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 13.05 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 14.01 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 14.02 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 Rezoning and Planned Unit Developments may not be appealed to the Zoning Board of Appeals.

Section 14.03 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.
- E) The Board may fix rules and regulations governing its procedures as it deems necessary.
- F) 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 14.04 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.**
 - 1) **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:
 - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Zoning Code, or amendment thereto.
 - (2) Exceptional topographic conditions.
 - (3) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.



- (4) 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.
- 2) **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 14.05 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:
 - 1) The plot plan, sketch plan or site plan for a project that was used to determine the need for a variance.
 - 2) The specific section from which a variance is being sought, an interpretation is being requested or is the subject of an administrative review.
 - 3) 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 14.06 Procedures after Determination

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

1) **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.

- 2) **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.

Article 15.

Administration and Enforcement

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 15.01 Overview of Administrative Responsibilities

The City Manager, or their duly authorized representative as specified in this article, is hereby charged with the duty of enforcing the provisions of the Zoning Ordinance. Administrative responsibilities are vested in the following City entities and further detailed in this Article.

- A) City Council
- B) Planning Commission
- C) Zoning Board of Appeals
- D) Director of Public Services, and any person designated by the Director of Public Services.

Section 15.02 Responsibilities of Administrative Entities / Officials

- A) **City Council.** The City Council shall have the following responsibilities and authority in addition to any other responsibilities outlined in this Article.
 - 1) **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the City Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the City Council at a hearing or as decreed by a court of competent jurisdiction.
 - 2) **Setting of Fees.** The City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate City administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
 - 3) **Approval of Planning Commission Members.** In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the mayor with the approval of the City Council.
 - 4) **Final Approval.** Where specified in this ordinance, the City Council shall serve as the final approval authority for special land uses, planned unit developments and other development approvals as cited in this Ordinance.
- B) **Planning Commission.** The Planning Commission is designated as the commission specified in Public Act No. 33 of 2008, as amended, and is further designated as the succeeding body of the Zoning Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute.
- C) **Zoning Board of Appeals.** The Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The ZBA's membership, organization and duties are hereby established as cited in Article 17 of this Ordinance.
- D) **Director of Public Services.** The Director of Public Services shall have the following duties and responsibilities as outlined below and as cited in this ordinance. The Director of Public Services may



designate another individual to be the person responsible for enforcing and enacting certain tasks and responsibilities. When the Director of Public Services is cited in this ordinance for a certain task or responsibility, the person so designated by the Director of Public Services with said task or responsibility shall be deemed to be equivalent to the Director of Public Services.

- 1) The Department of Public Services may grant occupancy permits or zoning compliance permits for each new use upon recommendation of the Director of Public Services.
- 2) The Director of Public Services may make inspections of building or premises necessary to carry out his or her duties in the enforcement of this Article.
- 3) The Department of Public Services shall record all non-conforming uses existing on the effective date of the Ordinance.
- 4) Under no circumstances is the Department of Public Services or Director of Public Services permitted to make changes to this Article in carrying out their duties.
- 5) The Director of Public Services shall not refuse to issue a permit when conditions imposed by this Article are complied with by the applicant.

Section 15.03 Enforcement, Penalties, and Remedies

A) Penalties and Remedies.

- 1) Whoever violates or fails to comply with any of the provisions of this Ordinance, or any permit, license or exception granted hereunder, or any lawful order of the Department of Public Services, Director of Public Services, Zoning Board of Appeals or City Council issued pursuant to this Article shall be subject to a penalty as established.
- 2) The owner of any building, structure or premises or part thereof which is in violation of this Article, who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the fines and penalties herein provided.
- 3) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- 4) The rights and remedies provided herein are cumulative and in addition to any other rights and remedies provided by law.

B) Enforcement. This Article shall be administered and enforced by the Director of Public Services or his or her designee unless otherwise directed by City Council. In the temporary absence of the Director of Public Services or his or her designee, the City Manager may designate a person to temporarily serve in this capacity.

Section 15.04 Building Permits, Certificates of Occupancy and Zoning Compliance Permits

A) No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof or for the use of any land which is not in accordance with this Ordinance.



- B) No vacant land and no existing use of land shall be changed to a different use group or type, unless a certificate of compliance and/or zoning compliance permit is first obtained for the new or different use.
- C) No building or structure, or part thereof, shall be changed to or occupied by a use of a different use group or type unless a certificate of compliance and/or zoning compliance permit is first obtained for the new or different use.
- D) No building or structure, or part thereof, shall be erected, altered, moved or repaired unless a building permit has first been issued. The terms "altered" and "repaired" include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress or other changes affecting or regulated by the city, except for minor repairs or changes as determined by the Director of Public Services.
- E) A non-residential building or tenant space shall not be occupied with a new use, whether the use is the same type of use that previously occupied the building or tenant space or a different use, until the building or tenant space has been inspected by the Director of Public Services or his or her designee and the fire marshal, and a new occupancy permit has been granted.

Section 15.05 Demolition Standards

To assure a legal replacement use, existing buildings or structures shall not be demolished in any Zoning District unless the request satisfies one (1) of the following:

- A) **Site Plan and Reuse of a Lot.** When a site plan for the redevelopment of a property in any Zoning District has been approved pursuant to Article 9 of this Ordinance. Any additional required zoning approval shall be obtained prior to demolition approval.
- B) **Building or Housing Code.** When the demolition in any Zoning District has been authorized by Chapter 7 of the City Code or required by a court or governmental agency or official of competent jurisdiction.

Obtaining a building, demolition, or other permit does not ensure compliance with this provision.

Section 15.06 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) **Duration.** See Section 3.29 - Temporary Uses for the list of permitted temporary uses and the time limits within which they may operate.



- C) Outdoor Sales.** 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. Time limits for outdoor sales are described in Section 3.29 of this Ordinance.
- D) Approval Standards.** The Director of Public Services, in granting permits for temporary uses, including temporary outdoor sales, and for the temporary occupancy of structures shall do so under the following conditions:
- 1) **Licensed commercial uses.** Temporary commercial uses conducted by persons or entities lawfully authorized to conduct the use in question, when contained within temporary structures, but not including temporary sales as provided for in this section are allowed only for the time period specified in subsection (B) above.
 - a) All such users shall obtain a business license from the city clerk's office.
 - b) A mobile vending food truck requires a license from the county health department as well as a business license from the city clerk.
 - 2) **Required permits.** All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.
 - 3) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of activities permitted and arrangements for removing the use and associated structures at the termination of such temporary permit.
 - 4) All setbacks, land coverage ratios, off-street parking requirements, lighting regulations, and other requirements of the City Code shall be considered so as to protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city.
 - 5) In classifying uses as not requiring capital improvement, the Director of Public Services shall determine that they are either demountable structures related to the permitted use of the land, or structures which do not require foundations, heating systems or sanitary connections.
 - 6) The use shall be in harmony with the existing general character of the district.
 - 7) No temporary structure shall be used for residential purposes and temporary residential use of any property is not allowed.
 - 8) Upon compliance with the requirements of this section and any other ordinances of the city that may be applicable being demonstrated to the satisfaction of the Director of Public Services, the Department of Public Services shall issue to the applicant a temporary use permit.
- E) Application Process.** A written application on a form provided by the city for a temporary use permit required by this section shall be signed by the applicant and the legal owner of the property and shall be filed with the Department of Public Services. The application shall be submitted at least ten days before the first date of the proposed. A fee established by resolution of the City Council shall be paid at the time the application is filed.



