



Planning/Zoning Code

January 2007

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CITY OF MONROE
ZONING ORDINANCE**

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CHAPTER 1260

TITLE, PURPOSE, CONSTRUCTION, AND VALIDITY AND SEVERABILITY

1260.01 Short Title.

This Title Six of Part Twelve of these Codified Ordinances shall be known as the Zoning Ordinance of the City of Monroe.

1260.02 Purpose and Intent.

This Zoning Ordinance is based on the City of Monroe Comprehensive Plan, adopted by the Citizens Planning Commission and City Council, which provides goals, objectives and a future land use map for the City. This Zoning Ordinance is intended to implement the Comprehensive Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- (a) Establish zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Zoning Ordinance.
- (b) Accommodate and promote land uses which are compatible with the City's character and which conserve the property values and long term stability of residential neighborhoods, community facilities, the downtown area commercial districts and industrial areas.
- (c) Encourage use of the lands and natural resources in accordance with their character and capability. This Zoning Ordinance acknowledges the important effect that these features have on the long-term economic climate of all uses in the City and on the overall quality of life for City residents.
- (d) Limit or prohibit improper use of land.
- (e) Reduce hazards to life and property.
- (f) Facilitate adequate and cost effective infrastructure systems and protect the substantial public investment in those systems, including transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.
- (g) Establish controls over potential conflicting land uses and over uses which may need special regulations as special land uses to be compatible with surrounding development patterns and zoning.

Begun; Site Plans Approved Prior to Effective Date.

- (a) Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this Zoning Code, provided that significant construction has lawfully begun, is being diligently carried on and shall be completed within one year of the effective date of this Zoning Code. The Zoning Board of Appeals may permit one extension of up to one year.
- (b) If a lot has an approved site plan within twelve (12) months prior to the effective date of this Zoning Code, such site plan shall remain valid if construction is begun within one year and completed within two years of the effective date of this Zoning Code.
- (c) If the conditions of this section are not met, the standards and provisions of this Zoning Code shall govern.
- (d) Except as noted above, nothing in this Zoning Code should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district or zoning classification, or of any permissible activities therein, and all provisions of this Zoning Code are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

1260.05 Scope and Construction of Regulations.

- (a) This Ordinance shall be liberally construed in such manner that implements its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- (b) No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this Ordinance.
- (c) Where a condition imposed by a provision of this Ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.
- (d) Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

1260.06 Construction of Language

The following rules of construction apply to the text of this Zoning Code:

- (a) The particular shall control the general.
- (b) In case of any differences of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, as determined by the appropriate City official, the Citizens Planning Commission, Council or the Zoning Board of Appeals.
- (d) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination ("or" also includes "and/or").
 - (3) "Either.....or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (i) The phrase "such as" shall mean "such as, but not limited to."
- (j) The word "including" shall mean "including, but not limited to."
- (k) Terms not herein defined shall have the meaning customarily assigned to them.

1260.07 Validity and Severability Clause.

If a court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If a court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

1260.08 Certification and Effective Date.

The provisions of this Zoning Code are hereby declared to be immediately necessary for the preservation of the public health, safety and welfare of the people of the City of Monroe, and are hereby ordered to be given effect twenty (20) days after passage and publication.

CHAPTER 1261

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

1261.01 Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined.

Access Management. A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Accessory Building or Structure. An unattached building or structure, or a portion thereof, that is supplementary and/or subordinate to a principal building or structure on the same lot and that is occupied or devoted exclusively to an accessory use.

Accessory Use. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking or loading spaces) located on, the same zoning lot as the principal use to which it is related. When the word accessory is used in this text, it shall have the same meaning as accessory use. Accessory use shall include, but it is not limited to, uses such as those that follow:

- (a) Residential accommodations for servants and/or caretakers within the principal building.
- (b) Swimming pools for the use of the occupants of a residence or their guests.
- (c) Domestic storage in a barn, shed, tool room or similar accessory building or other structure.
- (d) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (e) Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (f) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (g) Uses clearly incidental to a principal use such as offices of an industrial or commercial use within an industrial or commercial building, or a small area devoted to accessory sales or display in an office or industrial use.
- (h) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Addition. An extension or increase in the floor area or the height of a building or structure, such as a parking lot.

Administrative Site Plan Review Committee. A group of individuals designated by the City Manager and/or Zoning Administrator who shall conduct administrative reviews of site plans.
[MODIFIED]

Adult Regulated Use. An establishment which is required to exclude, and/or does exclude, minors by virtue of age and are further defined as follows:

- (a) **Adult Book or Supply Store.** An establishment having twenty percent (20) or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (b) **Adult Motion Picture Theater, Adult Live Stage Performing Theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- (c) **Adult Cabaret.** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- (d) **Adult Physical Culture Establishment.** An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
 - (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) Continuing instruction in material or performing arts or in organized athletic activities;
 - (4) Hospitals, nursing homes, medical clinics or medical offices; and
 - (5) Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- (e) **Body-Piercing.** Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- (f) **Body-Piercing Establishment.** An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

- (g) **Brand or Branding.** The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- (h) **Specified Anatomical Areas.** Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (i) **Specified Sexual Activities.** Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- (j) **Tattoo Parlor.** An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.
- (k) **Tattoo, Tattooed, Tattooing.** Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

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

Alteration. Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls, partitions, columns, beams or girders, or any change which is referred to herein as altered or reconstructed. This definition excludes aesthetic changes to the building façade.

Animal. Any live being of the kingdom animalia, other than humans.

Animal, Domestic. A traditionally North American animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans and have been traditionally kept as a tame, household pet such as dogs, cats, hamsters, gerbils, mice, nonbreeding (under human control) rabbits, parakeets, parrots, canaries, love birds, finches, noncarnivorous fish, nonpoisonous and nonconstricting reptiles (under three (3) feet in length) and nonpoisonous spiders.

Animal Hospital. A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short-time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Animal, Wild or Exotic. Any animal not domesticated or tamed which is incapable, by its feral nature, of being completely domesticated and which is normally found in the wild, including, but not limited to, alligators, badgers, bears, beavers, bobcats, chinchilla, chipmunks, cougars, coyotes, crows, deer, doves, dog-wolves, eagles, elk, ferrets, foxes, gophers, grouse, hares, hawks, jaguars, kangaroos, lions, lynx, mink, muskrats, opossums, owls, partridges, peacocks, pheasants, porcupines, prairie dogs, quails, raccoons, skunks, squirrels, tigers, weasels, wild turkeys, wolverines, wolves and woodchucks, or any animal that has been bred to a wild animal. Poisonous, predatory animals and endangered species are included as well.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, but excluding facilities considered to be essential public services or facilities pre-empted from City regulation by applicable State, Federal Communication Commission (FCC) or other Federal laws or regulations.

Antenna Support Structure or Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structures and any support thereto. All such structures may be attached to the ground, attached to a roof or otherwise attached to a building.

Apartments. The dwelling units in a multiple dwelling as defined herein:

- (a) *Efficiency Unit.* A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a one-room unit.
- (b) *One-Bedroom Unit.* A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two-room unit.
- (c) *Two-Bedroom Unit.* A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of

computing density, shall be considered as a three-room unit.

- (d) *Three- or More Bedroom Unit.* A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two-bedroom unit, and for the purpose of computing density, such three-bedroom unit shall be considered a four-room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Appeal. To request a variance or waiver from the regulations of this Ordinance.

Applicant (Petitioner or Developer). A natural person, firm, association, partnership, corporation, government agency or combination of any of them which may hold any recorded or unrecorded ownership interest in land and which divides land so as to constitute a subdivision as defined herein. This definition shall be construed to include any agent of the subdivider. The proprietor is also commonly referred to as the owner.

Arcade. Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

Architectural Features. Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

As-Built Plans. Revised construction plans in accordance with all approved field changes.

Assembly or Banquet or Dance Hall. A structure which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

Automobile. Unless specifically indicated otherwise, automobile shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile Convenience Mart. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises or in combination with the retailing of items typically found in a convenience market, carry-out restaurant or supermarket.

Automobile Dealership. A building or premises used primarily for the sale of new or used automobiles.

Automobile Filling Station. A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Automobile filling stations may also incorporate additional uses as permitted and regulated by this Ordinance.

Automobile Repair Establishment, Major. An automotive repair establishment which may conduct activities defined herein as minor repairs and one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles, major overhauling of engines requiring removal of the cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile Repair Establishment, Minor. A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair or replacement of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; detailing; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; and wheel alignment, balancing and undercoating; but excluding any major mechanical repairs, collision work or painting. An automobile maintenance establishment may also sell gasoline, but is distinct from an automobile gasoline station (i.e. gas station without repair).

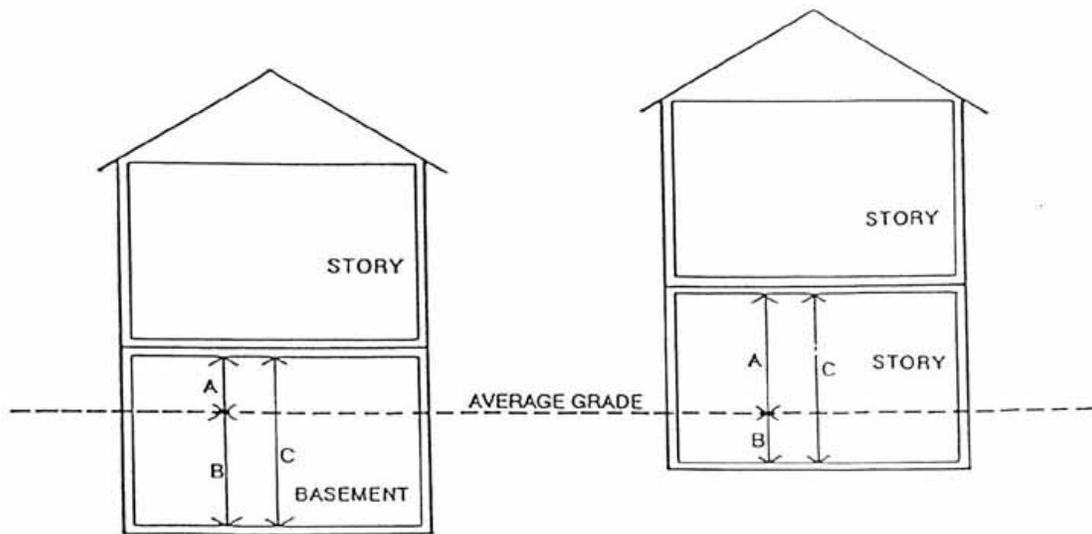
Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance services and minor repairs may be provided.

Automobile Wash. Any building, structure or portion thereof, either as a principal or an accessory use, containing facilities for washing motor vehicles using production-line methods with a conveyor, blower, steam-cleaning device or other mechanical washing devices, and shall also include coin and attendant operated drive-through, automatic self-serve, track-mounted units and similar high-volume washing establishments, but shall not include hand-washing operations. An automobile wash may include accessory automobile detailing, upholstery cleaning or vacuuming.

- (a) *Automatic Wash.* Any facility, its structures, accessory uses, or paved areas used wholly or partly to wash, clean and dry the exterior of automobiles, using conveyors to move the vehicle, or equipment that moved over or around the vehicle, or other automated equipment intended to mechanically wash such vehicles.
- (b) *Self-Service Wash.* Any facility, its structures, accessory uses or paved areas used wholly or partly to wash, clean or dry the exterior of automobiles using hand-held equipment.

Basement. The portion of a building located partly below 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, provided, however, that if the vertical distance from the average grade to the ceiling is five (5) feet or more, such basement shall be considered as a story.

DETERMINING A BASEMENT



If the average of A is equal to or less than $\frac{1}{2}$ of B, or is less than 5', then C is a basement.

If the average of A is greater than $\frac{1}{2}$ of B, or A is 5' or greater, then C is a story.

Bed-and-Breakfast Inn. A single family dwelling which is owner occupied or maintained by a resident manager and provides, for compensation, eight (8) or fewer sleeping rooms for transient guests for stays of short duration, and which provides breakfast for its guests at no additional cost.

Billiard (Pool) Hall. An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables. Such establishment may also include accessory food and drinking service.

Block. Property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and a railroad right of way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development, or the corporate boundary lines of the City.

Boarding House. A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, bed-and-breakfast inn or a nursing home.

Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks of this Zoning Ordinance.

Building. Any structure, either temporary or permanent, having a roof supported by columns, walls or any other supports which is used for the purpose of housing, sheltering, storing or enclosing persons, animals or personal property, or carrying on business activities. This definition shall include tents, awnings, mobile homes or vehicles used for such purposes. When any portion of a building is completely separated from every other part of the building by

division walls having no openings, each portion of such building shall be deemed a separate building.

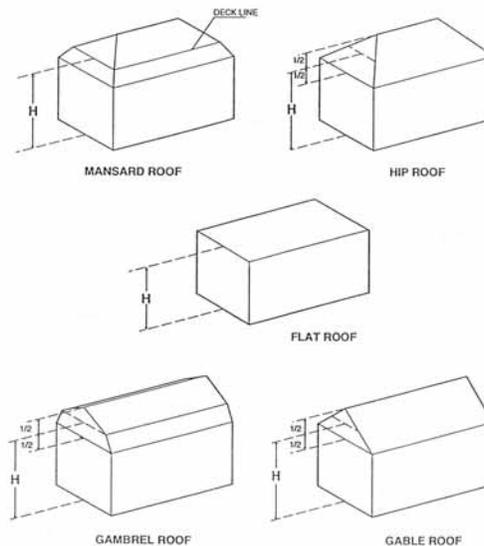
Building Code. The latest edition of the Michigan Building Code, or any other code adopted by the municipality.

Building Component. Any sub-system, sub-assembly or other system designed for use in, or as part of, a structure, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety.

Building Envelope. The area of a lot which is defined by minimum setback and spacing requirements and within which building construction is permitted by this Zoning Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

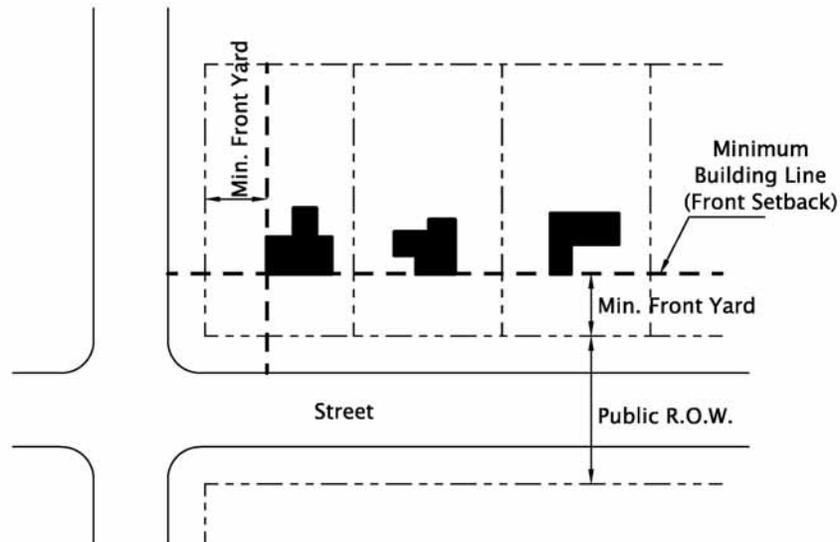
Building Height. The vertical distance from the average grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs.

DETERMINING BUILDING HEIGHT



Building Line. A horizontal line generally parallel to a front, side or rear lot line which is located at the point of the principal building foundation nearest the front, side or rear lot line.

DETERMINING BUILDING LINE



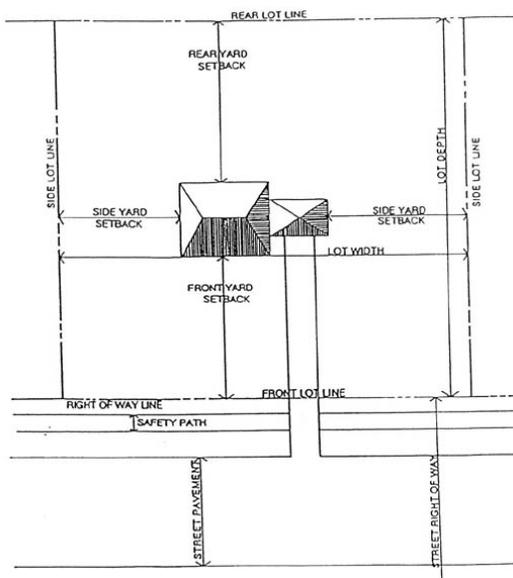
Building Official. The Building Official of the City of Monroe, as designated by Council, or his or her authorized representative.

Building Permit. The written authority issued by the Building Official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Zoning Ordinance.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

BUILDING SETBACKS



Building System. Plans, specifications and documentation for a system of pre-manufactured units or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of a building system.

Business Center. A grouping of two (2) or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or which otherwise present the appearance of a unified grouping of businesses.

Caliper. The diameter of a tree trunk measured as follows:

- (a) Existing trees shall be measured at four and one-half (4.5) feet above the average surrounding grade;
- (b) New trees shall be measured twelve (12) inches above the average surrounding grade after planting if the tree caliper is more than four (4) inches; and
- (c) New trees measured six inches above the average surrounding grade, after planting, if the tree caliper is less than four (4) inches.

Carport. An automobile shelter with at least two sides open which may be either free-standing (detached) or formed by the extension of the roof from the side or rear of a dwelling. A detached carport shall conform to the setback requirements for a garage.

Change of Façade. A change of façade shall include but not be limited to architectural modifications to the exterior of a building such as building materials, bay windows, and decorative ornaments. This definition excludes any change, addition or modification in

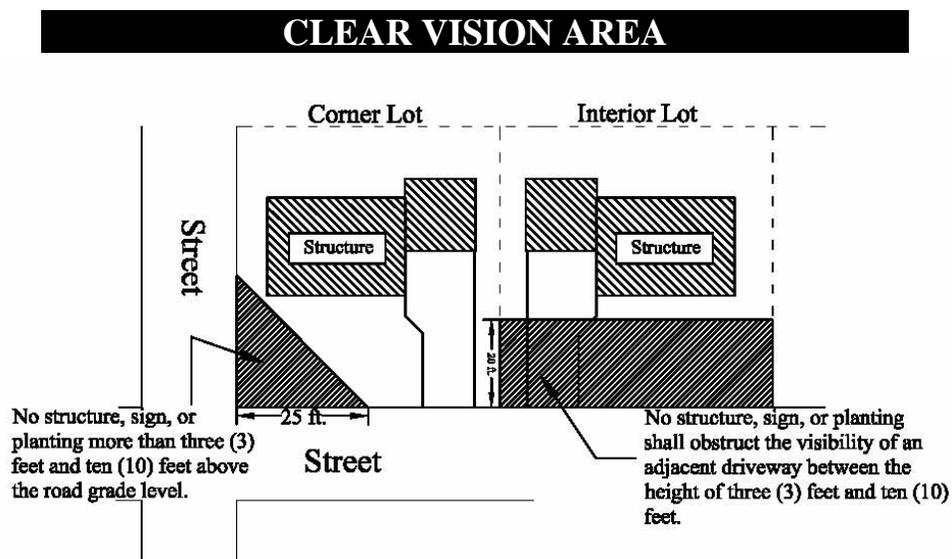
construction or change in the structural members of a building (i.e. alteration).

Children's Institution. An orphanage, boarding home or other establishment for children wherein care, food and lodging are furnished, with or without charge, for five or more children under fifteen years of age living apart from their parents or guardians, excepting any home approved as a foster home, any home maintained by a person whom the children are related by blood or marriage and excepting hospitals and child care facilities.

Church or Temple. Any structure wherein persons regularly assemble for religious activity.

Citizens Planning Commission. The Citizens Planning Commission of the City of Monroe, appointed by Council.

Clear Vision Area. The clear vision area (sometimes called the "sight triangle") is a triangular-shaped area on corner lots. Objects shall not be allowed between the heights of three (3) feet and ten (10) feet above the road grade level so that drivers stopped at an intersection can see oncoming traffic.



Clinic. An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions. A clinic shall not include overnight boarding facilities.

Club. An organization of persons for the promulgation of an activity, but not for profit.

Columbarium. A structure designed for the purpose of storing the ashes of human remains that have been cremated.

Commercial Vehicle. Any vehicle possessing commercial license plates, used for commercial purposes and in excess of one ton in gross vehicle weight, or having a length in excess of twenty-two (22) feet, excluding recreational vehicles, but including vehicles such as truck

tractors, semitrailers (which include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures), vending trucks such as ice cream, milk, bread, fruit or vending supply trucks, tow trucks, commercial hauling trucks, vehicle repair service trucks, and snow plowing trucks.

Community Garden. A community environmental education program operated by a non-profit society, and including the following features: a piece of land utilized by the society to produce food and flowers for the personal use of society members, and a community education program in place that encourages the involvement of schools, youth groups and citizens who do not have an assigned plot in gardening activities.

Composting, Commercial. A business activity the primary function of which is to receive organic matter (such as leaves or food processing wastes) from multiple sources and to degrade such matter using microorganisms. Commercial composting involves breaking down organic matter to reduce, in volume, the wastes received, to alter the form of the waste to a less objectional form and to create compost products which can subsequently be sold or used for other purposes. Commercial composting businesses, when eligible for consideration within a zoning district, shall be considered only if they are proposed to be operated out-of-doors.

Comprehensive Plan. The Comprehensive Plan of the City of Monroe, adopted by the Citizens Planning Commission, which provides the City's long-range goals and objectives and provides a future land use map. The Comprehensive Plan includes any downtown, river corridor, roadway corridor, coastal zone or subarea plans, adopted by the Citizens Planning Commission as part of the Comprehensive Plan.

Condominium. The following condominium terms shall apply in the application of this Ordinance:

- (a) *Condominium Documents.* The master deed, as defined, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- (b) *Condominium Lot.* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- (c) *Condominium Unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (d) *General Common Elements.* A portion of the common elements reserved in the master deed for the use of all of the co-owners.
- (e) *Limited Common Elements.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

- (f) *Master Deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- (g) *Site Condominium.* A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

Court. An open space, other than a yard, on the same lot with, and bounded on two or more sides by, a building or group of buildings.

Crematorium. A building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Deck. A structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living area.

Density, Gross. The number of dwelling units built on, or to be built on, a specified area of land (expressed in dwelling units per acre).

Density, Net. The number of dwelling units built on, or to be built on a specified area of land (expressed in dwelling units per acre) exclusive of land devoted to streets, alleys, public open space and 75% of the acreage comprised of open water, land within the 100-year flood plain elevation and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, being Act 203 of the Public Acts of 1979, as amended.

Development. The construction of a new building on a zoning lot that is appropriately zoned the relocation of an existing building on another zoning lot an appropriately zoned lot, or the utilization of open land that is appropriately zoned for a new use.

District. A specified area of land, as titled and shown on the City of Monroe Zoning Map within which, on a uniform basis, certain uses of land and buildings are either permitted or prohibited and within which a specified set of development regulations applies.

Drinking Place. A business or building designed or used for sale of alcoholic beverages for consumption on the premises, including such businesses as cocktail lounges, bars, taverns, saloons and social clubs.

Drive-in Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g. restaurants, cleaners, banks,

theaters, etc.).

Drive-Through Establishment. An establishment that dispenses products or services to patrons who remain in vehicles.

Driveway. A passageway (primarily for the use of vehicles) over private property, leading from a street to other public way to a garage or parking area. A horseshoe shape drive or a “T” shape drive located within a front yard is included within the definition.

Dry-Cleaners, Coin Operated. A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

Dry Cleaners, Distribution Station. A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

Dry Cleaning or Laundry Outlet. A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

Dwelling. A building or portion thereof designed for occupancy by one family for residential purposes and having single cooking and bath facilities for each. In no case shall a recreational vehicle, automobile, tent or other portable building, garage or accessory building be considered a dwelling unit. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Zoning Ordinance. The following additional definitions are provided:

(a) *Dwelling, Multiple-Family.* A building designed exclusively for and containing three or more dwelling units. Multiple-family dwellings are typically of two basic styles as follows:

(1) *Apartment style (garden style).* A building containing dwelling units which have common walls and which are typically accessed by a common hallway and/or stairwell, served by a central heating plant and leased.

(2) *Attached single-family (townhouse).* Three or more attached single-family dwelling units typically having the following characteristics: the presence of one or two common walls and the provision that each unit in a building has its own front and rear door, its own front and rear yard, its own heating plant and utility connection and its own basement.

(b) *Dwelling, Single-Family Attached.* Means three (3) or more attached single-family dwelling units typically having the following characteristics: the presence of one (1) or

two (2) common walls and the provision that each unit in a building has its own front and rear door, its own front and rear yard, its own heating plant and utility connection and its own basement.

- (c) *Dwelling, Single-Family Detached.* A detached building designed exclusively for and containing one (1) dwelling unit only.
- (d) *Dwelling, Two-Family.* A detached building designed exclusively for and containing two (2) dwelling units only (also known as a duplex).
- (e) *Site-Built Dwelling.* A structure constructed in accordance with the State Construction Code, in which elementary building materials and parts are transported to the building site where they are used to construct the total dwelling unit including its major individual components and systems.
- (f) *Manufactured Dwelling.* A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code. Mobile homes shall not be included in this definition.
- (g) *Mobile Home.* A dwelling unit fabricated in an off-site manufacturing facility for installation in a mobile home park and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code.

Dwelling Unit. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, mobile home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single-, multiple-, or two-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Chapter and shall comply with the provisions thereof relative to dwellings.

Easement. The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

Equipment Rental. A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Erected. Means built, constructed, reconstructed or moved upon, or any physical operations on premises required for construction, excavation, fill, drainage and the like.

Essential Services. The erection, construction, alteration or maintenance by public utilities or

Municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, or collection, public or franchised communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, antennas and other similar equipment and accessories. Main rail lines are included in this definition, but classification yards are excluded from this definition. Buildings shall not be considered an essential service unless they are necessary to house or protect an essential service/utility. Telecommunications towers and antennas are not defined as an essential service.

Excavating. The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be higher. Excavating does not include normal garden or lawn maintenance.

Exception. An exclusion from the normal Zoning Code rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions as may be approved by the Zoning Board of Appeals. A variance is not required for uses or structures which are permitted because of an exception.

Façade. That 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.

Family. A single individual or a number of individuals domiciled together whose relationship is of a continuing non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Fence. An artificially constructed structure of definite height and location constructed of wood, wire, metal, bollard or poles linked by chains, or any other material or combination of materials intended as a screening device, physical barrier or enclosure.

Fence, Decorative. An artificially constructed structure of definite height and location constructed of wrought iron, brick, masonry, stone or other non-traditional materials. Solid masonry walls are considered to be a wall, not a decorative fence.

Filling. The depositing or dumping of any matter onto, or into, the ground, except common household gardening.

Fitness Center. A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, personal fitness center shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Floodplain. The relatively flat area or low lands adjoining the channel or watercourse or a body

of water, which may be periodically covered by floodwater when high amounts of precipitation are experienced. These areas are defined as flood hazard zoned by the Federal Emergency Management Administration (FEMA) based upon the following:

- (a) Contiguous areas paralleling major rivers or streams that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years.
- (b) Principal wetland areas that are part of the river flow system.
- (c) Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

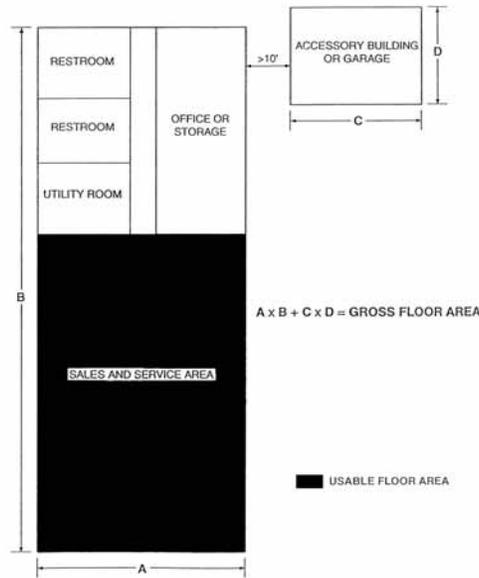
Floodway. The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, utility rooms and enclosed and unenclosed porches.

Floor Area, Gross. For the purpose of computing parking, the area that is the sum of the horizontal areas of each story of the building, measured from the interior surfaces of the exterior walls. Gross floor area shall include hallways, stairways, interior lobbies and similar areas; but shall exclude exterior porches, attached garages and attics and basements which cannot accommodate commercial or office operations other than storage.

Floor Area, Usable. For the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services or for use 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 utilities, shall be excluded from this computation of usable floor area. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale or display of merchandise and/or the area used to serve patrons or clients shall be measured to determine necessary parking spaces. A figure of eighty (80) percent of gross floor area shall be permitted for useable floor area in instances where determining useable floor area by measurement is not possible.

USEABLE FLOOR AREA



Frontage. The linear dimension measured along the public street right-of-way line.

Functional Equivalent of a Family. Instances where members of a household may not be related in a conventional nuclear family (See definition for Family).

Garage, Private. An accessory building or portion of a main building that is designed or used primarily for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public. Any building used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Governmental Use. Any use by the Federal, State, County or City government necessary to carry out the functions of government.

Grade. The degree of rise or descent of a sloping surface.

Grade, Average. The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, where the foundation line is less than five (5) feet from the lot line. Average grade shall be used in determining building height and number of stories.

Grade, Finished. The final elevation of the ground surface after development.

Grade, Road. The elevation of the curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the average elevation of the road adjacent to the property line.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Hazardous Substances. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

Helicopter. A type of aircraft whose aerodynamic support is obtained from propellers rotating on a more or less vertical axis and which is capable of rising and descending vertically.

Heliport. An area of land, water or a fixed structure used or intended to be used for the landing and take off of helicopters or other rotary wing aircrafts.

Helistop. A landing area for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 10,000 pounds and not for regularly scheduled stops.

Home Improvement Center. A facility of more than 30,000 square feet of gross floor area, engaged in the retail of sale of various basic hardware lines, such as tools, builder's hardware, paint and glass, house wares and household appliances, garden supplies, etc.

Home Occupation. An occupation, profession, activity, or use by a resident that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Valid agricultural enterprises are not included with this definition.

Hospital, General. A facility for inpatient care and services for observation, diagnosis and active treatment of patients with a medical, surgical, obstetric or chronic condition requiring daily care and supervision by physicians and by a professional medical support staff. A hospital includes 24 hour emergency care services, inpatient/outpatient diagnostic and therapeutic services and medical clinics.

Hospital, Psychiatric. A facility offering inpatient and outpatient mental health services that is licensed to provide such services by the Michigan Department of Mental Health.

Hospital, Specialty. A facility offering health care services to a specific group of patients classified by disease or patient category, such as eye, rehabilitation, cardiac care, ear, nose, throat, pediatric, oncology, orthopedic, skin, cancer, burn centers, neo-natal care, children's

hospitals, ophthalmology centers and similar specialized care services. Psychiatric hospitals and substance abuse centers are considered to be a distinct use. (see Substance Abuse Center).

Hotel. A building or group of buildings with a common entrance or entrances, containing rooms designed to provide transient lodging for compensation for periods of thirty (30) days or less, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and bellhop service. A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room.

Housing for the Elderly. A building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the State of Michigan.

Independent Living Facility. A building providing care up to 24 hours a day for five (5) to eleven (11) children, minors or adults who are unattended by a parent or guardian.

Indoor Recreation Centers. This use includes, but is not limited to, indoor recreation facilities, community centers, senior centers, gymnasiums, indoor tennis or other racquet courts, indoor sports arenas, swimming pools, or similar uses which are enclosed in buildings and are open to all community residents or those living within certain developments or neighborhoods. "Indoor Recreation Centers" shall include any accessory uses, such as snack bars, pro shops, accessory office and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Junk Yard. A lot and any accessory buildings where waste, used or secondhand materials including, but not limited to, automobiles, scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange.

Kenel, Commercial. Any building and/or land used, designed, or arranged for the boarding, breeding, or care of more than five (5) dogs, cats, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes.

Kenel, Private. Any building and/or land used, designed or arranged for the boarding, breeding, or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables, or animals raised for agricultural purposes), provided that no more than three (3) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale.

Laboratory. An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing (with the exception of prototype development).

Land Division. The dividing, portioning, or splitting of a parcel or tract of land.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative man-made 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. Various landscaping related terms are defined in Section 1270.02 Landscaping, Greenbelts and Buffers, and Screening.

Large Scale Retail Establishment. A retail establishment commonly referred to as a “big box” store, which exceeds sixty-five thousand (65,000) square feet in gross floor area for a single tenant.

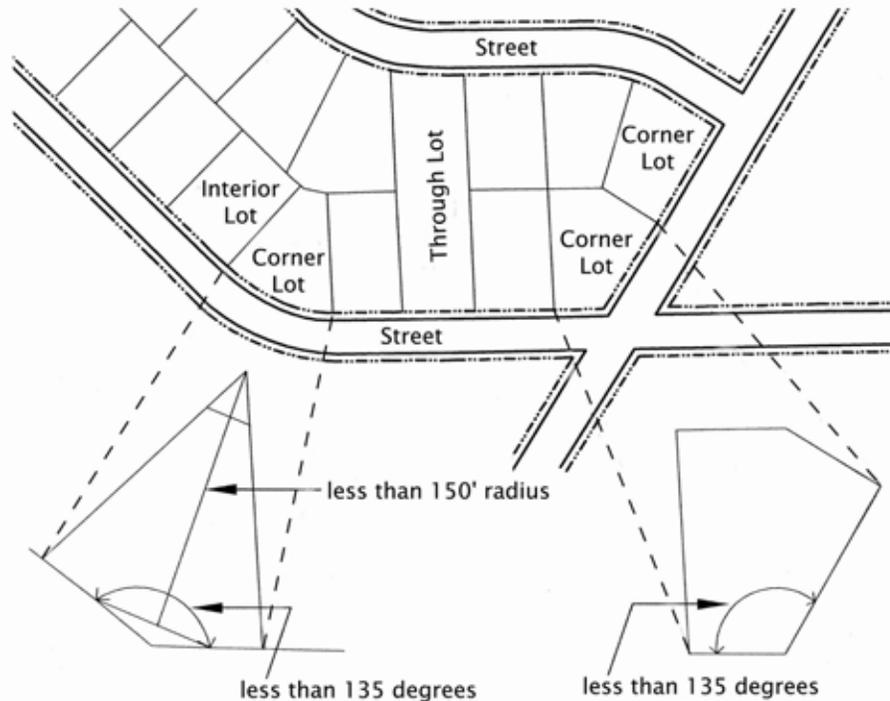
Level of Service. A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

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

Lot. A designated parcel, tract or area of land established by plat or subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. A lot shall have frontage on a dedicated road. The following additional definitions are provided:

- (a) *Lot, Corner.* A lot where the interior angle of two adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot, for the purposes of this Zoning Ordinance, if the arc is of less radius than 150 degrees and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
- (b) *Lot, Flag.* A lot, located behind other lots or parcels, having access to a public street by means of a narrow strip of land (with drive) which does not meet the minimum width for a lot at the front lot line. Flag lots are not permitted in the City.
- (c) *Lot, Interior.* Any lot other than a corner lot.
- (d) *Lot, Through or Double Frontage.* An interior lot having frontages on two parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.

LOT EXAMPLES



Lot Area. The total horizontal area within the lot lines of the lot, exclusive of any abutting public street or alley right of way, private road easements or the area of any body of water. A State regulated wetland can be included in a minimum lot area if a building envelope, meeting all required setbacks and minimum floor area, can be provided exclusive of the wetland area. (see also Density, Gross and Density, Net).

Lot, Conforming. Any lot or parcel of record which meets the minimum required size and dimensional standards for lots as contained in this Zoning Ordinance.

Lot Coverage. The percent of the lot permitted to be occupied by buildings or structures, including accessory buildings and structures.

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

Lot Lines. Any line dividing one (1) lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot. The property lines bounding a lot are defined as follows:

- (a) *Front Lot Line.* In the case of an interior lot, a front lot line is that line separating said lot from the street. In the case of corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat, in the application, or if necessary, as designated by the Zoning Administrator.
- (b) *Rear Lot Line.* A rear lot line is that lot line which is opposite from the front lot line of

the lot. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length, entirely within the lot parallel to and at the maximum distance from the front lot line of the lot, shall be considered as the rear lot line for the purpose of determining the depth of the rear yard. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line.

- (c) *Side Lot Line.* A side lot line is any lot line other than a front or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (d) *Street or Alley Lot Line.* A street or alley lot line is a lot line separating the lot from the right-of-way of a street or an alley.

Lot of Record. A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds.

Lot, Waterfront. A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

Lot Width. The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front yard setback line.

Lumber Yard. A building or structure used for the storage of timber sawed into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes.

Manufacturing. The use of land, buildings or structures for the principal purpose of manufacturing, assembling making, preparing, inspecting, finishing, treatment, altering, repairing, fabricating or adapting for sale of any goods, substance, articles, thing or service.

Manufacturing, Fabrication and Light. Manufacturing shops employing low intensity methods, including small tool and die shops, food products, pharmaceutical or jewelry manufacturing, dental, surgical and optical goods manufacturing and fabrication of paper products from raw materials produced elsewhere, but not including pressing or stamping operations.

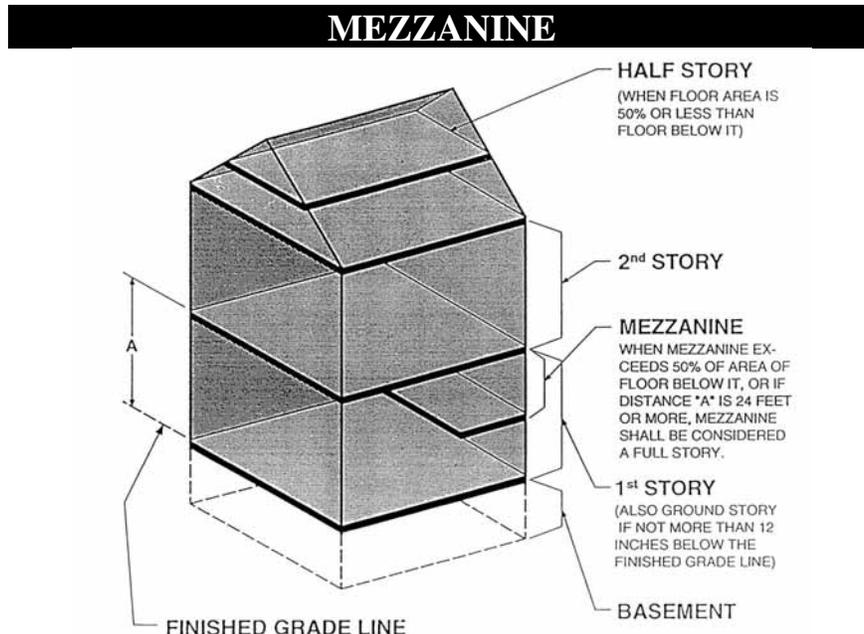
Manufactured Home Sales. Business establishments engaged in the display and sale of factory built, single-family structures that are manufactured under the authority of the National Manufactured Housing and Construction Standards Code. For the purposes of this definition, mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this ordinance and definition.

Marina. A marina is a private or publicly-owned facility extending into or over the River Raisin or any other watercourse and offering services to the public or members of the marina for

launching, docking, loading or other services for recreational watercraft.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

Mezzanine. An intermediate floor in any story occupying not to exceed one third ($1/3$) of the floor area of such story. A mezzanine shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.



Mobile Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Condominium Project: A condominium project where mobile homes are intended to be located upon separate sites which constitute individual condominium units pursuant to M.C.L.A. 559.101 et. seq.

Mobile Home Pad. That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Mobile Home Park. A parcel or tract of land under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose, regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to

the occupancy of a mobile home, and which is not intended for use as a seasonal trailer park pursuant to M.C.L.A. 125.2301 et. seq.

Mobile Home Site. The entire area, which is designated for use by a specific mobile home.

Mobile Home Subdivision. A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded and sold in accordance with the Michigan Subdivision Control Act of 1967, M.C.L.A. 560.101 et. seq.

Mortuary/Morgue. A place where dead bodies are stored and prepared before cremation or burial.

Motel. A building or group of buildings of rental units, in which each rental unit contains a bedroom and a bathroom, designed to provide transient lodging for compensation for periods of thirty (30) days or less.

Nature Preserves / Natural Areas. An area containing important natural features, such as woodlands, wetlands, floodplain and open space.

Neighborhood Commercial. Small scale retail or service uses permitted within selective mixed use/residential areas.

New Construction. The erection of, addition to, or extension of, any building or structure, and the excavation or grading of land in preparation for such erection, addition or extension.

Night Club. A place of entertainment, open at night for eating, drinking, and dancing, and usually having live entertainment.

Non-Conforming Lot. A lot, created prior to the effective date of this ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

Non-Conforming Structure. A structure or part of a structure constructed and existing at the effective date of this ordinance, or amendments thereto, that does not conform to the Area, Placement, Height Regulations, Off-Street Parking and Loading requirements, and/or other applicable requirements of the district in which it is located.

Non-Conforming Use. A structure, building, lot, or other parcel of land occupied by a use at the effective date of this ordinance, or amendments thereto, and which does not conform to the Use Regulations of the district in which it is located.

Nursery, Plant Material. A space, building or structure, or a combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery, within the meaning of this Zoning Ordinance, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Home or Convalescent Home. A State-licensed home for the care of the aged, infirm or those who need a wide range of health and support services, wherein two (2) or more persons are housed and furnished with personal nursing care.

Occupancy Permit. A required permit, issued by the Building Official, allowing the use of a building or structure, after it has been determined that all the requirements of applicable ordinances have been met.

Occupied. The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise or machinery in any public, commercial, institutional or industrial building.

Offset. The distance between the centerlines of driveways or streets across the street from one another.

Off-Street 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 there from.

Off-Street Parking Lot. A vehicular parking area, together with access aisles and drives, which is located outside of street rights of way and which provides parking accommodation for two or more vehicles. Off-street parking areas may also include loading areas and associated maneuvering space.

Open Air Businesses. Businesses operated on a seasonal or year-round basis which are not conducted from a wholly enclosed building and which include, but are not limited to:

- (a) Product sales or rentals;
- (b) Outdoor product display;
- (c) Fruit and vegetable markets;
- (d) Nurseries and garden supply and equipment; and
- (e) Commercial recreation businesses.

Open Construction. A method of constructing units, buildings, building components, assemblies or systems in such a manner that all portions can be readily inspected at the building site without disassembly, damage or destruction.

Open Space. An area that is intended to provide light and air and that is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open Storage. All outdoor storage of building materials, sand, gravel, stone, lumber,

equipment, construction vehicles and other supplies.

Outdoor Recreation Centers. Active recreation facilities, which are not enclosed in buildings, and are open to the public or operated on a commercial or membership basis for the use of persons not residing on the same lot on which the recreation use is located. It includes golf courses, driving ranges, swimming pools, tennis courts, playing fields or courts, and other similar facilities as well as accessory uses such as concession stands, equipment rental or storage, pro shops and clubhouses used primarily by the patrons of the principal recreational use.

Parcel of Record. An area of land described by a metes and bounds description and which is not necessarily a lot of record in a subdivision plat as recorded at the County Register of Deeds.

Park, Public. Any open space or recreational area, owned or controlled by a Corporation or by any Board, Commission or other Authority established under any statute of the State and may include therein neighborhood, community, regional and special parks or areas and may include one (1) or more athletic fields, field houses, community centers, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas or similar uses.

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

Parking Lot, Accessory. A tract of land other than a street, designed and used for the parking or storage of motor vehicles, for the use of occupants, employees and patrons of the building or premises to which it is accessory.

Parking Lot, Public. A tract of land, other than an accessory parking lot or a street, used for the parking or storage of motor vehicles for general public use, either free or for remuneration.

Paved Surface Area. An area covered with cobblestone, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

Pawn Shop or Collateral Loan and/or Exchange Establishments. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Peak Hour. A one-hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour) during the afternoon or evening (p.m. peak hour), or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities or work required by this Zoning Ordinance will be completed in compliance with this Zoning Ordinance, other City ordinances and regulations and the approved plans and specifications of a development.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, corporation, or partnership.

Personal Inventory Facility. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals.

Personal Service Establishment. A business where personal services are provided for profit and where the sale, of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops, licensed by the State of Michigan where applicable.

Personal Service Establishment, Associated. Area set aside for the provision of services relating to the main product or service of the establishment, including those of an office, showroom or workshop nature which are occupied by an electrician, decorator, dressmaker, tailor, baker, painter or upholsterer, or which are for the purpose of radio or home appliance repair, plumbing, heating and cooling, glass or photographic reproduction, and similar establishments.

Planned Unit Development (PUD). A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site-plan review, in which the City will have considerable involvement in determining the nature of the development.

Plant Nursery. A place where young trees or other plants are raised for experimentation, transplantation, or for sale.

Playground. An area of landscaped open space equipped with children's play equipment such as slides, swings, wading pools or similar equipment and game areas.

Porch, Enclosed. A covered entrance to a building or structure that is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral

roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure that is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Premise. A unit of contiguous property under common ownership.

Principal Use. The primary or most predominant use of a parcel.

Private Medical Practice. Businesses for the purpose of providing direct patient care to the local community and not to sell medical devices as a primary purpose.

Private Clubs, Fraternal Halls, and Union Halls. An organization catering exclusively to members and their guests; or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain.

Professional Office. Office facilities for doctors, lawyers, architects, financial managers or other disciplines.

Public Utility. Any Municipal department, public entity or franchised corporation, duly authorized to furnish and furnishing, under Federal, State or Municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water and other similar services. Telecommunications towers and antennas are not defined as a public utility.

Quarry Excavation. The removal of any soil or rock from a site for the purpose of resource extraction. (see Excavating).

Reasonable Access. An access management term defined as ensuring that a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent his or her visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

Recreational Equipment. One (1) or more of the following, or modifications thereof: travel trailer, camp trailer, tent trailer, camper, pickup camper, folding tent trailer, utility trailer, boat, boat trailer, personal water craft, float and/or raft, including transportation equipment, manufactured motorized home, manufactured motor bus, all designed to be used as a temporary dwelling for travel, recreational and vacation use or periodical and occasional family recreational and vacation use.

Recreational Vehicle. These uses shall be defined as follows:

- (a) *Boats and Boat Trailers.* Includes boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

- (b) *Folding Tent Trailer.* A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (c) *Motor Home.* A recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels and capable of being moved from place-to-place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (d) *Other Recreational Equipment.* Includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (e) *Pickup Camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (f) *Travel Trailer.* A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

Recycling Center. A lot or parcel of land, with or without buildings, upon which wastes are recovered in a process designed to provide an acceptable re-use of all or part of the waste. A recycling center does not include storage containers or processing activity which is located on the premises of a residential, commercial or manufacturing use and which is used solely for the recycling of material generated by that residential property, business or manufacturer.

Refuse. All rubbish, refuse, waste material, and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home composting for on-site use.

Resource Recovery Center. A building, and all associated structures thereof, designed and operated for the purpose of processing or collecting wastes in such a way as to produce materials or energy which may be used in manufacturing, agriculture, heat production, power production or other productive processes or for any purpose designed to re-use materials or products or to conserve natural resources.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant or bar/lounge/tavern, or a combination thereof, as defined below.

- (a) *Bar/Lounge/Tavern.* A bar, lounge or tavern is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, but in which the sale of prepared food or snacks may also be permitted. If a bar, lounge or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
- (b) *Carry-Out.* A carry-out restaurant is a business establishment whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers, in a ready-to-consume state and for consumption primarily off the premises, but in which seating for up to thirty (30) persons may be provided.
- (c) *Drive-In.* A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- (d) *Drive-Through.* A drive-through restaurant is a business establishment whose method of operation involves the delivery of prepared food to a customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (e) *Sidewalk Cafe.* An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.
- (f) *Standard Restaurant.* A standard restaurant is a business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the acquisition of prepared food by customers at a cafeteria line which food is subsequently consumed by the customers at tables within a completely enclosed building.

Retail Establishment. A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

Retail Establishment, Convenience and Specialty. A retail establishment including a specialty or more limited scope of goods, including art/office supplies, computer equipment and supplies, beverages (including liquor outlets), confections, delicatessen, drugs, dry goods, flowers, food stores (grocery and specialty food), bakeries, gifts, hardware, major appliances, jewelry, leather goods, music, notions, paint, periodicals, household and electrical appliances, sewing machines (noncommercial), sporting goods, stamps or coins, stationery, sundry, small household articles, tobacco and wearing apparel.

Retaining Wall. A wall designed and constructed to hold back a mass of earth.

Right-of-Way. A legal right of passage over real property typically associated with roads, utilities and railroads.

Roadside Stand. A temporary or permanent building which is used to sell agricultural products, craft goods or similar goods which have been grown on the premises on which the stand is located. Such stands shall not be considered a commercial activity and shall not be considered justification for establishment of a Commercial District.

Seasonal Events. A temporary use intended for limited duration during certain times of the year including Christmas tree sales, flower sales, festivals, etc.

Seasonal Structure. A seasonal structure includes any type of dock, boat hoist, ramp, raft or other recreational structure which is placed into an inland lake or stream and removed at the end of the boating season.

