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**APPENDIX A ..... 848**

## ARTICLE I. INTRODUCTORY PROVISIONS

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### **Sec. 61-1-1. Title.**

Chapter 61 of the 1984 Detroit City Code shall be known as the “Detroit Zoning Ordinance.” Wherever reference is made in this Chapter to the “Zoning Ordinance,” such reference shall mean Chapter 61. Wherever reference is made in this Chapter to “this Code,” such reference shall mean the 1984 Detroit City Code.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-1-2. Authority.**

This zoning ordinance is enacted pursuant to the powers granted and limitations imposed by laws of the State of Michigan, including statutory authority granted in the Michigan Zoning Enabling Act, 2006 PA 110, as amended, being MCL 125.3101 *et seq.*, and the Michigan Planning Enabling Act, 2008 PA 33, as amended, being MCL 125.3801 *et seq.*

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

### **Sec. 61-1-3. Applicability and jurisdiction.**

The provisions of this Zoning Ordinance shall apply to all land within the City of Detroit, including land owned by local, county, state, or federal agencies, except where such land is determined to be exempt from local zoning regulations.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-1-4. Purpose and intent; general.**

This zoning ordinance is adopted to guide and regulate the appropriate use or development of all land in a manner which will promote and protect the public health, safety, and general welfare.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-1-5. Purpose and intent; specific.**

The regulations are specifically intended to:

- (1) Classify all land in such manner as to reflect its peculiar suitability for particular uses;
- (2) Regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land;
- (3) Ensure adequate light, air, privacy, safety, and convenience of access to buildings, structures, and land;
- (4) Conserve or enhance property values;

Sec. 61-1-6 | Regulations are minimum.

- (5) Protect all areas of the City from harmful encroachment by incompatible uses;
- (6) Prevent the overcrowding of land with buildings;
- (7) Avoid undue congestion of population;
- (8) Establish reasonable standards to which buildings, structures, and uses shall conform;
- (9) Lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles;
- (10) Facilitate the adequate provision of transportation, water, sewage disposal, education, recreation, and other public requirements;
- (11) Provide for the elimination of nonconforming buildings and structures and for the elimination of nonconforming uses of land;
- (12) Promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- (13) Protect natural resources and environmentally sensitive areas and ensure that development is consistent with applicable environmental laws and regulations;
- (14) Define the powers and duties of the administrative officers and bodies;
- (15) Provide penalties for violations of the provisions of this Zoning Ordinance or any subsequent amendment thereto; and
- (16) Provide for a Board of Zoning Appeals and its powers and duties.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-6. Regulations are minimum.**

In interpreting and applying the provisions of this Zoning Ordinance, such provisions shall be considered, unless otherwise stated, to be the minimum requirements necessary to promote and protect public health, safety, comfort, convenience, prosperity, other aspects of the general welfare, and the natural environment as set forth in Sec. 61-1-4 and Sec. 61-1-5 of this Code, “Purpose and Intent,” and in the “Description” statements for the respective districts and other regulations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-7. Boundaries.**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Maps:

- (1) Unless otherwise shown, district boundaries are street lines, alley lines, or the subdividing or boundary lines of recorded plats or the extensions thereof, and where the districts designated on the maps accompanying and made a part of this Zoning Ordinance are approximately bounded by street lines, alley lines, or the subdividing lines of recorded plats, such lines or the extensions thereof shall be considered to be the district boundaries;

Sec. 61-1-8 | Conflicting provisions; conflict with state or federal regulations.

- (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent and paralleling a street or highway, the depths of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the street or highway line, and the length of such frontage shall be in accordance with dimensions shown on the map;
- (3) Where due to the scale or illegibility of the district maps or due to the absence of street, alley, or recorded subdivision or plat lines, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary on a district map, the Planning and Development Department shall have the power and duty to interpret the intent of said district map so as to determine and designate the proper location for such district boundary in accordance with the spirit and purpose of this Zoning Ordinance; and
- (4) Where a public right-of-way is hereafter vacated, the land formerly in such public right-of-way shall be included within the district of adjoining property on either side of said vacated public right-of-way and in the event such public right-of-way was a district boundary between two or more different districts, the new district boundary shall be the former centerline of such vacated public right-of-way.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-8. Conflicting provisions; conflict with state or federal regulations.**

Where the provisions of this Zoning Ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control to the extent permitted by law.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-9. Conflicting provisions; conflict with other City regulations.**

Where the provisions of this Zoning Ordinance are inconsistent with one another or where they conflict with provisions found in this Code, the more restrictive provision will control. In the event the specification of the permissibility/impermissibility of a given land use in the ARTICLE XII of this Chapter Use Table (“C” or “R” or blank) conflicts with the listing or omission of that same land use in the use lists in Articles ARTICLE VIII, ARTICLE IX, ARTICLE X, or ARTICLE XI of this Chapter, the use lists in Articles ARTICLE VIII, ARTICLE IX, ARTICLE X, or ARTICLE XI of this Chapter shall control.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-10. Conflicting provisions; conflict with private agreements.**

It is not the intent of this Zoning Ordinance to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. Where the provisions of this Zoning Ordinance impose a greater restriction than imposed by a private agreement, the provisions of this Zoning Ordinance will control. Where the provisions of a private agreement impose a greater restriction than this zoning ordinance, the provisions of



Sec. 61-1-11 | Transitional provisions; violations continue.

the private agreement will control. The City shall not be responsible for monitoring or enforcing private agreements.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-11. Transitional provisions; violations continue.**

Any violation of Ordinance No. 390-G, as amended, being the Official Zoning Ordinance of the City of Detroit, which was repealed on the effective date of this Zoning Ordinance, will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under ARTICLE V of this Chapter, unless the use, development, construction, or other activity complies with the provisions of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-12. Transitional provisions; legal nonconformities under prior ordinance.**

Any legal nonconformity under Ordinance No. 390-G, as amended, being the Official Zoning Ordinance of the City of Detroit, which was repealed on the effective date of this Zoning Ordinance, will also be a legal nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous Zoning Ordinance continues to exist. Where a nonconformity under the previous Zoning Ordinance becomes conforming because of the adoption of this Zoning Ordinance, the situation will no longer be a nonconformity.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-13. Transitional provisions; approved projects.**

The following transitional provisions shall apply to projects approved prior to the adoption of this Zoning Ordinance:

- (1) Permits and approvals that are valid on the effective date of this Zoning Ordinance, which is May 28, 2005, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed;
- (2) All uses that are valid on the effective date of this Zoning Ordinance, which is May 28, 2005, remain valid in accordance with the terms, conditions, regulations, controls or requirements of the grants or approvals that are issued by any City department or agency, or resolutions adopted or ordinances passed by the City Council, which allow such uses;
- (3) No provision of this Zoning Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this Zoning Ordinance, which is May 28, 2005;

Sec. 61-1-14 | Transitional provisions; applications in progress.

- (4) The decision-making body that granted original approval may renew or extend the time of a previous approval if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one (1) year in length, and no more than one extension may be granted; and
- (5) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 19-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-1-14. Transitional provisions; applications in progress.**

The following transitional provisions shall apply to complete permit applications submitted prior to the adoption of this Zoning Ordinance, but not approved as of that date:

- (1) Applications for permits and other approvals, submitted before the effective date of this Zoning Ordinance, which is May 28, 2005, that are found to be complete, and pending approval at the time of enactment of this Zoning Ordinance on May 28, 2005 may, at the applicant's option, be reviewed wholly under the terms of the previous Zoning Ordinance. Where approved, these projects may be carried out in accordance with the development standards in effect at the time the completed application is submitted. Any re-application for an expired permit shall meet the standards in effect at the time of re-application; and
- (2) Projects for which no application has been submitted and accepted as complete prior to the effective date of this Zoning Ordinance, which is May 28, 2005, shall be subject to all requirements and standards of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-1-15. Severability.**

Where any section, subsection, sentence, or phrase of this Zoning Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, for any reason, the remaining portions of this Zoning Ordinance shall not be affected. It is expressly declared that this zoning ordinance and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one (1) or more other portions of this Zoning Ordinance would be declared invalid or unconstitutional.

(Ord. No. 11-05, §1, 5-28-05)



## ARTICLE II. REVIEW AND DECISION-MAKING BODIES

---

### DIVISION 1. CITY COUNCIL

#### **Sec. 61-2-1. Powers and duties.**

The City Council shall have the following powers and duties under this Chapter:

- (1) *Zoning Ordinance Text Amendments.* To review petitions for amendments to the text of this Zoning Ordinance and take final action to approve, approve with conditions, or deny such petitions (See ARTICLE III, DIVISION 2);
- (2) *Zoning Map Amendments (Rezoning).* To review petitions for amendments to the Zoning Map and take final action to approve or deny such petitions (See ARTICLE III, DIVISION 3);
- (3) *Planned Development Rezoning.* To review petitions for amendments to the Zoning Map to a Planned Development District classification and take final action to approve, approve with conditions, or deny such petitions (See ARTICLE III, DIVISION 4);
- (4) *Site Plan Review.* Where Site Plan Review is required for applications in the PD, PC, PCA, SD4 with three (3) acres and more, and SD5 zoning districts, to approve, approve with conditions, or deny the proposed site plan (See Sec. 61-3-142);
- (5) *Special District Review.* To conduct special district review:
  - (a) As provided for in ARTICLE III, DIVISION 6 of this Chapter;
  - (b) For PC Review see Sec. 61-11-76 of this Code; and
  - (c) For PCA Review see Sec. 61-11-96 of this Code.
- (6) *Final Approval in Select Zoning Districts.* To grant final land use approval for permit applications in the PD, PC, PCA, SD4 which are three (3) acres and more, and SD5 Districts. (See Sec. 61-3-142 ARTICLE III, DIVISION 6)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

#### **Secs. 61-2-2–61-2-10. Reserved.**

### DIVISION 2. CITY PLANNING COMMISSION

#### **Sec. 61-2-11. City Planning Commission as Zoning Commission; Appointment and Removal of Members; Bylaws, Records, and Meetings.**

- (a) *Zoning Commission.* The City Planning Commission is designated as the Zoning Commission pursuant to the provisions of Section 301(2) of the Michigan Zoning Enabling Act, MCL 125.3301(2), and shall perform the duties of said Commission as

## Sec. 61-2-12 | Staff and technical assistance.

provided for in said statute in connection with the amendment of this Zoning Ordinance. The City Planning Commission, acting as the Zoning Commission, shall have authority to establish such policies, rules, and regulations, not in conflict with the 2012 Detroit City Charter, as the Body deems necessary to secure the proper administration and enforcement of this Zoning Ordinance.

- (b) *Appointment of Members and Officers.* Members of the City Planning Commission shall be appointed in accordance with the provisions of the 2012 Detroit City Charter and the City Planning Commission bylaws. The City Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the City Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year, with opportunity for re-election as specified in the City Planning Commission bylaws. The City Planning Commission may appoint advisory committees whose members are not members of the City Planning Commission.
- (c) *Removal of Members.* As provided in Section 15(9) of the Michigan Planning Enabling Act, MCL 125.3815(9), the City Council may remove a member of the City Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- (d) *Bylaws, Public Record, and Annual Report.* The City Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. It shall also make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.
- (e) *Meetings and Availability of Records.* The City Planning Commission shall hold no fewer than four (4) regular meetings each year, and by resolution shall determine the time and place of the meetings. The business that the City Planning Commission may perform shall be conducted at a public meeting of the City Planning Commission held in compliance with the Open Meetings Act (1976 PA 267, MCL 15.261 *et seq.*). A writing prepared, owned, used, in the possession of, or retained by the City Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act (1976 PA 442, MCL 15.231 *et seq.*).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-2-12. Staff and technical assistance.**

In accordance with the 2012 Detroit City Charter and as authorized by the City Council in its annual budget resolution, the City Planning Commission may appoint a director, employ sufficient staff, and contract for the services of planning and other technicians to perform the duties and functions that are specified in this zoning ordinance. For the purposes of the Michigan Planning Enabling Act, the City Planning Commission may make

## Sec. 61-2-13 | Powers and duties.

use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of the City Planning Commission and furnish such other technical assistance and advice as they may have for planning purposes.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-2-13. Powers and duties.**

The City Planning Commission shall have the following powers and duties under this Chapter:

- (1) *Zoning Ordinance Text Amendments.* To review proposed amendments to the text of this Zoning Ordinance and recommend that the City Council approve or deny such amendments and to initiate and prepare text amendments as needed (See ARTICLE III, DIVISION 2);
- (2) *Zoning Map Amendments (Rezoning).* To review petitions for amendments to the Zoning Map and recommend that the City Council approve or deny such petitions, and to initiate and prepare map amendments as needed (See ARTICLE III, DIVISION 3). Where a rezoning involves “contaminated property,” which is defined as a “facility” in Section 20101(1)(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o), the City Planning Commission shall notify the Department of environmental affairs of such case;
- (3) *Planned Development (PD) Rezoning.* To review petitions for amendments to the Zoning Map to a Planned Development (PD) District classification and recommend that the City Council approve, approve with conditions, or deny such petitions (See ARTICLE III, DIVISION 4). Where a rezoning involves “contaminated property,” which is defined as a “facility” in Section 20101(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(o), the City Planning Commission shall notify the Department of environmental affairs of such case;
- (4) *Site Plan Review in Select Zoning Districts.* To coordinate Site Plan Review for permit applications in the PD, PC, PCA, SD4 which are three (3) acres or more, and SD5 Districts when site plan review is required (See ARTICLE III, DIVISION 6). Where site plan review involves a “contaminated property,” which is defined as a “facility” in Section 20101(1)(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o), the City Planning Commission shall notify the Department of environmental affairs of such case;
- (5) *Special District Review.* To coordinate review of permit applications in the PC and PCA districts where Site Plan Review is not required (See Sec. 61-11-76 and Sec. 61-11-96);
- (6) *Advisory Review Committees.* To serve as member of the Industrial Review Committee, Loft Review Committee, Hazardous Waste Facility Review

## Sec. 61-2-21 | Powers and duties.

Committee, Solid Waste Facility Review Committee, and Floodplain Management Review Committee, and review proposals before said committees; and

- (7) *“Contaminated Property” Issues.* Where a rezoning of land, including land zoned PD, or where site plan review involves known “contaminated property,” which is defined as a “facility” in Section 20101(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(o), to notify the Department of environmental affairs of such case.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-2-14–61-2-20. Reserved.****DIVISION 3. BUILDINGS, SAFETY ENGINEERING AND ENVIRONMENTAL DEPARTMENT****Sec. 61-2-21. Powers and duties.**

The Buildings, Safety Engineering and Environmental Department shall have the following powers and duties under this Chapter:

- (1) *Zoning Ordinance.* As provided for in Section 6-506 of the 2012 Detroit City Charter, to administer and enforce all laws, ordinances and regulations relating to the use of land (“zoning”);
- (2) *Conditional Uses.* To review applications for conditional land use grants and take final action to approve, approve with conditions, or deny such applications (See ARTICLE III, DIVISION 7);
- (3) *Regulated Uses.* To review applications to establish Regulated Uses and take final action to approve, approve with conditions, or deny such applications (See ARTICLE III, ARTICLE III.DIVISION 8);
- (4) *Controlled Uses.* To review applications to establish Controlled Uses and take final action to approve, approve with conditions, or deny such applications (See ARTICLE III, DIVISION 9);
- (5) *Temporary Use Permits.* To review applications for Temporary Use Permits and act to approve, approve with conditions, or deny such applications (See ARTICLE IV, DIVISION 2);
- (6) *Building permits and Certificates of Occupancy.* To review applications for building permits and certificates of occupancy and approve or deny such applications (See ARTICLE IV, DIVISION 3);
- (7) *Permit Review in Development Plan Areas.* To refer permit applications to the Planning and Development Department when the subject property is located within a designated development plan area (See Sec. 61-4-3 and Table 61-4-4);
- (8) *Written Interpretations of Ordinance Text.* To review applications for written interpretations of the text of this Zoning Ordinance and render such interpretations (See ARTICLE IV, DIVISION 4);

## Sec. 61-2-31 | Powers and duties.

- (9) *Administrative Adjustments.* For applications that do not require site plan approval, to review applications for administrative adjustments of any development standard set forth in ARTICLE XIV of this Chapter, and approve or deny such applications (See ARTICLE IV, DIVISION 6);
- (10) *Floodplain Management Administrative Duties.* The Buildings, Safety Engineering and Environmental Department shall advise the Floodplain Management Review Committee as needed;
- (11) *Advisory Review Committees.* To serve as member of the Hazardous Waste Facility Review Committee and to review proposals before said committee, and serve on an *ad hoc* basis on other such advisory committees as may be deemed appropriate by the chairpersons of such committees; and
- (12) *“Contaminated Property” Issues.* Where a permit application involves known “contaminated property,” which is defined as a “facility” in Section 20101(1)(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o), to notify the Department of environmental affairs of such application.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 34-11, §1, 12-22-11; Ord. No. 38-14, §1, 10-16-2014)

**Secs. 61-2-22–61-2-30. Reserved.****DIVISION 4. PLANNING AND DEVELOPMENT DEPARTMENT****Sec. 61-2-31. Powers and duties.**

The Planning and Development Department shall have the following powers and duties under this Chapter:

- (1) *Recommendations to Other Agencies and Departments.* To receive all notification of Board of Zoning Appeals, Buildings and Safety Engineering Department, and City Planning Commission hearings and to attend all Conditional, Regulated, and Controlled land use hearings at the Buildings and Safety Engineering Department and at the Board of Zoning Appeals, when appealed to the Board. Where deemed advisable, conduct field inspections, investigations, and prepare maps or other pictorial materials so as to formulate a recommendation on any case reviewed by the Buildings and Safety Engineering Department or the Board of Zoning Appeals or any amendment considered by the City Planning Commission;
- (2) *Identification of District Boundaries.* To determine the location of any zoning district boundaries where there is any uncertainty, contradiction, or conflict as to the intent or location of such boundaries (See Sec. 61-1-7);
- (3) *Site Plan Review.* To review site plan applications through the site plan review process and take final action to approve, approve with conditions, or deny such applications within the following zoning districts: R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, SD3, and SD4 less than three (3) acres. In cases of disposition of City-owned lands, the



**Sec. 61-2-41 | Establishment.**

department may designate an expanded review process to ensure sufficient coordination of all City departments (See Sec. 61-3-141). Where site plan review involves known “contaminated property,” which is defined as a “facility” in Section 20101(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o), the Planning and Development Department shall notify the Department of environmental affairs of such case;

- (4) *Administrative Adjustments.* For applications that do require site plan approval, to review applications for administrative adjustments of any development standard set forth in ARTICLE XIII and ARTICLE XIV of this Chapter, and to approve or deny such applications (See ARTICLE IV, DIVISION 6);
- (5) *Development Plans.* To serve as custodian of development plans and amendments thereto, to advise the Board of Zoning Appeals regarding any proposed or requested minor deviation from a development plan in accordance with Sec. 61-2-53 and Sec. 61-4-3, and to initiate and prepare amendments to development plans in accordance with Sec. 61-4-3;
- (6) *Special District Review.* To participate in the review of permit applications in the PC, PCA, SD3, SD4 and SD5 Districts when Site Plan Review is not otherwise required (See Sec. 61-11-76 and Sec. 61-11-96);
- (7) *Master Plan.* To serve as custodian of the Master Plan, initiate amendments thereto, and provide determinations relative to the Master Plan as may be required of the department in Sec. 61-3-56, Sec. 61-3-78, Sec. 61-3-96(8), and Sec. 61-4-62 of this Code; and
- (8) *Advisory Review Committees.* To serve as chairperson of the Loft Review Committee and as member of the Industrial Review Committee, Hazardous Waste Facility Review Committee, Solid Waste Facility Review Committee, and Floodplain Management Review Committee, and to review proposals before said committees.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

**Secs. 61-2-32–61-2-40. Reserved.****DIVISION 5. BOARD OF ZONING APPEALS****Sec. 61-2-41. Establishment.**

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided for by law in such a way that the purpose and intent of this Zoning Ordinance shall be observed, public safety secured, and substantial justice done.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-2-42 | Membership; terms of office.

**Sec. 61-2-42. Membership; terms of office.**

The Board shall consist of not fewer than five (5) members and not more than nine (9) members appointed by the City Council for overlapping terms of three (3) years each. The City Council shall appoint a Director of the Board who shall serve for a term of six (6) years; the Director is not a member of the Board and does not vote on matters before the Board. Any vacancies on the Board shall be filled by the City Council for the remainder of the unexpired term. The members or Director may be removed for cause by the City Council; as provided in MCL 3601(8), a member may be removed for misfeasance, malfeasance, or nonfeasance 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 constitutes malfeasance in office. The members shall be residents of the City of Detroit, and not more than one (1) member may also be a member of the City Planning Commission, as specified in Sec. 601(3) of the Michigan Zoning Enabling Act, MCL 125.3601(3). Compensation of members may be paid at a reasonable *per diem* rate and members may be reimbursed for expenses actually incurred in the discharge of their duties, as provided in Sec. 601(7) of the Michigan Zoning Enabling Act, MCL 125.3601(7). Compensation of members and of the Director shall be fixed by City Council. The Director shall employ an assistant and other staff.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-2-43. Membership; officers.**

The members of the Board shall annually elect a chairperson and vice-chairperson as officers.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-44. Meetings.**

Regular meetings shall be held as needed, and special meetings shall be held at the call of the chairperson or as the Board determines, or upon written request of three (3) members provided twenty-four (24) hours notice has been given to each member before the meeting. Four (4) members of the Board shall constitute a quorum for the conduct of business. All Board meetings shall be open to the public. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony or the production of books, papers, files, or other evidence pertinent to the matter before the Body.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-45. Records.**

For each case or matter heard, the Board shall cause a record of its proceedings to be prepared. The record of proceedings shall include all documents considered in the case together with a transcribed stenographic record of all public proceedings. The transcribed

## Sec. 61-2-46 | Procedures.

stenographic record shall include, but need not be limited to, the verbatim testimony offered by all witnesses in the case and all personal knowledge of members of the Board that is considered by the Board in reaching its decision. The record of proceedings shall show the grounds for each decision and the vote of each member upon each question, or, where absent or failing to vote, shall indicate such fact.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-46. Procedures.**

In addition to the procedures specified in ARTICLE IV and ARTICLE XV of this Chapter, the Board shall adopt rules governing all proceedings before the Body. Such rules shall provide and require that:

- (1) Notice of the hearing shall be given not less than fifteen (15) days prior to the date scheduled for the public hearing. Notice shall be given to all persons to whom real property is assessed within at least three hundred (300) feet of the boundary of the property in question, and shall be addressed to the respective person(s) at the address given in the last assessment roll. Notice shall also be given to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. Said notice shall also be posted on the property as provided for in Sec. 61-3-12 of this Code. Finally, notice shall be given to the Planning and Development Department and, where appropriate, the Historic District Commission;
- (2) Notice shall also be given to all community organizations registered with the Buildings and Safety Engineering Department for such purposes, the boundaries of which organizations are located within three hundred (300) feet of the premises in question;
- (3) At any public hearing any interested party may appear in person or by agent or attorney and offer evidence, including testimony; and
- (4) All evidence, including testimony, shall be presented publicly. The Board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider any relevant facts within the personal knowledge of any member of the Board which are stated into the record by such member.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-2-47. Powers and duties; official seal; subpoena and other powers; consideration of reports and recommendations.**

- (a) The Board shall have the official powers and duties set forth in Sec. 61-2-48 through Sec. 61-2-53 of this Code and, provided, that any decision, determination, or grant made by the Board shall be properly recorded and shall bear the official seal of the Board. Any copies of said actions delivered to the appellant or to other parties of interest shall also bear the official seal of the Board.
- (b) The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony or the production of books, papers, files, or other evidence that is pertinent to the matter before the Body. In addition, the Board shall

Sec. 61-2-48 | Powers and duties; administrative review.

consider the reports and recommendations of any advisory review committee, department, or agency that are submitted to the Board.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-48. Powers and duties; administrative review.**

The Board shall hear and decide appeals from, and review any order, requirement, decision, or determination that is made by, an administrative official in the administration of this Zoning Ordinance or any decision made by the Buildings and Safety Engineering Department which involve Regulated Uses, Controlled Uses, or Conditional Uses. Nothing that is contained in this section shall be deemed to authorize the Board to reverse or adjust any order or decision, which conforms to the provisions of this Zoning Ordinance. (See ARTICLE IV, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 4-01-10)

**Sec. 61-2-49. Powers and duties; flood hazard area modifications.**

The Board shall grant modifications from the flood hazard area regulations, after receipt of reports and recommendations from the Department of environmental affairs and upon determination of substantial compliance with ARTICLE XIV, DIVISION 5 of this Chapter, and with the County of Wayne Stormwater Management Ordinance, being Section 95-51 *et seq.* of the County of Wayne Code of Ordinances, as well as with the general and specific standards that are contained in this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-50. Powers and duties; variances.**

The Board shall vary the requirements and limitations that are imposed by this zoning ordinance which pertain to various land uses as provided for in ARTICLE IV, DIVISION 6 of this Chapter. However, in such cases where the Board of Zoning Appeals is hearing the request for a variance subsequent to a hearing by the Buildings and Safety Engineering Department, as described in Sec. 61-3-219, Sec. 61-3-266, or Sec. 61-3-306 of this Code, the Board shall not alter any condition of the zoning grant that is established by the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-51. Powers and duties; Hardship Relief Petitions.**

As provided for in ARTICLE IV, DIVISION 7 of this Chapter, the Board shall:

- (1) Review petitions which seek relief from any regulation in this zoning ordinance on the basis that the denial of a permit application has created a substantial economic hardship; and
- (2) Take final action to approve, approve with conditions, or deny such applications, including adopting any legally available incentives or relief to offset any substantial economic hardship.

## Sec. 61-2-52 | Powers and duties; nonconformities.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-52. Powers and duties; nonconformities.**

The Board shall hear and decide requests which involve nonconforming uses, nonconforming structures, nonconforming lots and other nonconformities that came into existence legally, but do not comply with one (1) or more requirements of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-53. Powers and duties; minor deviations from development plans.**

In accordance with Section 10 of the Michigan Blighted Area Rehabilitation Act, being MCL 125.80, and Sec. 14-1-1 of this Code, the Board shall have the power to approve minor deviations from duly adopted development plans upon evidence presented to it that the application of the development plan results in unnecessary hardship or practical difficulties and a minor deviation from the development plan is required by considerations of justice and equity. Such minor deviations shall be considered in light of, and in the spirit of, the criteria specified in Sec. 61-4-81 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

**Sec. 61-2-54. “Contaminated Property” cases.**

Where a case before the Board involves known “contaminated property,” which is defined as a “facility” in Section 20101(1)(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o), the Board shall notify the Department of environmental affairs of such case.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-55. Revocation.**

Where the conditions prescribed by the Board in making any grant or finding are not complied with within six (6) months from the issuance of a land use permit and maintained at all times thereafter, the Buildings and Safety Engineering Department shall hold a show-cause hearing as specified in Sec. 61-5-53 of this Code. Immediately upon revocation of the land use permit, the zoning grant by the Board becomes null and void.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-56. Limitations on power; concurring vote required.**

The concurring vote of a majority of the members of the Board shall be necessary to reverse or adjust any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this zoning ordinance, or to grant a variance in this zoning ordinance; except that pursuant to Section 604(10) of the Michigan Zoning Enabling Act, being MCL

Sec. 61-2-57 | Date of decision.

125.3604(10), the concurring vote of a two-thirds (2/3) majority of the members of the Board shall be necessary to approve a variance from a use of land through a hardship relief petition as set forth in ARTICLE IV, DIVISION 7.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-2-57. Date of decision.**

Decisions that are rendered by the Board shall not become final until 4:00 p.m. on the third business day after the vote, unless the Board finds the immediate effect of such order necessary for the preservation of property or personal rights and so certifies on the record.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-58. Transmittal of decision.**

All final decisions of the Board that are made under this division shall be transmitted back to the Buildings and Safety Engineering Department. A copy of a decision shall be mailed to those who testified at, or submitted testimony to, the public hearing and provided a mailing address.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-59. Appeals from the Board.**

Any decision of the Board may be appealed to Circuit Court as specified in Sections 605 and 606 of the Michigan Zoning Enabling Act, being MCL 125.3605 and 125.3606. An appeal from a decision of the Board shall be filed within 30 days after the Board issues its decision in writing signed by the chairperson or within 21 days after the Board approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Board. The court may make other orders as justice requires.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-2-60. Reserved.**

**DIVISION 6. DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

**Sec. 61-2-61. Powers and duties.**

The Department of environmental affairs shall have the powers and duties under the Zoning Ordinance as specified in Sec. 61-2-62 through Sec. 61-2-65 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-62. Powers and duties; floodplain management administrative duties.**

- (a) *Duties.* With regard to the national flood insurance program, and the regulation of development within the flood hazard area as prescribed in this zoning ordinance, the duties of the Department of environmental affairs shall include, but are not limited to, the following (See also Sec. 61-14-377):
- (1) Notification to adjacent communities and the Michigan Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - (2) Verification and recording of the actual elevation in relation to North American Vertical Datum of 1988, or NAVD 88, of the lowest floor, including the basement, of all new or substantially improved structures that are constructed within the flood hazard area, and in the case of floodproofed structures, the elevation to which the structure was floodproofed;
  - (3) Recording of all certificates of floodproofing and written notification to all applicants to whom modifications are granted in a flood hazard area that indicates the terms of the modification, the increased danger to life and property, where any, which result from such modification, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all modification notifications and modification actions shall be maintained together with the justification for each modification; and
  - (4) Issuance of floodplain development permits.
- (b) *Records and Maps.* All records and maps that pertain to the national flood insurance program shall be maintained in the Department of environmental affairs and/or in the Department of Public Works and shall be open for public inspection.
- (c) *Best Available Flood Hazard Data.* It shall be the responsibility of the Department of environmental affairs to utilize the best available flood hazard data from the Federal Emergency Management Agency.
- (d) *Flood Hazard Area Application Information.* In addition to the information that is required with an application for a zoning compliance permit, special use permit, or any other type of development permission which is required under this zoning ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area:
- (1) The elevation in relation to national geodetic vertical datum of the floor, including the basement, of all structures;
  - (2) Where floodproofing is employed, the elevation, in relation to the national geodetic vertical datum, to which a structure will be floodproofed;
  - (3) Where floodproofing will be employed, a certificate from a registered professional engineer or architect that the floodproofing criteria of this Zoning Ordinance will be met;

**Sec. 61-2-63 | Powers and duties; advisory review committees.**

- (4) Where it can be determined that development is proposed within flood hazard areas and floodways on the Flood Insurance Rate Map, or FIRM, a certification as required by this zoning ordinance;
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (6) Proof of development permission from appropriate local, state and federal agencies, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality in accordance with Section 3104 of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.3104;
- (7) Base flood elevation data where the proposed development is subject to the Land Division Act, being MCL 560.101 *et seq.*, or greater than five (5) acres in size; and
- (8) Additional information which may be reasonably necessary to determine compliance with ARTICLE XIV, DIVISION 5 of this Chapter and with the County of Wayne Stormwater Management Ordinance, being Section 95-51 *et seq.* of the County of Wayne Code of Ordinances.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-2-63. Powers and duties; advisory review committees.**

- (a) The Department of environmental affairs shall act as coordinating agency for the Industrial Review Committee, Hazardous Waste Facility Review Committee, Solid Waste Facility Review Committee, and the Floodplain Management Review Committee and appoint the Chairpersons of these committees (See Sec. 61-2-83, Sec. 61-2-103, Sec. 61-2-114, and Sec. 61-2-123).
- (b) The Department of environmental affairs shall participate in the Loft Review Committee as a member of the Committee (See Sec. 61-2-93).

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-64. “Contaminated Properties” database.**

The Department of environmental affairs shall create and maintain a database of “contaminated properties,” which is defined as a “facility” in Section 20101(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o). The department shall advise the City Planning Commission, Buildings and Safety Engineering Department, Planning and Development Department, and Board of Zoning Appeals on issues before such bodies that are related to “contaminated property.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-65. Powers and duties; compliance with Natural Resources and Environmental Protection Act (NREPA).**

The Department of environmental affairs shall act as coordinating agency for the receipt and processing of notices and information as required by Part 201 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Environmental Remediation*, being MCL 324.20101 through MCL 324.20142.



Sec. 61-2-71 | Advisory group structure.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-2-66–61-2-70. Reserved.**

## DIVISION 7. ADVISORY REVIEW COMMITTEES

### Subdivision A. In General

**Sec. 61-2-71. Advisory group structure.**

The chairpersons and membership rosters of certain advisory committees are summarized in Table 61-2-71.

Table 61-2-71. Advisory committee structure.		
Advisory Committee	Chair-person	Members
Industrial Review	DEA	CPC; DEA; DWSD; Fire; GDRRA; DHD/EH; DPW/SW; P&DD; WCDoE.
Loft Review	P&DD	CPC; DEA; DHD/EH; DHD/LP; Fire; P&DD; WCDoE.
Hazardous Waste Facility Review	DEA	B&SE; CPC; DEA; DHD/EH; DPW/TE; DWSD; Fire; P&DD; WCDoE; Representative of the hazardous waste industry, either a management facility operator or waste generator; Two representatives appointed by City Council.
Solid Waste Facility Review	DEA	CPC; DEA; DHD/EH; DPW/SW; Fire; P&DD; WCDoE; two <i>ad hoc</i> members.
Floodplain Management Review	DEA	CPC; DEA; DPW; DWSD; P&DD.
Wireless Telecommunications Site Review	Mayor's Office	B&SE; ITS; Law; P&DD, DPD; PLD; DPW; DOT; DWSD; CPC.

NOTE: **B&SE** = Buildings and Safety Engineering Department; **CPC** = City Planning Commission; **DEA** = Department of environmental affairs; **DHD** = Detroit Health and Wellness Promotion Department (**DHD/EH** = Environmental Health Services Bureau, **DHD/LP** = Lead poisoning control program); **DOT** = Department of Transportation; **DPD** = Detroit Police Department; **DPW** = Department of Public Works (**SW** = Solid Waste Division, **TE** = Traffic Engineering Division); **DWSD** = Detroit Water & Sewerage Department; **Fire** = Fire Marshall; **GDRRA** = Greater Detroit Resource Recovery Authority; **ITS** = Information Technology Services; **P&DD** = Planning and Development Department; **PLD** = Public Lighting Department; **WCDoE** = County of Wayne Department of Environment.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-2-72–61-2-80. Reserved.**

### Subdivision B. Industrial Review Committee

**Sec. 61-2-81. Creation.**

There is hereby established an Industrial Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-82 through Sec. 61-2-85 of this Code.

Sec. 61-2-82 | Personnel.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-82. Personnel.**

The Industrial Review Committee shall consist of a staff member who is assigned from each of the departments and agencies that are delineated in this section. The Directors of the respective departments and the heads of the respective agencies shall appoint a qualified representative to serve on the Committee, and shall also appoint a qualified alternate representative who shall serve in the absence of the representative:

- (1) City Planning Commission;
- (2) Department of Health and Wellness Promotion, Environmental Health Services Bureau;
- (3) Department of Public Works, Solid Waste Division;
- (4) Department of environmental affairs;
- (5) Fire Department, Fire Marshal Division;
- (6) Greater Detroit Resource Recovery Authority;
- (7) Planning and Development Department;
- (8) Water and Sewerage Department; and
- (9) Other such departments or agencies as deemed appropriate by the chairperson to advise on a given case.

In addition, the Industrial Review Committee shall request that the County of Wayne provide a qualified representative and a qualified alternate representative from the County of Wayne Department of Environment to serve on the Committee.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-83. Officers.**

The representative from the Department of environmental affairs shall serve as chairperson of the Committee, and shall designate a person to serve as secretary.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-84. Duties and functions.**

(a) The Industrial Review Committee shall serve in an advisory capacity to the Buildings and Safety Engineering Department and the Board of Zoning Appeals by reviewing and making recommendations regarding the advisability of permitting the Conditional Uses listed in this section. The Committee shall evaluate all applicable local, state, and federal environmental regulations that apply to the establishment or operation of the following Conditional Uses, and shall review and make recommendations on applications of this type to the Buildings and Safety Engineering Department and the Board of Zoning Appeals.

- (1) Abattoir, slaughter house;

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- (2) Acid manufacture;
- (3) Acoustical material manufacture;
- (4) Airplane manufacture;
- (5) Alkali manufacture;
- (6) Asphalt manufacture;
- (7) Automobile body plant;
- (8) Balls or bearings manufacture;
- (9) Beryllium storage, handling, or processing;
- (10) Bituminous concrete manufacture;
- (11) Carbide manufacture;
- (12) Cement, lime, gypsum, or plaster of paris manufacture;
- (13) Ceramic glaze or porcelain enamel frit manufacture;
- (14) Charcoal or fuel briquette manufacture;
- (15) Chemical manufacture from raw substances;
- (16) Chlorine gas manufacture;
- (17) Coal or coke yard;
- (18) Coke ovens;
- (19) Crushing, grading, and screening of rock, stone, slag, clay, or concrete;
- (20) Distillation of coal, petroleum, bones, tar, or refuse;
- (21) Dog or cat food cannery or manufacture;
- (22) Drop forge plants;
- (23) Dyestuffs manufacture;
- (24) Engine manufacture;
- (25) Explosives, storage only;
- (26) Fertilizer manufacture;
- (27) Fish oil or meal manufacture;
- (28) Fish smoking, curing, canning, or cleaning;
- (29) Foundry, ferrous or non-ferrous;
- (30) Garbage, offal, or dead animal reduction;
- (31) Glue manufacture using animal products;
- (32) Heliports;
- (33) Insulation manufacture;
- (34) Lampblack manufacturing;

## Sec. 61-2-84 | Duties and functions.

- (35) Linoleum manufacture;
  - (36) Paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture;
  - (37) Paper manufacturing or reclaiming;
  - (38) Petroleum refining or processing;
  - (39) Plating and anodizing;
  - (40) Radioactive waste handling;
  - (41) Radio isotope fabrication or use;
  - (42) Rendering plants;
  - (43) Salt works;
  - (44) Smelting or refining of metals or ores;
  - (45) Stamping or pressing plants;
  - (46) Steel barrel, drum, or pail renovation or reclaiming;
  - (47) Steel mills;
  - (48) Tanning, curing, or storage of raw hides or skins;
  - (49) Tar products manufacture;
  - (50) Wool pulling.
- (b) The Committee shall review and investigate the following:
- (1) The site plan;
  - (2) The types of materials, substances and chemicals that will be used during the establishment of the industrial operations and the facility's operating characteristics and processes;
  - (3) The type of machinery and equipment proposed or any other facet of the proposed industry, especially as regards external emissions, such as noise, vibration, smoke, odor, noxious gas, dust, dirt, glare, heat, or other discharge or emission that may be harmful to adjacent or surrounding land uses;
  - (4) The socioeconomic impact of the proposed facility, especially with regard to the effect on property values, tax and revenue generation, and public services;
  - (5) Separation/buffering from sensitive, conforming land uses as defined in Sec. 61-16-53 of this Code, such as residences, schools, churches, hospitals, convalescent homes, child care facilities, hotels or motels, public parks and similar community facilities, and possible over-concentration of facilities within a given geographic area;
  - (6) Environmental impact of the proposed facility, especially with regard to air quality, water quality, soil erosion and sedimentation, and flooding potential and the impact upon natural wildlife habitats as designated or identified by the Michigan Department of Environmental Quality and upon natural resource areas;
  - (7) Safety and Emergency Response Program of the proposed facility;

## Sec. 61-2-85 | Meetings, records, and procedures.

- (8) Truck traffic and the adequacy of access routes so as to minimize traffic congestion and maximize safety in the transport of solid and hazardous waste and materials;
- (9) Waste-handling and disposal procedures;
- (10) The number and density of similar facilities located within one thousand (1,000) radial feet of the proposed use. For purposes of this section, “similar facilities” shall mean all those land uses under the review of the Industrial Review Committee as specified in Sec. 61-2-84(a) of this Code;
- (11) The use of an acceptable stormwater management plan, dust management plan, soil erosion plan, environmental management system, closure and post closure plan, financial assurance plan, and other necessary plans and procedures;
- (12) The applicant’s compliance with any existing land use grants, and the facility’s compliance with environmental, zoning and other applicable regulations;
- (13) The facility’s compliance with the City of Detroit Master Plan of Policies, Solid Waste Management Plan, and any other applicable plans and policies; and
- (14) The proposed development’s potential for impeding the normal and orderly development of surrounding property for uses that are permitted in the district, and the potential to be detrimental to or to endanger the physical or economic well-being of the area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-85. Meetings, records, and procedures.**

- (a) The Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters properly coming before the Body. Records of all assembled meetings of the Committee shall be kept. At the chairperson’s direction, the Committee may consider proposed uses, either individually or in committee. Under the latter procedure, each Committee member shall communicate his or her findings and recommendations to the chairperson, who shall keep records of all such findings.
- (b) Each member shall consider only those aspects, as are identified in Sec. 61-2-84(b) of this Code, which are relevant for the proposed use and relate to his or her area of special competence. Where, based upon an evaluation of the relevant aspects identified in Sec. 61-2-84(b) of this Code, the member determines that the use is acceptable, the member shall indicate his or her approval of the proposed use.
- (c) The member shall recommend any control devices, such as mechanical, structural, or other features, that are feasible and that will permit the member to recommend approval of the proposed use as adjusted.
- (d) Within thirty (30) days of the public hearing, the chairperson shall formulate a recommendation on behalf of the committee and shall submit said reports together with its recommendation to the Buildings and Safety Engineering Department, or to the Board of Zoning Appeals which shall act in accordance with the Board’s Rules of Procedure. The Industrial Review Committee shall recommend denial, approval, or approval with conditions on all requests. Conditions may include, but are not limited to, execution of a contractual agreement with the City regarding the conditions of

**Sec. 61-2-91 | Creation.**

operation, volumes of materials, and other pertinent aspects of operation of a project, a performance guarantee as provided for in ARTICLE XIV, DIVISION 8 of this Chapter. Unless the Committee submits a written request for an extension of said thirty (30) day period to the Buildings and Safety Engineering Department or Board of Zoning Appeals, the department or Board shall consider the lack of a recommendation from the Committee as neither opposition nor support for the proposal.