Section 15.07 Public Hearings

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3103 et seq.), as amended.

The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

- A) Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
- B) Personal and Mailed Notice.**
 - 1) Notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - 2) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - 3) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 - 4) All notices delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 - 5) The City shall prepare a list of property owners and occupants to whom the notice was mailed.
- C) Content.** Any notice published in a newspaper or delivered by mail shall:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request.
 - 3) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 - 4) When and where the public hearing will occur.
 - 5) When and where written comments may be submitted concerning the request.



- 6) For amendment to the Zoning Ordinance or Map, a notice shall also include the places and times at which the proposed text or amendment to the official Zoning Ordinance or Map may be examined.

D) Public Hearing Procedures for Zoning Ordinance Amendments. Notice must be given for public hearings for Zoning Ordinance amendments, including both text and map amendments. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

Section 15.08 Fees

Fees for inspections, permits, certificates or copies thereof required or issued under this Article shall be collected by the Department of Public Services in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the enforcement costs of this Article.

In addition, prior to the issuance of a building permit, the applicant shall file with the Department of Public Services a performance guarantee in the form of cash deposit or certified check. The amount of such guarantee shall be set forth by the City Council as adopted by resolution and shall cover all improvements not normally covered in the building permit, e.g., berms, walls, landscaping, lighting, surfacing of drives, parking service drives, traffic control devices within the jurisdiction of the city, reclamation, etc. The guarantee shall include a schedule of costs assigned to the different improvements and approved by the City Council. Moneys may be released to the applicant in proportion to work completed on the different elements after inspection of work and the approval of the Department of Public Services. No partial release of funds shall exceed 90 percent of the guarantee. At least ten percent shall be retained by the city until all work has been completed and subsequently inspected and approved by the Department of Public Services.

Section 15.09 Declaration of Nuisance, Abatement

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed, subsequent to the passage of this Article and which is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 15.10 Moratoria

In certain rare instances it may be in the best interest of the city, its residents and property owners to establish a temporary ban on development as it may either protect the public at large by providing for proper regulation of a use or it may provide a lesser risk that individual landowners will be singled out to bear a special burden that should be shared by the public as a whole. Such instances might be where there is a use proposed which has not been regulated previously, a use which has been overdeveloped, an issue with the critical infrastructure necessary to develop certain uses or other justifiable criteria which advance a legitimate public interest.



- A) Approval Standards.** With that purpose in mind, upon making certain findings, the City Council is authorized to establish and implement moratoria. A moratorium shall only be established by the City Council when a determination is made that such action:
- 1) Is necessary to protect the public health, safety and welfare of the community.
 - 2) Advances a legitimate public interest.
 - 3) Represents diligence and good faith.
 - 4) Is being applied uniformly and fairly.
 - 5) Will not deprive a property owner of all reasonable use for an unreasonable time in light of the issues at hand.
 - 6) Is supported by findings of fact set forth in the public record.
- B) Time Period.** A moratorium shall be set for the smallest period of time necessary to address the matter and in any event shall not be set for a period of more than six months initially. If supported by subsequent finding of facts and a showing of due diligence and not delay, additional extensions of the moratorium may be provided for by the City Council. Any such moratoria shall be established by adoption of an Ordinance or an amendment thereto.

Article 16. Glossary

ZONING ORDINANCE · CITY OF GROSSE POINTE PARK, MI





Section 16.01 Rules of Construction

A) The following rules of construction apply to the text of this Zoning Ordinance:

- 1) The particular controls the general.
- 2) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text controls.
- 3) A “building” or “structure” includes any part thereof.
- 4) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- 5) The word “person” includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
- 6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction is interpreted as follows:
 - a) “And” indicates all the connected items, conditions, and provisions apply.
 - b) “Or” indicates the connected items, conditions, and provisions apply.
 - c) “Either...or” indicates the connected items, conditions, provisions, or events apply singly, but not in combination.

B) Terms not herein defined have the common meaning assigned to them.



Section 16.02 Glossary

A

Abandonment. The cessation or discontinuation of a use or activity without intent to resume (excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure).

Abutting/Adjacent. Having a common border with, or being separated from such a common border by, a right-of-way, alley, or easement.

Accessory Building / Structure. Any unattached subordinate building or structure the use of which is incidental to that of the main building and located on the same parcel as the main building. Accessory buildings and structures shall be permitted only in conjunction with a principal use and principal building on the same lot. Such buildings may only be constructed simultaneously with or after the construction of the principal building and may only remain in place while the principal building is present as well.

Accessory Dwelling Unit. See Dwelling, Accessory Dwelling Unit.

Accessory Use. A use of land or of a building or portion thereof conducted in conjunction with another principal use which is clearly incidental and commonly associated and related to the principal activity that takes place and (except in the case of accessory off-street parking spaces or loading) is located on the same lot with such principal use. Examples of Accessory Uses are Carports, Fences, Garages, Garden Sheds, Swimming Pools, Home Occupations, Satellite Dishes, Solar Energy Systems, Sports Courts, Wind Energy Systems.

Addition. A physical enlargement or expansion in floor area or height of a building/structure.

Adult Business. Establishments which are distinguished or characterized by entertainment, devices, or services which are sexually explicit in nature.

1. Examples of adult businesses include but are not limited to: adult supply stores, adult motion picture theaters, nude body painting/modeling studios, escort services, cabarets, etc.
2. The following are not considered adult businesses:
 - a) Establishments which routinely provide such services by a licensed: physician, chiropractor, osteopath, physical or massage therapist, practical nurse, or any other similarly licensed medical professional.
 - b) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - c) Instruction in martial or performing arts or in organized athletic activities.
 - d) Hospitals, nursing homes, medical clinics, or medical offices.
 - e) Barbershops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, neck, or shoulders only.



Affordable Housing. Housing that qualifies with the Department of Housing and Urban Development affordable unit pricing standards.

Alley. A public or private right-of-way providing secondary means of access to abutting properties, and which is not designed for general travel.

Alteration. Any change, addition or modification in construction or type of occupancy, or in the supporting member of a building/structure, including but not limited to bearing walls, columns, posts, beams, girders, and similar components.

Animal, Domestic. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans and has been kept as a tame pet, no longer possessing a disposition or inclination to escape, to bite without provocation or to cause death, maiming or illness of a human, nor used for commercial breeding purposes. Examples include, but are not limited to dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals which do not present an unusual risk to persons or property.

Animal, Wild or Exotic. An animal not indigenous to the city that is incapable of being completely domesticated, requiring the exercise of art, force, or skill to keep it in subjection; this includes any animal which a person is prohibited from possessing by law. Examples include, but are not limited to alligators, big cats, venomous snakes and spiders, birds of prey, primates, deer, racoons, and opossums.

Apartment. A room or suite of rooms in a multi-story building with three or more residential units. Individual units may share common interior corridors and exterior entrances. Apartment buildings may be walk-up or elevator buildings, depending on the height.