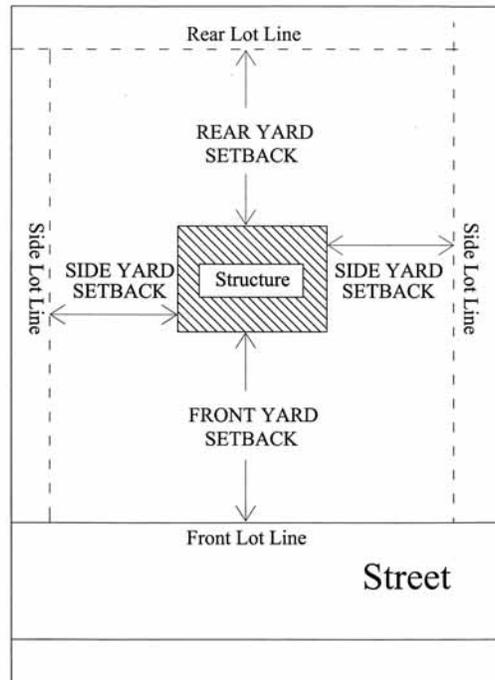
Secondhand Store. Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

Self-Storage/Mini-Storage Facility. A building or group of buildings in a controlled-access compound, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis.

Senior Housing. Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older or for a couple of which at least one of the individuals is over the age of fifty-five (55). Senior housing may include one or more of the following types of units: senior apartments, independent-living senior housing complexes (one or more buildings where the occupancy is restricted by age) and congregate housing (a type of semi-independent housing facility containing congregate kitchen, dining and living areas and some special support services, but with separate sleeping rooms). (See Nursing Home).

Setback. The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Driveways and pedestrian walkways may be located within the setback, but the remainder of the area shall be deemed open space.

SETBACKS



Shopping Center. A grouping of two (2) or more business establishments developed in accordance with an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Shopping Mall, Enclosed. A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. (See Section 1272.02 Sign Definitions for specific definitions).

Site Condominium. (see Condominium)

Special Land Use. A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district or to the City overall, but which may be permitted when the particular character of the location or site design allows the use to be developed in a manner comparable with surrounding uses and infrastructure.

State Construction Code. The latest edition of the Michigan Building Code adopted by the State of Michigan in R408.30401 of the Michigan Administrative Code.

State Licensed Day Care Facilities.

(a) *Adult Day Care Facility.* Includes the following definitions:

- (1) *Adult Family Day Care Home.* A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) *Adult Group Day Care Home.* A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) *Adult Day Care Center.* A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

(b) *Child Day Care Facilities.* Includes the following definitions as defined and regulated by Public Act No. 116 of the Public Acts of 1973 as amended:

- (1) *Child Family Day Care Home.* A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (2) *Child Group Day Care Home.* A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home

that gives care to an unrelated child for more than four (4) weeks in a calendar year.

- (3) *Child Care Center.* Also known as “day care center”, a state-licensed facility, other than a private residence, receiving one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

State Licensed Foster Care Facilities.

- (a) *Adult Foster Care Facility.* A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, Public Act No. 218 of the Public Acts of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance:

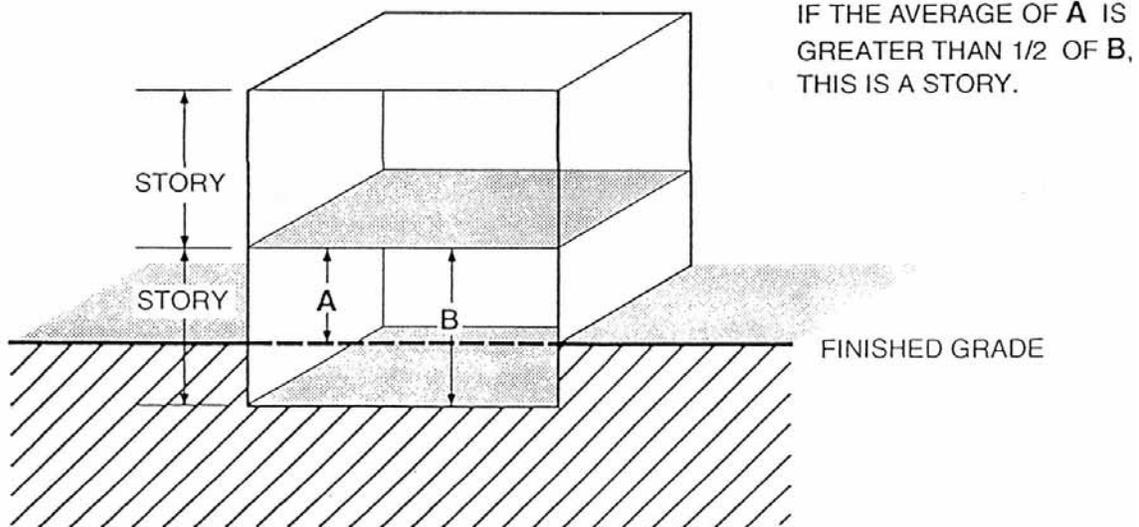
- (1) *Adult Foster Care Small Group Home.* A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (2) *Adult Foster Care Large Group Home.* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (3) *Adult Foster Care Family Home.* A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) *Adult Foster Care Congregate Facility.* An adult foster care facility with the approved capacity to receive more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

(b) *Child Foster Care Facility.* A state-licensed establishment that provides foster care to minor children. The following additional definitions shall apply in the application of this Ordinance:

- (1) *Child Foster Family Home.* A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) *Child Foster Family Group Home.* A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Story. That part of a building (except a mezzanine or basement as defined herein) included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above.

DETERMINING A STORY



Story, Half. An uppermost story lying under a sloping roof, having an area of at least two hundred (200) square feet with a clear height of seven (7) feet, six (6) inches. For the purposes of this Zoning Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street. A public thoroughfare, or approved private thoroughfare, which provides for traffic circulation and the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other public thoroughfare, except an alley.

- (a) *Boulevard.* A street developed to two two-lane, one-way pavements, separated by a median.
- (b) *Collector Street.* A street used primarily to carry traffic from minor streets to major thoroughfares.
- (c) *Cul-de-Sac.* A cul-de-sac street means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- (d) *Dead-End.* A dead-end is a street with only one access point.
- (e) *Loop Street.* A minor street of short length with two openings to traffic beginning from the same street, projecting parallel to each other and connecting at their termination by a loop.
- (f) *Major Street.* Major streets are as defined on the Act 51 Map for the City of Monroe.

- (g) *Marginal Access Street.* A minor street, parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- (h) *Minor or Local Street.* Local streets are as defined on the Act 51 Map for the City of Monroe.
- (i) *Private Drive.* A private drive is a privately constructed and maintained drive within an approved condominium project. (Note: Private roads are not permitted in the City).
- (j) *Turn-Around.* A short boulevard street permanently terminated by a vehicular turn-around.

Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or an attachment to something having a permanent location on the ground.

Structure, Historic.

- (a) *Significant Historic Structures.* Those structures which are identified by any study conducted by the City and/or the National Register to determine the historic values of those buildings which contribute significantly to the character of the City. All such structures retain a basic integrity of architectural design, setting, materials and workmanship. Such structures are identified with important persons, events or types of service, or embody the distinguishing characteristics of an architectural specimen, inherently valuable as a representation of a period, style or method of construction.
- (b) *Contributing Historic Structures.* Those buildings which, while not possessing the importance of significant historic structures, make a positive contribution to the purpose of this Zoning Ordinance due to age or physical integrity. With appropriate repairs and restoration, such buildings may be designated significant at the request of the owners.
- (c) *Noncontributing Structures.* A noncontributing structure means all structures not identified as significant or contributing.

Structural Alteration. Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders; any change in the number of exits; any substantial roof change; or any expansion to the structure.

Subdivision. The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, lease of more than one (1) year, or building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or where five (5) or more parcels of land, each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years.

Subdivision Act. The Subdivision Control Act, being Act 288 of the Public Acts of 1967, as

amended.

Substance Abuse Center or Treatment Facility. A facility offering counseling, care and treatment for individuals addicted to drugs and alcohol, which is licensed by the Michigan Department of Mental Health, Office of Substance Abuse Services. A treatment facility may include detoxification services. A generally recognized pharmacy or a licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

Swimming Pool. Any structure or container, permanent or temporary, portable or nonportable, storable or nonstorable and capable of holding water to a depth of twenty-four (24) inches or more located above or below grade. This definition excludes structures with a surface area of fifty (50) square feet or less, such as a spa or hot tub.

Temporary Building or Structure. A building which is not permanently affixed to the property and which is permitted to exist for a specific reason for a period of time specified by the Administrative Site Plan Review Committee, or other applicable review board. A temporary structure shall include tents, manufactured units and similar structures.

Temporary Uses. Uses intended for limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses may include carnivals, circuses, art fairs, craft shows, sidewalk sales, antique sales, estate sales, auctions and similar events.

Theater. A place, either indoor or outdoor, where plays, operas or motion pictures are presented.

Transition House. A residential dwelling used exclusively for the rehabilitation, supervision, guidance and counseling, or for programs designed for short-term residency, by the participant, where lodging and meals are provided by prearrangement for definite periods of not less than one week.

Transparent Glass. A type of glass which is clear or allows viewing through windows or doors.

Use. The purpose for which land or premises or a building thereon is designed, arranged or intended or is for which it is occupied or maintained, let or leased.

Use, Change in. The transformation from one type of use to another. This transition may occur between permitted and special uses, and shall be regulated according to Section 1264 Site Plan Approval.

Variance. A variance is a relaxation of regulations of this ordinance with respect to a specific lot, granted by the Board of Appeals. The variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this ordinance would result in unnecessary hardship or practical difficulty.

Veterinary Clinic. A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals, with no overnight outdoor boarding, but which may have overnight indoor boarding up to a maximum of three animals at any one time.

Wall, Obscuring. A structure constructed of masonry or brick, of definite height and location, to serve as an obscuring screen in carrying out the requirements of this Zoning Ordinance.

Warehouse. A building used primarily for the storage of goods and materials.

Watercourse. Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

Wetland (State or Federal Regulated). Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, commonly referred to as a bog, swamp or marsh and which is any of the following:

- (a) Contiguous to the Great Lakes or to an inland lake, pond, river or stream.
- (b) Not contiguous to the Great Lakes or to an inland lake, pond, river or stream and more than five (5) acres in size.
- (c) Not contiguous to the Great Lakes or to an inland lake, pond, river or stream, and more than five (5) acres in size, if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment or destruction and if the MDNR has so notified the owner.

Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals shall be Wireless Communication Facilities. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- (a) *Attached Wireless Communications Facilities.* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

- (b) *Wireless Communication Support Structures.* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- (c) *Collocation.* The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Yard. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (a) *Yard, Front.* The area extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building or group of principal buildings, except on corner lots.
- (b) *Yard, Rear.* The area extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building or group of principal buildings nearest the rear lot line, except on corner lots.
- (c) *Yard, Side.* The area between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.
- (d) *Yard, Street Side.* The area located between the side street lot line and a line drawn parallel from the nearest point of a principal building or group of principal buildings from the front line of the property to the rear line of the property.

Yard Measurement. In measuring a yard the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.

Yard, Required, Front/Side/Rear. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Zoning Administrator. The Building Official or his or her designee shall act as the zoning administrator and shall be responsible for administering this Zoning Ordinance.

Zoning Board of Appeals. Means the Zoning Board of Appeals as provided under provisions of the City or Village Zoning Act, being Act 207 of the Public Acts of 1921, as amended, with

powers and duties as defined in those statutes, except as modified herein.

Zoning District. A section of the City for which the regulations governing the height, area, use, structure, or size of buildings and premises are the same.

CHAPTER 1262

ADMINISTRATION AND ENFORCEMENT

1262.01 Zoning Administration.

- (a) The provisions of this Ordinance shall be administered by the City Council, the Citizens Planning Commission and such personnel as designated by the City Council in accordance with Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.), as amended, Municipal Planning Act, Public Act 110 of 2006 and this Chapter.
- (b) The Building Official or his or her designees shall be the Zoning Administrator. The Administrator shall act as the officer to carry out the enforcement of this Ordinance. The City Manager retains the authority to assign the authority of the Zoning Administrator as appropriate.
- (c) Duties of the City Council, the Citizens Planning Commission, City Staff, and Zoning Board of Appeals are delineated in Table 1 at the end of this section.

1262.02 Duties of the Zoning Administrator.

- (a) The Zoning Administrator or his or her designees shall have the power to grant zoning compliance permits and to make inspections of buildings and premises necessary to carry out the duties in enforcement of this Zoning Code. It shall be unlawful for the Zoning Administrator to approve any plans or to issue a zoning compliance permit for any excavation or construction until such plans are inspected in detail and found to be in conformity with this Zoning Code.

The owner/occupant shall make an application for a zoning compliance permit for any excavation, construction, moving, alteration, change in use, or change in type of occupancy, for activity on any lot or building. The application shall include written statements and a sketch or plot plan drawn to an engineering scale which illustrates the following information in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use will be in conformance with this Zoning Code:

- (1) The shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and all such structures, including the number of dwelling units for any residential building.
- (4) Calculations for parking and an illustration of parking lot design for any use other than a single-family use.

- (5) Information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Zoning Code are being observed, such as floor plans, building elevations, drive and driveway geometric design, parking lot and drive materials or cross-sections, method of accommodating stormwater drainage, and connections to public utility systems.

(b) If the proposed excavation, construction, moving or alteration or use of land is in conformity with the provisions of this Zoning Code, the Zoning Administrator shall issue a zoning compliance permit. If any application for such a permit is denied, the Zoning Administrator shall state, in writing on the application the cause for denial. Issuance of a permit shall in no case be construed as waiving any provisions of this Zoning Code. The Zoning Administrator is not permitted to grant any exceptions to any regulation contained in this Zoning Code, nor to make any changes or additions to this Zoning Code.

(c) No site preparation or building construction shall be started without issuance of a zoning compliance permit, a building permit and, when required, site plan and special land use approval.

1262.03 Certificates of Occupancy.

(a) *Certificate Required.* It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, moved, non-residential properties under new ownership, have a new use, until the Building Official shall have issued a certificate of occupancy. No certificate of occupancy shall be issued unless the activity requiring the certificate is in compliance with this Zoning Code and the use has received a zoning compliance permit.

(b) *Procedure.* Certificates of occupancy shall be obtained by following the procedure therefore set forth in the Building Code.

(c) *Application and Issuance.* A certificate of occupancy shall be applied for on forms provided by the Building Department, and shall be issued within ten (10) days after the receipt of such application if it is found that the building, structure or part thereof, or the use of land, is in accordance with the provisions of this Zoning Code and the Building Code. If such certificate is refused for cause, the applicant shall be notified of such refusal and of the cause therefore within the aforesaid ten (10) days, and a record of such refusal shall be kept on file in the Building Department.

1262.04 Fees.

Fees for site plan review, special land use applications, and rezoning reviews shall be collected by the Citizens Planning Commission. Fees for variance requests, appeals of administrative decisions, requests for Zoning Code interpretation, inspections and the issuance of permits or certificates, or copies thereof, as required or issued under the provisions of this Zoning Code

shall be collected by the Zoning Administrator. All fees shall be collected in advance of the issuance of such permits or certificates. The amount of such fees shall be established by Council by resolution and shall cover the cost of City administrative time, any required consultant review, inspection and supervision resulting from the enforcement of this Zoning Code.

1262.05 Records.

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Chapter, shall be filed with the Department of Development Services and be a part of the City records.

1262.06 Citizens Planning Commission.

(a) *Duties.* The Citizens Planning Commission, as established in Chapter 1220 of the Codified Ordinances of the City of Monroe, in accordance with Act 285 of the Public Acts of 1931, as amended, is hereby designated as the Commission specified in Public Act 110 of 2006, and shall perform the duties of said Commission as provided in Public Act 110 of 2006, duties outlined in this Zoning Code and other duties as may be described by Council.

(b) *Officers.* The Citizens Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary by majority vote at the beginning of each calendar year. The duties of officers shall be specified in the Citizens Planning Commission Bylaws.

(c) *Meetings.* The Citizens Planning Commission shall meet on a regular basis. All meetings shall be noticed as required by the Open Meetings Act and the Citizens Planning Commission Bylaws.

1262.07 Use of Consultants.

From time to time, the City Council may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special land use permits, site plans, rezonings or other matters related to the planning and development of the City.

1262.08 Performance Guarantee.

As used in this Section, "improvements" means those features and actions associated with a project which are considered necessary by the City to protect natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project.

(a) To insure compliance with the City of Monroe Zoning Ordinance and any condition imposed hereunder, a cash deposit, certified check, or surety bond equal to a percentage as determined by the City Council of the site improvement costs may be required to insure faithful completion of the improvements.

(b) The performance guarantee shall be deposited with the City Clerk at the time of the issuance of the permit authorizing the project. The City shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Zoning Administrator.

1262.09 Withholding of Required Approvals.

The Citizens Planning Commission, the Zoning Board of Appeals or City Council may withhold approval of any use, special land use, site plan, planned unit development plan, variance or other approval required by this Zoning Code, pending approvals and compliance with the regulations of this ordinance or other regulations imposed by state, county or federal agencies or departments.

1262.10 Violations.

(a) *Violations.*

- (1) *Violations as Nuisances.* A building erected, altered, moved, razed or converted, or any other use of land or premises carried on, in violation of any provision of this Zoning Ordinance, is hereby declared to be unlawful and a nuisance per se.
- (2) *Reporting of Complaints and Violations.* Any person who wishes to register a complaint or identify possible violations of this Zoning Ordinance shall submit a report to the Zoning Administrator using administrative procedures established by the Building Department.
- (3) *Violations and Penalties Classified as Municipal Civil Infractions.* Every person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this Zoning Ordinance, any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, the Citizens Planning Commission, the Zoning Board of Appeals or Council issued in pursuance of this Zoning Ordinance, shall be guilty of a municipal civil infraction.

(b) *Enforcement Procedure.*

- (1) When a violation is initially determined by the Zoning Administrator, he or she shall have the responsibility to issue a notice to the owner(s), as listed on the most recent City Assessment Roll, and to the occupant(s), by delivery of the notice to

the structures or by posting of the notice upon the lot or parcel upon which the zoning violation has occurred. This notice shall, at least, include the following information pertinent to the violation:

- A. The date and location of each violation observed by the Zoning Administrator;
 - B. The names and addresses of the owners and occupants;
 - C. Specific sections of the Zoning Ordinance which have been violated; and
 - D. The length of time allowed before further prosecution of the violation(s). (Unless the violation constitutes a clear and present danger to the health or safety of the public, the length of time allowed shall not be less than ten (10) days, in which case the violation may be prosecuted either civilly or criminally without notice.)
- (2) The notice required by paragraph (b)(1) hereof may be personally served upon an individual or upon an officer, director or resident agent of a corporation, or may be served by sending a copy of the notice by registered mail with return receipt executed by the person being served. In the event the appropriate person is not served after reasonable inquiry or attempts, the notice shall be effective upon the posting of the notice in a reasonably conspicuous place upon the property.
- (3) Upon a violation of this Zoning Ordinance and upon the giving of appropriate notice, the violation may be enjoined, abated, remedied, corrected, removed or prosecuted as follows: the Zoning Administrator may issue a Zoning Ordinance violation appearance ticket in accordance with Act 366 of the Public Acts of 1984, being M.C.L.A. 764.9c and 764.9f and M.S.A. 28.868(3) and 28.868(6), as amended, to an owner, tenant or occupant.

1262.11 Penalty.

- (a) *Municipal Civil Infractions.* Whoever is responsible for a municipal civil infraction, as set forth in Section 1262.10(a)(3), shall be subject to a fine in an amount set by ordinance of Council.

1262.12 Criminal Complaints, Fees and Civil Proceedings.

- (a) The Zoning Administrator may institute a civil proceeding seeking to enjoin, abate,

remedy, correct or remove any violation of this Zoning Code, together with the recovery of costs and damages. The judgment may provide that the City shall have a lien upon the subject real property to the extent that the City has incurred costs and expenses in the abatement, removal or correction of the violation.

**TABLE 1
ADMINISTRATIVE ROLES AND RESPONSIBILITIES**

Responsibilities		City Council	Citizens Planning Commission	Administrative Review Committee	City Staff	Zoning Board of Appeals
1.	Rezoning	X	0		0	
2.	Planned Unit Developments	X	0		0	
3.	Temporary uses and sales; temporary buildings; seasonal and special events	(see Sec. 1269.25)				
4.	Approve public utility uses and buildings			X	0	
5.	Site plan review for special land uses		X		0	
6.	Site plan review for permitted uses			X	0	
7.	Minor variations on an approved site plan or developed site			X	0	
8.	Subdivisions	X	0		0	
9.	Site condominiums	X	0		0	
10.	Zoning Code amendments	X	0		0	
11.	Zoning Code interpretation				0	X
12.	Modify parking requirements		X		0	
13.	Variances				0	X
14.	Appeals					X
15.	Repair, expansion, etc., of nonconforming buildings				0	X
16.	Issue zoning compliance and occupancy permits(including new uses in existing buildings)				X	
17.	Issue building permits				X	
18.	Enforcement/performance bonds				X	

X = Lead Group, Final Action 0 = Reviews, Makes Recommendation

CHAPTER 1263

ZONING DISTRICT REGULATIONS

1263.01 Establishment of Zoning Districts.

For the purpose of this Chapter, the City of Monroe is hereby divided into the following districts:

Residential Districts	
R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-1C	Single-Family Residential District
R-2	Two-Family Residential District
RM	Multiple Residential Dwelling District
MHP	Mobile Home Park District
Commercial Districts	
C-O	Office District
C-1	Local Commercial District
C-2	General Commercial District
WC	Waterfront District
Industrial Districts	
I-1	Light Industrial District
I-2	General Industrial District
Special and Mixed-Use Districts	
CBD	Central Business District
P-1	Parking District
PROS	Public Recreation and Open Space District
AP	Airport District
PUD	Planned Unit Development District

1263.02 Zoning Map.

The boundaries of the districts are hereby established as shown on the Zoning Map of the City of Monroe, Michigan, a copy of which Map follows the text of this chapter. Such map with all notations, references and other information shown thereon, shall be as much a part of this Zoning Code as if fully described herein.

1263.03 Relationship of Zoning District and Comprehensive Plan Designated Districts.

The Zoning Districts established in this Zoning Code are correlated with the districts designated by the City of Monroe Comprehensive Plan. The Future Land Use map of the Comprehensive Plan and its land use districts provide a guide for the City to accomplish the policy statement,

goals and objectives indicated within the Comprehensive Plan. A general relationship between the district categories of the Zoning Ordinance and Comprehensive Plan is provided in the following table for reference. Although the relationships indicated within the table are not strictly restricted to such, future rezonings and other applicable decisions should consider the relationships indicated within the table. However, all rezonings shall be according to Chapter 1274 and all other applicable ordinance standards.

Comprehensive Plan	Zoning Ordinance
Residential – Moderate Density	R-1A, R-1B, R-1C, R-2, PUD
Residential – High Density	RM, MHP, PUD
Public/Institutional	AP, PROS
Neighborhood Commercial	C-1, P-1, PUD
Community Commercial	C-2, P-1, PUD
Central Business District	CBD, P-1, PUD
Office	C-O, C-1, P-1, PUD
Light Industrial	I-1, P-1, PUD
Heavy Industrial	I-2, P-1, PUD
Industrial – Consumer	C-2, I-1, P-1, PUD
Downtown Gateway District	All Zoning Districts (Except MHP, I-1, I-2 & AP)
Riverfront Mixed Use	All Zoning Districts (Except MHP, I-1, I-2 & AP)
Parks/Open Space/Natural Preserves	PROS

1263.04 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in any shore line, shall be construed as moving with the actual shore line.

(f) Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(g) Boundaries indicated as being parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

(h) Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by the above, the Zoning Board of Appeals shall interpret the district boundaries following a recommendation from the Citizens Planning Commission.

(i) Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of Map clarity, do not cover public rights of way, it is intended that such district boundaries do extend to the center of any public right of way or any railroad line.

1263.05 Zoning of Annexed Areas.

Whenever any area is annexed to the City of Monroe, the annexed area shall automatically be classified as R-1A. The annexed land can be rezoned by action of the City Council following a public hearing and recommendation by the Citizens Planning Commission.

1263.06 Zoning of Vacated Areas.

Whenever any street, alley or other public way within the City of Monroe shall be vacated, such street, alley or other public way, or a portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches. Ownership of vacated rights of way shall be by the property owner adjacent to the site unless other arrangements are specified by the City.

1263.07 Interpretation and Compliance with District Requirements.

A land use shall be permitted only if indicated in the zoning district in which it is located. Permitted and special uses are grouped by category where appropriate. Only the specific uses listed in the category in the applicable district shall be permitted. For example, while Public/Quasi-Public Facilities is a category in the Permitted Use section of the RM District, only Publicly Owned and Operated Parks and Playgrounds would be a permitted use.

No building or land shall be used or occupied, and no building or part thereof shall be erected, moved or altered, unless the same is in conformity with the regulations specified for the district in which it is located and is in compliance with all applicable regulations of this Zoning Code.

1263.08

R-1A, R-1B and R-1C Single-Family Residential District.

Intent. The R-1 Single-Family Districts are intended primarily for single-family residential development and for associated educational and institutional uses. The permitted uses and standards of these Districts are intended to achieve the following objectives:

- (a) To encourage the construction and continued use of the land for single-family dwellings which are compatible with the established character of the neighborhood.
- (b) To prohibit uses that would disrupt the character of the existing single-family neighborhoods.
- (c) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Zoning Code.
- (d) To discourage land uses which would generate traffic on minor local streets that is atypical of single-family neighborhoods.
- (e) To accommodate low-intensity facilities for smaller scale child and adult care facilities, home occupations, and bed-and-breakfast inns, where such uses could be compatible with the neighborhood.

Permitted Uses

Special Uses

- 1) Single-family dwellings meeting the standards of Section 1269.04.
- 2) State Licensed Foster Care Facilities:
 - a. Adult foster care family home (6 or fewer adults).
 - b. Child foster family homes (4 or fewer minor children).
 - c. Child foster family group homes (5 or 6 minor children).
- 3) State Licensed Day Care Facilities:
 - a. Child family day care homes (6 or fewer minor children).
 - b. Adult family day care homes (6 or fewer adults)
- 4) Home occupations meeting the standards of Section 1269.26.
- 5) Public/Quasi-Public Facilities:
 - a. Publicly owned and operated parks and playgrounds.
 - b. Community gardens as defined in Chapter 1261.
 - c. Essential public services, not including storage yards.
- 6) Accessory uses, buildings and structures customarily incidental to the above uses, as described in Section 1269.03.

- 1) State Licensed Day Care Facilities meeting the standards of Section 1265.09:
 - a. Adult group day care homes (7 to 12 adults).
 - b. Child group day care homes (7 to 12 minor children).
 - c. Child care centers.
 - d. Adult day care centers.
- 2) A functional equivalent of a family, as defined in Section 1261, with more than six individuals in the household.
- 3) Public/Quasi-Public Facilities:
 - a. Churches, temples and other places of worship.
 - b. Public and private elementary and secondary schools.
 - c. Institutional community and private noncommercial indoor recreation centers.
 - d. Golf courses meeting the standards of Section 1265.12.
 - e. Cemeteries, including mausoleums and columbariums.
 - f. Municipal buildings, including libraries, community/senior/teen centers, fire stations and public utility buildings, but excluding material and equipment storage buildings and yards.

1263.08 R-1A, R-1B and R-1C (continued)
Special Uses (continued)

- 4) Lodging Facilities:
 - a. Bed-and-breakfast inns (in R-1A only) meeting the standards of Section 1265.03.
- 5) Neighborhood Commercial Uses (in R-1C only), subject to Section 1265.17.
- 6) Uses of the same nature or class as the majority of uses listed in the District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 7) Accessory uses, buildings and structures associated and approved as part of a special land use.

1263.09

R-2, Two-Family Residential District.

Intent. The R-2 Two-Family Residential District is intended primarily for two-family dwellings. It is intended to provide variety in housing opportunity and to serve as a transitional use between the Central Business District and adjoining Single-Family Districts. The permitted uses and standards of this District are intended to achieve the following objectives:

- (a) To encourage the construction of, and the continued use of, the land for two-family dwellings which are compatible with the established character of the neighborhood.
- (b) To prohibit uses which would disrupt the character of existing single-family neighborhoods.
- (c) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Zoning Code.
- (d) To discourage land uses which would generate traffic on minor local streets which is atypical of neighborhoods with two-family homes.
- (e) To accommodate low-intensity facilities for smaller scale child and adult care facilities, home occupations, and bed-and-breakfast inns, where such uses could be compatible with the neighborhood.
- (f) To permit continuation of existing three- and four-unit dwellings.

Permitted Uses

- 1) Single-family and two-family dwellings meeting the standards of Section 1269.04.
- 2) State Licensed Day Care Facilities:
 - a. Child family day care homes (6 or fewer minor children).
 - b. Adult family day care homes (6 or fewer adults).
- 3) State Licensed Foster Care Facilities:
 - a. Adult foster care family home (6 or fewer adults).
 - b. Child foster family homes (4 or fewer minor adults).
 - c. Child foster family group homes (5 or 6 minor children).
- 4) Public/Quasi-Public Facilities:
 - a. Publicly owned and operated parks and playgrounds.
 - b. Essential public services, not including storage yards.
- 5) Home occupations meeting the standards of Section 1269.26.

Permitted Uses (continued)

- 6) Accessory uses, buildings and structures customarily incidental to the above uses as described in Section 1269.03.

Special Uses

- 1) State Licensed Day Care Facilities meeting the standards of Section 1265.09:
 - a. Adult group day care homes (7 to 12 adults).
 - b. Child group day care homes (7 to 12 minor children).
 - c. Child care centers.
 - d. Adult day care centers.
- 2) Lodging Facilities:
 - a. Bed-and-breakfast inns meeting the standards of Section 1265.03.
- 3) Three- and four-family dwelling units. These units shall only be allowed for consideration when involving an existing structure and when meeting the standards of Section 1265.21.

1263.09 R-2 (continued)
Special Uses (continued)

- 4) A functional equivalent of a family, as defined in Chapter 1261, with more than six (6) individuals in the household.
- 5) Nursing and convalescent homes and senior housing according to Section 1265.18.
- 6) Public/Quasi-Public Facilities:
 - a. Churches, temples and other places of worship.
 - b. Institutional community and private noncommercial indoor recreation centers, and private parks.
 - c. Public and private elementary and secondary schools.
- 7) Neighborhood Commercial Uses, subject to Section 1265.17.
- 8) Uses of the same nature or class as the majority of uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 9) Accessory uses, buildings and structures associated with an approved special land use.

1263.10**RM, Multiple Dwelling Residential District.**

Intent. The RM Multiple Dwelling Residential District is intended to permit a more intensive residential use of land with various types of multiple dwellings. This District is generally located adjacent to major streets for good accessibility. This District is further intended to provide residential units of various types and sizes, for ownership or rental, to meet the needs of different age and family groups in the community.

Permitted Uses

- 1) Single-family and two-family dwellings meeting the standards of Section 1269.04.
- 2) Multiple-family dwellings, including row or terrace dwellings and apartment houses.
- 3) State Licensed Foster Care Facilities:
 - a. Adult foster care family home (6 or fewer adults).
 - b. Child foster family homes (4 or fewer minor children)
 - c. Child foster family group homes (5 or 6 minor children).
- 4) State Licensed Day Care Facilities:
 - a. Child family day care homes (6 or fewer minor children).
 - b. Adult family day care homes (6 or fewer adults).
- 5) Home occupations meeting the standards of Section 1269.26.
- 6) Public/Quasi-Public Facilities:
 - a. Publicly owned and operated parks and playgrounds.
- 7) Accessory buildings and uses, including noncommercial site amenities such as swimming pools and tennis courts, in accordance with Section 1269.03.

Special Uses

- 1) Lodging Facilities:
 - a. Bed-and-breakfast inns meeting the standards of Section 1265.03.
- 2) Transition houses
- 3) Accessory uses, buildings and structures associated with an approved special land use.

Special Uses (continued)

- 4) State Licensed Day Care Facilities meeting the standards of Section 1265.09:
 - a. Adult group day care homes (7 to 12 adults).
 - b. Child group day care homes (7 to 12 minor children).
 - c. Child care centers.
 - d. Adult day care centers.
- 5) State Licensed Foster Care Facilities meeting the standards of Section 1265.10:
 - a. Adult foster care small group homes (12 or fewer adults).
 - b. Adult foster care large group homes (13 to 20 adults).
 - c. Adult foster care congregate facilities (more than 20 adults).
- 6) Public/Quasi-Public Facilities:
 - a. Public and private elementary and secondary schools.
 - b. Institutional community and private noncommercial indoor recreation centers and private parks.
 - c. Municipal buildings, including libraries, community/senior/teen centers, fire stations and public utility buildings, but excluding material and equipment storage buildings and yards.
 - d. Churches, temples and other places of worship.
 - e. Children's institution subject to Section 1265.18.
- 7) Nursing and convalescent homes and senior housing according to Section 1265.18.
- 8) Neighborhood Commercial Uses, subject to Section 1265.17.
- 9) Three- and four-family dwelling units. These units shall only be allowed for consideration when involving an existing structure and when meeting the standards of Section 1265.21.

1263.10 RM (continued)
Special Uses (continued)

- 10) Uses of the same nature or class as the majority of uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.

1263.11

MHP, Mobile Home Park District.

Intent. The MHP Mobile Home Park District is intended to provide sites for mobile home parks as an affordable housing alternative at appropriate locations. In terms of location, mobile home parks are intended for situations where their density can be accommodated by infrastructure and environmental conditions, based on the City's Comprehensive Plan. The design and review standards of this chapter are intended to help ensure that a mobile home park meets at least the minimum requirements of the Michigan Mobile Home Commission.

Permitted Uses

- 1) Manufactured housing and mobile home parks, which conform to the requirements of this chapter and the Michigan Mobile Home Commission. All mobile homes within a mobile home park shall be certified by the Federal Department of Housing and Urban Development (HUD) or shall be constructed in compliance with the A.N.S.I. Code for mobile homes built prior to the effective date of the HUD certification requirements.

- 2) Community accessory uses, buildings and structures, including one management office building; utility/laundry buildings; auxiliary storage space for mobile home tenants; community buildings for use by the tenants of the park; recreation areas; playgrounds; and recycling stations. All such accessory uses and structures shall meet the standards provided in this chapter.

- 3) Accessory structures on manufactured home sites, including decks, private garages, carports and enclosed or screened storage areas when meeting the Rules of the Michigan Mobile Home Commission.

- 4) The business of selling new or used mobile homes as a commercial enterprise in connection with the operation of a mobile home park is prohibited except as permitted under the Mobile Home Commission Act. Existing homes in the park which are to remain on-site may be sold by the resident, owner or a licensed dealer or broker, provided that the mobile home park management permits the sale.

Permitted Uses (continued)

- 5) State Licensed Day Care Facilities:
 - a. Accessory child day care and adult day care facilities within a dwelling unit may be permitted when meeting the standards of Section 1269.09 and when approved by the mobile home park management.

1263.12**C-O, Office District.**

Intent. The C-O Office District is intended to accommodate professional offices, hospitals, certain personal service establishments and certain low-intensity commercial uses such as banks. Since these uses are primarily open during daylight hours, and because they have moderate impacts, the C-O District is used as a transitional area between residential and more intense commercial districts and to buffer residential neighborhoods from arterial streets. The C-O District standards are intended to provide quiet, attractive office areas with extensive landscaping in an environment compatible with Single-Family Districts.

Permitted Uses

- 1) Professional and Other Offices:
 - a. Offices for administrative, professional, real estate, legal, accounting, writing, clerical, stenographic, drafting and sales uses.
 - b. Offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists, veterinarians and similar or allied professionals, including medical clinics, urgent medical care centers and accessory pharmacies.
 - c. Banks, credit unions, savings and loan associations and similar uses, with or without drive-through facilities and twenty-four (24) hour ready tellers.
- 3) Personal Service:
 - a. Personal service establishments performing on-site services, including household repair shops, interior design establishments, dressmaking shops, barbershops, beauty shops, health salons and dry-cleaning establishments which are licensed by the State of Michigan.
- 4) Public/Quasi-Public Facilities.
 - a. Publicly owned libraries, parks, parkways and recreational facilities; private parks; and public and quasi-public uses such as municipal buildings, court buildings, community centers, civic centers and post offices.
 - b. Hospitals and associated buildings and uses, except substance abuse treatment facilities.

Special Uses

- 1) State Licensed Day Care Facilities meeting the standards of Section 1269.09:
 - a. Child day care centers.
 - b. Adult day care centers.
- 2) State Licensed Foster Care Facilities meeting the standards of Section 1269.09
 - a. Adult foster care small group homes (12 or fewer adults)
 - b. Adult foster care large group homes (13 to 20 adults).
 - c. Adult foster care congregate facilities (more than 20 adults).
- 3) Public/Quasi-Public Facilities:
 - a. Churches, temples and other places of worship.
 - b. Essential public service buildings, not including storage yards, such as telephone exchange buildings, transformer stations, substations or gas regulator stations.
 - c. Psychiatric hospitals.
- 4) Personal Service:
 - a. Funeral homes or mortuary establishments subject to Section 1265.20.
 - b. Veterinary clinics meeting the standards of Section 1265.15.
- 5) Nursing and convalescent homes and senior housing according to Section 1265.18.
- 6) Substance abuse treatment facilities when meeting the standards of Section 1265.14.

1263.12 C-O (continued)
Special Uses (continued)

- 7) Uses of the same nature or class as the majority of uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 8) Accessory helipads as regulated by State and Federal government.
- 9) Accessory parking structures.
- 10) Accessory uses customarily incidental to an approved special land use.

Intent: The C-1 Local Commercial District is intended to provide retail, business and service uses which are needed to serve the nearby residential areas.

Permitted Uses

- 1) Retail Establishments:
 - a. General retail establishments, operated within an enclosed building, having up to 10,000 square feet of gross floor area per tenant.
- 2) Professional and Other Offices:
 - a. Banks, credit unions, savings and loan associations and similar uses, without drive-through facilities and without drive-up twenty-four (24) hour electronic banking machines.
 - b. Offices for administrative, professional, real estate, legal, accounting, writing, clerical, stenographic, drafting and sales uses.
 - b. Offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists, veterinarians and similar or allied professionals, including medical clinics, urgent medical care centers and accessory pharmacies.
- 3) Public/Quasi-Public Facilities:
 - a. Publicly owned libraries, parks, parkways and recreational facilities; private parks; public and quasi-public uses such as municipal buildings, court buildings, community centers, civic centers and post offices.
 - b. Accessory essential public services and structures, excluding buildings and storage yards.
- 4) Dining, Drinking and Reception Facilities:
 - a. Restaurants, including carry-out, (accessory lounges are permitted; bars/taverns and lounges are listed as a special land use). Restaurants with outdoor seating shall also meet the standards of Chapter 870 of the Business Regulation and Taxation Code.
- 5) Studios and private schools for business, art, dance, music, photography, theater and taxidermy.

Permitted Uses (continued)

- 6) Personal Service:
 - a. Personal service establishments.
 - b. Fitness centers and health clubs.
- 7) Accessory reception antennas, including satellite dishes on the ground or on a roof, when meeting the standards of Section 1269.27 and when screened from view by the public.
- 8) Accessory uses, buildings and structures customarily incident to the above uses, as described in Section 1269.03.

Special Uses

- 1) Retail Establishments:
 - a. General retail establishments, operated within an enclosed building, having between 10,000 and 65,000 square feet of gross floor area per tenant.
 - b. Large scale retail establishments (an establishment with over 65,000 square feet) according to the standards of Section 1265.16.
- 2) State Licensed Day Care Facilities meeting the standards of Section 1265.19:
 - a. Child day care centers.
 - b. Adult day care centers.
- 3) Professional and Other Offices:
 - a. Banks, credit unions, savings and loan associations and similar uses with drive-through facilities and drive-up twenty-four (24) hour electronic banking machines.
- 4) Lodging Facilities:
 - a. Boarding houses, including nonprofit organizations which provide meals or offer new or used goods for sale.
 - b. Bed-and-breakfast inns which also meet the standards of Section 1265.03.

1263.13 C-1 (continued)
Special Uses (continued)

- 5) Public/Quasi-Public Facilities:
 - a. Publicly owned buildings, including, but not limited to, telephone exchanges, transformer stations, and substations with service yards, but excluding storage yards.
- 6) Upper story residential dwelling units.
- 7) Dining, Drinking and Reception Facilities:
 - a. Restaurants with drive-through or drive-in service subject to the standards of Section 1265.04 or restaurants with a liquor license.
- 8) Personal Service:
 - a. Funeral homes and mortuary establishments subject to Section 1265.20.
- 9) Uses of the same nature or class as the majority of uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 10) Accessory uses, buildings and structures, customarily incidental to an approved special land use, shall be included with the special land use permit. However, a separate special land use permit shall be required for any use or storage of hazardous materials.

Intent: The C-2 General Commercial District is intended to provide the widest variety of commercial businesses to meet the needs of the citizens and businesses in the Monroe area and the needs of motorists along the expressway, Telegraph Road, Monroe Street and other streets accommodating large volumes of through traffic. The C-2 District is intended to provide areas for both convenience and comparison-shopping goods. Uses permitted in the C-2 District are generally characterized by higher traffic generation, larger parking areas and larger building size than commercial uses permitted in the C-O, C-1 or CBD Districts. Uses which are considered to generate particularly high traffic volumes or other external impacts are treated as special land uses to ensure that the requested locations are appropriate for such uses.

Permitted Uses

Permitted Uses (continued)

- 1) Retail Establishments:
 - a. General retail establishments operated within an enclosed building and shopping centers, having up to 65,000 square feet of gross floor area per tenant. [
 - b. Home improvement centers with up to 65,000 square feet of gross floor area. [
 - c. Rental establishments, such as those renting bicycles and/or household equipment, when all storage and display is contained within the building.

- 2) Professional and Other Offices:
 - a. Banks, credit unions, savings and loan associations and similar uses, with or without drive-through facilities and twenty-four-hour (24) electronic banking machines.
 - b. Offices for administrative, professional, real estate, legal, accounting, writing, clerical, stenographic, drafting and sales uses, and medical offices, including medical clinics and urgent medical care centers.

- 3) Public/Quasi-Public Facilities:
 - a. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings.
 - b. Accessory essential public services and structures, excluding buildings and storage yards.
 - c. Indoor recreation centers when a minimum of one hundred (100) feet from a residential zoning district or use.

- 4) Automotive Facilities:
 - a. Minor automobile repair establishments.

- 5) Personal Service:
 - a. Personal service establishments performing on-site services.
 - b. Service establishments of an office, showroom or workshop nature which are occupied by an electrician, decorator, dressmaker, tailor, baker, painter or upholsterer, or which are for the purpose of radio or home appliance repair, plumbing, heating and cooling, glass and photographic reproduction, and similar establishments.

- 6) Dining, Drinking and Reception Facilities:
 - a. Restaurants, including those with carry-out (accessory lounges are permitted; bars/taverns and lounges are a special land use). Restaurants with outdoor seating shall also meet the standards of Chapter 870 of the Business Regulation and Taxation Code.
 - b. Banquet halls

- 7) Private clubs, fraternal halls and union halls.

- 8) Lodging Facilities:
 - a. Hotels/motels, with a minimum of 250 sq. ft. of floor area per room

- 9) Studios and private schools for business, art, dance, music, photography, theater and taxidermy.

- 10) Nursing and convalescent homes and senior housing according to Section 1265.18.

1263.14 C-2 (continued)

Permitted Uses (continued)

- 11) Accessory reception antennas, including satellite dishes on the ground or on a roof, when meeting the standards of Section 1269.27 and when screened from view by the public.
- 12) Accessory uses, buildings and structures customarily incidental to the above uses, as described in Section 1269.03. Temporary or seasonal outdoor sales and display are permitted as an accessory use within ten (10) feet of the building if they do not obstruct parking, vehicle or pedestrian circulation aisles or fire access. Any other temporary sales or display shall be according to Sections 1269.25.

Special Uses

- 1) Retail Establishments:
 - a. Large scale retail establishments according to the standards of Section 1265.16.
 - b. Home improvement centers with over 65,000 square feet of gross floor area.
- 2) Automotive Facilities:
 - a. Automobile major repair establishments.
 - b. Automobile, recreational vehicle, truck, trailer and equipment sales or rental subject to Section 1265.08.
 - c. Automobile service stations, filling stations, convenience marts, and wash establishments meeting all the standards of Section 1265.06 and Section 1265.07.
- 3) Dining, Drinking and Reception Facilities:
 - a. Bars, taverns and lounges.
 - b. Restaurants with a liquor license, drive-in or drive-through service meeting the standards of Section 1265.04. Restaurants with outdoor seating shall also meet the standards of Chapter 870 of the Business Regulation and Taxation Code.
- 4) State Licensed Day Care Facilities meeting the standards of Section 1265.09:
 - a. Child day care centers.
 - b. Adult day care centers.

Special Uses (continued)

- 5) Lodging Facilities:
 - a. Bed-and-breakfast inns meeting the standards of Section 1265.03.
 - b. Boarding houses, including nonprofit organizations, which provide meals or offer new or used goods for sale.
- 6) Public/Quasi-Public Facilities:
 - a. Churches, temples and other places of worship.
 - b. Bus passenger stations.
 - c. Essential public service building and storage yards.
 - d. Outdoor recreation centers.
- 7) Personal Service:
 - a. Dog kennels (commercial) when meeting the standards of Section 1265.11.
 - b. Veterinary clinics and veterinary hospitals meeting the standards of Section 1265.15.
 - c. Funeral homes and mortuary establishments subject to Section 1265.20.
- 8) Adult-Oriented Businesses
 - a. Billiard and pool halls, which may include accessory eating and drinking facilities. (A billiard license must be approved by the City Council.)
 - b. Regulated adult uses meeting the standards of Section 1265.02.
 - c. Tattoo and body art/piercing establishments, provided that such establishments shall comply with all applicable licensing and health regulations.
- 9) Flea markets and public auction houses.
- 10) Open air businesses and display, such as garden centers, nurseries, and outdoor sales, subject to the standards of Section 1265.08.
- 11) Seasonal Christmas tree sales meeting the standards of Section 1269.25.
- 12) Theaters and cinemas (indoor only).

1263.14 C-2 (continued)
Special Uses (continued)

- 13) Taxi services licensed under Codified Ordinances Chapter 876.
- 14) Upper story residential dwelling units.
- 15) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 16) Accessory uses, buildings and structures customarily incidental to an approved special land use shall be included with the special land use permit. However, a separate special land use permit shall be required for any use or storage of hazardous materials.

1263.15**CBD, Central Business District.**

Intent. The CBD Central Business District is intended to promote the orderly development, redevelopment and continued maintenance of the City's central business district. This District is intended to be the primary business focal point for Monroe, consisting of retail, office, service, parking, public and institutional uses. It is further the intent of this District to recognize unique site characteristics and market functions associated with the central business district (downtown) and to make special provisions relating to setbacks, parking, landscaping and regulation of land use both vertically and horizontally.

Permitted Uses

- 1) Professional and Other Offices:
 - a. Banks, credit unions, savings and loan associations, twenty-four-hour automated banking machines and similar uses, without drive-through facilities.
 - b. Offices for administrative, professional, real estate, legal, accounting, writing, clerical, stenographic, drafting and sales uses and medical offices, including medical clinics and urgent medical care centers.
- 2) Retail Establishments:
 - a. Convenience goods and specialty retail.
- 3) Personal Service:
 - a. Custom dressmaking and tailoring shops.
 - b. Household appliance repair shops and lighting or window treatment stores.
 - c. Personal service establishments performing on-site services.
 - d. Photographic establishments.
- 4) Dining, Drinking and Reception Facilities:
 - a. Restaurants and other eating and drinking establishments (indoor and without drive-through or drive-in).
- 5) Public/Quasi-Public Facilities:
 - a. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings.
- 6) Music/dance studios and technical or vocational training facilities.
- 7) Parking lots that are accessory to a principal use.

Permitted Uses (continued)

- 8) Theaters.
- 9) Single-family homes and upper-story residential dwelling units.
- 10) Accessory uses customarily incidental to permitted uses according to 1269.03.

Special Uses

- 1) Lodging Facilities:
 - a. Bed-and-breakfast inns which also meet the standards of Section 1265.03
- 2) Dining, Drinking and Reception Facilities:
 - a. Banquet halls.
 - b. Restaurants with outdoor seating, including sidewalk cafes.
- 3) State Licensed Day Care Facilities meeting the standards of Section 1265.09:
 - a. Child day care centers.
 - b. Adult day care centers.
- 4) Private clubs and fraternal halls.
- 5) Personal Service:
 - a. Hospitals.
 - b. Funeral homes and mortuary establishments subject to Section 1265.20.
- 6) Public/Quasi-Public Facilities:
 - a. Indoor recreation centers.
 - b. Churches, temples and other places of worship.
 - c. Children's homes and orphanages subject to Section 1265.18.

1263.15 CBD (continued)

Special Uses (continued)

- 7) Billiard and pool halls, which may include accessory eating and drinking facilities. (A billiard license must be approved by the City Council.)
- 8) Nursing and convalescent homes and senior housing according to Section 1265.18.
- 9) Multiple-family dwelling units.
- 10) Uses similar to other permitted or special land uses listed above as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 11) Parking lots that are the principal use of a parcel.

1263.16**WC, Waterfront District.**

Intent. The WC Waterfront District is intended to provide an area along the River Raisin specifically for those uses and services which are marine-oriented and for related recreational, entertainment and retail establishments.