- (e) When recommending approval for any use specified in Sec. 61-2-84(a) of this Code, the Industrial Review Committee shall stipulate the following as a condition of approval: “That all applicable licenses and/or permits that are required by other agencies and jurisdictions be obtained and maintained as a condition of holding a permit from the Buildings and Safety Engineering Department.”

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-2-86–61-2-90. Reserved.****Subdivision C. Loft Review Committee.****Sec. 61-2-91. Creation.**

There is hereby established a Loft Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-92 through Sec. 61-2-95 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-92. Personnel.**

The Loft Review Committee shall consist of a staff member who is assigned from each of the agencies listed in this section. The head of the respective agencies shall appoint a qualified representative to serve on the Loft Review Committee and shall also appoint a qualified alternate representative who shall serve in the absence of the representative. The Committee shall call upon the advice of the Buildings and Safety Engineering Department and other agencies as deemed appropriate.

- (1) City Planning Commission;
- (2) Department of environmental affairs;
- (3) Department of Health and Wellness Promotion, Environmental Health Services Bureau;
- (4) Department of Health and Wellness Promotion, Lead Poisoning Control Program;
- (5) Fire Department, Fire Marshal Division; and
- (6) Planning and Development Department.

In addition, the Loft Review Committee shall request that the County of Wayne provide a qualified representative and a qualified alternate representative from the County of Wayne Department of Environment to serve on the Committee.

Sec. 61-2-93 | Officers.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-93. Officers.**

The representative of the Planning and Development Department shall serve as chairperson of the Loft Review Committee and shall designate a person to serve as secretary.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-94. Duties and functions.**

- (a) The Loft Review Committee shall serve in an advisory capacity to the Buildings and Safety Engineering Department and the Board of Zoning Appeals on appeal by reviewing and making recommendations regarding the advisability of permitting lofts to locate in certain industrial areas where specified in ARTICLE X, DIVISION 2 through ARTICLE X, DIVISION 5 of this Chapter, and in general services districts where specified in ARTICLE IX, DIVISION 7 of this Chapter. (See also Sec. 61-12-118.)
- (b) The Loft Review Committee shall review and investigate the following:
- (1) Site plan;
  - (2) Adequacy of utilities;
  - (3) Adequacy of access roads and ingress that are designed so as to minimize traffic congestion and maximize safety as related to industrial traffic;
  - (4) Adequacy of provisions of light, air, yards, landscaping, buffering, and recreation;
  - (5) Any areas surrounding the proposed loft site that, by their intense industrial nature, may have potential health impacts or provide a nuisance for occupants of loft dwelling units;
  - (6) Former uses of the site and building;
  - (7) Former and current surrounding uses;
  - (8) Any transition of the area that surround the proposed loft site from a previously exclusive industrial area into a mixed use or nonindustrial use area;
  - (9) Any other facet of the proposed loft development, especially with regards to:
    - (1) Public health, safety and welfare;
    - (2) The loft development's potential for impeding the normal and orderly development of surrounding property for industrial uses permitted in that district;
    - (3) The loft development's potential to be detrimental to or endanger the physical or economic well-being of viable industrial use or growth;

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- (4) The loft development's potential for substantially diminishing or impairing industrial property values where intense current or future industrial use exists or is planned; and
- (10) Whether the proposed loft development satisfies the requirements of Part 201 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Environmental Remediation*, being MCL 324.20101 through MCL 324.20142, to protect the public health, safety, and welfare with regard to exposure to past contamination.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-95. Meetings, records, and procedures.**

- (a) The Loft Review Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters that properly come before the Body. Records of all assembled meetings of the Committee shall be kept. At the chairperson's direction, the Committee may consider proposed uses, either individually or in committee. Under the latter procedure, each Committee member shall communicate his or her findings and recommendations to the chairperson, who shall keep records of all such findings.
- (b) Each member shall primarily consider those aspects identified in Sec. 61-2-94(b) of this Code that are relevant for the proposed use and relate to his or her area of special competence. Where, based upon an evaluation of the relevant aspects contained in Sec. 61-2-94(b), the member determines that the loft use will be acceptable, the member shall indicate his or her recommendation of approval of the proposed loft use.
- (c) The Loft Review Committee member may recommend changes or alterations that would permit the member to recommend approval of the proposed loft use as adjusted, such as the installation or deletion of mechanical devices or equipment, changes in construction details, provision of yards, fencing, setbacks, or any other change that is deemed appropriate to properly blend the proposed loft use into the area.
- (d) Within thirty (30) days of the public hearing, the chairperson shall formulate a recommendation on behalf of the committee and shall submit said reports together with the recommendation to the Buildings and Safety Engineering Department, or to the Board of Zoning Appeals, which shall act in accordance with its Rules of Procedure. The Loft Review Committee shall recommend denial, approval, or approval with conditions on all requests. Conditions may include, but are not limited to, execution of a contractual agreement with the City regarding the conditions of operation, volumes of materials and other pertinent aspects of operation of a project, an a performance guarantee as provided for in ARTICLE XIV, DIVISION 8 of this Chapter. Unless the Committee submits a written request for an extension of said thirty (30) day period to the Buildings and Safety Engineering Department or to the Board of Zoning Appeals, the department or Board shall consider the lack of a recommendation from the Committee as neither opposition nor support for the proposal.

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-2-101 | Creation.

**Secs. 61-2-96–61-2-100. Reserved.**

**Subdivision D. Hazardous Waste Facility Review Committee.**

**Sec. 61-2-101. Creation.**

There is hereby established a Hazardous Waste Facility Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-102 through Sec. 61-2-106 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-102. Personnel.**

- (a) The Hazardous Waste Facility Review Committee shall consist of one (1) representative from each of the following departments and agencies:
- (1) Buildings and Safety Engineering Department;
  - (2) City Planning Commission;
  - (3) Department of environmental affairs;
  - (4) Department of Health and Wellness Promotion, Environmental Health Services Bureau;
  - (5) Department of Public Works, Traffic Engineering Division;
  - (6) Detroit Water and Sewerage Department;
  - (7) Fire Department, Fire Marshall Division;
  - (8) Planning and Development Department; and
  - (9) Representative of the Hazardous Waste Industry, either a Management Facility Operator or Waste Generator.
- (b) In addition, the Hazardous Waste Facility Review Committee shall request that the County of Wayne provide a qualified representative and a qualified alternate representative from the County of Wayne Department of Environment to serve on the Committee.
- (c) The City Council shall appoint two (2) public representatives to serve on the committee. One (1) such public representative shall be appointed on an *ad hoc* basis and shall represent the public of the area where the facility is proposed to be located. The second public representative shall be a permanent member of the committee, shall represent the public perspective of the City as a whole, and preferably have a working knowledge of environmental issues.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-2-103 | Officers.

**Sec. 61-2-103. Officers.**

The representative of the Department of environmental affairs shall serve as chairperson of the Hazardous Waste Facility Review Committee and shall designate a person to serve as secretary.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-104. Duties and functions.**

- (a) The Hazardous Waste Facility Review Committee shall serve in an advisory capacity to the Michigan Department of Environmental Quality and Hazardous Waste Site Review Board by reviewing and making recommendations regarding the siting and operation of hazardous waste materials storage, processing, or recycling facilities in certain industrial areas where specified in ARTICLE X, DIVISION 5 and ARTICLE X, DIVISION 6 of this Chapter. The Committee shall identify and determine all the applicable state and federal regulations that apply to each facility.
- (b) The Hazardous Waste Facility Review Committee shall review and investigate the following:
  - (1) Demonstrated need for the proposed Hazardous Waste Facility, based on comparing quantities of waste that are generated within the City to existing facility capacity;
  - (2) Separation/buffering from sensitive, conforming land uses as defined in Sec. 61-16-53 of this Code, such as residences, schools, churches, hospitals, convalescent homes, child care facilities, hotels or motels; public parks and similar community facilities; and possible over-concentration of facilities within a given geographic area;
  - (3) Environmental impact of the proposed facility, especially with regard to air quality, water quality, soil contamination, erosion, sedimentation, and flooding potential and the impact upon natural wildlife habitats as designated or identified by the Michigan Department of Environmental Quality and upon natural resource areas;
  - (4) Public health impacts;
  - (5) Safety and Emergency Response Program of the proposed facility;
  - (6) Truck traffic and the adequacy of access routes so as to minimize traffic congestion and maximize safety in the transport of solid and hazardous waste and materials;
  - (7) Waste-handling and disposal procedures;
  - (8) Socioeconomic impact of the proposed facility, especially with regard to the effect on property values, tax and revenue generation, and public services;
  - (9) Monitoring reports, enforcement histories, and notices to the facility operator and owner that are issued by or submitted to County of Wayne Air Quality Division, the Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency, the U.S. Coast Guard, the Detroit Water and Sewerage

## Sec. 61-2-105 | Reports.

Department, and others which have regulatory authority for its hazardous waste facilities;

- (10) Demonstrated need or demand for the proposed Hazardous Waste Facility, based on comparing quantities of waste that is generated within the City of Detroit and capacities of existing hazardous waste facilities that serve Southeast Michigan and Ontario, Canada;
- (11) Closure and post-closure plan, including financial assurance mechanism, of the proposed facility.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-105. Reports.**

Within thirty (30) days of a report being requested, each member of the Hazardous Waste Facility Review Committee shall submit a report to the Department of environmental affairs and recommend support, opposition, or support of the Hazardous Waste Facility use subject to certain changes or alterations, such as the installation or deletion of mechanical devices or equipment, changes in construction details, provisions of yards, fencing, setbacks, or any other change deemed desirable to properly blend the proposed use into the surrounding area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-106. Meeting, records, and procedures.**

- (a) The Hazardous Waste Facility Review Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters which may properly come before the Body. The committee may hold public hearings in the affected communities. Records shall be kept of all meetings of the Hazardous Waste Facility Review Committee.
- (b) Each member shall primarily consider those aspects, that are identified in Sec. 61-2-104 of this Code, which are relevant to the proposed use and relate to his or her area of special competence. Where the member determines that the use is acceptable, based upon an evaluation of the relevant aspects identified in Sec. 61-2-104, he or she shall indicate his or her support of the proposed Hazardous Waste Facility use. Otherwise, the member shall indicate his or her opposition.
- (c) Where appropriate to effectively mitigate undesirable characteristics of the Hazardous Waste Facility use, each member shall recommend changes, special conditions, and/or mitigation measures.
- (d) After the members of the Hazardous Waste Facility Review Committee have met and taken action on the proposed Hazardous Facility use, the committee shall submit its report, with recommendation to the Michigan Department of Environmental Quality and Hazardous Waste Site Review Board, which shall contain the recommendation of the committee and its reasons for support or opposition, along with any recommended changes, special conditions, and/or mitigation measures.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-2-111 | Creation.

**Secs. 61-2-107–61-2-110. Reserved.**

**Subdivision E. Solid Waste Facility Review Committee.**

**Sec. 61-2-111. Creation.**

There is hereby established a Solid Waste Facility Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-112 through Sec. 61-2-117 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-112. Membership.**

The Solid Waste Facility Review Committee shall consist of one (1) representative from each of the following departments and agencies:

- (1) City Planning Commission;
- (2) Department of environmental affairs;
- (3) Department of Health and Wellness Promotion, Environmental Health Services Bureau;
- (4) Department of Public Works, Solid Waste Division;
- (5) Fire Department, Fire Marshal Division; and
- (6) Planning and Development Department.

In addition, the Solid Waste Facility Review Committee shall request that the County of Wayne provide a qualified representative and a qualified alternate representative from the County of Wayne Department of Environment to serve on the Committee.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-113. Additional membership.**

- (a) For cases involving those uses specified in Sec. 61-2-115 of this Code, the Department of environmental affairs shall appoint two (2) *ad hoc* members to the Solid Waste Facility Review Committee after receipt of a written recommendation from the City Planning Commission staff, or from community or business organizations in the vicinity of the proposed facility, or after receipt of a response to a solicitation for *ad hoc* members. *Ad hoc* members shall be property owners, residents, or other persons who have a demonstrable and substantial interest in the vicinity of the proposed facility.
- (b) Vicinity shall mean within a one (1) mile radius of the proposed solid waste facility.
- (c) Demonstrable and substantial interest shall mean:
  - (1) Ownership of property or residence in the specified area; or
  - (2) Operation of a business or institution in the specified area; or

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- (3) Representation of a community organization or business organization in the specified area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-2-114. Officers.**

The representative from the Department of environmental affairs shall serve as chairperson of the Committee and shall designate a person to serve as secretary.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-115. Solid waste facilities subject to review.**

The following uses, and uses accessory thereto, may be permitted by the Buildings and Safety Engineering Department after a report and recommendation has been received from the Solid Waste Facility Review Committee, relative to the issues that are identified in Sec. 61-2-116(b) of this Code which are relevant to the proposed use, and other operating characteristics that are peculiar to any of the following uses:

- (1) Incinerator plants;
- (2) Junkyards and salvage yards;
- (3) Recycling centers;
- (4) Scrap tire storage, processing, or recycling facilities;
- (5) Solid waste processing, recycling, storage, and transfer facilities as defined and regulated by Part 115 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Solid Waste Management*, being MCL 324.11501 through MCL 324.11550, and the administrative rules of the Michigan Department of Environmental Quality, Solid Waste Division; and
- (6) Transfer stations for garbage or rubbish.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-2-116. Duties and functions.**

- (a) The Solid Waste Review Committee shall serve in an advisory capacity to the Buildings and Safety Engineering Department and the Board of Zoning Appeals by reviewing and making recommendations regarding the advisability of permitting the establishment and operation of solid waste or materials storage, processing, or recycling facilities. The establishment of such a use shall be in accordance with applicable policies and guidelines for the location of the use as developed by the Committee.
- (b) The Committee shall also review and investigate:
  - (1) The site plan;
  - (2) The operating characteristics and processes;
  - (3) The type of machinery and equipment proposed;

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- (4) Any other facet of the proposed use, especially as regards external emissions such as noise, vibration, smoke, odor, noxious gas, dust, dirt, soil impacts, glare, heat, or other discharge or emission that may be harmful to adjacent, or surrounding, land uses and the environment;
- (5) The host community agreement, where applicable;
- (6) The junkyard standards of the Department of environmental affairs, where applicable;
- (7) Stormwater management;
- (8) The dust management plan;
- (9) The environmental management system;
- (10) The closure and post-closure plan;
- (11) The financial assurance plan;
- (12) Other necessary plans and procedures;
- (13) The applicant's compliance with any existing land use grants;
- (14) The facility's compliance with environmental, zoning, and other applicable regulations;
- (15) The facility's compliance with the City of Detroit Master Plan of Policies, Solid Waste Management Plan, and any other applicable plans and policies;
- (16) The proposed development's potential for impeding the normal and orderly development of surrounding property for uses that are permitted in that district;
- (17) The potential to be detrimental to or to endanger the physical or economic well-being of the area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-117. Meetings, records, and procedures.**

- (a) The Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters, which may properly come before the Body. Records shall be kept of all meetings of the Committee. Under the direction of the chairperson, the Committee may consider proposed uses either in committee or individually. Under the latter procedure, each Committee member shall communicate his or her findings and recommendations to the chairperson who shall keep records of all such findings.
- (b) Each member shall primarily consider those aspects of the proposed use, that are identified in Sec. 61-2-115 of this Code, which are relevant to the proposed use and relate to his or her area of special competence. Where the member determines that the solid waste facility use will be acceptable, based upon an evaluation of the relevant aspects contained in Sec. 61-2-115, the member shall indicate his or her recommendation of approval of the proposed use.
- (c) Where feasible in accordance with Sec. 61-2-117(b) of this Code to effectively minimize undesirable characteristics of the proposed use, members shall recommend

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control devices, such as mechanical, structural or other features, that are feasible and will permit the member to recommend approval of the proposed use as adjusted.

- (d) Within thirty (30) days of the public hearing, the chairperson shall formulate a recommendation on behalf of the committee and shall submit said reports together with the recommendation to the Buildings and Safety Engineering Department, or to the Board of Zoning Appeals which shall act in accordance with the Board's Rules of Procedure. The Solid Waste Facility Review Committee shall recommend denial, approval, or approval with conditions on all requests. Conditions may include, but are not limited to, execution of a contractual agreement with the City regarding the conditions of operation, volumes of materials, and other pertinent aspects of operation of a project, and a performance guarantee as provided for in ARTICLE XIV, DIVISION 8 of this Chapter. Unless the Committee submits a written request for an extension of said thirty (30) day period to the Buildings and Safety Engineering Department or the Board of Zoning Appeals, the department or Board shall consider the lack of a recommendation from the Committee as neither opposition nor support for the proposal.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-2-118–61-2-120. Reserved.****Subdivision F. Floodplain Management Review Committee.****Sec. 61-2-121. Creation.**

There is hereby established a Floodplain Management Review Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-122 through Sec. 61-2-125 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-122. Personnel.**

The Floodplain Management Review Committee shall consist of one (1) representative from each of the following departments and agencies:

- (1) City Planning Commission;
- (2) Department of environmental affairs;
- (3) Department of Public Works;
- (4) Detroit Water and Sewerage Department; and
- (5) Planning and Development Department.

The Committee shall call upon the advice of the Buildings and Safety Engineering Department and other agencies as deemed appropriate.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-2-123 | Officers.

**Sec. 61-2-123. Officers.**

The representative of the Department of environmental affairs shall serve as chairperson of the Floodplain Management Review Committee and shall designate a person to serve as secretary.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-124. Duties and functions.**

The Floodplain Management Review Committee shall serve in an advisory capacity to the Buildings and Safety Engineering Department and the Board of Zoning Appeals by reviewing and making recommendations regarding the advisability of permitting development within floodplains that are located within the City of Detroit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-2-125. Meetings, records, and procedures.**

- (a) The Floodplain Management Review Committee shall meet at the call of the chairperson so as to act satisfactorily upon all matters that properly come before the Body. Records of all assembled meetings of the Committee shall be kept. At the chairperson's direction, the Committee may consider proposed uses, either individually or in committee. Under the former procedure, each Committee member shall communicate his findings and recommendations to the chairperson, who shall keep records of all such findings.
- (b) Each member shall consider only those aspects of the proposed use which relate to his or her area of special competence. Where the member determines that the use will meet all requirements of the federal, state and county laws, and this Code, regarding floodplains which relate to his or her area of special competence, the member shall indicate his or her recommendation for approval of the proposed use.
- (c) Where feasible to meet all applicable requirements, the member shall recommend any control devices, such as mechanical, structural, or other features, that are feasible and will permit the member to recommend approval of the proposed use as adjusted.
- (d) Within thirty (30) days of the public hearing, the chairperson shall formulate a recommendation on behalf of the committee and shall submit said reports together with the recommendation to the Buildings and Safety Engineering Department, or the Board of Zoning Appeals, which shall act in accordance with its Rules of Procedure. In the event no public hearing is required, the Committee shall respond to the Buildings and Safety Engineering Department within thirty (30) days from receipt of the case by the Committee. The Floodplain Management Review Committee shall recommend denial, approval, or approval with conditions on all requests. Conditions may include, but are not limited to, execution of a contractual agreement with the City regarding the conditions of operation, volumes of materials and other pertinent aspects of operation of a project, and a performance guarantee as provided for in ARTICLE XIV, DIVISION 8 of this Chapter. Unless the Committee submits a written request for an extension of said thirty (30) day period to the Buildings and Safety Engineering



**Sec. 61-2-131 | Creation; purpose; scope.**

Department or Board of Zoning Appeals, the department or Board shall consider the lack of a recommendation from the Committee as neither opposition nor support for the proposal.

- (e) When recommending approval for any permit, the Floodplain Management Review Committee shall stipulate the following as a condition of approval: “That all applicable licenses and/or permits required by other agencies and jurisdictions be obtained and maintained as a condition of holding a permit from the Buildings and Safety Engineering Department.”

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-2-126–61-2-130. Reserved.****Subdivision G. Wireless Telecommunications Site Review Committee****Sec. 61-2-131. Creation; purpose; scope.**

- (a) There is hereby created a Wireless Telecommunications Site Review Committee, which shall perform its duties and exercise its powers as provided for in this subdivision.
- (b) The Federal Telecommunications Act of 1996 preserves the City of Detroit’s (“City”) ability to exert zoning and other regulatory control over personal communications services (“PCS”), enhanced specialized mobile radio and specialized mobile radio (“ESMR/SMR”), and cellular wireless antenna cell sites, provided, that: 1) zoning and other regulations are not so onerous as to effectively prohibit the provision of personal wireless services, and 2) there is no unreasonable discrimination among providers of functionally equivalent services. The development of PCS technology also presents greater site management problems for the City because the high frequency and low power requirements necessitate many more wireless cell sites than conventional cellular or ESMR/SMR service. The Committee is established for the purpose of creating a centralized process for handling site requests that may be granted without zoning map changes to assure consistency and fair treatment in the processing of such requests.
- (c) The Committee shall serve as a City-wide clearing-house for the review of all siting requests including, but not limited to, permit and lease requests for wireless antenna towers and other antenna cell sites. No permit shall be issued until the Committee has conducted a thorough review in accordance with the provisions of this subdivision.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-132. Personnel.**

The Wireless Telecommunications Site Review Committee shall consist of not more than nineteen (19) regular members, and not more than two (2) special members for any particular request, who shall be appointed by and who shall serve at the pleasure of the Mayor, in accordance with the following:

- (1) *Regular Members.*
  - (a) One (1) representative from the Mayor’s Office or designee of the Mayor.

## Sec. 61-2-133 | Officers.

- (b) Not more than two (2) representatives from each of the following City departments or agencies:
  - (i) Buildings and Safety Engineering Department;
  - (ii) City Planning Commission;
  - (iii) Information Technology Services Department;
  - (iv) Law Department; and
  - (v) Planning and Development Department.
  
- (c) Not more than one (1) representative from each of the following City departments:
  - (i) Cable Communications Commission;
  - (ii) Department of Transportation;
  - (iii) Fire Department;
  - (iv) Police Department;
  - (v) Public Lighting Department;
  - (vi) Public Works Department; and
  - (vii) Water and Sewerage Department.
  
- (2) *Special members.* When the Committee receives a request that involves City-owned land or buildings within the jurisdiction of a City department or agency which is not listed in Subsection (1) of this section, such City department or agency shall designate, through its department director or agency head, not more than two (2) additional Committee members, who shall serve as special members, only for the purpose of considering the specific request that pertains to the City-owned buildings and/or land within the jurisdiction of the City department or agency.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-133. Officers.**

The representative of the Mayor's Office, or the Mayor's designee, shall serve as chairperson of the Wireless Telecommunications Site Review Committee. The Chairperson may select a Vice-Chairperson. The Vice-Chairperson shall act in the Chairperson's stead in the event of the Chairperson's absence or in the event of a vacancy in the position of Chairperson.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

Sec. 61-2-134 | Siting request review criteria.

**Sec. 61-2-134. Siting request review criteria.**

The Committee shall apply and evaluate the following criteria, at a minimum, to be used in reviewing wireless antenna tower and antenna siting requests:

- (1) Antenna tower height, antenna tower width dimensions and the type of antenna tower design to be used, *i.e.*, guyed tower, lattice tower, or monopole;
- (2) Proximity of the antenna tower site to residential development;
- (3) Minimum optimal distance between antenna towers and the number of antenna towers permitted per zoning lot;
- (4) Visual impact of the antenna tower or other cell site on the host community including setbacks, yard requirements, screening, fencing, and landscaping;
- (5) Materials and coloration of the antenna tower or other cell site and auxiliary buildings;
- (6) Whether the proposed antenna tower can accommodate more than one (1) provider (co-location);
- (7) Existence of feasible alternatives to the erection of new antenna towers, such as the use of existing structures;
- (8) Degree to which antennas affixed to existing structures are effectively concealed or camouflaged;
- (9) Compliance with all applicable federal, state, and local laws, ordinances, and regulations; and
- (10) Any other criterion as may be deemed necessary by the City, or may be required by state or federal regulations.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-135. Procedure for processing antenna siting requests.**

All departments and/or agencies of the City of Detroit shall notify the Chairperson of the Wireless Telecommunications Site Review Committee upon receipt of any request for a permit to erect a PCS, ESMR/SMR, or other cellular antenna or antenna tower on land or buildings in the City of Detroit. Said notices shall be sent to the Committee Chairperson within five (5) business days after receipt. Wireless carriers may apply directly to the Wireless Telecommunications Site Review Committee.

Applicants for antenna cell sites must submit both the standard permit application form of the Buildings and Safety Engineering Department and the cell site application form as provided by the Wireless Telecommunications Site Review Committee. The application forms must be submitted with the appropriate supporting documentation and fee as authorized by Sec. 61-2-136 of this Code in order to be considered complete.

The Committee Chairperson shall forward copies of any such applications and associated documents to the Committee members within five (5) business days, and shall convene a meeting of the Committee to consider the request within fifteen (15) business days after the Chairperson receives notification of the request.

## Sec. 61-2-136 | Application Fee.

The Committee Chairperson may request additional information from an applicant. All time periods that are contained in this section shall be tolled, where applicable, until such information is provided.

Upon completion of its review, the Committee shall prepare findings and/or recommendations. These findings and/or recommendations shall be distributed as provided below:

(1) *Requests that Pertain to Property Not Owned by the City of Detroit.*

Upon completion of the Committee's review, the request, with a written summary of the Committee's findings and/or recommendations, shall be forwarded to the applicant by first-class mail, and a copy of such documents shall be sent to the Director of the Buildings & Safety Engineering Department, and all members of the Wireless Telecommunications Site Review Committee. The Committee's response shall also include the name, address, and telephone number of a person whom the applicant may contact to discuss any questions or comments the applicant may have regarding the Committee's response, and shall state that the applicant is responsible for contacting the Buildings & Safety Engineering Department to complete the processing of the wireless antenna permit request, and, where necessary, for obtaining all necessary approvals and/or waivers.

(2) *Requests that Pertain to Property Owned by the City of Detroit.*

Upon completion of the Committee's review, the Chairperson shall send a written summary of the Committee's findings to each member of the Wireless Telecommunications Site Review Committee. Where the Committee recommends that City property should be leased to the applicant for an antenna cell site, and the department having jurisdiction of the property agrees with the recommendation, the applicant shall be so notified.

Where the Committee recommends that the City property should not be leased to the applicant for an antenna cell site, the Committee Chairperson shall notify the applicant by first-class mail. Where the Committee and the department having jurisdiction of the property disagree whether the site should be leased as an antenna cell site, the Mayor, or his or her designee, shall resolve the matter. The Wireless Telecommunications Site Review Committee shall be consulted where the City negotiates a lease of property for an antenna cell site.

Any such lease shall include reference to a detailed site plan and/or development agreement, and shall include a provision indicating that the lease is contingent upon the applicant's receipt of all applicable municipal regulatory approvals. Once the lease has been executed, a permit may be applied for without further Committee review.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-136. Application Fee.**

The Committee may charge a fee for reviewing each application for wireless antenna towers or other antenna cell site requests; funds from such fees shall be used solely for the administration of the reviews and Committee support.

Sec. 61-2-141 | Creation.

(Ord. No. 20-05, §1, 5-29-05)

**Secs. 61-2-137–61-2-140. Reserved.**

**Subdivision H. Design Review Advisory Committee.**

**Sec. 61-2-141. Creation.**

There is hereby established a Design Review Advisory Committee which shall perform its duties and exercise its powers as provided for in Sec. 61-2-144 of this Code.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-142. Personnel.**

The Design Review Advisory Committee shall consist of one (1) representative of each of the following:

- (1) The Planning and Development Department—a staff person who is assigned to site plan review;
- (2) City Planning Commission staff;
- (3) Office of Neighborhood Commercial Revitalization; and
- (4) A community group, the boundaries of which include the commercial district to which a given permit application pertains.

The Chairperson may include other *ad hoc* members as he or she deems appropriate for the review of a particular application.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-2-143. Officers.**

The representative of the Planning and Development Department shall serve as Chairperson of the Design Review Advisory Committee.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-2-144. Duties and functions.**

The Design Review Advisory Committee shall review permit applications which pertain to specified overlay areas in light of the design standards and guidelines adopted for such overlay area. The Committee shall advise the Planning and Development Department whether the Body has found the work that is proposed in a permit application to be consistent with the adopted design standards.

(Ord. No. 20-05, §1, 5-29-05)

Sec. 61-2-145 | Fee.

**Sec. 61-2-145. Fee.**

The Design Review Advisory Committee may charge a fee, as approved by City Council resolution, for reviewing permit applications for consistency with adopted design standards.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-2-146. Simultaneous review.**

Where a given application involving an overlay area requires the Planning and Development Department to conduct both site plan review and design review, the Department may conduct both reviews simultaneously.

(Ord. No. 20-05, §1, 5-29-05)

**Secs. 61-2-147—61-2-150. Reserved.**

**Subdivision I. Other Bodies.**

**Sec. 61-2-151. Historic District Commission.**

The City has created a number of historic districts that impose additional regulations and development standards which are designed to preserve the defined historic character of certain designated areas of the City. Where a permit application involving land and/or buildings or structures within an established historic district is submitted, the Buildings and Safety Engineering Department shall forward the permit application to the Historic District Commission. In accordance with Chapter 25 of this Code, the Commission is authorized to participate in Site Plan Review, as applicable. In its review, the Historic District Commission shall review and comment on the development application's consistency with applicable historic district criteria. In the event the General Development Standards that are specified in ARTICLE XIV of this Chapter are inappropriate for a particular historic property, the specifications of the Historic District Commission shall supersede.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)



# ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)

## DIVISION 1. GENERAL PROVISIONS

### Sec. 61-3-1. Summary table of review and approval procedures.

All information in the Table 61-3-1 is general. For specific details, see the text of this Zoning Ordinance.

Table 61-3-1. Procedure.	Review and Decision-making Authority						Public Notice
	P&DD	CPC	City Council	BSEED	DEA	BZA	M = Mailed N = Newspaper P = Posted
Text Amendments	<R>	<R>	<DM>				M,N,P
Map Amendments	<R>	<R>	<DM>				M,N,P
Planned Developments	<R>	<R> SPR	<DM>				M,N,P
Site Plan Review	DM	R	DM			<A>	
Special District Review	R	R SPR	DM				
Conditional Uses	R/SPR			<DM>		<A>	M,N,P
Regulated Uses	R/SPR			<DM>		<A>	M,N,P
Controlled Uses	R/SPR			<DM>		<A>	M,N,P
Condominium Subdivisions	R/SPR, DM					<A>	
Condominium Subdivisions	R/SPR,						
Temporary Use Permits				DM			
Building permits				DM		<A>	
Certificates of Occupancy				DM			
Written Interpretations (text)				DM		<A>	
Administrative Adjustments [*]	DM		DM	DM		<A>	
Variances						<DM>	M,P
Flood Hazard Area Modifications					R	<DM>	M,P
Hardship Relief Petitions						<DM>	M,N,P
Modification of Zoning Grant				<DM>		<DM>	M,N,P

Notes:

**P&DD** = Planning and Development Department; **CPC** = City Planning Commission; **BSEED** = Buildings, Safety Engineering and Environmental Department; **DEA** = Department of Environmental affairs; **BZA** = Board of Zoning Appeals; **R** = Review Body (review + recommendation); **DM** = Decision-making body (final decision-making authority); **SPR** = Site Plan Review Required (See ARTICLE III, DIVISION 5); **A** = Authority to hear and decide appeals of decision-making body's action; **<>** = Public hearing required

[\*] The Decision-making body depends on the zoning district classification, as specified in Sec. 61-4-84. Only those administrative adjustment decisions of the Planning and Development Department and the Buildings, Safety Engineering and Environmental Department may be appealed to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11)



Sec. 61-3-2 | Organization of review and approval procedures.

**Sec. 61-3-2. Organization of review and approval procedures.**

The review and approval procedures of this Zoning Ordinance are organized into into ARTICLE III and ARTICLE IV of this Chapter. The two articles shall be construed as constituting a single, consolidated article.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-3. Authority to file applications.**

Unless otherwise provided for in this article, applications for review and approval under this article may be initiated by petition of 1) all owners of the property that is the subject of the application; 2) the owners' authorized agents; 3) any review or decision-making body; or 4) other persons with a legal interest in the subject property, such as a purchaser under contract. Where a review or decision-making body initiates action under this zoning ordinance, as referenced in Sec. 61-3-1 of this Code, it does so without preference toward the outcome.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-4. Application forms and application filing fees.**

Applications required under this article shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee that has been established by the Buildings and Safety Engineering Department Board of Rules in regards to all fees that are charged by the Buildings and Safety Engineering Department, the Planning and Development Department, or the Department of environmental affairs, or by the City Council for fees charged by the Board of Zoning Appeals or the City Planning Commission. Fees are not required with applications that are submitted by the City Council, by the City Planning Commission, or by City departments or agencies. Application fees are nonrefundable, unless otherwise expressly stated.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-5. Application completeness; application ineligibility.**

- (a) An application will be considered complete where it is submitted in the required form, contains all mandatory information, including all exhibits that are specified by the official responsible for accepting the application, and is accompanied by the applicable fee. A determination of application completeness shall be made by the official who is responsible for accepting the application within ten (10) days of the date that the application is filed. Where an application is determined to be incomplete, the official responsible for accepting the application shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. Where the deficiencies are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and returned to the applicant.

Sec. 61-3-6 | Pre-application meetings.

- (b) Pursuant to MCL 125.3406(2), a person is not eligible to apply for a rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-6. Pre-application meetings.**

Applicants may request a pre-application meeting with staff of the department that is responsible for processing the application prior to submitting an application for review under this article. The purpose of a pre-application meeting is to inform the applicant of applicable procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal. Staff opinions presented during a pre-application meeting are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the development proposal.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-7. Notices; content and timing.**

All notices for statutory public hearings that are required under this zoning ordinance shall comply with the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, and shall inform the recipient of the applicant's name, describe the nature and type of use proposed, indicate the location of the property in question, and provide the section of the Zoning Ordinance under which the proposal is being processed. Notice shall be provided:

- (1) At least five (5) days before the application is considered or a public hearing is scheduled before the City Council, as specified in Sec. 4-115 of the 2012 Detroit City Charter; public hearings before the City Council concerning Zoning Ordinance amendments are not statutorily required; or
- (2) At least fifteen (15) days before the application is considered or a public hearing is scheduled before the Buildings, Safety Engineering and Environmental Department; or
- (3) At least fifteen (15) days before the application is considered or a public hearing is scheduled before the Board of Zoning Appeals; or
- (4) At least fifteen (15) days before the application is considered or a public hearing is scheduled before the City Planning Commission; public hearings before the City Planning Commission concerning Zoning Ordinance amendments are statutorily required.

Sec. 61-3-8 | Notices; written notice.

The notice shall also invite written comments, statements, or opinions and indicate the place and date where written comments concerning the proposed use must be received.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-8. Notices; written notice.**

Where the provisions of this Zoning Ordinance require that written notice be provided, such notice may be provided either by mail or through personal delivery with proof of service. The City shall be responsible for preparing and mailing the written notice as provided for in this division. In addition, the City shall comply with the general requirements that are delineated in Sec. 61-3-9 through Sec. 61-3-13 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-9. Notices; zoning map and text amendments; Conditional, Regulated, and Controlled Uses; Board of Zoning Appeals hearings.**

Written notice of hearings for zoning map amendments, text amendments, Conditional Uses, Regulated Uses, Controlled Uses, and Board of Zoning Appeals cases shall be sent to the following:

- (1) The owner(s) and occupant of the subject real property. For purposes of this article, notification to the person to whom the subject property is assessed shall constitute notification of the owner(s);
- (2) All persons to whom any real property is assessed within three hundred (300) feet of the premises in question, regardless of whether the property is located in the zoning jurisdiction;
- (3) All community organizations that are registered with the Buildings and Safety Engineering Department for such purpose and all Citizens' District Councils, the boundaries of which organizations and councils are located within three hundred (300) feet of the premises in question;
- (4) In addition, written notice shall be provided as follows:
  - (a) For both Zoning Ordinance text and map amendments, written notice shall be sent, by registered mail, to each public utility company and each railroad company which owns or operates any public utility or railroad within the districts or zones affected;
  - (b) For Zoning Ordinance map amendments, Conditional Uses, Regulated Uses, and Controlled Uses, written notice shall be sent to the occupants of all structures that are within three hundred (300) feet of the premises in question, regardless of whether the structure or occupant is located in the zoning jurisdiction;

Sec. 61-3-10 | Notices; general requirements for written notices.

- (c) For hearings at the Board of Zoning Appeals, notice shall be sent to the occupants of all structures that are within three hundred (300) feet of the premises in question, regardless of whether the structure or occupant is located in the zoning jurisdiction, and to the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-10. Notices; general requirements for written notices.**

- (a) Where the name of the occupant is not known, the term “occupant” may be used in making written notification.
- (b) Where a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-3-11. Notices; published (newspaper) notice.**

Where the provisions of this Zoning Ordinance require that notice be published, the agency responsible for giving notice shall ensure that it is published in a newspaper of general circulation within the City of Detroit. The notice shall appear:

- (1) At least five (5) days before the application is considered by, or a public hearing scheduled before, the City Council; or
- (2) At least fifteen (15) days before the application is considered by or a public hearing scheduled before the Buildings and Safety Engineering Department; or
- (3) At least fifteen (15) days before the application is considered by or a public hearing scheduled before the Board of Zoning Appeals; or
- (4) At least fifteen (15) days before the application is considered by or a public hearing scheduled before the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-12. Notices; posted notice.**

Any procedure for a public hearing that involves a specific property requires that a courtesy notice be posted on the subject property. The applicant shall be responsible for posting the notice on signs which are approved by the City and for placing the signs on the property that is the subject of the application in a manner which makes them clearly visible to neighboring residents and passers-by from each adjacent street. Required signs shall be posted according to the same timetable for published notice as provided for in Sec. 61-3-11 of this Code. The applicant shall be responsible for ensuring that the signs remain in place during the period which leads up to the public hearing, and for removing the signs within three (3) days after the hearing. The provisions of this section do not apply to public hearings for text amendments as provided for in ARTICLE III, DIVISION 2 of this Chapter. The deployment of posted notices for multi-lot and/or multi-block rezonings

Sec. 61-3-13 | Notices; constructive notice.

shall be detailed in procedural rules that are promulgated by the City Planning Commission in accordance with Section 2-111 of the 2012 Detroit City Charter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-13. Notices; constructive notice.**

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice where a *bona fide* attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. However, in all cases, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-14. Conditions of approval; directly related and roughly proportional.**

In approving permit applications, the decision-making or review body shall be authorized to impose such reasonable conditions upon the approval as may be necessary to carry out the general purpose and intent of this Zoning Ordinance, provided, that any conditions which are attached to approvals are directly related to the impacts of the proposed development, and are roughly proportional in both extent and amount to the anticipated impacts of the proposed development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-15. Conditions of approval; types of reasonable conditions.**

Where appropriate, reasonable conditions may be imposed as part of a decision-making body's actions. Conditions shall be deemed reasonable where based on, but not limited to, any one of the following public interests:

- (1) To ensure that public services and facilities which are affected by a proposed land use or activity will be capable of accommodating increased service and facility loads that are caused by the land use or activity;
- (2) To protect the natural environment and conserve natural resources and energy and to protect against unreasonable exposures of people to environmental contaminants;
- (3) To ensure compatibility with uses of land in the immediate vicinity; and
- (4) To promote the use of land in a socially and economically beneficial manner.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-16. Conditions of approval; criteria for reasonable conditions.**

Reasonable conditions that are imposed shall do all the following:

Sec. 61-3-17 | Inaction by review and decision-making bodies; City Council.