Arcade. A place, premises, establishment, or room set aside in a retail or commercial establishment in which are located three or more coin-operated amusement devices. "Coin-operated amusement device" means a machine or device operated by means of the insertion of a coin, token, or similar object, for the purpose of amusement or skill, and for the playing of which a fee is charged. The term does not include vending machines which do not incorporate gaming or amusement features, coin-operated mechanical music devices or mechanical motion picture devices. The definition must not apply to coin-operated amusement devices owned or leased to establishments that are properly licensed for the sale of beer or intoxicating liquor for consumption on the premises.

Architectural Features. Features include but are not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

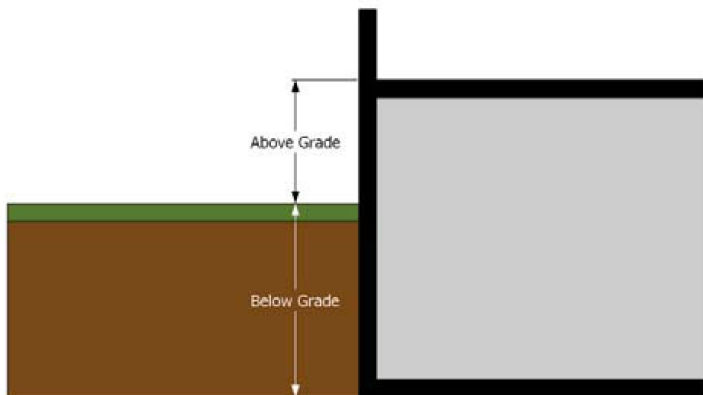
Artisan/Maker Space. Non-residential space designed to be used for personal-scale, low-impact artisan production of wholesale goods.



B

Bar. An establishment or part of an establishment devoted primarily to the selling, serving, or dispensing of alcoholic beverages for on-site consumption. The sale of prepared food or snacks may also be permitted.

Basement. The portion of a building which is partly or wholly below the average grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement is not counted as a story.



Bed and Breakfast. See also Short-Term Rental. A residential facility that is owner-occupied in which overnight accommodations are provided or offered for compensation, including the provision of bathing and lavatory facilities, and a breakfast meal, for periods of 30-days or fewer.

Berm. A mound of earth graded, shaped, and improved with landscaping as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity or to raise a structure above the natural grade.

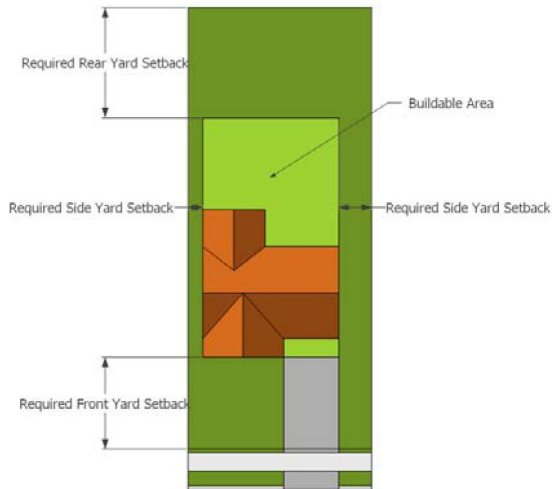
Blight. Unsightly or hazardous conditions, including, but not limited to the accumulation of debris, litter, junk, or rubble; structures characterized by holes, breaks, rot, crumbing, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of typical maintenance, or damage; outdoor storage of inoperable motor vehicles, recreational vehicles, trailers, and watercraft; and any other similar conditions of disrepair and deterioration.

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

Body Art/Tattoo Shop. A business properly licensed by the State of Michigan involving body tattoos, piercings, and similar activities.



Buildable Area. The space remaining on a property for building purposes after compliance with minimum building setback requirements.



Building. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

1. **Accessory Building.** A subordinate structure detached from but located on the same lot as the principal building, the use of which is customarily incidental to the principal building or use.
2. **Building Area.** The total area on a horizontal plane at the average grade level of the principal building and all accessory buildings, excluding uncovered porches and outdoor terraces, steps, swimming pools, and patios.
3. **Building Blank Wall.** An exterior building wall with no openings and a single material and uniform texture on a single plane. Blank walls must be avoided in order to create more dynamic, walkable environments.
4. **Building Envelope.** The physical enclosure that separates the conditioned and unconditioned environment of a building, including the resistance to air, water, heat, light and noise transfer.
5. **Building Façade.** The portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.
6. **Building Height.** The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard and gambrel roofs, and to the midpoint of the highest eaves and ridge for gable, and hip roofs.
7. **Building Line.** A line formed by the face of a building, and for the purpose of this Ordinance, a minimum building line is the same as a front setback line.



8. **Building Site.** The lot on which a building is constructed, and that portion of a condominium development consisting of the condominium unit, and limited common element, intended for the exclusive use of less than all the co-owners.
9. **Principal Building.** The building in which is conducted the principal use of the lot on which it is situated.
10. **Building Permit.** A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance and the Building Code.

C

Carport. A partially open structure, intended to shelter at least one vehicle.

Cellar. The portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5-feet.

Cemetery. Land used or intended to be used for burial of the human dead or customary household pets and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.

Certificate of Compliance. A document signed by the Director of Public Services as a condition precedent to the commencement of the legal use of a building that acknowledges that the structure complies with the Building Code in force in the city.

Change of Use or Change of Occupancy. Any change in the use of a site or the occupancy of a building that could trigger a change in the code requirements that apply to that site or building.

Childcare. The provision of care and supervision for periods of less than 24 hours a day.

1. **Childcare Center.** A facility that allows an individual, agency, or corporation to provide care in a commercial space or building for 1 or more children under the age of 13. The children are in care less than 24 hours a day, parents or guardians are not immediately available, and the center operates for more than two consecutive weeks. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-school or after-school program, or drop-in center. The term "childcare center" does not include any of the following:



- a) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
 - b) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
 - c) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age child-focused training.
 - d) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
2. **Childcare Home, Family.** A private home where care or supervision is provided for 1 to 6 unrelated children (where the licensee permanently resides as a member of the household) for less than 24 hours a day unattended by a parent or legal guardian. All family day care homes must be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.
 3. **Childcare Home, Group.** A private home where care or supervision is provided for 7 to 12 unrelated children (where the licensee permanently resides as a member of the household) for less than 24 hours a day unattended by a parent or legal guardian. All family day care homes must be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Clinic. An establishment where human or animal patients who are not lodged overnight are admitted for examinations and treatment by a group of physicians, dentists, veterinarians or similar professionals.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for a profit.

Community Incubator Kitchen. A commercial kitchen used by a party other than the tenants for production of food products to be marketed, sold, and consumed off-site.

Compatibility. "Compatibility" means the characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.

Condominium.

1. **Condominium Development.** A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act (PA 59 of 1978), as amended, in which some combination of buildings, units, and/or land will be sold to private owners; while some other combination of buildings, units, and/or land will be kept in common ownership among the owners.
2. **Condominium Subdivision Plan.** Site, survey and utility plans, floor plans and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the



land, of a condominium subdivision and illustrates the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space, as well as the nature, location, and approximate size of common elements. A number is assigned to each condominium unit.