Permitted Uses

-
- 1) Marinas. Principal building not required.
 - 2) Fishing equipment and bait sales.
 - 3) Charter boat and fishing businesses.
 - 4) Retail Establishments:
 - a. Convenience goods and specialty retail.
 - 5) Dining, Drinking and Reception Facilities:
 - a. Restaurants, including those with carry-out, drive-in or drive-through service (accessory lounges are permitted; bars/taverns and lounges are a special land use). Restaurants with outdoor seating shall also meet the standards of Chapter 870 of the Business Regulation and Taxation Code.
 - 6) Seasonal structures.
 - 7) Off-street parking.
 - 8) Public/Quasi-Public Facilities:
 - a. Essential public services, not including storage yards.
 - 9) Accessory uses, buildings and structures customarily incidental to the above uses, as described in Section 1269.03.

Special Uses

-
- 1) Watercraft service, sales and boat storage businesses, including rack, hoist and launch facilities.
 - 2) Lodging Facilities:
 - a. Bed and breakfast inns which also meet the standards of Section 1265.03.
 - 3) Dining, Drinking and Reception Facilities:
 - a. Restaurants with a liquor license. Restaurants with outdoor seating shall also meet the standards of Chapter 870 of the Business Regulation and Taxation Code.
 - 4) Single-Family dwellings

1263.17

P-1, Parking District.

Intent: The P-1 Parking District is intended to permit the establishment of areas which are to be used solely for off-street parking of private passenger cars and which are intended to serve commercial, institutional and industrial uses. This District is also intended to provide a compatible transitional area between commercial, institutional and industrial uses and adjoining residential areas.

Permitted Uses

- 1) Public/Quasi-Public Facilities:
 - a. Municipal or private parking lots.

- 2) Accessory structures and uses, including landscaping, lighting and attendant buildings, in accordance with Section 1269.03.

Special Uses

- 1) Parking structures, including those combined with other uses.

1263.18

I-1, Light Industrial District.

Intent. The I-1 Light Industrial District is intended to provide areas suitable for wholesale, warehousing, light manufacturing and certain "heavy commercial" business development. Limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects upon surrounding land uses. It is further intended that the uses permitted in this District serve as transition uses between heavier industrial uses and non-industrial uses.

Permitted Uses

- 1) Processing and Distribution Facilities:
 - a. Distribution and transfer centers.
 - b. Produce market terminals.
 - c. Recycling centers (No heavy machinery).
 - d. Soda water and soft drink bottling establishments.
 - e. Bakeries and confection making.
 - f. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
 - g. Pattern-making shops.
 - h. Printing, engraving and bookbinding shops.
 - i. Heavy truck/equipment distribution and wholesale operations.

- 2) Storage:
 - a. Warehouses, indoor storage and terminal buildings.
 - b. Water, gas and oil tank containers.
 - c. Freezers and lockers.
 - d. Construction storage.
 - e. Mini- or Self-Storage, Mini-Warehouse Facilities.

- 3) Manufacturing and Finishing Facilities:
 - a. Ceramics and pottery manufacturing, using only previously pulverized clay and kilns which are electrically or gas-fired only.
 - b. Wood product manufacturing related to finished wood products.
 - c. Fabrication and light manufacturing shops as defined in Chapter 1261.
 - d. Tinsmith and sheet metal shops.
 - e. Welding shops.

- 4) High-Tech Uses:
 - a. Research and development centers.
 - b. Laboratories.
 - c. Telecommunications.
 - d. Data processing and computing centers.
 - e. Computer electronic equipment manufacturing.
 - f. Computer programming and software

development.

Permitted Uses (continued)

- 5) Lodging:
 - a. Motels or hotels with a minimum of 250 sq. ft. of floor area per room.

- 6) Public/Quasi-Public Facilities:
 - a. Municipal buildings and uses.
 - b. Hospitals, clinics and medical offices; medical laboratories.
 - c. Essential public service buildings and storage yards, Municipal buildings, Municipal maintenance and repair facilities, public utility buildings, telephone exchanges, electric transformer yards, substations, gas regulator stations and associated service or storage yards.

- 7) Retail Establishments:
 - a. Building and lumber supply stores, hardware and home improvement centers.
 - b. Garden centers and nurseries.
 - c. Wholesale stores.

- 8) Automotive Facilities:
 - a. Major automobile repair establishments.

- 9) Personal Service:
 - a. Veterinary hospitals and kennels.
 - b. Carpet cleaning establishments.

- 10) Dry cleaning and laundry plants.

- 11) Accessory buildings and uses customarily incidental to the above uses, as described in Section 1269.03.

1263.18 I-1 (continued)
Permitted Uses (continued)

- 12) Accessory uses, buildings and structures customarily incidental to the above uses, as described in Section 1269.03.

- 13) Assembly halls, display halls, convention center or similar places of assembly when conducted completely within enclosed buildings

Special Uses

- 1) Commercial fisheries.
- 2) Creameries.
- 3) Private clubs, fraternal halls and union halls.
- 4) New wireless telecommunications towers meeting the requirements of Section 1265.22.
- 5) Accessory helipads as regulated by State and Federal government.
- 6) Private Indoor Recreational Facilities.
- 7) Uses similar to other permitted or special land uses listed above as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.

1263.19**I-2, General Industrial District.**

Intent. The I-2 General Industrial District is intended to provide locations for the development of medium to heavy industrial uses. Such uses primarily include those involved in manufacturing, assembly and fabrication. It is intended that this District be located where adequate utilities and suitable road and rail access are available.

Permitted Uses

- 1) Processing and Distribution Facilities:
 - a. Distribution and transfer centers.
 - b. Produce market terminals.
 - c. Recycling centers.
 - d. Soda water and soft drink bottling establishments.
 - e. Bakeries and confection making.
 - f. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
 - g. Pattern-making shops.
 - h. Printing, engraving and bookbinding shops.
 - i. Heavy truck/equipment distribution and wholesale operations.
 - j. Canning factories.

- 2) Manufacturing and Finishing Facilities:
 - a. Ceramics and pottery manufacturing, using only previously pulverized clay and kilns which are electrically or gas-fired only.
 - b. Wood product manufacturing related to finished wood products.
 - c. Fabrication and light manufacturing shops as defined in Chapter 1261.
 - d. Tinsmith and sheet metal shops.
 - e. Welding shops.
 - f. Automobile and other machinery assembly plants.
 - g. Automobile accessory manufacturing, not including tires.
 - h. Cigar and cigarette manufacturing.
 - i. Electrical fixtures, batteries and other electrical apparatus manufacturing operations.
 - j. Furniture and upholstery manufacturing.
 - k. Hardware and cutlery manufacturing.
 - l. Mattress manufacturing.
 - m. Apparel manufacturing.

- 3) Lodging:
 - a. Motels or hotels with a minimum of 250 sq. ft. of floor area per room.

Permitted Uses (continued)

- 4) High-Tech Uses:
 - a. Research and development centers.
 - b. Laboratories.
 - c. Telecommunications.
 - d. Data processing and computing centers.
 - e. Computer electronic equipment manufacturing.
 - f. Computer programming and software development.

- 5) Storage:
 - a. Warehouses, indoor storage and terminal buildings.
 - b. Water, gas and oil tank containers.
 - c. Freezers and lockers.
 - d. Construction storage.
 - e. Mini- or Self-Storage, Mini-Warehouse Facilities.

- 6) Material Processing and Finishing:
 - a. Machine shops.
 - b. Metal buffing, plating and polishing.
 - c. Metal molding and extrusion.
 - d. Millwork, lumber and planing mills.
 - e. Painting and varnishing shops.
 - f. Plastic molding and extrusion.

- 7) Distribution:
 - a. Railroad yards and terminals.

- 8) Heating and electrical generating plants.

- 9) Public/Quasi-Public Facilities:
 - a. Municipal buildings and uses.
 - b. Hospitals, clinics and medical offices; medical laboratories.
 - c. Essential public service buildings and storage yards, Municipal buildings, Municipal maintenance and repair facilities, public utility buildings, telephone exchanges, electric transformer yards, substations, gas regulator stations and associated service or storage yards.

1263.19 I-2 (continued)

Permitted Uses (continued)

- 10) Retail Establishments:
 - a. Building and lumber supply stores, hardware and home improvement centers.
 - b. Garden centers and nurseries.
 - c. Wholesale stores.
- 11) Automotive Facilities:
 - a. Major automobile repair establishments.
- 12) Personal Service:
 - a. Veterinary hospitals and kennels.
 - b. Carpet cleaning establishments.
- 13) Dry cleaning and laundry plants.
- 14) Assembly halls, display halls, convention center or similar places of assembly when conducted completely within enclosed buildings
- 15) Accessory uses, buildings and structures customarily incidental to the above uses, as described in Section 1269.03.

Special Uses

- 1) Manufacturing:
 - a. Breweries.
 - b. Leather goods and luggage manufacturing.
 - c. Stamping and pressing plants, metal or plastic (over 10 tons).
- 2) Chemical plants.
- 3) Composting yards.
- 4) Salvage yards subject to Section 1265.19.
- 5) Sewage disposal plants.
- 6) New wireless telecommunications towers meeting the requirements of Section 1265.22.
- 8) Open air storage.
- 9) Resource Recycling and Recovery Centers.

Special Uses Cont.

- 10) Uses similar to other permitted or special land uses listed above as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.

1263.20

PROS, Public Recreation and Open Space District.

Intent: This district is intended to provide an exclusive area for natural features, open spaces and specified government, civic and public recreational facilities. More specifically, the regulations set forth herein and elsewhere in this chapter are intended to:

- (a) Provide areas within the City for public recreational facilities.
- (b) Protect certain open areas, woodlands, wetlands, greenways, natural stormwater systems and other distinctive natural features that contribute to the overall quality of life in the City of Monroe.
- (c) Provide for the preservation of open space and natural features.
- (d) Promote the public health, safety and welfare by providing increased recreation opportunities for area residents.

Permitted Uses

- 1) Nature preserves and natural areas.
- 2) Public parks and recreation facilities with low use intensity, such as playgrounds, picnic areas, pathways, athletic fields, rinks or courts.
- 3) Community centers and parks or recreation administration buildings.
- 4) Accessory buildings and uses, such as refreshment stands, maintenance buildings, office for management functions, spectator seating, rest rooms and service areas customarily incidental to any of the above permitted uses.

Special Uses

- 1) High intensity public recreation facilities, such as campsites, off-road vehicle courses and trails, gun and archery ranges, lighted outdoor athletic fields and other similar more intense recreational uses.
- 2) Public indoor recreation building or domes for facilities such as ice rinks, swimming pools or athletic courts.
- 3) Lighting for permitted outdoor athletic fields. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential uses and/or zoning designations adjacent to the site.
- 4) Golf courses and driving ranges meeting the standards of Section 1265.12.
- 5) Publicly owned and operated amphitheaters.
- 6) Accessory buildings and uses customarily incidental to any of the above special land uses.
- 7) Uses similar to other permitted or special land uses listed above, as determined by the Citizen Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 8) Resource Recycling and Recovery Centers

1263.21

AP, Airport District.

Intent. The AP Airport District. The AP Airport District is intended to permit those uses, activities, facilities and structures necessary for the safe, proper and efficient operation of aircraft and to provide for the services and facilities necessary to accommodate airport patrons and employees.

Permitted Uses

- 1) Airport landing and take-off areas, runways, taxiways, aircraft tie-down areas and helipads.
- 2) Control towers, hangars, terminal buildings, office buildings, air traffic control and radio apparatus buildings and antennae, and similar airport related facilities and structures.
- 3) Aircraft repair and maintenance service, aircraft sales and rental, aircraft flight training and instruction, sales and dispensing of aviation fuels and oils.
- 4) Accessory uses, buildings and structures customarily incident to permitted uses.

Special Uses

- 1) Restaurants, bars, pool rooms, arcades, air freight companies, automobile rental services and retail and service businesses incidental to the operation of the Airport.
- 2) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this Zoning Code, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 1269.24.
- 3) Accessory uses, buildings and structures customarily incident to an approved special land use shall be included with the special land use permit.
- 4) The collection, use and storage of waste oil, waste petroleum products and/or hazardous materials requires a separate special land use permit for each and any use, collection and/or storage.

1263.22**PUD, Planned Unit Development District.**

Intent. The intent of the Planned Unit Development District (PUD) is to permit flexibility in the regulations for development, which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and the City desire to preserve. The standards of this chapter are intended to encourage innovative design and to create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of this Zoning Code, to avoid imposition of specific Zoning Code Standards, or the planning upon which this Zoning Code is based. Thus, the provisions of this chapter are designed to promote land use substantially consistent with recommendations of the City's Comprehensive Plan and the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the City. See Article 1266 for specific use regulations.

Section 1263.23

Schedule of Area, Height, Width and Setback Regulations

Schedule of Area, Height, Width and Setback Regulations									
Zoning District	Minimum Lot Size Per Unit		Maximum Building Height		Minimum Yard Setback in feet Maximum Lot Coverage Area				Max. Lot Coverage
	Area	Width	Stories (k)	Feet (k)	Building Front	One Side Yard (h)	Total of Sides	Rear Yards	Percent
R-1A, Single-Family Residential (a) (c) (h) (i)	9,100	70	2	30	25(g)	5 (b)	15 (b)	35	30
R-1B, Single-Family Residential (a) (c) (h) (i)	7,200	60	2	25	25(g)	5 (b)	14 (b)	35	30
R-1C, Single-Family Residential (a) (c) (h) (i)	6,000	50	2	25	25 (g)	4 (b)	13 (b)	35	30
R-2, Single and Two Family Residential (a) (h)	7,200 (d)	60	2	25	25 (g)	5 (b)	14 (b)	35	30
RM, Multiple Dwelling Residential (a) (e) (h)	(d)	80	3	25	25	5	16 (j)	35	30
MHP, Mobile Home Park [Refer to Section 1263.11]									
C-O, Office	-	-	2	30	25	10	20	30	30
C-1, Local Commercial	-	-	1	20	10	-	10	-	-
C-2, General Commercial	-	-	-	40	10	-	10	-	-
CBD, Central Business	-	-	-	40	0 (l)	-	-	-	-
WC, Waterfront	-	-	-	40	10	-	10	-	-
P-1, Parking									
I-1, Light Industrial	-	-	-	30	20	20	40	20(f)	-
I-2, General Industrial	-	-	-	40	30	30	60	30(f)	-
PROS, Public Recreation and Open Space District [Refer to Section 1263.20]									
AP, Airport	-	-	-	45 (m)	40 (m)			130 (m)	35 (m)
PUD, Planned Unit Development [Refer to Section 1263.22 & Article 1266]									

FOOTNOTES TO SCHEDULE OF REQUIREMENTS FOR ALL DISTRICTS

- a. See Article 1261 for the definition of "floor area" for areas in a dwelling unit which are not included in the calculation.
- b. Where the required off-street parking for an interior lot is provided by an attached garage or carport, or by an unattached garage or carport served by a drive from a contiguous alley, the sum of the two (2) side yards may be equal to twice the width of the minimum side yard as herein given.
- c. Single-family residences with basements/without basements shall have the following minimum amount of square feet per dwelling unit: 1,200 sq. ft./1,500 sq. ft. in an R-1A District, and 1,000 sq. ft./1,200 sq. ft. in an R-1B and R-1C District.
- d. Where multiple, row or terrace dwellings are permitted in an R-2 or RM District, the following square feet of site area for each dwelling unit shall be required:
- Efficiency unit: 1,800 sq. ft.
 - One bedroom unit: 2,000 sq. ft.
 - Each additional room (excluding kitchen, dining and bathroom): 300 sq. ft.
- e. For approved multiple, row or terrace dwellings in an RM District, a minimum of 600 square feet of floor area per dwelling unit is required. For efficiency apartments, the minimum floor space shall be 350 square feet. No more than ten (10) percent of the units in any development shall be efficiency units.
- f. Rear yard requirements in I-1 and I-2 Districts may be waived by the Citizens Planning Commission where the property abuts a railroad or waterway if no useful purpose for the setback would be served.
- g. When fifty (50) percent or more of the frontage on the same side of the street within 300 feet of the proposed construction is built up with an average front yard less than that required herein, the existing average front yard so determined shall be the minimum front yard of any new construction.
- h. A street side yard of a standard lot shall not be less than fifteen (15) feet in width, measured from the wall of the nearest building, to the side street right-of-way line.
- i. The minimum floor area per dwelling unit for substandard lots under fifty (50) feet in width in an R-1A, R-1B and R-1C District shall be as follows:
- Ten (10) percent reduction in required floor area for lots with widths from forty (40) feet to fifty (50) feet.
 - Twenty (20) percent reduction in required floor area for lots with widths from thirty (30) feet to forty (40) feet.
 - Thirty (30) percent reduction in required floor area for lots under thirty (30) feet.
- j. The total side yard setback shall be increased by one (1) foot for each ten (10) feet in

which the side building line is longer than forty (40) feet (e.g. for a building forty-two (42) feet long, the total side yard setback is increased by one (1) foot).

- k. For height limit standards, see Section 1269.06.
- l. Buildings in a CBD District shall be built on the front lot line or at the average setback of adjacent buildings.
- m. The AP District has the following deviations:

Footnote to Height, Lot Coverage and Setback - These regulations shall apply provided they do not conflict with the regulations of the Federal Aviation Administration (FAA).

Footnote to Height - The height limitation may be waived by the Citizens Planning Commission during site plan approval for essential aviation structures such as control towers and antennae, necessary for the safe operation of the airport.

Footnote to Setback - Parking lots can encroach into setbacks if up to a ten (10) foot wide greenbelt is provided.

1263.24 Additional District Standards.

The following are additional standards for the individual districts. These standards shall be considered in addition to all other applicable sections of this ordinance.

- (a) *Mobile Home Park (MHP) Required Conditions:*
 - (1) The Citizens Planning Commission shall review the preliminary plan in accordance with Section 11 of Act 96 of the Public Acts of 1987, as amended, being the Mobile Home Act. The Citizens Planning Commission shall have sixty (60) days from the date of submittal to act on the plan or it shall be considered approved. Review of the plan will be based on the standards of Section 1269.05 and any other State standards. The Michigan Department of Commerce shall have final authority for approval of the site plan, construction plans and inspections.
- (b) *Commercial District (C-O, C-1, C-2) Required Conditions:*
 - (1) The open air storage of goods or materials shall be prohibited in the C-O District.
 - (2) Commercial Districts, when directly abutting, or across an alley from, a Residential District, shall provide a buffer zone with wall or landscaping in accordance with Section 1270.02. If there is open air display or storage, the height of the required screen wall or landscaping shall be increased to a height to adequately screen views from adjacent homes.

- (3) Warehousing, or indoor storage of goods or materials, beyond that normally incident to the above-permitted uses, shall be prohibited.
- (4) All businesses, servicing or processing, except for off-street parking or loading, and open air uses permitted as accessory uses or approved as a special land use, shall be conducted within completely enclosed buildings.
- (5) All business establishments within the C-1 or C-2 Districts shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (6) No interior display shall be visible from the exterior of the building in the C-O District.
- (7) A traffic impact study may be required as specified in Section 1269.11 if the proposed use is expected to generate one hundred (100) or more directional trips in a peak hour or seven hundred fifty (750) or more directional trips in an average day.

(c) *Central Business District (CBD) Required Conditions:*

- (1) The exterior design and materials of buildings within the CBD District shall be consistent with Section 1264.06.

(d) *Parking District (P-1) Required Conditions:*

- (1) To be considered for a P-1 District designation, an area must be adjacent to, or across the street from, a Commercial or Industrial District.
- (2) The parking area shall be used for parking of private passenger vehicles for periods of no more than thirty-six (36) consecutive hours, unless more restrictive regulations are posted in the parking lot. Parking of commercial vehicles, loading or outdoor storage is not permitted.
- (3) No business involving vehicle repair or service, sales, display or storage shall be conducted from such premises.
- (4) No buildings, other than those for shelter of attendants, shall be erected upon the premises. There shall be not more than two (2) such buildings in the area and no such building shall be more than fifty (50) square feet in area or more than fifteen (15) feet in height.

(e) *Public Recreation and Open Space District (PROS) Required Conditions:*

- (1) The site size shall be adequate to accommodate the intended use(s), parking and extensive buffer areas without significant impact on nearby properties in terms of

noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Citizen Planning Commission.

- (2) The site size shall be adequate to contain the proposed uses based on commonly accepted facility design standards.
- (3) All buildings associated with permitted and special land uses in this district shall provide a minimum setback of eighty (80) feet. A minimum setback of one hundred (100) feet for the front, side and rear yard shall be required where the use is adjacent to residential districts, unless a greater setback is specified herein for a particular building or structure.
- (4) Parking shall be set back a minimum of thirty (30) feet from any public street right-of-way.
- (5) The maximum height for all structures is thirty-five (35) feet, provided that buildings or domes for athletic fields may have a peak height of eighty (80) feet where the setback is at least two (2) feet for every one (1) foot in height.
- (6) Operational hours may be restricted by the Citizen Planning Commission in consideration of adjacent land uses and zoning.

CHAPTER 1264

SITE PLAN APPROVAL

1264.01 Purpose and Intent.

(a) The intent of this chapter is to require review and approval of documents or drawings, as specified in this Zoning Code, to ensure that a proposed land use or development activity is in compliance with the City's Comprehensive Plan, this Zoning Code, other local ordinances, State statutes, Federal statutes and the public health, welfare, convenience and safety. Furthermore, the intent of this chapter is to ensure that development taking place within the City of Monroe is designed to be safe, efficient and environmentally sound and is designed in such manner as to protect adjacent properties and the general public from substantial adverse impacts.

(b) Further, the purposes of site plan approval shall include furthering the beauty and health of the City through the use of screening, buffering and landscaping of sites and parking lots; privacy; efficiency for the public and local government servicing; preservation of trees and historic landscapes; maintenance of the traditional, Midwest small-town character of the City; emergency access; preservation of a safe and expansive pedestrian environment for all, particularly for the handicapped and elderly; effective drainage; vehicular safety and convenience; control of temporary flooding; prevention of stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors; and reduction of glare and exposure to toxic particles, substances and wastes.

(c) Special provisions are provided in Section 1268.08 when there is a change in use or a minor expansion.

1264.02 Uses Requiring Site Plan Approval; Submittal Requirements.

(a) *Site Plan Approval and Administrative Site Plan Approval.* To improve efficiency and remove unnecessary review procedures, this Zoning Code provides for two site plan approval processes. The terms "site plan review" and "approval" are used in this Zoning Code to indicate the site plan review process which requires approval by the Citizens Planning Commission.

The terms "administrative site plan review" and "approval" are used to indicate a plan review process which requires approval by the City's Administrative Site Plan Review Committee. The Administrative Site Plan Review Committee shall be composed of five (5) members designated by the City Manager and/or the Zoning Administrator.

(b) *Site Plan Review Requirements by Use or Development Activity.* The list of uses or development activities in Table 2 below indicates which activities require site plan approval or administrative site plan approval and which activities are exempt from review.

(c) *Content.* The information which must be submitted for either site plan approval or

administrative site plan approval shall be as indicated in Section 1264.07. The Citizens Planning Commission may request additional information if it believes it is necessary to properly execute its duty in meeting the intent of this Zoning Code for site plan approval.

**TABLE 2
USES OR ACTIVITIES REQUIRING SITE PLAN APPROVAL**

Use or Activity		Citizens Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
1.	Construction or erection of permitted accessory buildings and structures for two-family dwelling units and mobile homes within an approved mobile home park.			X
2.	Construction, reconstruction, erection and/or expansion of one or two family dwelling on parcel used solely for residential purposes.			X
3.	Development regulated by the Subdivision Control Act of 1967, as amended, and the City of Monroe Subdivision Control Ordinance.	(See Note #1 Below)		
4.	New construction of a permitted industrial, commercial, office or multiple family development.		X	
5.	All special land uses.	X		
6.	Change in use to a special land use.	X		
7.	Changes of use to a permitted use.		X	
8.	An increase in floor area over 1,000 square feet or over 25% of existing gross floor area, whichever is less, in a special land use.	X		
9.	Increase in floor area not covered by item 8 above.		X	
10.	Cellular telephone tower, essential service substations, transmission lines, utility company buildings and storage yards.	X		
11.	Improvements to outdoor public recreational uses and public parks.		X	
12.	Expansion, replacing or alteration of landscaping areas consistent with the ordinance.		X	
13.	Improvements or installation of walls, lighting, or curbing.		X	
14.	Alterations to off-street parking layout or installation of pavement provided total number of spaces shall remain constant, and the construction plans and lot construction are approved by the City Staff.		X	
15.	Relocation of a waste receptacle to more inconspicuous locations or installation of screening.			X
16.	Changes to façade, architectural features or wall signs (elevation plan showing changes and construction materials is required)		X	
17.	City approved changes to private utility systems.		X	
18.	Grading, excavating, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet in horizontal area.		X	
19.	Change from a non-conforming use to another non-conforming use.		X	
20.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other federal, state or county regulations		X	
21.	Construction of accessory building or structure for the keeping of animals.		X	

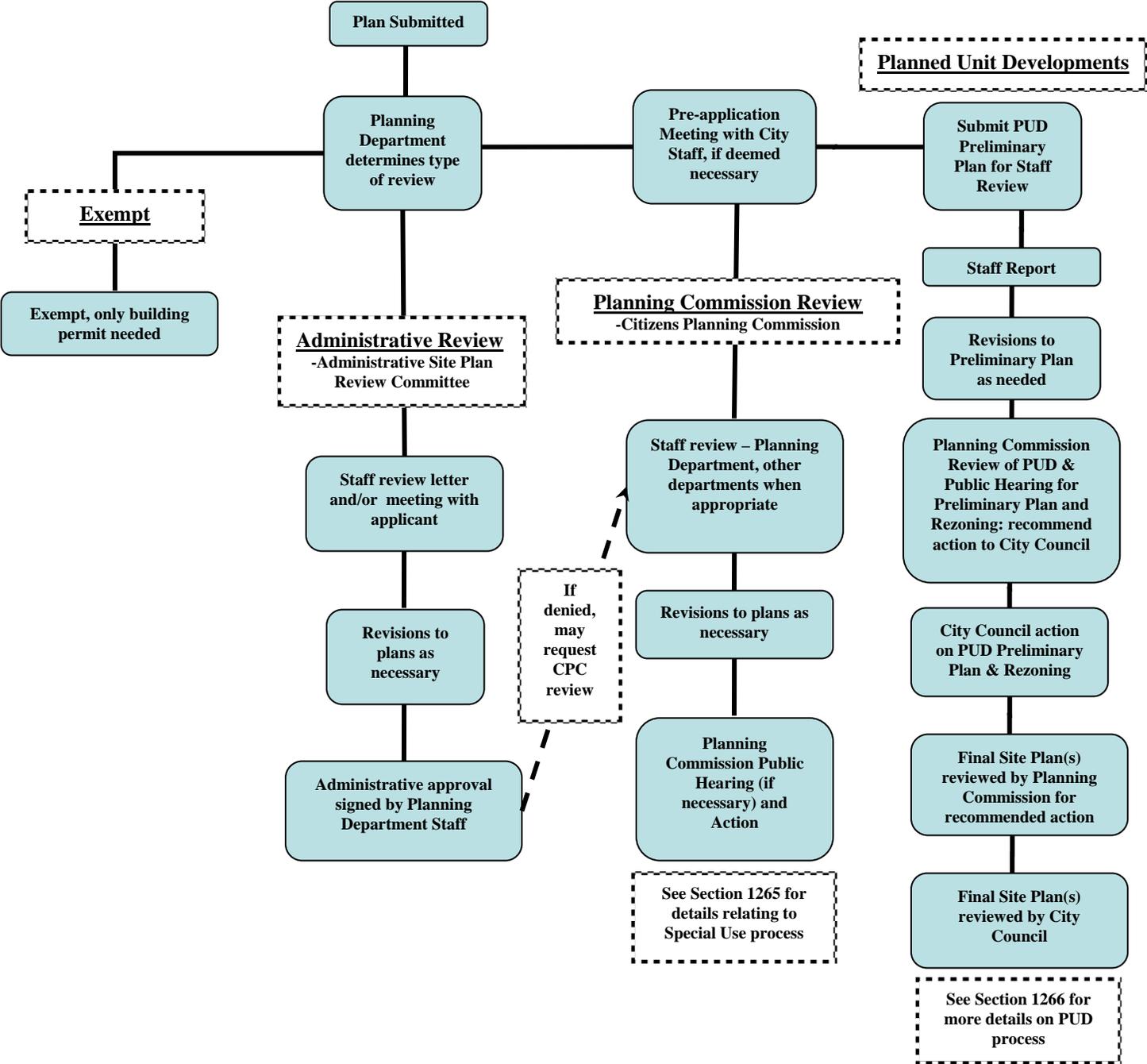
		Citizens Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
22.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area under 100 square feet, provided such activity is normally and customarily incidental to single-family use on the site.			X
23.	Preliminary plans for a mobile home park	See Section 1269.05		
24.	Erection of essential public service local distribution lines.			X
25.	Construction, erection or relocation of permitted accessory buildings and structures less than 200 square feet in area accessory to a multiple family, commercial, office, essential public service, or municipal or industrial use.			X
26.	Permitted family foster care homes, family day care homes and adult day care homes in single family zoning districts.			X
27.	Internal construction or changes in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site.			X
28.	Repairing or restriping of parking lots.			X
29.	Construction or erection of directional signs, retaining walls, fences, sidewalks, antennas, lights, piles, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes or similar structures which conform to other City standards.			X
30.	A change in permitted use within an approved shopping center (if parking is adequate and signs and landscaping are conforming).			X
31.	Uses and facilities which use, store, or generate hazardous substances in quantities greater than 250 pounds per month or 25 gallons per month, whichever is less.		X	
32.	Industrial development within 500 feet of a residential district (whether a permitted or special land use).	X		

Note #1 = Makes recommendation to City Council

1264.03 Site Plan Approval Procedure.

- (a) The applicant shall submit a completed application, fee and required site plan information, as described in Section 1264.07, to the Planning Department. The number of copies required shall be specified by the Zoning Administrator.
- (b) The Zoning Administrator shall determine if the project is eligible for administrative site plan review, and/or whether a pre-application meeting is necessary.

**TABLE 3
SITE PLAN REVIEW PROCESS**



- (1) *If the project is eligible for administrative site plan review.*
 - A. The Planning Department shall schedule a meeting of the Administrative Site Plan Review Committee, as described in Section 1264.02 (a). The applicant may be invited to attend the meeting. The Administrative Site Plan Review Committee shall either approve, table or deny the site plan. A vote of three (3) members of the Committee shall be required for action. The Planning Department shall then submit a report of administrative action on site plans to the Citizens Planning Commission at the next available meeting.
 - B. If the site plan is tabled by the Administrative Site Plan Review Committee, the applicant may submit a revised plan addressing all required concerns for further review of the Administrative Site Plan Review Committee.
 - C. If the site plan is denied by the Administrative Site Plan Review Committee, the applicant may request a review by the Citizens Planning Commission.
 - D. The Zoning Administrator or Planning Department shall have the option to require a complete site plan review and approval by the Citizens Planning Commission for sites which do not comply with previously approved site plans, for sites with parking deficiencies, for sites abutting Residential Districts and for sites with potential problems with drainage, traffic noise, aesthetics or other general health and safety issues.
- (2) *If the site plan requires a Pre-Application Meeting.*
 - A. The Planning Department shall determine whether a pre-application meeting is necessary based on the scope of the plan, the type of use proposed, and other similar circumstances.
 - B. The applicant, Zoning Administrator, and staff members of the Planning and Building Departments, City Engineer and Fire Department may be invited to the meeting.
 - C. Notes or minutes of the meeting, if taken, shall be saved with the file.
 - D. Following the meeting, the proposed site plan or a revised site plan addressing concerns of the meeting shall go through the steps of Citizens Planning Commission review.
- (3) *If the site plan requires Citizens Planning Commission review.*

- A. The Planning Department shall first transmit the site plan to appropriate City departments for a review and written report to the Citizens Planning Commission.
- B. If the site plan contains the required submittal information, the site plan shall be placed on the agenda of a regular Citizens Planning Commission at the next available meeting.
- C. The Citizens Planning Commission, by majority vote of a quorum shall review the site plan for compliance with the standards set forth in Section 1264.06 after a public hearing is held, and take action to table, approve, or deny the approval of site plans submitted for its review.
- D. If the site plan is tabled by the Citizens Planning Commission, the applicant may submit a revised plan addressing all required concerns for further review of the Citizens Planning Commission.
- E. If the site plan is denied, the City shall notify the applicant in writing of the reasons for denial.

(c) When a site plan has been reviewed by the Administrative Site Plan Review Committee and/or the Citizens Planning Commission and all steps completed, two (2) copies of the application and plans will be marked approved or denied for the following distribution:

- A. One (1) copy forwarded to the Zoning Administrator/Building Department.
- B. One (1) copy returned to applicant.

1264.04 Performance Guarantee.

The Citizen Planning Commission, the Administrative Site Plan Review Committee or the Zoning Administrator may require a performance guarantee to ensure completion of site improvements.

1264.05 Effect of Approval.

Upon approval of the site plan, construction or expansion of any permitted or special land use shall conform to the site plan and any approval conditions. The approval or conditional approval by the Citizens Planning Commission or the Zoning Administrator of a site plan shall expire within one year after the date of such action, unless construction has commenced or an extension has been requested by the applicant, in writing, prior to the expiration, and such extension is approved by the Citizens Planning Commission.

1264.06 Criteria for Approval of Site Plans.

The following criteria shall be used by the Citizens Planning Commission, the Administrative Site Plan Review Committee and the Zoning Administrator as a basis upon which site plans shall be reviewed and approved or denied. The City shall require adherence to sound planning principles, but may allow for design flexibility in the administration of the following standards:

(a) *Compatibility.* All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size and type of the lot and the character of adjacent sites and buildings and shall be consistent with the established historic character of the City. Sites shall be developed so as not to impede the normal and orderly operation, development or improvement of surrounding lots for uses permitted on surrounding lots. All plans shall include a clear demonstration that remaining adjacent parcels can be developed in the future in a practical, efficient and coordinated manner.

(b) *Compliance with Dimensional Standards.* The site plan shall comply with the district requirements for minimum floor area, height, lot area, open space, density and all other requirements set forth in the Schedule of Regulations Section 1263.23, unless otherwise provided in this Zoning Code.

(c) *Protection of Environmental and Historic Resources.* The site shall be designed to preserve and protect historic and environmental resources to the extent feasible (see Article 1270 of this Planning and Zoning Code and Chapter 1464 of the Building and Housing Code). The Zoning Administrator or the Planning Department may request review by the Historic District Commission for new construction located in specific areas defined by Council.

(d) *Landscaping.* There shall be reasonable visual and sound privacy, recognizing the need for fences, walls, barriers and hedges. Appropriate landscaping shall be used for the protection and enhancement of sites and the safety and privacy of occupants and users because of the small lot character and pre-auto era land patterns in Monroe. All landscaping shall be provided in accordance with Section 1270.02.

(e) *Emergency Access.* All buildings or groups of buildings shall be so arranged as to permit adequate direct emergency vehicle access.

(f) *Pedestrian Circulation Systems.* Pedestrian circulation systems, both in the public right of way and within the site, shall be provided. The system shall be designed to protect pedestrians as much as possible from the vehicular circulation system. In order to insure public safety, specific pedestrian improvements, such as sidewalks, chains, fences, posts and bollards, shall be provided in the vicinity of schools, playgrounds, local shopping facilities, elderly housing complexes and other uses that generate considerable amounts of pedestrian movement. (See Section 1270.05.)

(g) *Accessibility.* The site shall be designed to facilitate access by physically disabled persons in accordance with applicable State and Federal laws.

(h) *Drainage.* Appropriate drainage, approved by the City Engineering Department, shall be

provided to insure that the removal of surface waters will not adversely affect adjoining lots, sidewalks, pedestrian areas, streets, alleys or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicles or pedestrian traffic and will not create nuisance ponding in paved areas or icy sidewalks. Final grades may be required to conform to existing or future grades of adjacent properties.

(i) *Off-Street Parking and Loading.* The amount and design of off-street parking lots and loading zones shall be in accordance with Article 1271. Off-street parking, loading and unloading areas and outside refuse storage areas or other storage areas, that abut, face or are visible from adjacent residential districts or from public thoroughfares, shall be screened by walls or landscaping of effective height as required in Section 1270.02. In addition, the Citizen Planning Commission or Administrative Site Plan Review Committee may reduce the requirements of Section 1271.02 as a part of site plan review, provided that sufficient evidence in support of a reduced number of parking spaces is submitted. Such evidence shall be in the form of authoritative reference works or a parking study conducted by a certified architect, engineer or planner.

(j) *Waste Receptacles.* Waste receptacles shall be located and screened in accordance with Section 1270.07.

(k) *Traffic and Access.* Internal circulation shall promote safe and efficient traffic flow. Access points shall be located to minimize disruption of through traffic flow and reduce potential hazards in driveways, in accordance with Section 1269.19.

(l) *Exterior Lighting.* Exterior lighting shall be of an appropriate scale and arranged to deflect light away from adjoining properties and so that it does not impede the vision of drivers along adjacent streets. Site lighting shall be in accordance with Section 1270.14.

(m) *Utilities.* Adequate services, utilities, including sanitary sewers, and improvements shall be connected to or provided, located and constructed with sufficient capacity and durability to adequately serve the development.

(n) *Downtown Designs.* Buildings within the Central Business District (CBD) shall respect the existing character by:

- (1) Generally locating the front facade of all buildings to the front lot line;
- (2) Providing at least one pedestrian entrance from the public sidewalk(s) of each abutting public street;
- (3) Providing a second pedestrian entrance to any abutting public off-street parking;
- (4) Exposing original facade materials, as practical.

- (5) Providing fifty (50) percent transparent glass for first floor elevations.
- (6) Using appropriate and compatible building materials, and not using Exterior Insulation and Finish Systems (EIFS), Drivet, or other unsuitable materials on the first floor.

Instances where a redevelopment plan does not meet these standards shall be directed to the Historic District Commission for review of the deviation. The Historic District Commission shall consider the deviation from the above standards based on its impact to the site or to adjoining properties, and in relation to the Secretary of Interior Standards for Rehabilitation. In instances where the proposed deviation is not approved by the Historic District Commission, the applicant may appeal to the Zoning Board of Appeals.

In addition, building architecture shall be consistent with the recommendations in the City of Monroe Downtown Façade Study and the U.S. Design Guidelines published by the U.S. Secretary of the Interior.

(o) *Phasing.* All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient, efficient and visually compatible manner without being dependent upon improvements of a subsequent development.

(p) *Compliance with Other Regulations.* Any use permitted in any zoning district must also comply with all applicable Federal, State, County and City health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, drifting and airborne matter, toxic and hazardous materials, erosion control, flood control and requirements of the State Fire Marshal.

1264.07 Information Required on Site Plans.

(a) Information Required on Site Plans. Plans submitted for site plan approval shall contain all of the following data prior to approval of such plans. Final construction plans must be submitted to the Building Department and such construction plans must be reviewed and approved prior to obtaining a building permit.

Site plans shall consist of an overall plan for the entire development. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches with a plan view drawn to a reasonable scale. Included on the site plan will be all dimensions and the following:

- (1) General Information:
 - A. Name of development;
 - B. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement;

- C. Applicant's name, address and telephone number;
- D. Preparer's name, address, and telephone number, including architect, engineer, surveyor, landscape architect, or planner's seal;
- E. Date (month, day, year), including revisions;
- F. Title block;
- G. Scale;
- H. Northpoint;
- I. Location map drawn at a scale of one inch equals two thousand feet (1" = 2,000') with northpoint indicated for the site and area within one-half mile;
- J. Complete and current legal description and size of property in acres;
- K. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site;
- L. Proposed lot lines, property lines and all structures, parking areas, etc., within the site, and within one hundred (100) feet of the site;
- M. Centerline and existing and proposed right-of-way lines;
- N. Zoning classification of petitioner's parcel and all abutting parcels (including properties across any streets);
- O. Gross acreage figure;
- P. Proximity to major thoroughfare and/or section corners.
- Q. Phasing details, if applicable.
- R. Any additional graphics or written materials requested by the Zoning Administrator, Citizens Planning Commission or City Council to assist in determining the appropriateness of the project, including aerial photography, market studies, impact on schools and utilities, traffic impacts, architectural details, or other details.

(2) Physical Features:

- A. Location of existing and proposed access drives, street intersections, rights-of-way lines, driveway locations, sidewalks, signs, curbing, and

acceleration, deceleration, and passing lanes within one hundred (100) feet of the site;

- B. Location of existing and proposed buildings and above and below ground service facilities, including: storage, loading, and disposal areas for chemicals, hazardous substances, salt, and fuels; water main, hydrants, pump houses, standpipes, and building services and sizes; sanitary sewers and pumping stations stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainageways, and other facilities, including calculations for sizes; location of all easements;
 - C. All buildings with dimensioned floor plans, setback and yard dimensions, and typical elevation views of proposed structures;
 - D. Dimensioned parking spaces and calculations, drives, and method of surfacing;
 - E. Exterior lighting locations and illumination patterns;
 - F. Location and description of all existing and proposed landscaping, berms, fencing, and walls;
 - G. Sidewalks and bike paths;
 - H. Waste receptacle pad location and method of screening;
 - I. Transformer pad location and method of screening;
 - J. Dedicated road or service drive locations;
 - K. Entrance details including sign locations and size;
 - L. Designation of fire lanes;
 - M. Site accessibility for public transportation;
 - N. Any other pertinent physical features.
- (3) Natural Features:
- A. Existing topography with a maximum contour interval of two (2) feet indicated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated;

- B. On parcels more than one (1) acre, a grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading;
 - C. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, floodplain elevation, and ordinary high water mark;
 - D. Location of other natural resource features, including woodlands. A tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of trees greater than six (6) inches in diameter may be required by the Zoning Administrator or Citizens Planning Commission.
 - E. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained, and method of preservation.
 - F. Size, type and location of proposed identification signs.
- (4) Additional Requirements for Residential Developments:
- A. Density calculations by type of unit by bedroom count;
 - B. Designation of units by type of unit in each building;
 - C. Carport locations and details where proposed;
 - D. Specific amount of recreation space and locations;
 - E. Type of recreation facilities to be provided in recreation space;
 - F. If proposed, details of community building and fencing of swimming pool.
- (5) Additional Requirements for Commercial and Industrial Developments:
- A. Loading/unloading areas;
 - B. Gross and usable floor area;
 - C. Number of employees in peak usage.

1264.08**Amendment to Site Plans.**

A previously approved site plan may be amended by the Citizens Planning Commission, the Administrative Site Plan Review Committee or the Zoning Administrator after application by the applicant in accordance with the same procedures for granting the original approval. Minor changes to the plan may be approved administratively by the Zoning Administrator without Citizens Planning Commission or Administrative Site Plan Review Committee review. However, all such approved changes shall be reported in writing by the Zoning Administrator to the Citizens Planning Commission within thirty (30) days after approval. For the purpose of administering this section, the following items shall be deemed minor changes:

- (a) Movement of a building, drive, road or off-street parking area by up to ten feet during construction due to an unanticipated constraint, to improve safety or to preserve natural features. Such movement must not isolate any of the standards contained in this Zoning Code.
- (b) A change in the internal floor plan which does not increase the intensity of the use or parking requirements.
- (c) An increase or decrease in the number of parking spaces of ten (10) percent or less as long as the number of parking spaces meets the required minimum.
- (d) Expansion, replanting or alteration of landscaping areas or a change in plant materials to a similar species, consistent with the other requirements of this Zoning Code.
- (e) Relocation of a waste receptacle to a more inconspicuous location.
- (f) Relocation of a sign or light fixture meeting the dimensional and locational standards of this Zoning Code.
- (g) Relocation of sidewalks or bicycle paths with the effect of improving convenience or safety.
- (h) Minor modifications to comply with City, State or Federal regulations.

1264.09**Revocation.**

Approval of a site plan may be revoked by the Citizens Planning Commission, the Administrative Site Plan Review Committee or the Zoning Administrator if construction, development or use is not in conformance with the approved plans.

1264.10 Inspection.

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.

1264.11 Property Maintenance after Approval.

It shall be the responsibility of the owner of the lot or lots for which site plan approval has been granted to maintain the site, in accordance with the approved site plan, on a continuing basis until the property is razed, until new zoning regulations supersede the regulations upon which site plan approval was based or until a new site plan is approved. This maintenance requirement applies to use, landscaping, walls, fences, pavement, pavement markings, signs, building materials and facades, drainage facilities and all other elements of the site. Any property owner who fails to maintain an approved site design shall be in violation of the use provisions of this Zoning Code and shall be subject to the same penalties appropriate for a use violation. This section also applies to site condominium projects.

CHAPTER 1265

SPECIAL LAND USES

1265.01 Special Land Uses.

In addition to permitted compatible uses specified in each zoning district, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts. However, due to their impacts on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location for the protection of the community. These uses may have to be established in a district where they cannot be reasonably allowed as a permitted use without meeting certain specified conditions. It is the intent of this Section to provide the necessary regulations to address such uses, to be referred to as "special land uses." It is further the intent to provide the Citizens Planning Commission with a set of standards upon which to make decisions with respect to special land uses.

(a) *Authority.* The Citizens Planning Commission shall have the power to approve, approve with conditions, or disapprove, all special land uses.

(b) *Application.* A request for special land use approval shall be made to the Citizens Planning Commission upon an application form provided by the Planning Department. Said application for the approval of a special land use shall be made by an owner, lessee or other person with a legal interest in the property and who has the owner's consent, in writing, to file the application. Such application shall include the following (incomplete submittals shall not be accepted):

- (1) Necessary fees, as determined by the City Council, made payable to the City of Monroe.
- (2) The name and address of the applicant and proof of ownership or interest in the subject parcel.
- (3) A site sketch.
- (4) A description of the proposed use of land.
- (5) Any other studies or information which the City Staff or the Citizens Planning Commission determines is necessary to evaluate compliance with the standards set forth in this Section.
- (6) The City Staff or the Citizens Planning Commission may require submittal of an impact assessment, in accordance with Section 1269.10 or a traffic impact study, in accordance with Section 1269.11.

(c) *Procedures.* An application for a special land use shall be processed as follows (see

Table #4):

- (1) The applicant may request a pre-application conference with the City Staff.
- (2) The applicant submits required materials.
- (3) The Planning Department reviews the proposed application to determine if all required information has been supplied, and then distributes the submitted material to appropriate departments for review.
- (4) The submitted material and City Staff reports are distributed to the Citizens Planning Commission.
- (5) The Planning Department shall provide notice of a public hearing as described in Section 1274.02 and Section 1274.03.

A notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.

The notice shall be given not less than fifteen (15) days before the date the application is considered and public hearing held. The notice shall describe the property in question and the nature of the special use permit request; state the time, date, and location of the public hearing; and, indicate when and where written comments will be received concerning the request.

- (6) The Citizens Planning Commission shall conduct a public hearing.
- (7) The Citizens Planning Commission shall review the special land use request in consideration of the general standards listed in Section 1265.01(d). The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

- (8) The Citizens Planning Commission, in its sole discretion, shall take one of the following actions:
- A. Table the request and direct the applicant to provide any additional information necessary to make a decision, or direct the City Staff to conduct an additional analysis.
 - B. Approve the special land use.
 - C. Approve the special land use with conditions. Such conditions shall be reasonable and related to the impacts of the proposed use, considered necessary to insure compliance with the standards of this Zoning Ordinance and the Basis of Determination, and are hereby determined to be a valid exercise of the police power to protect the health, safety and welfare of adjacent property owners and the City overall.
 - D. Deny the special land use request if the Citizens Planning Commission determines that the special land use request does not meet the standards of this Zoning Ordinance or Basis of Determination, or will tend to be injurious to the public health, safety and welfare or to the orderly development of the City.
- (9) The decision of the Citizens Planning Commission shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.
- (10) If the special land use is approved, the applicant shall submit a site plan in accordance with Article 1264.

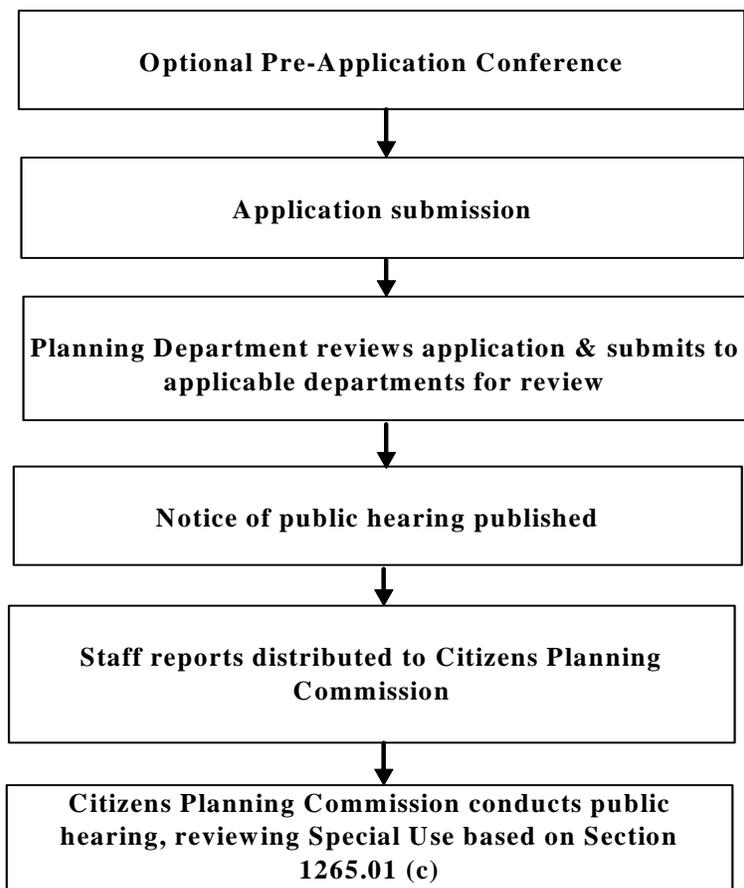
(d) *Basis of Determination.* The Citizens Planning Commission shall review each case individually and shall permit a special land use which is in compliance with this Zoning Code and is found to be:

- (1) Compatible with adjacent uses of land in terms of location, size and character and will have no negative impact on adjacent property or the surrounding neighborhood;
 - A. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - B. Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.