- (1) Be designed to protect:
  - (a) Natural resources; and
  - (b) The social and economic well-being of those who will use the land use or activity under consideration; and
  - (c) Landowners, residents, and occupants immediately adjacent to, or across an alley from, the proposed land use or activity; and
  - (d) The health, safety, welfare of the community as a whole; and
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
- (3) Be necessary to meet the intent and purpose of this Zoning Ordinance; and
- (4) Be related to the standards which are established in this zoning ordinance for the land use or activity under consideration, including the Use Regulations that are contained in ARTICLE XII, DIVISION 2 and ARTICLE XII, DIVISION 3 of this Chapter, and that are necessary to ensure compliance with those standards.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-17. Inaction by review and decision-making bodies; City Council.**

Where a petition for a proposed Zoning Ordinance text or map amendment is not voted upon by the City Council within one hundred twenty (120) days of the time of receipt of the City Planning Commission's report, it shall be deemed to have been denied, unless extended by the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-18. Lapse of approval / extension of time-frames.**

The lapse of approval time frames that are established by the procedures of this article may be extended only where the following conditions exist:

- (1) The provisions of this article must expressly allow the extension; and
- (2) An extension request must be filed prior to the applicable lapse-of-approval deadline; and
- (3) The extension request must be filed in a form, which is established by the official responsible for accepting the application.

The review or decision-making body, or its designee, must determine that the scope and details of the proposal have not changed since the time the application was originally approved.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-19 | Approval plus variance.

**Sec. 61-3-19. Approval plus variance.**

Where a development proposal requires approval of either a site plan or a conditional land use grant and also a variance, the applicant shall proceed through the former process first, and shall seek the variance only after obtaining the first approval from the applicable decision-making body, which is the Buildings and Safety Engineering Department for conditional land use grants, or the Planning and Development Department or City Council for site plans. This provision shall not affect the ability of the appropriate body to grant administrative adjustments, pursuant to ARTICLE IV, DIVISION 6 of this Chapter. (See also Sec. 61-3-219.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-20. Effective date; Conditional Uses, Regulated Uses, Controlled Uses.**

Unless otherwise specified in this zoning ordinance or the 2012 Detroit City Charter, no decision on a conditional land use application, Controlled Use or Regulated Use application that is made pursuant to this article shall become effective, nor shall any permit be issued, until the expiration of fourteen (14) days from the date of entry of such decision, during which time the decision may be appealed to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-21. Effective date of permits.**

Unless otherwise specified in this zoning ordinance or the 2012 Detroit City Charter, permits that are issued pursuant to this article are effective immediately.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-22. Effective date; Board of Zoning Appeals decisions.**

No decision by the Board of Zoning Appeals shall be effective until the date of entry.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-23. Effective date; text amendments.**

Zoning Ordinance text and map amendments shall become effective on the effective date of the amendatory ordinance as provided in MCL 125.3401(6) and by Section 4-118, Paragraph 3 of the 2012 Detroit City Charter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-24. Date of entry.**

Unless otherwise specified by this zoning ordinance or by the 2012 Detroit City Charter, no decision of the Buildings, Safety Engineering and Environmental Department shall be deemed "entered" until reduced to writing by incorporating the findings of fact that are

Sec. 61-3-25 | Termination of permits; by-right uses.

made by the department, filed in the official records of the department, and mailed to the applicant and all persons who responded to the notice that was sent pursuant to this article or who registered to appear at any public hearings held on the application.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-06-08; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-25. Termination of permits; by-right uses.**

Where a permit has been issued, such permit shall become invalid where a Certificate of Occupancy has not been issued within six (6) months after the issuance of the permit or where the authorized use or work is suspended or abandoned for a period of six (6) months after the time the work is commenced. The Building Official shall send a written notice of the termination to the owner of the property, with a copy to the permit holder, if different from the owner. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-3-26. Repealed.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-3-27. Expiration or Extension of land use grants.**

Prior to the expiration of any land use grant, an applicant may request, in writing, that the Buildings, Safety Engineering and Environmental Department extend the term of the grant beyond six (6) months. The Buildings, Safety Engineering and Environmental Department may, after written notification to the Board of Zoning Appeals, and where applicable, without need for a public hearing, extend the six (6) month deadline for obtaining permits to no more than twelve (12) months beyond the expiration date of the original six (6) months.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-3-28. Termination of permits; new application.**

No additional extension shall be authorized, unless a new application has been filed and, where applicable, a further public hearing has been held.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-29. Specific plans, neighborhood plans and redevelopment areas.**

The City has adopted a number of Specific Plans, Neighborhood Plans and Redevelopment Area Plans that provide both design and land use guidelines or regulations for individual planning areas. Where projects are proposed within these plan study areas, the Plan document shall be consulted and all standards and regulations shall be followed.



Sec. 61-3-51 | Purpose.

Guidelines or comments of an advisory nature within the Plan with respect to design or other issues shall be followed to the maximum extent practicable.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-30–61-3-50. Reserved.**

**DIVISION 2. ZONING ORDINANCE TEXT AMENDMENTS**

**Sec. 61-3-51. Purpose.**

Wherever it is deemed desirable in order to meet the public need, promote the general welfare, conform with good zoning practice, and adhere to the guiding principles and intent of the Master Plan and this zoning ordinance, after report thereon by the City Planning Commission and subject to the procedures set forth in this division, the City Council may amend, repeal, or add provisions in this zoning ordinance by passage of an ordinance.

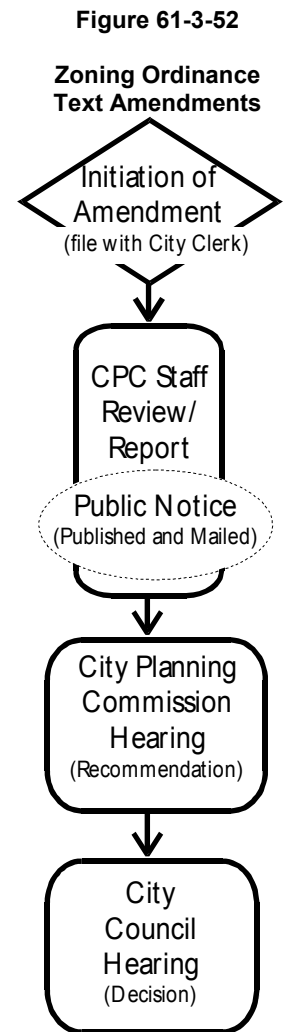
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-52. Procedure; petition filing.**

Notwithstanding the provisions of Sec. 61-3-3 of this Code, any petition for amendment of the text of this Zoning Ordinance shall be filed with the City Clerk in such form and accompanied by such information as required by the City Planning Commission. Any person may petition to amend the text of the Zoning Ordinance. (See Figure 61-3-52.)

**Sec. 61-3-53. Procedure; staff review and report.**

The City Planning Commission staff shall review each proposed Zoning Ordinance text amendment in light of the approval criteria of Sec. 61-3-59 of this Code and, as deemed necessary, distribute the application to other reviewers. Based on



Sec. 61-3-54 | Procedure; public hearings required.

the results of those reviews, the City Planning Commission staff shall provide a report to the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-54. Procedure; public hearings required.**

- (a) As provided for in the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, the City Planning Commission shall hold a public hearing on any text amendment.
- (b) As provided for in Section 4-115 of the 2012 Detroit City Charter, the City Council shall hold a public hearing on any text amendment.
- (c) The hearings shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the respective bodies shall prescribe by rule.
- (d) Any text amendment shall become effective in accordance with MCL 125.3401(6) and Section 4-118, Paragraph 3 of the 2012 Detroit City Charter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-55. Procedure; notice of public hearings.**

Notice of public hearings on Zoning Ordinance text amendments shall be published and mailed in accordance with Sec. 61-3-7 of this Code. As deemed appropriate, the City Planning Commission or City Clerk may give additional notice of the hearings.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-56. Procedure; Planning and Development Department review and recommendation.**

The Planning and Development Department is authorized to review any Zoning Ordinance text amendment and present comments and recommendations to the City Planning Commission and City Council on the proposed amendment. Where applicable, such comments and recommendations may include, but not be limited to, whether the proposed amendment is consistent with the Master Plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-57. Procedure; City Planning Commission review / recommendation.**

After holding a public hearing on the proposed Zoning Ordinance text amendments, the City Planning Commission shall review each petition for a Zoning Ordinance text amendment in light of the approval criteria of Sec. 61-3-59 of this Code, and shall recommend that the City Council approve, approve with conditions, or deny the petition.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-58 | City Council review and decision.

**Sec. 61-3-58. City Council review and decision.**

After holding a public hearing on the proposed Zoning Ordinance text amendments, the City Council shall act to approve or deny the proposed amendment, based on the approval criteria of Sec. 61-3-59 of this Code. In accordance with Section 4-108 of the 2012 Detroit City Charter, no proposed amendment shall be passed except by a majority vote of the Council members present. Where a petition for a proposed Zoning Ordinance text amendment is not acted upon by the City Council within one hundred twenty (120) days of the time of receipt of the City Planning Commission's report, it shall be deemed to have been denied, unless extended by the Council.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-59. Approval criteria; general criteria.**

Recommendations and decisions on all proposed Zoning Ordinance text amendments shall be based on the following criteria:

- (1) Whether the proposed amendment is consistent with the stated purposes of this Zoning Ordinance;
- (2) Whether the proposed amendment will protect the health, safety, or general welfare of the public; and
- (3) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-60. Approval criteria; additional land uses.**

In addition to the general approval criteria, recommendations and decisions on amendments to add specific land uses to a zoning district shall be based on whether the proposed land use may be addressed in another, more appropriate fashion.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-61. Approval criteria; additional regulations or standards.**

In addition to the general approval criteria, recommendations and decisions on Zoning Ordinance text amendments to add additional regulations or standards shall be based on the following criteria:

- (1) Whether the problem or issue the proposed amendment is intended to address may be addressed in another, more appropriate fashion; and
- (2) Whether the proposed amendment is easily enforceable.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-62–61-3-70. Reserved.**

Sec. 61-3-71 | Purpose.

### DIVISION 3. ZONING MAP AMENDMENTS (REZONINGS)

#### Sec. 61-3-71. Purpose.

Wherever it is deemed desirable in order to meet the public need, promote the general welfare, conform with good zoning practice and adhere to the guiding principles and intent of the Master Plan and this zoning ordinance, after a report thereon by the City Planning Commission and subject to the procedures set forth in this division, the City Council may amend, repeal, or add by passage of an ordinance, the district boundaries or classification of property that is established by this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-3-72. Procedures; pre-application meeting.

Applicants are encouraged to attend a pre-application meeting with the City Planning Commission and Planning and Development Department before filing a petition for amendment of a zoning map in ARTICLE XVII of this Chapter. (See Figure 61-3-72.)

(Ord. No. 11-05, §1, 5-28-05)

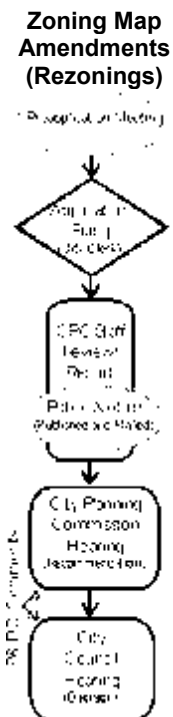
#### Sec. 61-3-73. Procedures; petition for amendment.

The City Council, the City Planning Commission, other City agencies, the property owner, or any person, firm, organization, or corporation with an interest in a property may initiate a zoning map amendment for the property. Petition for amendments of a zoning map in ARTICLE XVII of this Chapter, by parties other than City agencies, shall be filed with the City Clerk on a form that is provided by the City Planning Commission and accompanied by such information that is required by this zoning ordinance. The Clerk shall forward all petitions to the City Planning Commission and the Planning and Development Department. Community organizations that are registered with the Buildings, Safety Engineering and Environmental Department and Citizens' District Councils are authorized to petition the rezoning of any land within their boundaries.

However, a person is ineligible to apply for a rezoning where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

Figure 61-3-72



Sec. 61-3-74 | Procedures; staff review and report.

**Sec. 61-3-74. Procedures; staff review and report.**

The City Planning Commission staff shall review each proposed amendment of a zoning map in ARTICLE XVII of this Chapter in light of the approval criteria in Sec. 61-3-80 of this Code and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the City Planning Commission staff shall provide a report to the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-75. Procedures; public hearings required.**

No amendment of a zoning map in ARTICLE XVII of this Chapter shall become effective until approved as to form by the Law Department or such approval is waived by the Rules and Procedures of the City Council, and the City Planning Commission and the City Council have each held a public hearing at a time and place to be determined by the respective bodies, and the ordinance is published in accordance with Section 4-118, Paragraph 3 of the 2012 Detroit City Charter and the provisions of MCL 125.3401(6). The hearings shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the respective bodies shall prescribe by rule or bylaws.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-76. Procedures; notice of public hearings.**

Notice of a public hearing on an amendment of a zoning map in ARTICLE XVII of this Chapter shall be published, mailed, and posted in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code. As deemed appropriate, the City Planning Commission or the City Clerk may give additional notice of the hearing.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-77. Procedures; City Planning Commission review and recommendation.**

After holding a public hearing on the proposed amendment of a zoning map in ARTICLE XVII of this Chapter, the City Planning Commission shall review each petition for the amendment in light of the approval criteria in Sec. 61-3-80 of this Code and shall recommend that the City Council approve or deny the petition.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-78. Procedures; Planning and Development Department review and recommendation.**

The Planning and Development Department is authorized to review a petition for an amendment of a zoning map in ARTICLE XVII of this Chapter, and to comment on such

Sec. 61-3-79 | Procedures; City Council review and decision.

petitions to the City Planning Commission and the City Council, with particular focus upon the consistency of the petitions with the Master Plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-79. Procedures; City Council review and decision.**

After holding a public hearing on a proposed amendment of a zoning map in ARTICLE XVII of this Chapter, the City Council shall act to approve or deny the proposed amendment, based on the approval criteria of Sec. 61-3-80 of this Code. No proposed amendment shall be passed except by a majority vote of the City Council or a three-fourths (3/4) vote of the City Council where a valid protest petition has been filed (See Sec. 61-3-81). Where a petition for a proposed amendment of a zoning map in ARTICLE XVII of this Chapter is not acted upon by the City Council within one hundred twenty (120) days of the date of receipt of the City Planning Commission's report, it shall be deemed to have been denied, unless extended by the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-80. Approval criteria.**

Recommendations and decisions on an amendment of a zoning map in ARTICLE XVII of this Chapter shall be based on consideration of all of the following criteria:

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;
- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;
- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;
- (4) Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- (5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management;
- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;
- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and
- (8) Whether the proposed rezoning will create an illegal "spot zone."

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-81 | Protest petitions.

**Sec. 61-3-81. Protest petitions.**

In the event a written protest against a proposed amendment of a zoning map in ARTICLE XVII of this Chapter is duly signed: 1) by either the owners of at least twenty percent (20%) of the area of land included in the proposed change, excluding public land, or 2) the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding public land, and is presented to the City Council, through the City Clerk, before the final legislative action on the amendment, then such amendment shall not be passed except by a three-fourths (3/4) vote of the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-82.**

(Repealed.)

(Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

**Secs. 61-3-82–61-3-90. Reserved.**

**DIVISION 4. PLANNED DEVELOPMENTS**

**Sec. 61-3-91. Applicability.**

Petitions that request a rezoning to a Planned Development District classification, as described in ARTICLE XI, DIVISION 2 of this Chapter, shall be submitted in accordance with the general procedures for amendment of a zoning map in ARTICLE XVII of this Chapter which are set forth in ARTICLE III, DIVISION 3 of this Chapter. In addition, the procedures that are set forth in Sec. 61-3-92 through Sec. 61-3-95 of this Code shall be followed as appropriate to each specific case.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-92. Pre-application meeting.**

Developers in both private and urban renewal areas are advised to confer with the City Planning Commission and Planning and Development Department before investing large amounts of time and money in preparing plans and proposals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-93. Commission policy.**

The City Planning Commission shall develop a policy statement for PD plan approval to guide prospective developers in accordance with the objectives of this specialized district, and shall provide for adequate publication and circulation of this policy statement.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-94 | Procedures; for areas other than urban renewal areas.

**Sec. 61-3-94. Procedures; for areas other than urban renewal areas.**

- (a) For all areas other than an urban renewal area, all petitions that request rezoning to a Planned Development District classification shall be accompanied by a site plan, elevations, and other data which are in sufficient detail to permit the City Planning Commission to review the proposed development to the degree that is specified in the Commission regulations which are required under this section. However, a person is not eligible to apply for a rezoning to a Planned Development District classification if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.
- (b) The site plan, building elevations, and other development proposals, including proposed uses, must be reviewed by the City Planning Commission and the Planning and Development Department and approved by the City Council.
- (c) All petitions that request rezoning to a Planned Development District classification, for all areas other than urban renewal areas, shall be consistent with the Master Plan and in accordance with the provisions which are specified in ARTICLE XI, DIVISION 2 of this Chapter.
- (d) Upon approval by the City Council of the Zoning Ordinance map amendment, the site plan, building elevations, and other development proposals, including proposed uses, shall become an integral part of the Zoning Ordinance map amendment.
- (e) All approved plans and development proposals shall be filed with the City Planning Commission and the Buildings and Safety Engineering Department and recorded with the County of Wayne Register of Deeds.
- (f) Planned developments are subject to Site Plan Review as provided for in Sec. 61-3-113 of this Code.
- (g) See Figure 61-3-94.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)





Sec. 61-3-95 | Procedures; urban renewal areas.

**Sec. 61-3-95. Procedures; urban renewal areas.**

- (a) In urban renewal areas, the Land Use and Development Plan and the Declaration of Restrictions, that indicate uses, setbacks and other specifications, shall be filed with the petition for rezoning to a Planned Development District classification.
- (b) Upon approval by the City Council, the Land Use and Development Plan and the Declaration of Restrictions shall constitute the Planned Development District regulations and shall be recorded with the County of Wayne Register of Deeds.
- (c) Ultimate development of a renewal area, or parcel thereof, shall conform in all respects to the Land Use and Development Plan and Declaration of Restrictions, except as may have been authorized as a minor deviation by the Board of Zoning Appeals in accordance with Sec. 61-2-53 and Sec. 61-4-3, and, in addition, shall be subject to site plan review as described in ARTICLE III, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

**Sec. 61-3-96. Approval criteria.**

In addition to the approval criteria for Zoning Ordinance map amendments that are set forth in Sec. 61-3-80 of this Code, approvals of Planned Developments shall be based on consideration of the following criteria:

- (1) Whether the subject site:
  - (a) Covers a minimum of two (2) acres of contiguous land under the control of one (1) owner or group owners. However, upon determining that an adequate development can be accomplished on a parcel of lesser size, the City Planning Commission may waive this requirement; and
  - (b) Is capable of being planned and developed as one integral unit, except in unusual circumstances;
- (2) That no other zoning district classification would be more appropriate.
- (3) That the development will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefits would otherwise be unfeasible or unlikely to be achieved. The benefits can be accomplished through a higher quality unified design that would be required by the typical regulations of this Zoning Ordinance. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, special sensitivity to land uses in the immediate vicinity, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development;
- (4) Whether the location of the proposed Planned Development district is appropriate;
- (5) (Repealed);
- (6) Whether the proposed Planned Development substantially responds to the intent of Section 503 of the Michigan Zoning Enabling Act, being MCL 125.3503, to:

Sec. 61-3-97 | Modification of approved plans.

- (a) Permit flexibility in the regulation of land development;
  - (b) Encourage innovation in land use and variety in design, layout, and type of structures constructed;
  - (c) Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities, encourage useful open space; and
  - (d) Provide better housing, employment, and shopping opportunities that are particularly suited to the needs of the residents;
- (7) That the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities, that the natural features of the subject site have the capacity to accommodate the intended development, and that the development shall not place an unreasonable burden upon surrounding land or land owners;
- (8) That the proposed Planned Development is consistent with the Master Plan, as determined by the Planning and Development Department;
- (9) Whether uses and structures that are planned for the Planned Development district comply with all applicable site design standards and use regulations which are specified in ARTICLE XI, DIVISION 2 of this Chapter.
- (10) (Repealed)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-97. Modification of approved plans.**

All approved site plans, elevations, and other development proposals, including proposed uses, may be amended, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, minor changes may be permitted by the City Planning Commission (or its staff where consistent with its bylaws), subject to a finding that such change will not cause any of the following:

- (1) A change in character of the development; or
- (2) An increase in the ratio of gross floor area to zoning lot area in excess of five percent (5%); or
- (3) An increase in coverage by structure, unless justified by changes in other factors; or
- (4) A reduction in approved open space or off-street parking and loading space, unless justified by changes in other factors; or
- (5) The creation of, or increase in, injurious effects to land uses that are in the immediate vicinity.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

Sec. 61-3-98 | Lapse of approval.

**Sec. 61-3-98. Lapse of approval.**

The authorization for a planned development shall lapse and be of no further effect:

- (1) Upon the abandonment of a particular project that is approved under this division; or
- (2) Three (3) years from the effective date of approval of a planned development where the planned development has not been completed; or
- (3) Upon the expiration of any extension of time that is granted by the City Planning Commission.

Where one of these conditions exists, the City Council shall act to rezone the property to the zoning district classification, which existed immediately prior to the time of rezoning to planned development, or to another zoning district classification as deemed appropriate.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Secs. 61-3-99–61-3-110. Reserved.**

**DIVISION 5. SITE PLAN REVIEW**

**Subdivision A. General.**

**Sec. 61-3-111. Purpose.**

The purpose of the Site Plan Review process is to accomplish the following:

- (1) Protect the public health, safety, and welfare;
- (2) Minimize adverse effects upon pedestrian and vehicular traffic;
- (3) Ensure that design is safe, efficient, environmentally sound, aesthetically responsive, and protects properties in the immediate vicinity and the general public;
- (4) Ensure compliance with this zoning ordinance, the Master Plan, and other documents that may control development; and
- (5) Provide a consistent and uniform method of review.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-112. Necessary requisite to building permits.**

Approval of a site plan is a necessary requisite to the building permitting process for land uses which require a site plan review. Applicants who are required, but fail, to receive final site plan approval shall not be able to receive building permits from the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-113 | Applicability.

**Sec. 61-3-113. Applicability.**

Applications for proposed developments that meet any one (1) or more of the applicability criteria in this section shall be reviewed through the site plan review process. Developments that do not meet any of the applicability criteria in this section shall be reviewed by the Buildings, Safety Engineering and Environmental Department through its permitting process. However, site plan review is not required for the construction or alteration of an individual single- or two-family dwelling.

- (1) New construction that involves any one (1) of the following:
  - (a) Any new development exceeding twenty thousand (20,000) square feet of gross floor area, except that on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be fifty thousand (50,000) square feet of gross floor area; or
  - (b) Projects with multiple principal structures on one zoning lot.
  - (c) Any multiple-family residential or loft or town house development with more than twelve (12) dwelling units.
  - (d) Site Condominium developments.
  - (e) Projects in a one hundred (100) year floodplain.
  - (f) Any parking structure as defined in Sec. 61-16-151 of this Code.
  - (g) (Repealed).
- (2) Additions and/or major structural alterations that involve any of the following:
  - (a) Any development not exceeding twenty thousand (20,000) square feet of gross floor area where the addition or alteration results in a cumulative total exceeding twenty thousand (20,000) square feet of gross floor area, considering existing floor area and proposed additions, except that on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be fifty thousand (50,000) square feet of gross floor area.
  - (b) An increase of twenty-five percent (25%) or more in gross square footage to an existing building that contains more than twenty thousand (20,000) square feet of gross floor area, except that on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be fifty thousand (50,000) square feet of gross floor area.
  - (c) Projects in a one hundred (100) year floodplain.
- (3) Any development with a lot area of more than one (1) acre in cumulative total (considering existing lot area and any proposed additional lot area), except that on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be three (3) acres.

Sec. 61-3-121 | Expedited review.

- (4) Substantial changes in use within any building that has more than twenty thousand (20,000) square feet of gross floor area or of any use with a lot area of more than one (1) acre, except that on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be fifty thousand (50,000) square feet of gross floor area and three (3) acres. For purposes of site plan review, a substantial change in use is one that involves the establishment of a use from one of the major land use classifications that are set out in ARTICLE XII of this Chapter which are residential, public/civic /institutional, retail/service/commercial, manufacturing/industrial, and other, where the use immediately preceding the new use was from a different major land use classification.
  - (5) Any Conditional, Regulated, or Controlled land use and any case before the Board of Zoning Appeals as the body of first jurisdiction.
  - (6) Any use that has drive-up or drive-through facilities or a walk-up component.
  - (7) Animated signs as provided for in Sec. 61-6-71 of this Code.
  - (8) Projects within any PD, SD3, or SD5 District. However, in the SD3, and SD5 Districts, alterations to an existing structure, that do not involve additions or major structural alterations, qualify for “expedited review” as provided for in Sec. 61-3-121 of this Code.
  - (9) Projects within the SD4 District that involve the following four (4) utility uses: electric transformer station; gas regulator station; telephone exchange building; water works, reservoir, pumping station, or filtration plant.
  - (10) Projects seeking approval under the Alternative Residential Development Options provisions of ARTICLE XIII, DIVISION 3 of this Chapter.
  - (11) Urban farms and all other agricultural uses specified as a conditional use in Sec. 61-12-79 of this Code.
  - (12) Any new or newly established motor vehicle salesroom or sales lot for the sale of used vehicles.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 26-12, §1, 11-21-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-2014; Ord. No. 13-16, §1, 05-20-2016)

**Secs. 61-3-114–61-3-120. Reserved.**

**Subdivision B. Submission Requirements.**

**Sec. 61-3-121. Expedited review.**

- (a) Urban farms and other agricultural uses requiring site plan review are subject only to the submission requirements as specified in Sec. 61-3-128 of this Code.
- (b) Plans that are subject to review solely by virtue of the provisions of Sec. 61-3-113(5) and Sec. 61-3-113(6) of this Code may be expedited by review limited to the Planning and Development Department and the Buildings, Safety Engineering and Environmental Department, with the exception of urban farms and other agricultural

Sec. 61-3-122 | General information.

uses, which shall always include the City Planning Commission staff. Similarly, in the SD3, SD4, and SD5 Districts, plans which relate to alterations to an existing structure, that do not involve additions or major structural alterations, may be expedited by review limited to the Planning and Development Department or City Planning Commission staff, as appropriate. Advisory review by other such departments as is usually undertaken pursuant to Sec. 61-3-141 of this Code is not required in such cases of expedited review. The submittal requirements that apply in cases of expedited review are limited to those specified in Sec. 61-3-122, Sec. 61-3-123, Sec. 61-3-125, and Sec. 61-3-126 of this Code, with the exception of urban farms and other agricultural uses which shall meet the submittal requirements as specified in Sec. 61-3-128 of this Code only. The appropriate review body is authorized to tailor the information that is required by this subdivision to the site under consideration.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-122. General information.**

In general, site plans shall be submitted in accordance with the following; however, a person is not eligible to apply for site plan review if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment:

- (1) Drawings, with graphic written scale, are to a scale of 1" = 50' if the site is less than three (3) acres, and 1" = 100' if the site is three (3) acres or more. Unless otherwise approved, the sheet size, shall be a minimum of 24" x 36";
- (2) Title block with:
  - (a) Name, address, and telephone number of applicant;
  - (b) Name, address, telephone number, and seal with signature of architect, designer, or planner who prepared the plan. Plan should be issued for "Site Plan Approval" and dated;
  - (c) Project name;
  - (d) Project address; and
  - (e) Gross site area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

Sec. 61-3-123 | Cover sheet.

**Sec. 61-3-123. Cover sheet.**

The cover sheet of the site plan shall indicate the following:

- (1) Index of drawings;
- (2) Legal description with land area in square feet or acres. In case of a multiple-family dwelling site plan, the net usable square feet or acres of land area shall also be shown; and
- (3) Location map to scale showing:
  - (a) Site location;
  - (b) Current zoning designation of project area and properties adjacent and across any alley; and
  - (c) Major roads and railroads.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-124. Existing conditions survey.**

The existing conditions survey of the site plan shall contain the following information:

- (1) Seal and signature of land surveyor who prepared the drawing. Land surveyor must be licensed in the State of Michigan;
- (2) North arrow, legend, if applicable, with graphic and written scale;
- (3) Existing topography based on City of Detroit datum with spot elevations extending to public rights-of-way adjacent to the site;
- (4) Street and road names for all public rights-of-way or private roads, and existing on-site and off-site driveways located within one hundred (100) feet of property boundaries;
- (5) Delineate locations and boundaries of wetlands;
- (6) Locations of all lakes, streams, rivers, creeks, brooks, ponds, detention basins, and drainageways, including intermittent streams and ponds with ordinary high water marks indicated;
- (7) Location of individual or stands of trees are to be shown;
- (8) Existing utilities including water mains, sanitary sewer mains, and storm sewer, cable, electric, gas, and telephone, including easements; and
- (9) Location of all existing structures on subject parcel and all structures within one hundred (100) feet of subject parcel.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-3-125. Proposed site plan.**

The site plan shall depict or disclose the following specific information:

Sec. 61-3-125 | Proposed site plan.

- (1) North arrow, legend, if applicable, with graphic and written scale;
- (2) Property line dimensions with ties to major thoroughfares;
- (3) Declaration whether site is within, adjacent to, across an alley, across a public or private street, across a railroad right-of-way, or not within, or adjacent to, or across an alley, or across a public or private street, or across a railroad right-of-way from a City of Detroit historic district, and boundaries of any such historic district, if applicable;
- (4) General layout and dimensions of proposed physical improvements showing the following, as applicable:
  - (a) Location of all existing structures to remain or be removed, and location of all proposed structures;
  - (b) Distance between buildings;
  - (c) Front, side, and rear setbacks;
  - (d) Building footprints with square foot area indicated;
  - (e) Detail of foundations and other elements where such elements result in encroachment into the right-of-way;
  - (f) Location of storage area(s) for hazardous substances;
  - (g) Location of proposed parking and parking layout with square foot area indicated, and total number of off-street parking spaces provided;
  - (h) Streets, drives, and rights-of-way;
  - (i) Walls, fences, or greenbelts;
  - (j) General landscaped areas;
  - (k) Dumpster pad location and method of screening;
  - (l) Location of loading and servicing areas;
  - (m) Transformer location;
  - (n) All mechanical equipment located outside the structure, which includes, but is not limited to, condensing units, and roof top units;
  - (o) Pedestrian sidewalks, paths, and non-vehicle walkways;
  - (p) Locations of all signage and all sign structures;
  - (q) Proposed site lighting;



Sec. 61-3-126 | Building elevations and floor plans.

- (r) Proposed contour changes; and
- (s) Proposed cutting, clearing, or retention of existing vegetation.
- (5) Any proposed filling, draining, cutting, dredging, grading, clearing, or other alterations that are proposed for wetlands, which shall be in accordance with Part 301 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Inland Lakes and Streams*, being MCL 324.30107 through MCL 324.30113 and with Part 303 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Wetland Protection*, being MCL 324.30307 through 324.30323;
- (6) Generalized location of proposed utilities including electrical, cable, telephone, gas connections, water connections, sanitary sewer connections, and storm connections, including location and size of any retention or detention ponds, and clearly labeling all proposed and existing easements;
- (7) Street and road names for all proposed rights-of-way, proposed change in rights-of-way and private roads, and submission of project name and street names to City's Street Naming Committee for suitability;
- (8) Where phased construction is proposed, clearly delineate phases and timetable, and each phase must stand on its own regarding density, parking, and landscaping; and
- (9) Development summary:
  - (a) Allowable lot coverage versus proposed lot coverage;
  - (b) Number and dimensions of required off-street parking spaces as specified in ARTICLE XIV, DIVISION 1 of this Chapter versus proposed off-street parking spaces.
  - (c) Number and dimensions of required off-street loading spaces as specified in ARTICLE XIV, DIVISION 1 of this Chapter versus proposed off-street loading spaces.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-126. Building elevations and floor plans.**

Building elevations and floor plans shall indicate the following information:

- (1) General design concept of the appearance of proposed construction or alterations and the proposed construction materials for all façades of each building;
- (2) Building height; and
- (3) Floor plans.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

Sec. 61-3-127 | Attachments (8-1/2" x 11", bound).

**Sec. 61-3-127. Attachments (8-1/2" x 11", bound).**

The following attachments shall be provided in bound format:

- (1) Narrative to include:
  - (a) Overall description of the project in detail;
  - (b) Existing and proposed use groups for existing and proposed structures;
  - (c) Building descriptions in terms of building code construction type;
  - (d) Copies of completed applications and/or permits for all applicable state, federal, or county agencies, including, but not limited to wetlands;
  - (e) Anticipated volume of truck traffic and anticipated size of trucks regularly servicing the premises, for adequacy of turning radius on site; and
  - (f) Other statements as may be specified by the reviewing body.
- (2) Geotechnical study that is supplemented with Phase I Environmental Assessment, if necessary;
- (3) Any baseline environmental assessment or Phase I environmental assessment that may have been prepared for the subject site;
- (4) Traffic Impact Study, as provided for in ARTICLE XIV, DIVISION 4 of this Chapter, if required, that analyzes safety and efficiency of access, adequacy of driveways and internal road systems, and impact on external roads;
- (5) As may be required by the Planning and Development Department, documentation in advance, of compliance with the Operational Performance Standards, as provided for in ARTICLE XIV, DIVISION 8 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-3-128. Submittal requirements for urban farms and other agricultural uses.**

Plans for urban farms and other agricultural uses shall include the following:

- (1) Name, address, and telephone number of the applicant.
- (2) Project name.
- (3) Project address.
- (4) Gross site area.
- (5) Legal description with land area in square feet or acres.
- (6) Location map showing:
  - (a) Site location.

Sec. 61-3-128 | Submittal requirements for urban farms and other agricultural uses.

- (b) Current zoning designation of project area and properties adjacent and across any alley.
- (c) Major roads and railroads.
- (7) Existing conditions description indicating:
  - (a) Delineated locations and boundaries of wetlands.
  - (b) Locations of all lakes, streams, rivers, creeks, brooks, ponds.
  - (c) Location of all existing structures on subject parcel and all structures within one hundred (100) feet of subject parcel.
  - (d) Delineated locations of sensitive land uses such as residences, schools, churches, hospitals, convalescent homes, child care centers or child caring institutions, hotels or motels, public parks, and similar community facilities within one hundred (100) feet of the subject parcel.
- (8) A site plan that depicts or discloses the following specific information where applicable:
  - (a) Crop areas and general description of proposed crops.
  - (b) Location, description, and dimensions of proposed structures.
  - (c) Setbacks.
  - (d) Fencing or walls.
  - (e) Location of compost piles.
  - (f) Ingress and egress.
  - (g) Location of loading areas.
  - (h) Location of trash containers and/or dumpsters.
  - (i) Location of storage structures and items to be stored.
- (9) A narrative that describes the following as applicable:
  - (a) The types, methods of application, and storage of proposed pesticides, herbicides, fertilizers, and any other chemicals that will be used as part of the operation and processes.
  - (b) The type of machinery and equipment proposed or any other facet of the proposed operation, especially as regards external emissions, such as noise, vibration, smoke, odor, dust, dirt, or other externality that may be a nuisance to adjacent surrounding land uses.
  - (c) Environmental impact of the proposed operation, especially with regard to air quality, water quality, soil erosion, and sedimentation.
  - (d) Types of vehicles, hours, frequency of use, and the proposed access routes.
  - (e) Waste-handling and disposal procedures for such as manure, organic and non-organic matter, and wastewater.

Sec. 61-3-141 | Planning and Development Department.

- (f) The use of a stormwater management plan, dust management plan, soil erosion plan, and other necessary plans and procedures.
- (g) Evaluation of existing soil conditions and plans to mitigate soil issues, as necessary, and/or demonstration of how methods of cultivation and crops are protected from possible negative impacts.
- (h) The applicant's compliance with any existing land use grants at other locations, and the operation's compliance with environmental, zoning, City of Detroit Master Plan, and any other applicable regulations, plans, and policies.

(Ord. No. 10-13, §1, 04-16-13)

**Secs. 61-3-129–61-3-140. Reserved.**

**Subdivision C. Authority to Review and Approve Site Plans.**

**Sec. 61-3-141. Planning and Development Department.**

Within the following zoning districts, the Planning and Development Department shall have the power to review and approve preliminary and final site plans: R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, SD3, and SD4 with less than three (3) acres. The Buildings, Safety Engineering and Environmental Department is authorized to participate in the review of all site plans. The Planning and Development Department shall involve other such departments as deemed necessary for proper site plan review, including, but not limited to, the Recreation Department; review of agricultural uses shall also include the City Planning Commission staff, the Department of Public Works, the Detroit Water and Sewerage Department, and other departments and agencies as necessary.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-142. City Council.**

Within the following zoning districts, the City Council shall have the power to review and approve site plans, after recommendation from the City Planning Commission: PD, PC, PCA, SD4 with three (3) acres or more, and SD5. The City Planning Commission shall involve other such departments, as deemed necessary, for proper site plan review including, but not limited to, the Buildings, Safety Engineering and Environmental Department and the Recreation Department; review of agricultural uses shall also include the Planning and Development Department, the Department of Public Works, the Detroit Water and Sewerage Department, and other departments and agencies as necessary. Any preliminary site plan approval by City Council shall be indicated by the adoption of a resolution, or in the case of a PD District, by the passing of an ordinance. The City Council may delegate final site plan approval to the City Planning Commission, which shall act consistent with its bylaws (with regard to those matters reserved for itself and those matters delegated to its staff).

Sec. 61-3-151 | General.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Secs. 61-3-143–61-3-150. Reserved.**

**Subdivision D. Approval Criteria.**

**Sec. 61-3-151. General.**

The approving body, as specified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter, shall approve a site plan where the proposed development meets the criteria set forth in this subdivision. The City shall require adherence to sound planning principles, yet may allow for design flexibility in the administration of these criteria.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-152. Criteria; compliance with master plan.**

The site plan shall comply with the Detroit Master Plan to the extent the Master Plan contains applicable site standards and/or use standards for a specified geographic area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 4-01-10)

**Sec. 61-3-153. Criteria; conformance with Zoning Ordinance.**

The proposed uses and structures shall conform to the use regulations, dimensional requirements, general development standards, and any other applicable requirements of this Zoning Ordinance, except as provided for in accordance with the Variance or Administrative Adjustment procedures in ARTICLE IV.DIVISION 6 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-154. Criteria; conformance with design guidelines.**

Where applicable, such as in the PC, PCA, PD, and SD4 Districts, and in overlay areas, the proposed uses and structures shall conform to the design guidelines adopted by the Planning and Development Department or City Planning Commission, and approved by City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-155. Criteria; traffic.**

The site design shall promote a proper relationship between existing and proposed streets and highways within the vicinity:

- (1) In order to ensure the safety and convenience of pedestrian and vehicular traffic;
- (2) In order to ensure efficient traffic flow and control and the proper placement of curb cuts for ingress and egress;

Sec. 61-3-156 | Criteria; pedestrian circulation.

- (3) In order to ensure adequate turning radius for trucks and such vehicles as regularly service the site;
- (4) In order to ensure easy access in cases of fire, catastrophe, and emergency; and
- (5) So as not to create undue traffic congestion on abutting public streets.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-156. Criteria; pedestrian circulation.**

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. 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.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-157. Criteria; surroundings.**

All elements of the site:

- (1) Shall be harmoniously and efficiently designed in relation to the topography, size, and type of lot and in relation to the topography of the surrounding neighborhood; and
- (2) Shall be consistent, to the extent practicable, with the character of the adjacent sites and buildings and of the surrounding neighborhood.