3. **Condominium Unit.** The portion of the condominium project designed and intended for separate fee-simple ownership and use, as described in the master deed.
4. **General Common Element.** Portions of the condominium project other than the condominium units that are designated for use by all owners within the development.
5. **Limited Common Element.** An area which is accessory to a site condominium unit and is reserved in the master deed for the exclusive use of the owner of that site unit. For the purposes of this Zoning Code, a site condominium unit's limited common element, when combined with the condominium building site, is the equivalent of a lot.

Construction. The erection, alteration, repair, renovation, demolition, or removal of any structure, utility or vehicular or nonmotorized pathway and the excavation, filling, and grading in connection thereto.

Court. An open, unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

1. **Inner Court.** A court enclosed on all sides by exterior walls of a building or building exterior walls and lot lines, on which walls are allowable.
2. **Outer Court.** A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

Coverage. The percentage of lot area covered by the building area.

Curb Cut. An opening from the public street to a private driveway or public drive serving an individual site or group of sites.

Curb Level. The established grade of the curb in front of the midpoint of the lot.

D

Deed Restriction. A restriction of use or development that is set forth in an instrument recorded with the Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Detention or Retention Pond. An artificially created pond or basin that holds collected storm water. A detention pond has an outlet that releases water at a controlled rate. Detention basins are designed to reduce how quickly runoff enters our natural waterways to protect downstream areas from flooding and erosion. Retention ponds are designed to hold water until it infiltrates the soil or evaporates without an outlet to a drainage way, except emergency overflows. Where this Article specifies requirements or restrictions on detention ponds, these regulations shall also apply to retention ponds, and vice versa.



Director of Public Services. The Director of Public Services oversees the zoning plan review process and is the authority for reviewing administrative plot plans. The Director of Public Services refers to either the director themselves or their designee, which includes but is not limited to the Public Services Director, Public Services Director or the City Manager.

District. A portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Donation Collection Bin. A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provided, however, that the definition of donation collection bins shall not include trailers where personnel are present to accept donations.

Dry Cleaner. See Laundry Facility.

Dumpster. A permanent or temporary refuse container to collect waste from users on-site. Dumpsters may be front-end containers, roll-off containers to be hauled away rather than emptied on-site, compacting units or similar commercial containers in excess of one cubic yard in volume. Dumpsters shall be fitted with lids that shall be kept completely closed and latched at all times except during filling and collection.

Dwelling. A building, or portion thereof, designed to provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

1. ***Dwelling, Accessory Dwelling Unit.*** A dwelling unit that is that is incidental and accessory to a primary single-family dwelling on the same lot. The accessory unit may be attached to or detached from the principal dwelling structure.
2. ***Dwelling, Courtyard.*** Multiple side-by-side or stacked dwelling units, courtyard housing is oriented around a courtyard or series of courtyards. Each unit often has its own individual entry, or up to three units may share a common stoop, stair or entry.
3. ***Dwelling, Duplex (side-by-side or stacked).*** A building designed for or occupied exclusively by two families living independently of each other. This does not include a single-family dwelling with an accessory dwelling unit.
4. ***Dwelling, Economy Efficiency Dwelling (EED).*** A dwelling unit that is between 400 and 700 square feet in size, built on an approved foundation, meeting the State of Michigan's building and sanitary codes, and qualifying for a Certificate of Compliance.
5. ***Dwelling, Fourplex.*** A building designed for or occupied exclusively by four families living independently of each other. This does not include a single-family dwelling with accessory dwelling units.
6. ***Dwelling, Multiple-Family.*** A building, or portion there-of, used and designed as a residence for three or more families living independently of each other and having their own cooking facilities therein, including townhouses, apartment buildings, and lofts.
7. ***Dwelling, Single-Family.*** A detached building designed for or occupied exclusively by one family.



8. ***Dwelling, Single-Family, Manufactured.*** A dwelling unit substantially built, constructed, assembled and finished off the premises upon which it is intended to be located, and which is similar in appearance to traditional site-built dwelling units.
9. ***Dwelling, Townhome.*** Two or more multistory dwelling units with shared side walls on both sides. Townhomes typically have entries facing a street and a rear yard or small court with detached parking garage or parking area accessed from an alley.
10. ***Dwelling, Triplex (side-by-side or stacked).*** A building designed for or occupied exclusively by three families living independently of each other. This does not include a single-family dwelling with accessory dwelling units.
11. ***Dwelling Unit.*** The building, or portion thereof providing complete, independent living quarters for one family.
12. ***Dwelling Unit, Site Built.*** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. This includes dwelling units constructed of precut materials and panelized wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as the final location of the dwelling unit.
13. ***Dwelling, Upper-Level Residential.*** A dwelling unit that is located on any floor above ground floor level, within a mixed-use complex.

E

Easement. A permanent grant of one or more property rights by a property owner to, and/or for use by, the public, a corporation or another person or entity.

Economy Efficiency Dwelling. A dwelling unit that is between 400 and 700 square feet in size, built on an approved foundation, meeting the State of Michigan's building and sanitary codes, and qualifying for a Certificate of Compliance.

Elderly Housing. See Senior Living.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments or commissions, of underground, surface or overhead gas, electric, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, fire hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions, or for the public health, safety or general welfare, but not including buildings, towers or substations.

Event Hall. A special purpose room, or a building, used for hosting social and business events.

Excavation. Any breaking of ground, except common household gardening and ground care.



Exception. A use permitted only after review of an application by the Zoning Board of Appeals or City Council or a modification in the standards of this Ordinance specifically permitted after review by the Zoning Board of Appeals, Planning Commission or City Council; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

F

Façade. The exterior wall(s) of a building exposed to public view. The façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies and visible roof structures.

Facility. The entire building or any portion of the building, structure or area, including the site on which the building, structure or area is located, wherein specific services are provided or activities are performed.

Family.

1. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and domestic employees, together with not more than two (2) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition must not include any society, club, fraternity, sorority, association, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period or to licensed and approved foster care facilities.

Fence. Any structure of posts and boards, of palings or pickets, or rails, or of one or more strands of wire or lengths of pipe, or of woven wire or other material; any masonry wall without a roof; or anything similar to the foregoing including a “living fence” made of organic growing materials such as bushes, shrubs, hedgerows, or landscape berms, which is above ground and acts as a barrier to free and unobstructed passage. A fence does not include any guardrail.

1. **Fence, Decorative.** An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link material.
2. **Fence, Partition.** A fence located along the line dividing two lots or parcels of land which are privately owned in the city by different owners, whether subject to an easement or not.

Floor Area, Total. The sum of the areas of all floors of all buildings on a lot. Basements, attic storage areas, balconies, porches and uncovered decks shall be excluded. All measurements shall be from the outside face of exterior walls.

Floor Area, Usable. The sum or the areas of all floors of a building used for direct service to the public. This excludes storage areas and non-public office space.



Financial Institution. An institution in the business of dealing with financial and monetary transactions such as deposits, loans, investments, and currency exchange.

Food truck/cart. A vehicle equipped with facilities for preparing, cooking and selling food directly from the vehicle. Food trucks and carts are regulated as Mobile Vendors in Sections 2.7, 3.18 and 15.5 of this Ordinance.