- C. Will be an improvement in relation to property in the immediate vicinity and to the City as a whole.
- (2) Consistent with and promotes the intent and purpose of this Zoning Code and other applicable codes.
 - (3) Consistent with the natural environment;
 - (4) Compatible with the capacities of public services and facilities affected by the proposed use;
 - A. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
 - B. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
 - (5) Consistent with vehicular turning patterns, traffic flow, intersections, view obstructions, ingresses and egresses, off-street parking and other existing conditions in the district;
 - (6) Designed, located and planned, and to be operated, so that the public health, safety and welfare will be protected; and
 - (7) Consistent with the goals, objectives and future land use plan described in the City of Monroe Comprehensive Plan.

TABLE 4

SPECIAL USE PROCESS



(e) *Conditions and Safeguards.* The Citizens Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Such conditions shall conform to the standards found in Section 4a of Act 207 of 1921, as the same may be amended or superseded from time to time. The Citizens Planning Commission may summarize the conditions of approval on a form issued by the Planning Department which shall be signed by the Chairperson of the Citizens Planning Commission and the applicant.

(f) *Voiding and Extensions of Permit.* Unless otherwise specified by the Citizens Planning Commission, any special use permit granted under this Section shall be null and void unless the property owner shall have made application for a building permit within one (1) year from the date of the granting of the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. Within thirty (30) days of receipt of notice of voiding of the permit, the applicant shall have the right to request an extension of the permit from the Citizens Planning Commission. The Citizens

Planning Commission may grant an extension thereof for good cause for a period not to exceed six (6) months.

The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the City.

(g) *Reapplication.* No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Citizens Planning Commission.

(h) *Appeals.* Any person aggrieved by a decision of the Citizens Planning Commission may appeal to the Zoning Board of Appeals on the following basis:

- (1) That the Citizens Planning Commission has violated a rule of its procedure;
- (2) That notice, as required by this Zoning Code, was not given; and
- (3) That the findings of fact of the Citizens Planning Commission as established after review of standards or the Basis of Determination were against the greater weight of evidence.

(h) *Appeal Process.* The process for appeal shall be according to Article 1273 Zoning Board of Appeals. The Citizens Planning Commission shall be given sufficient notice of all such appeals and the decisions thereon.

1265.02 Adult Use Regulations.

(a) *Intent.* In the development and execution of these zoning regulations, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move from or to avoid the community, increase crime and contribute a blighting effect on the surrounding area. This section describes the uses regulated and the specific standards needed to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.

(b) *Applicability.* The uses defined in Article 1261 as "adult regulated uses" and any other uses determined to be similar, based on the standards of Section 1269.24, shall be permitted by special use permit, subject to the provisions and procedures set forth in Article 1264 and 1265 and subject to the following location requirements and specific design standards:

- (1) *Required Spacing.* Adult regulated uses shall be spaced at least five hundred (500) feet from the following uses: any other adult regulated use; child day care homes; residential zoning districts and all residential uses; nurseries; primary or secondary schools; churches, convents, temples and similar religious institutions; and public parks, community centers, movie theaters, ice or roller skating rinks and other places of public assembly frequented by children and teenagers. The distance shall be measured horizontally between the nearest point of each property line.

Upon denial of any application for a special use permit under this section, the applicant may appeal for a reduction of the above location requirements to the Zoning Board of Appeals. The Zoning Board of Appeals may reduce the location requirements set forth in this section following a public hearing, upon a finding that the proposed use will not be contrary to any other provision of this Zoning Code or injurious to nearby properties and will not enlarge or encourage the development of a "skid row" or "strip."

- (2) *Special Site Design Standards.*

- A. The building and site shall be designed, constructed and maintained so that material such as a display, decoration or sign depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this Zoning Code) cannot be observed by pedestrians and motorists on a public right of way or from an adjacent land use.
- B. Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building. The maximum size of the building shall be three thousand (3,000) square feet.
- C. The site shall have access only onto an arterial street.
- D. The color of the building materials shall be subject to approval by the Citizens Planning Commission.
- E. No person shall reside in or permit any person to reside in the premises of an adult regulated use.
- F. Adult regulated uses shall comply with all applicable federal, state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of Special Use approval.

- (3) *Conditions of Approval.* The applicant must be in full compliance with and have obtained a license under Chapter 805 of these Codified Ordinances.

- (4) *Minors on Premises.* No person operating, assisting in the operation of, or an

employee of, an adult regulated use, shall permit any person under the age of 18 years of age to be on the premises of said business, either as an employee or customer.

- (c) *Procedure for Processing Applications.* All applications to establish an adult regulated use shall be processed as a special use in accordance with the provisions and procedures set forth in Article 1265.

1265.03 Bed and Breakfast Establishments.

(a) *In General.* Bed and breakfast inns may be approved, by special use permit, in the districts indicated in Article 1263.

(b) *Location.* Bed and breakfast inns shall have direct access only to a major street, as designated on the Act 51 Map that can be obtained in the Engineering Department.

(c) *Architectural Compatibility.* Bed and breakfast operations shall be architecturally compatible with other homes in the immediate area and shall not adversely impact on the current residential character of the area.

(d) *Number of Sleeping Rooms.* Bed and breakfast establishments shall be limited to eight (8) sleeping rooms, as established by the State Construction Code, Act 112 of the Public Acts of 1987, as amended.

(e) *Location of Sleeping Rooms.* No bed and breakfast sleeping room shall be located in the basement or above the second story of the dwelling.

(f) *Length of Stay.* The maximum length of stay for guests of a bed and breakfast shall be seven (7) consecutive days.

(g) *Occupancy Limitation.* No more than four (4) occupants shall be permitted to use a sleeping room.

(h) *Cooking Facilities.* Cooking facilities in guest sleeping rooms shall be prohibited.

(i) *Parking.*

(1) *Location.* In the R-1A and R-2 Districts, parking shall be permitted in the side or rear yard only. In the RM District, parking may be permitted in the front yard if an appropriate landscape buffer is proposed, as determined by the Citizens Planning Commission. In other districts, parking shall be permitted in any yard when meeting the standards of Article 1271.

(2) *Number of spaces.* One parking space shall be provided for each sleeping room, plus two spaces for the owner. The Citizens Planning Commission may consider a reduction of this parking requirement if appropriate on-street parking is available

or if Municipal parking is available within three hundred (300) feet.

(j) *Signs.* Signs shall only be permitted if they are mounted on and parallel to the building, or freestanding if they are located within two (2) feet of the dwelling. In the R-1A District, sign size shall not exceed six (6) square feet.

(k) *Inspections.* Building, fire and health inspections shall be required before a permit is issued for a bed and breakfast inn.

(l) *Management.* A resident manager shall be required if the owner of the bed and breakfast inn does not reside within the bed and breakfast dwelling.

(m) *Guest Registry.* An official registry shall be required for all guests.

1265.04 Drive-in or Drive-through Restaurants.

(a) The main building, in addition to all accessory buildings, shall be setback fifty (50) feet from any adjacent public right-of-way line or property line.

(b) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

(c) A six (6) foot high obscuring wall, fence or landscaping shall be provided along any property line adjacent to a residential zoning district.

1265.05 Sidewalk Café Service.

(a) *Permit Issuance.* The Building Official may issue to a food service establishment in the Central Business District a revocable sidewalk café permit to occupy a portion of the adjacent City right-of-way to place tables and chairs for selling and consuming food and beverages under the terms and conditions provided in this chapter. An application depicting the location and layout of the café facility shall be submitted to the Building Department. A zoning permit and right-of-way permit shall be obtained where applicable.

(b) *General Prohibitions.* The requested occupancy of the City right-of-way must not:

(1) Interfere with the use of the right-of-way for pedestrian or vehicular travel.

(2) Unreasonably interfere with the view from, access to, or use of, property adjacent to said street.

(3) Reduce the pedestrian travel area of any sidewalk to less than three (3) feet in width. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixture permanently located in the right-of-way.

- (4) Interfere with street cleaning or snow removal activities.
- (5) Cause damage to the street or sidewalk or to the trees, benches, landscaping, or other objects lawfully located in the right-of-way.
- (6) Cause a violation of any State law or local Charter, ordinance or resolution.
- (7) Be principally used for off-premises advertising or sales.
- (8) Conceal or detract from the appearance of landscaping features in or adjacent to the street.
- (9) Be in or adjacent to property zoned exclusively for residential purposes.
- (10) Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
- (11) Interfere, in any way, with the existing required exits from adjacent buildings.
- (12) Cause increased risk of theft or vandalism.
- (13) Operate outside of the normal operating hours of the establishment.

(c) *Permit Fee.* Prior to issuance of a sidewalk café permit, a permit fee shall be paid as established by City Council resolution.

(d) *Liability Insurance.* Each permit applicant shall provide the City with a certificate of public liability insurance protection in an amount to be determined solely by the City. The certificate of insurance must be in effect for at least the period of the permit to be issued.

The Council shall determine, by resolution, the necessary amount of liability insurance coverage. Each certificate must meet the approval of the City Attorney or the Director of Finance.

(e) *Enclosure of Permitted Area of Operation.* For all businesses selling food and/or beverages in an area located on a public sidewalk, such areas shall be enclosed by a structure approved by the, Zoning Administrator. Prior to approval, written plans and specifications of such structure and any additional construction shall be submitted to the Department. Plans and specifications must include outdoor lighting designs. All construction shall conform to existing building codes and regulations of the City and shall not be permanent.

(f) *Trash Receptacles Required.* It is hereby declared the duty of any owner, lessee, occupant or any other person having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the City to provide adequate receptacles for the deposit of trash or litter of any kind in a convenient place located near such establishment.

(g) *Accumulation of Dirt or Trash on Sidewalks Adjoining Commercial Establishments.* It is hereby declared to be the duty of any owner, lessee, occupant, or any other person having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the City to not permit or allow an unsightly amount of dirt, rubbish, trash or debris of any nature to accumulate on the sidewalk adjoining such establishment. The presence of the aforementioned items upon any sidewalk adjoining any business or commercial establishment within the limits of the City is hereby declared to be a public nuisance.

(h) *Permit Duration, Transfer and Display.* A permit shall remain in effect, unless there is a change in ownership or the operation of the café fails to meet the standards contained herein. Every permit issued under this chapter shall be displayed in a conspicuous place in the food service establishment.

(i) *Appeals.* Persons who are refused a permit or have had their permit revoked may request, in writing, a hearing on the determination before the City Manager. The decision of the Manager may be appealed to the City Council. Requests for a hearing or an appeal must be made in writing within five business days of the questioned decision.

(j) *Enforcement Procedures.* The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are authorized to issue and serve appearance tickets with respect to violations of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3) (2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

1265.06 Automobile Service Stations, Automobile Convenience Marts, Auto Repairs, Paint and Body Shops.

(a) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto.

(b) Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential property line, and must be consistent with the access management plan.

(c) All driveways providing ingress to or egress from a filling or service station shall not be more than thirty (30) feet wide at the property line. No more than one curb opening shall be permitted for each one hundred fifty (150) feet of frontage or major fraction thereof along any street.

(d) The minimum lot area shall be twenty-five thousand (25,000) square feet, with a minimum frontage along the principal street of one hundred-fifty (150) feet. The property shall be so arranged that ample space is available for motor vehicles which are required to wait for services.

(e) Automobile service stations shall not be located within five hundred (500) feet of any school.

(f) Pump islands shall be a minimum of twenty-five (25) feet from any public right-of-way or lot line and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service. Overhead canopies shall be setback at least fifteen (15) feet from the public right-of-way.

(g) Retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall not be displayed or sold outside unless approved by the Citizens Planning Commission or Administrative Site Plan Review Committee.

(h) Outdoor storage or parking of vehicles, except for two (2) private automobiles per indoor stall or service area of the facility, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Vehicles which are awaiting service shall remain on-site for not more than seventy-two (72) hours. No outside storage of tires and other parts and accessories and partly disassembled or junked vehicles shall be allowed.

(i) Any work including repairs, servicing, greasing and/or washing motor vehicles shall be conducted within an enclosed building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.

(j) All outdoor areas used for the storage of motor vehicles waiting for service shall be effectively screened from view from abutting properties and public streets. Such screening shall consist of a solid masonry screening device except for gates, and such screening device shall not be less than six (6) feet in height. Parking areas for employees and customers shall be separate and apart from the storage area.

(k) Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.

(l) The exterior of the main building shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry finished building materials other than glass and metal. The canopies shall be designed within a minimum height of twelve (12) feet, and a maximum height of fifteen (15) feet, and the building design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.

(m) The outdoor use of any electronic or enhanced sound or public announcement system shall be limited to the hours of 8:00 a.m. and 6:00 p.m. Such a system shall not be directed toward adjacent residentially zoned or used property, and shall generally not present an unreasonable disturbance to the neighborhood in which it is located.

(n) The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best

management practices for pollution prevention for automobile filling / service operations, in order to protect surface water and groundwater quality.

- (o) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, greenbelts and/or traffic islands.
- (p) Vehicle sales shall not be permitted on the premises.

1265.07 Automobile Washes.

- (a) All buildings shall have a front yard setback of not less than forty (40) feet.
- (b) All washing facilities shall be within a completely enclosed building.
- (c) Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than one hundred (100) feet from any residential district. Noise from vacuuming or blow drying equipment shall be controlled by appropriate enclosures or sound barrier walls. All noise from such equipment shall comply with the City's Noise Ordinance.
- (d) All cars required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accordance with Article 1271.
- (e) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- (f) All off-street parking and waiting areas shall be paved and dust free.
- (g) A four (4) foot high completely obscuring wall shall be provided where abutting to a residential District.

1265.08 Outdoor Display and Sales.

Outdoor display and sales of manufactured products, garden supplies and similar uses, including new and used automobiles, boats, lawn care, construction machinery and other vehicles, shall be subject to the following requirements:

- (a) The storage or display areas shall not be permitted in the front yard setback and shall meet all other yard setback requirements applicable to any building in the District.
- (b) All outdoor sales and display areas shall be paved and include an approved stormwater drainage system.
- (c) All loading activities and parking areas shall be provided on the same premises off-street.

- (d) The site shall have a minimum frontage of no less than one hundred and fifty (150) feet and area of thirty-five thousand (35,000) square feet.
- (e) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- (f) The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (g) No outside storage of discarded or salvaged materials shall be permitted on the premises.
- (h) All equipment or materials stored outdoors shall be enclosed by a fence or wall with a height at least equal to the tallest item stored.
- (i) All repair work, collision repair, bumping, painting or similar automobile body work must be maintained as an accessory use and conducted within a completely enclosed building and all outside vehicles waiting for repair shall be screened with no less than a six (6) foot high masonry wall.
- (j) There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- (k) There shall be no strings of flags, pennants or bare light bulbs permitted.
- (l) The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.

1265.09 State Licensed Day-Care Facilities.

All day care facilities indicated as special uses in Section 1263 as defined in Section 1261 (under “State Licensed Day Care Facilities”) shall meet the following standards:

- (a) *Child Care and Adult Day-Care Centers.* Child care centers and adult day care facilities shall be subject to the following minimum standards:
 - (1) A site plan, prepared in accordance with Article 1264 shall be required to be submitted.
 - (2) Outdoor play areas shall be required as follows:
 - A. For each person cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor recreation area.
 - B. The required outdoor play area shall have a total minimum area of not less than three thousand (3,000) square feet.

- C. The outdoor play area shall be located in the side or rear yard, shall be fenced and shall be made and kept safe by the care-givers.
- (3) The facilities shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. Unless good cause is otherwise provided to the Citizens Planning Commission, a day care facility's hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.
 - (4) Operator must be licensed by the Michigan Department of Social Services.
 - (5) A compliance permit must be obtained from the Building Department before operation commences, compliance must be continuous.
 - (6) A child care and adult day-care center shall comply with all fire and traffic safety standards set by the Michigan Department of Social Services and the City of Monroe as determined by the Monroe Chief of Police and Fire Chief.
 - (7) Care-givers shall maintain control of noise to protect the surrounding neighborhood.
 - (8) All day care centers shall be currently registered with the 911 Dispatch Center on forms provided by said Center.
 - (9) License holder and all employees shall be subject to a background check and approval by the Monroe Chief of Police.
- (b) *Adult and Child Group Day Care Homes.* Adult and child group day care homes are subject to the following minimum standards:
- (1) A site plan, prepared in accordance with Article 1264 shall be required to be submitted.
 - (2) A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
 - A. Another licensed group day care home.
 - B. An adult foster care small group home or large group home licensed by the State of Michigan.
 - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.

- D. A community correction center, resident home, halfway home or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- (3) Outdoor play areas of at least three thousand (3,000) shall be securely fenced and screened, located in the side or rear-yard, and shall be made and kept safe by the care-givers. This requirement may be waived by the Citizens Planning Commission if a public open space is within five hundred (500) feet of the subject parcel.
 - (4) Maintenance of the property must be consistent with the visible characteristics of the neighborhood.
 - (5) Signage shall be allowed in accordance with the home occupation standards of Article 1272.
 - (6) Drop-offs and loading shall be arranged to allow maneuvers without affecting traffic flow on the public street.
 - (7) Care-givers shall maintain control of noise to protect the surrounding neighborhood.
 - (8) The facilities shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. Unless good cause is otherwise provided to the Citizens Planning Commission, a group day care's hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.

1265.10 State Licensed Foster Care Facilities.

(a) *Adult Foster Care Group Homes.* Adult foster family small and large group homes are subject to the following minimum standards:

- (1) A site plan, prepared in accordance with Article 1264 shall be required to be submitted.
- (2) A minimum outdoor area of five hundred (500) square feet shall be provided on the same premises as the facility shall be provided. This open space shall be securely fenced and screened, located in the side- or rear-yard, and shall be made and kept safe by the care-givers.
- (3) The property shall be maintained in a manner that is consistent with the character of the neighborhood.
- (4) One (1) parking space per employee and/or caregiver at the peak shift shall be provided.

- (5) Appropriate licenses with the State of Michigan shall be maintained.
- (6) The property and facilities shall be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
- (7) A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
- (8) Signage shall be allowed in accordance with home occupation standards of Article 1272.

(b) *Adult Foster Care Congregate Facilities.* Adult foster care congregate facilities are subject to the following minimum standards:

- (1) A site plan, prepared in accordance with Article 1264 shall be required to be submitted.
- (2) Parking requirements as required for convalescent homes and similar facilities, set forth in Article 1271 shall be met.
- (3) All landscape requirements set forth in Section 1270.02 shall be met.
- (4) Appropriate licenses with the State of Michigan shall be maintained.

1265.11 Dog Kennels (Commercial).

- (a) The building wherein dogs are kept, dog runs and/or exercise areas shall not be located nearer than one hundred (100) feet from all property lines and shall not be located in any required front, rear or side yard setback area.
- (b) Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e. fencing, soundproofing and sanitary requirements).
- (c) An operations/management plan shall be submitted to the City for approval.
- (d) Any veterinary clinic building or structure which is used for the treatment or holding of animals and which is adjacent to a Residential District shall have walls which are soundproofed to allow a maximum transmission of 65 dB measured at any point on the outside of the exterior wall. All doors must be solid core, and ventilation shall be by forced air only.

1265.12 Golf Courses.

- (a) Any accessory driving range shall be at least two hundred (200) feet from any residential building.

- (b) Any maintenance, cart storage buildings or outdoor storage area shall be set back at least two hundred (200) feet from the property line of any abutting residential lot.
- (c) The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets to demonstrate the design will comply with accepted design practices and ensure public safety to a reasonable degree.
- (d) Site size shall be sufficient to retain errant balls within the site. Netting shall be prohibited unless the Citizens Planning Commission determines the netting would be compatible with surrounding uses. The maximum height of any approved netting shall be thirty (30) feet, set back at least sixty (60) feet from a property line.
- (e) The Citizens Planning Commission may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning. A lighted driving range is prohibited if the site abuts land used, or expected to be used, for residential development.
- (f) Tee areas for a driving range shall be clearly distinguished either by separated walls or the ground elevated between one and one-half (1/2) inches to six (6) inches.
- (g) Any net used for the course shall be screened from public view by trees.

1265.13 Self-Storage / Mini-Storage Facilities.

- (a) No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (b) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.
- (c) All storage including vehicles of any kind shall be contained within a completely enclosed building.
- (d) All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum of twenty-four (24) foot drives shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (e) Adequate means of security and management shall be provided and including lighting, fencing, or other methods of site security.
- (f) Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.

1265.14 Substance Abuse Treatment Facilities.

- (a) All facilities must be at least one hundred (100) feet from a residential district.
- (b) Access for facilities must be from arterial streets only.

1265.15 Veterinary Clinics.

- (a) All clinics must be operated by a licensed or registered veterinarian.
- (b) The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least one hundred (100) feet from abutting Residential Districts, churches or restaurants on the same side of the street, at least fifty (50) feet from the front property line, and at least fifty (50) feet from all other property lines.
- (c) Outdoor pet enclosures or runs are not permitted.
- (d) Outdoor exercising shall be allowed only when the pet is accompanied by an employee, provided that no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m. of the following day.
- (e) All indoor boarding shall be limited to that incidental to treatment or surgery.
- (f) Any veterinary clinic building or structure which is used for the treatment or holding of animals and which is adjacent to a Residential District shall have walls which are soundproofed to allow a maximum transmission of 65 dB measured at any point on the outside of the exterior wall. All doors must be solid core, and ventilation shall be by forced air only.

1265.16 Large Scale Retail Establishments.

(a) *Design Standards.* The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:

(1) *Aesthetic Character.*

A. *Facades and Exterior Walls:*

- 1. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
- 2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.

3. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).

(2) *Roofs.*

A. *Flat Roofs.*

1. Flat roofs shall incorporate parapets to conceal rooftop equipment from public view. The height of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.

B. *Pitched Roof.*

1. Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
2. The average slope shall be one (1) foot of vertical rise for three (3) feet of horizontal run.

(3) *Materials and Colors.*

- A. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
- B. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- C. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- D. Exterior building materials shall provide texture on at least fifty (50) percent of the facade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(4) *Entryways.* Each principal building shall have clearly defined, highly visible customer entrance consisting of a variety of architectural features such as the following:

- A. Canopies, porticos or overhangs;
- B. Recesses/projections;
- C. Raised corniced parapets over the door;
- D. Peaked roof form;

- E. Display windows;
- F. Integrated tile work and moldings;
- G. Integral planters;
- H. Pavement/material changes for pedestrian cross walks.

(b) *Site Design.*

- (1) *Parking Lot Location.* No more than seventy-five (75) percent of the off-street parking area devoted to the large scale retail establishment may be located between the front facade of the principal building and the abutting streets.
- (2) *Connectivity.* The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at driveway crossings shall be installed to better define pedestrian cross walks.
- (3) *Pedestrian Circulation.*
 - A. Circulation within and to the site is to be enhanced. Internal sidewalks shall be provided on site, and shall be connected to perimeter sidewalks.
 - B. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation planting.
 - C. All internal sidewalks that cross or are incorporated into maneuvering lanes shall incorporate materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
- (4) *Central Features and Community Space.* Each large scale retail establishment shall contribute to the enhancement of the community by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such focal features or amenities. All such areas shall have direct access to the internal sidewalk network and constructed of materials that are compatible with the principal materials of the building and landscaping.
- (5) *Loading, Waste Receptacles, Outdoor Storage.* Each of these functions shall be incorporated into the overall design of the building and landscaping to be visually compatible and fully screened from the view of adjacent properties and public streets. These features shall also be setback a minimum of fifty (50) feet from adjacent residentially zoned properties.

(c) *Traffic Impact.* The applicant shall submit a detailed traffic study in accordance with Section 1269.10. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse effects to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

1265.17 Neighborhood Commercial Uses.

A feature of traditional residential neighborhoods is the ability to walk to nearby businesses that are small and convenience-oriented. These businesses, which can include such uses as small grocery/convenience stores and barber shops, encourage pedestrian circulation and reduce the need for using automobiles for quick trips.

(a) *Purpose.* Neighborhood Commercial Uses may be permitted by special use permit in all R-1C, R-2 and RM zoning districts.

(b) *Permitted Uses.* Neighborhood Commercial Uses shall be limited to the following:

- (1) Convenience retail uses, limited to convenience/grocery stores not selling alcohol.
- (2) Personal service establishments performing on-site services, limited to barbershops, beauty shops and health salons.

(c) *Location Standards.* Neighborhood Center Uses shall be limited to the following locations:

- (1) Existing businesses and commercial buildings meeting the standards of this Section as of July 1, 2006, shall be permitted to continue operating in their present location.

(d) *Accordance with other Ordinance Standards.* All Neighborhood Commercial Uses shall be subject to the standards of the entire Zoning Ordinance to the fullest extent possible. Consideration shall be given by the Citizens Planning Commission to permit reduction in the standards of screening, landscaping and parking requirements. However:

- A. Signage shall be limited to one wall sign with a maximum area of thirty-six (36) square feet.
- B. Neon signage shall be prohibited.
- C. Parking shall be available by either on-street parking or off-street parking located in the rear-yard of the lot. Off-street parking shall meet all screening requirements of Section 1270.02.

(e) *Architectural Compatibility.* All Neighborhood Commercial Uses shall not adversely impact on the current residential character of area. Building elevations shall consist of wood, brick or stone.

1265.18 Nursing Homes, Convalescent Homes, Senior Housing and Children's Institution.

- (a) *Frontage and Access.* Such uses shall front onto a paved major thoroughfare.
- (b) *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of seventy-five (75) from all property lines.
- (c) *State and Federal Regulations.* All of such facilities shall be constructed, maintained and operated in conformance with applicable state and federal laws.

1265.19 Salvage Yards.

All salvage yards shall conform to the following requirements:

- (a) All materials stored outside shall be enclosed within a solid, unpierced fence or wall at least eight (8) feet in height, and not less in height than the materials. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced materials. In no event shall any stored materials be in the area between the lines of said lot and the solid, unpierced fence or wall.
- (b) All ingress or egress shall be limited to one (1) entrance to a paved road.
- (c) On the lot on which a salvage yard is to be operated, all roads, driveways, parking lots, and loading and unloading areas shall be paved, so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

1265.20 Funeral Homes.

Funeral Homes shall be permitted as a special use provided that the plan shall provide for adequate off-street assembly area for vehicles to be used in funeral processions. A caretaker's residence may be provided within the building of a mortuary establishment.

1265.21 Conversion of a Single-Family Unit to Three- or Four- Dwelling Units.

Conversion of single-family units in an existing structure to three- or four- dwellings units may occur within the R-2 and R-M districts if meeting special use standards of this section and the following:

(a) *Minimum Lot Area, Height, Width and Setbacks.* A conversion may only occur when the following standards are met.

Minimum Lot Size Per Unit		Maximum Building Height		Minimum Yard Setback in feet Maximum Lot Coverage Area				Max. Lot Coverage
Area	Width	Stories	Feet	Building Front	One Side Yard (h)	Total of Sides	Rear Yards	Percent
12,000	60	2	25	25	5 (b)	14 (b)	35	30

Footnotes:

- b. Where the required off-street parking for an interior lot is provided by an attached garage or carport, or by an unattached garage or carport served by a drive from a contiguous alley, the sum of the two (2) side yards may be equal to twice the width of the minimum side yard as herein given.
- h. A street side yard of a standard lot shall not be less than fifteen (15) feet in width, measured from the wall of the nearest building, to the side street right-of-way line.

(b) *Parking Standards.* Parking may only be permitted on-street or on an asphalt or concrete driveway. Parking shall not result in an unreasonable amount of pavement on the site.

(c) *Exterior Appearance.* The exterior of the residence shall not be dramatically altered by the conversion. Exterior stairways or fire escapes shall not be permitted on the front elevation or on a visible side elevation.

1265.22 Wireless Telecommunications Towers and Antennas

(a) *Purpose.* The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas.

- (2) Encourage the location of towers in nonresidential areas.
- (3) Minimize the total number of towers throughout the community.
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- (8) Consider the public health and safety of communication towers.
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City of Monroe shall give due consideration to the City of Monroe's Comprehensive Plan, Official Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(b) *Applicability.*

- (1) *New towers and antennas.* All new towers or antennas in the City of Monroe shall be subject to these regulations, except as provided in paragraphs (b)(2) through (4) hereof.
- (2) *Amateur radio station operators; receive-only antennas.* This section shall not govern any tower, or the installation of any antenna, that is under one hundred (100) feet in height and is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
- (3) *Pre-existing towers or antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this section, other than the requirements of paragraphs (c)(6) and (7) hereof. Tower expansions, extensions, or modifications shall, however, be subject to the regulation of this Section.
- (4) *AM array.* For purposes of implementing this section, an AM array, consisting of one or more tower units and a supporting ground system, which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for

setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(c) *General Requirements.*

- (1) *Principal or accessory uses.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited, to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Monroe or within two miles of the municipal boundary thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas and/or towers within the jurisdiction of the City of Monroe, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (4) *Aesthetics.* Towers and antennas shall meet the following requirements:
 - A. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness.
 - B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or

other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

- (6) *State or Federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) *Building Codes and Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Monroe concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (8) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Monroe irrespective of municipal and county jurisdictional boundaries.
- (9) *Not Essential Services.* Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (10) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Monroe have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- (11) *Signs.* No signs shall be allowed on an antenna or tower.
- (12) *Buildings and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection (f) hereof.

- (13) *Multiple Antenna/Tower Plans.* The City of Monroe encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- (d) *Standards for Administrative Approval.*
- (1) *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:
- A. The Zoning Administrator, after review and approval by the Administrative Site Plan Review Committee, may administratively approve the uses listed in this section.
 - B. Each applicant for administrative approval shall apply to the Zoning Administrator, providing the information set forth in paragraphs (e)(2)A. and C. hereof and a nonrefundable fee as established by resolution of the Monroe City Council to reimburse the City of Monroe for the costs of reviewing the application.
 - C. The Zoning Administrator and the Administrative Site Plan Review Committee shall review the application for administrative approval and determine if the proposed use complies with subsection (c) and paragraphs (e)(2)D. and E. hereof.
 - D. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be not approved.
 - E. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, after review and approval by the Administrative Site Plan Review Committee, administratively waive any zoning district setback requirements in paragraph (e)(2)D. or separation distances between towers in paragraph (e)(2)F. by up to fifty (50) percent.
 - F. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, after review and approval by the Administrative Site Plan Review Committee, administratively allow the reconstruction of an existing tower to monopole construction.
 - G. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to subsection (e) hereof prior

to filing any appeal that may be available under this Zoning Code.

H. The Zoning Administrator and/or Administrative Site Plan Review Committee may request Cable Committee review of an application for administrative approval pursuant to this section.

(2) *List of Administratively Approved Uses.* The following uses may be approved by the Zoning Administrator after review and approval by the Administrative Site Plan Review Committee:

A. Locating antennas on existing structures or towers consistent with the terms of paragraphs (d)(2)A.1. and 2. as follows:

1. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator, after review and approval by the Administrative Site Plan Review Committee, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided that:

- a. The antenna does not extend more than thirty (30) feet above the highest point of the structure;
- b. The antenna complies with all applicable FCC and FAA regulations; and
- c. The antenna complies with all applicable building codes.

2. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the Zoning Administrator, after review and approval by the Administrative Site Plan Review Committee, and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided that such collocation is accomplished in a manner consistent with the following:

- a. *Type of tower.* A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
- b. *Height.*
 - (i) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's

existing height, to accommodate the collocation of an additional antenna.

- (ii) The height change referred to in paragraph (d)(2)A.2.b.(i) hereof may only occur one time per communication tower.
- (iii) The additional height referred to in paragraph (d)(2)A.2.b.(i) hereof shall not require an additional distance separation as set forth in subsection (e) hereof. The tower's premodification height shall be used to calculate such distance separations.

c. *On-Site Location.*

- (i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.
- (ii) After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.
- (iii) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to paragraph (e)(2)E. hereof. The relocation of a tower hereunder shall in no way be deemed to cause a violation of paragraph (e)(2)E. hereof.
- (iv) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in paragraph (e)(2)E. hereof shall only be permitted when approved by the Zoning Administrator, after review and approval of the Administrative Site Plan Review Committee.

B. Locating any alternative tower structure in a zoning district other than I-1 Light Industrial or I-2 General Industrial that, in the judgment of the Zoning Administrator, after review and approval by the Administrative Site Plan Review Committee, is in conformity with the goals set forth in subsection (a) hereof.

C. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(e) *Standards for Special Use Approval.*

(1) *Criteria for Approval.* The following provisions shall govern the issuance of special use permits for towers or antennas by the Citizens Planning Commission:

- A. In granting a special use permit, the Citizens Planning Commission may impose conditions to the extent that the Citizens Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- B. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(2) *Requirements for Approval.*

A. *Information required.* In addition to any information required for applications for special use approval pursuant to Chapter 1265, applicants for a special use permit for a tower shall submit the following information:

- 1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Comprehensive Plan classification of the site and all properties within the applicable separation distances set forth in paragraph (e)(2)E. hereof, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator and/or the Administrative Site Plan Review Committee to be necessary to assess compliance with this section.
- 2. A legal description of the parent tract and leased parcel (if applicable).
- 3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- 4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to paragraph (c)(3) hereof shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5. A landscape plan showing specific landscape materials.
6. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with paragraphs (c)(3), (4), (5), (6), (7), (8), (12) and (13), (e)(2)D. and E. and all applicable Federal, State or local laws.
8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Municipality.
10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
11. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

B. *Factors considered in granting special use permits for towers.* In addition to any standards for consideration of special use permit applications pursuant to Article 1265, the Citizens Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Citizens Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Citizens Planning Commission concludes that the goals of this ordinance are better served thereby:

1. The height of the proposed tower;
2. The proximity of the tower to residential structures and residential district boundaries;
3. The nature of uses on adjacent and nearby properties;
4. The surrounding topography;
5. The surrounding tree coverage and foliage;

6. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. The availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in paragraph (e)(2)C. hereof.

C. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Citizens Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Citizens Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

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

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development costs shall not be presumed to render the technology unsuitable.
- D. *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Citizens Planning Commission may reduce the standard setback requirements if the goals of this section would be better served thereby:
1. Towers must be set back a distance equal to at least one hundred (100) percent of the height of the tower from any adjoining lot line.
 2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- E. *Height.* Towers may be constructed up to the following heights:
1. For a single user, up to ninety (90) feet in height;
 2. For two (2) users, up to one hundred twenty (120) feet in height; and
 3. For three (3) or more users, up to one hundred fifty (150) feet in height.
- F. *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Citizens Planning Commission may reduce the standard separation requirements if the goals of this section would be better served thereby:
1. *Separation from off-site uses/designated areas.*
 - a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 5.
 - b. Separation requirements for towers shall comply with the minimum standards established in Table 6.

[MODIFIED]

**TABLE 5
TOWER SEPARATION BETWEEN USES/AREAS**

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	300 feet or 300% height of tower ²
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ^{2, 3}
Vacant unplatted residentially zoned lands ⁴	100 feet or 100% height of tower ²
Existing multi-family residential units greater than duplex units	200 feet or 300% height of tower ²
Non-residentially zoned lands or non-residential uses	100 feet or 100% height of tower ²
<p>¹Includes modular homes and mobile homes used for living purposes.</p> <p>²Minimum distance shall be the greater of the two figures.</p> <p>³Separation measured from base of tower to closest building setback line.</p> <p>⁴Includes any unplatted residential properties without a valid preliminary subdivision plan or valid development plan approval and any RM multiple residential zone.</p>	

2. *Separation distances between towers.*
 - a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 6.

TABLE 6 TOWER SEPARATION BETWEEN TOWERS				
Type	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less Than 75 ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 ft. in Height	750	750	750	750

G. *Security fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Citizens Planning Commission may waive such requirements, as it deems appropriate.

H. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:

1. Tower facilities shall be landscaped according to the standards of Article 1270.02, except that the standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(f) *Buildings or Other Equipment Storage.*

(1) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:

- A. The cabinet or structure shall not contain more than two (200) square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over four hundred (400)

square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

- B. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than thirty (30) percent of the roof area.
- C. Equipment storage buildings or cabinets shall comply with all applicable building codes.

(2) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

A. In residential districts, the equipment cabinet or structure may be located:

- 1. In a front or side yard, provided that the cabinet or structure is no greater than six (6) feet in height or two (200) square feet of gross floor area and the cabinet or structure is located a minimum of twenty-five (25) feet from all lot lines. The cabinet or structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two (42) to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.
- 2. In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or two hundred (200) square feet in gross floor area. The cabinet or structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

B. In Commercial or Industrial Districts, the equipment cabinet or structure shall be no greater than ten (10) feet in height or two hundred (200) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

(3) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

- (4) *Modification of building size requirements.* The requirements of paragraphs (f)(1) to (3) hereof may be modified by the Zoning Administrator, with review and approval of the Administrative Site Plan Review Committee in the case of administratively approved uses or by the Citizens Planning Commission in the case of uses permitted by special use to encourage collocation.
- (g) *Abandoned Antennas and Towers.* Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the City to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (h) *Nonconforming Uses.*
- (1) *Nonexpansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (2) *Pre-existing towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this section.
- (3) *Damaged or destroyed nonconforming towers or antennas.* Notwithstanding subsection (g) hereof, bonafide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in paragraphs (e)(2)D. and E. hereof. The type, height and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (g) hereof.

CHAPTER 1266

PUD PLANNED UNIT DEVELOPMENT

1266.01 Intent.

The intent of the Planned Unit Development District (PUD) is to permit flexibility in the regulations for development, which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and the City desire to preserve. The standards of this chapter are intended to encourage innovative design and to create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of this Zoning Code, to avoid imposition of specific Zoning Code Standards, or the planning upon which this Zoning Code is based. Thus, the provisions of this chapter are designed to promote land use substantially consistent with recommendations of the City's Comprehensive Plan and the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the City.

1266.02 PUD Regulations.

(a) A PUD may be applied for in any zoning district. The approval of a PUD application shall require a rezoning by way of amendment of this Chapter upon the recommendation of the Citizens Planning Commission and approval of the City Council. The process for PUD approval shall be in accordance with Section 1266.06. Notification and public hearing requirements shall be in accordance with Section 1274.02 and Section 1274.03.

(b) Generally, proposed uses shall be consistent with the underlying zoning designation before application to PUD and the Future Land Use Map in the Comprehensive Plan. However, it is recognized that the PUD option may allow mixed uses and flexibility in use. In this regard, mixed or different uses may be allowed as part of a PUD application, provided that uses are consistent with the goals and objectives of the Comprehensive Plan and subject to adequate public health, safety, and welfare protection mechanisms, which are designed into the development to ensure the compatibility of varied land uses both inside and outside the development.

1266.03 Eligibility Criteria.

The applicant for a PUD must demonstrate each of the following criteria:

(a) The subject site is under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

- (b) Granting the PUD will result in at least one (1) of the following:
- (1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations, including special sensitivity to adjacent land uses, well designed access and circulation systems, and/or integration of various site features into a unified development; or
 - (2) Long-term protection and preservation of natural resources and natural features of a significant quantity, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - (3) Long-term protection of historic structures or significant architecture worthy of historic preservation; or
 - (4) The PUD will provide a complementary mixture of uses or housing types within a unique, high-quality design, that could not occur without the use of the PUD option; or
 - (5) A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- (c) There is a finding that the proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
- (d) The proposed PUD shall not result in an unreasonable negative environmental impact or loss of a historic structure on the subject site or surrounding land.
- (e) The proposed PUD shall not result in an unreasonable negative economic impact upon surrounding properties.
- (f) The proposed use or uses shall be of such location, size, density and character as to be in harmony with the zoning district in which it is situated, and shall not be detrimental to the adjoining zoning districts.
- (g) The proposed development shall be consistent with the Comprehensive Plan.
- (h) The proposed PUD shall be harmonious with the public health, safety and welfare of the City.
- (i) The proposed PUD is not an attempt by the applicant to circumvent the strict application of zoning standards.

1266.04 PUD Standards.

(c) *District and Use Standards.* All regulations within this Article applicable to ordinance standards shall be met:

- (1) Setbacks, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed. In all cases, the strictest provisions shall apply.
- (2) The number and dimensions of off-street parking shall be sufficient to meet the minimum required of Article 1271. However, when warranted by overlapping or shared parking arrangements, the Citizens Planning Commission or City Council may reduce the required number of parking spaces.
- (3) Thoroughfare, drainage, and utility designs shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (4) Deviations with respect to ordinance regulations may be granted as part of the overall approval of the PUD. The deviations may be considered, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council and Citizens Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

(d) *Cohesive and Attractive Design Features.* The PUD shall use design features that foster attractiveness and usability throughout the project, and that create compatibility with adjoining properties.

- (1) There shall be underground installation of utilities, including electricity and telephone unless otherwise permitted by the City.
- (2) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares.
- (3) Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving a quality, integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- (4) Where non-residential uses adjoin residentially zoned or used property outside the proposed PUD, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed in accordance with Section 1270.02.
- (5) The proposed PUD shall provide a minimum of twenty (20) percent of the gross site acreage as open space. Gross site area for the purposes of computing

required open space does not include private and public rights-of-way or detention/retention basins. Such open space will remain undisturbed and reserved for passive enjoyment of the users of the development, and shall not include retention ponds or other bodies of water, required yards around residential building lots, or other similar features. This open space requirement may be waived by the Citizens Planning Commission and City Council, if determined to be not applicable due to the type and character of development.

(e) *Natural and Historic Features.* The development shall be designed to promote the preservation of any significant natural or historic features on the site. Vegetation shall be preserved and/or new landscaping generously provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

(f) *Infrastructure.* The uses and design shall be consistent with the available capacity of the existing street network and utility systems, or the applicant shall upgrade the infrastructure as required to accommodate the PUD. All streets and parking areas within the proposed PUD shall meet the minimum construction and other requirements of City Ordinances, unless modified by the Citizens Planning Commission and City Council.

(g) *Uses Permitted.* Any residential, office or commercial use is permitted, upon a determination that the uses would meet the intent of this chapter.

(h) *Additional Considerations.* The Citizens Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; natural drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

1266.06 PUD Rezoning Submittal and Approval Procedures

Applications for a PUD shall be processed as follows (see the flow chart following this Section):

(a) *Initiated by Property Owner.* For properties where PUD rezoning and approval is requested by private individuals or groups, the process is as follows:

- (1) *Pre-application conference.* Prior to formal submission of an application for PUD approval, a meeting between the applicant, City staff and consultants shall be held to obtain guidance that will assist the applicant in preparation of the application and plan. The City shall charge a fee for the conference to cover administrative costs.
- (2) *Neighborhood Review.* The applicant is encouraged to meet with any neighborhood associations and surrounding land owners prior to submittal of preliminary plans to the Citizens Planning Commission and seek informal input pertaining to design and potential impact to surrounding areas.

- (3) *Submittal of PUD rezoning request and preliminary plan.* The applicant shall prepare and submit a preliminary site plan of the proposed PUD to the Planning Department. A narrative report shall accompany the site plan providing a description of the project, discussion of the market concept of the project, and explanation of the manner in which the criteria set forth in the preceding design standards have been met. The preliminary site plan for the PUD shall contain at a minimum the following information:
- A. A completed PUD application form and application fee.
 - B. Sheet size of submitted drawings shall be at least 24" x 36", with graphics and scale.
 - C. The plans and narrative shall provide all information required according to Information Required on Site Plan, Section 1264.07.
 - D. The applicant shall also provide a project narrative which indicates the following information:
 - 1. An explanation of how the project meets the criteria set forth in Section 1266.03, Eligibility Criteria.
 - 2. An explanation of why the submitted PUD plan is superior to a plan that could have been prepared under strict adherence to related sections of this Article.
 - 3. A list of anticipated deviations from this Zoning Code which would otherwise be applicable.
- (4) *Planning Department review.* The PUD Concept Plan shall be reviewed by the Planning Department to determine if the site warrants any further historic preservation analysis. If the PUD Concept Plan submittal information provides no evidence of historical significance, then the Planning Department shall note such fact by a letter inserted in the file.

Evidence of historic significance may include, but is not limited to, a listing in the State Register of Historic Sites, the National Register of Historic Places, or otherwise deemed to have historical significance by the community.

If the PUD Concept Plan submittal or existing records provide evidence of any historical significance on the site, then the City Zoning Administrator or his or her designee may require further information for review. This information may include, but is not limited to, historic research documentation of the site, an archaeological survey of the area, a photographic survey of the area and/or further

historic documentation of the site. Costs of such analysis will be incurred by the developer.

The City Zoning Administrator or his or her designee shall review the documents provided above and assess them along with the proposed PUD Concept Plan, and may assist the developer of the PUD site in creating a Historic Preservation Plan. This Plan could address the preservation of any historic structures, items, goods, equipment, articles, documents or other property that could be removed, replaced, marked or moved from the proposed PUD site.

- (5) *Citizens Planning Commission review.* The Planning Department shall submit the information to the Citizens Planning Commission. The Citizens Planning Commission shall review the PUD rezoning request and submitted information, conduct a public hearing and make a recommendation of approval, approval with conditions, tabling or denial, to the City Council based on the review standards of Section 1266.05 and Chapter 1264.
- (6) *City Council review.* Following receipt of a recommendation from the Citizens Planning Commission on the PUD rezoning and preliminary plan, the City Council shall also conduct a public hearing and shall take one of the following actions:
 - A. *Approval.* Upon finding that the preliminary plan meets the criteria and standards set forth in Section 1266.05 the City Council shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan.
 - B. *Approval with Changes or Conditions.* The City Council may recommend conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in Section 1266.05.
 - B. *Tabling.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in Section 1266.05, but could meet such criteria if revised, the City Council may table action until a revised preliminary plan is resubmitted.
 - C. *Denial.* Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in Section 1266.05, the City Council shall deny preliminary approval.
- (7) *Effective period of approval.* Upon approval by the City Council the PUD rezoning shall remain valid for a period of two (2) years. If a final site plan is not submitted during that time frame, the rezoning becomes void. If a final site plan is submitted during that time frame and is approved, the rezoning to PUD shall

remain in effect until such time as the owner of the property involved requests a change to the zoning. The City Council may approve extensions to the PUD rezoning of up to one (1) year.

- (8) *Submittal of final site plan to Citizens Planning Commission.* If the rezoning and preliminary site plans are approved by the City Council, the applicant shall submit a site plan for final PUD review and recommendation by the Citizens Planning Commission in accordance with Chapter 1264. This must be done during the validity period for the rezoning to a PUD as set forth in paragraph (a)(7) hereof. The Citizens Planning Commission shall recommend approval, tabling, or denial of the project. If the plan is tabled, the applicant shall submit a revised plan to the Citizens Planning Commission addressing their concerns.
- (9) *Submittal of final site plan to City Council.* The Citizens Planning Commission shall review the final site plan and shall take one of the following actions:
 - A. *Approval.* Upon finding that the final plan meets the criteria and standards set forth in Section 1266.05 the Citizens Planning Commission shall grant final approval. If the final PUD is in the form of a subdivision, final PUD approval shall also grant the applicant permission to submit for approval additional phases of plat review including final preliminary plat and final plat in accordance with the Subdivision Ordinance, of the City of Monroe Codified Ordinances.
 - B. *Tabling.* Upon finding that the final plan does not meet the criteria and standards set forth in Section 1266.05, but could meet such criteria if revised, the City Council may table action until a revised final plan is resubmitted.
 - C. *Denial.* Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 1266.05, the City Council shall deny final approval.

All actions on the preliminary plan or final plan by the Citizens Planning Commission and the City Council shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion. Approval of the final PUD by the City Council shall constitute amendment of the Official Zoning Map. The applicant shall then be authorized to proceed with any necessary permits such as final platting or construction submittals, for Development Services Department approval.

- (10) *Amendments.* If the Citizens Planning Commission and/or City Council determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

(11) *Change in ownership.* An approved PUD plan runs with the land, not with the land owner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

(b) *Initiated by City.*

(1) *Administrative rezoning request.* Planning situations may arise where the City Council or the Citizens Planning Commission finds it appropriate to initiate a PUD rezoning in the absence of a PUD plan. In such situations, the Planning Department shall prepare and submit the following information to the Citizens Planning Commission for a review of the proposed administrative rezoning request of a parcel or parcels to a PUD zoning classification. The Municipality shall prepare and submit the following:

- A. A PUD request through the City of Monroe Planning Department (initiated by the City Council or the Citizens Planning Commission). A file will be created for the administrative rezoning request. The administrative rezoning request file shall include the following information:
- B. A copy of Proof of Notification to Owner(s) of Record in writing, informing them that a proposed PUD rezoning is to be undertaken, and informing them of the date that the process could begin. Proof of Notification to all adjacent property owners of the proposal shall also be included.
- C. A rezoning request application.
- D. A site analysis report that includes a site analysis map that illustrates the location of buildings, structures, rights-of-way, easements, surrounding land uses, and zoning classifications, other buildings, structures and property ownership within 100 feet of the subject site.
- E. Any written review or statements, if any, that were made by the City of Monroe Engineering Department, Planning or Building Departments, City Attorney, Zoning Board of Appeals, or any other review parties involved that explain the intent and support for the rezoning request. Materials submitted with this statement could include other maps, plans, studies or reports that may be required to make a determination on the rezoning request.
- F. Any other information which the Citizens Planning Commission or City Council may need to review and determine if the project meets the eligible requirements of the proposed PUD rezoning request.