(Ord. No. 11-05, §1, 5-28-05 Ord. No. 01-10, §1, 4-01-10)

**Sec. 61-3-158. Criteria; open spaces, landscaping, screening, and buffering.**

The type, dimensions, and character of open spaces, landscaping, screening, and buffering shall enhance the design, character, use, and value of the property and abutting lands.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-159. Criteria; lighting.**

As deemed necessary by the appropriate review body, the site shall provide for adequate security lighting and the applicant shall demonstrate that all reasonable measures have been taken to ensure the off-site spillover of light and nightglow are minimized to the greatest extent possible.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-160 | Criteria; aesthetics.

**Sec. 61-3-160. Criteria; aesthetics.**

To the extent practicable, the type, dimensions, and character of open spaces, landscaping, earth berms, fencing, screening, buffering, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments. Such site features shall not impede the normal and orderly operation, development or improvement of surrounding lots for uses permitted on the lots.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 4-01-10)

**Sec. 61-3-161. Criteria; exterior color.**

The use of high intensity colors, metallic colors, black or fluorescent colors shall be avoided, except as accent treatment.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-162. Criteria; utilities.**

As deemed necessary by the appropriate review body, sites shall provide for adequate utility service, including proposed water, sanitary sewer, and stormwater runoff systems to fulfill the projected needs of the development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-163. Criteria; equipment and fixtures.**

Utility and mechanical equipment and fixtures that abut a public right-of-way shall be effectively screened to the extent possible.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-164. Criteria; natural features.**

Pursuant to the requirements of this Zoning Ordinance, the natural features of the landscape shall be retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining property, or where they assist in preserving the general health, safety, and appearance of the neighborhood.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-165. Criteria; hazards.**

The applicant shall demonstrate that all reasonable precautions will be taken to prevent hazardous substances from entering the soil or water as follows:

- (1) Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and discharges to the air, ground, groundwater, lakes, streams, rivers, or wetlands, and shall be designed to comply with the

Sec. 61-3-166 | Criteria; soil.

requirements of Section 20107a of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20107a;

- (2) Secondary containment for above-ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances;
- (3) General purpose floor drains shall be allowed only where they are approved by the Detroit Water and Sewerage Department for connection to a public sewer system or an on-site closed holding tank, but not a septic system, or regulated through a State of Michigan groundwater discharge permit;
- (4) No discharges to groundwater, including direct and indirect discharges, shall be allowed except in compliance with law and, where applicable, required permits and approvals;
- (5) Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the Michigan State Police, Fire Marshal Division and the Michigan Department of Environmental Quality; and
- (6) Earth moving activities necessary to reshape land consistent with the site plan shall be in compliance with the requirements of the Natural Resources and Environmental Protection Act, being MCL 324.101 *et seq.*

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-166. Criteria; soil.**

As applicable, the applicant shall demonstrate that all reasonable measures shall be taken to minimize soil erosion and sedimentation, alteration of wetlands, and related natural features.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-167. Criteria; operational performance standards.**

The proposed development shall comply with the Operational Performance Standards of ARTICLE XIV, DIVISION 8 of this Chapter.

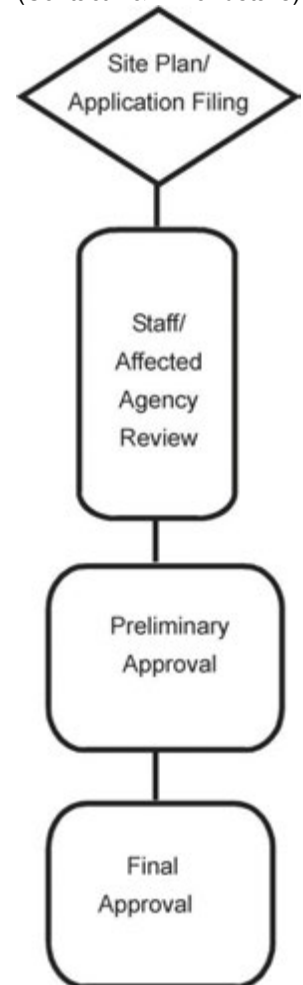
(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-168–61-3-170. Reserved.**

**Subdivision E. Site Plan Review Procedures.**

**Figure 61-3-172**

**P&DD Site Plan Review**  
(Contact P&DD for details)



\*Appeals of P&DD's decisions are heard by the BZA. Appeals must be filed within 14 days. (See Sec. 61-3-175)



Sec. 61-3-171 | Concept plan review.

**Sec. 61-3-171. Concept plan review.**

Concept plan review is an initial review of certain proposed development projects by Planning and Development Department staff that may be required of projects which involve acquisition of City-owned land and/or public funds. Concept plan review is not a required part of the site plan review process for projects not involving City-owned land and/or public funds. Submittals for concept plan review shall be made directly to the Planning and Development Department prior to the permit approval process, which begins with submittal of the permit application to the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-172. Application filing.**

Applications for site plan review shall be submitted to the Buildings, Safety Engineering and Environmental Department for review by the appropriate review body as identified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter. The reviewing body shall adopt rules and procedures governing site plan review in accordance with the requirements of this division and the 2012 Detroit City Charter. (See Figure 61-3-172.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-173. Review and action.**

- (a) The appropriate review body, as specified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter, shall approve, deny, or approve with conditions a site plan upon successful completion of technical reviews by appropriate City departments and other review agencies. Preliminary site plan approval is required prior to any public hearing at the Buildings and Safety Engineering Department for Conditional, Regulated, or Controlled Uses or for any land use before the Board of Zoning Appeals as the Body of first jurisdiction. Such action shall be duly recorded by the appropriate review body. In certain situations, site plan review may be conducted concurrently with a land use public hearing (See Sec. 61-3-216(b), Sec. 61-3-264(b), and Sec. 61-3-304(b)). A site plan shall be approved where the document contains information that is required by this zoning ordinance and is in compliance with the Zoning Ordinance and the conditions imposed under this Code, and state and federal statutes. The Buildings and Safety Engineering Department shall not alter any approved preliminary site plan without the approval of the appropriate review body.
- (b) In the event, as a result of a public hearing, it is deemed appropriate to revise an approved preliminary site plan, the Buildings and Safety Engineering Department shall not issue a permit until such revisions have been approved by the appropriate review body, as specified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter, as part of a final site plan.
- (c) Where a development proposal requires both site plan approval and a variance, the applicant shall proceed through the former process first, and seek the variance only after obtaining the necessary approval from the Planning and Development

Sec. 61-3-174 | Historic District Commission.

Department or City Council, as appropriate. This provision shall not affect the ability of the Planning and Development Department or City Council, as appropriate, to grant administrative adjustments in accordance with Sec. 61-4-82 of this Code.

- (d) Final site plan review is required after preliminary site plan approval and upon successful completion of technical reviews by relevant City departments and other review agencies to verify that all preliminary site plan review requirements have been met, and all necessary details are provided for the issuance of related permits:
  - (1) The appropriate review body, as specified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter, shall incorporate into the final site plan any modifications of the preliminary plan as deemed appropriate by the review body as a result of any public hearing at the Buildings and Safety Engineering Department or Board of Zoning Appeals;
  - (2) Where no changes have been made to the preliminary site plan, then the approval of the Planning and Development Department or City Council shall be deemed final; and
  - (3) In such cases where a preliminary site plan has been denied by the Planning and Development Department, but such denial has been overturned by the Board of Zoning Appeals on appeal, the Buildings and Safety Engineering Department shall ensure that the final site plan is consistent with the decision of the Board of Zoning Appeals.
- (e) To the extent possible, the Planning and Development Department shall convey its recommendation to the Buildings and Safety Engineering Department within two (2) weeks of any hearing.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-174. Historic District Commission.**

The appropriate review body, as specified in ARTICLE III, DIVISION 5, Subdivision C of this Chapter, shall include the Historic District Commission as part of the site plan review team where related to property within, or adjacent to, across an alley, across a public or private street, or across a railroad right-of-way from a City of Detroit historic district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-175. Appeals.**

Appeals of a denial by the Planning and Development Department on a site plan within its jurisdiction may be made to the Board of Zoning Appeals pursuant to the procedures that are contained in ARTICLE IV, DIVISION 5 of this Chapter, within fourteen (14) days of the Planning and Development Department's ruling. Appeals of any City Council decision on a site plan may not be appealed to the Board of Zoning Appeals, but shall be made to a court of competent jurisdiction as provided for by law.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

Sec. 61-3-176 | Modification of approved final site plans.

**Sec. 61-3-176. Modification of approved final site plans.**

Minor changes in approved final site plans may be made by the appropriate review body subject to a finding that such change will not cause any of the following:

- (1) A change in the character of the development; or
- (2) An increase in the ratio of gross floor area to zoning lot area in excess of five percent (5%); or
- (3) An increase in coverage by structure, unless justified by changes in other factors; or
- (4) A reduction in approved open space or off-street parking and loading space unless justified by changes in other factors; or
- (5) The creation of or increase in injurious effects to adjacent or contiguous land uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-177. Lapse of approval; extension.**

- (a) The right to develop in accordance with an approved final site plan shall lapse and be of no further effect where all development shown on the approved site plan is not complete within three (3) years of the date of site plan approval.
- (b) Prior to lapse, the applicant may request, in writing, one (1) two-year extension from the decision-making body that granted the initial approval. Extensions may be granted following a good-faith demonstration by the applicant of proof and ability to complete the development within the extended time frame.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-178–61-3-180. Reserved.**

**DIVISION 6. SPECIAL DISTRICT REVIEW**

**Sec. 61-3-181. Applicability.**

The procedures of this division shall apply to development in the PC and PCA Districts and are intended to ensure that the exterior appearance and function of any building or other development in or near the downtown Civic Center and Cultural Center are compatible with and complementary to the central urban core.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-182. Review roles.**

This Division provides for review and approval by the City Council of the exterior design, appearance and location of all development in a PC or PCA District. In addition, this Division requires that the City Planning Commission and the Planning and

Sec. 61-3-183 | Purpose of design review.

Development Department prepare a written recommendation prior to City Council action regarding any project within a PC or PCA District.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-3-183. Purpose of design review.**

Even though a project may be competently designed from the perspective of the owners and of future tenants and users, it is the duty of the City Planning Commission and the City Council to ensure that the project also conforms to the City's planning objectives and policies, complements surrounding development and the Public Center, and that any negative impacts of the project on adjacent areas and the general public are minimized.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-184. Site plan review.**

As provided for in Sec. 61-3-142 of this Code, all permit applications, related to the PC and PCA Districts that are subject to Site Plan Review, shall be reviewed by City Council, upon receipt of a recommendation from the City Planning Commission which was made in consultation with the Planning and Development Department. Permit applications related to the PC and PCA Districts, for which Site Plan Review is not applicable as provided for in Sec. 61-3-113 of this Code, shall be subject to a less extensive review as provided for in Sec. 61-3-185 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-185. Design review process.**

Whether or not site plan review is required for a project in the PC and PCA Districts, the exterior design, appearance, and location of any proposed building, or exterior alteration of any existing building, structure, or premises, or part thereof, including any exterior signs, and parking, loading or unloading areas, shall be reviewed by the City Planning Commission and the Planning and Development Department. Such review is to ensure harmony with the Public Center and for consistency with the spirit, intent, and purpose of this Chapter. Said review shall be conducted in accordance with the criteria specified for the PC District in Sec. 61-11-77 and for the PCA District in Sec. 61-11-97.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-186. Design information required for special district review and approval.**

- (a) Where special district review involves a project that is subject to site plan review, the applicant shall submit such information as is required for site plan review in DIVISION 5.Subdivision B of this article.
- (b) Where special district review involves a project that is not subject to site plan review, the applicant shall submit eleven (11) copies of preliminary architectural plans of the proposed development showing external appearance, general functions and site

Sec. 61-3-187 | Report and recommendation.

planning details. Also required for major developments is a model and/or one or more renderings of the proposed development where applicable. Such plans and maps are to be fully dimensional and must include the following information:

- (1) Survey indicating existing on-site utility easements (s) and installation location(s), public rights-of-way and any other significant features or development constraints;
- (2) Outline of subject parcel with all adjacent and abutting public right-of-way lines;
- (3) Layout and configuration of all buildings and their use presently existing on the subject parcel as well as those within 100 feet of the subject parcel;
- (4) Layout and configuration of all proposed buildings and existing buildings to remain on the subject parcel and their uses;
- (5) Layout and configuration of proposed parking area(s), access road(s), and screening, as well as vehicular and pedestrian circulation patterns within and adjacent to the site;
- (6) Sign location(s) and detail(s);
- (7) Landscaping plan indicating caliper (existing caliper or caliper at time of planting), species and location of such, and indicating which are existing and which are to-be planted;
- (8) Location and design of street furniture, outdoor lighting fixtures, landscape structures, artwork, and/or other amenities;
- (9) Location of alleys and/or streets to be vacated and/or dedicated;
- (10) Location of all outside trash or rubbish storage areas, loading and servicing areas and mechanical and electrical equipment;
- (11) Location and type of any walls, fences or other barricades;
- (12) Major elevations and plans of all proposed building(s), indicating the exterior materials to be used, architectural features, colors and textures;
- (13) Any other information needed to demonstrate compliance with the design criteria listed herein.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-187. Report and recommendation.**

A written report shall be forwarded by the City Planning Commission and Planning and Development Department to the City Council recommending approval or disapproval of the permit application and recommending any changes that are deemed necessary to ensure conformity with the spirit, intent, and purpose of the PC or PCA District. In each case, the City Council shall approve, disapprove, or adjust said recommendation through adoption of a resolution. Advertising signs shall not be permitted in any PC or PCA District.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-188–61-3-200. Reserved.**

Sec. 61-3-201 | Purpose.

## **DIVISION 7. CONDITIONAL USES**

### **Subdivision A. General.**

#### **Sec. 61-3-201. Purpose.**

In the development and execution of this Zoning Ordinance, it is recognized there are some uses that, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring uses. Review of dimensional requirements, location, construction, development, and operation of each use is necessary to ensure compatibility with the surrounding neighborhood.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-3-202. General.**

The provisions of this division for “conditional land uses” are established pursuant to the authority granted in Section 502 of the Michigan Zoning Enabling Act, being MCL 125.3502, for “special land uses.” Conditional land uses are identified in the use lists of the several zoning districts referenced in Articles VIII, IX, X, and XI of this Chapter. Conditional Uses are further identified in the Use Table that is found in ARTICLE XII, DIVISION 1 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

#### **Sec. 61-3-203. Hearing officer.**

The Buildings and Safety Engineering Department shall appoint a hearing officer with significant land use/urban planning qualifications to review conditional land use grant applications and make recommendations on such applications to the Director of the department. For purposes of this section, “significant land use/urban planning qualifications” shall mean: the receipt of a graduate-level degree in urban planning or a related field; or at least ten (10) years experience in a City or County agency, or acting as a consultant to a government agency in a position involving continuing responsibility for land use and zoning matters.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-3-204. Conditional uses originally established by right.**

In the event of expansion or intensification, uses established by right that are now listed as conditional in a given zoning district shall be subject to the provisions of this division. “Intensification of use” is defined in Sec. 61-16-112 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

Sec. 61-3-211 | Pre-application meeting.

**Secs. 61-3-205–61-3-210. Reserved.**

**Subdivision B. Procedure.**

**Sec. 61-3-211. Pre-application meeting.**

Applicants may request a pre-application meeting with the Buildings and Safety Engineering Department before filing an application for a conditional land use grant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-212. Initiation of application and application filing.**

Any person who owns or has an interest in the subject property may file an application to use or occupy such land as a Conditional Use in the zoning district where the land is situated. Such application shall be filed with the Buildings and Safety Engineering Department, together with tentative plans including, but not limited to, site plans, floor plans, and elevations as provided for in ARTICLE III, DIVISION 5, Subdivision B of this Chapter. However, a person is ineligible to apply for a Conditional Use where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-213. Procedure.**

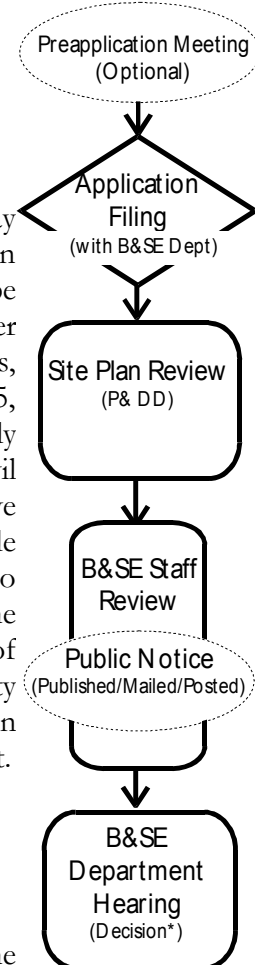
Upon receipt of an application for a conditional land use grant, the Buildings and Safety Engineering Department shall:

- (1) Conduct necessary field inspections, surveys, and investigations;
- (2) Prepare maps, charts, or other pictorial materials;
- (3) Hold necessary hearings; and
- (4) Otherwise process said application according to the procedures of this subdivision in order to arrive at a proper decision. (See Figure 61-3-213.)

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-3-213**

**Conditional Uses**



\* Appeals of B&SE's decisions are heard by the BZA. Appeals must be filed within 14 days.

Sec. 61-3-214 | Public hearings required.

**Sec. 61-3-214. Public hearings required.**

No conditional land use shall be granted until the Buildings and Safety Engineering Department has held a public hearing at a time and place to be determined by the department. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the department shall prescribe by rule.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-215. Notice of public hearings.**

Notice of public hearings on conditional land use proposals shall be published, mailed, and posted in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code, not less than fifteen (15) days before the date of the public hearing. As deemed appropriate, the Buildings and Safety Engineering Department may give additional notice of the hearing. Additionally, the Buildings and Safety Engineering Department shall provide notice of conditional land use hearings to City Council.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-09, §1, 8-21-09)

**Sec. 61-3-216. Role of the Planning and Development Department.**

- (a) As specified in Sec. 61-3-113(5) of this Code, applications for a conditional land use grant require preliminary approval of a site plan by the Planning and Development Department.
- (b) Except in cases of “Expedited Review,” as provided for in Sec. 61-3-121 of this Code, the public hearing required for a conditional land use grant shall not take place until the Planning and Development Department or City Council, as appropriate, has approved the preliminary site plan. In an “expedited review” case, the site plan review may be conducted concurrently with the conduct of the land use hearing.
- (c) A representative of the Planning and Development Department is authorized to be present at all hearings on conditional land use grants and to make recommendations on the same at the Buildings and Safety Engineering Department and, when such cases are appealed, at the Board of Zoning Appeals, and to make recommendations on the same.
- (d) In Conditional Use cases that do not involve an advisory committee which is specified in ARTICLE II, DIVISION 7 of this Chapter, the Planning and Development Department shall have fifteen (15) business days following the public hearing to submit a recommendation to the Buildings and Safety Engineering Department with regard to the land use, apart from matters related to revisions to approved preliminary site plan. Failure to submit a recommendation in a timely fashion shall be deemed to be approval by the Planning and Development Department.



Sec. 61-3-217 | Role of City Council.

- (e) Planning and Development Department approval of a final site plan is required before the Buildings and Safety Engineering Department issues any zoning grant for a Conditional Use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-217. Role of City Council.**

- (a) The City Council generally has no role in the approval of Conditional Uses. However, in the PC and PCA Districts, some uses are listed as conditional. Because of its site plan review responsibility, City Council approval of a preliminary site plan is required prior to the Buildings and Safety Engineering Department issuance of a zoning grant.
- (b) Similarly, in the SD4 District, City Council's review and approval are required, but limited to large sites which occupy at least three (3) acres in area.
- (c) In cases eligible for "expedited review," City Planning Commission staff may review the site plan with the Buildings and Safety Engineering Department at the time of the hearing and in the same manner as done by the Planning and Development Department for Conditional Use cases in other zoning districts. However, the issuance of a zoning grant by the Buildings and Safety Engineering Department in cases of "expedited review" shall be contingent upon, and subsequent to, City Council formal action to approve the preliminary site plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-218. Review and decision.**

- (a) The Buildings and Safety Engineering Department shall review the application and, based upon the approval criteria of ARTICLE III, DIVISION 7, Subdivision C of this Chapter and the recommendation of the Planning and Development Department and of the Buildings and Safety Engineering Department hearing officer, act to approve, approve with conditions, as provided for in Sec. 61-3-241(b) of this Code, or deny the application for a conditional land use grant.
- (b) The decision made by the Buildings and Safety Engineering Department shall be incorporated in a statement of findings and conclusions relative to conditional use which specifies the basis for the decision, and any conditions imposed. The Buildings and Safety Engineering Department may require proof of correction of any violations or deficiencies prior to the approval of any zoning grant. In the event a Conditional Use is being approved contingent on revisions to an approved preliminary site plan, the zoning grant shall include a condition requiring that the applicant secure the approval of the Planning and Development Department or City Council, as appropriate, on a final site plan prior to issuance of a permit by the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-219. Approval plus variance.**

Where a development proposal requires both a conditional land use grant and also a variance, the applicant shall proceed through the former process first, and shall seek the variance only after obtaining the necessary approval from the Buildings and Safety

Sec. 61-3-220 | Expansion or intensification of Conditional Uses.

Engineering Department. This provision shall not affect the ability of the appropriate review body to grant administrative adjustments, pursuant to ARTICLE IV, DIVISION 6 of this Chapter. Where a variance is required for a Conditional Use prior to issuance of a permit, the Buildings and Safety Engineering Department shall specify in any decision which approves the land use that final approval is contingent on the granting of the appropriate variance by the Board of Zoning Appeals. However, the Board of Zoning Appeals may not alter any approved preliminary site plan.

In the event a Conditional Use decision of the Buildings and Safety Engineering Department is appealed to the Board of Zoning Appeals, the Board shall first decide whether to affirm or reverse the Conditional use decision of the Buildings and Safety Engineering Department before considering a variance issue.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-3-220. Expansion or intensification of Conditional Uses.**

A public hearing shall be required in any instance involving the expansion or intensification of a use listed as a “Conditional Use” whether or not the use was established with benefit of a zoning grant. An intensification of the conditional land use shall be deemed to have occurred when a Conditional Use adds a matter of right use to its operation. “Intensification of use” is defined in Sec. 61-16-112 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Secs. 61-3-221–61-3-230. Reserved.**

**Subdivision C. Approval Criteria / Findings of Fact.**

**Sec. 61-3-231. General approval criteria.**

No Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the following general findings is made:

- (1) The establishment, maintenance, location, and operation of the proposed Conditional Use will not be detrimental to or endanger the social, physical, environmental or economic well being of surrounding neighborhoods, or aggravate any preexisting physical, social or economic deterioration of surrounding neighborhoods; and
- (2) The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted; and
- (3) The Conditional Use will not substantially diminish or impair property values within the neighborhood; and
- (4) The Conditional Use shall not be inconsistent with the goals and objectives of the City of Detroit Master Plan; and

Sec. 61-3-231 | General approval criteria.

- (5) The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Plans for such development and improvement shall be evidenced in a written or published community plan, development plan, cluster board plan, or similar document; and
- (6) Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided; and
- (7) The Conditional Use will be compatible with the capacities of public services and public facilities that are affected by the proposed use; and
- (8) The Conditional Use will be compatible with land uses on adjacent and nearby zoning lots in terms of location, size, and character. For purposes of this section, “nearby zoning lots” shall mean those lots on the same side of the same block face as the subject property; and
- (9) The Conditional Use will not hinder or have a detrimental effect upon vehicular turning patterns, ingress/egress, traffic flow, nearby intersections, traffic visibility and the clear vision triangle, and other vehicular and pedestrian traffic patterns in the vicinity; and
- (10) The Conditional Use will in all other respects conform to the applicable use regulations, dimensional requirements, general development standards, and any other applicable requirement of this Zoning Ordinance. In the event a dimensional or other variance is needed, the Buildings and Safety Engineering Department may approve the Conditional Use contingent on approval of the needed variance from the Board of Zoning Appeals as provided for in Sec. 61-3-219 of this Code; and
- (11) The Conditional Use is consistent with any approved preliminary site plan; and
- (12) The Conditional Use is so designed, located, planned, and to be operated so that the public health, safety, and welfare will be protected; and
- (13) The Conditional Use shall not involve activities, processes, materials, equipment or conditions of operation that will be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, glare, or odors; and
- (14) The Conditional Use is consistent with and promotes the intent and purpose of this Chapter; and
- (15) Where a public, civic, or institutional use (See ARTICLE XII, DIVISION 1, Subdivision C) is proposed on land zoned industrial, the impacts of the normal operations that are allowed in the district, including noise, smoke, fumes, glare, and odor, shall not adversely affect the employees, patrons, or users of the proposed public, civic, or institutional facility.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-232 | Other approval criteria.

**Sec. 61-3-232. Other approval criteria.**

In addition to complying with the general approval criteria set forth in this subdivision, the proposed Conditional Use shall comply with any special conditions set forth in the following:

- (1) The Use Regulations for the specific use that is involved as specified in ARTICLE XII of this Chapter;
- (2) The Zoning District regulations where the property is located;
- (3) Any Historic District regulations that are applicable to the property; and
- (4) Any Development Plan regulations that are applicable to the property; and
- (5) Any state or federally mandated requirement for a “contaminated property,” which is defined as a “facility” pursuant to Section 20101(1)(o) of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.20101(1)(o).

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-233–61-3-240. Reserved.**

**Subdivision D. Conditions, Appeals, Denials, and Lapses of Approval.**

**Sec. 61-3-241. Conditions, guarantees, and modifications.**

- (a) Prior to the Buildings, Safety Engineering and Environmental Department granting approval for any Conditional Use, the appropriate review body may modify any requirements or standards pursuant to the provisions for administrative adjustments set forth in ARTICLE IV, DIVISION 6 of this Chapter.
- (b) The Buildings, Safety Engineering and Environmental Department, or the Board of Zoning Appeals upon appeal, may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the Conditional Use as may be necessary, in its judgment, for the protection of the public interest, health, safety, welfare and environment, and to secure compliance with the approval criteria of ARTICLE III, DIVISION 7, Subdivision C of this Chapter.
- (c) To ensure compliance with this zoning ordinance and any conditions imposed under this Chapter, the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals, as applicable, may require a performance guarantee, as provided for in ARTICLE XIV, DIVISION 8 of this Chapter, to ensure faithful completion of improvements associated with the project. (See definition of “improvements” in ARTICLE XVI, DIVISION 2, Subdivision J.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

Sec. 61-3-242 | Appeals of Buildings and Safety Engineering Department decision

**Sec. 61-3-242. Appeals of Buildings and Safety Engineering Department decision**

Appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department's decision on the matter in accordance with the provisions of Sec. 61-4-73 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-243. Appeals of Board of Zoning Appeals decision.**

Any decision of the Board of Zoning Appeals may be appealed as specified in the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, and in the Michigan Court Rules.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-244. Effect of denial.**

No application for a Conditional Use which has been denied wholly or in part by the Buildings and Safety Engineering Department or the Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions which are found to be valid by the Buildings and Safety Engineering Department or the Board.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-245. Lapse of approval.**

- (a) In any case where a permit for a Conditional Use has not been obtained within six (6) months after the granting of said use, the grant shall be null and void without further action by the Buildings and Safety Engineering Department or the Board.
- (b) However, the Buildings and Safety Engineering Department, or where applicable, the Board of Zoning Appeals, may extend, without further public hearing, said six (6) month deadline for no more than twelve (12) months beyond the expiration date of the original six (6) months. Where this extension expires, no additional extension shall be authorized, unless a new application has been filed and a further public hearing has been held. Notwithstanding the preceding, no such extension may be considered in the case of a land use that was unlawfully established or expanded and that was subsequently legalized as a result of a conditional land use hearing.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-246. Reconstruction of damaged properties.**

Nothing in this zoning ordinance shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure that is damaged by fire, collapse, explosion, or Act of God, which use requires the approval of the Buildings and Safety Engineering Department, provided, that the expense of such reconstruction does not

Sec. 61-3-247 | Structures, accessory to Conditional Uses.

exceed sixty percent (60%) of the assessed valuation of the building or structure at the time such damage occurred. Where the reconstruction, repair, or rebuilding of any such use exceeds such expense, the use may be re-established only upon the approval of the Buildings and Safety Engineering Department, subsequent to a public hearing, provided, that the re-established use complies with the use regulations of ARTICLE XII of this Chapter and the general development standards of ARTICLE XIV of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-247. Structures, accessory to Conditional Uses.**

- (a) Structures that are damaged or destroyed by fire, collapse, explosion, or Act of God, and that are accessory to nonresidential Conditional Uses, shall be subject to the same provisions that apply to principal structures as provided for in Sec. 61-3-246 of this Code.
- (b) Structures that are damaged or destroyed or demolished and that are accessory to residential Conditional Uses may be reconstructed or repaired without need for a Conditional Use public hearing, provided, that the reconstructed accessory structure does not exceed the gross floor area of the damaged or destroyed or demolished structure.
- (c) Structures that are damaged or destroyed or demolished, that are accessory to residential Conditional Uses, and that upon reconstruction or repair will exceed the gross floor area of the damaged or destroyed or demolished structure, shall be deemed an expansion of a Conditional Use subject to the provisions of Sec. 61-3-220 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-248–61-3-250. Reserved.**

**DIVISION 8. REGULATED USES**

**Subdivision A. General**

**Sec. 61-3-251. Purpose.**

In the development and execution of this Zoning Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and to prevent a concentration of these uses in any one area.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-252 | Spacing requirements.

**Sec. 61-3-252. Spacing requirements.**

Regulated uses are subject to the following spacing requirements:

- (1) To prevent the over-concentration of Regulated Uses in a given area, not more than two (2) Regulated Uses may be established within a one thousand (1,000) foot radius;
- (2) To prevent the over-concentration of Regulated Uses and Adult Uses in a given area, a Regulated Use shall not be established within a one thousand (1,000) foot radius of any two (2) Adult Uses or within a one thousand (1,000) foot radius of any one (1) Adult Use and any one (1) Regulated Use; and
- (3) It shall be unlawful to establish any public dance hall or pawnshop within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, residential PD, SD1, SD2, or SD4.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 4-01-10)

**Sec. 61-3-253. List of Regulated Uses.**

The following use types shall be considered “Regulated Uses” under this zoning ordinance:

- (1) Brewpub outside the Central Business District and SD2 District and microbrewery outside the Central Business District and SD2 District and small distillery outside the Central Business District and SD2 District that serve alcohol for consumption on the premises; however, such brewpubs, microbreweries, and small distilleries that operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Sec. 61-16-162 of this Code shall not be considered “Regulated Uses;”
- (2) Cabaret, outside the Central Business District and SD5 District;
- (3) Dance hall, public, outside the Central Business District;
- (4) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and outside the SD1, SD2 and SD5 Districts; however, such establishments that operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Sec. 61-16-162 of this Code shall not be considered “Regulated Uses;”
- (5) (Repealed);
- (6) Lodging house, public;
- (7) Motel;
- (8) Pawnshop;
- (9) Plasma donation center; and
- (10) Secondhand store and Secondhand jewelry store (outside the M1, M2, M3, and M4 Districts).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 4-01-10; Ord. No. 06-13, §1, 3-20-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)

Sec. 61-3-254 | Nonconforming uses and Regulated Uses.

**Sec. 61-3-254. Nonconforming uses and Regulated Uses.**

Consistent with the provisions of Sec. 61-15-20 of this Code, the Board of Zoning Appeals shall not consider any change of nonconforming use to a Regulated Use on land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-255–61-3-260. Reserved.**

**Subdivision B. Procedure.**

**Sec. 61-3-261. General.**

- (a) Application to establish any of the above-Regulated Uses shall be made to the Buildings, Safety Engineering and Environmental Department. (See Figure 61-3-261.) However, a person is ineligible to apply for a Regulated Use where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.
- (b) The Buildings, Safety Engineering and Environmental Department shall not approve any such request where there are already in existence two (2) or more Regulated Uses within one thousand (1,000) feet of the boundaries of the site of the proposed Regulated Use, except as provided for through the waiver provisions set forth in Article III, Division 8, Subdivision C of this Chapter. (See Sec. 61-12-87 for more information on spacing requirements in the City.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-262. Public hearings (as required).**

Where a public hearing is required for approval in a given zoning district, no approval of a Regulated Use shall be issued until the Buildings and Safety Engineering Department has held a public hearing at a time and place to be determined by the department. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the department shall prescribe by rule. The Planning and Development Department is authorized to attend all Regulated Use hearings at the

**Figure 61-3-261  
Regulated Uses**





Sec. 61-3-263 | Notice of public hearings.

Buildings and Safety Engineering Department and, when such cases are appealed, at the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-263. Notice of public hearings.**

- (a) Notice of public hearings on Regulated Uses shall be published, mailed and posted, in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code, not less than fifteen (15) days before the date of the public hearing. As deemed appropriate, the Director of the Buildings and Safety Engineering Department may give additional notice of the hearing.
- (b) Notice of public hearings shall state that an application for a Regulated Use has been received. In addition, notice shall state whether waiver of any spacing requirements has been requested pursuant to ARTICLE III, DIVISION 8, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-264. Role of the Planning and Development Department.**

- (a) Applications to establish a Regulated Use require approval of a preliminary site plan by the Planning and Development Department.
- (b) Except as provided for in Sec. 61-3-121 of this Code, the public hearing required for a Regulated Use proposal shall not take place until the Planning and Development Department or City Council, as appropriate, has approved the preliminary site plan. In “expedited review” cases, the site plan review may be conducted concurrently with the conduct of the land use hearing.
- (c) A representative of the Planning and Development Department is authorized to be present at all hearings on Regulated Use proposals at the Buildings and Safety Engineering Department and, when such cases are appealed, at the Board of Zoning Appeals, and to make recommendations on the same.
- (d) In Regulated Use cases, the Planning and Development Department shall have fifteen (15) business days following the public hearing to submit a recommendation to the Buildings and Safety Engineering Department with regard to the land use, apart from matters related to revisions to approve preliminary site plan. Failure to submit a recommendation in a timely fashion shall be deemed to be approval by the Planning and Development Department. Planning and Development Department approval of a final site plan is required before the Buildings and Safety Engineering Department issues any zoning grant for a Regulated Use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-265. Review and decision.**

- (a) The Buildings and Safety Engineering Department shall review any application for a Regulated Use and the recommendation of the Planning and Development Department with regard to such use. The department shall approve, approve with

Sec. 61-3-266 | Approval plus variance.

conditions, or deny the application for a Regulated Use grant. The department's decision shall specify the basis for the decision and any conditions imposed.

- (b) The department shall not approve any Regulated Use where the proposed use would violate the spacing requirements of Sec. 61-3-261 of this Code, unless the department reviews the application and grants a waiver of the spacing requirements as provided for in ARTICLE III, DIVISION 8, Subdivision C of this Chapter.
- (c) The Buildings and Safety Engineering Department may require proof of correction of any violations or deficiencies prior to the approval of any zoning grant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-266. Approval plus variance.**

Where a permit application requires both a Regulated Use grant and also a variance, the applicant shall proceed through the former process first, and shall seek the variance only after obtaining the necessary approval from the Buildings and Safety Engineering Department. This provision shall not affect the ability of the appropriate review body to grant administrative adjustments, pursuant to ARTICLE IV, DIVISION 6 of this Chapter. Where a variance is required for a Regulated Use prior to issuance of a permit, the Buildings and Safety Engineering Department shall specify in any decision which approves the land use that final approval is contingent on the granting of the appropriate variance by the Board of Zoning Appeals.

In the event a Regulated Use decision of the Buildings and Safety Engineering Department is appealed to the Board of Zoning Appeals, the Board shall first decide whether to affirm or reverse the Regulated Use decision of the Buildings and Safety Engineering Department before considering a variance issue.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Secs. 61-3-267–61-3-270. Reserved.**

**Subdivision C. Waiver of Spacing Restrictions.**

**Sec. 61-3-271. Waiver of spacing requirement from other Regulated Uses.**

After receiving a report from the Planning and Development Department, the Board of Zoning Appeals shall waive the spacing requirement for any proposed Regulated Use as a locational variance where all the following findings are made subsequent to a public hearing:

- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Zoning Ordinance will be observed; and
- (2) The proposed use will not enlarge or encourage the development of a “skid row” area, being a corridor of blight and deterioration; and

Sec. 61-3-272 | Waiver of spacing requirement from land zoned residential.

- (3) The establishment of an additional Regulated Use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal; and
- (4) The general approval criteria for variances, as provided for in Sec. 61-4-81 of this Code, have been met; and
- (5) All other applicable regulations of this Zoning Ordinance will be observed.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-272. Waiver of spacing requirement from land zoned residential.**

The prohibition of the establishment of any public dance hall or pawnshop within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location:

- (1) The Buildings and Safety Engineering Department shall adopt rules and regulations that govern the procedure for securing the petition provided for in this section. The rules shall provide that the circulator of the petition requesting a waiver shall be at least eighteen (18) years of age and shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Buildings and Safety Engineering Department, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon;
- (2) The Buildings and Safety Engineering Department shall not consider the waiver of spacing requirements until the petition, that is described in Subsection (1) of this section, where required, shall have been filed and verified. (See also Sec. 61-12-85);
- (3) Failure to obtain signatures from the required two-thirds (2/3) of eligible persons means that no hearing may be held by the Buildings and Safety Engineering Department or by the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, 4-01-10)

**Sec. 61-3-273. Petitions before the Board of Zoning Appeals.**

Where the Board of Zoning Appeals hears a Regulated Use case as the first body of jurisdiction, such as for nonconforming uses, the following provisions shall apply:

- (1) The applicant must circulate any petition of consent required under Sec. 61-3-272 of this Code. However, failure by the applicant to obtain signatures from two-thirds (2/3) of eligible persons shall not prevent the hearing from being held; and
- (2) The actual percentage of signatures of consent that is obtained from the circulation of said petition shall be reported to the Board of Zoning Appeals and shall be considered as advisory to the Board.

Sec. 61-3-281 | General approval criteria.

For purposes of this Chapter, first body of jurisdiction refers to that body which has the authority to approve or deny a use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-3-274–61-3-280. Reserved.**

**Subdivision D. Approval Criteria, Conditions and Guarantees, Appeals, Denials, Lapse of Approval.**

**Sec. 61-3-281. General approval criteria.**

No Regulated Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, except in accordance with the following criteria:

- (1) The approval criteria are specified in Sec. 61-3-231 of this Code for any Regulated Use that is permitted on a conditional basis in a given zoning district;
- (2) The Use Regulations for the specific use involved as specified in ARTICLE XII of this Chapter;
- (3) The Zoning District regulations where the property is located;
- (4) Any Historic District regulations that are applicable to the property; and
- (5) Any Development Plan regulations that are applicable to the property.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-282. Conditions and guarantees.**

- (a) Certain modifications of numeric standards for Regulated Uses may be granted in accordance with Sec. 61-4-82 of this Code.
- (b) The Buildings and Safety Engineering Department, or the Board of Zoning Appeals upon appeal, may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the Regulated Use as may in its judgment be necessary for the protection of the public interest, health, safety, welfare and environment, and to secure compliance with the approval criteria in Sec. 61-3-281 of this Code.
- (c) To ensure compliance with this zoning ordinance and any conditions that are imposed under the ordinance, the Buildings and Safety Engineering Department or the Board of Zoning Appeals, as applicable, may require a performance guarantee, as provided for in ARTICLE XIV, DIVISION 8 of this Chapter to ensure faithful completion of improvements associated with the project. (See definition of “improvements” in ARTICLE XVI, DIVISION 2, Subdivision J.)
- (d) *Modifications.* A request for changes in conditions of approval of a Regulated Use, or a change to development plans that would affect a condition of approval, shall be processed in the same manner as the original application.

Sec. 61-3-283 | Appeals of Buildings and Safety Engineering Department decision.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-283. Appeals of Buildings and Safety Engineering Department decision.**

Appeals of decisions by the Buildings and Safety Engineering Department on Regulated Use permit applications shall be made to the Board of Zoning Appeals within fourteen (14) days of the date of the department's decision on the matter in accordance with the provisions of Sec. 61-4-73 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-284. Appeals of Board of Zoning Appeals decision.**

Any decision of the Board of Zoning Appeals may be appealed as specified in the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, and in the Michigan Court Rules.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-285. Effect of denial.**

No application for a Regulated Use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-286. Lapse of approval.**

- (a) In any case where a permit for a Regulated Use has not been obtained within six (6) months after the granting of said use, the grant shall be null and void without further action by the Buildings and Safety Engineering Department or the Board of Zoning Appeals.
- (b) However, the Buildings and Safety Engineering Department or, where applicable, the Board of Zoning Appeals may extend, without further public hearing, said six (6) month deadline for no more than twelve (12) months beyond the expiration date of the original six (6) months. Where this extension expires, no additional extension shall be authorized, unless a new application has been filed and a further public hearing has been held. Notwithstanding the preceding, no such extension may be considered in the case of a land use that was unlawfully established or expanded and that was subsequently legalized as a result of a regulated land use hearing.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-287–61-3-290. Reserved.**

Sec. 61-3-291 | Purpose.