Foster Care. The supervision, personal care, and protection of individuals (who require care on an ongoing basis, but who do not require continuous nursing care) in addition to room and board, for 24 hours a day for compensation, and includes the following uses as herein defined. All foster care facilities must be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

1. **Foster Care, Adult Family Home.** A private residence with six or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. **Foster Care, Adult Large Group Home.** A facility with at least 13, but not more than 20 adults, to be provided with foster care. The adult foster care small group home licensee is not required to be an occupant of the residence.
3. **Foster Care, Adult Small Group Home.** A facility with 12 or fewer adults to be provided with foster care. The adult foster care small group home licensee is not required to be an occupant of the residence.
4. **Foster Care, Family Group Home.** A private home that provides foster care to 7 or more children.
5. **Foster Care, Family Home.** A private home that provides foster care to 6 or fewer children.

Forecourt. A building typology where a portion of the façade is close to the frontage line and the central portion of the façade is set back, creating a garden or pedestrian area.

Frontage. All property fronting on one side of a street between intersecting or intercepting streets or boundary lines of adjacent properties, or between a street and a right-of-way, waterway, end of a dead-end street or City boundary measured along the street line.

Funeral Home or Mortuary. An establishment where the dead are prepared for burial or cremation.

G

Garage, Commercial. A public facility for the storage, repair, rental, maintenance, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, Private. An accessory building or portion of a main building to be used for the storage of noncommercial motor vehicles and not more than one commercially licensed vehicle of not greater than one ton capacity to be used by the occupants of the building to which it is accessory, and wherein no public shop or service is conducted and no retail, wholesale or other commercial storage is conducted.

Gas Station. A place for the retail sale and dispensing of fuel, energy, or minor automotive accessories and services directly to users of motor vehicles. Such use may have retail sales of groceries and similar products. Vehicle wash facilities are permitted as an accessory use if already permitted in the zoning district.



General Common Elements. In a condominium development:

1. The land in the condominium project;
2. The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits or communication ways;
3. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
4. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
5. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air conditioning, reservoirs, water tanks, pumps and the like;
6. The elevators, incinerators and, in general, all devices or installations existing for common use; and
7. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, maintenance, and safety of the project.

Grade, Established. For purposes of establishing the number of stories and the height of buildings, the elevation of the centerline of the streets as officially established by the Director of Public Services. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Grade, Finished. The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Graffiti. Any inscription, word, figure, marking, or design that is marked, etched, scratched, drawn, or painted on any building, structure, fixture, or other improvement, whether permanent or temporary, including by way of example only and without limitation, fencing surrounding construction sites, whether public or private, without the consent of the owner of the property or the owner's authorized agent, and which is visible from the public right-of-way.

Ground Cover. A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and preventing the growth of unwanted plants.

H

Health Care Facility. A facility or institution, whether public or private, principally engaged in providing services for animal or human health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition, that allows overnight stay, including, but not limited to a doctor's office, public health center, diagnostic center, treatment center, rehabilitation center or extended care facility.

Health or Fitness Club. A facility whose principal use is the provision of exercise equipment, facilities or classes for use by members for compensation.

Home-Based Business. A business, occupation, or profession that occurs within a residential dwelling unit and results in a product or service that is clearly an accessory, incidental, and secondary use of the residential



dwelling unit, which has no employees that live off-site, which does not engage in any on-site retail sales (Type 1) or may engage in limited retail sales (Type 2).

Home Occupation. A business, occupation, or profession that results in a product of service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises.

Hotel. A building or part of a building containing dwelling units or rooming units to be used primarily for transient temporary occupancy, at which maid, linen, bellhop, desk and similar services may be offered, and rooms may be equipped with basic entertainment and kitchenette facilities. Hotels may include restaurants, dining rooms, cocktail lounges, banquet and ball rooms or meeting rooms.

1. **Boutique hotel.** Buildings or parts of buildings with a common entrance or entrances which by nature of their construction may fit better in a traditional commercial district, having between ten and 100 rooms for overnight stays.
2. **Motels.** Automobile-oriented hotels in which guest rooms have individual entrances and minimal amenities.

Household. All persons who occupy a house, an apartment, a group of rooms or a single room occupied as discrete, separate living quarters.

I

Impervious Surface. Man-made material that covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent or less. Impervious surfaces include, but are not limited to, pavement, buildings and structures.

J

Junk. Any used machinery, appliances, merchandise, scrap, metals, tools, implements, glass, plastic, cloth, paper, cordage, building materials, rubber tires or other waste the original use of which has been abandoned.

Junkyard. An area where junk, as described above is bought and sold, exchanged, stored, baled, packed, disassembled or handled.

K

Kennel. Any lot or premises on which four or more dogs, cats or other household pets of more than four months of age are either permanently or temporarily boarded, groomed, bred, trained or sold. See also Pet Grooming and Boarding Facility.



L

Land Divide or Division. The partitioning or splitting of a parcel of land for the purpose of sale or lease of more than one year, or for the building development that results in one or more parcels of less than 40 acres or the equivalent. It does not include a property transfer between two or more adjacent lots, if the property taken from one parcel is added to an adjacent parcel.

Landscape Nursery or Greenhouse. See Plant Material Retail.

Landscaping. The treatment of the ground surface with live plant materials normally grown in Wayne County such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. A landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material.

1. **Berm.** A mound of earth landscaped with living plant materials which blends with the surrounding terrain.
2. **Buffer.** A landscaped area composed of an earth berm, wall, fence or landscape planting screen established and/or maintained to provide visual screening, noise reduction or transition between land uses.
3. **Caliper.** The diameter of a tree trunk measured as follows:
 - a) Existing trees are measured at four and one-half feet above the average surrounding grade.
 - b) Trees which are to be planted shall be measured 12 inches above the base of the tree if the tree caliper is more than four inches, or if the tree caliper is less than four inches, it shall be measured at six inches above the base of the tree.
4. **Deciduous tree.** A tree that obtains a mature height and branch structure and provides foliage primarily on the upper half of the tree. The purpose of a deciduous tree is to provide shade to adjacent ground areas. Foliage sheds at the end of its growing season.
5. **Diameter at breast height (dbh).** The circumference of a tree measured at four and one-half feet above grade.
6. **Evergreen tree.** A tree that has persistent foliage that remains green throughout the year.
7. **Greenbelt.** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Zoning Code.
8. **Ground cover.** Low-growing plants or sod that in time form a dense mat covering a landscape, preventing soil from being blown or washed away and the growth of unwanted plants.
9. **Hedgerow.** A two- to three-foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.
10. **Opacity.** The state of being at least 80 percent impervious to sight.
11. **Ornamental tree.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and that grows to a mature height of 25 feet or less.



12. **Screen.** An upright visual barrier such as a fence, wall or opaque landscaping.
13. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
14. **Tree.** A woody plant with an erect perennial trunk, which at maturity is 25 feet or more in height and which has a more or less definite crown of foliage.

Laundry Facility or Dry Cleaner. Laundry facilities range from coin-operated, self-serve laundromats where people wash their own clothes to large commercial facilities that clean sheets and towels for businesses such as hotels. At dry cleaning facilities, customers typically drop off clothing to be washed using water-free liquid solvents and retrieve it after cleaning.

Live-Work. A property that combines residential living space with commercial, office or manufacturing space in which a resident may own and operate a small business typically on the ground floor of a multi-level unit.

Loading Space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land considered or used as a single unit, occupied or intended to be occupied by a main and one or more accessory buildings with such yards and open spaces as are required under the provisions of this Ordinance.