- (2) *Planning Department review.* The Planning Department shall determine if the site warrants further historic preservation analysis. If the analysis proposal provides no historic significance, then the Planning Department shall note such situation by letter inserted in the file.

If, after a review of the PUD rezoning proposal, the Planning Department determines that the site warrants further historic preservation analysis, the Planning Department shall note the same, by letter inserted in the file. The letter should inform the Municipality or any interested parties of such situation, and outline requirements for evaluation of any future uses proposed at the site.

- (3) *Citizens Planning Commission review.* The Planning Department shall submit the information to the Citizens Planning Commission, which shall review the PUD rezoning request, conduct a public hearing and make a recommendation to the City Council based on the criteria for amendment to the Official Zoning Map set forth in Article 1274.

- (4) *City Council review.* Following receipt of a recommendation from the Citizens Planning Commission on the PUD rezoning request and preliminary plan, the City Council shall conduct a public hearing and shall take one of the following actions:

- A. *Approval.* Upon finding that the PUD rezoning and preliminary plan meets the criteria and standards set forth in Section 1266.05 the City Council shall grant approval.

- B. *Tabling.* Upon finding that the rezoning and preliminary plan does not meet the criteria and standards set forth in Section 1266.05, but could meet such criteria if revised, the City Council may table action until a revised plan is resubmitted.

- C. *Denial.* Upon finding that the PUD rezoning and preliminary plan does not and cannot meet the criteria and standards set forth in Section 1266.05, the City Council shall deny preliminary approval.

The City Council may impose additional reasonable conditions to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- (5) *Status of rezoning.* Upon approval by the City Council, the PUD rezoning shall have the same standing and application as all other districts shown in the Official Zoning Map.

- (c) *Initiation of Site Plan and Application Submittal in an Existing PUD Zoning District.* For

PUD Districts which have been previously approved by the City, have been established and are found on the Official Zoning Map, the process for submittal and review of a site plan shall be as follows:

- (1) Information required to be submitted. The applicant shall prepare and submit the following information to the Development Services Department:
 - A. A completed PUD application form and application fee.
 - B. Sheet size of submitted drawings at least 24" x 36", with graphics and scale.
 - C. The plans and narrative shall provide all information required according to Information Required on Site Plan, Section 1264.07.
 - D. A list of anticipated deviations from this Zoning Code which would otherwise be applicable.
 - E. Any other information which the Citizens Planning Commission or City Council requires to determine if the proposed project meets the eligibility criteria. This may include, but is not limited to, preliminary building elevations, floor plans and sign plans. For a large project, an impact assessment may be required.
- (2) *Planning Department review.* The applicant shall provide a copy of the proposed PUD site plan for review by the City's Planning Department to determine if the site warrants any further historic preservation analysis. If the PUD site plan submittal information provides no evidence of historic significance, then the Planning Department shall note such situation by letter inserted in the file.

Evidence of historic significance may include, but is not limited to, a listing in the State Register of Historic Sites, the National Register of Historic Places, or otherwise deemed to have historical significance by the community.

If the PUD site plan submittal or existing records provide evidence of any historical significance on the site, then the Planning Department may require further information for review. This information may include, but is not limited to, historic research documentation of the site, an archaeological survey of the area, a photographic survey of the area and/or further historic documentation of the site. Costs of such analysis will be incurred by the developer.

The City Zoning Administrator or his or her designee shall review the documents provided above and assess them along with the proposed PUD site plan and may assist the developer of the PUD site with a Historic Preservation Plan. This Plan could address the preservation of any historic structures, items, goods, equipment, articles, documents or other property that could be removed, replaced, marked or

moved from the proposed PUD site.

- (3) *Citizens Planning Commission review.* The Development Services Department shall submit the information to the Citizens Planning Commission, which shall review the PUD site plan and application, conduct a public hearing and make a recommendation to the City Council based on the review standards of Section 1266.05 and Chapter 1264.
- (4) *City Council review.* Following receipt of a recommendation from the Citizens Planning Commission on the PUD rezoning request and plan, the City Council shall conduct a public hearing and shall either approve, table or deny the proposal. The City Council shall review the request based on the standards of Section 1266.05 and Chapter 1264.

The City Council may impose additional reasonable conditions to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

1266.07 PUD Conditions.

(a) Reasonable conditions may be required before the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(b) Permit conditions may be drafted in writing specifying conditions of approval and use. Conditions may stipulate that the PUD may only be used for selective land uses provided the restraint(s): advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land thus benefiting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this Section and thus benefit the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare. A change of land use from that which was previously approved will render the PUD null and void or will require application for a revised PUD.

(c) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; are reasonably related to the purposes affected by the PUD; and, necessary to meet the intent and purpose of this Chapter; and related to the objective of ensuring compliance with the standards of this Chapter. All conditions imposed shall be made a part of the written record of the approved planned unit development which shall include a site plan and written PUD permit conditions signed by the City and the applicant.

(d) In the event that conditions set forth herein are not complied with, the Zoning Administrator or Enforcing Officer shall have the right to follow enforcement procedures pursuant to Article 1262. Additional conditions may be imposed by the City Council, or the applicant may be required to submit a new PUD application.

1266.08 Authority of Zoning Board of Appeals Regarding Variances.

(a) The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from this Zoning Code. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.

(b) The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, perimeter landscaping or setbacks. Such changes shall require an amendment to the PUD plan.

1266.09 Phasing and Commencement of Construction.

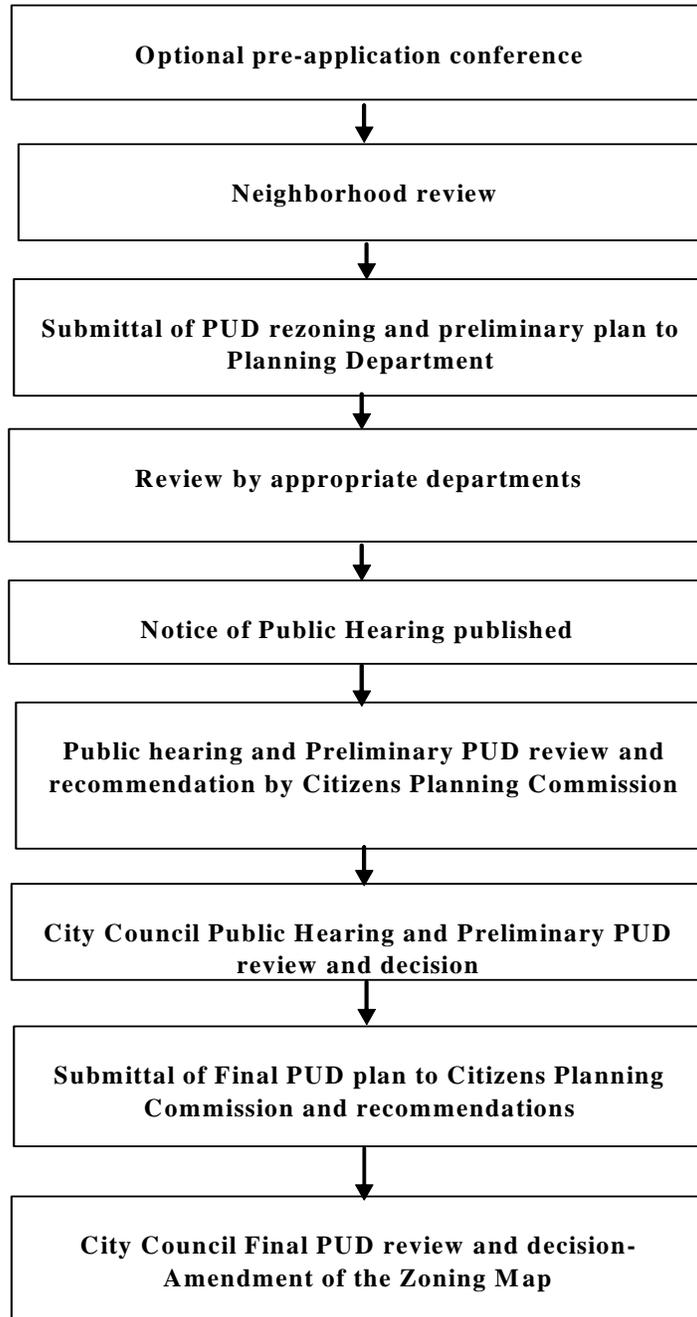
(a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable by the City Council after recommendation from the Citizens Planning Commission.

(b) *Commencement and Completion of Construction.* Construction shall be commenced within one (1) year following final approval of a PUD and shall proceed in conformance with the schedule set forth by the applicant. If construction has not commenced within such time, any approval of a site plan on the project shall expire and be null and void; however, an extension for a specified period may be granted by the Citizens Planning Commission upon good cause shown if such request is made to the Citizens Planning Commission prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council shall take action to reclassify the property to its previous zoning designation, by adopting an amendment to the Zoning Ordinance, after Citizens Planning Commission review and public hearing(s) as required by Section 1274.03.

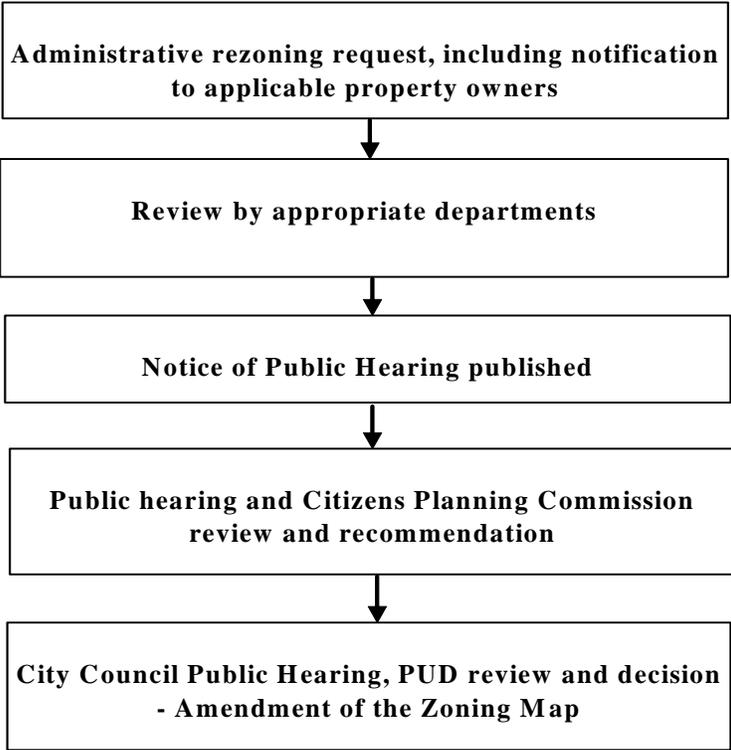
1266.10 Violations.

A violation of the PUD plan or agreement shall be considered a violation of this Zoning Code.

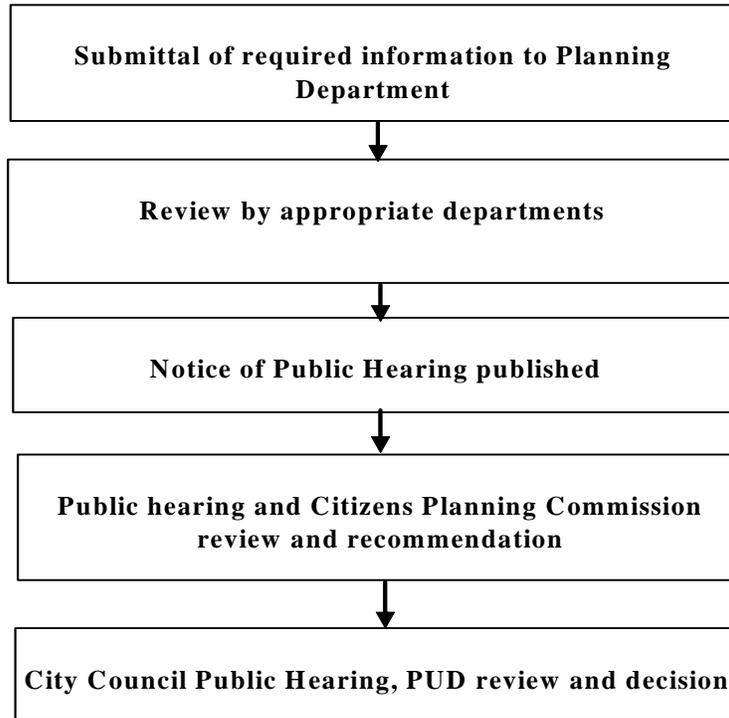
**TABLE 8
PUD PROCESS:
INITIATED BY PRIVATE OWNER**



**TABLE 9
PUD PROCESS:
INITIATED BY CITY**



**TABLE 10
PUD PROCESS:
INITIATION OF SITE PLAN AND APPLICATION IN EXISTING
PUD ZONING DISTRICTS**



CHAPTER 1267

SITE CONDOMINIUM

1267.01 Application of Zoning Code to Site Condominium Subdivisions.

(a) Pursuant to the authority conferred by Section 141 of Act 59 of the Public Acts of 1978, as amended (the Condominium Act), being M.C.L.A. 559.241, as amended, all site condominium subdivisions shall be required to comply with all provisions of this Zoning Code.

(b) The intent of this chapter is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This chapter is required because of the different design terms which are used for site condominium subdivisions.

1267.02 Definitions.

As used in this chapter:

(a) "Building envelope" means the ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., a house and an attached garage.

(b) "Building site (condominium unit)" means, regardless of use, that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and a limited common area.

(c) "Condominium structure" means any building or structure constructed upon a building site (condominium unit).

(d) "Site condominium subdivision" means a division of land, on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

1267.03 Site Condominium Requirements.

(a) All design standards and required improvements that apply to a subdivision, under the City's Subdivision Regulations, and to other design specifications adopted by the City shall apply to any condominium development.

(b) Each condominium lot shall be located within a zoning district that permits the proposed use.

(c) In the case of a condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.

(d) Each condominium lot shall front on and have direct access to a public street.

(e) All regulations pertaining to dwelling or building height, width or size, and all other requirements as established by the City shall apply to a condominium structure.

(f) Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:

(1) The front yard setback shall be measured from the building envelope to the nearest road right-of-way line.

(2) The side yard setback shall be measured from the side of the building envelope to the side building site line.

(3) The rear yard shall be measured from the rear line of the building envelope to the rear line of the building site.

(4) Building-to-building spacing shall be measured from building envelope to building envelope.

(g) Each condominium unit shall be connected to the City water, sanitary and storm sewers. Utility standards stated in Building Code shall apply to all condominium units proposed for location on any property that is not subdivided and recorded, or any property that is to be further subdivided.

(h) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The City may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the City Clerk; cash, a certified check, or an irrevocable bank letter of credit running to the City, whichever the developer selects, in an amount as determined from time to time by resolution of the Citizens Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Citizens Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

(i) Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan

and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall declare easements to the City for all public water and sanitary sewer lines and appurtenances.

(j) Site condominium subdivisions may be reviewed as a planned unit development, subject to the regulations contained in Article 1266.

1267.04 Changes to Layout or Design.

The City, in reviewing a condominium project or site condominium subdivision plan, may require changes to the layout or design to ensure that it complies with this Zoning Code and meets the intent of the applicable district regulations.

1267.05 Condominium Review Procedures.

(a) Condominium projects and construction plans shall include the required information for a site plan review, as identified in Chapter 1264. In addition, a copy of the proposed master deed and any other restrictive covenants shall be submitted.

(b) Site condominium subdivisions shall be reviewed as follows:

- (1) A preliminary conceptual site plan is submitted to the Planning Department.
- (2) A pre-application meeting shall be held, with the applicant, Zoning Administrator, and staff members of the Planning and Building Departments, City Engineer and Fire Department attending.
- (3) A conceptual site plan, including information similar to a tentative preliminary plat, as described in the Subdivision Regulations, and including revisions to address concerns discussed at the pre-application meeting, shall be submitted to the Planning Department.
- (4) In addition to the site plan, the draft condominium documents shall be submitted to the City for review by the City Attorney and other appropriate staff.
- (5) The Planning Department shall distribute the conceptual site plan to appropriate departments for review and comments.
- (6) The conceptual site plan and staff reports shall be submitted to the Citizens Planning Commission for review.
- (7) The Citizens Planning Commission shall recommend approval, approval with conditions or denial of the conceptual site plan within sixty (60) days of the submittal.

- (8) The City Council shall approve, approve with conditions or deny the conceptual site plan.
- (9) If the conceptual site plan is approved, the applicant shall submit a final site condominium subdivision plan, with information similar to a final preliminary plat, as described in the Subdivision Regulations, to the Planning Department.
- (10) The Planning Department shall submit the final site condominium subdivision plans to the City Engineer and other appropriate departments for review and comment.
- (11) The final site condominium subdivision plan and staff reports shall be distributed to the Citizens Planning Commission.
- (12) The Citizens Planning Commission shall recommend approval, table or deny the site condominium subdivision plan. If the plan is tabled, the applicant must submit a revised plan to the Citizens Planning Commission addressing their concerns as well as any concerns of the Planning Department, the City Engineer, or other applicable party.
- (13) The City Council shall then approve or deny the final site plan.
- (14) The City Council, as a condition of final approval of the site plan, shall require the applicant to provide a performance guarantee as set forth in Section 1264.04, for the completion of improvements associated with the proposed use.
- (15) Following approval of the final site plan, the final condominium documents and engineering plans shall be approved by the City Attorney and City Engineer, respectively.
- (16) Following construction of infrastructure and other site improvements, as-built plans shall be submitted to the City Engineer.

1267.06 Revision of Site Condominium.

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the City Council before any building permit may be issued, where such permit is required.

1267.07 Amendment of Condominium Documents.

Any amendment to a Master Deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and

approved by the City Attorney and City Council before any building permit may be issued, where such permit is required. The City Council may require Citizens Planning Commission review of an amended site plan if, in its opinion, such changes in the Master Deed or bylaws require corresponding changes in the site plan.

1267.08 Relocation of Boundaries.

Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Citizens Planning Commission upon recommendation of the City Assessor. These requirements shall be made a part of the bylaws and recorded as part of the Master Deed.

1267.09 Option for Site Condominium Planned Unit Development.

Site condominium subdivision or construction plans shall have the option of being reviewed as a planned unit development, subject to the regulations contained in Article 1266.

1267.10 Subdivision of Condominium Lot.

Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

CHAPTER 1268

NON-CONFORMING USES, STRUCTURES AND LOTS

1268.01 Intent.

It is the intent of this chapter to permit legal non-conforming lots, structures, or uses to continue until they are removed. It is also the goal of this Zoning Code to further the removal of illegal non-conforming uses, structures and lots. Table 14, found at the end of this section, provides a list of common situations of nonconformity and regulatory responses.

(a) It is recognized that there exists within the districts established by this Zoning Code existing lots, structures and uses of lots and structures which were previously lawful which would be prohibited, regulated, or restricted under the terms of this Zoning Code and its amendments. It is the intent of this Zoning Code to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided for herein.

(b) Any lot, use, building, structure or combination thereof that was not lawful at the date of adoption of this Zoning Code or any amendments thereof shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this chapter. Such an illegal nonconformity shall be in violation of this Zoning Code and shall be terminated and removed.

1268.02 Buildings under Construction.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been diligently carried on. "Actual construction" is hereby designed to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**TABLE 11
REQUIRED SIDE YARD SETBACKS:
FOR SUBSTANDARD INTERIOR LOT WIDTHS**

Lot Width (In Feet)	Buildable Width (In Feet)	Minimum Side Yards (In Feet)	Other Side Yards (In Feet)	Total (In Feet)
49	35	5	9	14
48	34	5	9	14
47	34	4	9	13
46	33	4	9	13
45	32	4	9	13
44	31	4	9	13
43	31	3	9	12
42	30	3	9	12
41	29	3	9	12
40	28	3	9	12
39	28	3	8	11
38	27	3	8	11
37	26	3	8	11
36	26	3	7	10
35	26	3	6	9
34	26	3	5	8
33	26	3	4	7
32	26	3	3	6
31	25	3	3	6
30	24	3	3	6

**TABLE 12
REQUIRED SIDE YARD SETBACKS:
WHERE THE STREET SIDE YARD ADJOINS AN INTERIOR LOT**

Lot Width (In Feet)	Buildable Width (In Feet)	Minimum Side Yards (In Feet)	Street Side Yards (In Feet)	Total (In Feet)
46	26	5	15	20
45	26	5	14	19
44	26	5	12	18
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14
39	26	3	10	13

**TABLE 13
REQUIRED SIDE YARD SETBACKS:
WHERE LOT ADJOINS ANOTHER CORNER LOT**

Lot Width (In Feet)	Buildable Width (In Feet)	Minimum Side Yards (In Feet)	Street Side Yards (In Feet)	Total (In Feet)
46	29	5	12	17
45	28	5	12	17
44	27	5	12	17
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14

39	26	3	10	13
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1268.03 Non-Conforming Lots of Record.

A permitted principal building and uses, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption or amendment of Zoning Code, provided that such lot shall have been, in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that minimum setback dimensions and other requirements shall conform to the regulations for the district. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals, except as provided for single-family dwellings in Section 1268.04.

1268.04 Non-Conforming Lots in Single-Family Residential Districts.

In Single-Family Residential Districts, all non-conforming lots shall be subject to the following regulations:

(a) A single-family dwelling may be erected in a Single-Family Residential District on a substandard lot or parcel which is of record at the time of the adoption of this Zoning Code and under separate ownership from a contiguous vacant lot, provided that the required side yards meet the minimums prescribed in Tables 11, 12 and 13 below for both interior and corner lots, and provided, further, that no side yard shall be less than three (3) feet, nor any corner lot side yard less than ten (10) feet; that the lot area is not less than fifty (50) percent of the minimum specified for the District; that an affidavit shall have been obtained showing that property cannot be acquired to either side of the property to increase the width of the lot in question; and that all other requirements for the District are complied with, except that off-street parking requirements may be waived where interior lots are less than thirty-seven (37) feet in width, provided, however, that vacant lots having, in the aggregate, continuous frontage of more than nine hundred (900) feet shall not be subject to this exception. The purpose of this provision is to permit utilization of record lots or parcels which lack adequate width as other dimensional requirements of this Zoning Code can be met.

(b) Where a lot or parcel of record, at the time of the adoption of this Zoning Code in a Single-Family Residential District, is under separate ownership from the lot abutting the rear lot line and is of insufficient depth to permit a buildable depth of twenty-six (26) feet, the required rear yard may be reduced by not more than six (6) feet to provide such twenty-six foot buildable depth for a single-family dwelling, provided, however, that the lot area is not less than fifty (50) percent of the minimum specified for the use intended and that all other requirements for the District shall be complied with.

1268.05 Non-Conforming Contiguous Lots under the Same Ownership.

If two or more lots, or a combination of lots, with contiguous frontage in single ownership, are of

record at the time of adoption or amendment of this Zoning Code, and if all or parts of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Zoning Code. No portion of said parcel shall be used, occupied or sold in a manner which diminishes compliance with the lot width and area requirements established by this Zoning Code, nor shall any division of a parcel be made which creates a lot with a width or area less than the requirements stated in this Zoning Code.

These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home. In addition, lots of thirty (30) feet or greater in frontage, established prior to January 1, 2000, shall not be subject to these provisions, provided that they are determined to be appropriate with the dimensional standards of adjacent parcels in the existing neighborhood.

1268.06 Non-Conforming Uses of Land.

Where, at the effective date of adoption or amendment of this Zoning Code, lawful use of land exists that is made no longer permissible under the terms of the Zoning Code as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such non-conforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- (b) No accessory use, building or structure shall be established.
- (c) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.
- (d) If such non-conforming use of land is discontinued for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

1268.07 Non-Conforming Uses of Structures and Land.

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be permitted in the district under the terms of this Zoning Code, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) A single-family residential building in a non-single-family district may be expanded to occupy the floor area necessary for living purposes, subject to the approval of the Zoning Board

of Appeals.

(b) Replacement or repair of a non-conforming residential use and building in a nonresidential district damaged by flood, fire or vandalism shall be permitted upon approval of the Zoning Board of Appeals, in accordance with Section 1268.06.

(c) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located, except single-family dwellings as permitted above, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

(d) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

(e) A non-conforming use shall not be established, except as follows: If no structural alterations are made, any non-conforming use of a structure, or of a structure and land in combination, may be changed to a more conforming use, as determined by the Zoning Board of Appeals, upon finding that the proposed use is more appropriate at the specific location than the existing non-conforming use. In permitting such a change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Zoning Code. Where a non-conforming use of a structure or land, or a structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(f) Any non-conforming use of a structure, or of a structure and land in combination, shall thereafter conform to the regulations for the district in which such structure is located, if the use is superseded by a permitted use or if the building or structure is removed. The non-conforming use may not thereafter be resumed.

(g) If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Zoning Code. Where a non-conforming use of structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

(h) When a non-conforming use of a structure, or of a structure and land in combination, is discontinued for six consecutive months, the structure, or the structure and land in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

1268.08 Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) *Permitted Expansions.* No such structure may be enlarged or altered in a way which increases its non-conformity, unless a variance is granted by the Zoning Board of Appeals. Non-conforming buildings and structures may be enlarged or altered in a way which decreases their nonconformity or which does not increase their nonconformity. (Example: If the side yard setback is non-conforming, the building may be extended on the other side, rear or front yard, provided that those setbacks remain conforming.)

For the purposes of this Zoning Code, adding second story space over a portion of a one-story building which is already non-conforming by reason of building setback infringement shall not be deemed to be an increase in nonconformity and may be permitted. However, such an addition cannot create a new nonconformity, such as exceeding the maximum building height limitation.

(b) *Reconstruction or Replacement of Damaged Non-Conforming Single-Family Dwellings.* A single-family dwelling and its accessory structures which do not conform to one or more dimensional requirements of this Zoning Code, may be continued, replaced, repaired or remodeled if damaged by flood, fire or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such a non-conforming single-family building shall commence within one year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or to diligently work toward completion shall result in the loss of legal, non-conforming status, unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

(c) *Reconstruction or Replacement of Damaged Non-Conforming Buildings and Structures.* Except as noted in subsection (b) hereof, a non-conforming building or structure, which is damaged by flood, fire or vandalism to an extent of more than sixty (60) percent of its fair market value, as determined by the City Assessor, exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this Zoning Code. The Zoning Administrator may require that an estimate of fair market value be provided, at the applicant's expense, from a certified appraiser and licensed contractor. Such non-conforming building may be replaced, provided replacement is commenced within six months of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, non-conforming status, unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

(d) *Relocation of Non-Conforming Buildings and Structures.* Should any non-conforming building or structure be relocated or moved, for any reason or for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

1268.09**Non-Conforming Sites.**

(a) This Zoning Code may create a number of situations where an existing developed site does not conform to all of the various current site design standards (such as site lighting, landscaping, waste receptacle screening, sidewalks and access management). The intent of this section is to permit improvements and minor modifications to a conforming building containing a conforming use, with an upgrade to the site in a reasonable relationship to the extent of changes to the building. This section permits the Citizens Planning Commission, with input from City Staff, to work with the applicant toward compliance with the site related requirements. Full compliance shall be required for any improvement determined to be safety related.

(b) A change in use of, improvements to or expansions of an existing building may be permitted without a complete upgrade of all site elements under the following conditions:

- (1) The applicant is proposing reasonable site improvements in relation to the scale and construction cost of the building improvements or expansion.
- (2) The applicant has addressed safety related site issues.
- (3) The applicant has upgraded the site landscaping, consistent with Section 1270.02.
- (4) The improvements or minor expansion will not increase noncompliance with site requirements.
- (5) A site plan has been submitted in accordance with Article 1264.

**TABLE 14
SUMMARY OF NON-CONFORMING REGULATIONS**

Non-Conforming Situation	Ref. Sec.	Regulatory Response
Illegal non-conforming use or, building or accessory	Sec. 1268.01	Activity must cease
Request to construct a single family home on a non-conforming lot of record in a single family district which has not been owned by a contiguous property owner.	Secs.1268.02 and 1268.03	Residential building may be constructed, setbacks, determined by Tables 11, 12, and 13
Request to construct a non-single family building on a non-conforming lot of record which has not been owned by a contiguous property owner.	Sec.1268.03	Building may be constructed if other dimensional requirements are met.
Request to build on a non-conforming lot of record which has been owned by a contiguous property owner	Sec. 1268.05	Lots are considered to be combined.
Non-conforming use on open land	Sec.1268.06	No expansion or new structures allowed, must cease and all non-conforming rights are terminated if use is discontinued for 1 year.

Use of single family home in a nonresidential district	Sec.1268.07(a)	May be used, expansion requires ZBA approval.
Rebuilding of a single family home in a non-residential zoning district damaged by catastrophe	Sec. 1268.07(b)	Requires ZBA approval (see Section 1268.06)
Expansion of non-conforming use either outside a building or through an expansion of the building	Sec. 1268.07(c)	Not permitted
Expansion of non-conforming use within a conforming building	Sec.1268.07 (d)	Permitted
Establishment of a new non-conforming use	Sec. 1268.07 (e)	Not permitted; a change to a more conforming use may be permitted.
Change from a non-conforming situation to a conforming one, or removal of a building housing a non-conforming use	Sec. 1268.07 (f)	Non-conforming rights terminated
Use of a non-conforming use in a building or structure, or a non-conforming building or accessory structure is abandoned or discontinued for 6 months or more	Sec. 1268.07 (g)	Non-conforming rights terminated
Request to expand a non-conforming building	Sec. 1268.08 (a)	Expansion permitted only on sides which will still conform
Replacement of a single family dwelling destroyed by flood, fire or vandalism which did not conform with one or more dimensional requirements	Sec.1268.08 (c)	Requires ZBA approval
Repair or replacement of non-conforming buildings damaged by flood, fire or vandalism	Sec. 1268.08 (c)	Must conform if damage exceeds 50% of replacement cost
Relocation of a non-conforming use or building	Sec.1268.08 (f)	Must conform
Request to renovate or expand a conforming use or building when the site plan does not meet all of the current site design standards	Sec. 1268.09	Requires Citizens Planning Commission review
Routine maintenance and structural repairs to a non-conforming building or structure containing a conforming use	Sec. 1268.10(b)	Permitted up to 50% of value
Routine maintenance and structural repairs to a non-conforming building or structure containing a non-conforming use	Sec. 1268.10(d)	ZBA approval required.
Change in ownership of a non-conforming lot, use or building	Sec. 1268.11	No effect on conformity or rights

1268.10 Repairs and Maintenance.

(a) For purposes of this section, "routine repairs, maintenance and modernization" shall include activities such as new roofing, new siding, painting, installation of new climate control equipment, new landscaping, concrete repair and repair or replacement of nonbearing walls, fixtures, wiring or plumbing.

(b) Ordinary or routine maintenance and repairs shall be permitted on a building which contains a conforming use, but does not conform with all the various dimensional requirements, provided that the repair or replacement within any twelve (12) month period does not exceed fifty (50) percent of the value of the building, and provided that the cubic content of the building, as it existed at the time of adoption or amendment of this Zoning Code, shall not be increased (see Section 1268.08(a)).

(c) A non-conforming building or structure that has structurally deteriorated to an extent that it has been condemned by the Building Official, and when the cost of repair to meet standards for occupancy exceeds fifty (50) percent of the structure's replacement cost, shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(d) Repairs and maintenance to a building or structure containing a non-conforming use shall require approval of the Zoning Board of Appeals.

(e) The value of the building and cost of repairs shall be the fair market value as determined by the City. The City may require that the applicant provide written documents from a certified appraiser or licensed contractor.

(f) Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

1268.11 Change of Tenancy, Management or Ownership.

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is not change in the nature or character of such non-conforming uses except in conformity with the provisions of this Zoning Code.

1268.12 Recording of Non-Conforming Uses and Structures.

The Zoning Administrator shall be responsible for maintaining records of non-conforming uses and structures as accurately as is feasible and for determining legal non-conforming uses and structures in existence on the effective date of this Zoning Code. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal non-conforming status may result in the denial of required or requested permits.

1268.13 Variances.

Any use, building or structure for which a variance has been granted, as provided in this Zoning Code, shall not be deemed a nonconformity.

1268.14 Elimination by Municipality

In order to accomplish the elimination of non-conforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, and in accordance with Act 272, Public Acts of the State of Michigan of 1947, as amended (MCL 125.583a, MSA 5.2933(11)), the City of Monroe may acquire properties on which non-conforming buildings or uses are located, by condemnation or other means and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the City for a public use. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

CHAPTER 1269

SUPPLEMENTARY REGULATIONS

1269.01 Intent.

The purpose of this section is to provide additional standards for permitted uses and other circumstances not covered in other sections of the Zoning Code.

1269.02 Voting Places.

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

1269.03 Accessory Buildings, Structures and Uses.

All accessory buildings and structures permitted in this Zoning Code shall be subject to the following:

(a) *Relation to Principal Buildings.* Accessory buildings, structures and uses are permitted only in connection with, incidental to, and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized, unless the principal structure to which it is accessory is occupied or utilized.

(b) *Maximum Number.* A maximum of two (2) accessory buildings may be permitted on a single- or two-family residential lot, provided that all other requirements of this section are met. Only one (1) detached garage shall be permitted. A maximum of one (1) detached accessory building shall be permitted on a non-single-family residential lot. The Zoning Board of Appeals may grant a variance to the maximum number of accessory buildings based on the variance standards in Article 1273, and in consideration of the size of the lot.

(c) *Location.* Accessory buildings shall not be erected in any right-of-way, easement or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.

(d) *Setbacks and Spacing for Detached Accessory Buildings.* Setbacks and spacing for detailed accessory buildings shall be as follows:

- (1) Where the accessory building or structure is structurally attached to a principal building or structure (e.g. a deck, garage or breezeway), or is less than ten (10) feet from the principal building, the accessory building shall be subject to all

regulations of this Zoning Code applicable to principal buildings, structures and uses.

- (2) Spacing from another accessory building shall be a minimum five (5) feet.
- (3) The minimum side yard setback shall be three (3) feet.
- (4) The minimum rear yard setback shall be five (5) feet.
- (5) There shall be a minimum of ten (10) feet behind the rear building line of the principal building, except that a front building line of a detached garage may be aligned with or be closer to the rear building line of the principal building.

(e) *Garage or Carport Location in Multiple-Family Developments.* In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the nonrequired front yard if, during site plan review, the design and locations are found to be complementary with adjacent uses and will not detract from the view or visibility of motorists.

(f) *Yard Coverage and Footprint.* Accessory buildings in a residential district shall have a combined maximum rear yard coverage of twenty-five (25) percent and a maximum combined footprint of nine hundred (900) square feet. For substandard lots, coverage may be increased an additional ten (10) percent if the accessory building does not exceed five hundred seventy-six (576) square feet in size. The footprint of accessory buildings in all districts shall not be greater than the square footage of the principal building.

(g) *Maximum Height for Detached Accessory Structures.*

- (1) The maximum building height of any detached accessory building or structure in any Single- or Two-Family Residential District shall be as follows, measured from the average height between the eaves and the ridge:
 - A. Seventeen (17) feet where the principal building or structure is of two (2) or more stories in height; and
 - B. Fourteen (14) feet where the principal building or structure is less than two (2) stories in height.
- (2) For the above, in no case shall the height of the accessory building or structure exceed that of the principal building or structure.
- (3) Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to the review and approval of the Zoning Board of Appeals, if the building exceeds twenty (20) feet in height.

(h) *Drainage.* The placement and design of any accessory building or structure shall not have

a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.

(i) *Restrictions on Use.* Accessory buildings shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation except for permitted caretakers' dwellings, as permitted in Section 1269.21.

(j) *Permit Required.* Any accessory building or structure shall require a permit issued by the Building Department.

(k) *Dwelling.* No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes.

1269.04 Residential Design Standards.

In order to preserve the substantial investment of property owners in single-family neighborhoods, any single-family home erected in a residential zoning district shall not be grossly dissimilar to the exterior design and appearance of existing detached single-family homes in the surrounding area. The term "grossly dissimilar," as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents. The standards herein contained are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the City of Monroe Comprehensive Plan.

Any residential structure, including any manufactured, modular or prefabricated housing dwelling unit, shall comply with the following standards:

(a) *Codes and Ordinances.* Dwelling units shall conform to all applicable City codes and Ordinances and State and Federal requirements with respect to the construction of the dwelling. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.

(b) *Area and Bulk Regulations.* All dwelling units shall comply with the minimum floor area requirements specified for the zoning district where such structure is located.

(c) *Foundations.* All residential structures shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the Building Code of the City. All attached wheels, and exposed towing mechanisms, undercarriage or chassis must be removed. The foundation or skirting shall fully enclose the undercarriage and chassis.

(d) *Location in Floodplain.* No dwelling unit, including mobile homes, shall be located within a one hundred (100) year floodplain, unless a permit has been issued by the Michigan Department of Environmental Quality and construction is in accordance with Chapter 1464 of the Building and Housing Code. All regulations of Section 1270.11 of this Ordinance shall be upheld.

(e) *Uses.* Dwelling units and other structures shall be used only for purposes permitted in the zoning district in which they are located.

(f) *Exterior Attachments or Extensions.* Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the Building Code of the City.

(g) *Architectural Design Features.* Dwelling units shall have exterior finish materials and roof designs and materials that are not grossly dissimilar to homes in the surrounding residential neighborhood.

(h) *Roof Pitch.* The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet six (6) inches, except where the specific housing design dictates otherwise (i.e. French provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

(i) *Dimensions.* Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units in the surrounding residential neighborhood. A dwelling unit shall have a minimum width of twenty (20) feet.

(j) *Roof Overhang and Drainage.* Dwelling units shall have a roof overhang of not less than six (6) inches on all sides with roof drainage systems concentrating roof drainage at specified collection points, and shall not have an impact on neighboring properties.

(k) *Exterior Doors.* Mobile homes and manufactured dwellings shall have not less than two (2) exterior doors which shall not be located on the same side of the building. Steps shall also be required for exterior door areas or to porches connected to said door areas.

(l) *Storage Areas.* Each such dwelling unit shall contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or a separate detached accessory structure which complies with the standards of this Zoning Code regarding accessory buildings and structures.

(m) *Exceptions.* The standards of this section shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or as otherwise

specifically required in this Zoning Code and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City, unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Zoning Code.

(n) *Building Permits.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.

(o) *Additions.* A dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. This provision shall exclude enclosed sunrooms built on a deck that are located in a rear yard.

(p) *Sewage Disposal or Water Supply.* Each such unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department. **[NEW]**

(q) *Certification.* If the dwelling unit is a mobile home, the mobile home must either be:

- (1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or
- (2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in paragraph (q)(1) hereof and found, on inspection by the Zoning Administrator or his or her designee, to be in excellent condition and safe and fit for residential occupancy.

(r) *Review of Architectural Compatibility.* The Planning Department may request a review by the Historic District Commission of any dwelling unit with respect to the requirements of this Section. The Historic District Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Planning Department may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty-five (25) similar type dwellings shall be considered.

1269.05 Manufactured Housing Park Requirements.

The Manufactured Housing Code, as established by the Manufactured Housing Commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act, PA 96 of 1987, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, the City imposes the following conditions:

(a) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, PA 96 of 1987, as amended, and subsequently adopted rules and regulations governing mobile home parks.

(b) Mobile home parks shall not be permitted on parcels less than ten (10) acres in size.

(c) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.

(d) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas.

(e) Mobile home parks shall be landscaped as follows:

(1) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.

(2) If the park abuts a non-residential zoning district development, the park need not provide screening.

(3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs a minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity.

(f) Mobile home parks shall be subject to preliminary site plan review requirements in accordance with the Mobile Home Commission Act, PA 96 of 1987, as amended.

(g) A permit shall not be required for the construction or erection of canopies or awnings which are open on three (3) sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

1269.06 Height Limits.

(a) *In General.* No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed the height limits of the district in which it is located by more than twelve (12) feet, except that an enclosure for tanks or elevators that run to the roof may be twenty-eight (28) feet, nor shall any such structure have a total area greater than ten (10) percent of the roof area of the building, nor shall any such structure be used for a residential, commercial or industrial purpose other than a use incidental to the main use of the building.

(b) *Rooftop Screening.* Where rooftop appurtenances are within fifteen (15) feet of the rooftop edge, or extend more than five (5) feet above the roof grade, the Citizens Planning Commission may require screening. In determining the need for screening, the Citizens Planning Commission shall consider the aesthetic quality of the appurtenances and the degree to which such appurtenances are within public view.

(c) *Airport Approaches.* The height of any building or structure in an approach or flight pattern associated with the Airport shall also comply with any requirements of the Federal Aviation Administration (FAA) or the Michigan Aeronautics Commission.

1269.07 Permitted Yard Encroachments.

For all zoning districts, the following yard encroachments are permitted:

(a) *Architectural Features.* Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves and other architectural features may 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 into any front or rear yard not more than twenty-four (24) inches.

(b) *Building Accessories.* Open porches, terraces, decks and light-control fixtures may project into the front, side or rear yards by up to twenty percent of the applicable yard building setback, provided that such encroachment does not exceed ten (10) feet. When located in a front yard, the height shall not exceed three (3) feet above the finished grade. Open porches, terraces and decks located in a front or rear yard shall not be located closer to a side lot line than eighty (80) percent of the required side yard setback.

1269.08 Moving of Buildings or Structures.

Any building or structure which has been wholly or partially erected on or moved to any premises located within the City, shall not be moved or removed and/or placed upon any other premises until a building permit for such removal has been secured from the Zoning Administrator. Any such building or structure shall fully conform to all the provisions of this Zoning Code in the same manner as a new building or structure. No building or structure shall be moved into the City from outside the City limits, unless permission is secured from the Zoning Administrator.

1269.09 Special Facilities for Physically Disabled Persons.

This section provides special provisions to accommodate the needs of persons with a physical disability. Accessory facilities necessary to provide reasonable accessibility shall meet the following standards:

- (a) Such facilities shall conform to applicable State and Federal regulations.
- (b) If the facility is intended to be permanent, it shall conform to the required setbacks for a principal building.
- (c) If the facility is intended to be temporary to provide access to a residential dwelling, a permit shall be required from the Building Department. The applicant shall provide documented evidence of the physical disability and agree in writing to the removal of the facility when the person in need of the facility no longer resides on the premises or is no longer physically disabled. Any improvement shall be the minimum necessary to provide reasonable accessibility.
- (d) Such facilities shall be designed, located and constructed of materials to minimize any negative appearance. Materials for a commercial or institutional building shall match the materials of the principal building.
- (e) The approval for the temporary facility shall be good for three (3) years from the date of approval.

1269.10 Impact Assessment.

(a) For certain land uses that are considered to have a significant potential impact on traffic, the infrastructure and demands for public services, and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. The cost of the impact assessment and review by the City shall be borne by the applicant. The applicant may request a meeting with City Staff, consultants and key agency staff prior to developing the impact assessment. The minimum contents of this impact assessment shall be:

- (1) The name(s) and address(es) of person(s) or firm(s) responsible for preparation of

the impact assessment and a brief statement of their qualifications.

- (2) An area plan or aerial photograph illustrating the entire site and nearby properties.
- (3) A description of overall site conditions, including a narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, trees over eight (8) inches caliper, soil types, one hundred (100) year floodplains, drainageways and general topography. The area described shall be within one-quarter (1/4) mile for sites up to one hundred (100) acres and one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity.
- (4) A conceptual site plan illustrating a very general layout of proposed uses upon which the preliminary impact analysis is based, and any proposed phasing.
- (5) A description of the types of proposed uses and other man-made facilities, including any project phasing, and an indication of how the proposed use or uses conform or conflict with existing and Comprehensively Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly increases associated with smoke or truck routing.
- (6) A description of any general impact expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- (7) A description of the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, a description of the relationship of the use to Municipal fire stations and the need for any new facilities or equipment shall be required. Letters from the appropriate agencies should be provided.
- (8) A description of proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site, and general calculations for sewage flows and water demands in comparison with sewer line capacity.
- (9) A description of conceptual plans to control drainage and any significant changes from existing drainage patterns.
- (10) Identification of methods of on and off-site disposal of solid waste. The information shall describe the type of hazardous substances expected to be used, stored or disposed of on the site, the general location within the site, and the method of containment. Documentation of compliance with Federal and State requirements and a Pollution Incident Prevention Plan (PIPP) shall be submitted,

as appropriate.

(b) Documentation by a qualified wetland specialist shall be required wherever the City determines that there is a potential State or Federally regulated wetland which may be impacted by the proposed project.

(c) A traffic impact study, in accordance with Section 1269.11, shall be included in the impact assessment, unless determined to not be necessary by the Citizens Planning Commission or the City Engineer.

1269.11 Traffic Impact Studies.

(a) *Intent.* The City requires traffic impact studies in certain cases to identify the anticipated traffic impacts and to assist in decision making. An intent of this section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Zoning Code. The requirements of this section are also intended to help City Staff and officials determine the appropriateness of certain uses at proposed locations in terms of traffic impacts and the adequacy of proposed access design. Traffic impact studies may also be used by the applicant to justify additional access points, as outlined in Section 1269.19.

(b) *Applicability.* A traffic impact study may be required by the Citizens Planning Commission or the City Engineer for special land uses, for any use which is expected to generate over one hundred (100) directional trips in any peak hour or over seven hundred fifty (750) directional trips in an average day, or for projects at locations that currently experience traffic operational problems.

(c) *Submittal Procedures.* The traffic impact study shall be submitted with the site plan or other material required to be submitted.

(d) *Qualifications of Preparer.* The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, shall provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, shall be an associate (or higher) member of one or more professional transportation-related organizations and shall be either a registered engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

(e) *Contents.* The extent of information to be provided depends upon the expected trip generation of the proposed project. The information provided in the traffic impact study shall include:

- (1) A description of the site, surroundings and study area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system

(functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

- (2) A description of the requested use which relates to traffic generation, such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
- (3) A description of existing peak-hour traffic volumes (and daily volumes if applicable) at intersections and on street(s) adjacent to the site. The existing level of service analysis shall be provided for intersections in the vicinity which are expected to experience an increase in traffic of at least five percent due to the proposed project. Existing traffic counts shall not be over two years old from the date of submittal of the report.
- (4) Roadway characteristics, described and illustrated, as appropriate. Features to be addressed include existing rights of way, lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.
- (5) For projects that will be completed and occupied within one year of a traffic impact statement submittal, an analysis of background traffic (i.e. the expected increase in traffic volumes related to approved projects and historic annual percentage increases).
- (6) Forecasted trip generation of the proposed use for the a.m.(if applicable), the p.m. peak hour and an average weekday. A weekend forecast may also be required for certain commercial uses. The forecasts shall be based on one standard deviation above the average rate, outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three similar projects in southeastern Michigan. For rezoning requests, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Development Services Department. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may accept in whole or in part the trip reduction rates used. For projects intended to be developed in phases, the trip generation by phase shall be described.

(f) *Distribution of Traffic.* The projected traffic generated shall be distributed (inbound v. outbound; left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required. Projected peak hour turning movement volumes shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.

(g) *Capacity Analysis.* A before and after level of service or "capacity" analysis at the proposed access points and nearby intersections shall be completed using the procedures outlined in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board.

(h) *Mitigation: Alternatives.* The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use.

(i) *Waiver of Study Requirements.* The requirement for a traffic impact study or the study elements listed in subsections (e) through (i) hereof may be waived or modified by the Citizens Planning Commission or the Administrative Site Plan Review Committee. Reasons for the waiver or modification shall be documented, and the following factors may be considered:

- (1) Roadway improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.
- (2) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
- (3) A similar traffic study was previously prepared for the site and is still considered applicable.

1269.12 Lot Area Calculation for Lots Abutting Alleys.

One-half (1/2) the width of an alley shall be included in the lot area calculation for those lots which abut an alley.

1269.13 Frontage of Principal Single and Two-Family Residential Buildings.

Principal single and two-family residential buildings shall be located on a lot which fronts upon a public street for the full width of the lot. Modification of this requirement may be permitted by the Zoning Administrator in cases where a cul-de-sac or unusual geographic conditions exist.

1269.14 Parcel or Lot Division.

No parcel or lot division shall be made which results in a parcel or lot being in nonconformance with any provision of this Zoning code or in violation of the Subdivision Regulations.

1269.15 Approval of Plats.

No proposed plat of a new subdivision shall hereafter be approved by the City, unless all the requirements set forth for the various districts in this Zoning Code are complied with, and unless such plat fully conforms with Act 288 of the Public Acts of 1967, as amended, and the ordinances of the City of Monroe, including the Subdivision Regulations of the City of Monroe.

1269.16 Access to a Public Street or Highway.

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street right-of-way shall not be occupied, except where access to a public street right-of-way is provided by a public or private easement or other right-of-way no less than thirty (30) feet in width, and which meets the City street construction requirements.

1269.17 Frontage on a Public or Private Street or Highway.

In any zoning district, every use, building or structure shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street construction as specified by the City.

1269.18 Street Closures.

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

1269.19 Access Management.

(a) *Intent.* The intent of this section is to establish standards for the number and spacing of access points for application during the site plan review process. The standards of this section are intended to promote safe and efficient travel within the City; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and ensure reasonable access to properties, which may not always be the most direct access.