## DIVISION 9. CONTROLLED USES

### Subdivision A. General.

#### **Sec. 61-3-291. Purpose.**

In the development and execution of this Zoning Ordinance, it is recognized that the leisure time and service uses categorized may contribute to the viability of surrounding neighborhoods where the placement of such land uses is controlled. However, it is recognized that the concentration of certain leisure time or service uses within a given area may produce a deleterious effect on neighboring properties, and often leads to loitering, crowding, littering, traffic congestion, parking shortages, noise, and security problems. The purpose of the Controlled Use category is to disperse the Controlled Uses listed in Sec. 61-3-292 of this Code and to prevent their concentration, especially near residentially zoned areas, in order to achieve a more even distribution of said uses and to provide all segments of the population with more equitable access to them.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-3-292. List of Controlled Uses.**

The following land uses shall be considered “Controlled Uses” under this zoning ordinance:

- (1) Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts;
- (2) Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments; and
- (3) Pool and billiard halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-3-293. Spacing requirements.**

No Controlled Use shall be permitted to locate:

- (1) Within five hundred (500) radial feet from a residentially zoned area (R1, R2, R3, R4, R5, R6 or residential PD District); or
- (2) Within two thousand (2,000) radial feet of two (2) other legally established Controlled Uses; or
- (3) Within five hundred (500) radial feet of a school site.

(See Sec. 61-12-87 for more information on spacing requirements in the City.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-294 | Nonconforming uses and Controlled Uses.

**Sec. 61-3-294. Nonconforming uses and Controlled Uses.**

Consistent with the provisions of Sec. 61-15-20 of this Code, the Board of Zoning Appeals shall not consider any change of nonconforming use to a Controlled Use.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-295–61-3-300. Reserved.**

**Subdivision B. Procedure.**

**Sec. 61-3-301. Initiation of application for Controlled Use.**

As provided for in this zoning ordinance, any person who owns or has an interest in the subject property may file an application to use or occupy the property as a Controlled Use in the zoning district where the land is situated. Such application shall be filed with the Buildings, Safety Engineering and Environmental Department together with tentative plans including, but not limited to, site plans, floor plans, elevations, and any other data prescribed and needed by the Buildings, Safety Engineering and Environmental Department. (See Figure 61-3-301.) However, a person is ineligible to apply for a Controlled Use where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

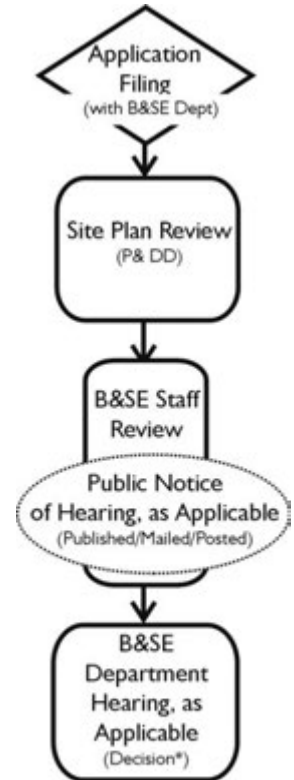
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-3-302. Public hearings (as required).**

Where a public hearing is required for approval in a given zoning district, no approval of a Controlled Use shall be issued until the Buildings and Safety Engineering Department has held a public hearing at a time and place to be determined by the department. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the department shall prescribe by rule. The Planning and Development Department is authorized to attend all Controlled Use hearings at the Buildings and Safety Engineering Department and, when such cases are appealed, at the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-3-301  
Controlled Uses**



\*Appeals of BS&E's decisions are heard by the BZA. Appeals must be filed within 14 days.

Sec. 61-3-303 | Notice of public hearings.

**Sec. 61-3-303. Notice of public hearings.**

- (a) Notice of public hearings on Controlled Uses shall be published, mailed and posted, in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code, not less than fifteen (15) days before the date of the public hearing. The Buildings and Safety Engineering Department shall give additional notice of the hearing as it deems necessary. (See Figure 61-3-301.)
- (b) Notice of public hearings shall state that an application for a Controlled Use has been received. In addition, notice shall state whether waiver of any spacing requirements has been requested pursuant to ARTICLE III, DIVISION 9, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-304. Role of the Planning and Development Department.**

- (a) As specified in Sec. 61-3-113(5) of this Code, applications for a controlled land use grant require preliminary approval of a site plan by the Planning and Development Department.
- (b) Except in cases of “Expedited Review,” as provided for in Sec. 61-3-121 of this Code, the public hearing required for a Controlled Use shall not take place until the Planning and Development Department has approved the preliminary site plan.
- (c) A representative of the Planning and Development Department is authorized to be present at all hearings on controlled land use proposals at the Buildings and Safety Engineering Department and, when such cases are appealed, at the Board of Zoning Appeals, and to make recommendations on the same.
- (d) In Controlled Use cases, the Planning and Development Department shall have fifteen (15) business days following the public hearing to submit a recommendation to the Buildings and Safety Engineering Department with regard to the land use, apart from matters which relate to revisions to approve preliminary site plan. Failure to submit a recommendation in a timely fashion shall be deemed to be approval by the Planning and Development Department. Planning and Development Department approval of a final site plan is required before the Buildings and Safety Engineering Department issues any zoning grant for a Controlled Use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-305. Review and decision.**

- (a) The Buildings and Safety Engineering Department shall review any application for a Controlled Use and the recommendation of the Planning and Development Department with regard to such use. The department shall approve, approve with conditions, or deny the application for a Controlled Use grant. The department’s decision shall specify the basis for the decision and any conditions imposed.
- (b) The department shall not approve any Controlled Use where the proposed use would violate the spacing requirements in Sec. 61-3-293 of this Code, unless the department



Sec. 61-3-306 | Approval plus variance.

reviews the application and grants a waiver of the spacing requirements as provided for in Article III, Division 9, Subdivision C of this Chapter.

- (c) The Buildings and Safety Engineering Department may require proof of correction of any violations or deficiencies prior to the approval of any zoning grant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-306. Approval plus variance.**

Where a permit application requires both a Controlled Use grant and also a variance, the applicant shall proceed through the former process first, and shall seek the variance only after obtaining the necessary approval from the Buildings and Safety Engineering Department. This provision shall not affect the ability of the appropriate review body to grant administrative adjustments in accordance with ARTICLE IV, DIVISION 6 of this Chapter. Where a variance is required for a Controlled Use prior to issuance of a permit, the Buildings and Safety Engineering Department shall specify in any decision which approves the land use that final approval is contingent on the granting of the appropriate variance by the Board of Zoning Appeals.

In the event a Controlled Use decision of the Buildings and Safety Engineering Department is appealed to the Board of Zoning Appeals, the Board shall first decide whether to affirm or reverse the decision of the Buildings and Safety Engineering Department before considering a variance issue.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Secs. 61-3-307–61-3-310. Reserved.**

**Subdivision C. Waiver of Spacing Regulations.**

**Sec. 61-3-311. Acceptable types of waivers.**

The Buildings and Safety Engineering Department may waive the spacing requirements as provided for in Sec. 61-3-312 through Sec. 61-3-314 of this Code. Any such waiver shall be documented by a statement of facts upon which such determination was made.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-312. Waiver of spacing requirement from land zoned residential.**

The prohibition relating to the location of a Controlled Use within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons who own, reside, or do business within five hundred (500) feet of the proposed location:

- (1) The Buildings and Safety Engineering Department shall adopt rules and regulations that govern the procedure for securing the petition of consent provided for in this section. The rules shall provide that the circulator of the

Sec. 61-3-313 | Waiver of distance from other Controlled Uses.

petition requesting a waiver shall be at least eighteen (18) years of age and shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Buildings and Safety Engineering Department, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon;

- (2) The Buildings and Safety Engineering Department shall not consider the waiver of spacing requirements until the above-described petition, where required, shall have been filed and verified (See also Sec. 61-12-85);
- (3) Failure to obtain signatures from the required two-thirds (2/3) of eligible persons means that no hearing may be held by the Buildings and Safety Engineering Department.

For purposes of this Chapter, first body of jurisdiction refers to that body which has the authority to approve or deny a use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-3-313. Waiver of distance from other Controlled Uses.**

The prohibition that relates to the location of a Controlled Use within two thousand (2,000) feet of two (2) other legally established Controlled Uses may be waived, provided, that any one of the following findings is made by the Buildings and Safety Engineering Department. However, as provided for in Sec. 61-15-20 of this Code, in no case shall a Controlled Use be established in any zoning district where such a use is not permitted by right or as a Conditional Use:

- (1) The proposed Controlled Use would be the only one within a neighborhood shopping center which is comprised of a group of two (2) or more commercial establishments, organized or operating as a unit, that consists of not less than fifty thousand (50,000) square feet of usable retail space and providing at least one (1) private, off-street parking spaces for each two hundred (200) square feet of gross floor area, notwithstanding the provisions of Sec. 61-14-71(2) of this Code; and
- (2) The proposed Controlled Use will contribute to the social, economic, aesthetic, or physical improvements of the surrounding neighborhood as determined and documented by the Director of the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-314. Waiver of spacing requirement from school sites.**

The prohibition that relates to the location of a Controlled Use within five hundred (500) radial feet of a school site shall be waived by the Buildings and Safety Engineering Department where, subsequent to a public hearing, a finding is made that the establishment of the Controlled Use will not impede the normal and orderly development, operation, and improvement of the school.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-321 | General approval criteria.

**Secs. 61-3-315–61-3-320. Reserved.**

**Subdivision D. Approval Criteria, Conditions and Guarantees, Appeals, Denials, Lapse of Approval.**

**Sec. 61-3-321. General approval criteria.**

No Controlled Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, except in accordance with the following criteria:

- (1) The approval criteria specified in Sec. 61-3-231 of this Code for any Controlled Use that is permitted on a conditional basis in a given zoning district;
- (2) The Use Regulations for the specific use involved as specified in ARTICLE XII of this Chapter;
- (3) The Zoning District regulations where the property is located;
- (4) Any Historic District regulations that are applicable to the property; and
- (5) Any Development Plan regulations that are applicable to the property.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-322. Conditions and guarantees.**

- (a) Certain modifications of numeric standards for Controlled Uses may be granted in accordance with Sec. 61-4-82 of this Code.
- (b) The Buildings, Safety Engineering and Environmental Department, or the Board of Zoning Appeals upon appeal, may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the Controlled Use as may in its judgment be necessary for the protection of the public interest, health, safety, welfare and environment, and to secure compliance with the approval criteria of Sec. 61-3-281 of this Code and in accordance with Sec. 61-3-282 of this Code.
- (c) To ensure compliance with this zoning ordinance and any conditions imposed under the ordinance, the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals, as applicable, may require a performance guarantee, as provided for in ARTICLE XIV, DIVISION 8 of this Chapter, to ensure faithful completion of improvements associated with the project. (See definition of “improvements” in ARTICLE XVI, DIVISION 2, Subdivision J.)
- (d) *Modifications.* A request for changes in conditions of approval of a Controlled Use, or a change to development plans that would affect a condition of approval, shall be processed in the same manner as the original application.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)

Sec. 61-3-323 | Effect of denial.

**Sec. 61-3-323. Effect of denial.**

No application for a Controlled Use which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of said order or denial, except on the grounds of new evidence or proof of changed conditions.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-324. Appeals of Buildings and Safety Engineering Department decision.**

Appeals of decisions by the Buildings and Safety Engineering Department on Controlled Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department's decision on the matter in accordance with the provisions of Sec. 61-4-73 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-325. Appeals of Board of Zoning Appeals decision.**

Any decision of the Board of Zoning Appeals may be appealed as specified in the Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, and in the Michigan Court Rules.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-3-326. Lapse of approval.**

- (a) In any case where a permit for Controlled Use has not been obtained within six (6) months after the granting of said use, the permit approval shall be null and void without further action by the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals.
- (b) However, except in cases involving the legalization of an already established Controlled Use, the Buildings and Safety Engineering Department, or, where applicable, the Board of Zoning Appeals, may extend, without further public hearing, said six (6) month deadline for no more than twelve (12) months beyond the expiration date of the original six (6) months. Where this extension expires, no additional extension shall be authorized, unless a new application has been filed and a further public hearing has been held.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-3-327–61-3-330. Reserved.**

Sec. 61-3-331 | Applicability.

## DIVISION 10. CONDOMINIUM SUBDIVISIONS

### **Sec. 61-3-331. Applicability.**

Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, being MCL 559.241, all condominium projects and condominium subdivision plans shall be reviewed and approved by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-3-332. Compliance with subdivision regulations required.**

All condominium subdivisions shall be developed in accordance with all substantive provisions of Chapter 51 of this Code, *Subdivision of Land*, even where the resulting condominium subdivision will not involve the creation of new recorded parcels of land. In addition, all condominium projects and condominium subdivisions shall comply with the following requirements:

- (1) All condominium units, including site condominiums, and related accessory structures shall comply with all the use, size, sign, height, setback, parking and area requirements of this Zoning Ordinance, unless such standards are modified through the applicable approval process;
- (2) The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations;
- (3) All condominium projects and condominium subdivisions which consist in whole or in part of condominium units that are building sites shall be marked with monuments the same as is required for subdivisions under the Michigan Subdivision Control Act of 1967, being MCL 560.101 *et seq.*;
- (4) All provisions of the condominium project or condominium subdivision plan which are approved by the City shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes, including expansion or conversion of a condominium project to include additional land, to the approved condominium subdivision plan shall be subject to review and approval by the City.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-333 | Condominium subdivision plan; review process.

**Sec. 61-3-333. Condominium subdivision plan; review process.**

All condominium subdivision plans shall be submitted to the Buildings and Safety Engineering Department for review and approval by the Planning and Development Department through the site plan review process. During final site plan review, detailed engineering plans for site improvements and condominium documents shall be submitted for review and approval. (See Figure 61-3-333.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-334. Condominium subdivision plan: required content.**

All condominium subdivision plans shall include the information that is required by the City’s site plan review process, Section 66 of the Michigan Condominium Act, being MCL 559.166, and Chapter 51 of this Code, *Subdivision of Land*.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-3-335. Condominium conversions.**

A condominium project, that contains four (4) or more condominium units and some or all of them were occupied as rental units before the conversion to condominium ownership, is subject to the provisions of Chapter 26, Article VI of this Code.

(Ord. No. 11-05, §1, 5-28-05)

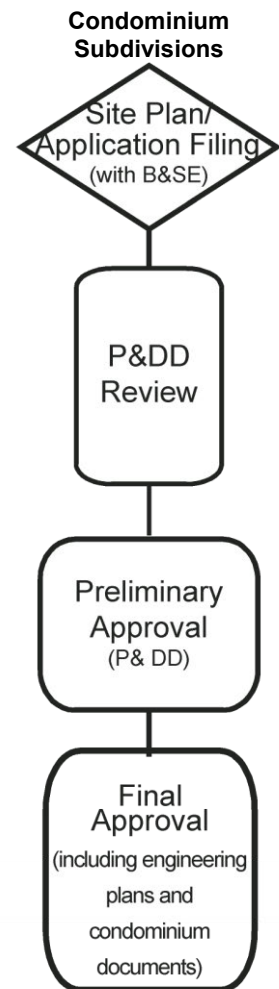
**Secs. 61-3-336—61-3-340. Reserved.**

**DIVISION 11. ADULT USES/ SEXUALLY ORIENTED BUSINESSES**

**Sec. 61-3-341. Purpose; Findings and Rationale.**

- (a) *Purpose.* It is the purpose of this division to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this division have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the purpose nor effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or by Article I, Section 5 of the Michigan Constitution, or to deny access by the distributors and exhibitors of sexually oriented

**Figure 61-3-333**



\*Appeals of P&DD decisions are heard by the BZA. Appeals must be filed within 14 days. (See Sec. 61-3-175)

Sec. 61-3-341 | Purpose; Findings and Rationale.

entertainment to their intended market. Neither is it the purpose nor effect of this division to condone or legitimize the distribution of obscene material.

- (b) *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees*, 411 F.3d 777 (6th Cir. 2005) (en banc); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *City of Chicago v. Poob Bah Enterprises, Inc.*, 865 N.E.2d 133 (Ill. 2006); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *181 South, Inc. v. Fischer*, 454 F.3d 228 (3rd Cir. 2006); *Bronco's Entertainment, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Little Mack Entm't II, Inc. v. Twp. of Marengo*, 2008 WL 2783252 (W.D. Mich. July 17, 2008); *Kentucky Restaurant Concepts, Inc. v. City of Louisville*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ky. Ct. App. 2001); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Ctr. for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *In re Tennessee Public Indecency Statute*, 172 F.3d 873 (6th Cir. Jan. 13 1999)(table); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *For the People Theatres of N.Y., Inc. v. City of New York*, 793 N.Y.S.2d 356 (N.Y. App. Div. 2005); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Gammob v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001);

0 | (c) Adoption and incorporation of findings. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports re

*People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; Warren, Michigan - 2005; Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), and Detroit, Michigan – 2005-2008, the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, noise, traffic, urban blight, litter, and sexual assault and exploitation.
  - (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
  - (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this division, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City Council finds that the cases and documentation relied on in this division are reasonably believed to be relevant to said secondary effects.
- (c) *Adoption and incorporation of findings.* The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-3-342. Adult Uses subject to this Division.**

This Division applies to all Adult Uses and Sexually Oriented Businesses as defined in ARTICLE XVI of this Chapter.



0 | (Ord. No. 01-10, §1, 04-01-10)

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-3-343. Definitions; meaning of terms.**

- (a) The “adult use” land use terms as used in this Division are defined in Sec. 61-16-31 of this Code.
- (b) With respect to adult uses/sexually oriented businesses, the following terms have the following meanings:
  - (1) Characterized by. For sexually oriented businesses, the phrase “characterized by” means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
  - (2) Floor Space. For sexually oriented businesses, “floor space” means the floor area inside a sexually oriented business that is visible or accessible to patrons for any reason, excluding restrooms.
  - (3) Regularly. For sexually oriented businesses, “regularly” means the consistent and repeated doing of an act on an ongoing basis.

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-3-344. Permitted Uses; Procedure.**

- (a) Adult Uses are permitted on a by-right basis in the M4 and M5 zoning districts, subject to the provisions of this Division and the use regulations of Sec. 61-12-342.
- (b) The Buildings and Safety Engineering Department shall not approve any request for an adult use/sexually oriented business unless the use is located in an M4 or M5 zoning district and on a zoning lot that is at least one thousand (1,000) feet from:
  - (1) any land zoned R1, R2, R3, R4, R5, R6, or residential PD,
  - (2) any residentially developed zoning lot in the SD1, SD2, and SD4 zoning districts;
  - (3) any zoning lot occupied by any elementary, middle, or high school;
  - (4) any zoning lot occupied by any park, playlot, playfield, playground, recreation center, or youth activity center as defined in Sec. 61-16-212 of this Code;
  - (5) any zoning lot occupied by any religious institution identified as exempt by the City Assessor;
  - (6) any zoning lot occupied by another sexually oriented business; and
  - (7) any zoning lot occupied by any Regulated Use.
- (c) The Buildings and Safety Engineering Department shall not approve any application for an adult use/sexually oriented business where the zoning lot of the proposed adult use is located within a Major Corridor Overlay Area or within one hundred (100) feet of a designated Major Corridor, as specified in Sec. 61-11-322 of this Code.

0 | (Ord. No. 01-10, §1, 04-01-10)

- (d) The applicant shall submit such documentation as determined appropriate by the Buildings and Safety Engineering Department in order for the department to determine consistency or non-consistency with the locational specifications of subsections (b) and (c) of this section. The Buildings and Safety Engineering Department shall approve or disapprove the permit application within thirty (30) days of the permit having been accepted as complete. Determination of whether the permit application is complete shall be made in accordance with Sec. 61-3-5 of this Code.
- (e) Any premises, building, or other structure in which a sexually oriented business is regularly operated or maintained in violation of the standards included and incorporated in this Chapter shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the City of Detroit in a court of competent jurisdiction. Any premises, building, or other structure declared by the court to be a public nuisance may be closed for up to one year and the property owner assessed the costs of abatement. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-3-345. Expansion and abandonment of nonconforming adult use/sexually oriented business.**

- (a) Legally established adult uses/sexually oriented businesses in zoning districts where adult uses/sexually oriented businesses are not permitted shall be considered legal nonconforming uses but they shall not be expanded, intensified or enlarged in any manner. The Board of Zoning Appeals shall not waive this provision.
- (b) If a nonconforming adult use/sexually oriented business is abandoned and its land use rights extinguished, as provided in Sec. 61-15-21 of this Code, such use may not be reestablished.

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-3-346. Structural alterations of buildings occupied by legally established nonconforming adult uses/sexually oriented businesses.**

Structural alteration of any legally established nonconforming adult use/sexually oriented business may be permitted by the Board of Zoning Appeals where:

- (1) The proposed structural alteration meets the relevant building, design, and dimensional criteria set forth in this Code; and
- (2) The proposed structural alteration is necessary for the sexually oriented business to comply with interior configuration requirements set forth in Chapter 5, Article XV of this Code.

(Ord. No. 01-10, §1, 04-01-10)

Sec. 61-3-347 | Reserved.

**Sec. 61-3-347. Reserved.**

**Sec. 61-3-348. Reserved.**

**Sec. 61-3-349. Reserved.**

**Sec. 61-3-350. Reserved.**

## **DIVISION 12. MEDICAL MARIHUANA CAREGIVER CENTERS**

### **Sec. 61-3-351. Purpose; in general.**

- (a) The purpose of this Division is to establish standards and procedures for the review and approval of the City of Detroit in permitting the land use category of medical marihuana caregiver centers and to prevent an over concentration of like uses to allow for the diversification of commercial and retail offerings along major and secondary corridors in order to:
- (1) Serve and protect the health, safety and welfare of the general public through reasonable limitations on land use as it relates to traffic, noise, light, air and water quality, neighborhood and patient safety, security, and other health and safety concerns;
  - (2) Regulate land used in the operation of activities authorized by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*;
  - (3) Establish land use restrictions that are fair and equitable for those interested in establishing medical marihuana caregiver centers while protecting adjacent properties from potential adverse effects;
  - (4) Provide reasonable regulation of land use pursuant to the city's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL 117.1 *et seq.*, as amended and the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*, as amended;

Sec. 61-3-352 | Medical Marihuana Caregiver Centers subject to this division.

- (b) Nothing in this division, or in any companion regulatory provisions adopted in any other section of this Code is intended to prohibit, nor shall it be construed as prohibiting access to health care or medical marihuana by registered medical marihuana patients;
- (c) Nothing in this division, or in any companion regulatory provisions adopted in any other provision of this Code, is intended to grant, nor shall it be construed as granting immunity from criminal prosecution for:
  - (1) Cultivation, sale, consumption, use, distribution, manufacture or possession of marihuana in any form not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq.*; or
  - (2) Any criminal prosecution under federal laws including seizure of property under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*

(Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-3-352. Medical Marihuana Caregiver Centers subject to this division.**

This Division applies to all medical marihuana caregiver centers as defined in Sec. 61-16-132 of this Code.

(Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-3-353. Definitions; meaning of terms.**

*Cultivation* or *cultivate* means (i) all phases of growth of marihuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.

*Drug-free zone*, as established in Sec. 38-11-42 of this Code and as defined for this Chapter, means an area that is within one thousand (1,000) radial feet of the zoning lot of a(n):

- 1. arcade, as defined in Sec. 61-16-33 of this Code;

Sec. 61-3-354 | Conditional Uses; Procedures; Waivers; Public Nuisance.

2. child care center, as defined in Sec. 61-16-52 of this Code;
3. educational institution, as defined in Sec. 61-16-71 of this Code ;
4. library, as defined in Sec. 61-16-123 of this Code;
5. outdoor recreation facility, as defined in Sec. 61-16-144 of this Code and identified in the City of Detroit Recreation Master Plan;
6. school, as defined in Sec. 61-16-171 of this Code;
7. youth activity center as defined in Sec. 61-16-212 of this Code;
8. public housing as defined in 42 USC 1437a(b)(1).

*Medical marihuana* means any marihuana intended for medical use that meets all requirements for medical marihuana contained in this Chapter, the Michigan Medical Marihuana Act, and any other applicable law. This shall not include butane hash oil or marihuana in any form inconsistent with the definition of usable marihuana under the Act.

*Medical marihuana caregiver center* means a medical marihuana business operated by a registered primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to registered qualifying patients as defined by the Act, or performs other activities pertaining to medical marihuana authorized by the Act.

*Michigan Medical Marihuana Act* or “*the Act*” means Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

(Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-3-354. Conditional Uses; Procedures; Waivers; Public Nuisance.**

- (a) Medical marihuana caregiver centers are permitted on a conditional basis in the B2, B4, M1, M2, M3, and M4 zoning districts, subject to the provisions of this division, the

Sec. 61-3-354 | Conditional Uses; Procedures; Waivers; Public Nuisance.

conditional land use requirements of this Article, and the use regulations of Sec. 61-12-343 of this Code.

(b) The Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center:

(1) where located in a drug-free zone, as defined in Sec. 61-3-353 of this Code, or where located within a Gateway Radial Thoroughfare overlay area or Traditional Main Street overlay area (as provided in Article XI, Division 14 of this Chapter); and

(2) where located on a zoning lot in a B2, B4, M1, M2, M3, or M4 zoning district less than:

(A) One thousand (1,000) radial feet from any zoning lot occupied by any religious institution identified as exempt by the City Assessor; and

(B) One thousand (1,000) radial feet from any zoning lot occupied by another medical marihuana caregiver center; except that on land zoned M1, M2, M3, or M4 farther than one hundred-fifty (150) feet from land zoned residential or residential PD, the spacing requirement between medical marihuana caregiver centers shall not apply;

(C) One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade).

(c) The applicant shall submit such documentation as requested by the Buildings, Safety Engineering and Environmental Department in order for the department to determine consistency or non-consistency with the locational specifications of subsection (b) of this

Sec. 61-3-354 | Conditional Uses; Procedures; Waivers; Public Nuisance.

section. Determination of whether the permit application is complete shall be made in accordance with Sec. 61-3-5 of this Code.

- (d) The locational specifications related to drug-free zones of subsection (b)(1) of this section may not be waived or modified by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals. Applications that are not consistent with the locational specifications of subsection (b)(1) of this section shall be considered ineligible and shall be dismissed.
- (e) The locational specifications of subsection (b)(2) of this section may be modified by the Buildings, Safety Engineering and Environmental Department, subject to the approval criteria of Sec. 61-4-81 of this Code to be considered at the conditional land use hearing, provided the modification does not diminish the spacing requirement by more than ten percent (10%). Requests for modification of the locational specifications of subsection (b)(2) of this section that are denied by the Buildings, Safety Engineering and Environmental Department or that will diminish the spacing requirement by more than ten percent (10%) may be approved by the Board of Zoning Appeals in accordance with Sec. 61-4-89 and Sec. 61-3-219 of this Code.
- (f) The Buildings, Safety Engineering and Environmental Department shall schedule the conditional land use hearing required by this Article within thirty (30) days of site plan approval.
- (g) Medical marijuana caregiver centers are not permitted as accessory uses, nor may they include accessory uses.
- (h) Any premises, building, or other structure in which a medical marijuana caregiver center is regularly operated or maintained in violation of the standards included and

## Sec. 61-3-354 | Conditional Uses; Procedures; Waivers; Public Nuisance.

incorporated in this Code shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the City of Detroit in a court of competent jurisdiction, in addition to the penalties authorized by this Chapter. Any premises, building, or other structure declared by the court to be a public nuisance shall be closed and the property owner assessed the costs of abatement. Each day that a violation is permitted to exist or occur on the premises shall constitute a separate occurrence or maintenance of the violation.

(Ord. No. 31-15, §1, 3-01-2016)





# ARTICLE IV. REVIEW AND APPROVAL PROCEDURES (PART 2)

## DIVISION 1. ADOPTED DEVELOPMENT PLANS

**Sec. 61-4-1. In General.**

This division details procedures and regulations that apply to particular uses on properties within an area covered by an adopted Development Plan under the Michigan Blighted Area Rehabilitation Act, being MCL 125.71 *et seq.* As provided for in Sec. 61-1-9 of this Code, where the provisions of this Zoning Ordinance conflict with the provisions of a development plan, the more restrictive provision shall control.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-2. Custodian of plans.**

The Planning and Development Department shall be the custodian of adopted Development Plans.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-3. Procedures applicable to land uses within development plans adopted under the Blighted Areas Rehabilitation Act.**

Development Plans adopted pursuant to the Michigan Blighted Area Rehabilitation Act, being MCL 125.71 *et seq.*, are listed below in Table 61-4-4. The provisions of each of these Development Plans shall apply in the same manner as the provisions of an overlay district. Procedures for amendment or repeal of the Development Plan shall conform to the requirements of the Michigan Blighted Area Rehabilitation Act, being MCL 125.71 *et seq.* Minor deviations from a Development Plan may be approved by the Board of Zoning Appeals as provided for in MCL 125.80 and Sec. 61-2-53 and Sec. 14-1-1 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

<b>Sec. 61-4-4. Table 61-4-4. Development Plan Areas</b>			
Name	General Boundaries	Resolution / City Code Reference*	Zoning Map No.
Art Center	Woodward, E. Edsel Ford (I-94), Chrysler (I-75), Kirby, St. Antoine, Frederick, Brush, alley first south of E. Ferry, John R, and E. Palmer.	Chapter 2, Article XVI, 1964 Code.	6 and 8
Ash-Myrtle-Humboldt	Jeffries (I-96), Selden, alley first east of 17th St., Myrtle (Martin Luther King Jr. Blvd.), and alley first east of 18th St.	Chapter 2, Article LI, 1964 Code.	44

## Sec. 61-4-4 | Table 61-4-4. Development Plan Areas

<b>Sec. 61-4-4. Table 61-4-4. Development Plan Areas</b>			
<b>Name</b>	<b>General Boundaries</b>	<b>Resolution / City Code Reference*</b>	<b>Zoning Map No.</b>
Brush Park	Woodward, Mack, Beaubien, Winder, St. Antoine, and E. Fisher (I-75).	Chapter 2, Article LV, 1964 Code.	4
Cadillac Square	Monroe, Farmer, Bates, and Cadillac Square.	Chapter 2, Article XXIV, 1964 Code.	2
Calumet	John C. Lodge (M10), vacated Lysander, vacated Fourth, Prentis, the alley first east of Fourth, the alley first south of Prentis, Third, W. Canfield, the alley first west of Third extended, and W. Willis.	Chapter 2, Article XXXVII, 1964 Code.	5
Central business district #1	John C. Lodge (M10), Michigan, Bagley, Cass, Howard, First, and W. Lafayette.	Council resolution 6-30-59	1
Central business district #3	Beaubien, E. Fort, St. Antoine, Gratiot, Chrysler (I-375), Larned, St. Antoine, and E. Congress.	Chapter 2, Article XLVII, 1964 Code.	2
Central business district #5	Woodward, Gratiot, Farmer, and Monroe.	Council resolution 4-7-64	2
Corktown	W. Vernor, 16th St., Michigan, W. Fisher (I-75), Rosa Parks Blvd., Michigan, John C. Lodge (M10), Porter, Trumbull, Labrosse, Rosa Parks Blvd., Bagley and Newark.	Chapter 2, Article X, 1964 Code.	1, 42, and 44
Eight Mile Wyoming	Alley first west of Birwood, W. Eight Mile Rd., Santa Barbara, Norfolk, Woodingham, Pembroke, the alley first west of Greenlawn, W. Outer Drive, Cherrylawn, and Pembroke.	Chapter 2, Article XXVIII, 1964 Code.	61
Elmwood Park #1	Dequindre, Waterloo, Chene, and E. Lafayette.	Chapter 2, Article XXXV, 1964 Code.	11 and 12
Elmwood Park #2	Dequindre, E. Lafayette, Elmwood, southern boundary of Elmwood Cemetery, southern boundary of Mt. Elliott Cemetery, Mt. Elliott, and E. Jefferson.	Chapter 2, Article XXXIV, 1964 Code.	11
Elmwood Park #3	Chene, Waterloo, St. Aubin, Dequindre, Gratiot, St. Aubin, E. Vernor, Mt. Elliott, northern boundary of Mt. Elliott Cemetery, northern boundary of Elmwood Cemetery, Elmwood, and E. Lafayette.	Chapter 2, Article XLI, 1964 Code.	11 and 12
Forest Park	Chrysler (I-75), E. Warren, Dequindre, and Mack.	Chapter 2, Article XIII, 1964 Code.	4 and 6
Hubbard-Richard	W. Grand Blvd., Michigan Central Railroad, 16th St., W. Lafayette, 17th St., and W. Fort.	Chapter 2, Article XLVIII, 1964 Code.	42

## Sec. 61-4-4 | Table 61-4-4. Development Plan Areas

<b>Sec. 61-4-4. Table 61-4-4. Development Plan Areas</b>			
<b>Name</b>	<b>General Boundaries</b>	<b>Resolution / City Code Reference*</b>	<b>Zoning Map No.</b>
Jefferson-Chalmers	Western boundary of Maheras/Gentry Park, Avondale, Conner/Clairepointe, E. Jefferson, Gray, alley 1 <sup>st</sup> north of E. Jefferson, city limits east of Alter Rd., and the Detroit River.	Chapter 2, Article XL, 1964 Code.	31 and 32
Kercheval-McClellan	McClellan, Kercheval, the alley first east of Parkview, and Pontiac extended	Chapter 2, Article XLIII, 1964 Code.	30
Lafayette	Chrysler (I-375), E. Lafayette, former Grand Trunk Railroad, and E. Jefferson.	Chapter 2, Article XXVII, 1964 Code.	2
Larned-Bates	Woodward, E. Congress, vacated Bates, and E. Larned.	Chapter 2, Article XXVIII, 1964 Code.	2
McDougall-Hunt	St. Aubin, Gratiot, Mt. Elliott, and E. Vernor.	Chapter 2, Article LIII, 1964 Code.	12
Medical Center #1	Woodward, vacated Martin Place, John R, E. Alexandrine, St. Antoine, vacated Illinois, I-75, and Mack.	Chapter 2, Article LVI, 1964 Code.	4
Medical Center #2	Woodward, E. Willis, John R, E. Canfield, Chrysler (I-75), vacated Illinois, St. Antoine, E. Alexandrine, John R, and vacated Martin Place.	Chapter 2, Article XXX, 1964 Code.	4 and 6
Medical Center #3	Brush, E. Warren, St. Antoine, E. Kirby, Chrysler (I-75), and E. Canfield.	Chapter 2, Article XLV, 1964 Code.	6
Medical Center #4	John R, Farnsworth, Brush, Frederick, St. Antoine, and E. Warren.	Chapter 2, Article XLVI, 1964 Code.	6
Mid-City	Woodward, E. Warren, Brush, E. Canfield, John R, and the alley first south of E. Willis.	Ordinance No. 9-89; Sec. 2-10-22, 1964 Code.	4 and 6
Milwaukee-Junction #1	Chrysler (I-75), Medbury, Russell, and E. Ferry.	Council resolution, 3-4-58.	6
Milwaukee-Junction #2	Russell, Ferry, Riopelle, and Farnsworth.	Chapter 2, Article XLII, 1964 Code.	6
North Industrial	Oakland, Highland Park City Limits, Hamtramck City Limits, and Caniff.	Chapter 2, Article XXXVI, 1964 Code.	10
Port	Adair (extended), Wight, Lieb (extended), and the Detroit River.	Chapter 2, Article LII, 1964 Code.	11
Research Park West	Rosa Parks Blvd., Michigan Central Railroad, John C. Lodge (M10), and W. Edsel Ford (I-94).	Chapter 2, Article XXII, 1964 Code.	5 and 7

## Sec. 61-4-11 | Applicability.

<b>Sec. 61-4-4. Table 61-4-4. Development Plan Areas</b>			
<b>Name</b>	<b>General Boundaries</b>	<b>Resolution / City Code Reference*</b>	<b>Zoning Map No.</b>
Selden Court	Rosa Parks Blvd., Grand River, Harrison, Hazel, Cochrane, and Martin Luther King, Jr. Blvd.	Council resolution, 4-18-68.	3
Sheridan Place	Sheridan, E. Congress, Baldwin, and E. Jefferson.	Chapter 2, Article XXXI, 1964 Code.	29
University City #2	Trumbull, W. Warren, Cass, W. Forest, Third, and W. Canfield.	Chapter 2, Article XXXII, 1964 Code.	5
Vicksburg	Grand River, Virginia Park, the alley first north of Grand River, and Vicksburg.	Chapter 2, Article XXXIII, 1964 Code.	45
Virginia Park	Alley 1 <sup>st</sup> east of Linwood, Atkinson, John C. Lodge (M10), and W. Grand Blvd.	Chapter 2, Article XXVII, 1964 Code.	7, 9, 46, and 48
West Side Industrial	Rosa Parks Blvd., Bagley, Trumbull, Porter, John C. Lodge (M10), W. Lafayette, Sixth, the alley first north of Howard, Brooklyn, the alley first south of Howard, Tenth, and Howard.	Chapter 2, Article XIV, 1964 Code.	1
West Side Industrial #2	Sixteenth, Bagley, Rosa Parks Blvd., Howard, Tenth, the alley first south of Howard, Brooklyn (extended), the alley first north of Howard (extended), Sixth, and W. Lafayette.	Chapter 2, Article XIV, 1964 Code.	1 and 42
Wholesale Distribution Center #3	Chrysler (I-75), Mack, the alley first east of St Aubin, Wilkins, Orleans, the alley first north of Alfred, Riopelle, Alfred, Russell, the alley first north of Division, Rivard, and E. Fisher.	Chapter 2, Article L, 1964 Code.	4 and 12
Woodbridge	Grand River, Railroad, W. Edsel Ford (I-94), and Trumbull.	Chapter 2, Article L (A), 1964 Code.	3, 5, 44, and 46

\*Ordinances that adopt and amend development plan areas are contained in the 1964 Detroit City Code and are incorporated by reference into this Code through Section 1-1-7(13).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Secs. 61-4-5–61-4-10. Reserved.**

**DIVISION 2. TEMPORARY USE PERMITS**

**Sec. 61-4-11. Applicability.**

The provisions of this division shall apply to all proposed temporary uses as set forth in ARTICLE XII, DIVISION 6 of this Chapter, unless otherwise specifically exempted.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-4-12 | Application filing and submittal information.

**Sec. 61-4-12. Application filing and submittal information.**

Applications for a Temporary Use Permit shall be submitted to the Director of the Buildings and Safety Engineering Department.

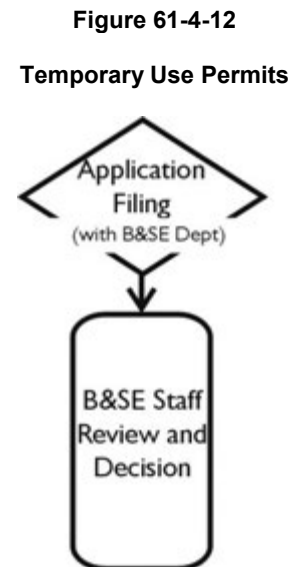
- (1) The application shall include the following information:
  - (a) Name, address, and telephone number of the applicant;
  - (b) A written description of the temporary use activity, including location, date(s) of activity, hours of operation, traffic and parking management plan, waste disposal plan, and measures to minimize any negative impacts;
  - (c) Proof of property ownership or, where the applicant is not the owner of the land, an affidavit of the property owner which approves the temporary use specifying the activity, date(s) of activity, and hours of operation;
  - (d) A site plan, to scale, that illustrates property lines, existing structures, drives and parking areas, location of the temporary use, parking for the temporary use, signage for the temporary use, and any other information deemed to be necessary by the Buildings and Safety Engineering Department;
  - (e) Where applicable, the type of food and beverages to be served for which approval may be required by the Department of Health and Wellness Promotion.
- (2) In addition, the City may require a performance bond to ensure proper cleanup and may require liability insurance coverage be carried; and
- (3) See Figure 61-4-12.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-13. Review and decision.**

The Director of the Buildings and Safety Engineering Department shall review each application for a Temporary Use Permit and act to approve, approve with conditions, or deny the application based on the approval criteria of [Sec. 61-4-14](#) of this Code. The Director of the Buildings and Safety Engineering Department shall make every effort to take final action on the application within ten (10) days of receipt of a complete application. Such decisions may not be appealed to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-4-14 | Approval criteria.