1. **Lot, Corner.** A parcel of land at the junction of and fronting on two or more intersecting streets.
2. **Lot, Depth of.** "Depth of lot" means the average horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.
3. **Lot, Interior.** "Interior lot" means a lot that fronts on only one street. An interior lot may abut additional alley rights of way.
4. **Lot Lines.** "Lot lines" means any line dividing one lot from another, or a lot from an adjacent right of way.
5. **Lot, Through.** "Through lot" means an interior lot having frontage on two parallel or approximately parallel streets.
6. **Lot Width.** "Lot width" means the length of a straight line parallel to the street line drawn between the points where the required front setback intersects the side lot lines.
7. **Lot, Zoning.** A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. "Zoning Lot" also means a single tract of land, located within a single block in a one-family residential district, which, prior to, or at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a one-family dwelling unit, under single ownership or control, providing the ZBA determines it to be buildable as defined in the next sentence below. A zoning lot must satisfy this Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located unless the ZBA, in the exercise of its power of interpretation, decides upon a modification of open space and other provisions for non-conforming lots of record. A zoning lot, therefore, may not coincide with a lot of



record as filed with the County Register of Deeds, but may include one or more lots of record, or a portion of a lot of record.

Lumber or Building Materials Yards. A place that sells lumber and other building materials.

M

Manufactured Home. A detachable single-family dwelling prefabricated on its own chassis, intended for long-term occupancy and designed to be transported on its own wheels or flatbed to the site where it is to be occupied as a complete dwelling without a permanent foundation. The unit shall contain sleeping accommodations, a flush toilet, a wash basin, a tub or shower, kitchen and living quarters.

Manufacturing Facility. A facility whose principal use is the physical, mechanical or chemical transformation of materials or substances into new products including assembling, making, preparing, inspecting, finishing, treating, altering or repairing, or the blending of materials such as oils, plastics or resins.

Marihuana. See Medical Marihuana.

Master Deed. The condominium document recording the condominium project as approved by the Director of Building and Planning to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Master Plan. The Comprehensive Community Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and including any unit or part of such Plan and any amendment to such Plan or parts thereof. Such Plan may or may not be adopted by the Planning Commission and/or the legislative body.

Massage Establishment. Any place or establishment where a massage is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatever.

Materials Recovery. The act of collecting, organizing, reclaiming and recycling junk, as described above here.

Materials Recovery Facility. An open area where junk is bought and sold, exchanged, stored, baled, packed, disassembled or handled. The term "materials recovery facility" includes automobile wrecking yards and any area of more than 200 square feet for the storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Medical Marihuana Facility or Facility. Facility that means one of the following:

1. **"Grower" or "Grower Facility"** as that term is defined in the Medical Marihuana Facilities Licensing Act.
2. **"Safety Compliance Facility"** as that term is defined in the Medical Marihuana Facilities Licensing Act.
3. **"Provisioning Center"** as that term is defined in the Medical Marihuana Facilities Licensing Act.



4. **"Processor"** as that term is defined in the Medical Marihuana Facilities Licensing Act.
5. **"Secure Transporter"** as that term is defined in the Medical Marihuana Facilities Licensing Act.

Medical Office. An office designed specifically for health care practices, meaning they have elements or design principles intended to improve patient outcomes and enhance the patient experience.

Microbrewery. A brewery that produces less than 30,000 barrels of beer or ale per year, as allowed by state law (a barrel is equivalent to 31 US gallons). A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.

Mobile Home. "Mobile home" means any portable structure exceeding thirty-two feet in length, at least eight feet in width, designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. Any such structure shall be considered to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

Mobile Home Lot. A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

Mobile Home Park. A tract of land under single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this Zoning Code and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long-term occupancy basis.

Motel. A group of attached, semi-detached or detached rooming units of which not more than ten percent contain cooking or eating facilities, each unit having an entrance leading directly from the outside of the building. Such units, with the exception of the unit occupied by the management staff, must be used and intended primarily for the overnight accommodation of transients.

Motor Vehicle Bump and Paint Shop. A building or a portion of a building, arranged, intended and designed to be used for automobile collision service and bumping and painting of automobiles with activities such as repair, replacement, rebuilding, reconditioning, painting and straightening of automobile bodies, fenders, bumpers, frames, glass and trim, but not including rustproofing, engine or motor repair or rebuilding, or general repair.

Motor Vehicle Repair Shop. A building or portion of a building arranged, intended and designed to be used for making repairs to motor vehicles.

Mural. A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic. If a business installs a mural, there can be no reference to the business name; a mural is not a sign.

N



Non-conforming Building. A building or portion thereof lawfully existing on the effective date of this Zoning Code, or amendments thereto, that does not conform to the provisions of the district in which it is located.

Non-conforming Use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nuisance. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, the following:

1. Noise;
2. Dust;
3. Smoke;
4. Odor;
5. Glare;
6. Fumes;
7. Flashes;
8. Vibration;
9. Shock waves;
10. Heat;
11. Electronic or atomic radiation;
12. Objectionable effluent;
13. Noise from the congregation of people, particularly at night;
14. Passenger traffic; and
15. Invasion of nonabutting street frontage by traffic.

O

Occupied. Any land or structure arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited or used.

Office. A place, such as a building, room or suite, in which services, clerical work, professional duties or the like are carried out.

Open Air Business Use. Includes any of the following businesses when said business is not conducted from a wholly enclosed building:



1. Home equipment sale or rental services;
2. Outdoor display and sale of garages, swimming pools and similar uses.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.1201.17
4. Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf courses, golf driving ranges, children's amusement parks or similar recreational uses.

Open Space. An unoccupied space open to the sky on the same lot with the building.

Outdoor Café. Any accumulation of tables, chairs, and other appurtenances related to and used for the sale of food and drink on private property, not fully enclosed by a structure, in conjunction and adjacent to with a restaurant on the same or adjacent property.

Outdoor Dining Area. Any area where food and other refreshments are served or consumed outside of a building or permanent structure either where permitted on private property or within the public right-of-way, particularly the sidewalk immediately in front of any food establishment, cafe, or place of business where food and/or other refreshments are served.

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 Storage. The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

P

Packaging and Distribution Facility. A facility where goods are stored, but also where goods are packed and shipped directly to the consumers or to businesses in another location.

Parcel. See Lot.

Parking Space. An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

Parking Lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, designed and used for parking or storage of any vehicle by the public, whether or not for remuneration.

Parking Structure. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed including parking garages, deck parking and underground or under building parking areas. A parking structure can be the primary structure or accessory to another use.



Pawnbroker. A person, corporation or other entity that loans money on deposit or pledge of personal property or other valuable items, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable items on condition of selling the same back at a stipulated price.

Pawn Shop. A facility where a pawnbroker conducts business.

Personal Service Establishment. Establishments providing services, as opposed to products, to the general public, including financial services, pharmacies, insurance, real estate, dry cleaning, tailors, salons, spas, wellness, and similar uses. Personal services shall not include auto-related uses.

Pet Grooming and Boarding Facility. A pet grooming and boarding facility is a business for the temporary boarding and care of common household pets, including dogs and cats. Pet boarding facilities may provide related services, including grooming or training, but no animals may be bred or sold at a pet boarding facility unless the pet boarding facility is accessory to a principal retail use. Pet boarding facilities may be accessory to a veterinary office or hospital or pet supplies store. See also Kennel.