(b) *Standards for Access Points and Driveways.*

- (1) *In general.* Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade. Access points along U.S. 24 (Telegraph Road) shall be in conformance with the U.S. 24 Access Management Study prepared by the Michigan Department of Transportation (MDOT).
- (2) *Number.* The number of commercial driveways (not including driveways for two-family dwelling units or unnamed public utility uses) shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the street.
- (3) *Spacing between commercial driveways.* The minimum spacing between two (2) commercial driveways, measured between centerlines, shall be at least two hundred (200) feet along Telegraph Road and Dixie Highway and one hundred twenty-five (125) feet along other major streets, or as determined by the City Engineer on a case by case basis.
- (4) *Spacing between commercial driveways and intersections.* The minimum spacing requirements between a proposed commercial driveway along Telegraph Road and North Dixie Highway and an intersection, either adjacent to or on the opposite side of the street, shall be based on the following table:

<u>Type of Intersection</u>	<u>Minimum Spacing (ft.)*</u>
From interchange ramps	300 ft. or greater if required by MDOT
From a major street	250 ft. for a full movement driveway
From a minor street	125 ft.

Where applicable, the City Engineer may require corner lots access off of the minor street only.

* Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

- (5) *Modification of standards by City Engineer.* The standards set forth in paragraphs (b)(3) and (4) hereof may be modified by the City Engineer, on a case-by-case basis, depending upon analysis of existing and expected traffic operations and restrictions imposed by current development. In no case, however, shall the minimum distance be less than sixty (60) feet. The City Engineer may require a shared access system, as described in paragraph (b)(7) hereof.
- (6) *Alignment.* To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one hundred (150) feet along major streets. Longer offsets may be required by the City Engineer, depending on the expected inbound left-turn volumes of the driveways.
- (7) *Shared access systems.* The Citizens Planning Commission or the Administrative Site Plan Review Committee may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system may involve a shared driveway, connections of parking lots or a drive connecting two (2) or more lots or uses. Access from a side street and a shared driveway or service road connecting two or more properties or uses may be required.
- (8) *Traffic impact study.* The City may require analysis of the need for additional access or the proposed access location in a traffic impact study, as described in Section 1269.11.
- (9) For sites located along U.S. 24, the Corridor Steering Committee, made up of the City, Township, and officials of other adjacent jurisdictions will be required to review all driveway spacing.

1269.20 Keeping of Animals.

- (a) *In General.* The keeping of animals shall be in accordance with the Monroe County Animal Control Ordinance.
- (b) *Domestic Animals.* The keeping of domestic animals is permitted in any residential zoning district. However, the number of animals kept or housed in one (1) dwelling unit in a residential zoning district shall not exceed a total of six (6) (six (6) months of age or older), of which dogs shall not exceed three (3) and cats shall not exceed five (5).
- (c) *Wild, Exotic, Farm and Vicious Animals and Fowl.* The keeping of wild, exotic, farm, and vicious and fowl animals is prohibited in all zoning districts.

1269.21 Dwelling Use Regulations.

- (a) The use of any portion of the cellar or basement of a building, partially completed building, detached garage, accessory building or recreational vehicle, for sleeping purposes in any zoning district, is prohibited, unless the area meets all requirements of the City's Building Code for a habitable area.
- (b) Dwellings are not permitted in an Office, Commercial or Industrial District, except for the following: a legal nonconforming dwelling existing on the effective date of this Zoning Code; a caretaker's quarters in a funeral home, hospital, clinic or veterinary clinic; an upper story dwelling in the Central Business District which meets applicable standards of this Zoning Code and the City Building Code; an upper story dwelling in a Local Commercial or General Commercial District approved as a special land use which meets applicable standards of this Zoning Code and the City Building Code; and housing used exclusively by security or custodial personnel and approved by the Zoning Board of Appeals. The use of trailers and recreational vehicles for housing such security and custodial personnel is prohibited.
- (c) Any incompletely constructed structure which does not meet the requirements of the Building and Housing Code or this Zoning Code shall not be issued a certificate of occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. These restrictions shall not prevent temporary use of a structure as a residence in accordance with Section 1269.25.

1269.22 Essential Services.

Essential services shall be permitted in any zoning district as authorized under any franchise and in compliance with all applicable state laws and the laws and ordinances of the City of Monroe. If the provision of essential services involves the construction of above-ground buildings, plans for such buildings shall be reviewed and approved by the Zoning Administrator and shall comply

with all Zoning Code provisions where feasible.

1269.23 Principal Buildings, Structures and Uses.

(a) No lot may contain more than one (1) principal building, structure or use, except in the following cases:

- (1) Buildings in a site condominium or condominium development which meet the dimensional requirements of this Zoning Code.
- (2) Approved home occupations, bed and breakfast inns, and child care and adult care facilities within a two-family dwelling.
- (3) Groups of multiple-family dwellings under the same ownership.
- (4) Mobile home parks.
- (5) A hospital or an office complex.
- (6) A church with a school or day care.
- (7) Shopping centers with various buildings and outlots, provided that each building meets the dimensional standards for the district in which it is located and that each use provides adequate parking, in accordance with the requirements of Article 1271. Any sharing of parking shall require a signed parking agreement in a form acceptable to the City Attorney.
- (8) An auto dealership.
- (9) A gasoline service station with an approved auto wash building.
- (10) A multi-building industrial use.
- (11) Radio, television and cellular telephone towers.
- (12) Buildings within an approved planned unit development.

(b) In all Residential Districts, additional principal buildings may be permitted if a parcel or lot is designated as an outlot or excepted parcel, which may be arranged or subdivided so that the land area allocated to each building is equal to or greater than the various dimensional requirements for buildings in the zoning district.

1269.24 Determination of Similar Uses.

In recognition that every potential use cannot be listed in this Zoning Code, the Citizens Planning Commission is authorized to determine if a use not listed within a particular zoning district is sufficiently similar to other uses to permit that use within the zoning district without requiring an amendment to this Zoning Code. The Citizens Planning Commission shall make a determination of such a similar use and make a recommendation to the City Council for final action, according to the following standards:

- (a) A finding that the proposed use is not listed as a permitted principal use or special land use in any other zoning district shall be made.
- (b) The Citizens Planning Commission and City Council shall select the use listed in this Zoning Code which most closely resembles the proposed use, using criteria such as the potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of the health, safety and welfare of the City. The Citizens Planning Commission or City Council may request documentation or studies from the applicant or City Staff to evaluate potential impacts associated with the use, or they may decide there is no similar use.
- (c) Once a similar use is determined, the proposed use shall comply with any special conditions or standards that apply to the similar use.

1269.25 Temporary Uses and Sales; Temporary Buildings; Seasonal or Special Events.

Temporary uses and sales, temporary buildings and seasonal or special events may be allowed as shown on Table 15 upon issuance of a permit, when meeting the standards of this section:

- (a) *Submitted Information.* All required information shall be submitted to the Review Body indicated in Table 15; Development Services Department (for all indicated “Administrative Site Plan Review Committee”), the City Treasurer, or Mayor’s Office.

The applicant shall submit all of the following information:

- (1) An application form and required fee.
- (2) A written statement describing the requested use and the starting and ending dates.
- (3) A written description of the procedures to be used for traffic and parking management, waste disposal, security and similar measures to minimize any negative impacts.

- (4) Proof of ownership or, if the applicant is not the owner of the land, written permission of the owner of the property to allow such an event.
- (5) Information establishing that a reasonable liability insurance coverage is carried.
- (6) A plot or sketch plan (to scale) illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, boundaries of proposed sales and activity areas, location of any proposed buildings or structures, any proposed lighting, calculation of required parking, based on the standards of Article 1271, proposed traffic circulation, location of fire hydrants, location and size of any proposed signs, and any other information deemed to be necessary.
- (7) A performance guarantee or escrow determined by the applicable Review Body. The performance guarantee shall be deposited prior to the issuance of a permit. The performance guarantee shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or shall be refunded to the proprietor upon compliance with the requirements of this Zoning Code and any other applicable ordinances.

(b) *Standards and Procedures for Review and Operation.* In reviewing proposed temporary uses and sales, temporary buildings and seasonal or special events, the Review Body shall find that the following standards are met. The Zoning Administrator will immediately cease operations of use, building or event which does not conform to these standards.

- (1) All required information has been submitted.
- (2) The proposed temporary use or event will be on a lot with a permitted principal building, or, if on a vacant lot, will meet the minimum required setback for buildings in the zoning district.
- (3) The proposed use, layout, hours of operation and site improvements are designed to help ensure compatibility with surrounding land uses.
- (4) Adequate off-street parking and circulation will be provided.
- (5) Adequate provisions have been made for trash disposal, sewage disposal and security.
- (6) The provisions of all applicable City building codes and ordinances will be complied with respect to any temporary building or structure.
- (7) The length of a temporary use or sales event will not exceed fourteen (14) days during a calendar year, except that sales of Christmas trees are permitted for up to forty-five (45) days. Uses and events which are to occur on a regular schedule (such as every weekend), or over a period of longer than fourteen (14) days, will

be permitted only in commercially zoned districts.

- (8) All equipment, materials, goods, poles, wires, lighting, signs and other items associated with temporary uses and seasonal events will be removed from the premises within five (5) days of the end of the event. Following the five-day period, the City shall use the escrow fee to clear such items from the property.

**TABLE 15
TEMPORARY USES AND SALES, TEMPORARY BUILDINGS,
SEASONAL OR SPECIAL EVENTS**

<u>Type of Temporary Situation</u>	<u>Required Information/Standards</u>	<u>Review Body</u>
Temporary Uses and Sales		
Accessory fruit, flower or craft sales		Administrative Site Plan Review Committee
Christmas tree sales	Must be in a C-2 Zoning District.	Administrative Site Plan Review Committee
Garage sales, estate and auctions	Must last less than seven (7) days. Only goods of the property owner or tenant shall be sold. All signs must meet requirements.	No permit required.
Outdoor cafes and eating areas	See Chapter 1265.05 of the Planning & Zoning Code.	Building Official
Tent or outdoor sale on vacant land		Administrative Site Plan Review Committee
Tent or sidewalk sale accessory to permitted use	Maximum ten (10) feet from buildings. Shall not cover required parking. Goods must be stored inside during non-business hours.	Administrative Site Plan Review Committee
Transient merchant sales	See Chapter 840 of the Business Regulation and Taxation Code.	City Clerk/Treasurer
Temporary Buildings		
Temporary buildings and structures for nonresidential use, including mobile homes, semi-trucks/trailers and concrete batch plants	Permitted only when the intended use is by a contractor or builder in conjunction with a project in the City. Such temporary buildings and structures shall be removed within seven (7) days of completion of the construction project. A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.	Administrative Site Plan Review Committee
Temporary residence during repairs due to flood, fire or vandalism, and during construction (including mobile homes) on sites for which a building permit has been issued for construction, major repair or	Permits shall be for six (6) months; one additional six (6) month period is permitted if work is proceeding in an expeditious manner. Structure shall meet district setback requirements.	Administrative Site Plan Review Committee

remodeling a new dwelling unit.	All electrical and utility connections shall be approved. Structures shall be moved into site no more than fourteen (14) days prior to commencement on construction and moved within four (4) days following issuance of a certificate of occupancy.	
Seasonal or Special Events		
Circus, carnival, concerts, air or watercraft shows or similar event	See Chapter 820 of the Business Regulation and Taxation Code.	City Clerk/Treasurer

1269.26 Home Occupations.

Home occupations shall be permitted in all Residential Districts and shall include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices, woodworking, arts and crafts, pottery making, antique collection and sales and other similar occupations and other home occupations involving the production of goods and services legally operating in detached single-family homes.

- (a) The nonresidential use shall only be incidental to the primary residential use.
- (b) The home occupation shall not involve any employee who does not reside at the home.
- (c) Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- (d) The home occupation shall not involve any outdoor activities or occupy any accessory building.
- (e) The home occupation shall not occupy more than twenty five (25) percent of the home in which it is located.
- (f) Client traffic shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Deliveries shall be restricted to the hours of 8:00 a.m. to 5:00 p.m.
- (g) The home occupation shall provide a minimum of three (3) parking spaces on-site. Parking spaces shall have an all-weather surface and be located in the driveway or rear yard. Parking areas shall be screened if located in the rear yard.
- (h) The home occupation shall not result in the exterior of the home having other than a residential appearance.

- (i) No storage or display of goods within the dwelling unit shall be visible from outside the dwelling unit.
- (j) The home occupation shall not involve deliveries by trucks greater than twenty-five (25) feet in length.
- (k) The home occupation may have a sign with a maximum sign area of two (2) square feet. Signs shall only have one side and must be attached to the home.
- (l) The home occupation shall not involve the storage of potentially hazardous or inflammable materials having the characteristics of ignitibility, corrosivity, reactivity or toxicity.
- (m) Noise emanating directly as a result of the home occupation shall not exceed the applicable noise levels contained in Chapter 654 of the General Offenses Code or Section 1270.16.

1269.27 Television Satellite Antennas.

Television satellite dish antennas shall be subject to the following requirements when being installed or constructed in any zoning districts:

- (a) Satellite dishes shall be considered accessory structures and must comply with all yard and height requirements in this Ordinance.
- (b) No satellite dish that exceeds two (2) feet in diameter shall be constructed or installed on any roof area.
- (c) No satellite dish antenna including any platform or structure upon which the antenna is mounted shall extend more than three (3) feet above the highest portion of a roof.
- (d) The satellite dish antenna shall be permanently attached to a foundation or structure.
- (e) No part of the satellite dish antenna shall exhibit any commercial advertising other than a name or symbol not exceeding two (2) square feet.

1269.28 Application of Chapter.

The provisions of this chapter shall be applicable to all zoning districts unless otherwise specified in this chapter.

CHAPTER 1270

ENVIRONMENTAL PROVISIONS

1270.01 Purpose.

Environmental standards are established to preserve the short- and long-term environmental health, safety, and quality of the City. No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

1270.02 Landscaping, Greenbelts and Buffers, and Screening.

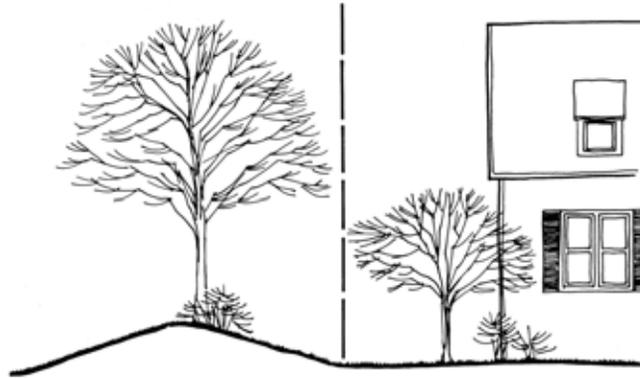
- (a) *Intent.* The purpose of this section is as follows:
- (1) Promote the public health, safety, and general welfare by reducing noise, air and visual pollution, and light glare, and moderating air temperature;
 - (2) Improve air quality;
 - (3) Prevent soil erosion and increase water retention;
 - (4) Improve the appearance of on-premises parking, vehicular use areas, and property abutting public rights-of-way;
 - (5) Improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;
 - (6) Require buffering between noncompatible land uses;
 - (7) Protect residential privacy;
 - (8) Encourage native landscape materials;
 - (9) Encourage the integration of existing woodlands in landscape plans; and
 - (10) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and

produce a more aesthetic and cohesive design.

(b) *Landscaping Definitions.* The following definitions shall apply in the application of this Ordinance:

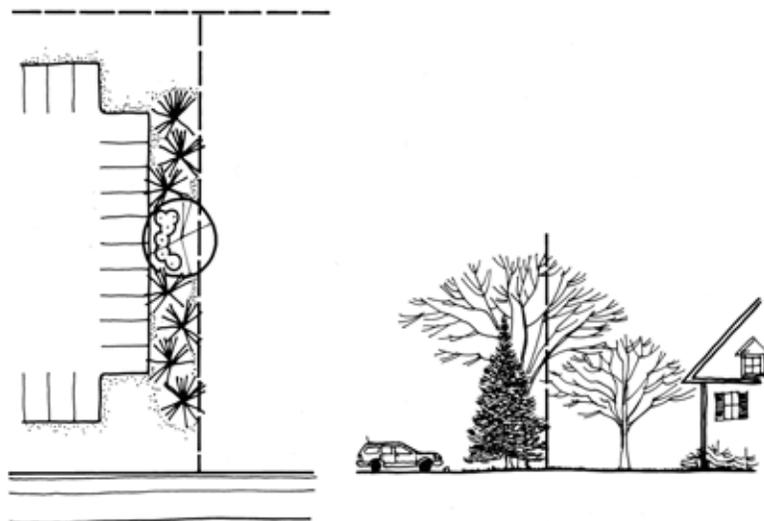
- (1) *Berm:* A continuous and raised earthen mound comprised of nontoxic materials, with a flattened top and sloped sides, that is capable of supporting live plant material.

BERM



- (2) *Buffer:* A landscaped area composed of living plant material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between zoning districts.

BUFFER



- (3) *Conflicting non-residential land use:* Any non-residential use, such as office, commercial, industrial, research, parking, or public road right-of-way land use which abuts a residential land use.
- (4) *Conflicting residential use:* Any residential land use developed at a higher density, which abuts a residential land use developed at a lower density.
- (5) *Greenbelt:* A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use, and/or between a conflicting land use and an existing or proposed land use.
- (6) *Opacity:* The state of being impervious to sight.
- (7) *Plant material:* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover, and non-woody annual and perennial bedding plants.

(c) *Application of Requirements.* These requirements shall apply to all uses for which site plan review is required under Section 1264, Site Plan Approval and subdivision plat review as required under the Subdivision Ordinance.

No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein. The Citizens Planning Commission or Administrative Site Plan Review Committee shall have the authority to modify the requirements of this section. The regulations in this chapter are designed to have flexibility, taking into account the high percentage of already developed property and the wide variation in the size of existing lots.

(d) *Landscape Plan Requirements.* A separate detailed landscape plan shall be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape plan shall be reviewed and approved by the Citizens Planning Commission or Administrative Site Plan Review Committee prior to issuance of a building/zoning permit. The landscape plan shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type (bare root, balled and burlapped, or container), and descriptions (botanic and common name) for each plant type proposed for use within landscaped areas.
- (2) Typical straight cross section including slope, height, and width of berms.
- (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials, including watering method.

- (5) Identification of existing trees and vegetative cover to be preserved.
- (6) Identification of turf grass and other ground cover and method of planting.
- (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Chapter.
- (8) Drawn at a scale of no less than one (1) inch equals sixty (60) feet.

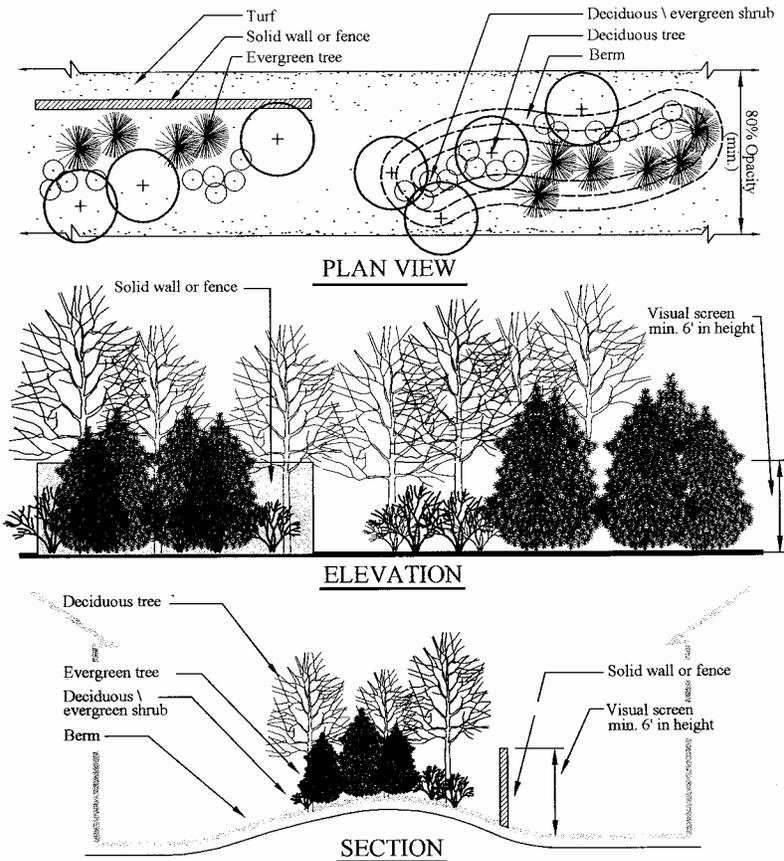
(e) *Screening between Land Uses.*

- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between a residentially zoned property and either a conflicting non-residential land use or a conflicting residential land use. A landscape buffer having a minimum width of ten (10) feet may consist of landscaped earthen berms and/or living plant material so as to maintain a minimum opacity of at least eighty (80) percent. The buffer area shall consist of natural landscape materials such as lawn, ground cover, shrubs, and trees and shall not contain impervious materials except sidewalks or pathways. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.
- (2) Where the Citizens Planning Commission or Administrative Site Plan Review Committee reasonably determines there is a need to provide a greater noise or dust barrier or to screen more intense development, particularly when a parking lot or loading area abuts directly onto a residentially zoned or occupied property, a solid wall or screening fence shall be required. Such wall or screening fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade.

A required wall shall be located on the lot line except where underground utilities interfere and in instances where this Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Citizens Planning Commission or Administrative Site Plan Review Committee may approve an alternate location of a wall. The Citizens Planning Commission and the Zoning Administrator shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

- (3) Where a wall is required, it shall be located within the required buffer area of at least ten (10) feet. One (1) tree for every (40) feet of linear distance of shared lot line shall be provided.

SCREENING BETWEEN LAND USES



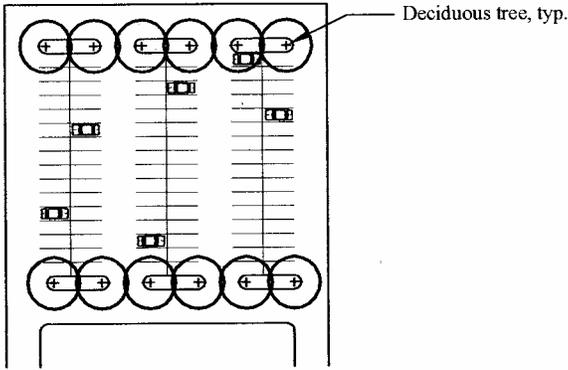
(f) *Parking Lot Landscaping.*

- (1) *Required Landscaping Within Parking Lots.* Separate landscape areas shall be provided within parking lots in accordance with the following requirements:
- A. A minimum of one (1) tree shall be provided for every eight (8) parking spaces. In addition, at least one landscape island is required within every sixteen (16) continuous spaces.
 - B. Landscaping shall be arranged in curbed islands within the parking lot, which shall not be less than fifty (50) square feet in area.
 - C. A minimum distance of three (3) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided.

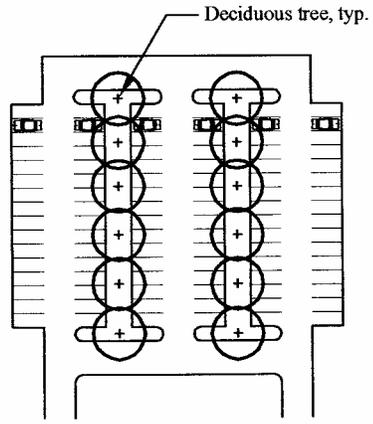
Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed centerline of the landscape plantings shall be provided.

- D. The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
 - E. All landscaped areas shall be protected with raised concrete curbs.
- (2) *Required Landscaping at the Perimeter of Parking Lots.* Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
- A. Parking lots, which are considered to be a conflicting land use as defined by this ordinance, shall meet the screening requirements set forth in Section 1270.02.e.
 - B. Parking lots shall be screened from view with a solid wall or landscaped berm at least three (3) feet in height along the perimeter of those sides which are visible from a public road.
 - C. All landscaped areas shall be protected with raised concrete curbs.
 - D. In addition to the above requirements, all parking lots within the Central Business District shall also provide the following buffer between the public sidewalk and the parking lot;
 - 1. A vegetated buffer a minimum of two (2) feet wide for shrubs, perennials or decorative grasses; or
 - 2. A vegetated buffer a minimum of five (5) feet wide for trees.

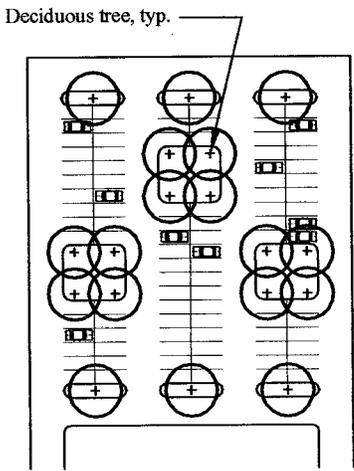
PARKING LOT LANDSCAPING: INTERIOR



TREES IN END ISLANDS

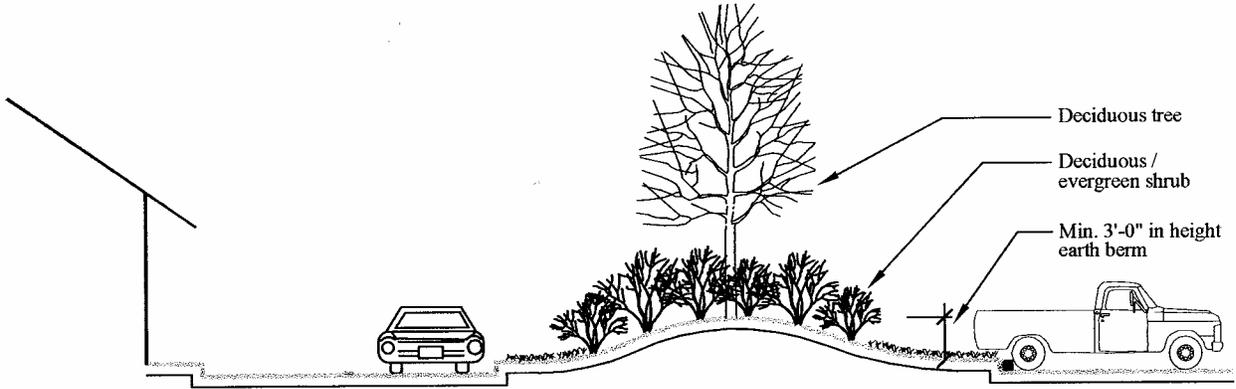


LANDSCAPE MEDIAN

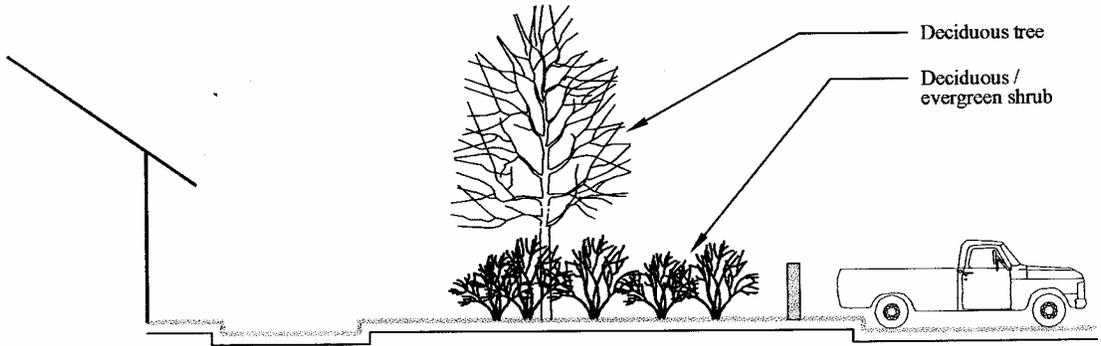


LANDSCAPE ISLANDS

PARKING LOT LANDSCAPING: PERIMETER



BERM OPTION

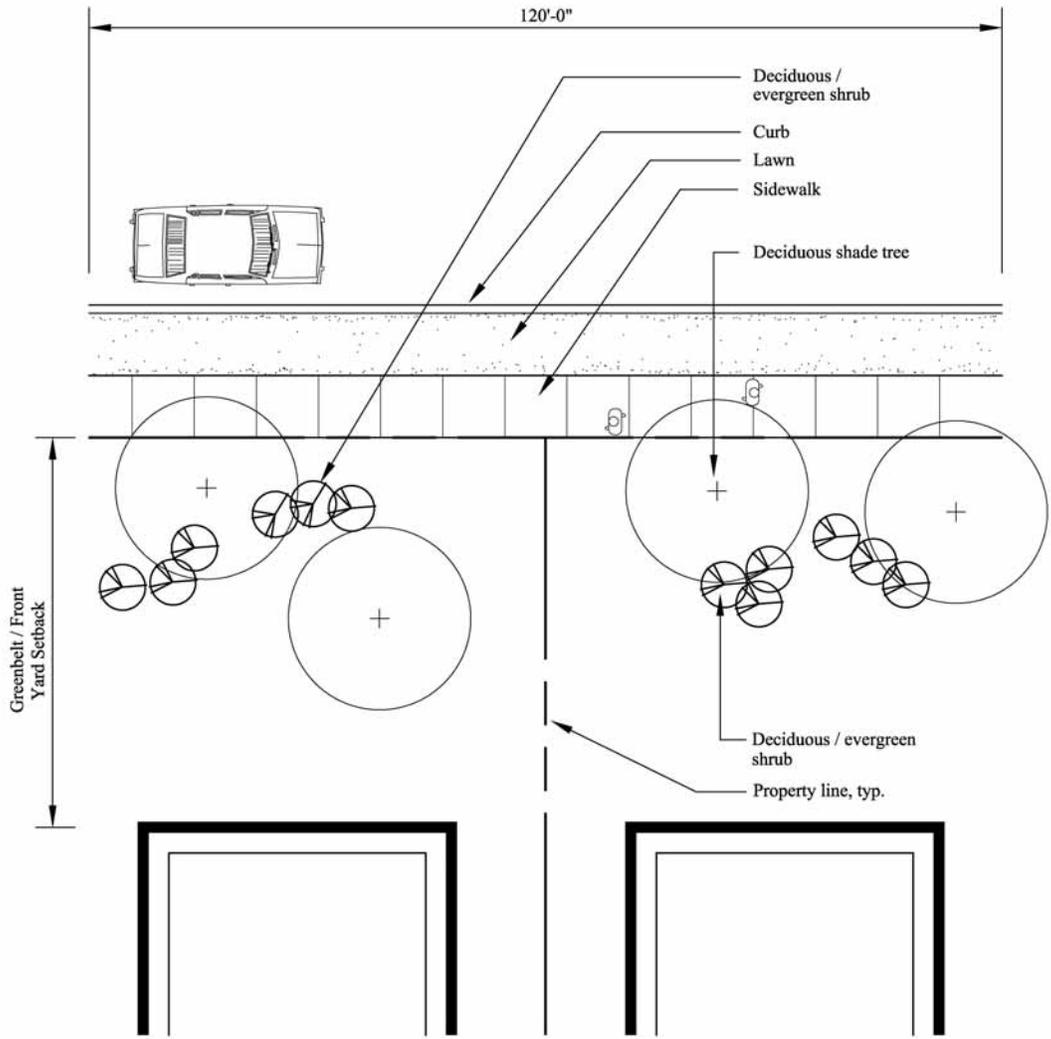


LANDSCAPE PLANTINGS / WALL OPTION

(g) *Greenbelts.* A greenbelt shall be required for RM, CO, C1, C2, I-1 and I-2 zoning districts in an area established at a depth of the required front yard setback and landscaped in accordance with the following requirements:

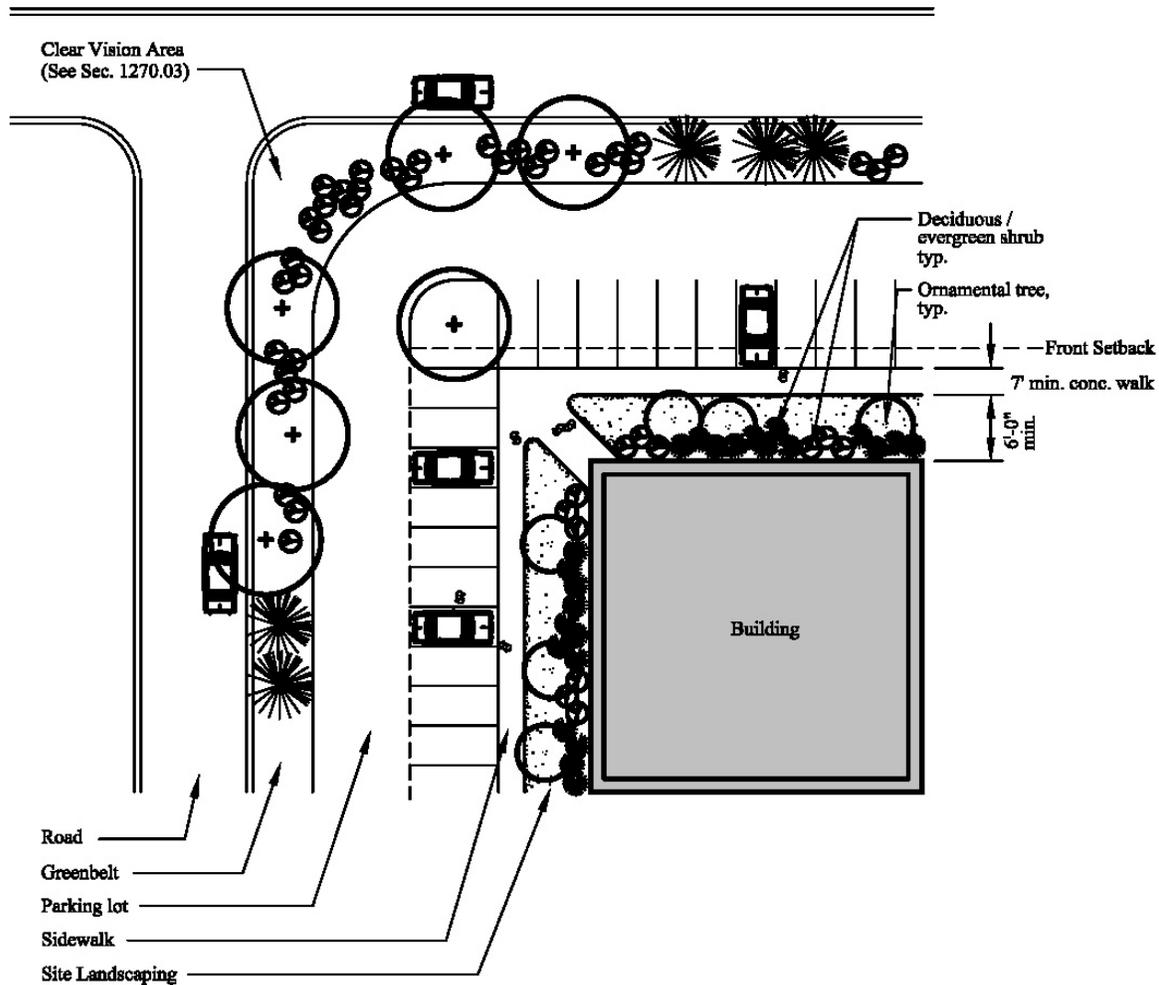
- (1) The greenbelt shall be landscaped with a minimum of one (1) tree and three (3) shrubs for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous shade trees within a greenbelt shall be a minimum caliper of two and one-half (2-1/2) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six (6) feet.
- (2) If ornamental deciduous trees are substituted for either deciduous shade trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater if single-stemmed, and six (6) to seven (7) feet in height if multi-stemmed.
- (3) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- (4) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

GREENBELT BUFFER



(h) *Site Landscaping.* In addition to any landscape greenbelt and/or parking lot landscaping required by this section, twenty (20) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens, and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas. However, no more than fifty (50) percent of the required site landscaping may consist of wetlands and/or areas used for storm drainage purposes, such as drain courses or retention/detention ponds.

SITE LANDSCAPING



(i) *Subdivision and Site Condominium Landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

- (1) *Street Trees.* The frontage of all internal public or private streets shall be landscaped with a minimum of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in Section 1270.02.m.
 - (2) *Screening Between Land Uses.* Where a subdivision or site condominium contains uses which are defined as conflicting land uses by this Section, the screening requirements set forth in Section 1270.02.e shall be met.
 - (3) *Screening From Public Roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section 1270.02.g shall be met.
 - (4) *Other Site Improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (j) *Landscape Elements.* The following minimum standards shall apply:
- (1) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeastern Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Native vegetation shall be used where possible.
 - (2) *Composition.* A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A cohesive design scheme is recommended.
 - (3) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, mulch or other form of natural living ground cover.
 - (4) *Existing Trees.* The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:
 - A. Paving or other site improvements shall not encroach upon the dripline of the existing tree(s) to be preserved.
 - B. If existing plant material is labeled “To Remain” on site plans by the applicant or required by the City, protective techniques, such as, but not

limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used as long as they are approved by the Citizens Planning Commission.

- C. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, filled or excavated at the dripline, as determined by the City, the Contractor shall replace them (one to one) with trees which meet Ordinance requirements.
- D. To further encourage the preservation of quality and mature trees, a credit for preserved trees may be used toward meeting landscape requirements. Any preserved trees used for credit which are lost within two years after construction shall be replaced by the land owner with trees otherwise required. Credit for preserved trees shall be as follows:

<u>Caliper of Preserved Tree (in)</u>	<u>Number of Trees Credited</u>
Over 12 in.	3
8 – 11.9 in.	2
2.5 – 7.9 in.	1

(5) *Landscape Requirements for Non-Covered Land Surfaces.* All areas of a lot which are not to be covered by buildings, walks, or parking areas shall be landscaped and maintained, unless this requirement is specifically waived by the Citizens Planning Commission.

(6) *Installation, Maintenance, and Completion.*

- A. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as set forth in Article 1262, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
- B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- C. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris, and insects. All materials used to satisfy the requirements

of this Ordinance which become unhealthy or dead shall be replaced within thirty (30) days of written notice from the Zoning Administrator or the next appropriate planting period, whichever comes first. Mulching up to the trunks of trees shall be prohibited.

- D. Tree stakes, guy wires and tree wraps are to be removed after one year.
- E. All landscaped areas shall be provided with a readily available and acceptable water supply or with at least one spigot located within one hundred (100) feet of all planted material to be maintained.
- F. Cul-de-sacs, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeastern Michigan.
- G. Landscaping within the site shall be approved in consideration of adequate sight visibility and clearance for motorists, size of planting area, location of sidewalks and adequate clearance for pedestrians, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee and curbing around landscape areas.
- H. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

(k) *Recommended Trees and Shrubs.* The following trees and shrubs are recommended:

(1) *For Parking Areas:*

London Plane Tree	Linden Tree
Sweetgum	Junipers
Snowdrift Crabapple	Hardy Rubber Tree
Honeylocust	Scotch Pine
Hawthorn	Dwarf Callery Pear
Hibiscus	

(2) *Recommended Trees and Shrubs for Greenbelt and Interior Landscape Areas:*

Amur Maple	Sweetgum	Goldenrain Tree
Red Maple	London Plane Tree	Scarlet Oak
Sugar Maple	Pin Oak	European Linden
Honeylocust	Swamp White Oak	Little Leaf Linden
Hawthorn	Zelkova	Ginko (male varieties)
Hackberry	Junipers	Bristly Locust
Lilac Scotch Pine	Serbian Spruce	Eastern Ninebark
Henry St. Johnswort	White Spruce	Cottoneaster
Mugo Pine	Euonymus	Dwarf Callery Pear
Mockorange	Smoke Tree	European Hornbeam
Beauty Bush	Hedge Maple	Tulip Tree
Snowdrift Crabapple	Bayberry	Hardy Rubber Tree
Viburnums (except Compact European)		

(3) *Recommended Salt-Resistant Trees and Shrubs:*

Pinus Nigra	Sweetgum	Tamarix
Juniper	Black Locust	Hibiscus
Honey Locust		

(4) *Recommended Trees and Shrubs for Shady Areas:*

Euonymus	Alpine Currant	Arborviteas
Oregon Grapeholly	Cottoneaster	Dogwoods
Amelanchier	Honey Locust	Viburnums

(l) *Trees and Shrubs Not Permitted.* The following trees and shrubs are not permitted:

Ash	Box Elder	Elms
Poplars	Willows	Catalpa
Tree of Heaven	Horse Chestnut	Norway Maple
Japanese Honeysuckle	Privet	Buckthorn
Burning Bush		

(m) *Minimum Size and Spacing Requirements.* Where landscaping is required, the following schedule sets forth minimum size and spacing requirements for representative landscape materials:

**TABLE 16
SIZE AND SPACING REQUIREMENTS**

	Minimum Size Allowable				Recommended On-Center Spacing			
	Height/Caliper				(in feet)			
	6'	3'-4'	2"	2.5"	30	25	15	10
TREES								
Evergreen Trees:								
Fir	✓						✓	
Spruce	✓						✓	
Pine	✓						✓	
Hemlock	✓						✓	
Douglas Fir	✓						✓	
Narrow Evergreen Trees:								
Red Cedar		✓						✓
Arborvitae		✓						✓
Juniper (selected varieties)		✓						✓
Large Deciduous Trees:								
Oak				✓	✓			
Maple				✓	✓			
Beech				✓	✓			
Linden				✓		✓		
Ginko (male only)				✓	✓			
Honeylocust (seedless,thornless)				✓	✓			
Birch				✓		✓		
Sycamore				✓	✓			
Small Deciduous Trees (ornamental)								
Flowering Dogwood			✓				✓	
(disease resistant)			✓					
Flowering Cherry, Plum, Pear			✓			✓		
Hawthorn			✓				✓	
Redbud			✓			✓		
Magnolia			✓				✓	
Flowering Crabapple			✓				✓	
Mountain Ash			✓				✓	
Hornbeam			✓			✓		

**TABLE 16
SIZE AND SPACING REQUIREMENTS (con't.)**

	Minimum Size Allowable				Recommended On-Center Spacing				
	Height/Spread				(in feet)				
	6'	3'-4'	24''-36''	18''-24''	10	6	5	4	3
SHRUBS									
Large Evergreen Shrubs:									
Pyramidal Yew		✓			✓				
Hicks Yew				✓				✓	
Spreading Yew			✓				✓		
Alberta Spruce		✓						✓	
Chinensis Juniper Varieties			✓			✓			
Sabina Juniper				✓			✓		
Mugho Pine				✓		✓			
Small Evergreen Shrubs:									
Brown's, Ward's, Sebion Yews				✓					✓
Horizontal Juniper Varieties				✓		✓			
Boxwood				✓				✓	*
Euonymous, Spreading varieties				✓			✓		
Large Deciduous Shrubs:									
Lilac			✓		✓				
Sumac			✓			✓			
Pyracantha				✓			✓		
Weigela		✓						✓	
Flowering Quince			✓			✓			
Cotoneaster (Peking and Spreading)			✓				✓		
Dogwood (Red Osier & Grey)			✓			✓			
Viburnum varieties			✓			✓			
Small Deciduous Shrubs:									
Barberry				✓			✓		
Dwarf Winged Euonymus				✓			✓		*
Spirea				✓				✓	
Fragrant Sumac				✓					
Japanese Quince				✓					✓
Cotoneaster (Rockspray, Cranberry)				✓			✓		✓
Potentilla				✓					✓

* For hedge plantings

1270.03**Clear Vision Zones.**

There shall be a clear vision zone, free of buildings, fences, walls, signs, structures, and landscaping, at access points along public streets as follows and as illustrated in the figure following the text of this section.

(a) *Intersection of Two Public Streets.* All corners shall maintain a clear vision zone between a height of three (3) feet and ten (10) feet above the centerline elevation of the intersecting streets within a triangular area twenty-five (25) feet in length, measured along abutting public street right-of-way lines, with the third side being a line connecting these two sides. A nonobscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.

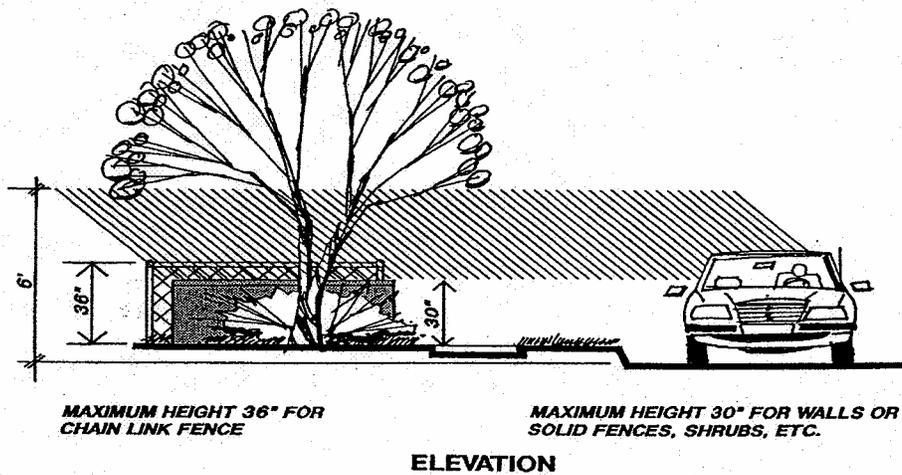
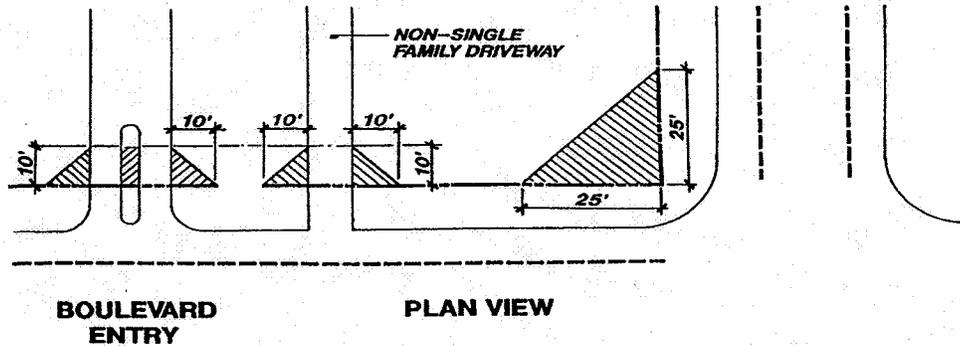
(b) *Non-Single Family Driveways.* The sides of any driveway, except a driveway accessing a single family dwelling, shall maintain a clear vision zone formed at the corner intersection of a public right of way and a driveway, the two sides of the triangular area being ten (10) feet in length measured along the public street right-of-way line and the edge of the driveway, and the third side being a line connecting these two sides.

(c) *Trees, Landscaping, Signage, and Fences.* Trees may be permitted in the triangular area specified above, provided that limbs and foliage are trimmed so that they do not extend into the clear vision zone. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road pavement within the triangular area.

Signs shall not be permitted where they obstruct motorists' vision of regulatory signs, traffic control devices, or street signs. No fence, wall, hedge, screen, sign, or other structure or planting shall be higher than three (3) feet, measured above the centerline of either street or pavement, within the clear vision zone.

(d) *Modifications.* The required clear vision zone may be modified by the Engineering Department with input, as appropriate, from other City departments. Any revisions shall be based on the existence of traffic control devices, the functional classification of the streets involved, current or anticipated traffic volumes, traffic speeds, geographic or topographic conditions, or a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).

CLEAR VISION ZONES



1270.04 Fences.

All fences erected within the City shall comply with the following standards:

- (a) *Height.* Fences shall not exceed a height of seven (7) feet in the side or rear yards or four (4) feet in the front yard.
- (b) *Clear Vision Zones.* All requirements of Section 1270.03 shall be met.
- (c) *Materials.*
 - (1) Fences located in a front yard shall be of an ornamental nature.
 - (2) The running of barbed wire or electric current through any fence material is prohibited.
 - (3) All cyclone or chain-link fences shall have a smooth or finished edge on the top side.
- (d) *Position of Finished Side.* The finished side of any fence used as a screen wall on a non-

single-family lot shall face the exterior of the lot.

(e) *Permit Required.* No fence shall be erected unless a permit is issued thereof by the Building Department. A fee may be charged, as established by the City Council.

(f) *Nuisances.* Any fence which, through lack of repair or maintenance, type of construction, or otherwise imperils life or poses a safety hazard shall be deemed a nuisance and be considered in violation of this Zoning Code. Such a violation shall be subject to enforcement procedures, as specified in Article 1262.

(g) *Appeals.* The Zoning Board of Appeals shall hear appeals regarding any order, interpretation, or requirement of this section.

1270.05 Sidewalks and Pedestrian Facilities.

Sidewalks shall be required in all zoning districts along public rights-of-way and in front of buildings where pedestrian activity is expected. Sidewalks shall be designed and constructed in conformance with the current standards of the City Engineering Department and all applicable State and Federal requirements, to ensure reasonable accessibility by persons with a physical disability. Pedestrian facilities shall also be provided within the site to connect public sidewalks with building entrances, to protect pedestrians in parking lots, and to connect developments with adjacent developments where pedestrian travel is reasonably expected.

1270.06 Open Space Retention.

Any land area allocated to meet an open space provision of this Zoning Code required in relation to the construction of a building or buildings shall remain open space in perpetuity and may not be counted toward meeting the open space requirements of future buildings.

1270.07 Waste Receptacles (Dumpsters).

(a) *In General.* Receptacles, including waste receptacles, waste compactors, and recycling bins, shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown for each proposed receptacle on site plans. A change in receptacle location or size shall require modification of the enclosure, as warranted by this section.

Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings or projects they serve. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.

(b) *Location.* Waste receptacles shall be located in the rear yard or nonrequired side yard,

unless otherwise approved by the Citizens Planning Commission, and shall be as far away as practical, and in no case less than twenty (20) feet, from any residential district, and placed in such a way that they are not easily damaged by the refuse vehicle. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential district.

Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.

(c) *Access.* Waste receptacles shall be easily accessed by refuse vehicles without potential for damage to the enclosure or automobiles parked in designated parking spaces.