**Sec. 61-4-14. Approval criteria.**

Temporary Use Permits may be approved by the Director of the Buildings and Safety Engineering Department in accordance with the following:

- (1) The proposed temporary use shall be located, operated, and maintained in a manner that is consistent with the provisions of ARTICLE XII, DIVISION 6, Subdivision B of this Chapter;
- (2) In the determination of the Director of the Buildings and Safety Engineering Department, approval of the application shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, general welfare, or natural environment;
- (3) Adequate provision shall be made for temporary parking facilities, vehicular ingress and egress, and pedestrian circulation;
- (4) Where applicable, adequate provision of sanitary facilities shall be made;
- (5) There shall be no existing violations of this Code on the proposed site; and
- (6) Measures shall be taken to minimize the impact of nuisance factors upon properties adjacent or across an alley, including, but not limited to, glare or direct illumination, noise, vibration, smoke, dust, dirt, odors, gases, and heat.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-15. Conditions of approval.**

In granting a Temporary Use Permit, the Director of the Buildings and Safety Engineering Department may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, and to carry out the stated purposes of this Zoning Ordinance and of the Detroit Master Plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-16. Effective date.**

An approved Temporary Use Permit shall be effective on the date of its approval.

**Sec. 61-4-17. Time limits.**

Temporary use permits shall be valid for the period of time specified by the Buildings and Safety Engineering Department on the permit. Any such permit shall also specify the date for removal of the temporary use and cleanup of the site.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-18. Other regulations.**

- (a) The temporary use permit shall be displayed on site at all times while the use is in operation.

Sec. 61-4-19 | Lapse of approval.

- (b) Cleanup of the site shall be completed by the date that is specified for removal of the temporary use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-19. Lapse of approval.**

A Temporary Use Permit shall lapse where not used within the dates approved.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-20. Revocation; notice.**

- (a) A temporary use permit may be revoked by Director of the Buildings, Safety Engineering and Environmental Department under any of the following circumstances:

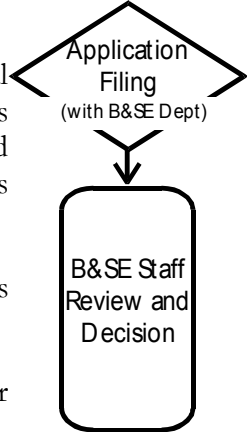
- (1) The permit holder fails to comply with the approval criteria in Sec. 61-4-14 of this Code or any conditions imposed by Sec. 61-4-15 of this Code or any required provision from ARTICLE XII DIVISION 6 of this Code regarding Temporary Uses and Structures;
- (2) Information submitted with the permit application is found to be false or misleading;
- (3) The temporary use poses a threat to the public health or safety of the community;
- (4) The property owner rescinds his or her approval of the temporary use.

- (b) The Director of the Buildings, Safety Engineering and Environmental Department shall issue to the permit holder a written notice of the revocation and the reason(s) for the revocation.

(Ord. No. 08-12, §1, 6-05-12)

**Figure 61-4-31**

**Building permits**



**Secs. 61-4-21–61-4-30. Reserved.**

**DIVISION 3. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

**Subdivision A. Building permits.**

**Sec. 61-4-31. General permit review.**

No permit that pertains to the erection, alteration, or use of land, structures, or buildings shall be issued by any department, appointee, or employee of the City, unless an application for such permit has been examined by the Buildings and Safety Engineering



**Sec. 61-4-32 | Permit required for new use of land.**

Department and the department certifies that the proposed building, structure, or use complies with all provisions of this Zoning Ordinance. Applicants who are required, but fail to receive final site plan approval, will not be able to receive building permits from the Buildings and Safety Engineering Department. (See Figure 61-4-31.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-32. Permit required for new use of land.**

No vacant land shall be used, or an existing use of land be changed to a different use category or use type, unless a building permit is first obtained for the new or different use.

**Sec. 61-4-33. Permit required for new use of buildings.**

No building or structure, or part thereof, shall be changed to or occupied by a use of a different kind or class, unless a building permit is first obtained for the new use. Notwithstanding the foregoing general building permit requirement, a building or structure, or part thereof, that was occupied by a Group “D” Adult Cabaret use as that kind of use was defined on November 1, 2009 may be placed on record by the Buildings and Safety Engineering Department, upon written request of the owner, as a Group “A” Cabaret use, a Group “B” Cabaret use, or a Group “C” Cabaret use without obtaining a building permit for the different use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-4-34. Meaning of "different class or type."**

For zoning purposes, one use shall be considered of a different class or type from any other use, whenever those two uses are distinctly defined or distinctly specified in the lists of permitted uses in the several zoning districts:

- (1) For example, open use of the land for "parking lots or parking areas for the storage or parking of operable motor vehicles" shall be considered as a different class or type of use than the open use of land for "open storage of equipment or supplies for building or construction contractors" because the two uses are distinctly specified in the zoning district use lists. Therefore, even in districts where in this example both the uses are permitted as a matter of right, the change in the use of the land from one use to the other shall require a building permit;
- (2) Conversely, where a land use, which intentionally embraces a number of different possible businesses or operations, such as "stores of a generally recognized retail nature," is specified in this zoning ordinance, a change from one business or operation to another business or operation within that same type or class, shall not require a building permit. For example, for zoning purposes, the change from a store which sells new clothing to a store which sells new household appliances shall be considered as a change within the same type or class and shall not require any “change of use” permit, only such building permits as may be required for any interior or exterior alterations, renovation, or remodeling. However, a change from a "retail market" to a retail market which

**Sec. 61-4-35 | Permits required.**

also sells beer and wine (SDM) would be a change of use because "specially designated merchant's establishments (SDM)" are distinctly specified.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-35. Permits required.**

No building or structure, or part thereof, shall be erected, altered, moved, or repaired, unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall mean any changes in structure parts, stairways, type of construction, class or kind of occupancy, light or ventilation, means of egress or ingress, or other changes affected or regulated by the Michigan Building Code or by this zoning ordinance, except for minor repairs or changes that do not involve any of these features.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-36. Plats and site plans.**

All applications for building permits shall be accompanied by a plat, in triplicate, drawn to scale, that shows the actual dimensions of the zoning lot to be built upon, the location of all buildings to be erected, all other buildings on the property, and such other information as may be necessary for the enforcement of this Zoning Ordinance. Applications that are subject to Site Plan Review shall be submitted in multiple copies as specified by the applicable review body. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-37. Periodic inspection of special land uses.**

The Director of the Buildings and Safety Engineering Department shall cause to be inspected from time to time, and as nearly as possible once a year, all conditional land uses, whether granted by the department or by the Board of Zoning Appeals for maintenance of conditions that are prescribed in the land use grant. After inspection, the Buildings and Safety Engineering Department, Licenses and Permits Division shall issue to the owner or agent a certificate of maintenance of grant conditions upon payment of the prescribed inspection fee. The amount of said fee shall be established by the Buildings and Safety Engineering Department Board of Rules and shall cover the cost of inspection and supervision. It shall be the duty of the owner or agent to place and maintain such certificate of maintenance of conditions in a conspicuous place on the premises.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-38. Revocation of land use permit renders zoning grant null and void.**

Where failure to comply with the conditions that are prescribed by the Buildings, Safety Engineering and Environmental Department or by the Board of Zoning Appeals in making any zoning grant or finding prevent the issuance of a Certificate of Occupancy, the Buildings, Safety Engineering and Environmental Department shall terminate the land use right –pursuant to Sec. 61-5-53 of this Code. Immediately upon revocation of the land use permit, the zoning grant by the Buildings, Safety Engineering and Environmental

**Sec. 61-4-39 | Building permit requires certificate of occupancy.**

Department or the Board of Zoning Appeals becomes null and void, and the department shall notify any applicable licensing departments or agencies of the revocation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-4-39. Building permit requires certificate of occupancy.**

No land, building, or structure, or part thereof, shall be occupied by or for any use for which a building permit is required by this zoning ordinance, unless and until a certificate of occupancy shall have been issued for such new use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-40. Reserved.**

**Subdivision B. Certificates of Occupancy.**

**Sec. 61-4-41. Certificate review.**

No certificate of occupancy that is required by the Michigan Building Code shall be issued unless the building or structure, or part thereof, and the use of the land covered by such certificate, conforms in all respects with the provisions of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-42. Certificates required.**

No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-43. Certificates include zoning.**

Certificates of Occupancy as required by the Michigan Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-44. Temporary certificates.**

Nothing in this zoning ordinance shall prevent the approval of a temporary Certificate of Occupancy for a portion of a building or structure that is in the process of erection or alteration, provided, that such temporary Certificate shall not be effective for a period of time in excess of six (6) months and, provided, further that such portion of the building, structure, or premises is in conformity with the provisions of this Zoning Ordinance and of the Michigan Building Code.

Sec. 61-4-45 | Records of certificate.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-45. Records of certificate.**

A record of all certificates that are issued shall be kept on file in the office of the Director of the Buildings and Safety Engineering Department and copies shall be furnished upon request to the Planning and Development Department, the Board, or to any person having a proprietary or tenancy interest in the property involved.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-46. Certificates for buildings accessory to dwellings.**

Buildings that are accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling where shown in the plat and completed at the same time as the dwelling.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-47. Application for certificate.**

Application for Certificates of Occupancy shall be made, in writing, to the Buildings and Safety Engineering Department on forms that are furnished by the department, and such certificates shall be approved where found that the building or structure, or part thereof, or the use of land is in accord with the provisions of this Zoning Ordinance. Where such certificate is refused for cause, the applicant shall be notified of the refusal and the cause thereof. (See Figure 61-4-48.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-48. Final inspection.**

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, or structure, or part thereof, shall notify the Buildings and Safety Engineering Department immediately upon the completion of the work that is authorized by such permit for a final inspection.

(Ord. No. 11-05, §1, 5-28-05)

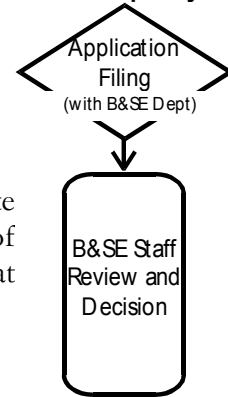
**Sec. 61-4-49. Permit and certificate fees.**

Fees for inspection and the issuance of permits or certificates, or copies thereof, that are required or issued under the provisions of this Zoning Ordinance shall be collected by the Buildings and Safety Engineering Department in advance of issuance, and in the amount established by the Buildings and Safety Engineering Department Board of Rules.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Figure 61-4-48**

**Certificates of Occupancy**



Sec. 61-4-61 | Application filing.

**Secs. 61-4-50–61-4-60. Reserved.**

**DIVISION 4. WRITTEN INTERPRETATIONS**

**Sec. 61-4-61. Application filing.**

Applications for written interpretations of the text of this Zoning Ordinance shall be submitted to the Director of the Building and Safety Engineering Department. (See Sec. 61-1-7 for interpretations of zoning maps and also Figure 61-4-61.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-62. Buildings and Safety Engineering Department review and decision.**

Within thirty (30) days of receipt of a complete application for a written interpretation, the Director of the Buildings and Safety Engineering Department shall: 1) review and evaluate the application in light of this Zoning Ordinance and any other relevant documents, 2) consult with the Planning and Development Department, as necessary, with regard to the Master Plan and with the Law Department and/or other staff regarding other relevant documents, and 3) render a written interpretation.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-63. Form.**

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations. A copy of written interpretations shall be forwarded by the Buildings and Safety Engineering Department to the City Planning Commission, the Board of Zoning Appeals, the Planning and Development Department, and the Law Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-64. Official record of interpretations.**

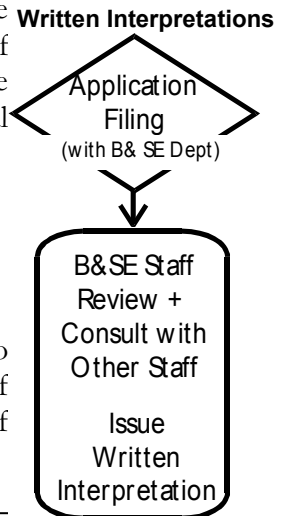
An official record of interpretations shall be kept on file in the Buildings and Safety Engineering Department. The record of interpretations shall be available for public inspection in the Buildings and Safety Engineering Department during normal business hours.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-65. Appeals.**

Appeals of a Director’s written interpretation shall be taken to the Board of Zoning Appeals in accordance with the procedures of Sec. 61-4-73 of this Code. Where the appeal results in a change of

Figure 61-4-61



**Sec. 61-4-66 | Zoning verification letters.**

interpretation, the new interpretation shall be filed with the official record of interpretations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-66. Zoning verification letters.**

Where an applicant seeks a written interpretation of how the text and maps of this Zoning Ordinance apply to a particular property, the Buildings and Safety Engineering Department shall issue a zoning verification letter. The zoning verification letter shall be prepared in light of that property’s permit history and upon payment of the fee, that is prescribed in the schedule of fees.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-4-67–61-4-70. Reserved.**

**DIVISION 5. APPEALS OF ADMINISTRATIVE DECISIONS**

**Sec. 61-4-71. Jurisdiction over appeals of administrative decisions.**

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department. Nothing contained in this section shall be deemed to authorize the Board to reverse or adjust any order or decision, which conforms to the provisions of this Zoning Ordinance. (See Figure 61-4-71.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-4-72. Appeals.**

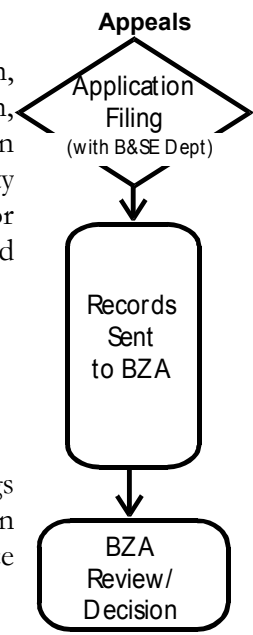
Appeals to the Board of Zoning Appeals may be taken by any person, firm, partnership or corporation, or by any City department, commission, board or other City agency which is aggrieved 1) by a decision of an enforcing officer, or 2) by any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or 3) by any denial of a site plan by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-4-73. Transmittal.**

Appeals of administrative decisions shall be filed with the Buildings and Safety Engineering Department, upon the form provided, and within the time specified by the Board of Zoning Appeals. Upon receiving notice

**Figure 61-4-71**



**Sec. 61-4-74 | Action by the Board of Zoning Appeals.**

of the filing of such an appeal, the enforcing official shall transmit to the Board all papers which constitute the record upon which the action appealed from was taken.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-74. Action by the Board of Zoning Appeals.**

The Board of Zoning Appeals shall not act without consideration of any report or recommendation that is submitted by the Planning and Development Department as specified in Sec. 61-2-31(1) of this Code or by any advisory review committee as provided for in ARTICLE II, DIVISION 7 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-75. Proof of correction of violations or deficiencies.**

The Board of Zoning Appeals may require proof of correction of any violations or deficiencies prior to the approval of any zoning grant.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-4-76. Effect of denial.**

No appeal to the Board which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the effective date of said order of denial, except on the grounds of new evidence or proof of a change of conditions found to be valid by the Board. Applications for a rehearing shall be in writing and be subject to the Rules of Procedure.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-77. Stay of proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the director of the Buildings and Safety Engineering Department, or of the Planning and Development Department, from whose department the appeal is taken, certifies to the Board that by reason of facts that are stated in the certificate a stay would cause, in his or her opinion, imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record, on application, on notice to the respective director from whose department the appeal is taken.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-4-78–61-4-80. Reserved.**

Sec. 61-4-81 | Approval criteria.

## DIVISION 6. VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

### Sec. 61-4-81. Approval criteria.

Administrative adjustments and variances may be approved only upon a finding 1) that the modification is necessary to satisfy the federal requirements for a reasonable accommodation under the Federal Fair Housing Act, being 42 USC §3601 *et seq.*, or 2) that all of the following criteria have been met:

- (1) The requested variance or administrative adjustment is consistent with the Master Plan and the spirit, purpose, and intent of this Zoning Ordinance; and
- (2) There are practical difficulties that prevent carrying out the strict letter of this Zoning Ordinance; and
- (3) The requested variance or administrative adjustment eliminates a practical difficulty to the applicant; and
- (4) The requested variance or administrative adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public or upon the natural environment; and
- (5) Any adverse impacts resulting from the variance or administrative adjustment will be mitigated to the maximum extent practicable; and
- (6) The requested variance or administrative adjustment is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; and
- (7) The special circumstances and conditions that account for the need for a variance or administrative adjustment are not the result of the applicant's actions; and
- (8) The variance or administrative adjustment shall not permit the establishment, within a zoning district, of any use which is prohibited within the district; and
- (9) The variance or administrative adjustment would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation would not give substantial relief; and
- (10) In the case of City-owned land or property to be sold, the requested variance or administrative adjustment shall not conflict with the terms or conditions of the sale.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-4-82. Administrative adjustments; applicability.

Administrative adjustments are:

- (1) Modifications of ten percent (10%) or less of any numeric standard that is set forth in ARTICLE XIII of this Chapter or any numeric development standard that is set forth in ARTICLE XIV of this Chapter; or



**Sec. 61-4-83 | Ineligibility for administrative adjustment.**

- (2) A reduction of off-street parking requirements for any nonresidential use by up to twenty percent (20%) or ten (10) spaces, whichever is less, as provided for in Sec. 61-14-103 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-83. Ineligibility for administrative adjustment.**

Administrative adjustments shall not authorize any of the following:

- (1) To approve a use that is not listed as a by-right use or Conditional Use in ARTICLE XII of this Chapter; or
- (2) To approve an adjustment that would result in the creation of another noncompliance on the subject lot or parcel; or
- (3) To grant an increase in maximum development density; or
- (4) To grant an increase in any maximum building height on, adjacent to, or across an alley from land that is zoned R1, R2, R3, R4, R5, R6, or residential PD, and that is developed as residential; or
- (5) To reduce any buffering, fencing, lighting, noise, setbacks, or other standard designed to protect residential neighborhoods across an alley from, or adjacent to, an R1, R2, or R3 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-84. Review and decision-making authority.****(a) *Applications Requiring Site Plan Review.***

In the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, SD3, and SD4 with less than three (3) acres Districts, the Planning and Development Department shall have authority to grant administrative adjustments for development proposals that are required to obtain site plan approval, pursuant to the review procedures and approval criteria set forth in this division. In the PD, PC, PCA, SD4 with three (3) acres or more, and SD5 Districts, the City Council shall have authority to similarly grant administrative adjustments. Administrative adjustments shall not be reviewed or approved until technical review comments pertaining to the preliminary site plan review process have been received and reviewed. In cases of permit applications that require site plan review, administrative adjustments shall be granted only during the site plan review process.

**(b) *Applications Not Requiring Site Plan Review.***

The Buildings and Safety Engineering Department shall have authority to grant administrative adjustments for all development proposals that do not require site plan approval, pursuant to the review procedures and approval criteria set forth in this division. No public hearing shall be required. However, such requests shall be reviewed by a designated officer of the Buildings and Safety Engineering Department who shall grant the administrative adjustment, where the criteria specified in Sec. 61-4-81 of this Code have been met to the satisfaction of the designated officer. The department shall involve other such departments as it deems necessary for proper review, including, but not limited to, the

**Sec. 61-4-85 | Application filing.**

Planning and Development Department, the Department of environmental affairs, and the Recreation Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-85. Application filing.**

Applications for administrative adjustments shall be submitted to the appropriate review body along with the development application to which the requested administrative adjustment or variance pertains. However, a person is ineligible to apply for an Administrative Adjustment where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-4-86. Review and action.**

The review body shall review each application for an administrative adjustment and shall act to approve, approve with conditions, or deny the application based on the approval criteria of Sec. 61-4-81 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-87. Findings of fact.**

The decision of the review body shall be accompanied by written findings of fact. Those written findings of fact shall be kept on file with the appropriate review body.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-88. Appeals.**

Appeals of decisions on administrative adjustments that are made by the Planning and Development Department or the Buildings and Safety Engineering Department may be taken to the Board of Zoning Appeals in accordance with the provisions of ARTICLE IV, DIVISION 5 of this Chapter. Appeals of decisions on administrative adjustments made by the City Council may not be taken to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-89. Variances; in general.**

(a) The Board of Zoning Appeals may vary the requirements and limitations that are imposed by this zoning ordinance that pertain to dimensional requirements, use

Sec. 61-4-90 | Notice of public hearings.

regulations, locational/spacing requirements, or general development standards of various land use where strict application of such requirements or standards would result in practical difficulty and where all applicable standards and approval criteria of this division are met, including those of Sec. 61-4-81 of this Code.

- (b) However, a person is ineligible to apply for a Variance where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.
- (c) The Board shall deny those requests that are not in harmony with the intent and purpose of this Zoning Ordinance. The Board of Zoning Appeals may require proof of correction of any violations or deficiencies prior to the approval of any zoning grant. A public hearing shall be required. (See Figure 61-4-91.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-4-90. Notice of public hearings.**

Notice of public hearings on variance requests shall be published, mailed, and posted, in accordance with Sec. 61-2-46 of this Code and Sec. 61-3-7 through Sec. 61-3-12 of this Code, not less than fifteen (15) days prior to the public hearing.

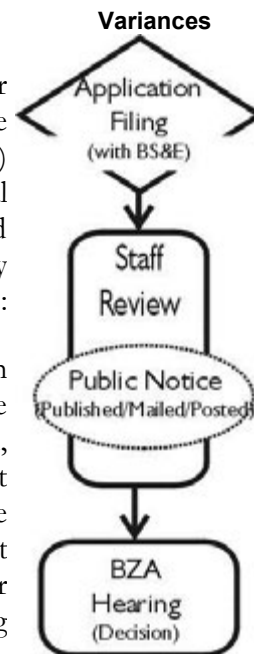
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-91. Permitted dimensional variances.**

The Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments (See Sec. 61-2-21(9)). Said dimensional variances may be granted in the following seven (7) instances based on the approval criteria of Sec. 61-4-81 of this Code, except as may be limited or restricted by other provisions of this Zoning Ordinance:

- (1) *Location or Amount of Off-Street Parking.* For a variance from the required location of off-street parking facilities or the amount of off-street parking facilities required, or both, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance; or
- (2) *Loading Spaces.* For a variance of the loading space provisions of ARTICLE XIV, DIVISION 1, Subdivision

**Figure 61-4-91**



## Sec. 61-4-92 | Other variances.

D of this Chapter where, after investigation by the Board, it is ascertained that the volume of vehicular service will not require complete compliance with said provisions, or that variance will not cause undue interference with the public use of the streets or alleys or imperil public safety, and where the requested variance will not be inconsistent with the spirit and purpose of this Zoning Ordinance; or

- (3) *Height Requirements in Airport Overlay Zones.* For a variance of the height requirements, as specified in the airport overlay zones "A," "B," or "AA," after obtaining and giving due consideration to a report and favorable recommendation from the Airport Department regarding its interests in the matter under consideration, provided, that said modification variance will not be injurious to contiguous or neighboring properties, or contrary to the spirit and intent of this Zoning Ordinance; or
- (4) *Height Limitations for Signs.* For a variance of the height limitation of signs as provided for in Sec. 61-6-38 of this Code; or
- (5) *Setbacks for Freeway Advertising Signs.* The Board may grant a variance of the setback(s) for advertising signs oriented to freeways in accordance with the provisions of Sec. 61-6-72 of this Code; or
- (6) *General Dimensional Standards.* For a variance of the minimum lot area, minimum lot width, minimum setbacks, maximum height (except as provided in Sec. 61-13-87 for the SD4 district), maximum lot coverage, recreational space ratio (RSR), maximum floor area ratio (FAR) (except as provided in Sec. 61-13-87 for the SD4 district), bulk, or cubical content as specified in ARTICLE XIII of this Chapter, except for signs, antennas, and other similar structures, the dimensional variances or adjustments of which are provided for in this Chapter, provided:
  - (a) That the open space needs of the potential occupants are adequately served; and
  - (b) That said facility complies with all appropriate federal and state statutes, Wayne County Code of Ordinances, this Code and their accompanying regulations that control or regulate such use, including all applicable standards of this Zoning Ordinance; or
- (7) *Antenna Limitations.* For a variance of the dimensional limitations of antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 20-06, §1, 8-10-06; Ord. No. 24-07, §1, 7-24-07)

**Sec. 61-4-92. Other variances.**

After a public hearing, a variance may be granted by the Board of Zoning Appeals based on the approval criteria of Sec. 61-4-81 of this Code in the following instances:

- (1) *Variance of Use Regulation.* Except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any use regulation that is specified in ARTICLE XII.DIVISION 2, ARTICLE XII.DIVISION 3, ARTICLE XII.DIVISION 4, and ARTICLE XII.DIVISION 5.Subdivision A

**Sec. 61-4-93 | Flood hazard area modifications.**

and ARTICLE XII.DIVISION 5.Subdivision C of this Chapter and any quantified dimensional standard in ARTICLE VI.DIVISION 2, ARTICLE VI.DIVISION 3, and ARTICLE VI.DIVISION 4 of this Chapter, except such provisions that are also specified elsewhere in the City Code as requirements for licensing or other regulatory purposes;

- (2) *Variance of Development Standard.* Except when an administrative adjustment may be granted, the Board of Zoning Appeals may modify any development standards that is specified in ARTICLE XIV of this Chapter;
- (3) *Variance of Spacing / Locational Regulation.* Except when an administrative adjustment may be granted, excluding all Adult Uses, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code in accordance with the procedures in Sec. 61-12-95 of this Code. (See Sec. 61-12-87 of this Code).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-4-93. Flood hazard area modifications.**

Modifications from the provisions of ARTICLE XIV, DIVISION 5 of this Chapter shall be granted only by the Board of Zoning Appeals, after receipt of reports and recommendations from the Department of environmental affairs on behalf of the Floodplain Management Review Committee, and upon determination of substantial compliance with the general standards that are contained in this zoning ordinance and each of the following specific standards. A modification shall be granted only upon:

- (1) A showing of good and sufficient cause; and
- (2) A determination that failure to grant the modifications would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a modification will not result in flood heights in excess of that permitted in ARTICLE XIV, DIVISION 5 of this Chapter, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing law or this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-94. Flood hazard area modifications; relief, minimal.**

The modification that is granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-95. Flood hazard area modifications; conditions.**

The Board of Zoning Appeals may attach conditions to the granting of a modification to ensure compliance with the standards contained in this zoning ordinance.

Sec. 61-4-101 | Deprivation of use of property.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-4-96–61-4-100. Reserved.**

**DIVISION 7. HARDSHIP RELIEF PETITIONS**

**Subdivision A. General.**

**Sec. 61-4-101. Deprivation of use of property.**

Any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property. This procedure replaces the City’s former practice of granting use variances. (See Figure 61-4-101.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-102. Affected property interest.**

The Hardship Relief Petition must provide information which is sufficient for the Law Department and the Board of Zoning Appeals to determine that the petitioner possesses a protectable interest in property under the Fifth Amendment to the United States Constitution and under the 1963 Michigan Constitution.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-103. Denial of all reasonable economic use standard.**

For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations.

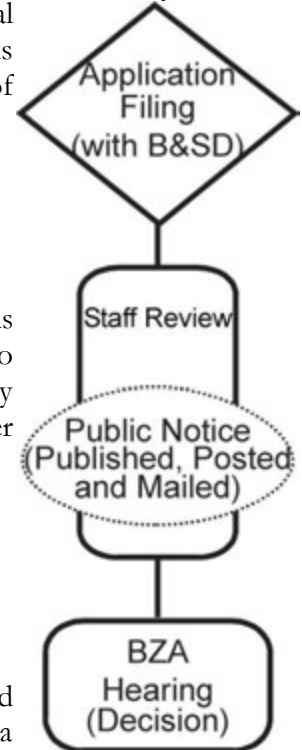
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-104. Information to be submitted with Hardship Relief Petition.**

The applicant shall submit the following information for consideration of a Hardship Relief Petition. In addition, the Board of Zoning Appeals may request additional information which is reasonably necessary, in the Body’s opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable economic use. However, a person is ineligible to petition for Hardship Relief where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL

**Figure 61-4-101**

**Hardship Relief**



## Sec. 61-4-104 | Information to be submitted with Hardship Relief Petition.

117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

- (1) Name of the petitioner;
- (2) Name and business address of current owner of the property; form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and where owned by a corporation, partnership, or joint venture, the names and addresses of all principal shareholders or partners;
- (3) Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
- (4) Nature of the protectable interest claimed to be affected, including, but not limited to, fee simple ownership, or leasehold interest;
- (5) Terms, including sale price, of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of application;
- (6) All appraisals of the property that were prepared for any purpose, including financing, offering for sale, or *ad valorem* taxation, within the three (3) years prior to the date of application;
- (7) The assessed value of and *ad valorem* taxes on the property for the previous three (3) years;
- (8) All information that concerns current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
- (9) All listings of the property for sale or rent, price asked and offers received, if any, during the period of ownership or interest in the property;
- (10) All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years which concern the feasibility of development or utilization of the property;
- (11) For income producing property, itemized income and expense statements from the property for the previous three (3) years;
- (12) Evidence and documentation of improvements, investments, or expenditures for professional and other services related to the property that were made during the past three (3) years;
- (13) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

**Sec. 61-4-105 | Failure to submit information.**

- (14) Any applicable offer to purchase, land contract, or rental or lease agreement with such document being signed by both seller and buyer, landlord and tenant, or lessor and lessee.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-4-105. Failure to submit information.**

In the event that any of the information which is required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-4-106–61-4-110. Reserved.**

**Subdivision B. Preliminary Determination of Substantial Economic Hardship.**

**Sec. 61-4-111. Review and consultation with the Law Department.**

The application for a Hardship Relief Petition shall be filed with the Buildings and Safety Engineering Department, which shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-112. Staff report.**

To the extent possible within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information that is specified in Sec. 61-4-104 of this Code, the Board's staff shall report its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-113. Site plan review.**

In the event a public hearing for a hardship relief petition is scheduled by the Board of Zoning Appeals, the proposed use shall be subject to site plan review by the Planning and Development Department as provided for in Sec. 61-3-113(5) of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-4-114–61-4-120. Reserved.**



Sec. 61-4-121 | Public hearing.

**Subdivision C. Review and Action by Board of Zoning Appeals.**

**Sec. 61-4-121. Public hearing.**

To the extent possible, within thirty (30) days following receipt of the staff report that is specified in Sec. 61-4-112 of this Code, the Board of Zoning Appeals shall hold a public hearing to determine whether there is an affected property interest and whether all reasonable economic use of the property has been prevented as a result of a final action on the application.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-122. Notice and scheduling of hearings.**

Notice and scheduling of hearings shall be carried out in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-123. Testimony at hearings.**

The Board of Zoning Appeals' staff report shall be entered into the record. The Board shall allow an opportunity during the hearing for the appellant and any member of the public to offer either written or oral testimony regarding the proposal under consideration.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-124. Application of the “All Reasonable Economic Use” standard.**

In applying the “All Reasonable Economic Use” standard of this division, the Board of Zoning Appeals shall consider, among other items, the following information or evidence:

- (1) Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals that concern the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
- (2) Any evidence, including testimony, of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
- (3) Any evidence, including testimony, concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property that is owned by the petitioner eligible for such transfer.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-4-125 | Burden of proof.

**Sec. 61-4-125. Burden of proof.**

The petitioner shall have the burden of presenting substantial evidence that the denial of the application has prevented all reasonable economic use under the standard in Sec. 61-4-103 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-126. Findings of the Board of Zoning Appeals.**

The Board of Zoning Appeals shall make the specific findings in this section, on the basis of the evidence, including testimony, presented. These findings shall be included as part of the report which accompanies its decision:

- (1) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a Hardship Relief Petition;
- (2) Whether the petitioner has a protectable interest in property;
- (3) The market value of the property considering the existing regulations;
- (4) The market value of, or benefit accruing from, opportunities to transfer density or cluster development on other remaining contiguous property that is owned by the petitioner eligible for such transfer;
- (5) Whether it is feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
- (6) Whether, in the opinion of the Board of Zoning Appeals, the denial of the application would result in denial of all reasonable economic use as delineated in Sec. 61-4-124 of this Code; and
- (7) Whether there exists a feasible alternative use that could provide a reasonable economic use of the property.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-127. Additional forms of relief.**

The Board of Zoning Appeals may adopt any legally available incentive or measure that is reasonably necessary to offset any denial of reasonable economic use, and may condition such incentives upon approval of specific development plans. Where the Board of Zoning Appeals finds that the denial of the application would create a substantial economic hardship, the Board may consider additional relief to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the denial of all reasonable economic use. The types of incentives that the Board of Zoning Appeals may consider include, but are not limited to, the following:

- (1) Waive or modify dimensional requirements or development standards to enable the petitioner to realize a reasonable economic return from the operation of a permitted or Conditional Use;

**Sec. 61-4-128 | Final decision and recommended relief.**

- (2) Recommend that the City Council rezone the property to a more appropriate classification; and
- (3) Allow the establishment of a prohibited use, provided, that the petitioner demonstrate none of the permitted or Conditional Uses in the zoning district is economically feasible.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-128. Final decision and recommended relief.**

Based upon the evidence, including testimony, presented, the Board of Zoning Appeals shall render a decision as to the merits of the Hardship Relief Petition and any recommended relief. The Board may require proof of correction of any violations or deficiencies prior to the approval of any Hardship Relief Petition.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-4-129. Repealed.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-4-130. Time limits / transfer of incentives.**

Any incentives that are adopted by the Board of Zoning Appeals pursuant to this division shall run with the land and may be transferred and utilized by successive owners of the property or parties in interest.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-4-131–61-4-140. Reserved.**

**DIVISION 8. ZONING GRANT MODIFICATIONS**

**Sec. 61-4-141. Hearing required.**

No modification of any provision of any zoning grant, that is issued by the Buildings and Safety Engineering Department or the Board of Zoning Appeals, shall be permitted, unless such modification shall have been approved subsequent to a public hearing as required for the use.

(Ord. No. 11-05, §1, 5-28-05)

# ARTICLE V. VIOLATIONS AND ENFORCEMENT

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## DIVISION 1. RESPONSIBILITY FOR ENFORCEMENT

### **Sec. 61-5-1. Buildings and Safety Engineering Department.**

- (a) The City of Detroit, through its Buildings and Safety Engineering Department, is authorized to administer and enforce the provisions of this Zoning Ordinance and shall enforce any provision of this Zoning Ordinance or the provisions of any zoning grant that is approved by the Buildings and Safety Engineering Department or Board of Zoning Appeals;
- (1) In accordance with Chapter 8.5 of this Code through the issuance of a blight violation notice; or
  - (2) Through the institution of an appropriate action or proceeding in equity to prevent, restrain, correct, or abate any violation of the provisions of this Zoning Ordinance;
  - (3) Through legal action to abate a public or private nuisance.
- (b) In accordance with the prescribed procedures of the City, the Director of the Buildings and Safety Engineering Department shall have the authority to designate technical officers and inspectors who are authorized to enforce and to ensure compliance with the provisions of this Chapter, to conduct inspections and reinspections, and to issue and serve upon a person a written notice or order, where the public servant has reasonable cause to believe that there has been a violation of this Chapter.
- (c) In accordance with Section 1-1-9 of this Code, the Director of the Buildings and Safety Engineering Department shall designate employees to act as authorized local officials who shall have the authority to issue and serve upon a person a blight violation where the official has reasonable cause to believe that there is a violation of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-5-2. Police Department.**

In cooperation with the Buildings and Safety Engineering Department, any police officer shall have the authority to enforce 1) any provision of this Zoning Ordinance, and 2) the provisions of any zoning grant that is approved by the Buildings and Safety Engineering Department or by the Board of Zoning Appeals, which concerns, among other things, the parking, storing, or placing of a motor vehicle upon land or premises.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-5-3. Other departments.**

In cooperation with the Buildings and Safety Engineering Department, any officer of the court and other officers of the City, including, but not limited to, the Department of environmental affairs, the Consumer Affairs Department, the Fire Department and the Department of Public Works, shall share responsibility for enforcing provisions of this Chapter which relate to their respective area of authority.

## Sec. 61-5-11 | Decriminalization.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-5-4–61-5-10. Reserved.****DIVISION 2. VIOLATIONS AND PENALTIES; BLIGHT VIOLATIONS****Sec. 61-5-11. Decriminalization.**

In accordance with Section 41(4) of the Michigan Home Rule Cities Act, being MCL 117.41(4), and Sections 1-1-9(c) and 8.5-2-1 of this Code, a violation of this Zoning Ordinance ceases to be a municipal civil infraction, and is deemed to be a blight violation. In addition, the City of Detroit, through its Corporation Counsel, may institute an appropriate action or proceeding in equity to prevent, restrain, correct, or abate any violation of the provisions of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-12. Motor vehicle registration plate.**

In any blight violation proceeding, or in any action or proceeding in equity, for the violation of any provision of this Zoning Ordinance which concerns the parking, storing, or placing of a motor vehicle upon land or premises, the registration plate attached to such motor vehicle shall constitute *prima facie* evidence that the owner of such motor vehicle was the person who parked, stored, or placed such motor vehicle upon the land of the premises where such violation is alleged to have occurred.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-13. Revocability of permit.**

In the event of non-compliance with any condition of issuance, a permit that is approved under the provisions of the Zoning Ordinance shall be revocable.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-14. Specific violations.**

Any of the following shall be a violation of this Zoning Ordinance and shall be subject to the remedies and penalties that are provided for in this zoning ordinance:

- (1) *Development or Subdivision Without Permit or Approval.* To engage in any subdividing, development, construction, remodeling, alteration, placement of signs, or other activity of any nature upon land that is subject to this zoning ordinance without all of the approvals which are required by this zoning ordinance;
- (2) *Development, Subdivision, Use or Sign Inconsistent with Permit or License.* To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, license, or other form of authorization which is required in order to engage in such activity;

Sec. 61-5-15 | Continuing violations.