Permanent Resident. The person(s) occupying a dwelling unit as their Principal Residence.

Planned Unit Development. A development process that is intended to create a cohesive development plan for tracts of land, integrating transportation systems with a variety of housing types and other uses, like park and open spaces and commercial or retail uses. A key goal of PUD regulations is to allow flexibility in deciding how to integrate these various uses (e.g., allow different lot sizes and setbacks than those normally required) in exchange for a higher quality development that fulfills the city's Master Plan goals.

Plant Material Retail. A place where plants largely for gardening, forestry or conservation biology, rather than agriculture are propagated and grown to a desired size. They include greenhouses and retail nurseries, which sell to the general public; wholesale nurseries, which sell only to businesses such as other nurseries and to commercial gardeners; and private nurseries, which supply the needs of institutions or private estates. This includes florist shops for the sale of cut flowers and live plants as well.

Plat. A map, plan or layout of a city, section or subdivision, or any part thereof, including the boundaries of individual properties.

Plot Plan. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Plug-In Electric Vehicle. For Vehicle generally, see Vehicle.

- 1) **Plug-In Electric Vehicle (PEV).** Any vehicle licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Includes an all-electric vehicle (EV) and a plug-in hybrid electric vehicle (PHEV).
- 2) **Plug-In Electric Vehicle (PEV) Charging Station.** A public or private electrical component assembly or group of assemblies designated specifically to charge batteries within electric plug-in electric vehicles. Also known as electric vehicle supply equipment (EVSE). PEV charging stations include Level 1, Level 2, and Level 3 charging, as follows:



- a) PEV Charging Station Level 1: A PEV charging station that charges a PEV via a 120-volt AC outlet (a standard household electrical outlet).
- b) PEV Charging Station Level 2: A PEV charging station that charges a PEV at a voltage between 208 and 240 volts on a dedicated circuit of 20 to 80 amps.
- c) PEV Charging Station Level 3: A PEV charging station that charges a PEV at a voltage greater than 240 volts. Also known as DC fast charging and best suited to a public fueling station.

3) *Plug-In Electric Vehicle (PEV) Charging Space.* Any public or private designated parking space that is served by a PEV charging station and identifies the use to be dedicated exclusively for the active charging of a PEV.

Porch. A covered projection on a building or structure containing a floor, which may be either totally enclosed or open, except for columns supporting the porch roof, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable On-Demand Storage Structure. Any portable container, portable storage unit or other portable structure that is used for the temporary storage of personal property which is located outside an enclosed building. The storage unit is delivered to a lot, unloaded from a truck, and left on the lot to be packed or unpacked by the occupant of the lot over a period of time, with a truck returning at a later date to remove the storage container. The term does not include normal sheds. These structures are commercially known as "pods".

Premises. Real property, and all fixtures and improvements, including the dwelling, located on it.

Principal Residence. The dwelling unit where an owner of property has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a Principal Residence until another Principal Residence is established. For purposes of determining if a dwelling unit is a Principal Residence, the chief determinant shall be if the property has been issued a principal residence exemption by the City Assessor.

Principal Use. The primary use of a lot, parcel of land, building or structure.

Professional Office. A structure or space which houses the business office of a person or persons who supply a professional service other than a financial service or personal service, as defined in this ordinance.

Property Line. See Lot Line.

Public Buildings. Buildings that are publicly owned and are available for public use, as distinguished from buildings that are publicly owned but are intended for private use, e.g. public housing.

Public Utility. "Public utility" means any person, firm, corporation or municipal department or board, duly authorized to furnish and furnishing, under State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water, sewerage or sewage disposal service.

R

Recycling Facility. A facility that collects, sorts, compacts, crushes, bales or reloads materials for reprocessing, reuse or remanufacture. See also "reuse facility."



Recreation, Indoor (public or private). A public or private facility providing indoor recreational activities, services, amusements, and instruction. Uses may include, but are not limited to bowling alleys, ice- or roller-skating rinks, and arcades.

Recreation, Outdoor (public or private). A recreational facility conducted for public or private purposes and outside of a building. Including such uses such as athletic fields, miniature golf, outdoor skateboard park; swimming, bathing, wading, and other therapeutic facilities; children's tennis, handball, basketball courts, and batting cages.

Religious Institution. An institution that people regularly attend to participate in or hold religious services, meetings or other activities. Also known as "place of worship" or "church". The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

1. **Religious Institution, Major.** A religious institution that has the Fire Code occupancy level of greater than 100 people.
2. **Religious Institution, Minor.** A religious institution that has the Fire Code occupancy level of 100 people or less.

Residential Maintenance or Management Facility. An establishment providing routine maintenance of buildings. This term includes but is not limited to a window washing, building cleaning, pest extermination, or disinfecting service.

Restaurant. Any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state.

1. **Restaurant, full-service.** A structure or portion of a structure which is maintained, operated, and advertised or held out to the public as a place where food, confections, frozen dessert and beverages are served and consumed at chairs and tables primarily within the structure.
2. **Restaurant, cafes/takeaways.** Establishments whose patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to customers' locations.

Retail Sale Establishment. An establishment engaged in the selling of goods and merchandise to the public for personal or household consumption and rendering services incidental to the sale of such goods.

S

Satellite Television Dish. A device that is designed to receive and/or process microwave communication via satellite and which is also known as a satellite earth station.

School. An institution for educating people.

1. **School, Elementary.** A school for the first four to six grades, and usually including kindergarten.



2. **School, Middle.** A school intermediate between an elementary school and a high school, typically for children in the sixth, seventh, and eighth grades.
3. **School, High.** A school that typically comprises grades 9 through 12, attended after primary school or middle school.
4. **College or University.** An institution other than a trade school that provides full-time or part-time education beyond high school.
5. **Trade and Vocational School.** A facility whose principal use is teaching automotive, construction (cabinet making, carpentry, electrical, HVAC, masonry, plumbing, etc.), manufacturing or welding skills, generally in a shop setting.

Secondhand or Rummage Shop. A store where second hand or used household and personal goods are bought and sold and may include the minor repair and preparation of such goods. Secondhand stores do not include the sale of used vehicles, recreation craft, farm equipment, construction equipment, or industrial equipment. Secondhand stores include antique furniture stores, thrift shops and pawnshops.

Self-Storage Facility. A building consisting of individual self-contained units that are leased or owned for the storage of personal property and/or household goods.

Senior Living. A facility having as its primary function the housing of senior citizens. This may be defined as an independent living facility, where residents function independently, coming and going on their own. It may also be defined as an assisted living facility in a location other than a hospital, which renders 24-hour care for daily living for extended periods of time to persons afflicted with illness, injury, or an infirmity, including accessory uses that provide services to the residents, staff, and visitors. Such support may include meals, security, and housekeeping, daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.

Setback. The minimum required horizontal distance between a building or structure and the front, side and rear lot lines. Setbacks are measured from the ROW to the building or the interior of the lot.

Short-Term Rental. The rental of subletting of any dwelling on a premises for a term of 28 days or less. Short-Term rentals include investor-owned and principal residence.

Short-Term Rental, Investor-Owned. A premises that is not the Principal Residence of the owner and where all or part of the on-premises dwelling is rented as a short-term rental. If the property has not been issued a principal residence exemption by the City Assessor, there shall be a rebuttal presumption that it is investor-owned for the purposes of this Ordinance.