(d) *Base Design.* The receptacle base shall be at least ten (10) feet by six (6) feet and constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(e) *Lids or Covers.* Each waste receptacle shall have an enclosing lid or cover.

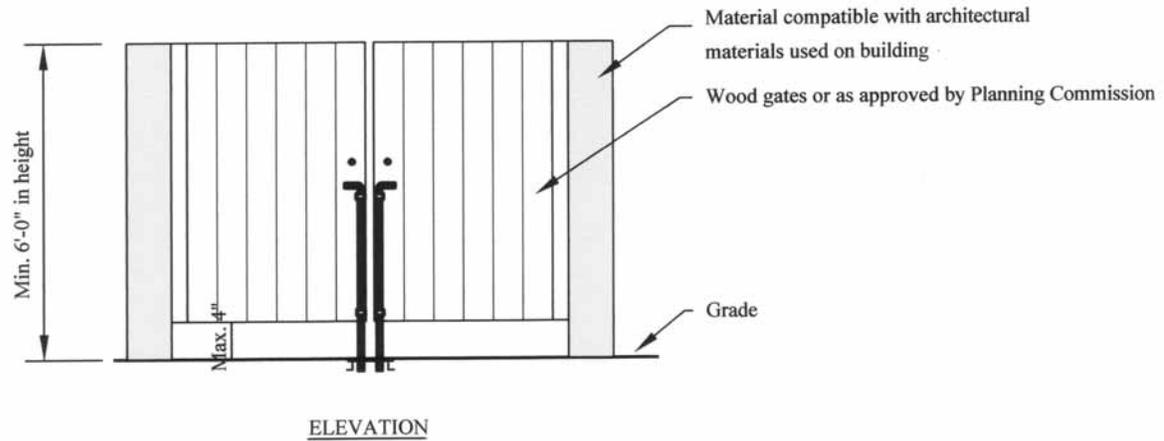
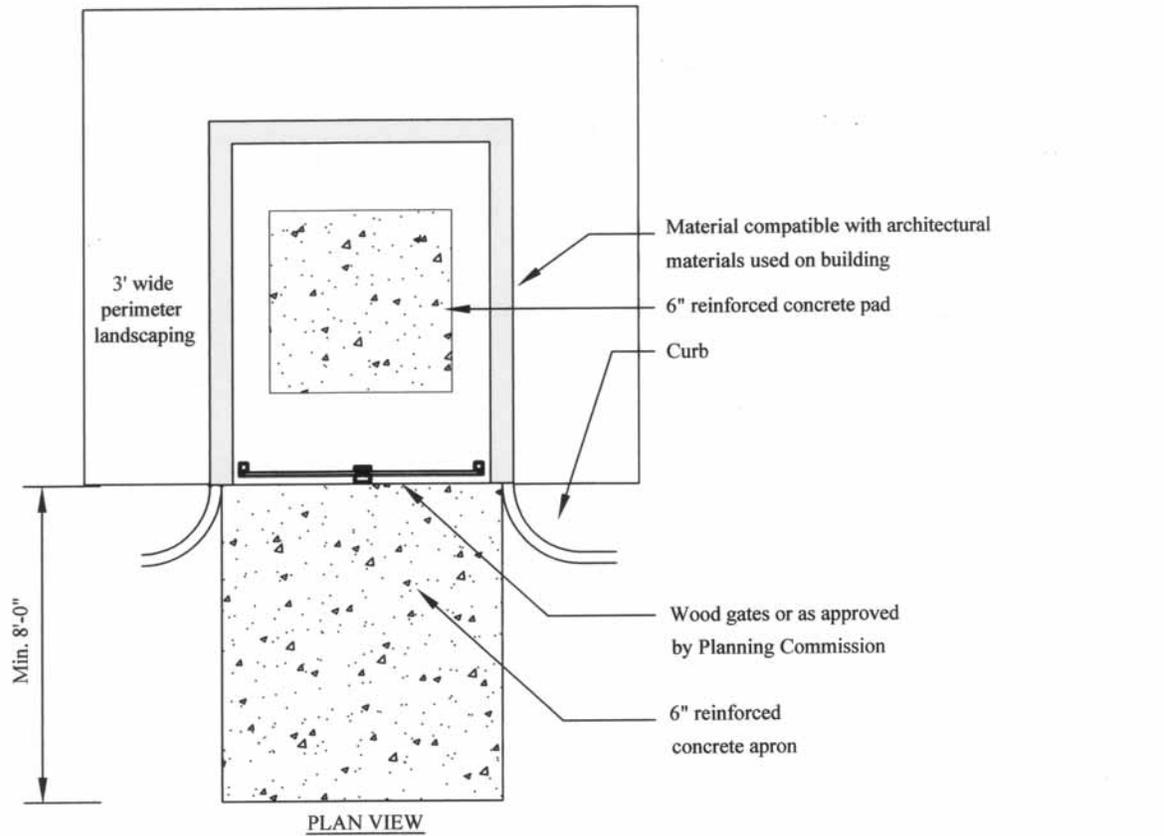
(f) *Screening.* In addition to the requirements above, screening for waste receptacles shall be according to the following standards:

(1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least one (1) foot higher than the receptacle, but no less than six (6) feet in height, whichever is higher, and spaced at least three (3) feet from the receptacle.

(2) Materials of the enclosure shall be constructed of brick; concrete or decorative precast panel with brick effect; a wooden enclosure, provided the lumber is treated to prevent decay; or a combination of these materials, as determined by the Zoning Administrator to be durable and suitable for outdoor use. The materials shall provide a similar or compatible appearance to the main building materials used on the site.

(g) *Landscaping.* Landscaping shall be provided within three (3) feet of the perimeter of the trash container, and shall consist of evergreen trees or large evergreen shrubs consistent with Section 1270.02.m.

TRASH CONTAINER SCREENING



1270.08 Building Grades and Filling of Land.

- (a) *In General.* Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. The grade at the building line in all residential districts shall not be less than eight (8) inches nor more than fourteen (14) inches above the curb or, if the street lacks curbs, the crown of the street.
- (b) *New Buildings Adjacent to Existing Buildings.* When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the grade of the new building shall match the established grade and shall not permit runoff surface water to flow onto the adjacent property or properties.
- (c) *Filling of Land.* No filling, other than minor work associated with routine landscaping in compliance with this section, shall be permitted in any zoning district, unless a zoning compliance permit is obtained following approval by the Zoning Administrator. Fill material shall be approved by the City's Engineer.
- (d) *Final Grade Approval.* Final grades shall be approved by the Zoning Administrator who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

1270.09 Removal of Soil, Sand or Other Materials.

- (a) *In General.* The use of land for the removal of top soil, sand, gravel, or other similar material from any zoning district shall not be permitted unless a zoning compliance permit is obtained from the Building Department.
- (b) *Removal Standards.* If soil is to be removed, it shall not be removed below the normal established grade, nor shall such removal cause stagnant water to collect or leave the surface of the land in a vulnerable state for erosion. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Zoning Administrator and a building permit has been issued.

1270.10 Stormwater Management.

All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site.

- (a) Stormwater Management shall comply with the following standards:
- (1) The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with the standards of the City.
 - (2) Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 - (3) The use of swales and vegetated buffer strips is encouraged in cases where the Citizens Planning Commission deems them to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
 - (4) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
 - (5) Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality. Such a proposal shall be submitted and reviewed by the City Engineer, with consultation of appropriate experts.
 - (6) Drainage systems shall be designed to protect public health and safety and to be visually attractive.
 - (7) Outfall protection shall be established by the City for sites where stormwater discharges directly into a river, lake, or County drain.
- (b) *On-Site Stormwater Detention.* For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this Ordinance, whether new or improved, shall provide for on-site detention of storm water in accordance with the current City standards.

1270.11 Regulation of Floodplain Areas.

- (a) *Purpose.*
- (1) The floodplains of the City are subject to periodic inundation of floodwaters that can result in loss of property, pose hazards to health and safety, disrupt commerce and governmental services, and impair the City's tax base.

- (2) It is the purpose of this Section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments, rules, and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44FR 31177, May 31, 1979.
- (3) The provisions of this Section are intended to:
 - A. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
 - B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
 - C. Require that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
 - D. Protect individuals from buying lands that are designated to be unsuited for intended purposes because of flooding; and
 - E. Permit reasonable economic use of property located within a designated floodplain area.

(b) *Delineation of Floodplain Areas.*

- (1) The boundaries of the floodplain areas are identified in the report entitled, the Flood Insurance Study, City of Monroe, prepared by FEMA, as may be revised from time to time. The study and accompanying maps are adopted by reference, appended, and declared to be part of this Chapter.
- (2) The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with flooding, a floodway is designated within the floodplain area.

(c) *Application of Regulations.*

- (1) In addition to other requirements of this Chapter applicable to development within a floodplain, compliance with the requirements of this Section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this Section and other requirements of this Chapter or any other Chapter shall be resolved in favor of this Section, except where the conflicting requirement is more stringent and would further the

objectives of this Section. In such cases, the more stringent requirement shall be applied.

- (2) The issuance of a land use permit within the floodplain area shall comply with the following standards:
 - A. The requirements of this Section shall be met;
 - B. The requirement of the underlying districts and all other applicable provisions of this Chapter shall be met; and
 - C. All necessary development permits shall have been issued by appropriate local, State, and Federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Environmental Quality under authority of Part 31, Water Resources Protection Floodplain Regulatory Authority and the Natural Resources and Environmental Protection Act of 1994, PA 451, as amended. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- (3) *Floodplain Management Administrative Duties.* All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Engineering Department and shall be open for public inspection.

(d) *Floodplain Standard and Requirements.*

- (1) The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
 - A. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:
 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 2. Be constructed with materials and utility equipment resistant to flood damage; and
 3. Be constructed by methods and practices that minimize flood damage.
 - B. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.
 - D. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
 - E. Adequate drainage shall be provided to reduce exposure to flood hazards.
 - F. The City Engineer or his representative shall review development proposals to determine compliance with the standards in this Section, and shall transmit his determination to the Zoning Administrator.
 - G. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.
 - H. The flood carrying capacity of any altered or relocated watercourse not subject to state and Federal regulations designed to insure flood carrying capacity shall be maintained.
 - I. Available flood hazard data from Federal, state, or other sources shall be reasonably utilized in meeting the standards of this Section. Data furnished by FEMA shall take precedence over data from other sources.
 - J. New residential structures in a flood risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the 100-year flood elevation. All basement floor surfaces shall be located at or above the 100-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air conditioning, and other service facilities shall be either placed above the 100-year flood elevation or be protected so as to prevent water from entering or accumulating within the system components during floods up to the 100-year elevation. Duct insulation subject to water damage shall not be installed below the 100-year elevation.
- (2) The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
- A. All new construction and substantial improvements of non-residential structures shall either;

1. Meet the requirements of new residential structures as provided for in Section 1269.04.
 2. Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood risk area, the structure is watertight and able to withstand hydrostatic pressure from a water level equal to the elevation defining the flood risk area. All floor and wall penetrations for plumbing, mechanical, and electrical systems shall be made watertight to prevent flood water seepage or shall be provided with shutoff valves or closure devices to prevent backwater flow during flooding.
- (3) Mobile Home Standards: The following general standards and requirements shall be applied to mobile homes located within floodplain areas:
- A. Anchoring must meet HUD specifications, per rule 605.
 - B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Monroe County Sheriff's Department for mobile home parks and mobile home subdivisions.
 - C. Mobile homes within the 100-year floodplain as designated on the Flood Insurance Rate Map shall be located in accordance with the following standards:
 1. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 2. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 3. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; and reinforcement shall be provided for piers more than six (6) feet above ground level.
 4. In mobile home parks and mobile home subdivisions which exist at the time this Section is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, the standards in the subparagraphs above shall be complied with.

- (4) The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.
- A. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environmental Quality that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
 - B. The placement of mobile homes shall be prohibited.
 - C. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this Section.

(e) *Warning and Disclaimer of Liability.*

- (1) The degree of flood protection required by provisions of this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
- (2) These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the City or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this Section or any administrative decision lawfully made thereunder.

1270.12 Wetland Protection.

This section is intended to comply or act in compliance with Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The City encourages placement of buildings to protect Michigan Department of Environmental Quality (MDEQ) regulated wetlands. The City intends to ensure that important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands, and to promote the goals of the City of Monroe Comprehensive Plan.

- (a) Any disturbance of soil, removal of landmark trees or stumps, grading, alteration of water flowing into or from a wetland regulated by the MDEQ or U.S. Army Corps of Engineers, or prohibited activity, as listed in Section 324.30304 of Act 451 of 1994, as amended, without a permit from the MDEQ or U.S. Army Corps of Engineers may result in a stop work order issued by the City and/or require restoration of the wetland, in accordance with MDEQ or U.S. Army Corps of Engineers standards.

(b) Where stormwater is planned to drain into a wetland, a filtration strip, or other material shall be used to control runoff of sediment into the wetland. Maintenance of these materials shall be addressed in a deed or as a condition of site plan approval.

(c) Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this section or MDEQ regulations.

1270.13 Swimming Pools, Ponds and Water Gardens.

(a) *Exempted Pools.* All inflatable pools, kiddie pools, or those otherwise temporary in nature and which are seasonally erected and dismantled and not exceeding twenty (20) inches in depth are exempt from the provisions of this Section. All hot tubs, whirlpools and similar shall meet all setback and other requirements of accessory uses.

(b) *Swimming Pool Erection; Building Permit Required.* All pools more than twenty (20) inches in depth shall be permitted as an accessory use. An application for a building permit shall be required to erect a swimming pool in the City of Monroe. Such application shall include the name of the owner and plans and specifications for the swimming pool, fence, and other accessories.

(c) *Location of Swimming Pools.* Swimming pools shall be permitted in the rear yard only (refer to definition of "lot, corner" in Article 1261) and shall maintain a minimum setback of eight (8) feet from any lot line or building. However, a whirlpool, hot tub, or other such pool not intended and/or used for swimming purposes may be located any distance from a building as allowed by applicable construction codes.

(d) *Fencing.* All swimming pools, ponds, and water gardens shall be completely enclosed by a fence or located in a yard which is completely enclosed by a fence of not less than four (4) feet, nor more than seven (7) feet, in height. Fencing shall be installed to meet the Building Code's minimum of four (4) feet from the outside wall of the swimming pool. Gates included in such fencing shall be self-latching. The requirement for fences around ponds or water gardens may be waived upon a finding that the pond has stable slide slopes no steeper than three (3) horizontal feet to one (1) vertical foot, extending into the water to a depth of two (2) feet below the surface of the water at the lowest sustainable water level.

(e) *Depth of Water Gardens.* A water garden shall have a maximum depth of thirty-six (36) inches.

(f) *Retention or Detention Ponds.* All stormwater retention or detention ponds in Multiple Residential Dwelling, Commercial, or Industrial Districts shall be designed in accordance with City engineering standards. Landscaping to screen such ponds may be required through site plan review.

(g) *Code Compliance.* All swimming pools shall comply with all building, electrical, plumbing and heating codes and regulations in effect in the City of Monroe and require permits as applicable.

(h) *Electrical Conductors - Wires.* If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make arrangements with the utility involved for the relocation of such conductors or wires before a permit shall be issued for the construction or installation of a swimming pool. Setbacks shall conform to the applicable Building Codes. Such relocation shall occur prior to using the pool.

1270.14 Glare and Exterior Lighting.

(a) *Light and Glare from Indirect Sources.*

- (1) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Glare and heat from such a process shall be performed behind solid, noncombustible walls or frosted glass not less than fifteen (15) feet high, as measured from the ground level adjacent to the structure concerned.
- (2) The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- (3) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(b) *Exterior Lighting from Direct Sources.*

- (1) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
- (2) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. The lighting source shall not be visible from adjoining properties, and illumination shall not extend beyond the property line. These provisions are not intended to apply to public street lighting.
- (3) The following additional standards shall apply:

- A. Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
- B. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum 0.5 foot-candle over the entire area, measured five (5) feet above the surface. Not more than 1 foot-candle shall be allowed at the property line. Where light fixtures are fifteen (15) feet in height or less, light wattage shall not exceed 250; where light fixtures are greater than fifteen (15) feet in height, light wattage shall not exceed 400.
- C. In most instances, lighting fixtures shall not exceed a height of twenty-five (25) feet. For residential uses or the portions of a nonresidential use adjacent to residential areas, lighting fixtures shall not exceed a height of fifteen (15) feet. Height shall be measured from the parking lot surface to the centerline of the lighting source.
- D. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purpose is not permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provision.

(c) *Plan Requirements.* Parking lot and building lighting and illumination shall be illustrated and described on the site plan, including details showing the type of fixture, downshielding, the height of poles, light wattage, foot-candles, and any proposed illumination of buildings, signs or landscaping.

(d) *Wiring.* All wiring shall meet the requirements set forth in the City's Building Code.

(e) *Illumination of Signs or Outdoor Features.* Illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. Illumination of any outdoor feature shall be directed or shaded so as not to interfere with the vision of motorists or occupants of adjacent property. Illumination of signs or buildings shall be directed to prevent interference with the vision of motorists.

(f) *Search Lights.* A rotating search light or similar device that emits beams of light shall be prohibited.

1270.15 Airborne and other Waste Emissions.

(a) *Smoke and Air Contaminants.* It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

(b) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

(c) *Gases.* The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

(d) *All Waste Emissions.* Waste emissions shall not be permitted to exceed quantities established as safe by the U.S. Bureau of Standards and the N.R.C. when measured at the property line.

1270.16 Noise and Vibration.

(a) Noise which is objectionable as determined by the City due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled and shall be subject to the noise regulations as contained in Chapter 654 of the City of Monroe Codified Ordinance.

(b) In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

(c) Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

1270.17 Use, Storage, Handling and Disposal of Hazardous Substances, Solid, Liquid and Sanitary Wastes, and other Materials.

(a) It shall be unlawful for any person, firm, corporation or other entity to pollute, impair or destroy the air, water, soils, or other natural resources within the City through the use, storage, and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous, and/or sanitary wastes.

(b) Any person, firm, corporation, or other entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall obtain the necessary permits or approval from the appropriate Federal, State, or local authority having jurisdiction.

(c) Any person, firm, corporation, or other entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a Hazardous Chemicals Survey on a form supplied by the City in conjunction with the following:

- (1) Upon submission of a site plan.
- (2) Upon any change of use or occupancy of a structure or premise.
- (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

(d) All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or 220 pounds) shall comply with the following standards:

- (1) *Above-Ground Storage and Use Areas for Hazardous Substances.*
 - A. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - B. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - C. Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains.
 - D. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
- (2) *Underground Storage Tanks.* Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate Federal, State or local authority having jurisdiction.
- (3) *Loading and Unloading Areas.* Areas used for loading and unloading hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

(e) All site plans for businesses or facilities which use, store, or generate hazardous substances shall be reviewed by the Fire Department, City Engineer, and any other appropriate experts determined necessary by the Citizens Planning Commission prior to approval.

(f) No building materials, sand, gravel, stone, lumber, equipment, or other supplies shall be stored within an area closer than fifty (50) feet from any street right-of-way line. The storage of lumber, coal, coke, fuel, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property, to permit free access of fire trucks at any time. Materials stored outside may not exceed the height of the fence. A minimum eight (8) foot high screen wall shall be provided when adjacent to any Residential District.

1270.18 Fire Hazard.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all State rules and regulations and the Uniform Fire Code. Further, all above-ground storage tanks for the above-named liquid materials shall be located not less than one hundred fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

1270.19 Safety.

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, land fills, sanitary land fills, demolition sites, unused basements, abandoned wells or cisterns, and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

CHAPTER 1271

OFF-STREET PARKING AND LOADING

1271.01 Purpose.

The City of Monroe declares that the purpose and objectives of vehicular use requirements and design criteria are to:

- (a) Clarify design standards and requirements for off-street parking facilities;
- (b) Insure quality design of off-street parking facilities in an effort to relieve traffic congestion and parking problems on surrounding streets;
- (c) Enhance the circulation within parking areas and also insure that additional vehicular traffic does not impair the flow of traffic on abutting or adjacent streets;
- (d) Discourage monotonous, drab, unsightly, dreary and inharmonious parking areas by insuring that well-designed landscaped buffers and acceptable screening methods are incorporated into the parking areas; and
- (e) Define parking requirements to minimize excessive parking areas in an effort to conserve land and natural resources and lessen the loads on the storm sewer system caused by paving and other methods of hard surfacing.

1271.02 Off-Street Parking Requirements.

In all zoning districts, at the time of erection, enlargement or change to a more intense use of any principal building or accessory building which generates parking demand, off-street parking in conformance with this chapter shall be provided prior to the issuance of a certificate of occupancy. All such parking shall be in accordance with the following standards:

- (a) *Determination of Number of Spaces Required.*
 - (1) The number of parking spaces provided shall be in accordance with the schedule set forth in Section 1271.03. For those uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with a use which the Citizens Planning Commission considers is similar in type or shall be based on a number supported by national parking generation studies.
 - (2) For the purpose of computing the number of parking spaces required, all references to floor area, unless otherwise indicated, shall mean gross floor area (GFA). All instances where useable floor area (UFA) is the standard are indicated as such.

- (3) References to employees shall be based on the number of employees on the largest shift.
 - (4) Permitted capacity shall mean the maximum number of people for a building or use as defined by local, county or state fire, building or health codes.
- (b) *Deviations from Numerical Requirements.*
- (1) The area delineated as the Central Business District (CBD) on the City of Monroe Zoning Map is exempt from providing off-street parking, but if off-street parking and loading requirements are provided, the lot shall meet the requirements of this Zoning Code and all applicable design standards.
 - (2) The Citizens Planning Commission may reduce the numerical requirements for off-street parking, based on: evidence that another standard would be more reasonable, the level of current or future employment, the expected level of customer traffic or observed parking use rates.
 - (3) Two (2) or more buildings or uses may and are encouraged to collectively provide the required off-street parking. In such case, the required number of parking spaces for individual uses may be reduced by up to twenty-five (25) percent, if a signed agreement is provided by the property owners and if the Citizens Planning Commission determines that the peak usage will occur at different periods of the day or that a user will visit two (2) or more uses on one trip.
 - (4) An applicant is encouraged to use banked parking whenever appropriate. Banked parking may be permitted according to the following standards:
 - A. Calculations must be provided at the time of site plan approval indicating that current or short-term parking needs will be met by the parking proposed for construction following site plan approval.
 - B. Banked parking must be shown on the approved site plan, and must meet all standards of the Zoning Ordinance.
 - C. Consideration for meeting landscaping requirements shall be made at the time of site plan approval. No landscaping, screening walls or other permanent structures shall be constructed within the area planned for banked parking unless approved by the Citizens Planning Commission.
 - D. Banked parking shall be constructed upon a determination by the Zoning Administrator that the parking is needed or according to a schedule set in place at the time of site plan approval.
- (c) *Location of Parking.*
- (1) Residential off-street parking spaces shall consist of a parking strip, parking bay,

driveway, garage, carport or a combination thereof and shall be located on the premises they are intended to serve.

- (2) Parking on lawns or other landscaped areas shall be prohibited.
 - (3) Off-street parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
 - (4) Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt in accordance with Section 1270.02 (g) and the Schedule of Regulations.
- (d) *Other Standards.*
- (1) Off-street parking existing at the effective date of this Zoning Code, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required under the terms of this Zoning Code.
 - (2) The amount of required off-street parking spaces shall be illustrated on the site plan and shall be irrevocably reserved for such use.
 - (3) If a use changes or a building is expanded, an expansion of the parking lot to meet additional parking needs may be required.
 - (4) Required areas for loading zones shall not be calculated toward meeting required off-street parking.

1271.03 Schedule of Minimum Parking Space Requirements.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**TABLE 17
OFF-STREET PARKING REQUIREMENTS**

Use	Minimum Number of Spaces	Unit of Measure
A. Residential		
1. Boarding houses	One (1)	per guest room
2. Mobile home parks	Two (2); and	for each manufactured home
	One (1)	for each three (3) manufactured homes for visitor parking
3. Multiple-family residential	Two (2); and	for each dwelling unit containing one (1) or two (2) bedrooms
	Three (3); and	for each dwelling unit containing three (3) bedrooms
	Five (5); and	for each office building (minimum)
	One (1); and	for each ten (10) dwelling units
	One (1)	per 250 square feet of GFA for clubhouses
4. One-family and two-family residential	Two (2)	for each dwelling unit
5. Senior independent units and retirement villages	One (1); and	per unit
	One (1)	per each ten (10) dwelling units
6. Senior "intermediate care" units (some congregate facilities and services)	One (1); and	per each two (2) rooms or two (2) beds, whichever is less
	One (1)	per each employee expected during peak shift
B. Institutional Uses		
1. Adult Family Day Care Home and Child Family Day Care Home	One (1); and	per each two (2) adults being cared for
	Two (2)	for the single-family dwelling unit
2. Child Group Day-Care Home and Adult Group Day-Care Home	Two (2); and	per home
	Two (2); and	for the single-family dwelling unit

Use		Minimum Number of Spaces	Unit of Measure
3.	Nursery schools, day nurseries, Child Care Centers or Adult Day Care Centers	One (1); and One (1)	per 400 square feet of UFA per employee of the peak shift
4.	Convalescent homes, nursing home units, sanitariums, senior housing, etc.	One (1); and One (1)	per each four (4) beds or two (2) rooms, whichever is less per each two (2) employees
5.	Auditoriums, assembly halls and outdoor arenas for institutional uses	One (1)	per each three (3) seats of permitted capacity or six (6) feet of bleachers, whichever is greater
6.	Churches or temples	One (1); and One (1)	for each three (3) seats or four (4) feet of pews in main worship area for any additional spaces needed for day care, school, recreational facilities and other such uses. However, these requirements may be waived if it is determined that: 1) the spaces for such accessory uses can be provided by the spaces for the church/temple, and 2) that such accessory uses will occur at different times than services of the church/temple
7.	Government uses or buildings	One (1)	per 500 square feet of GFA
8.	Hospitals	One (1); and One (1); and One (1)	per each two (2) licensed beds per each employee for each five (5) outpatients on a typical peak outpatient weekday
9.	Libraries or museums	One (1)	per 500 square feet of UFA
10.	Municipal recreation center	One (1); and One (1); Or One (1)	per 200 square feet of UFA per each space required for outdoor courts, fields and facilities per each three (3) people of the permitted capacity, whichever is greater
11.	Public Utility	One (1)	per employee

Use		Minimum Number of Spaces	Unit of Measure
12.	Schools (elementary and junior high)	One (1); and One (1); and Ten (10)	per each instructor and other employee per each space required for the assembly hall, auditorium and/or outdoor arena spaces for school buses
13.	Schools (high school, commercial schools and colleges)	One (1); and One (1); and One (1); and Ten (10)	per each instructor and other employee per each space required for the assembly hall, auditorium and/or outdoor arena per ten (10) students of driving age spaces for automobiles waiting or loading areas for school buses
14.	Swimming pool clubs, golf clubs, tennis clubs or similar uses	One (1); or One (1)	for each two (2) member families for every space required for any accessory uses
15.	Union halls, fraternal orders, civic clubs, banquet hall and similar uses	One (1)	per each two (2) persons of permitted capacity
C. Commercial Uses			
1.	Appliance stores	One (1)	per 800 square feet of GFA
2.	Auto service stations and auto care centers, without convenience goods	Two (2); and One (1); and One (1); and One (1); and One (1)	per each service bay per each tow truck for each 500 square feet of GFA devoted to sales of automotive goods per vehicle fueling position per employee
3.	Auto washes, including an accessory wash	One (1); and One (1)	per employee per each space required for stacking in Section 1271.06

Use		Minimum Number of Spaces	Unit of Measure
4.	Automobile sales and service	One (1); and One (1); and One (1)	per each 200 square feet of UFA devoted to sales space per service bay per employee
5.	Bars, nightclubs, lounges and other businesses where the majority of sales are alcoholic beverages	One (1)	per 100 square feet of GFA
6.	Batting cages	Two (2)	per cage
7.	Beauty parlors or barber shops	Two (2); and One (1)	for each of the first two (2) beauty or barber shop chairs for each additional chair
8.	Bed and breakfast inns	One (1); and Two (2)	for each sleeping room for the owners (according to single-family residential requirements)
9.	Bowling centers	Five (5); and Twenty-five (25) percent	per lane of parking required for any bar, lounge or similar accessory uses
10.	Commercial outdoor recreation centers, not specified elsewhere	To be determined by the Citizens Planning Commission in consideration of the expected types of activities, number of participants, spectators, accessory uses and occupants per vehicle.	
11.	Conference rooms, exhibit halls and similar uses	One (1); Or Ten (10)	per every two (2) people of permitted capacity per 1,000 square feet of GFA, whichever is greater
12.	Convenience stores, with or without gasoline service	One (1); and One (1)	per 250 square feet of UFA per each space required for auto service stations or gasoline sales
13.	Dancing halls, pool or billiard parlors, roller or skating rinks	One (1)	for each three (3) people allowed according to the maximum occupancy load, as authorized by the Building Code

Use	Minimum Number of Spaces	Unit of Measure
14. Discount stores	One (1)	per 200 square feet of UFA
15. Driving ranges	One (1); and	per two (2) tees
	One (1)	per each space required for any other uses
16. Dry cleaners	One (1); and	per each 500 square feet of UFA
	One (1)	per each space required for stacking according to Section 1271.06
17. Funeral homes and mortuaries	One (1); and	per 50 square feet of service parlors, chapels and reception areas
	One (1)	per each funeral vehicle stored on the premises
18. Furniture/carpet stores	One (1); and	per 800 square feet of UFA
	One (1)	per employee
19. Golf courses, par-three	Three (3); and	per each course hole
	One (1); and	per each employee
	One (1)	per each space required for accessory uses
20. Golf courses (public or private), except miniature or par-three courses	Five (5); and	per each hole
	One (1); and	per each employee
	One (1)	per each space required for banquet rooms, restaurants and other uses
21. Golf courses, miniature	One (1); and	for each hole
	One (1); and	for each employee
	One (1)	for each space required for accessory uses (such as arcades or batting cages)
22. Grocery stores or combined grocery/department stores	One (1)	per 250 square feet of UFA
23. Hardware/paint/home improvement stores	One (1)	per 300 square feet of UFA
24. Home improvement centers and club warehouses	One (1)	per 250 square feet of UFA

Use	Minimum Number of Spaces	Unit of Measure
25. Hotels/motels	One (1); and	per guest room
	One (1); and	per two (2) employees
	One (1)	per each space required for accessory uses
26. Laundromats	One (1)	for each two (2) machines
27. Marinas/seasonal structures	One (1); and	for every two (2) boat berths
	Twenty (20)	10' by 40' spaces for each twelve (12) feet of launching ramp width
28. Mini and self-storage warehouses and per personal inventory facilities	Six (6)	at minimum to be located by the office (Parking adjacent to storage units shall not impede circulation between units)
29. Oil change and automobile maintenance facilities	One (1); and	for each lubrication stall, rack, pit or similar service area
	One (1)	per employee
30. Racquetball/tennis centers	One (1);	per 1,000 square feet of GFA
	Or	
	Six (6)	per court, whichever is greater
31. Restaurant, family (without a bar, delivered to tables or dining counters and having only incidental carry-out service)	One (1); and	per 100 square feet of GFA
	One (1)	per any spaces required for banquet or meeting rooms
32. Restaurant, fast food (including drive-through and drive-in, providing quickly or previously prepared foods which the patron carries out or eats in an indoor or outdoor seating area)	One (1); and	per 100 square feet of GFA
	One (1); and	per each employee of the peak shift
	One (1)	per each space required for stacking according to Section 1271.06

Use		Minimum Number of Spaces	Unit of Measure
33.	Restaurants (including restaurants with or without entertainment facilities, lounges, and bars, providing only seated table service)	One (1); and	per 75 square feet of GFA
		One (1)	for all spaces required for banquet, meeting rooms and other accessory uses
34.	Restaurant, take-out (with less than six (6) tables and/or booths)	Six (6); and	at minimum
		One (1)	per each employee of a peak shift
35.	Retail stores, except as otherwise specified herein	One (1)	for each 250 square feet of GFA
36.	Shopping centers	One (1);	per 250 square feet of GFA
		or	Parking calculations may be based on the proposed uses within the shopping center, on the condition that any deviation from the uses indicated on the plan will be addressed with a sufficient number of spaces
37.	Swimming pool	One (1)	per each three (3) persons of maximum capacity authorized by the Building Code
38.	Theaters, cinemas and auditoriums	One (1)	for each three (3) seats or six (6) feet of benches
39.	Video arcades	One (1)	per fifty (50) square feet of UFA
40.	Video rental establishments	One (1)	per 100 square feet of UFA, with a minimum of eight (8) spaces
D. Office Uses.			
1.	Branch banks, credit unions or savings and loan associations	One (1); and	per each 200 square feet of GFA
		One (1)	per each space required for stacking according to Section 1271.06
2.	Business offices or professional offices	One (1)	for each 250 square feet of UFA
3.	Medical clinic (outpatient care centers, emergency care / 24-hour medical stations, etc.)	Two (2); and	per exam or outpatient procedure/operating room
		One (1); and	for each laboratory or recovery room
		One (1)	for each employee

Use	Minimum Number of Spaces	Unit of Measure
4. Professional office of doctors, dentists or similar professions	One (1)	for each 150 square feet of GFA
E. Industrial Uses		
1. Light industrial, manufacturing, testing labs, research and development centers	Five (5); and One (1); Or One(1); and One (1)	per 1,000 square feet of UFA for each employee at a peak shift, whichever is greater for any spaces required for any sales area or office
2. Wholesale and warehouse establishments	Five (5); and One (1); Or One (1) One (1)	for each employee of a peak shift per 1,700 square feet of UFA, whichever is greater for any spaces required for any sales area or office
3. Unoccupied building	One (1)	for each service vehicle

1271.04 Truck and Equipment Parking.

It is unlawful for the owner, tenant or lessee of any lot, parcel or tract of land in a residential district or a residentially used property, or on any public street, to permit or allow the open storage or parking, either day or night, of semi-trucks and commercial trailers, mobile homes, tractors, bulldozers, earth carriers, drag lines, cranes, steam shovels and/or any other equipment or machinery. The use of semi trailers for storage purposes on the premises for five or more consecutive days is prohibited. These standards shall not apply to pickup or panel trucks and it is further provided that equipment necessary to be parked overnight on a lot, parcel, or track of land during the construction work thereon shall be exempt from this restriction. Further, recreational vehicles may be parked in a residential district or a residentially used property provided that the recreation vehicle is parked behind the front yard setback of the property.

1271.05

Off-Street Loading and Unloading Requirements.

On the same premises with every building structure, or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods, display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas.

(a) *Plan Requirements.* Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted for review at the time of application for a zoning permit for the establishment or enlargement of a use of land, building or structure.

(b) *Dimensions.* Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with a fourteen (14) foot height clearance. The Citizens Planning Commission may permit a reduction in the loading space size to ten (10) feet by thirty (30) feet for office buildings and other facilities in which loading and unloading will be limited to smaller trucks and vans.

(c) *Number of Spaces.* The number of spaces shall be provided according to the following schedule:

TABLE 18 LOADING AND UNLOADING SPACE REQUIREMENTS	
Required Number of Loading/Unloading Spaces	Per Unit of Measurement
None	Per each building of 0 - 2,000 square feet of GFA
One (1)	Per each building of 2,000 – 20,000 square feet of GFA
One (1); and	Per each building of 20,000 – 100,000 square feet of GFA
One (1)	Per each 20,000 square feet of GFA in excess of 20,000 square feet
Five (5); and	Per each building of 100,000 – 500,000 square feet of GFA
One (1)	Per each 40,000 square feet of GFA in excess of 100,000 square feet
Fifteen (15); and	Per each building over 500,000 square feet of GFA
One (1)	Per each 80,000 square feet of GFA in excess of 500,000 square feet

(d) *Location.* A loading-unloading space may occupy all or any part of any required side or rear yard, except the side yard adjacent to a public street in the case of a corner lot. No part of a required front yard may be occupied by a loading space. A minimum setback of fifty (50) feet with sufficient landscape screening is required when located adjacent to any residential use or district unless wholly within a completely enclosed building, or unless enclosed on all sides by a berm, wall, fence or compact planting not less than six (6) feet in height. All screening shall be in accordance with Section 1270.02.

(e) *Double Count.* Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

(f) *Multiple Occupants.* When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses.

(g) *Backing onto a Public Street.* All off-street loading-unloading facilities that make it necessary to back out directly into a public street shall be prohibited.

(h) *Travel Route Labeled on the Plan.* Site plans shall illustrate that the expected turning radius of loading or unloading vehicles can be accommodated without conflicting with parking and accessory structures.

(i) *Materials.* Loading dock approaches and loading spaces shall be surfaced with asphalt or concrete paving so as to provide a permanent, durable and dustless surface with a base sufficient to accommodate expected vehicle weight.

1271.06 Off-Street Stacking Spaces for Drive-Through Facilities.

(a) *Drive-Through Facilities.* In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobiles shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements:

- (1) Each stacking space shall be computed on the basis of twelve (12) feet in width and twenty (20) feet in length.
- (2) Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner that promotes pedestrian and vehicular safety.
- (3) Each drive-through facility shall have an escape lane of no less than twelve (12) feet in width, to allow other vehicles to pass those waiting to be served. The Citizens Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.

- (4) The number of stacking spaces per service lane shall be provided for the uses as follows. When a use is not specifically mentioned, the requirements for off-street stacking space for a similar use shall apply.

TABLE 19 STACKING SPACE REQUIREMENTS		
Use		Stacking Spaces per Service Lane
Banks		Four (4)
Pharmacy		Four (4)
Dry-Cleaning		Four (4)
Fast-Food Restaurants		Six (6)
Car Washes (self-service)	Entry	Three (3)
	Exit	One (1)
Car Washes (Automatic)	Entry	Six (6)
	Exit	Two (2)
Quick Oil Change		Two (2)

(b) *Off-Street Waiting Space.* Uses such as day cares, schools, hospitals, nursing homes and churches shall provide a safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.

1271.07 Parking Lot Design.

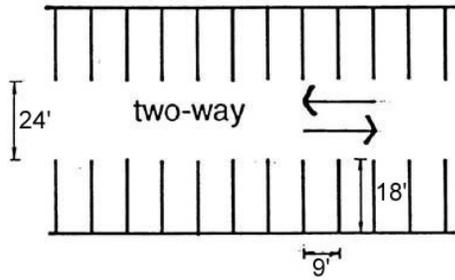
(a) *Layout.* Wherever off-street parking is required, the off-street parking facility shall be designed, constructed and maintained in accordance with the standards and regulations of this section and the parking layout figure, following the text of this chapter.

TABLE 20 PARKING LOT DESIGN STANDARDS				
Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-way	Two-way		
0° (Parallel)	12 feet	20 feet	Nine (9) feet	25 feet
30° - 53°	12 feet	N/A	Nine (9) feet	19 feet
54° - 89°	15 feet	N/A	Nine (9) feet	19 feet
90°	15 feet	24 feet	Nine (9) feet	18 feet

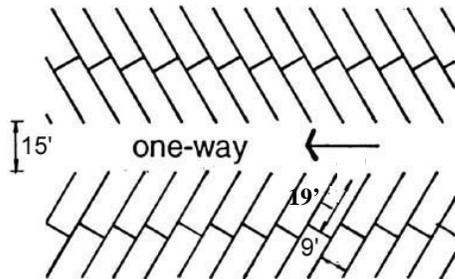
N/A: Does not apply

PARKING LOT DESIGN

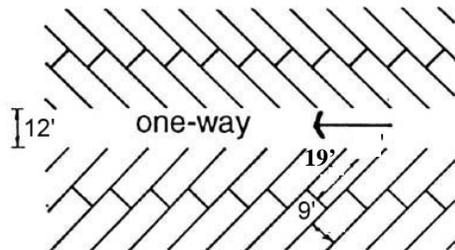
90 Degrees



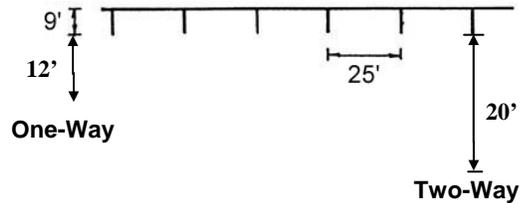
54 To 89 Degrees



30 To 53 Degrees



Parallel



(b) *Surface Construction.* Parking areas, driveways, drives and loading zones shall be constructed of an asphalt or concrete surface with concrete curbs and gutters, in accordance with the current design practices of the City Engineering Department.

(c) *Drainage.* Off-street parking areas shall be 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 property, toward buildings or across sidewalks or other areas intended for pedestrian circulation. All parking lots shall be graded and shall provide necessary enclosed storm water drainage, catch basins and storm sewer taps when necessary, according to current City engineering standards and specifications.

(d) *Lighting.* Lighting shall be provided in all parking lots and shall meet the standards of Section 1270.14.

(e) *Driveway Location.* Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Driveways shall be spaced, as required by Section 1269.19, and driveways for uses other than a single or two-family home shall not face a single-family home or traverse a Single-Family Residential Zoning District. The design standards required for driveway approaches shall conform to all applicable sections contained in Chapter 1028 of the Streets, Utilities and Public Services Code.

(f) *Cart Corrals.* When a use involves shopping carts, the Citizens Planning Commission may require cart corrals. Overnight outdoor storage of shopping carts in a parking lot is prohibited.

(g) *Outdoor Storage or Display.* Parking lots shall not be used for outdoor storage or display.

(h) *Landscaping.* The parking area shall include landscaping in accordance with Section 1270.02.

(k) *Barrier-Free Parking Requirements.* In those cases where barrier-free parking areas are required by state barrier-free design laws, such parking areas, signs, curb cuts, etc., shall be in full compliance with such laws of the State of Michigan, Americans with Disabilities Act and/or adopted building codes. These parking requirements may be varied to meet the requirements of the Americans With Disabilities Act and may be increased by the Citizens Planning Commission for uses where the expected number of physically disabled would be more than required (e.g., fraternal order halls, churches, etc.).

1271.08 Construction and Maintenance.

(a) *Plans.* No parking lot shall be constructed unless it is part of an approved site plan or approved by the Zoning Administrator. Applications for a permit when a site plan is not required shall be submitted to the Building Department, accompanied with six (6) sets of plans for the development and construction of the parking lot, which include the following:

- (1) An illustration of existing and proposed grades;

- (2) An indication that stormwater run-off shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures; and
- (3) A description or cross-section of surface and base materials to be used during construction.

(b) *Period for Construction.* Required parking lots shall be installed and completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The Zoning Administrator may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

(c) *Maintenance.* All parking areas, including pavement markings and landscaping, shall be maintained in a safe and sanitary condition and shall be kept in good repair. Any alteration, enlargement, reconstruction or change in access, in whole or in part, other than normal maintenance repairs and resurfacing, shall be pursuant to permit and subject to the provisions of this Zoning Code.

CHAPTER 1272

SIGNAGE

1272.01 Purpose.

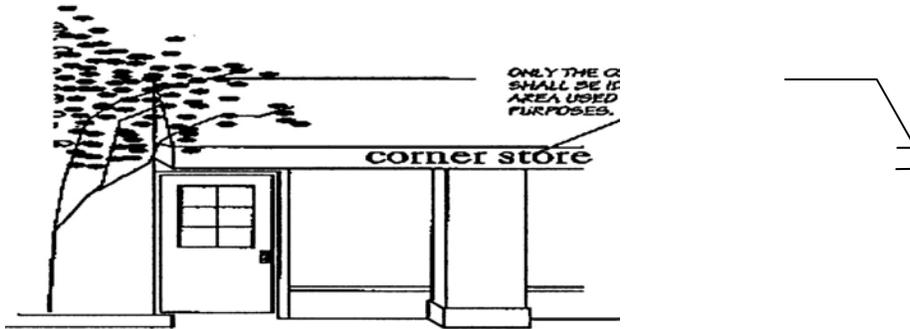
The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety, and general welfare, to protect property values, and to protect the character of the various neighborhoods and the City in general.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory structure. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

1272.02 Definitions.

- (a) *Abandoned Sign.* Any sign which no longer advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- (b) *Animated, Flashing or Moving Sign.* Signs having any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent intermittent electrical pulsations of less than five (5) minutes, or by action of normal wind current, except for time, temperature and stock market signs as provided in this ordinance.
- (c) *Awning/Canopy Sign.* Any sign attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this Section.

AWNING / CANOPY SIGN



- (d) *Banner.* A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame.
- (e) *Billboard.* A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted, and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972, as amended.
- (f) *Bulletin Boards.* A sign related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.
- (g) *Changeable Copy.* Moveable letters or other forms of sign copy, not including animated copy, that can be altered by physical, mechanical or electrical means without replacing the sign copy area.
- (h) *Change of Copy.* The replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or a commercial establishment. Change of copy shall not include any modifications to the sign structure or frame. Nor shall it include alternations of sign size.
- (i) *Directional Sign.* A monument sign located at the entry or exit of a business or commercial establishment which indicates traffic flow.
- (j) *Directory Sign:* A ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.

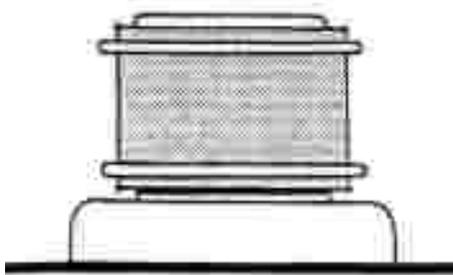
DIRECTORY SIGN



- (k) *Facing or Surface.* The surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.
- (l) *Flag.* A piece of cloth having a distinctive size, color and design, used as a symbol, standard or emblem.
- (m) *Frontage.* The linear dimension measured along the public street right-of-way line.
- (n) *Flashing Sign.* (See *Animated, Flashing or Moving Sign*)
- (o) *Ground Sign.* Any sign supported by uprights or braces placed in, or anchored to, the ground and/or not attached to any building (See *Monument, Pole, Post and Sandwich Board Signs*).
- (p) *Identification Sign.* A sign which carries only the name of the firm, the major enterprise, the principal product or service offered for sale on the premises, or a combination of these things, only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
- (q) *Illegal Sign.* A sign which does not meet the requirements of this code and which has not received legal non-conforming status.
- (r) *Illuminated Sign.* Any sign which has characters, letters, figures, designs, or outlines illuminated by an electric light or luminous tubes as a part of the sign proper.
- (s) *Inflatable Sign.* A sign that is either expanded or its full dimensions are supported by gases contained within the sign, or a sign part, at a pressure greater than atmospheric pressure.
- (t) *Institutional Bulletin Board.* A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institutions, and the announcement of its services or activities.
- (u) *Marquee.* A permanent canopy usually of metal and glass, brightly lighted and displaying the title of an attraction which projects over an entrance to a building, such as a theater or hotel.

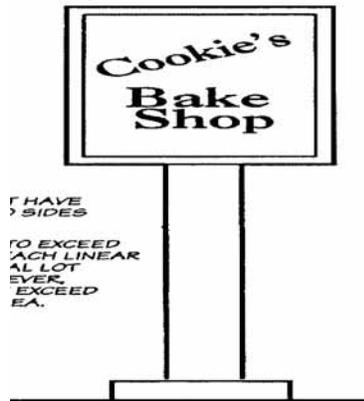
- (v) *Menu Board.* A sign which is intended to service patrons using a drive-through facility.
- (w) *Monument Sign.* A ground sign mounted on a base directly to the ground.

MONUMENT SIGN



- (x) *Monument Sign Base.* The lower part of a monument sign, which may appear as a separate architectural feature, and serves as its ground support.
- (y) *Moving Sign.* (See *Animated, Flashing or Moving Sign*)
- (z) *Mural Sign.* Signs painted directly on an exterior building wall.
- (aa) *Nameplate.* A wall sign identifying the occupant, business name and/or address of a building or parcel of land.
- (bb) *Non-Conforming Sign.* Any sign that was lawfully erected and maintained prior to the effective date of this Ordinance, and any amendments thereto, and that fails to conform to all applicable regulations and restrictions of this Article.
- (cc) *Off-Premise Sign.* A display sign, including billboards, that contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.
- (dd) *On-Premise Sign.* A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.
- (ee) *Pennant.* A long triangular, tapering flag, often bearing an emblem.
- (ff) *Pole Sign.* A ground sign mounted on a freestanding pole(s) or other support(s) with a clear space between the bottom of the sign face and the grade.

POLE SIGN



(gg) *Political Sign.* A temporary sign, relating to the election of a person or persons to public office, or relating to a political party, or relating to a matters to be voted upon in a local, state or national election or referendum.

(hh) *Portable Sign.* A sign usually of a temporary nature, not securely anchored to the ground or to the building or structure adjacent to it, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. A portable sign is not defined to include a sidewalk sign.

(ii) *Projecting Sign.* Any sign which is attached to a building or other structure which extends more than eight (8) inches beyond the face of the building or structure or eight (8) inches beyond the surface of that portion of the building or structure to which it is attached, and is perpendicular or nearly perpendicular to the building surface and is permanently attached to the building or structure surface. A projecting sign shall not include or be a part of any canopy, awning or marquee sign.

PROJECTING SIGN



(jj) *Real Estate Development or Construction Sign.* A temporary ground or wall sign listing the name of the project developers, contractors, engineer and architects, on the site being developed, or located at the entrance of a residential development under construction, listing the

name of the development and general information, such as the number and types of units to be built, price range and similar data.

(kk) *Real Estate Sign.* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

(ll) *Roof Sign.* A sign which is erected constructed and maintained onto and above the roof of a building.