- (3) *Development, Subdivision, Use or Sign Inconsistent with Conditions.* To violate, by act or omission, any term, condition, or qualification that is placed by a decision-making body upon any permit or other form of authorization;
- (4) *Violating Dimensional Requirements.* To reduce or diminish any lot area so that the lot size, setbacks, or open spaces shall be smaller than prescribed by this zoning ordinance, or to increase the height or bulk of any building or structure in violation of the requirements of this Zoning Ordinance;
- (5) *Increasing Intensity or Density of Use.* To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Zoning Ordinance;
- (6) *Removing or Defacing Required Notice.* To remove, deface, obscure, or otherwise interfere with any notice that is required by this zoning ordinance;
- (7) *Failure to Remove Signs.* To fail to remove any sign installed, created, erected or maintained in violation of this Zoning Ordinance, or where the sign permit has lapsed;
- (8) *Obtaining Permit or Approval in a Fraudulent Manner.* To obtain any permit, approval, certificate, license, or other form of authorization required by this zoning ordinance in a fraudulent manner; and
- (9) *All Other Violations.* To establish or operate other activities, structures, or land uses that are in violation of any specific provisions, or the general purpose and intent, of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-15. Continuing violations.**

Each day that a violation remains uncorrected after receiving notice of the violation from the City shall constitute a separate violation of this Zoning Ordinance. The imposition of a fine or penalty under this article shall not be construed to excuse or to permit the continuation of any violation.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-16. Remedies cumulative.**

The remedies and enforcement powers that are established in this Chapter shall be cumulative, and the City may exercise them in any order.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-17. Blight violations penalties.**

In accordance with Section 4(4) of the Michigan Home Rule City Act, being MCL 117.4(4), and Section 8.5-2-1 of this Code, any person, firm, partnership, or corporation, or anyone acting on behalf of said person, firm, partnership, or corporation, who admits responsibility or is found to be responsible, through a blight violation determination, for

Sec. 61-5-18 | Land use without permit

violation of any provision of this Zoning Ordinance shall be subject to a civil fine specified in Sec. 61-5-18 through Sec. 61-5-21 of this Code:

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

<b>Sec. 61-5-18. Land use without permit</b>			
<b>Violation</b>	<b>First Offense</b>	<b>Second Repeat Offense</b>	<b>Third and Subsequent Repeat Offenses</b>
<b>UNLAWFUL STORAGE UPON VACANT LAND</b>			
Refuse or debris	\$ 100	\$ 300	\$ 700
Vehicle	\$ 100	\$ 300	\$ 700
Other unlawful storage	\$ 100	\$ 300	\$ 700
<b>UNLAWFUL CHANGE OF USE OF BUILDING OR LAND</b>	\$750	\$1,000	\$1,500
<b>OTHER UNLAWFUL LAND USE</b>	\$ 200	\$ 400	\$1,000

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

<b>Sec. 61-5-19. Failure to comply with condition granted by the Buildings and Safety Engineering Department or by the Board of Zoning Appeals.</b>			
<b>Violation</b>	<b>First Offense</b>	<b>Second Repeat Offense</b>	<b>Third and Subsequent Repeat Offenses</b>
Failure to comply with a grant condition	\$ 100	\$ 500	\$ 1,000

(Ord. No. 11-05, §1, 5-28-05)

<b>Sec. 61-5-20. Failure to comply with a parking, loading, or dimensional requirement.</b>			
<b>Violation</b>	<b>First Offense</b>	<b>Second Repeat Offense</b>	<b>Third and Subsequent Repeat Offenses</b>
Off-street parking, loading or unloading	\$100	\$200	\$1,000
Projection or encroachment on required front, side, or rear setback	\$100	\$200	\$ 500
Other non-compliance with dimensional or intensity or density requirements	\$100	\$200	\$ 500

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

<b>Sec. 61-5-21. Failure to comply with other land use or procedural requirements.</b>			
<b>Violation</b>	<b>First Offense</b>	<b>Second Repeat Offense</b>	<b>Third and Subsequent Repeat Offenses</b>
Unlawful banner, signage or antenna	\$200	\$ 400	\$ 1,500

## Sec. 61-5-22 | Partnerships and corporations.

<b>Sec. 61-5-21. Failure to comply with other land use or procedural requirements.</b>			
<b>UNLAWFUL STORAGE UPON LAND DEVELOPED AS NON-RESIDENTIAL</b>			
Inoperable vehicle	\$ 100	\$ 200	\$ 500
Refuse or debris	\$ 100	\$ 200	\$ 500
Other unlawful storage	\$ 100	\$ 200	\$ 500
<b>UNLAWFUL STORAGE UPON LAND DEVELOPED AS RESIDENTIAL</b>			
Inoperable private passenger vehicle	\$ 100	\$ 200	\$ 500
Inoperable recreational equipment	\$ 100	\$ 200	\$ 500
Refuse or debris	\$ 100	\$ 200	\$ 500
Vehicle other than operable recreational equipment or operable private passenger vehicle	\$ 100	\$ 200	\$ 500
Other unlawful storage	\$ 100	\$ 200	\$ 500
OTHER NON-COMPLIANCE WITH LAND USE REQUIREMENTS	\$ 125	\$ 250	\$ 1000
FAILURE TO COMPLY WITH PROCEDURAL OR OTHER REQUIREMENTS	\$125	\$250	\$1000

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-5-22. Partnerships and corporations.**

In the case of a firm or a partnership, the civil fine may be imposed upon the partners or members thereof and, in the case of a corporation, the civil fine may be imposed upon the officers thereof.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-23. Fines.**

In accordance with Section 8.5-2-2 of this Code:

- (1) A civil fine that is paid before the appearance date shall be reduced by ten percent (10%);
- (2) A civil fine that is paid after the appearance date shall be increased by ten percent (10%); and
- (3) A civil fine that is paid on the appearance date shall be neither reduced nor increased.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-24. Fees.**

- (a) Pursuant to Section 4q(13) of the Michigan Home Rule Cities Act, being MCL 117.4q(13), and Section 8.5-3-5(a) of this Code, City of Detroit Department of Administrative Hearings hearing officers shall impose a justice system assessment fee for each blight violation determination.



Sec. 61-5-25 | Compliance.

- (b) Pursuant to Section 8.5-3-5(b) of this Code, each blight violation notice shall be subject to an administrative processing and adjudication fee, that is established by the Director of the Department of Administrative Hearings and approved by City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-25. Compliance.**

Payment of a blight violation fine does not relieve the responsible party from complying with any order of the Buildings and Safety Engineering Department or from complying with the provisions of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-5-26–61-5-30. Reserved.**

**DIVISION 3. OTHER REMEDIES AND ENFORCEMENT POWERS**

**Sec. 61-5-31. Other remedies and enforcement powers.**

The City shall have additional remedies and enforcement powers specified in this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-32. Ineligibility to make application; Withhold permit.**

- (a) A person is ineligible to apply for a permit where the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.
- (b) The Buildings, Safety Engineering and Environmental Department may deny or withhold any and all permits, certificates, or other forms of authorization from an applicant on any land or structure or improvements thereon where there is an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization which was previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- (c) The Buildings, Safety Engineering and Environmental Department may deny or withhold all permits, certificates, or other forms of authorization, on any land or structure or improvement that is owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization which was previously granted by the City. This provision shall apply

Sec. 61-5-33 | Permits approved with conditions.

regardless of whether the property for which the permit or other approval is sought is the property in violation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-5-33. Permits approved with conditions.**

In addition to withholding or denying a permit or other authorization, the Buildings and Safety Engineering Department may grant such authorization subject to the condition that the violation be corrected.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-34. Revocation of permits.**

Any permit or other form of authorization which is required under this zoning ordinance may be revoked where the Buildings, Safety Engineering and Environmental Department determines 1) that there is departure from the plans, specifications, use regulations, or conditions as required under terms of the permit; 2) that any of the permits, including the development permit was procured by false representation or was issued in error; or 3) that any of the provisions of this Zoning Ordinance are being violated. Any permit or other authorization that is revoked under this procedure shall become null and void. (See Sec. 61-3-25 through Sec. 61-3-28 and Sec. 61-5-51 through Sec. 61-5-56 of this Code, for the appropriate revocation procedure.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-5-35. Stop work.**

With or without revoking permits, the Buildings and Safety Engineering Department may stop work on any building or structure on any land where there is an uncorrected violation of a provision of this Zoning Ordinance, or of a permit or other form of authorization issued hereunder, in accordance with its authority to stop work under the Michigan Building Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-36. Injunctive relief.**

The Buildings and Safety Engineering Department may seek an injunction or other equitable relief in court to stop any violation of this Zoning Ordinance, or of a permit, certificate, or other form of authorization that is granted under this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-37. Abatement.**

The Buildings and Safety Engineering Department may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation, or to otherwise restore the premises in question to the condition which existed prior to the violation.

**Sec. 61-5-38 | Other remedies.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-38. Other remedies.**

The Buildings and Safety Engineering Department shall have such other remedies as are provided for by Michigan law for the violation of zoning, subdivision, sign or related provisions of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-39. Other powers.**

In addition to the enforcement powers that are specified in this Chapter, the City may exercise any and all enforcement powers which are granted by Michigan law.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-40. Continuation.**

Nothing in this zoning ordinance shall prohibit the continuation of previous enforcement actions that were undertaken by any City department, appointee, or employee, pursuant to Ordinance 390-G, as amended, *The Official Zoning Ordinance of the City of Detroit*.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-5-41–61-5-50. Reserved.****DIVISION 4. ENFORCEMENT PROCEDURES****Sec. 61-5-51. In general.**

The Buildings and Safety Engineering Department shall administer enforcement of blight violations provisions in accordance with the procedures that are specified in Chapter 8.5 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-5-52. Revocation of Land Use Rights.**

The Buildings, Safety Engineering and Environmental Department shall initiate a revocation process upon a determination by the department that there are reasonable grounds for revocation of land use rights granted under the provisions of this ordinance, -in the following circumstances:

- (1) Failure to obtain a Certificate of Occupancy in a reasonable amount of time as determined by the Building Official resulting in the termination of the building permit. Upon revocation of a permit, any related zoning grant shall become invalid (Sec. 61-3-25 through Sec. 61-3-27); or

**Sec. 61-5-53 | Notice of revocation.**

- (2) Failure to comply with all of the standards for a conditional land use or any stated conditions of approval after the issuance of a Certificate of Occupancy. Such revocation shall be subject to a show-cause hearing. (Sec. 61-4-38); or
- (3) A land use that was legally established at a time when no such establishment procedure was required for that use, including establishment prior to the current version of this zoning ordinance, which has not been in use for a continuous period of at least six (6) months and therefore will be presumed to be abandoned. Such revocation shall be subject to a show-cause hearing.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-5-53. Notice of revocation.**

- (1) Notice of Revocation of a zoning grant in which a Building Permit and/or Certificate of Occupancy has not been issued shall be sent by BSEED [Buildings, Safety Engineering and Environmental Department] via certified mail to the property owner, taxpayer of record and the applicant of record.
- (2) Whenever this Chapter or due process requires a show-cause hearing, the Buildings, Safety Engineering and Environmental Department shall publish, in a newspaper of general circulation in the City of Detroit not less than ten (10) days before the hearing is held, one (1) notice that a show-cause hearing will be held, and shall send by certified mail a copy of said notice to the owners of property for which the hearing is being held.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-5-54. Repealed.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-5-55. Revocation; required findings.**

The Buildings, Safety Engineering and Environmental Department may revoke land use rights upon making one (1) or more of the following findings:

- (1) That the land use grant, variance or permit was approved on the basis of erroneous or misleading information or misrepresentation;
- (2) That the terms or conditions of approval of the permit have been violated, the use has become a nuisance and/or is injurious to the adjacent and surrounding property owners or the applicant has failed to comply with all applicable local, state and federal codes and ordinances; or
- (3) That there has been a discontinuance of the exercise of the entitlement granted by the permit for a continuous period of at least six (6) months.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Sec. 61-5-56. Evidence of Abandonment; Overcoming Abandonment.**

- (1) **Presumption of Abandonment.** A land use shall be presumed abandoned and its land use rights extinguished where any one (1) of the following has occurred:

Sec. 61-5-56 | Evidence of Abandonment; Overcoming Abandonment.

- (a) The owner has indicated, in writing or by public statement, an intent to abandon the use; or
  - (b) A less intensive use has replaced the current presumed abandoned use; or
  - (c) The building or structure that houses the use has been removed; or
- (2) Evidence of Abandonment. The building official shall schedule a show-cause hearing if there is evidence that any one (1) of the following has occurred:
- (a) The owner of the property has indicated, in writing or by public statement, an intent to abandon the use; or
  - (b) The building or structure that houses the use has been removed; or
  - (c) The owner has physically changed the building or structure, or its permanent equipment, in a manner that clearly indicates a change in use or activity to something other than the existing use; or
  - (d) The use has been discontinued, vacant, or inactive for a continuous period of at least six (6) months; or
  - (e) Public utility service has been shut off; or,
  - (f) Any license required by law for the operation of the use has expired, or has been revoked[.]
- (3) Overcoming Presumption of Abandonment. A presumption of abandonment based on the evidence of abandonment, as provided for in Subsections (1) - (2) of this section, may be rebutted upon a showing of all of the following, to the satisfaction of the Buildings, Safety Engineering and Environmental Department, that the owner:
- (a) Has been maintaining the land and structure in accordance with all applicable regulations, including the Michigan Building Code, and did not intend to discontinue the use;
  - (b) Has been maintaining all applicable licenses; and
  - (c) Has filed all applicable tax documents; and
  - (d) In addition, the owner of the use shall be required to demonstrate, to the satisfaction of the Buildings, Safety Engineering and Environmental Department, that during the period of inactivity or discontinuance the owner:
    - (i) Has been actively and continuously marketing the land or structure for sale or lease for the existing use/purpose; or
    - (ii) Has been engaged in other activities that would affirmatively prove there was no intent to abandon.

Sec. 61-5-56 | Evidence of Abandonment; Overcoming Abandonment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 32-13, §1, 12-21-13)

**Secs. 61-5-57–61-5-60. Reserved.**



## ARTICLE VI. SIGNS

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### DIVISION 1. GENERAL; DEFINITIONS

#### Sec. 61-6-1. Purpose; Overview.

(a) The sign regulations of this article are intended to balance public and private interests. The purpose of this article is to promote a safe, well-maintained, vibrant and attractive City while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse and otherwise communicate information. While these regulations allow for a variety of sign types and sizes, they do not necessarily ensure every property owner or business owner's desired level of visibility. It is not the intent or purpose of this Chapter to regulate the message displayed on any sign or the content. The objectives of this article are to:

- (1) General: Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare;
  - (2) Public Safety: Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
  - (3) Protect Aesthetic Quality of Neighborhoods: Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views and preventing intrusion of commercial messages into noncommercial areas;
  - (4) Free Speech: Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
  - (5) Reduce Conflict: Reduce conflict among signs and light, and between public and private information systems;
  - (6) Business Identification: Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
- (b) Sign controls have been written for each district and placed in this article for ease of use and administration. All signs have been divided into four (4) major categories: advertising; business, including identification and institutional bulletin; directional; and real estate. These are further divided according to structure type, *viz.*, double-face, flashing, illuminated, roof, ground, and wall. As an aid to the user of the Zoning Ordinance, definitions that pertain to signs have been restated in this division. In addition all relevant sign terms are defined in Sec. 61-16-173 of this Code.
- (c) Additional non-zoning provisions for signs are contained in Chapter 3 of this Code *Advertising and Signs*. Such provisions are enacted under the police powers of the City.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)



## Sec. 61-6-2 | Sign.

**Sec. 61-6-2. Sign.**

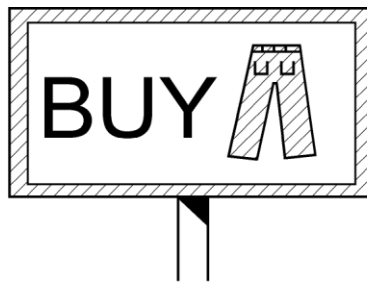
Sign means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminated service that shall be constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise that is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of such classification as set forth in the Stille-Derossett-Hale Single State Construction Code Act, including Appendix H, being MCL 125.1501 *et seq.*, and as set forth in this Code. However, a “sign” shall not include any display of official court or public agency notices, or the flag, emblem, or insignia of a nation, political unit, school, or religious group. The term, sign, also does not include any non-illuminated, non-commercial, painted art mural.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-6-3. Sign, advertising.**

An advertising sign is a sign, whether billboard or painted wall graphic, which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than on the premises where the sign is located or painted or to which it is affixed, or only incidentally sold or offered on the premises. (See Figure 61-6-3.)

(Ord. No. 11-05, §1, 5-28-05)

**FIGURE 61-6-3****ADVERTISING SIGN****OFF-PREMISES ADVERTISING****Sec. 61-6-4. Sign, animated.**

An animated sign is any sign, which uses movement or change of lighting to depict action or to create a special effect or scene, including signs displaying moving images or videos. For regulatory purposes, animated signs are flashing signs.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-6-5 | Sign, area of.

**Sec. 61-6-5. Sign, area of.**

The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semicircle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. The blank areas between letters, words, illustrations, graphics, and the like are integral to understanding the message or display of a sign and shall be included in the computation of the area of a sign or the area of a message or word or letter or graphic that is part of a sign.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-6-6. Sign, billboard.**

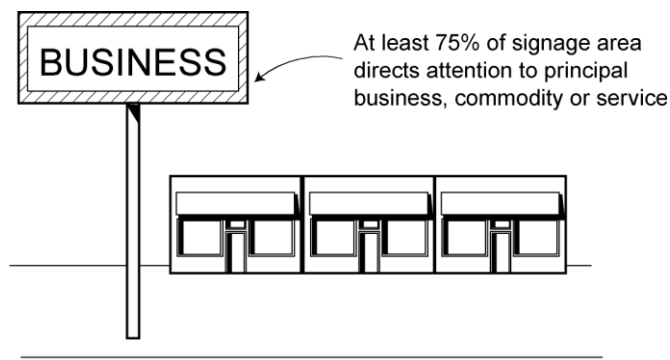
A billboard is a large outdoor board for advertisements, which most commonly serve as “advertising signs,” as defined in Sec. 61-6-3 of this Code, except when identifying the business or profession conducted on the same zoning lot on which the billboard is located, in which case the billboard serves as a “business sign,” as defined in Sec. 61-6-7 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-6-7. Sign, business.**

A business sign is a sign, at least seventy-five percent (75%) of whose area is devoted to directing attention to the principal business or profession conducted, or to the principal type of commodity, service, or entertainment sold or offered on the premises on which the sign is located or to which it is affixed. (See Figure 61-6-7.)

(Ord. No. 11-05, §1, 5-28-05)

**FIGURE 61-6-7****BUSINESS SIGN****ON-PREMISES BUSINESS**

Sec. 61-6-8 | Sign, directional.

**Sec. 61-6-8. Sign, directional.**

A directional sign is a sign directing and guiding traffic or parking but bearing no advertising matter. (See Figure 61-6-8.)

(Ord. No. 11-05, §1, 5-28-05)



**Sec. 61-6-9. Sign, double-face.**

A sign, both sides of which are visible and used as signs. A “V” type sign shall be considered a double-face sign, provided, that the least angle of intersection does not exceed ninety (90) degrees. A multi-face sign has more than two (2) display areas, all of which are visible and used as signs.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-10. Sign, electronic message board.**

An electronic message board is a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. For regulatory purposes, electronic message board signs are flashing signs.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-11. Sign face.**

The sign face is the area or display surface used for the message.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-12 | Sign, flashing.

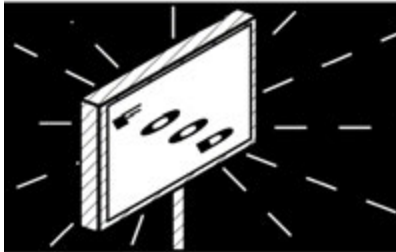
**Sec. 61-6-12. Sign, flashing.**

A flashing sign is an illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when in use. (See Figure 61-6-12.) Electronic message boards and animated signs shall be considered flashing signs.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-6-12**

**FLASHING SIGNS**



**Sec. 61-6-13. Sign, freeway advertising.**

A freeway advertising sign is any advertising sign located in an adjacent area where the facing of the sign is visible from a freeway. For purposes of this Chapter: “Freeway” means a divided highway of not less than two (2) lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor, and “Adjacent area” means the area measured from the nearest edge of the right of way of a freeway and extending three thousand (3,000) feet perpendicularly and then along a line parallel to the right-of-way line. Freeway advertising signs, as well as advertising signs along other state trunk lines, are additionally regulated by the Michigan Department of Transportation (MDOT) and require a permit from MDOT prior to issuance of a permit by the City of Detroit, as provided for in Sec. 61-6-61 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-6-14. Sign, identification.**

An identification sign is a business sign, not less than seventy-five percent (75%) of the area of which identifies the name of the individual, profession, occupation, organization, hotel, or motel occupying the premises, or the name or street number of the building. Information directly related to principal or accessory uses of the property may also be included, provided, that not more than twenty-five percent (25%) of the area of the sign is devoted to such information. (See Figure 61-6-14)

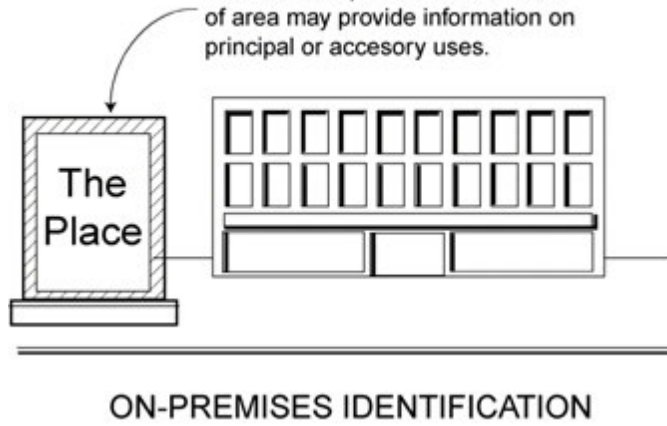
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

Sec. 61-6-15 | Sign, illuminated.

**FIGURE 61-6-14**

**IDENTIFICATION SIGN**

Building name or street number, or name of occupant. Maximum 25% of area may provide information on principal or accessory uses.



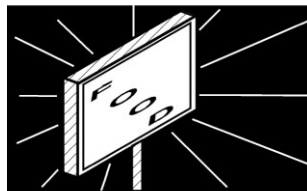
**Sec. 61-6-15. Sign, illuminated.**

An illuminated sign is a sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection. (See Figure 61-6-15.)

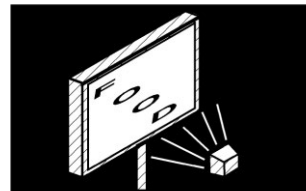
(Ord. No. 11-05, §1, 5-28-05)

**FIGURE 61-6-15**

**ILLUMINATED SIGNS**



ILLUMINATED (INTERNAL)



ILLUMINATED (EXTERNAL)

**Sec. 61-6-16. Sign, institutional bulletin.**

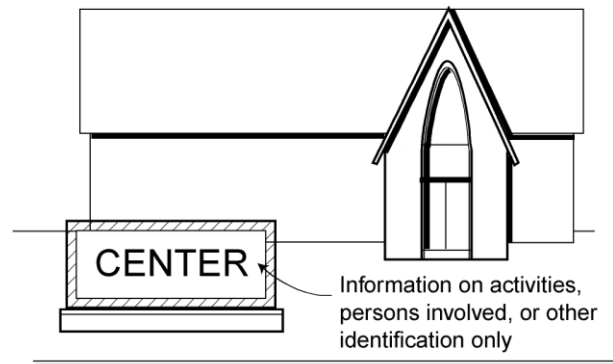
A business sign of any public civic, or institutional land use specified in ARTICLE XII, DIVISION 1, Subdivision C of this Chapter, other than family day care homes and group day care homes, and a business sign of any fraternal or philanthropic organization, provided, that said sign is located on the premises and limited to bearing only information related to activities conducted on the premises, persons involved, or other identification information. (See Figure 61-6-16.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-17 | Sign, painted wall graphic.

FIGURE 61-6-16

INSTITUTIONAL BULLETIN SIGN



ON-PREMISES INSTITUTIONAL BULLETIN

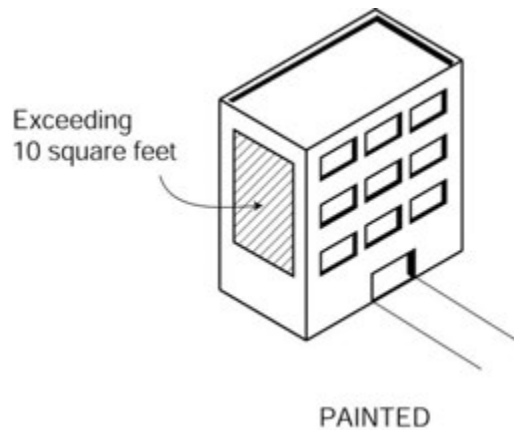
**Sec. 61-6-17. Sign, painted wall graphic.**

A painted wall graphic is a sign, which exceeds ten (10) square feet in area, which is painted upon a wall. (See Figure 61-6-17.)

(Ord. No. 11-05, §1, 5-28-05)

FIGURE 61-6-17

PAINTED WALL GRAPHIC SIGN



**Sec. 61-6-18. Sign, political.**

A political sign is an advertising sign announcing or supporting political candidates or issues in connection with any national, state, or local election or referendum.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-19 | Sign, portable.

**Sec. 61-6-19. Sign, portable.**

A portable sign is any sign of durable material, that is designed to be moved easily and is not permanently affixed to the ground or to a structure or building. Portable signs include, but are not limited to: A-frame signs; sandwich board signs; and portable message boards typically measuring 5' x 8' with manually changeable letters.

(Ord. No. 11-05, §1, 5-28-05)

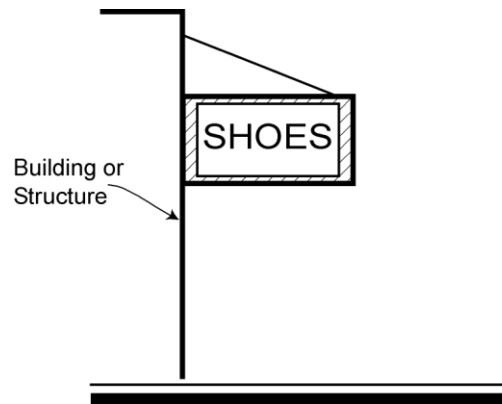
**Sec. 61-6-20. Sign, projecting.**

- (a) A projecting sign is a sign constructed or erected so as to be attached at one (1) end to a building, or other structure, and projecting out therefrom.
- (b) In addition, any sign projecting into the right-of-way shall be considered a projecting sign.
- (c) See also Figure 61-6-20.

(Ord. No. 11-05, §1, 5-28-05)

**FIGURE 61-6-20**

**PROJECTING SIGN**



**PROJECTING-SECTION VIEW**

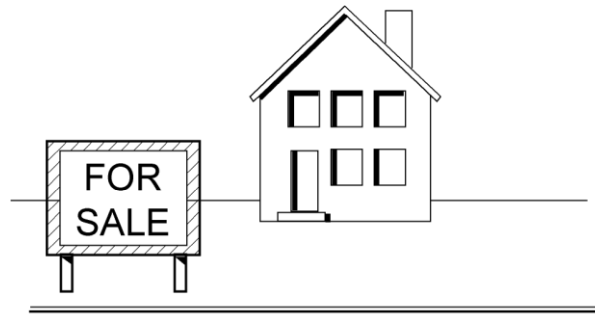
**Sec. 61-6-21. Sign, real estate.**

A real estate sign is a sign advertising that the premises where it is located are for sale, lease, or rent. (See Figure 61-6-21.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

FIGURE 61-6-21

## REAL ESTATE SIGN



ON-PREMISES REAL ESTATE

**Sec. 61-6-22. Sign, temporary.**

Temporary sign means a sign, including any banner constructed of cloth, fabric, poster board, corrugated plastic or corrugated cardboard, or other lightweight temporary material, with or without a structural frame, that is intended for a limited period of display on a building, including decoration displays for holidays or public demonstrations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-23. Signs, wall, roof, or ground.**

- (a) Wall sign means any sign attached to, or erected against, the wall of a building or structure with the exposed face of the sign in a plane that is parallel to the plane of the wall.
- (b) Roof signs are signs that are erected upon, or above, a roof or parapet of a building or structure.
- (c) Ground sign means a sign, including a ground-mounted billboard, that is supported by one or more uprights, poles, or braces in or upon the ground; monument signs and pylon signs shall be considered as ground signs.
- (d) See also Figure 61-6-23.

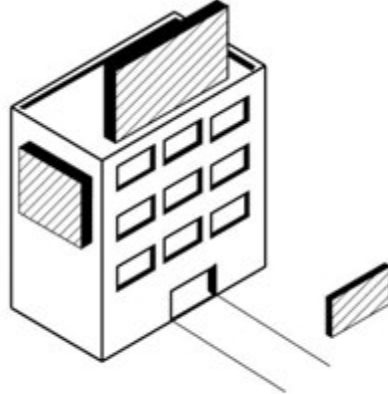
(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-6-24 | Reserved.

**FIGURE 61-6-23**

**WALL, ROOF, OR GROUND SIGN**



**WALL / ROOF / GROUND MOUNTED**

**Sec. 61-6-24. Reserved.**

**Sec. 61-6-25. Sign, monument.**

A freestanding sign attached to a permanent foundation or decorative base and not attached or dependent for support from any building, pole, posts, or similar uprights.

(Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-6-26. Sign, pylon.**

A permanent freestanding sign that is mounted on a pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.

(Ord. No. 23-13, §1, 8-28-13)

**Secs. 61-6-27–61-6-30. Reserved.**

**DIVISION 2. REGULATIONS OF GENERAL APPLICABILITY**

**Sec. 61-6-31. Permit required.**

Except as otherwise provided for in this Code, no sign shall be erected, affixed, or displayed without a permit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-32. Noncommercial messages.**

Any sign, display, or device which is allowed under this Chapter may contain, in lieu of any other message, any otherwise lawful noncommercial message which does not direct

**Sec. 61-6-33 | Height limits.**

attention to a business operated for profit, or to a commodity or service for sale, and which complies with zoning district, height, lighting, and setback requirements of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-33. Height limits.**

The height limitations, that are contained in Sec. 61-6-34 through Sec. 61-6-41 of this Code, shall apply, except where more restrictive regulations are applicable. The height of a sign shall be the distance between the highest part of the sign, including support structure, and the established grade as defined in Sec. 61-16-92 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-34. Height; ground or free-standing signs.**

(a) Ground or free-standing signs shall not exceed thirty-five (35) feet in height, except where the district regulations permit a greater height, and ground or free-standing signs may be permitted up to the height regulations that are specified in the district but, in any instance, no more than seventy (70) feet in height. New ground signs in Traditional Main Street Overlay areas shall be limited to a maximum height of twelve (12) feet, as specified in Sec. 61-14-300 of this Code.

(b) Ground or free-standing advertising signs:

- (1) Shall not exceed thirty-five (35) feet in height, except as provided for in Sec. 61-6-38 and Sec. 61-6-74 of this Code;
- (2) In addition, the bottom edge of a ground or free-standing advertising sign shall not be less than fifteen (15) feet above established grade, whenever located within the “clear vision triangle,” as defined in Sec. 61-16-52 of this Code. In Traditional Main Street Overlay areas, new ground signs shall not be located in the “clear vision triangle.”

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-6-35. Height; business or identification signs.**

Business or identification signs shall be permitted to a height not in excess of the height limitation for roof, wall, ground, or projecting signs as applicable for the district. Business signs are also subject to the provisions of Chapter 3, Article VII of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-36. Height; roof signs.**

Roof signs shall not exceed the maximum building height that is permitted in the district where the sign is located.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-37 | Height; projecting signs.

**Sec. 61-6-37. Height; projecting signs.**

Projecting signs, which are attached to a building wall, shall not exceed the maximum building height that is permitted in the district where the sign is located.

**Sec. 61-6-38. Sign height variances.**

- (a) On petition, the Board of Zoning Appeals may waive the height limitation in specific cases upon making all of the following findings:
- (1) That the increase in height at the proposed location which is reviewed in conjunction with the design and appearance of the sign indicates that the increase will not have a detrimental effect on the privacy, light, or air of neighboring properties; and
  - (2) That the increase in height will not substantially affect the use or development of adjacent or surrounding property by impairing or detracting from the aesthetic value of said property; and
  - (3) That, in the case of advertising signs which are constructed within the permitted height limitation, the sign would not be visible to passing traffic at any point within the one thousand (1,000) linear foot spacing area.
- (b) The Buildings and Safety Engineering Department may adjust the standard height and sign face area limitations of advertising signs in accordance with the provisions of Sec. 61-6-74 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-39. Directional signs.**

- (a) *Residential Zoning Districts.*
- (1) *Area and Number.* One (1) directional sign at each point of ingress and egress shall be permitted. No sign shall exceed two (2) square feet in area.
  - (2) *Height.* No directional ground sign shall extend more than five (5) feet above the level of the nearest sidewalk.
  - (3) Where deemed appropriate in site plan review, additional directional signage may be authorized at the height specified in site plan review.
  - (4) Directional signage may also be permitted on lots in residential zoning districts for uses on zoning lots within one hundred (100) feet of the zoning lot on which the directional sign is to be located.
- (b) *Nonresidential Zoning Districts.*
- (1) *Area and Number.* One (1) directional sign at each point of ingress and egress shall be permitted. No sign shall exceed six (6) square feet in area.
  - (2) *Height.* No directional ground sign shall extend more than five (5) feet above the level of the nearest sidewalk.
  - (3) Where deemed appropriate in site plan review and at the height specified in site plan review, additional directional signage may be authorized.

Sec. 61-6-40 | Institutional bulletins.

- (4) Directional signage may also be permitted on lots in nonresidential zoning districts for uses on zoning lots within one hundred (100) feet of the zoning lot on which the directional sign is to be located.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-6-40. Institutional bulletins.**

(a) *Area and Number.*

One (1) institutional bulletin, that does not exceed thirty-two (32) square feet in area, shall be permitted. On a corner lot, the maximum size sign shall be permitted on each street frontage.

(b) *Height.*

Except as may be authorized in site plan review, no institutional bulletin shall extend higher than fifteen (15) feet above established grade.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-41. Real estate signs, construction site signs, and political signs.**

(a) *Area and Setback.*

In residential zoning district classifications, a real estate sign or construction site sign or political sign that does not exceed six (6) square feet in area and is not located closer than eight (8) feet to any other zoning lot, shall be permitted. On a corner lot, the maximum size sign for real estate signs shall be permitted on each street frontage.

In non-residential zoning district classifications, the area of real estate or construction site signage shall not exceed thirty-two (32) square feet for each street frontage.

(b) *Height.*

No real estate sign or construction site sign or political sign shall extend higher than fifteen (15) feet above the level of the nearest sidewalk.

(c) *Construction site signs.*

Signs at construction sites shall be limited to information concerning the premises and/or identifying those involved with the construction. Permits for construction signs are valid only during the construction period. However, windbreaks or fugitive dust mitigation coverings on temporary fencing at construction sites may be imprinted with information or depictions pertaining to the construction site or of a civic nature and are exempt from sign permit requirements.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-6-42. Roof signs.**

Roof signs shall be prohibited in all areas zoned in a residential district classification, and in all B1, B2, SD1, SD2 Districts, and Traditional Main Street Overlay areas. Roof signs

**Sec. 61-6-43 | Double-face signs.**

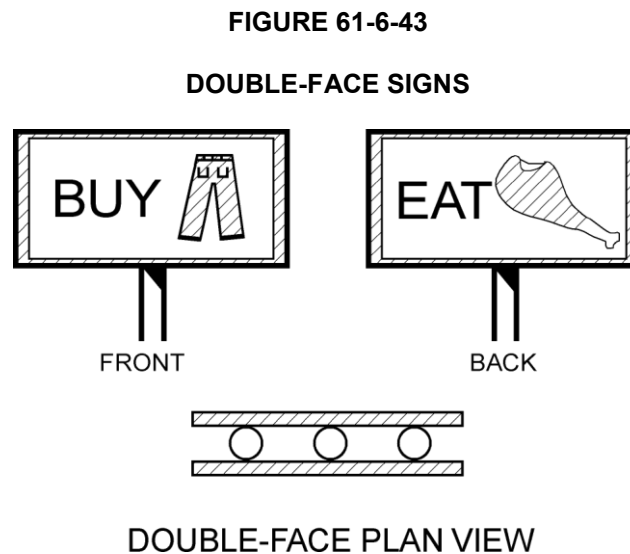
shall be prohibited in PCA Districts on buildings that are less than five hundred (500) feet in height.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13; Ord. No. 20-16, §1, 06-16-2016)

**Sec. 61-6-43. Double-face signs.**

Where a sign is permitted by any provision of this Chapter, it shall be construed to permit a double-face sign. Each face of a double-face sign may equal the maximum size for the particular type of sign permitted. (See Figure 61-6-43.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-44. Temporary signs.**

The regulations for temporary signs are specified in [Sec. 61-12-442](#) of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-45. Electronic message boards.**

Electronic message boards that exclusively display messages or images which are related to activities and events occurring on the premises where the electronic message board is located shall be considered business signs. Electronic message boards that display messages or images not relating to activities or events which occur on the premises shall be considered as advertising signs. (See also [Sec. 61-6-71](#).)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-46 | Portable signs.

**Sec. 61-6-46. Portable signs.**

To eliminate obstructions of traffic visibility, reduce impediments to pedestrian circulation, to minimize wind-blown hazards, and to reduce the burden of enforcement on the City, portable signs are prohibited in the City of Detroit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-47. Non-zoning sign regulations.**

Non-zoning provisions for signs are found in Chapter 3 of this Code, *Advertising*.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-48. Reserved.**

**Sec. 61-6-49. Pylon signs, limitation.**

Pylon signs are not permitted in Traditional Main Street Overlay areas.

(Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-6-50. Reserved.**

### **DIVISION 3. ADVERTISING SIGN REGULATIONS**

**Sec. 61-6-51. Setbacks.**

Advertising signs shall be set back:

- (1) Not less than forty (40) feet from all residential zoning districts and residential PD Districts; and
- (2) Not less than five (5) feet from any lot line that divides the lot from a street and, where applicable, not less than any required setback as provided for in Sec. 61-13-53 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-52. Spacing between advertising signs.**

An advertising sign shall not be erected, affixed, applied, painted, or represented directly or indirectly upon a building, structure, or zoning lot closer than one thousand (1,000) feet, measured linearly, to another advertising sign. Linear measurement shall be based on the distance, measured along the centerline of the roadway abutting the zoning lots on which the advertising signs are located, at points perpendicular to the outermost portions of the advertising signs, including support structure, closest to one another. In measuring the distance between two (2) freeway advertising signs, all measurements shall be made as if the zoning lot actually abutted the freeway right-of-way. This spacing requirement applies regardless of the side of the roadway where the advertising sign is located.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-53 | Spacing; exception.

**Sec. 61-6-53. Spacing; exception.**

The provisions of Sec. 61-6-52 of this Code shall not apply to advertising signs which are separated by a building or other visual obstruction in such a manner that only one (1) sign located within the spacing distance is visible from the roadway at any time. Likewise, the provisions of Sec. 61-6-52 of this Code shall not apply to advertising signs which are oriented to opposing traffic.

(Ord. No. 11-05, §1, 5-28-05)

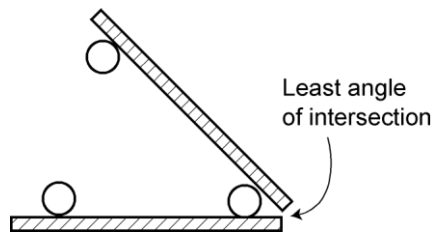
**Sec. 61-6-54. Spacing; V-shaped signs.**

In the case of double-face signs and V-shaped signs, two (2) advertising signs shall be considered as oriented to opposing directions of traffic where the least angle of intersection of the two (2) sign faces does not exceed forty-five (45) degrees. (See Figure 61-6-54.)

(Ord. No. 11-05, §1, 5-28-05)

**FIGURE 61-6-54**

**V-SHAPED SIGN**



**Sec. 61-6-55. Spacing; modification.**

No modification of this spacing provision shall be considered except in accordance with the approval criteria for administrative adjustments and variances, as provided for in Sec. 61-4-81 of this Code and in accordance with the conditions specified in Sec. 61-12-95 of this Code for the waiver of general spacing requirements:

- (1) During the six (6) month period specified in Sec. 61-6-56 of this Code, the Buildings and Safety Engineering Department shall not permit any additional advertising sign within one thousand (1,000) feet measured linearly from the approved site, except where such additional advertising sign is oriented to opposing traffic;
- (2) The Buildings and Safety Engineering Department shall develop a written policy regarding the procedures for the tracking of advertising sign permit applications to ensure that the spacing provisions of Sec. 61-6-52 of this Code are properly implemented.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-6-56 | Term of permit.