Short-Term Rental, Principal Residence. A premises whose owner is the Permanent Resident and operates a short-term rental on the premises.

Sidewalk Café. Any accumulation of tables, chairs, and other appurtenances relates to or used for the sale of food and drink on public sidewalks or public parking spaces, not fully enclosed by a structure, in conjunction with a restaurant on an adjacent property.

Sign. See Article 10: Signs.



Site Area. The total area within the property lines of a project, excluding external streets.

Site Condominium. A condominium development consisting of single-family detached residential dwelling units.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including: topography, vegetation, drainage, flood plains, marshes, waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signs, lighting, screening devices and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Sketch Plan. A drawing containing less information than a site plan of a development intended to ensure compliance with zoning provisions.

Smoking Lounge. A business establishment that is dedicated to the smoking of tobacco, including but not limited to establishments commonly known as cigar lounges, hookah bars/cafes, tobacco clubs, or smoking parlors.

Solar Energy System. Equipment that directly converts and then transfers, generates or stores solar energy into usable forms of thermal or electrical energy.

Special Land Use. A conditional use permitted only after review and approval by the Planning Commission, such review being necessary because the provisions of this Zoning Code covering conditions, precedent or subsequent, are not precise enough for all applications without interpretation, and such review is required by this Zoning Code.

Stoop Building. A building with a frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable only for ground-floor residential use. A stoop building is commonly used as a typology for building townhomes.

Story. A building included between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between a floor and the ceiling next above it.

Story, One-Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, and the floor area of which does not exceed two-thirds of the area of the floor below.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property. Streets are further classified by the functions they perform as follows:

Street Line. The dividing line between a street and a lot.

Structural Alteration: Changes to the location of the exterior walls and/or the area of the building. This includes filling, grading or excavation that causes more than five cubic yards of disturbed earth material.

Structure. A combination of materials, other than a building, forming a construction that is safe and stable, including, among other things, stadiums, platforms, radio towers, wind turbines, sheds, storage bins, fences and display signs.



Studio (dance, art, photography). An artist's or worker's workroom. This can be for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting, or the making of music. The term is also used for the workroom of dancers, often specified to dance studio.

Sustainable. Practices or methods that meet the needs of the present generation without compromising the ability of future generations to meet their needs.

Swimming Pool. A pool used for swimming purposes rather than wading purposes and which has a depth of twenty-four inches or greater.

T

Temporary Use or Building. A use or building permitted to exist during periods of construction of a main building or use, or for special events.

Testing or Experimental or Research Facility. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Theatre or Entertainment Venue. A structure or facility for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances, and indoor and outdoor concert halls. This may include restaurants as an accessory use but shall not include adult motion picture theaters or establishments featuring burlesque or adult entertainment.

Townhome. A series of attached single-unit dwellings that are separated from the adjacent dwelling unit by a structurally independent wall extending from the foundation through the roof. Townhomes have unobstructed front and rear walls to be used for access, light, and ventilation. A variation of the townhome is the stacked Townhome, which vertically integrates two similarly sized single-unit dwellings in the same building footprint.

Transitional Housing. Shelter provided to people in need (e.g.: people/families experiencing homelessness, women, veterans, persons on release from more restrictive custodial confinement, and the like) for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Transportation and Logistics Center. Any physical facility that moves or assists in the movement of people or goods which may include accessways, bicycle facilities, multi-use paths, pedestrian connections, or streets. This term does not include electricity, sewage, or water delivery systems.

U

Usable Floor Area, Nonresidential. "Non-residential usable floor area" means the area between the exterior face of exterior walls on the first story and any other story connected by a fixed stairway, escalator, ramp or



elevator, which may be made fit for human habitation. Such measurement includes the floor area of all accessory buildings measured similarly, but excludes the floor area required for unenclosed porches, light shafts, public corridors and public toilets, kitchens, storage rooms and mechanical rooms.

Use. "Use" means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

V

Variance. An exception to the provisions of this Zoning Ordinance granted by the Board of Zoning Appeals.

1. **Variance, Nonuse.** A departure from the provisions of this Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage and other requirements of the applicable zoning district.
2. **Variance, Use.** A variance granted for a land use that is not permitted in the applicable zoning district.

Vehicle. For definitions related to plug-in electric vehicles, see Plug-In Electric Vehicle.

1. **Vehicle Sales.** The sales of automobiles or other motor vehicles that are incidental to the primary use of an approved commercial garage.
2. **Vehicle Repair Shop.** Where one or all of the following services may be carried out: general repair, engine rebuilding, or rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting and rustproofing of motor vehicles.
3. **Vehicle Wash Facility.** Either a mechanical or self-service establishment that contains facilities for washing automobiles, trucks, buses, or any other motor vehicles. This definition does not include temporary car washes for the purposes of raising funds for charitable, non-profit, sports organizations, etc.

Vendor Truck. A truck, camper, trailer, tent, stand or similar mobile structure used to sell food, merchandise, goods, wares or services from a fixed location.

Veterinary Clinic. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

W

Wall. "Wall" means an artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen or protect areas of land.



Wall, Obscuring. An artificially constructed upright barrier of any material or combination of materials approved by the Director of Public Services erected to enclose, divide, screen or protect areas of land.

Warehousing Facility. A facility in which goods or merchandise are stored prior to distribution.

Wholesale Facility. A facility in which goods or merchandise are not sold at retail, not including membership-based warehouse facilities. This facility could contain a showroom to sell goods or merchandise.

Wind Energy Conversion System (WECS). A device used to convert wind energy into useful form, such as electricity, using wind turbines. A WECS includes a surface area, typically a blade or rotor; a shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device; and a tower and other support structure.

Y

Yard, Front. “Front yard” means an open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building, projected to the side lines of the lot. It is the minimum horizontal distance between the front lot line and the nearest line of the main building. Its depth shall be measured between the front line of the building and the street line. For lots at the corner of two streets, see Section 4.03 (K).

Yard, Lakefront. “Lakefront yard” means an open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the water body and the front (water-facing) line of the building, projected to the side lines of the lot. It is the minimum horizontal distance between the waterfront lot line and the nearest line of the main building. Its depth shall be measured between the front line of the building and the waterfront line.

Yard, Rear. “Rear yard” means an open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building, projected to the side lines of the lot and measured between the rear line of the lot and the rear line of the principal building. This provision shall not be construed to prohibit parking of an owner’s or occupant’s motor vehicle or the construction of necessary accessory buildings within a rear yard, subject to other provisions in this Ordinance. “Rear yard” for the purpose of locating structures can include one half the depth of an adjacent alley for calculating lot coverage for structures, and not to be included in calculation of impervious surfaces. For lakefront properties, the rear yard constitutes that open, unoccupied space between the street and the rear (land-facing) line of the principal building.

Yard, Side. “Side yard” means an open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot. If no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. This subsection shall not be construed to prohibit the parking of an owner’s or occupant’s motor vehicle within a side yard, subject to other provisions in this Ordinance.



Z

Zoning Ordinance. Ordinance _____, passed - _____, 2023, as amended.

Zoning District. A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which, certain yards, open spaces, lot areas and other requirements are established by this Ordinance.