(mm) *Sandwich Board Sign.* A portable non-permanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours; consisting of an “A” frame or “T” frame or other temporary style, typically with not more than two (2) flat surfaces containing messages, and is not permanently affixed to any structure or to the sidewalk itself.

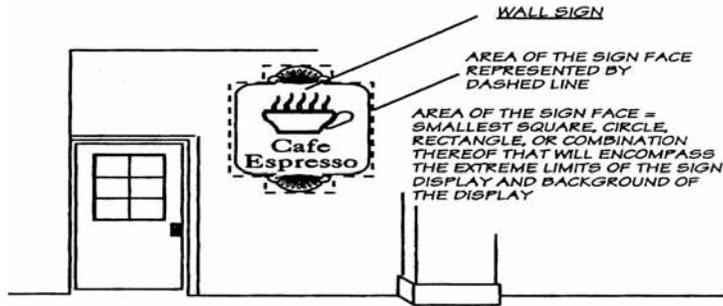
SANDWICH BOARD SIGN



(nn) *Sign.* Any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services.

(oo) *Sign Area (measurement of).* The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken at the area of one (1) face if the two (2) faces are of equal area, or at the area of the larger face if the two (2) faces are of unequal area. Where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than twenty-five (25) percent of the area of the sign as otherwise computed shall be disregarded.

SIGN AREA



(pp) *Sign Height (measurement of)*. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction; or, b) mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

SIGN HEIGHT



(qq) *Site Entry Features with Signage*. An architectural feature that defines, delineates and differentiates the entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park, or similar development from a major thoroughfare without being a visual intrusion or distraction to the general public and the traveling motorist. Signage identifying the name of the development may be incorporated into the architectural feature.

(rr) *Temporary Sign*. A sign or other advertising device constructed of light, temporary materials with or without a structural frame, intended to be used for a limited time for display, demonstration, or announcement.

TEMPORARY SIGN



(ss) *Time-Temperature Sign.* A sign which displays the current time or outdoor temperature or both, and which displays no other material except for the name of a business, product or service.

(tt) *Vehicle Business Sign.* A sign painted or attached to a vehicle which is posted or placed upon an owner's premises primarily for purposes of advertising the premises. Commercially licensed vehicles which are generally used daily off-site are not included in this definition.

(uu) *Wall Sign.* All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.

WALL SIGN



(vv) *Welcome Sign.* A sign displaying the name of the owner or a sign saying welcome.

(ww) *Window Sign.* A sign installed inside a window and intended to be viewed from the outside.

1272.03**Exempt Signs.**

The following signs are specifically exempt from the sign permit requirements but are subject to Section 1272.08 and 1272.09, where applicable, and the following regulations and standards:

**TABLE 21
LIST OF EXEMPT SIGNS**

(a) Bed and Breakfast Signs	(r) Regulatory, Directional and Street Signs
(b) Business Affiliation Signs	(s) Street Address Signs
(c) Directional Signs	(t) Temporary Signs
(d) Flags	(1) Community Special Event Signs
(e) Gas Station Pump Island Signs	(2) Construction Signs
(f) Historical Marker	(3) For Sale Signs Attached to Vehicles
(g) Historical Signs Incorporated into the Construction of a Building	(4) Garage Sale Signs
(h) Home Occupation	(5) Holiday or Special Events Decorations
(i) Institutional Bulletin Boards	(6) Model Signs
(j) Integral Signs	(7) Political Signs
(k) Menu Board	(8) Real Estate Signs
(l) Miscellaneous Signs	(9) Subdivision Plat Signs
(m) Non-Commercial Signs	(u) Warning Signs
(n) Owner/Tenant Signs	(v) Window Signs
(o) Park and Playground Signs	
(p) Parking Lot Signs	
(q) Public Signs	

(a) *Bed and Breakfast Signs.* One sign, not to exceed six (6) square feet shall be permitted for a bed and breakfast approved by the City. The sign shall either be mounted to the building or shall be within two (2) feet of the building if the sign is freestanding.

(b) *Business Affiliation Signs.* Signs not exceeding an aggregate total of three (3) square feet per business indicating acceptance of credit cards, open/closed or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

(c) *Directional Signs.* Each premises shall be permitted one (1) directional sign per driveway, or two (2) directional signs if two (2) one-way directional drives are used, plus additional directional signs to improve circulation on-site, provided they are not placed within the front yard. The sign shall not exceed (4) feet in height and shall not exceed four (4) square feet in surface display area. The sign may be illuminated by internal means only. The sign may contain the following information only; the name of the business, its logo, directional arrows and the words “entrance” or “exit” or similar terms.

(d) *Flags.* Flags representing a governmental unit of which the premises are a part shall be allowed to have one freestanding flag per governmental unit (U.S., State, City and County). A maximum of four (4) flags are allowed at any one location. Flags hanging from building fronts shall not exceed three (3) feet in width and five (5) feet in length and shall be no higher than

twenty (20) feet above grade and not less than eight (8) feet above the adjacent walking surface. Further, they may not extend beyond the property line more than eight (8) feet and shall be properly anchored to the building. Flags that are separate from the building shall meet the same area requirements, and shall not exceed the height of the building.

(e) *Gas Station Pump Island Signs.* Located on the structural supports identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on such signs, that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.

(f) *Historical Marker.* Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area and subject to height and setback requirements for the zoning district in which the sign is placed.

(g) *Historical Signs Incorporated into the Construction of a Building.* A sign that was installed during construction of the building shall not be calculated in calculation of total permissible sign area. Cornerstones or other original signage indicating date of construction and similar are appropriate examples.

(h) *Home Occupation.* One sign, not to exceed four (2) square feet shall be permitted for a home occupation approved by the City. The sign shall be mounted to the building.

(i) *Institutional Bulletin Boards.* School, museum, library or government bulletin boards that are permanent signs with a minimum setback from the street right-of-way of fifteen (15) feet, which do not exceed thirty-six (36) square feet and which are a maximum of four (4) feet in height.

(j) *Integral Signs.* Names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.

(k) *Menu Board.* Up to two (2) signs each no greater than sixteen (16) square feet which display menu items and contain a communication system for placing food orders at an approved drive through restaurant, provided such sign(s) is not in the front yard.

(l) *Miscellaneous Signs.* On vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided that the sign on each device does not exceed three (3) square feet in area.

(m) *Non-Commercial Signs.* Signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.

(n) *Owner/Tenant Signs.* Address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of a commercial building.

(o) *Park and Playground Signs.*

(p) *Parking Lot Signs.* Indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed nine (9) square feet in area.

(q) *Public Signs.* Signs of a non-commercial nature and in the interest of, erected by, or on the order of, a public officer or Zoning Administrator in the performance of public duty, such as directional signs, regulatory signs, warning signs, and informational signs.

(r) *Regulatory, Directional and Street Signs.* Erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual.

(s) *Street Address Signs.* Street numbers not exceeding two (2) square feet in area on dwelling or mailbox only.

(t) *Temporary Signs.* Temporary signs shall be permitted without a permit, when confined within private property, when not encroaching into the visibility triangle at street intersections and according to the following standards:

(1) *Community Special Event Signs.* Institutional or non-profit signs approved by the City Council for special events.

(2) *Construction Signs.* Temporary construction signs shall be permitted subject to the following:

A. Premises which are to be used for a single-family residential use shall be permitted to have one (1) ground sign not to exceed twelve (12) square feet.

B. Premises which are to be used for other than single-family use shall be permitted to have one (1) ground sign not to exceed fifty (50) square feet.

C. Construction signs shall be set back a minimum of ten (10) feet from any lot line.

D. Construction signs shall have a maximum height of six (6) feet.

E. Construction signs shall be removed upon substantial completion of the structure being erected, or for a subdivision or multi-building development. In no case shall construction signs remain in place after the issuance of an occupancy permit for the structure being erected.

- F. For a subdivision, a construction sign of up to fifty (50) square feet may be permitted at or near the site entrance through the completion of the infrastructure elements.
 - G. For a multi-phased or multi-building project, a construction sign of up to fifty (50) square feet may be permitted through substantial completion of each phase or building. Such sign shall be placed in close proximity to the phase or building under construction.
- (3) *For Sale Signs Attached to Vehicles.*
 - (4) *Garage Sale Signs.* Provided that the signs comply with the following regulations:
 - A. The sign shall not exceed eight (8) square feet in area and in no way obstruct the vision of vehicle traffic.
 - B. The signs shall not be attached to any tree or utility pole in the road right of way.
 - C. All signs shall be removed immediately upon closing of garage sale.
 - D. Any signs found in road right-of-way or in violation of any of the above will be removed without notice.
 - (5) *Holiday or Special Events Decorations.* When strung no more than forty-five (45) days before the holiday and removed within twenty (20) days following the holiday for which they were erected.
 - (6) *Model Signs.* Temporary signs directing the public to a model home or unit, which do not exceed six (6) square feet in area.
 - (7) *Political Signs.* Temporary political campaign signs announcing candidates seeking public political office and other election issues pertinent thereto shall be permitted up to a total area of eight (8) square feet for each sign in a residential zone and thirty-two (32) square feet in a commercial or industrial zone. These signs may be displayed sixty (60) days prior to and seven (7) days after the election for which intended. Timing for political signs expressing viewpoints but not related to an election shall not be limited.
 - (8) *Real Estate Signs.* Real estate signs advertising a premises for sale, rent and/or lease shall be permitted subject to the following:
 - A. Real estate signs shall not be permitted in the public right-of-way.
 - B. Real estate signs shall be limited to one (1) sign per premises.

- C. Real estate signs shall not exceed six (6) square feet for residential developments.
- D. Real estate signs shall not exceed thirty-two (32) square feet for all non-residential developments, and shall not project higher than eight (8) feet above grade.
- E. Real estate signs shall be removed on or before ten (10) calendar days after the sale, lease or rental of the premises or structure, land parcel, subdivision or condominium. The date of the closing of an offer to purchase, to lease or to rent by the current owner, or the date of a placement of a sold, leased or rented sign on the premises, whichever date is earlier, shall determine the beginning of the ten day period.
- F. Open house signs shall be exempt and may be placed in the public street right-of-way, provided such signs meet the following requirements:
 - 1. They shall be limited to one (1) sign per intersection out to the first major street;
 - 2. They shall not exceed an area of four (4) square feet;
 - 3. They shall be taken down the same day as the open house and may not be used more than two (2) days per week;
 - 4. They shall not exceed a height of three (3) feet;
 - 5. They shall be a ground or post-type of sign only.

(9) *Subdivision Plat Signs.* In addition to a construction sign, any platted subdivision shall be permitted one (1) ground sign which displays the lots for sale and the lots sold. Such sign shall not exceed thirty-two (32) square feet in size, and shall be removed upon sale of seventy-five (75) percent of the lots in the subdivision.

(u) *Warning Signs.* No trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet.

(v) *Window Signs.* Signs within the window or within the interior of the building provided such signs do not occupy more than twenty-five (25) percent of the window space.

1272.04 Prohibited Signs.

**TABLE 22
LIST OF PROHIBITED SIGNS**

- | | |
|---|------------------------------------|
| (a) Abandoned Signs | (k) Non-Governmental Flags |
| (b) Animated, Flashing or Moving Signs | (l) Obstructing Signs |
| (c) Electronic Changeable Message Signs | (m) Off-Premises Signs |
| (d) Exterior Pennants and Balloons | (n) Portable Signs |
| (e) Exterior String Lights | (o) Roof Signs |
| (f) Illegal Signs | (p) Street Furniture / Bench Signs |
| (g) Illegally Lit Signs | (q) Unsafe Signs |
| (h) Illegally Located Signs | (r) Vehicular Signs |
| (i) Imitating Signs | |
| (j) Mural Signs | |

- (a) *Abandoned Signs.*
- (b) *Animated, Flashing or Moving Sign.*
- (c) *Electronic Changeable Message Signs.* Except as allowed under the standards of Section 1272.06 and 1272.08(i).
- (d) *Exterior Pennants and Balloons.* All of such signs, including other types of inflatable signs and banners, when used for commercial enterprises.
- (e) *Exterior String Lights.* Strings of lights used in connection with a commercial enterprise, except Holiday Decorations.
- (f) *Illegal Signs.* Including any sign unlawfully installed, erected, or maintained, or any sign advertising activities that are illegal under federal, state or City laws or regulations.
- (g) *Illegally Lit Signs.* All signs with excessive lighting, or any sign using high intensity, moving or blinking lights, a rotating search light or similar device that emits beams of light.
- (h) *Illegally Located Signs.* Any of the following type of signage:
 - a. Signs placed in, or projecting into, any public street right-of-way, with the exception of traffic regulatory signage erected by any governmental body having jurisdiction over the right-of-way, permitted open house signs or permitted projecting, awning, canopy or marquee signs in the Central Business District (Zone E). Non-governmental flags shall be included in this prohibition.
 - b. Signs Located in Clear Vision Areas.
 - c. Logos on a public or private radio, television, cellular phone, or water towers,

with the exception of the name of the municipality.

- d. Signs that are attached to utility poles, trees, fences, rocks or in an unauthorized manner to walls or other signs.
- (i) *Imitating Signs.* Signs that imitate or could be confused with the lighting of emergency vehicles or with an official traffic sign or signal, or which contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
- (j) *Non-Governmental Flags.* Any sign with an insignia representing a business or other non-governmental organization.
- (k) *Mural Signs.*
- (l) *Obstructing Signs.* Any sign which obstructs free access to or egress from any building, including those that obstruct any fire escape, required exit way, window or door opening, or that prevent free access to the roof by firefighters.
- (m) *Off-Premises Signs.* Signs erected for the purpose of advertising a product, event, person or subject, except as otherwise provided for in this chapter and in compliance with the State Highway Act.
- (n) *Portable Signs.* All portable or non-structural signs except as allowed under other sections of this Ordinance.
- (o) *Roof Signs.* Except under the standards of Section 1272.06
- (p) *Street Furniture / Bench Signs.* With the exception of signage on table umbrellas used for outdoor cafe-style dining.
- (q) *Unsafe Signs.* Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact with it.
- (r) *Vehicular Sign.* Any sign displayed on an automobile, truck, or other motorized vehicle when that vehicle is used primarily for the purpose of such advertising display.

1272.05 Basis of Regulations; Sign Zones.

- (a) For the purpose of regulating signs pursuant to this chapter, the City of Monroe has been divided into five sign zones, as follows:

Zone A:	I-75 Corridor and Dixie Highway/I-75 Interchange
Zone B:	Telegraph Road, Dixie Highway and part of West Front Business District
Zone C:	Monroe Street, Orchard East, Elm Avenue and Waterfront District

Zone D: Central Business District
Zone E: All Other Areas

(b) The five sign zones were created taking into consideration street classification, speed limit, and land use type and character, and also in recognition of the very different sign needs and compatibility issues present in each of the zone areas. The five sign zones are identified on the City of Monroe Sign Zone Map.

(c) The following signs shall be permitted in all zones.

(1) Ground Signs

- A. Monument
- B. Billboard
- C. Sandwich Board

(2) Wall Signs

- A. Wall
- B. Projecting
- C. Marquee, Awning or Canopy

(d) In addition to the above signs, Banner Signs shall be permitted in all Commercial, Industrial and Mixed-Use Zoning Districts as delineated in Section 1263.01 Establishment of Zoning Districts, in the five sign zones.

(e) Each of the signs indicated in 1272.05 (c) and (d) shall comply with the standards Section 1272.07 General Sign Regulations and Section 1272.08 Specific Sign Regulations.

1272.06 Specific Sign Zone Standards.

The following signs shall be permitted, in accordance with the standard sizes and setbacks indicated herein.

Zone A: I-75 Corridor and Dixie Highway/I-75 Interchange				
<u>Freeway Frontage</u>				
Sign Type	Number of Signs	Maximum Height	Maximum Area	Setback
Ground	1 of the following:			
Monument		14 feet	140 square feet	10 feet from road right-of-way
Billboard	(Note #1)	25 feet	672 square feet	
Electronic Changeable Message	(Note #6)	14 feet	70 square feet	10 feet from road right-of-way
Wall	1	Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 150 square feet (Note #2)	
<u>Street Frontage</u>				
Sign Type	Number of Signs	Maximum Height	Maximum Area	Setback
Ground	1 per street frontage with ingress and egress (Note #3)			
Monument	(Note #4)	5 feet	60 square feet	10 feet from road right-of-way
Electronic Changeable Message	(Note #6)	5 feet	30 square feet	10 feet from road right-of-way
Wall	1 per street frontage with ingress and egress (Note #5, #6)	Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 100 square feet (Note #2)	
<p>Notes: #1: A billboard shall only be permitted in the I-1 or I-2 Districts.</p> <p>#2: The size of the wall sign may be increased for buildings with a setback of 200 ft. or greater, with an additional 15 sq. ft. of sign area per each 100 ft. of setback.</p> <p>#3: Corner sites with less than 100 ft. of frontage on either street shall be limited to 1 freestanding sign.</p> <p>#4: A pole sign may be permitted by the Citizens Planning Commission only upon finding that a monument sign would block the vision of drivers or a wall sign could not be legally established on a side facing a street. In permitting a pole sign, the Citizens Planning Commission shall permit the minimum height necessary to achieve visibility, provided it does not exceed the height of the building to which it is accessory.</p> <p>#5: Buildings on corner sites with less than 50 linear ft. of elevation facing the street shall be limited to 1 wall sign</p> <p>#6: An electronic changeable message sign is subject to regulations within Section 1272.08 (i)</p>				

Zone B: Telegraph Road, Dixie Highway and Part of West Front Business District

Sign Type	Number of Signs	Maximum Height	Maximum Area	Setback
Ground	1 of the following per street frontage with ingress and egress (Note #1, #2)			
Monument	(Note #3)	5 feet	60 square feet	10 feet
Billboard	(Note #4)	25 feet	300 square feet	
Electronic Changeable Message	Note #8	5 feet	30 square feet	10 feet
Wall	1 of the following per street frontage with ingress and egress (Note #5, #6, #7)			
Wall		Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 100 square feet (Note #8)	
Projecting		The maximum height of the wall to which the sign is attached	12 sq. ft. for buildings with a setback of 10 ft. or less and increasing by 1 sq. ft. by each additional 1 ft. of setback, to a maximum of 25 sq. ft. (Note #8)	
Marquee, Awning or Canopy		The maximum height of the wall to which the sign is attached	The maximum area shall not exceed that which is permitted for a wall sign	

Notes: #1: Corner sites with less than 100 ft. of frontage on either street shall be limited to 1 freestanding sign.

#2: A shopping center or similar commercial establishment shall be permitted a second freestanding sign on one major street frontage if a second two-way entrance is proposed and there is a minimum of 300 feet between each entrance.

#3: A pole sign may be permitted by the Citizens Planning Commission upon finding that a monument sign would block the vision of drivers or a wall sign could not be legally established on a side facing a street. In permitting a pole sign, the Citizens Planning Commission shall permit the minimum height necessary to achieve visibility, provided it does not exceed the height of the building to which it is accessory.

#4: A billboard shall only be permitted in the I-1 or I-2 Districts.

#5: Buildings on corner sites with less than 50 linear ft. of elevation facing the street shall be limited to 1 wall sign

#6: In instances of a building with more than 1 tenant, 1 wall sign shall be permitted for each tenant having a separate direct means of public access from the outside.

#7: The size of the wall sign may be increased for buildings with a setback of 200 ft. or greater, with an additional 15 sq. ft. of sign area per each 100 ft. of setback.

#8: An electronic changeable message sign is subject to regulations within Section 1272.08(i)

Zone C: Monroe Street, Orchard East, Elm Avenue and Waterfront District

Sign Type	Number of Signs	Maximum Height	Maximum Area	Setback
Ground	1 per street frontage with ingress and egress (Note #1, #2)			
Monument	(Note #3)	5 feet	60 square feet	10 feet
Wall	1 of the following per street frontage with ingress and egress (Note #4, #5, #6)			
Wall		Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 100 square feet (Note #7)	
Projecting		The maximum height of the wall to which the sign is attached	12 sq. ft. for buildings with a setback of 10 ft. or less and increasing by 1 sq. ft. by each additional 1 ft. of setback, to a maximum of 25 sq. ft. (Note #7)	
Marquee, Awning or Canopy		The maximum height of the wall to which the sign is attached	The maximum area shall not exceed that which is permitted for a wall sign	

Notes: #1: Corner sites with less than 100 ft. of frontage on either street shall be limited to 1 freestanding sign.

#2: A shopping center or similar commercial establishment shall be permitted a second freestanding sign on one major street frontage if a second two-way entrance is proposed and there is a minimum of 300 feet between each entrance.

#3: A pole sign may be permitted by the Citizens Planning Commission upon finding that a monument sign would block the vision of drivers or a wall sign could not be legally established on a side facing a street. In permitting a pole sign, the Citizens Planning Commission shall permit the minimum height necessary to achieve visibility, provided it does not exceed the height of the building to which it is accessory.

#4: Buildings on corner sites with less than 50 linear ft. of elevation facing the street shall be limited to 1 wall sign.

#5: In instances of a building with more than 1 tenant, 1 wall sign shall be permitted for each tenant having a separate direct means of public access from the outside.

#6: The size of the wall sign may be increased for buildings with a setback of 200 ft. or greater, with an additional 15 sq. ft. of sign area per each 100 ft. of setback.

Zone D: Central Business District

Sign Type	Number of Signs	Maximum Height	Maximum Area
Ground	1 per street frontage with ingress and egress (Note #1, #2)		
Monument		5 feet	60 square feet
Sandwich Board		3 feet (Note #3)	9 square feet
Post		5 feet (Note #4)	12 square feet
Wall	1 of the following per street frontage with ingress and egress (Note #5, #6, #7)		
Wall		Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 100 square feet (Note #8)
Projecting		The maximum height of the wall to which the sign is attached	12 sq. ft. for buildings with a setback of 10 ft. or less and increasing by 1 sq. ft. by each additional 1 ft. of setback, to a maximum of 25 sq. ft. (Note #8)
Marquee, Awning or Canopy		The maximum height of the wall to which the sign is attached	The maximum area shall not exceed that which is permitted for a wall sign

Notes: #1: Corner sites with less than 100 ft. of frontage on either street shall be limited to 1 freestanding sign.

#2: A shopping center or similar commercial establishment shall be permitted a second freestanding sign on one major street frontage if a second two-way entrance is proposed and there is a minimum of 300 ft. between entrance.

#3: Only one sandwich sign per premises is permitted; the sign shall be out only during business hours; they shall be placed directly in front of the business using them; and shall not be positioned in a way which obstructs pedestrian circulation.

#4: Support posts shall provide not less than 18 in. nor more than 36 in. in height between the ground level and the bottom edge of the sign panel.

#5: Buildings on corner sites with less than 50 linear ft. of elevation facing the street shall be limited to 1 wall sign

#6: In instances of a building with more than 1 tenant, 1 wall sign shall be permitted for each tenant having a separate direct means of public access from the outside.

#7: The size of the wall sign may be increased for buildings with a setback of 200 ft. or greater, with an additional 15 sq. ft. of sign area per each 100 ft. of setback.

Zone E: All Other Areas

Sign (Note #1)	Type	Number of Signs	Maximum Height	Maximum Area
Ground		1 per street frontage with ingress and egress (Note #2)		
Monument			5 feet	60 square feet
Wall		1 of the following per street frontage with ingress and egress (Note #3, #4, #5)		
Wall			Top of first story wall or sill of windows on second level	10% of first story wall, with a maximum of 100 square feet (Note #6)
Projecting			The maximum height of the wall to which the sign is attached	12 sq. ft. for buildings with a setback of 10 ft. or less and increasing by 1 sq. ft. by each additional 1 ft. of setback, to a maximum of 25 sq. ft. (Note #6)
Marquee, Awning or Canopy			The maximum height of the wall to which the sign is attached	The maximum area shall not exceed that which is permitted for a wall sign

Notes: #1: Single-family residential homes shall not be included with these requirements, and shall be permitted only the signs indicated within Section 1272.03 Exempt Signs.

#2: Corner sites with less than 100 ft. of frontage on either street shall be limited to 1 freestanding sign.

#3: Buildings on corner sites with less than 50 linear ft. of elevation facing the street shall be limited to 1 wall sign.

#4: In instances of a building with more than 1 tenant, 1 wall sign shall be permitted for each tenant having a separate direct means of public access from the outside.

#5: The size of the wall sign may be increased for buildings with a setback of 200 ft. or greater, with an additional 15 sq. ft. of sign area per each 100 ft. of setback.

(a) **Construction Standards.**

- (1) All signs shall be designed and constructed in a safe and stable manner in accordance with the State Construction Code.
- (2) All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the State Construction Code.
- (3) All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be screened from view.
- (4) The materials, design and maintenance standards of this Ordinance shall be met by all signs whether or not visible from public property.
- (5) Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect.
- (6) Underground wiring shall be required for illuminated signs not attached to a building.

(b) **Illumination.**

- (1) Indirectly illuminated signs are permitted in all districts, provided such signs are so shielded as to prevent direct light rays from the source of light from being visible from the public right-of-way or any adjacent Residential District or use.
- (2) Internally illuminated signs are permitted only in Commercial and Industrial Districts provided such lighting is effectively shielded.
- (3) In no case shall any sign exceed a level of illumination of .5 foot-candles when measured at the property line.

(c) **Setbacks.** All signs shall be setback a minimum of the following, except where otherwise noted in this Article.

- (1) **Front Yard Setbacks.** Ten (10) feet from any public street right-of-way line, except in Sign Zone D Central Business District, where the setback requirement shall be waived. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way. The Zoning Board of Appeals may reduce this requirement by up to four (4) feet

in cases where existing conditions make compliance with the ten (10) foot setback difficult or where sight distance would be improved; and

- (2) **Side yard setbacks.** Ten (10) feet, provided that all non-residential signs shall be set back at least twenty-five (25) feet from any Residential District. These setbacks shall be waived in Sign Zone D Central Business District.

(d) **Other Location Requirements.**

- (1) **Within a Public Right-of-Way.** No sign shall be located within, project into or overhang a public right-of-way, except as otherwise permitted herein.
- (2) **Clearance from Utilities.** All signs, including any cables, guy wires or supports, shall have a minimum clearance of four (4) feet from any electric fixture, street light or other utility pole or standard.
- (3) **Clear Vision Sight Triangle.** In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained in accordance with Section 1270.03.

1272.08 Specific Sign Regulations.

- (a) *Awnings/Canopies/Marquees.* Awning, canopy and marquee signs shall be permitted subject to the following regulations:
 - (1) They may not project more than six (6) feet into the public right-of-way, nor be erected closer than three (3) feet to any street curb line.
 - (2) Any text, logos or other graphic representation qualifying as a sign which is placed on an awning shall be included within the calculation of total permissible wall sign area.
 - (3) A minimum clearance of eight (8) feet for awnings, and ten (10) feet for marquees, shall be maintained from ground level.
 - (4) Awnings and canopies shall be permitted to be backlit only on those sides of the building which contain a public entryway or those having a pedestrian sidewalk immediately adjacent to the building.
 - (5) Letters on an awning, canopy or marquee sign shall not exceed twelve (12) inches in height.
 - (6) The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.

- (b) *Banners.* Banners shall be permitted subject to the following regulations:
- (1) A permit for a banner shall be required.
 - (2) Banners installed without a permit shall be fined at a rate determined by the City Council.
 - (3) Banners shall be temporary in nature only. The banners shall be for seasonal events, temporary uses or other special circumstances. The length of time for display shall be determined by the Building Department as part of the permit.
 - (4) A banner shall not create a hazardous situation when displayed.
 - (5) The size of the banner shall be appropriate for the area in which it is to be placed.
 - (6) Banners shall be limited to temporary events such as grand openings, sales or other special event or activity.
- (c) *Billboards.* Billboards are allowed as a Special Use subject to the conditions imposed herein, including the review and approval of a site plan by the Citizens Planning Commission, and the imposition of special conditions which, in the opinion of the Commission, are necessary to ensure that the land use or activity is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use. Billboards are permitted as Special Uses within the I-1 or I-2 areas in Zone A and Zone B with the following standards:
- (1) Billboards shall be spaced a minimum of one thousand two hundred fifty (1,250) feet between signs on the same side of the right-of-way.
 - (2) Billboards shall be located no closer than five hundred (500) feet to any adjacent residential property line.
 - (3) Billboards shall only be permitted adjacent to rights-of-way of three hundred (300) feet in width or greater, and shall be located a minimum distance of two hundred (200) feet from the right-of-way line, and a maximum distance of four hundred (400) feet from the right-of-way line. Billboards shall be so arranged that the message facing the thoroughfare shall be in such a fashion so as to be observed primarily from the main thoroughfare.
 - (4) Billboards shall be set back from non right-of-way property lines including front, side or rear property lines in an amount equal to the height of the billboard, but in no instance shall the setback be less than twenty-five (25) feet.
 - (5) Billboards shall be set back a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located.

- (6) Billboards shall not be permitted to be stacked either vertically or horizontally.
 - (7) Billboards shall be finished on both sides. Both sides shall be of equal size.
 - (8) “V” shaped billboards or double sided billboards shall not be permitted.
 - (9) Billboards may be illuminated as approved by the City. In no case shall illumination create any glare to passing motorists or any street right-of-way.
 - (10) Billboards having movable parts shall not be permitted.
 - (11) Billboards shall not use more than two (2) poles as a means of support.
- (d) *Landmark Signs.* Landmark signs may be permitted to be preserved in their original state or as restored. Permits for improvements or alterations to the signs shall be submitted where required in this Section but shall take into consideration the landmark status of the sign.
- (e) *Monument Signs.* Monument signs shall be subject to the following regulations:
- (1) A monument sign shall have a metal, stone, brick or decorative masonry base that complements the architectural materials of the building.
 - (2) The first eighteen (18) inches of the sign closest to the ground free of sign copy for the purposes of snow storage. This portion of the sign shall not be counted toward calculation of permissible sign area.
 - (3) Changeable message sign space may be permitted within any freestanding sign, but shall not comprise more than forty (40) percent of the total sign area. Changeable message sign space may be increased to a maximum of fifty (50) percent of the total sign area if the background color matches the background color of the permanent sign copy area.
- (f) *Pole Signs.* Where permitted, pole signs shall be subject to the following regulations:
- (1) Pole signs shall not use more than two (2) poles as a means of support.
 - (2) Only one (1) sign may be permitted on any pole.
 - (3) Pole signs shall provide a minimum clearance of eight (8) feet between the adjacent ground level to the bottom of the sign panel.
 - (4) Changeable message sign space may be permitted within any freestanding sign, but shall not comprise more than forty (40) percent of the total sign area. Changeable message sign space may be increased to a maximum of fifty (50)

percent of the total sign area if the background color matches the background color of the permanent sign copy area.

(g) *Projecting Signs.* Projecting signs shall be subject to the following regulations:

- (1) Projecting signs shall not project more than four (4) feet from the building and shall be separated away from the wall by a minimum of six (6) inches.
- (2) Projecting signs shall project from the wall at an angle of ninety (90) degrees.
- (3) Projecting signs shall not extend vertically beyond the window sill of a second story window.
- (4) Projecting signs shall maintain a minimum clearance from the ground of eight (8) feet.
- (5) Projecting signs shall be mounted to the building by a single mounting bracket (support chains shall be prohibited).
- (6) No projecting sign may be erected within twenty (20) feet of any other projecting sign. However, this provision shall not deny any place of business at least one (1) projecting sign.

(h) *Wall Signs.* Wall signs shall comply with the following standards:

- (1) Such signs shall not project more than twelve (12) inches from the building surface. If such a sign projects over a public walkway, it shall not be attached to the outer wall at a height of less than eight (8) feet, or at a height of less than fifteen (15) feet in height if the sign is projecting into any public driveway, alley or other street right-of-way.
- (2) Such signs shall not obscure the architectural features of the building, including, but not limited to, windows, arches, sills, moldings, cornices, and transoms.
- (3) Such signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which they are attached.
- (4) For multiple-story buildings, signs shall only be permitted as follows:
 - A. On the building sign frieze;
 - B. On a store window;
 - C. On an awning;
 - D. On a first story panel; and

E. In the area between the first floor and the window sill of a second story window. If there are no second story windows, a wall sign may be placed within the first four (4) feet of the second story level.

(i) *Electronic Changeable Message Signs.* Electronic changeable message signs where permitted, shall be subject to the following regulations:

- (1) All electronic changeable message sign shall have a seventy-five (75) foot setback from a residentially zoned or occupied structure.
- (2) No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned or used for residential purposes.
- (3) The hours of the operation of the electronic changeable message sign shall not exceed the hours of operation of the business or use utilizing the sign.
- (4) The size of the electronic changeable message sign shall not exceed fifty (50%) percent of the total sign area allowed for the district in which is located.
- (5) Electronic changeable message signs are subject to approval and standards established in the site plan review provisions of Article 1264.
- (6) The message interval shall be one hour, the flashing background feature behind the changeable copy shall not be activated, and not more than one (1) background color shall be displayed.

1272.09 Permits and Fees.

It is unlawful for any person to erect or structurally alter any sign without first having obtained a permit from the Zoning Administrator and making payment of the fee hereinafter provided. All illuminated signs are subject in addition to the provisions of the electrical code and any permit fees required hereunder. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

(a) *Permit Application.* Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits, and information. The application for each sign permit shall state the name and address of the person applying and shall include:

- (1) Name, address and consent of the owner of the premises where the sign is to be erected.
- (2) Name and address of the occupant of the premises where the sign is to be erected.

- (3) Names of persons erecting the structures.
- (4) Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (5) Position of the sign in relation to nearby buildings or structures and to property lines.
- (6) One (1) blueprint or ink drawing of the plans and specifications and method of construction or attachment to the building or on the ground. Digital photography with dimensions may also be accepted by the Zoning Administrator.
- (7) If required by the Zoning Administrator, copy of stress sheets and calculations showing the structure is designed for deadload and wind pressure in any direction in any amount required by this and all laws and ordinances of the City.
- (8) Any electrical permit required and issued for the sign.
- (9) If required by the Zoning Administrator, an insurance policy statement attesting that adequate liability insurance is provided.
- (10) Such other information as the Zoning Administrator may be required in order to show full compliance with this Article.

(b) *Permit Fee.* Every applicant, before being granted a permit, shall pay to the City Clerk/Treasurer. Fees for sign permits for all signs erected pursuant to this Article shall be established by resolution of the City Council.

(c) *Issuance of Permit.* If, upon examination of the submitted plans and other data, it appears that the proposed sign is in compliance with all the requirements of this Article, then the Zoning Administrator shall issue a permit. If the work authorized under the permit has not been completed within six (6) months after date of issuance, the permit will be null and void. Said permit may be extended for a period of six (6) months upon request by the applicant and approval of the Zoning Administrator.

1272.10 Liability Insurance.

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents and employees, against any and all claims of negligence resulting from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county and City against any form of liability.

1272.11 Authorized Sign Erectors.

No person may engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid contractors license and all required state and federal licenses.

1272.12 Maintenance of Signs.

(a) All signs and sign components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Components, (supporting structures, backs, etc.) not bearing a message shall be constructed of materials or painted with colors that blend with the natural environment or that are compatible with the materials of the principal building.

(b) All signs shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved, including all metal parts and supports.

(c) If the Zoning Administrator shall find that any sign is unsafe or insecure, or is a menace to the public, written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the Zoning Administrator to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Building Department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Zoning Administrator is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever he determines that such sign is an immediate peril to persons or property.

(d) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign, the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 1272.15, which prohibits the replacement of a non-conforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

1272.13 Inspections.

Every sign may be subject to a periodic inspection by the Zoning Administrator to ascertain whether the sign is secure and whether it is in need of repair. A fee determined by the City shall be charged the owner or occupant of each sign so inspected, provided that such fee shall not be imposed more than once in any three (3) calendar years unless violations necessitate additional

inspections.

1272.14 Cease of Use and Abandoned Signs.

When a business or use ceases and a lot or property remains vacant for a period of thirty (30) days or more, the owner of the property shall be required to:

- (a) Remove freestanding signs or install blank white panels in the sign frame; and
- (b) Continue to maintain the sign in good condition, free from structural damage or surface peeling and properly maintained with an approved surface coating.

In instances in which a sign has not been maintained or has been abandoned, the City may require that an abandoned sign be taken down and removed by the owner or the person having the beneficial use of the building, structure, or premises upon which the sign may be found, within ten (10) days after written notice from the Enforcing Officer. In default of compliance with the Zoning Administrator's order, the Zoning Administrator's may remove the sign and any expense incidental thereto shall be paid by the owner of the building, structure, or premises to which the sign was attached.

1272.15 Non-Conforming Signs.

Nothing in this Section shall be deemed to prevent keeping a non-conforming sign in good repair, including sign maintenance, repainting, change of copy, and replacement of broken or deteriorated parts of the sign itself. However:

- (a) Supporting structures for non-conforming signs shall not be replaced, nor shall any other structural alterations be made, unless such replacement will make the sign and sign structure conforming in all respects.
- (b) No non-conforming sign shall be reconstructed, relocated, or changed in size unless such action will make the sign conforming in all respects.
- (c) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50) of its replacement cost.
- (d) A non-conforming sign or sign structure shall be removed within thirty (30) days if the building containing the use is demolished or destroyed to an extent exceeding fifty percent (50) of the building's appraised value.
- (e) Non-conforming signs shall not be reestablished after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer.

(f) Non-conforming signs shall not be permitted to continue if a building on the same premises as the non-conforming sign is expanded by twenty-five (25) percent or more.

(g) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered non-conforming, such sign must be removed or made to conform to this chapter.

(h) The City may acquire by purchase, condemnation or by other means any non-conforming sign which it deems necessary to preserve the health, safety and welfare of the City's residents.

1272.16 Appeals.

(a) *Sign Code Administration.* This chapter shall be administered by the City's Building Department.

(b) *Zoning Board of Appeals as Sign Board of Appeals.* The City of Monroe Zoning Board of Appeals shall serve as the Sign Board of Appeals pursuant to actions required by this chapter.

(c) *Hearings.* Any person aggrieved by a notice or order of the Building Department issued in connection with any alleged violation of any provision of this chapter or any applicable rules and regulations promulgated pursuant thereto, may file with the Sign Board of Appeals a petition setting forth the person's reasons for contesting the notice or order. The appeal process shall be in accordance with Article 1273 Zoning Board of Appeals.

1272.17 Appearance Tickets.

The Zoning Administrator, or his or her appointed officers and inspectors, shall be authorized to issue and serve appearance tickets with respect to any violation of this chapter.

1272.18 Conflicts of Laws.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, housing, fire, safety or health ordinance or code of the City of Monroe existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code of the City of Monroe existing on the effective date of this chapter establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found to be in conflict with this chapter.

CHAPTER 1273

ZONING BOARD OF APPEALS

1273.01 Establishment.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, in such a way that the objectives of this Zoning Code shall be observed, public safety secured and substantial justice done.

1273.02 Membership and Terms.

(a) *Membership.* The Zoning Board of Appeals shall consist of seven (7) residents and one (1) member of the City Council and one (1) member from the Planning Commission. Council may also appoint up to two (2) alternate members who may act in an official capacity if a member is absent or unable to vote due to a conflict of interest. Initial terms shall be staggered as described in Public Act 110 of 2006. As each term expires, the reappointments shall all be for terms of three (3) years. The members and terms appointed under the previous Zoning Code shall apply.

(b) *Terms of Office.*

1. The member of the Council shall serve terms concurrent with his/her term on the Council.
2. The members plus alternates shall serve for three (3) year terms. These three (3) year terms shall be staggered so that not more than two (2) members are appointed each year.
3. Should a vacancy occur, the Council shall appoint a replacement within sixty (60) days to fill the unexpired term.

(c) *Removing Members.* Members of the Zoning Board of Appeals shall be removable by the City Council for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct of office.

1273.03 Officers.

The Zoning Board of Appeals shall elect a Chairperson, Vice Chairperson and Secretary by majority vote at the beginning of each calendar year. The duties of these officers shall be

specified in the Zoning Board of Appeals Rules of Procedure.

1273.04 Meetings.

(a) The Zoning Board of Appeals shall meet on a regular basis. All meetings shall be noticed as required by the Open Meetings Act. A special meeting on a nonscheduled date may also be called by the Chairperson or by written request of at least three (3) members. Such special meetings shall be scheduled to ensure adequate notification for any public hearing involved. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating such other official actions, and stating the reasons for approval, approval with conditions or denial. All records of the proceedings shall be immediately filed in the office of the City Clerk/Treasurer and shall be a public record.

(b) Six (6) members of the Board shall constitute a quorum for the conduct of business. The concurring vote of a majority of the members of the Board shall be necessary to approve a variance or to reverse an order, requirement, decision or determination of the Zoning Administrator consistent with the Rules of Procedure adopted by the Board.

(c) The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

1273.05 Effect of Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would cause immediate peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the circuit court, on notice to the officer from whom the appeal is taken, when due cause can be shown.

1273.06 Hearing/Notification.

The Zoning Board of Appeals or Planning Department shall schedule a public hearing and notification in accordance with Section 1274.02 and Section 1274.03. The Zoning Board of Appeals shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Citizens Planning Commission shall be notified of any such hearing.

1273.07 Powers and Duties.

The Zoning Board of Appeals, established in Section 1273.01, is a body of limited powers. The Board shall have the following specific powers and duties:

(a) *Review.* Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the administrative official or body charged with the enforcement of this Section.

(b) *Interpretation.* Shall have powers to interpret the provisions of this Section and to grant variances from the strict application of any provisions of this Section, except as otherwise provided in this Section. The Board may request written recommendations of the City Attorney or the Zoning Administrator to assist in such interpretation.

- (1) Hear and decide upon appeals for the interpretation of the provisions of this Section.
- (2) Determine the precise location of the boundary lines between zoning districts. In these instances the Board shall interpret the Zoning Map after a recommendation from the Citizens Planning Commission.
- (3) Classify a use that is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.

(c) *Variances.* Shall have the power to authorize upon appeal, specific variances for use and dimensional standards.

- (1) *Use Variances.* Variances of uses allowed by district shall be permitted when an applicant can demonstrate that an unnecessary hardship exists that prevents use of the land in accordance with ordinance requirements. Use variances shall require the affirmative vote of six (6) members of the Zoning Board of Appeals. Furthermore, any variance granted shall meet each of the following standards:
 - A. The property cannot be used for a conforming use in the zoning district where it is located.
 - B. The plight of the property is due to unique circumstances and not general neighborhood conditions.
 - C. The use to be authorized by the variance will not alter the essential character of the area.
 - D. That the alleged hardship has not been created by any person presently having an interest in the property.

- (2) *Non-Use Variances.* Variances from lot area and width regulations, building height, and bulk regulations, yard width and depth regulations, off-street parking,

loading space and landscaping standards, and such requirements shall be permitted only if a practical difficulty in complying with the ordinance can be demonstrated by the applicant. Furthermore, any variance shall meet each of the following standards:

- A. That the restrictions of this Zoning Ordinance unreasonably prevent the owner from using the property for a permitted purpose.
- B. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners.
- C. That the plight of the landowner is due to the unique circumstances of the property.
- D. That the alleged practical difficulty has not been created by any person presently having an interest in the property.
- E. The variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Section.
- F. The variance will not cause any adverse effect to property in the vicinity or in the zoning district of the City.
- G. The variance will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
- H. The variance will be designed to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

A variance granted by the Board under which premises are not used or work is not commenced within six months, or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.

(d) *Exceptions.* The Zoning Board of Appeals shall have the authority to grant exceptions to certain requirements of this Zoning Code upon finding that the result will be in harmony with the general purposes and intent of this Zoning Code so that public health, safety and welfare are secured and substantial justice done. Specifically, the Board shall have the authority to:

- (1) Permit the erection and use of a building or the use of premises for public utility purposes upon recommendation of the Citizens Planning Commission and upon resolution that such building or use is reasonably necessary for the public convenience or welfare.

- (2) Permit such modification of the height, area and yard space regulations on existing nonconforming lots of record as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved.
- (3) Permit temporary buildings and uses.

(e) *Conditions.* The Zoning Board of Appeals may, in acting on any appeal in connection with a request for waiver, attach conditions to its approval. The Zoning Board of Appeals shall consider the standards set forth in MCLA 125.584c with respect to the imposition of such conditions. All conditions shall be stated in the record and shall be considered reasonable and related to the request.

In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and, to that end, shall have all the powers of the Zoning Administrator from whom the appeal is taken.

1273.08 Appeals to Circuit Court.

(a) The decision of the Board of Appeals rendered pursuant to this Article shall be final. However, a person having an interest affected by the decision may appeal to the Circuit Court. Appeal shall be filed with the Circuit Court within thirty (30) days of the Zoning Board of Appeals decision. The Circuit Court shall review the record and decision to ensure that the decision meets all of the following requirements:

- (1) Complies with the Constitution and laws of the State.
- (2) Is based upon proper procedure.
- (3) Is supported by competent materials, and substantial evidence on the record.
- (4) Represents the reasonable exercise of discretion granted by law to the Board of Appeals.

(b) If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required by this Section, or that there is additional evidence that is material and with good reason was not presented to the Zoning Board of Appeals on conditions which the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Court.

CHAPTER 1274

AMENDING THE ORDINANCE

1274.01 Changes and Amendments.

(a) Only the City Council may amend this Chapter. Proposals for amendments or changes may be initiated by the City Council, by the Citizens Planning Commission, the Zoning Board of Appeals, the Zoning Administration or by petition of one (1) or more owners of property seeking the proposed amendment.

(b) The City Council may adopt a proposed amendment, supplement or change with or without amendments, or refer same again to the Citizens Planning Commission for further study and report. Provided, however that if the City Council proposes to adopt any such proposal with an amendment enlarging its scope, then such proposal shall be referred again to the Citizens Planning Commission for further hearing, study and report on such proposal as enlarging in scope, and final action thereon shall not be taken prior to the receiving of such report from the Citizens Planning Commission.

1274.02 Procedures.

(a) The procedure for making amendments to this Chapter shall be in accordance with Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3401.), as amended.

(b) A petition shall be filed with the Planning Department. The Planning Department shall review the application as to form and, when it is approved, transmit same to the Citizens Planning Commission for review and report. The Planning Department shall, at the same time, establish a date for a public hearing on the petition for the Citizens Planning Commission and shall give proper notice of the hearing as provided in Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3103), as amended. The Planning Department shall also, give notice thereof, and of the public hearing, to the owner of the property in question. The Planning Department shall also give notice to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not know, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following: a) Describe the nature of the request; b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addressed within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used; c) State when and where the request will be considered; d) Indicate when and where written comments will be received concerning the request.

(c) Requirements of written notice to property owners shall not apply to comprehensive revisions to this Chapter or to eleven (11) or more parcels considered for rezoning at one time. Public hearing requirements shall also apply to amendments initiated by the City Council or the Citizens Planning Commission.

1274.03 Notice of Hearing.

The Planning Department shall give notice of hearing in the following manner:

(a) By one (1) publication in a newspaper of general circulation in the City to be printed not less than fifteen (15) days before the date of the hearing. The notice is to contain the time, date, place and purpose of the hearing.

(b) By mailing a notice of hearing to each electric, gas, pipeline, public utility company, telecommunication service, railroad, and airport manager that registers its name and mailing addresses with the City Clerk.

(c) The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

(d) An affidavit of the publication of all publications and mailings shall be maintained by the Zoning Administrator.

1274.04 Information Required.

The petitioner shall submit a detailed description of the petition to the Planning Department. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

(a) A legal description of the property.

(b) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

(c) The name and address of the petitioner.

(d) The petitioner's interest in the property, and if the petitioner is not the owner; the name and address of the owner.

(e) Date of filing with the Planning Department.

(f) Signature of petitioner and owner certifying the accuracy of the required information.

(g) The desired change and reasons for such change.

1274.05 Steps.

The following steps shall be followed in making a change under this Article:

- (a) Petitioner submits application and fee.
- (b) The Planning Department transmits application to Citizens Planning Commission, sets hearing date and publishes notices of hearing.
- (c) The Citizens Planning Commission holds hearing, makes a decision, transmits decision to the City Council as a recommendation to approve or not to approve the proposed amendment.
- (d) City Council either enacts or rejects proposed change as an ordinance amendment, and publishes the text of the change in the newspaper.

1274.06 Findings of Fact Required.

- (a) In reviewing any petition for a zoning amendment, the Citizens Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council within sixty (60) days of the filing date of the petition.
- (b) The facts to be considered by the Citizens Planning Commission shall include, but not be limited to, the following:
 - (1) Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
 - (2) The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
 - (3) The ability of the City or other government agencies to provide any services, facilities, and/or programs that might be required if the amendment petition were approved.
 - (4) Effect of approval of the amendment petition on the adopted developmental policies of the City and other governmental units.

- (5) All findings of fact shall be made a part of the public records of the meetings of the Citizens Planning Commission and City Council. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the City, or of other civil divisions, where applicable.

CHAPTER 1275

REPEAL OF EXISTING ORDINANCE

1275.01 Repeal.

The existing zoning regulations of the City of Monroe being the City of Monroe Zoning Code are hereby repealed. In addition, the City of Monroe Sign Code, formerly known as Chapter 1476, Signs, is also repealed. The adoption of this Ordinance shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Code; as amended, if the use so in violation is in violation of the provisions of this Ordinance.

CHAPTER 1276

INTERPRETATION AND VESTED RIGHT

1276.01 Interpretation and Conflict.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces, or larger lot areas than are imposed or required by such other ordinance or agreements, the provisions of this Ordinance shall control.

1276.02 Vested Right.

Nothing in this Ordinance should 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 any of the same may be amended when reasonable to the preservation of the public health, safety, morals and general welfare.