**Sec. 61-6-56. Term of permit.**

Once the Buildings and Safety Engineering Department has issued a permit for an advertising sign, the permit-holder shall have six (6) months from the date of issuance of the permit to make the site ready for display of the advertising copy. In the case of billboards serving as advertising signs, this shall mean that work on all supporting structures and the sign face, with or without advertising copy, is complete within six (6) months of the date of issuance of the permit, except as provided for in Sec. 61-3-25 through Sec. 61-3-28 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-57. Spacing from schools, playgrounds, parks, and historic districts.**

Advertising signs shall not be permitted:

- (1) Within five hundred feet (500'), measured linearly, of any school site, public playground, or public park;
- (2) Within five hundred feet (500'), measured radially, from any City of Detroit historic district; or
- (3) Within the boundaries of any City of Detroit historic district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-58. Corner-lot advertising signs.**

For purposes of spacing, advertising signs on corner zoning lots shall be deemed as being oriented to all intersecting roadways, except in such instances where only the non-display area on the back of the sign is visible to a roadway. Where placement of a proposed advertising sign on a corner zoning lot would result in more than one (1) sign being visible from intersecting roadways, one (1) of the signs must be at least three hundred (300') feet from the point where the center lines of said roadways intersect.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-59. Information to be submitted with permit application.**

By appending to the advertising sign permit application, the applicant shall furnish the Buildings and Safety Engineering Department with the four (4) items as specified in Sec. 61-6-60 through Sec. 61-6-63 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-60. Submittal requirements; range of addresses.**

The applicant shall provide a listing of the range of addresses for each street falling within the following specified distances of the outermost points of the proposed advertising sign:



**Sec. 61-6-61 | Submittal requirements; MDOT permit.**

- (1) Five hundred (500) radial feet; and
  - (2) One thousand (1,000) linear feet along only those streets abutting the zoning lot.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-61. Submittal requirements; MDOT permit.**

For locations where a Michigan Department of Transportation (MDOT) permit is required, the applicant shall submit a copy of said MDOT permit prior to issuance of a permit by the City of Detroit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-62. Submittal requirements; survey.**

The applicant shall submit a certified survey of the land within one hundred fifty (150) radial feet of the outermost points of the proposed advertising sign, that is prepared by a registered surveyor licensed by the State of Michigan, indicating the exact distance between the outermost points of the advertising sign and the following four (4) features:

- (1) Any land zoned R1, R2, R3, R4, R5, R6, or residential PD (planned development);
- (2) All lot lines on the zoning lot;
- (3) All right-of-way lines; and
- (4) Where applicable, the nearest edge of the traveled roadway of any freeway or freeway interchange ramp.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-63. Submittal requirements; affidavit.**

The applicant shall submit an affidavit that is signed by a registered surveyor who is licensed by the State of Michigan, declaring the exact distance between the outermost points of the advertising sign and the following four (4) features:

- (1) The nearest point of all other advertising signs within one thousand (1,000) feet measured linearly along all streets abutting the zoning lot and the street address(es) of any such signs;
- (2) The nearest lot line of a school, park, or playground within five hundred (500) feet measured linearly;
- (3) The nearest lot line of a City of Detroit historic district within a five hundred (500) foot radius; and
- (4) In the event that the advertising sign is proposed to exceed the standard thirty-five (35) foot height limitation or the standard sign face area limitations as specified in [Sec. 61-6-66](#) of this Code, the nearest lot line of land zoned R1, R2, R3, R4, R5, R6 or residential PD (Planned Development) within a one-quarter (1/4) mile radius.

In addition, the surveyor shall confirm, by affidavit, that the information contained in and appended to the sign permit application is accurate to the best of his or her knowledge.

**Sec. 61-6-64 | Painted wall graphics as advertising signs.**

Provision of false, inaccurate, or misleading information may result in removal of the advertising sign at the owner's expense subject to the provisions of Sec. 61-5-55 of this Code. The Buildings and Safety Engineering Department shall verify the findings of the surveyor that are contained in the affidavit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-64. Painted wall graphics as advertising signs.**

Alteration, restoration, repair, or repainting of painted wall graphics, that serve as advertising signs, and were in existence prior to August 6, 1993, shall be permitted as a matter of right, provided, that:

- (1) The name of the owner of the property and the address of the sign have been placed on record with the Buildings and Safety Engineering Department within two (2) years of August 6, 1993; and
- (2) A sign license is issued for the advertising sign; and
- (3) Where the advertising sign is not placed on record with the department within two (2) years of August 6, 1993, any alteration or repainting of the sign shall be done only in conformance with the provisions of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-65. Advertising signs within the area bounded by Grand Boulevard.**

It shall be unlawful to construct, erect, paint, fasten, or affix any new advertising sign, whether billboard or painted wall graphic, on any zoning lot abutting or within the area bounded by East Grand Boulevard, the Detroit River, and West Grand Boulevard. This prohibition in no way limits the right to periodically alter the advertising display on billboards approved for "changeable copy" or to repaint the display on duly licensed painted wall graphics. No lawfully existing advertising sign within said area shall be enlarged or expanded, except upon approval of the Board of Zoning Appeals as provided for in Sec. 61-15-16 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-66. Sign face area.**

The sign face of advertising signs oriented to freeways shall not exceed six hundred seventy-two (672) square feet in area. Where on a zoning lot abutting rights-of-way other than freeways measuring at least eighty (80) feet in width, the sign face of advertising signs shall not exceed three hundred seventy-eight (378) square feet in area. Where on a zoning lot abutting rights-of-way other than freeways measuring less than eighty (80) feet in width, the sign face of advertising signs shall not exceed two hundred fifty (250) square feet in area. However, where the outermost point of an advertising sign is proposed not less than one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD (Planned Development), the Buildings and Safety Engineering Department may allow an increase in sign face area in accordance with Sec. 61-6-74 of this Code. Where the outermost point of

**Sec. 61-6-67 | Advertising signs as a conditional land use in certain districts.**

an advertising sign is less than one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD (Planned Development), the sign face area may not be increased, except in accordance with the approval criteria for administrative adjustments and variances as provided for in Sec. 61-4-81 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-67. Advertising signs as a conditional land use in certain districts.**

In order to promote greater traffic safety, to enhance environmental aesthetics, and to ensure greater public participation in decisions over the placement of advertising signs in the City of Detroit, advertising signs are hereby designated as a conditional land use in the B2, B3, B4, M1, M2, and W1 Districts. No advertising sign shall be approved by the Buildings and Safety Engineering Department or the Board of Zoning Appeals on appeal, unless all of the findings are made pursuant to the standards in ARTICLE III, DIVISION 7, Subdivision C of this Chapter in addition to the following two (2) advertising sign standards:

- (1) That, based on the recommendation of the Department of Public Works Traffic Engineering Division, the placement of the advertising sign on the zoning lot will not impair the traffic safety of motorists and pedestrians; and
- (2) That, based on the recommendation of the Planning and Development Department, the placement of the advertising sign on the zoning lot will not be detrimental to environmental aesthetics by obstructing views of significant architectural or natural features.

Except as prohibited in Sec. 61-6-65 of this Code, advertising signs are permitted on a by-right basis in the B5, B6, M3, M4, and M5 zoning districts.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-6-68. Landscaping.**

A landscaped area at the base of any ground or free-standing advertising sign may be required, on a case-by-case basis, upon the recommendation of the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-69. Signs and billboards near freeways.**

No display sign or display structure requiring a permit under the Michigan Building Code shall be erected in the following situations or with the following features:

- (1) Within one hundred twenty-five (125) feet of the edge of the traveled roadway of any freeway, or interchange ramps between freeways used by traffic facing the display side of such sign or structure, or within twenty-five (25) feet of the right-of-way line of any freeway which, for the purpose of this section, shall be the property line separating abutting privately owned property from the freeway or

## Sec. 61-6-70 | Changeable message signs.

service drive, street or alley immediately adjacent thereto, whichever distance is greater, when the display matter can be seen by traffic traveling on the freeway or interchange ramp, except that these distances shall not apply to signs which pertain to the business of the occupants of the building upon which the sign is mounted, where, in the opinion of the Department of Public Works Traffic Engineering Division, such sign would not be in conflict with the intent and purposes of this section; or

- (2) In an area bordering a freeway which is zoned residential; or
- (3) With a changeable message of more than two (2) lines, with more than eighteen (18) characters per line, exclusive of a combined time and temperature indication.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-70. Changeable message signs.**

The message change cycle of a changeable message sign shall not be less than one (1) minute per message, except in a combined time and temperature sign, where the change cycle shall be not less than thirty (30) seconds.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-71. Animated signs.**

- (a) No sign containing an animated or moving feature, either mechanical, electrical or by changing illumination, electronic moving images or videos, shall be erected or operated and no existing sign shall be altered or changed so as to contain such animation where visible to freeway traffic, except with specific approval by the Department of Public Works Traffic Engineering Division as to the form and plan of operation so as not to create a hazard to vehicular traffic.
- (b) Animated signs are subject to the provisions for electronic message boards as provided for in Sec. 61-6-45 of this Code.
- (c) When an animated sign or electronic message board is part of a development subject to site plan review, the reviewing body shall consider the scale, placement, and design of the sign relative both to the site and to surrounding architecture and property.
- (d) Animated signs shall only be permitted:
  - (1) On a conditional basis within the Central business district; and
  - (2) On land zoned SD5 subject to approval by City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-72. Appeals and variances.**

Where a permit application is not approved by the Department of Public Works Traffic Engineering Division and, upon request of the applicant, a public hearing shall be granted before the Board of Zoning Appeals. At such hearing, the testimony of the Department of Public Works Traffic Engineering Division shall be presented and consideration shall be given to the potential hazard which would be created to vehicular traffic by virtue of the location, method of animation, degree of distraction to drivers, or other features which

Sec. 61-6-73 | Height of bottom edge.

might create such hazard as are peculiar to the specific display sign or display structure covered by the requested permit, and:

- (1) Where a public hearing is held and, upon the recommendation of the Department of Public Works Traffic Engineering Division, a finding of “no hazard to vehicular traffic” is made, the Board of Zoning Appeals may grant a variance of the standard that is provided for in Subsection (2) of this section, and the Buildings and Safety Engineering Department shall approve the permit application for the proposed sign; and
- (2) Any variance of the freeway setback provisions shall be limited to a reduction of not more than fifteen (15) feet of the one hundred twenty-five (125) foot setback from the edge of the traveled roadway of any freeway or interchange ramps between freeways and a reduction of not more than three (3) feet of the twenty-five (25) foot setback from the right-of-way line of any freeway.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-73. Height of bottom edge.**

The bottom edge of the sign face of a ground-mounted or free-standing advertising sign shall not be less than fifteen (15) feet above established grade whenever located within the “clear vision triangle” as defined in Sec. 61-16-52 of this Code, except that the Department of Public Works Traffic Engineering Division may require a greater height for reasons of traffic safety on a case by case basis.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-74. Adjustments by the Buildings and Safety Engineering Department.**

The Buildings and Safety Engineering Department may adjust the standard height and sign face area limitations of an advertising sign after a special land use hearing. Such adjustments shall be limited in accordance with the following table:

Right-of-way	Maximum Height (feet)	Maximum Sign Face Area (square feet)
Freeway	Thirty-five (35) feet plus one (1) foot in height for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and residential PD up to a maximum of sixty (60) feet in height.	Six hundred seventy-two (672) square feet plus one (1) square foot in area for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and residential PD up to a maximum of one thousand two hundred (1,200) square feet.
Other Rights-of-Way Having Eighty (80) or More Feet In Width	Thirty-five (35) feet plus one (1) foot in height for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and Residential PD up to a maximum of fifty (50) feet in height.	Three hundred seventy-eight (378) square feet plus one (1) square foot in area for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and Residential PD up to a maximum of six hundred seventy-two (672) square feet.

## Sec. 61-6-81 | Permitted signs.

Right-of-way	Maximum Height (feet)	Maximum Sign Face Area (square feet)
Other Rights-of-Way Having Less Than Eighty (80) Feet In Width.	Thirty-five (35) feet plus one (1) foot in height for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and Residential PD up to a maximum of forty-five (45) feet in height.	Two hundred fifty (250) square feet plus one (1) square foot in area for each two (2) feet in setback in excess of one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6 and Residential PD up to a maximum of three hundred seventy-eight (378) square feet.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-6-75–61-6-80. Reserved.****DIVISION 4. SIGNS; ZONING DISTRICT REGULATIONS****Subdivision A. Signs in R1, R2, R3, R4, R5, R6, Residential PD, and SD4 Districts****Sec. 61-6-81. Permitted signs.**

Unless otherwise specified, only the following signs, subject to the stated conditions, shall be permitted:

- (1) Identification signs as defined in Sec. 61-6-14 of this Code;
- (2) Directional signs in accordance with the provisions of Sec. 61-6-39 of this Code;
- (3) Institutional bulletin boards in accordance with the provisions of Sec. 61-6-40 of this Code;
- (4) Real estate and political signs in accordance with the provisions of Sec. 61-6-41 of this Code, excepting that no rooms for rent signs shall be permitted in the R1 or R2 Districts; and
- (5) Business signs as defined in Sec. 61-6-7 of this Code, subject to Chapter 3, Article VII of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-6-82. Area of identification signs.**

Signs on land zoned R1, R2, R3, R4, R5, R6, and residential PD shall be subject to the following area restrictions:

- (1) The gross area of any identification sign for a residential building, other than a sign identifying a permitted home occupation, shall not exceed in square feet the number of dwelling units within the building or thirty-two (32) square feet, whichever is less;
- (2) In the R4, R5, and R6 Districts signs for hotels or motels may have a gross area of up to thirty-two (32) square feet. On a corner-lot, the maximum size sign shall be permitted on each street frontage;

**Sec. 61-6-83 | Height of signs.**

- (3) Identification signs pertaining to a permitted home occupation are permitted only in the R3, R4, R5, and R6 Districts and shall not exceed one hundred forty-four (144) square inches;
- (4) The gross area of any identification sign for a non-residential building in the R1, R2, R3, R4, and R5 Districts shall not exceed thirty-two (32) square feet in area. On a corner-lot, the maximum size sign shall be permitted on each street frontage.
- (5) The gross area of any identification sign for a bed and breakfast inn or youth hostel/hostel in the R3, R4, R5, R6 and residential PD Districts shall not exceed six (6) square feet in area. On a corner-lot, the maximum size sign shall be permitted on each street frontage.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-6-83. Height of signs.**

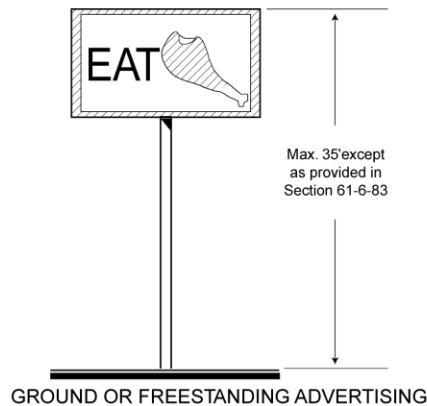
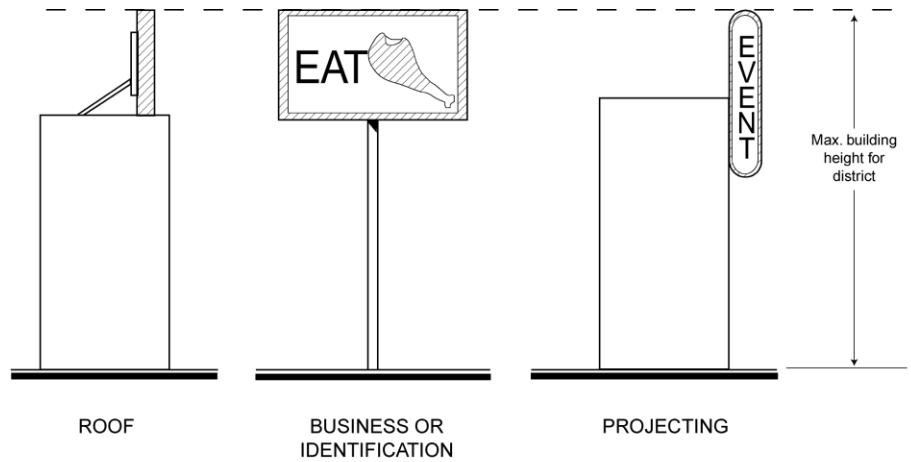
Signs on land zoned R1, R2, R3, R4, R5, R6, residential PD, and SD4 shall be subject to the following height limitations:

- (1) In the R1, R2, R3, R4, R5, R6, and SD4 Districts, ground signs, accessory to residential uses, shall not extend more than five (5) feet above the level of the nearest sidewalk;
- (2) In the R1, R2, R3, R4, R5, and R6 Districts, ground signs, accessory to non-residential uses, shall not extend more than nine (9) feet above the level of the nearest sidewalk;
- (3) In the R1, R2, R3, R4, R5, and SD4 Districts, no wall sign shall extend higher than fifteen (15) feet above the level of the nearest sidewalk, provided, that this provision shall not apply to hotels or motels;
- (4) In no zoning district shall the height of a directional sign extend more than five (5) feet above the level of the nearest sidewalk, except as otherwise specified in site plan review for wall-mounted directional signs; and
- (5) In no zoning district shall the height of any ground-mounted sign, wall sign, roof sign, or projecting sign exceed the maximum building height for that district. (See Figure 61-6-83.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

**FIGURE 61-6-83**

**HEIGHT OF SIGNS**



**Sec. 61-6-84. Projection of signs.**

No sign shall project beyond the property line into a public right-of-way, except that directional signs may project not more than eighteen (18) inches into a public way. Permitted identification signs and institutional bulletins that project into any required setback shall be permitted where such sign is sixteen (16) square feet or less in area and six (6) feet or less in height. Signs exceeding these dimensions may be permitted up to the maximum dimensions that are allowed in these districts subject to the approval of the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-6-85 | Illumination of signs.

**Sec. 61-6-85. Illumination of signs.**

Signs may be either non-illuminated or illuminated, but in no instance shall flashing or blinking signs be permitted. Illuminated signs shall be so arranged to reflect light away from residential structures.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-6-86–61-6-90. Reserved.**

**Subdivision B. Signs in B1, B2, SD1, and SD2 Districts**

**Sec. 61-6-91. Permitted signs.**

Unless otherwise specified, only the following signs, subject to the stated conditions, shall be permitted:

- (1) Business signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 and Sec. 61-6-42 of this Code, subject to the provisions of Chapter 3, Article VII of this Code;
- (2) Identification signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 and Sec. 61-6-42 of this Code;
- (3) Directional signs in accordance with the provisions of Sec. 61-6-39 and Sec. 61-6-42 of this Code;
- (4) Institutional bulletins in accordance with the provisions of Sec. 61-6-40 and Sec. 61-6-42 of this Code;
- (5) Real Estate and political signs in accordance with the provisions of Sec. 61-6-41 of this Code; and
- (6) Advertising signs in the B2 District only in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code and ARTICLE VI, DIVISION 3 of this Chapter. However, no advertising sign, whether billboard or painted wall graphic, shall be permitted in any B2 District on any zoning lot abutting or within the area bounded by East Grand Boulevard, the Detroit River, and West Grand Boulevard; and
- (7) Monument signs in Traditional Main Street Overlay Areas, in accordance with the provisions of Sec. 61-14-300 of this Code; however, new pylon signs are prohibited in such overlay areas.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-6-92. Area of signs.**

The gross area of any identification sign for a residential building, other than a sign identifying a permitted home occupation, shall not exceed in square feet the number of dwelling units within the building, or thirty-two (32) square feet, whichever is less, provided, that signs for hotels or motels may have a gross area of up to thirty-two (32) square feet. On a corner-lot, the maximum size sign shall be permitted on each street frontage.

**Sec. 61-6-93 | Projection of signs.**

Identification signs pertaining to a permitted home occupation shall not exceed one hundred forty-four (144) square inches.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-93. Projection of signs.**

No sign shall project more than thirty-six (36) inches into a public way. Permitted business and identification signs and institutional bulletins projecting into any required setback shall be permitted where such sign is sixteen (16) square feet or less in area and six (6) feet or less in height. Signs exceeding these dimensions may be permitted in these districts subject to the approval of the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-94. Illumination of signs.**

Signs may either be non-illuminated or illuminated, but in no instance shall flashing or blinking signs be permitted. Illuminated signs shall be so arranged to reflect light away from residential structures.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-6-95–61-6-100. Reserved.****Subdivision C. Signs in B3, B4, B5, B6, W1, M1, M2, M3, M4, and M5 Districts.****Sec. 61-6-101. Permitted signs.**

Unless otherwise specified, only the following signs, subject to the stated conditions, shall be permitted:

- (1) Advertising signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code and ARTICLE VI, DIVISION 3 of this Chapter. However, no advertising sign, whether billboard or painted wall graphic, shall be permitted in any B3, B4, B5, B6, M1, M2, M3, M4, M5, or W1 District on any zoning lot abutting or within the area bounded by East Grand Boulevard, the Detroit River, and West Grand Boulevard. In addition, such advertising signs shall not be permitted on a zoning lot that abuts a designated Radial Gateway Thoroughfare as defined in ARTICLE XVI, DIVISION 2, Subdivision H of this Chapter;
- (2) Animated signs, as provided for in Sec. 61-6-71 of this Code, may be permitted in the Central business district, subject to site plan review, on a conditional basis only;
- (3) Business signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code, subject to the provisions of Chapter 3, Article VII of this Code;
- (4) Directional signs in accordance with the provisions of Sec. 61-6-39 of this Code;

Sec. 61-6-102 | Projection of certain signs.

- (5) Identification signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code;
- (6) Institutional bulletin boards in accordance with the provisions of Sec. 61-6-40 of this Code; and
- (7) Real estate and political signs in accordance with the provisions of Sec. 61-6-41 of this Code;
- (8) Monument signs in Traditional Main Street Overlay Areas, in accordance with the provisions of Sec. 61-14-300 of this Code; however, new pylon signs are prohibited in such overlay areas.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-6-102. Projection of certain signs.**

Other than advertising signs, signs may project into a right-of-way but in no instance shall such signs project beyond the curb.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-103. Illumination of signs.**

- (a) Signs may be either non-illuminated or illuminated, provided, that flashing or blinking signs shall be no closer than one hundred (100) feet to property zoned in a residential district classification where the face of such sign is visible from said property.
- (b) Illuminated signs shall be so arranged that all such lighting shall be focused away from all residential zoning districts or residential PD Districts.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-6-104–61-6-110. Reserved.**

**Subdivision D. Signs in Special Districts**

**Sec. 61-6-111. Permitted signs in the PCA District.**

- (a) Animated signs, as provided for in Sec. 61-6-71 of this Code, may be permitted in the Central business district, subject to site plan review, on a conditional basis only.
- (b) Business signs in accordance with the provisions of Sec. 61-6-42 of this Code and subject to Special District Review as provided for in ARTICLE III, DIVISION 6 of this Chapter as to size, location, and general design, subject to the provisions of Chapter 3, Article VII of this Code.
- (c) Directional signs in accordance with the provisions of Sec. 61-6-39 of this Code.
- (d) Identification signs in accordance with the provisions of Sec. 61-6-42 of this Code and subject to the approval of the City Planning Commission as to size, location, and general design.

Sec. 61-6-112 | Projection of signs.

- (e) Institutional bulletin boards in accordance with the provisions of Sec. 61-6-40 of this Code.
- (f) Real estate and political signs in accordance with the provisions of Sec. 61-6-41 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-112. Projection of signs.**

No sign shall project more than twelve (12) inches into a public right-of-way.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-113. Permitted Signs in TM District.**

Unless otherwise specified, only the following signs, subject to the stated conditions, shall be permitted:

- (1) Business signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code, subject to the provisions of Chapter 3, Article VII of this Code;
- (2) Directional signs in accordance with the provisions of Sec. 61-6-39 of this Code;
- (3) Identification signs in accordance with the provisions of Sec. 61-6-33 through Sec. 61-6-38 of this Code;
- (4) Institutional bulletin boards in accordance with the provisions of Sec. 61-6-40 of this Code; and
- (5) Real estate and political signs in accordance with the provisions of Sec. 61-6-41 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-114. Projection of signs in the TM District.**

No sign shall project more than thirty-six (36) inches into a public right-of-way.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-115. Illumination of signs in the TM District.**

Signs may be either non-illuminated or illuminated but in no instance shall flashing or blinking signs be permitted. Illuminated signs shall be so arranged to reflect light away from residential structures.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-116. Permitted signs in PC, PD, and P1 Districts.**

Signs shall be permitted in PC, PD, or P1 Districts subject to the development controls established in the applicable district regulations. Advertising signs shall not be permitted in the PC and P1 Districts.

Sec. 61-6-117 | Animated signs.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-117. Animated signs.**

Animated signs, as provided for in Sec. 61-6-71 of this Code, may be permitted on land zoned PC in the Central business district, subject to site plan review, on a conditional basis only, and on land zoned PD as determined by City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-118. Permitted signs in the SD5 District.**

Signs shall be permitted in the SD5 District in accordance with the approved site plan and accompanying documents, and subject to the standards as delineated in ARTICLE VI, DIVISION 2 and ARTICLE XI.DIVISION 13 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-6-119. Animated signs.**

Animated signs, as provided for in Sec. 61-6-71 of this Code, may be permitted on land zoned SD5, subject to site plan review and approval by City Council.

(Ord. No. 11-05, §1, 5-28-05)

## **ARTICLE VII. ZONING DISTRICTS (IN GENERAL)**

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### **Sec. 61-7-1. Establishment of zoning districts.**

For the purpose of this Zoning Ordinance, the City of Detroit is hereby divided into the zoning districts that are delineated in Sec. 61-7-2 through Sec. 61-7-5 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-7-2. Residential Districts.**

- (1) R1 Single-Family Residential District
- (2) R2 Two-Family Residential District
- (3) R3 Low Density Residential District
- (4) R4 Thoroughfare Residential District
- (5) R5 Medium Density Residential District
- (6) R6 High Density Residential District

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-7-3. Business Districts.**

- (1) B1 Restricted Business District
- (2) B2 Local Business and Residential District
- (3) B3 Shopping District
- (4) B4 General Business District
- (5) B5 Major Business District
- (6) B6 General Services District

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-7-4. Industrial Districts.**

- (1) M1 Limited Industrial District
- (2) M2 Restricted Industrial District
- (3) M3 General Industrial District
- (4) M4 Intensive Industrial District
- (5) M5 Special Industrial District

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-7-5. Special Districts.**

- (1) PD Planned Development District
- (2) P1 Open Parking District
- (3) PC Public Center District

**Sec. 61-7-6 | Overlay Areas.**

- (4) PCA Public Center Adjacent District (Restricted Central business district)
  - (5) TM Transitional-Industrial District
  - (6) PR Parks and Recreation District
  - (7) W1 Waterfront-Industrial District
  - (8) SD1 Special Development District, Small-Scale, Mixed-Use
  - (9) SD2 Special Development District, Mixed-Use
  - (10) SD3 Special Development District, Technology and Research
  - (11) SD4 Special Development District, Riverfront mixed use
  - (12) SD5 Special Development District, Casinos
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-7-6. Overlay Areas.**

As provided for in ARTICLE XI, DIVISION 14 of this Chapter, certain areas of the City of Detroit, while classified within certain zoning districts, are geographically sub-classified as overlay areas. Overlay areas include the following:

- (1) Gateway Radial Thoroughfare Overlay Areas;
- (2) Traditional Main Street Overlay Areas;
- (3) Major Corridor Overlay Areas;
- (4) Grand Boulevard Overlay Area;
- (5) Downtown and Riverfront Overlay Areas;
- (6) Development Improvement Area; and
- (7) Far Eastside Overlay Area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-7-7. Flood hazard overlay areas.**

The boundaries of the flood hazard overlay areas are set out in Sec. 61-14-375 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-7-8. Historic districts.**

Any area that has been designated by the City Council as a historic district shall be designated in this zoning ordinance with the addition of the suffix "H." When a district zoning designation is followed by the letter "H," such as, R1-H, the property within such area shall also comply with the requirements of Chapter 25 of this Code for the Preservation of Historic Landmarks and Districts. It is included solely for reference purposes and is not, and shall not be construed to be, a part of this Chapter. Historic districts are further identified on the zoning district maps by use of a pattern of dots.

Sec. 61-7-9 | Zoning district hierarchy.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-7-9. Zoning district hierarchy.**

In general, the organization of the residential, business, and industrial zoning districts shall be considered as hierarchical. The zoning districts included in ARTICLE X of this Chapter (industrial zoning districts) permit more intensive land uses than those districts listed in ARTICLE IX of this Chapter (business districts). The zoning districts listed in ARTICLE IX of this Chapter permit more intensive land uses than the districts listed in ARTICLE VIII of this Chapter (residential districts).

Similarly, within a given Article, zoning districts bearing a higher number shall be deemed more intensive than districts bearing a lower number, such as the M4 District shall be deemed more intensive than the M2 District.

Such a hierarchy does not apply to the zoning districts listed in ARTICLE XI of this Chapter (special districts).

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-7-10. Zoning Map.**

The boundaries of the zoning districts that are established by this zoning ordinance are shown the series of maps, which have been adopted and included as Article XVII of this Chapter. In case of any dispute regarding the zoning classification of property subject to this Chapter, the zoning maps maintained in the Office of the City Planning Commission shall control. Questions or disputes regarding zoning designations shown on a Zoning Map shall be handled by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)





## ARTICLE VIII. RESIDENTIAL ZONING DISTRICTS

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### DIVISION 1. GENERALLY

#### **Sec. 61-8-1. Introduction.**

This article contains general information for all residential zoning districts. For each district, the Article contains a general purpose statement, a list of permitted uses, and any other district-specific regulations that may apply. For a complete list of permitted uses in all zoning districts, see the use table in ARTICLE XII, DIVISION 1 of this Chapter. To determine whether a property within a residential zoning district is located within a development plan area, see Sec. 61-4-4 of this Code. To determine whether a property within a residential zoning district is designated as historic, see Chapter 25, Article II, Division 5 of this Code and ARTICLE XVII of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

#### **Sec. 61-8-2. State-licensed residential facilities.**

In the residential zoning districts where single-family dwellings are permitted by right, state-licensed residential facilities, as provided for in Sec. 206 of the Michigan Zoning enabling Act, being MCL 125.3206, for six (6) or fewer persons, shall also be permitted by right. In those districts where single-family dwellings are permitted as a Conditional Use, state-licensed residential facilities for six (6) or fewer persons shall also be permitted on a conditional basis.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

#### **Secs. 61-8-3–61-8-10. Reserved.**

### DIVISION 2. R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

#### **Sec. 61-8-11. Description.**

This district is designed to protect and preserve quiet, low-density residential areas now primarily developed and those areas which will be developed with single-family detached dwellings and characterized by a high ratio of home ownership. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for activities associated with family life. To these ends, development is limited to a relatively low concentration and uses permitted by right are limited to single-family detached dwellings which provide homes for the residents of the area. Related, additional residential uses such as religious institutions, neighborhood centers, and utility uses necessary to serve the immediate area may be conditional.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-12 | Site plan review.

**Sec. 61-8-12. Site plan review.**

Site plan review is required for all Conditional Uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-13. By-right uses.**

Uses permitted by right in the R1 District are delineated in Sec. 61-8-13 through Sec. 61-8-18 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-14. By-right residential uses.**

- (1) Single-family detached dwellings

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-15. By-right public, civic, and institutional uses.**

- (1) Family day care home

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-16. By-right retail, service, and commercial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-17. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-18. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Signs as provided for in ARTICLE VI of this Chapter
- (3) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-19. Conditional uses.**

Uses permitted conditionally in the R1 District are delineated in Sec. 61-8-20 through Sec. 61-8-24 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

Sec. 61-8-20 | Conditional residential uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-20. Conditional residential uses.**

- (1) Religious residential facilities
- (2) School building adaptive reuses--residential

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-21. Conditional public, civic, and institutional uses.**

- (1) Cemeteries, including those containing mausoleums, crematories, or columbaria
- (2) Neighborhood center, nonprofit
- (3) Outdoor recreation facility
- (4) Religious institution
- (5) Residential-area utility facilities, public
- (6) School building adaptive reuses—public, civic, and institutional
- (7) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-22. Conditional retail, service, and commercial uses.**

- (1) Parking lots or parking areas for operable private passenger vehicles
- (2) School building adaptive reuses—retail, service, and commercial

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-23. Conditional manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-24. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Railroad right-of-way, not including storage tracks, yards, or buildings
- (5) Signs as provided for in ARTICLE VI of this Chapter
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

Sec. 61-8-25 | Intensity and dimensional standards.

**Sec. 61-8-25. Intensity and dimensional standards.**

Development in the R1 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII, DIVISION 1, Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-26. Other regulations.**

The following regulations shall also apply on land zoned R1:

- (1) New single-family dwellings in the R1 District shall comply with the Residential Compatibility Requirements set forth in ARTICLE XIV, DIVISION 3, Subdivision A of this Chapter;
- (2) In the R1 District, not more than one (1) principal detached residential building shall be located on a zoning lot. Likewise, no principal detached residential building shall be located on the same zoning lot with any other principal building in the R1 District, except in the case of buildings used for educational or religious purposes;
- (3) *Open parking areas.*
  - (a) Open parking areas, where located on the same zoning lot as the dwelling they are intended to serve, shall be permitted in the rear yard;
  - (b) In addition, operable private passenger vehicles may also be parked on the driveway in only one (1) side yard and the continuation of that side yard into the front yard to the property line;
  - (c) Operable private passenger vehicles may also be parked on semicircular drives as specified in **Sec. 61-14-176(5)** of this Code;
  - (d) No mechanical maintenance or vehicular repairs may be conducted on the portions of the driveway that are specified in Subsection 3(b) of this section or on any semicircular drive;
  - (e) Driveways shall be paved as provided for in Sec. 61-14-176 of this Code;
  - (f) Where the Michigan Secretary of State requires a valid and current license plate or registration sticker to use or transport any vehicle or piece of recreational equipment as defined in Sec. 61-16-161 of this Code, each vehicle or piece of recreational equipment shall bear and properly display said valid and current license plate or registration sticker at all times when parked in accordance with the provisions of this section.

(See also ARTICLE XIV, DIVISION 1, Subdivision E, “Use of Accessory Parking Lots and Areas,” and ARTICLE XIV, DIVISION 1, Subdivision K, “Off-Street Parking Facilities in Residential Districts” and Chapter 55, “Traffic and Motor Vehicles,” Article IV, “Local Regulations,” division 1, Sec. 55-4-36.)

Sec. 61-8-27 | Motor vehicle repair prohibited as home occupation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-8-27. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-8-28–61-8-30. Reserved.**

**DIVISION 3. R2 TWO-FAMILY RESIDENTIAL DISTRICT**

**Sec. 61-8-31. Description.**

The district is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. The district regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only principal uses permitted by right are single- and two-family dwellings. Additional uses are conditional.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-32. Site plan review.**

Site plan review is required for all Conditional Uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-33. By-right uses.**

Uses permitted by right in the R2 District are delineated in Sec. 61-8-34 through Sec. 61-8-38 of this Code. (See ARTICLE XII for a complete listing of all use regulations and

Sec. 61-8-34 | By-right residential uses.

standards, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-34. By-right residential uses.**

- (1) Single-family detached dwelling
- (2) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-35. By-right public, civic, and institutional uses.**

- (1) Family day care home

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-36. By-right retail, service, and commercial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-37. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-38. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Signs as provided for in ARTICLE VI of this Chapter.
- (3) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-39. Conditional uses.**

Uses permitted conditionally in the R2 District are delineated in Sec. 6-8-40 through 6-8-44 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-40. Conditional residential uses.**

- (1) Multiple-family dwelling, which has not more than eight (8) dwelling units
- (2) Town house with a maximum of eight (8) in any group of attached town houses

Sec. 61-8-41 | Conditional public, civic, and institutional uses.

- (3) Religious residential facilities
  - (4) School building adaptive reuses--residential
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-41. Conditional public, civic, and institutional uses.**

- (1) Cemeteries, including those containing mausoleums, crematories, or columbaria
  - (2) Neighborhood center, nonprofit
  - (3) Outdoor recreation facility
  - (4) Religious institution
  - (5) Residential-area utility facilities, public
  - (6) School building adaptive reuses—public civic, and institutional
  - (7) School, elementary, middle/junior high, or high
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-42. Conditional retail, service, and commercial uses.**

- (1) Parking lots or parking areas for operable private passenger vehicles
  - (2) School building adaptive reuses—retail, service, and commercial
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-43. Conditional manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-44. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
  - (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (4) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (5) Signs as provided for in ARTICLE VI of this Chapter
  - (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)



## Sec. 61-8-45 | Intensity and dimensional standards.

**Sec. 61-8-45. Intensity and dimensional standards.**

Development in the R2 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII.DIVISION 1.Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-46. Other regulations.**

The following regulations shall also apply on land zoned R2:

- (1) New single- and two-family dwellings in the R2 District shall comply with the Residential Compatibility Requirements set forth in ARTICLE XIV, DIVISION 3, Subdivision A of this Chapter;
- (2) In the R2 District, not more than one (1) principal detached residential building shall be located on a zoning lot. Likewise, no principal detached residential building shall be located on the same zoning lot with any other principal building in the R1 and R2 Districts, except in the case of buildings used for educational or religious purposes;
- (3) *Open parking areas.*
  - (a) Open parking areas, where located on the same zoning lot as the dwelling they are intended to serve, shall be permitted in the rear yard;
  - (b) In addition, operable private passenger vehicles may also be parked on the driveway in only one (1) side yard and the continuation of that side yard into the front yard to the property line;
  - (c) Operable private passenger vehicles may also be parked on semicircular drives, as specified in **Sec. 61-14-176(5)** of this Code;
  - (d) No mechanical maintenance or vehicular repairs may be conducted on the portions of the driveway that are specified in Subsection (b) of this section or on any semicircular drive;
  - (e) Driveways shall be paved as provided for in Sec. 61-14-176 of this Code;
  - (f) Where the Michigan Secretary of State requires a valid and current license plate or registration sticker to use or transport any vehicle or piece of recreational equipment as defined in Sec. 61-16-161 of this Code, each vehicle or piece of recreational equipment shall bear and properly display said valid and current license plate or registration sticker at all times when parked in accordance with the provisions of this section.

(See also ARTICLE XIV, DIVISION 1, Subdivision E, “Use of Accessory Parking Lots and Areas,” and ARTICLE XIV, DIVISION 1, Subdivision K, “Off-Street Parking Facilities in Residential Districts.”)

Sec. 61-8-47 | Motor vehicle repair prohibited as home occupation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-8-47. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-382 through Sec. 61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m.;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-8-48–61-8-50. Reserved.**

**DIVISION 4. R3 LOW DENSITY RESIDENTIAL DISTRICT**

**Sec. 61-8-51. Description.**

This district is designed as a low-density multi-family district. The regulations are designed to promote and encourage town and terrace house development, courts, and garden apartments. It is intended that this district be used primarily on local thoroughfares thereby encouraging a suitable environment for family life. Among others, uses permitted by right include single and two-family dwellings, town houses, multi-family dwellings, and community facilities necessary to serve a residential district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-52. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-53 | By-right uses.

**Sec. 61-8-53. By-right uses.**

Uses permitted by right in the R3 District are delineated in Sec. 61-8-54 through Sec. 61-8-58 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards. See ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-54. By-right residential uses.**

- (1) Boarding school and dormitory
- (2) Child caring institution
- (3) Loft
- (4) Multiple-family dwellings with fewer than fifty percent (50%) of the units in the structure being efficiency units
- (5) Religious residential facilities
- (6) Shelter for victims of domestic violence
- (7) Single-family detached dwelling
- (8) Town house
- (9) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-55. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Family day care home
- (4) Library
- (5) Museum
- (6) Neighborhood center, nonprofit
- (7) Outdoor recreation facility
- (8) Religious institution
- (9) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-56. By-right retail, service, and commercial uses.**

- (1) None.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-57 | By-right manufacturing and industrial uses.

**Sec. 61-8-57. By-right manufacturing and industrial uses.**

- (1) None.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-58. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Railroad right-of-way, not including storage tracks, yards, or buildings
- (3) Signs as provided for in ARTICLE VI of this Chapter
- (4) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-59. Conditional uses.**

Uses permitted conditionally in the R3 District are delineated in Sec. 61-8-60 through Sec. 61-8-64 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-60. Conditional residential uses.**

- (1) Adult foster care facility
- (2) Fraternity or sorority house
- (3) Pre-release adjustment center
- (4) Residential substance abuse service facility
- (5) Multiple-family dwellings where fifty percent (50%) or more of the units are efficiency units.
- (6) School building adaptive reuses--residential

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-61. Conditional public, civic, and institutional uses.**

- (1) Cemeteries, including those containing mausoleums, crematories, or columbaria
- (2) Educational institution
- (3) Fire or police station and similar public building
- (4) Group day care home
- (5) Residential-area utility facilities, public
- (6) School building adaptive reuses—public, civic, and institutional

Sec. 61-8-62 | Conditional retail, service, and commercial uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-62. Conditional retail, service, and commercial uses.**

- (1) Bed and breakfast inn
- (2) Parking lots or parking areas for operable private passenger vehicles
- (3) School building adaptive reuses—retail, service, and commercial
- (4) Youth hostel/hostel

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-63. Conditional manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-64. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Signs as provided for in ARTICLE VI of this Chapter.
- (5) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-65. Intensity and dimensional standards.**

Development in the R3 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII, DIVISION 1, Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-66. Other regulations.**

For accessory parking regulations, see ARTICLE XIV, DIVISION 1, Subdivision E and ARTICLE XIV, DIVISION 1, Subdivision K of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-67. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-382 through Sec.

**Sec. 61-8-71 | Description.**

61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m.;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-8-68–61-8-70. Reserved.****DIVISION 5. R4 THOROUGHFARE RESIDENTIAL DISTRICT****Sec. 61-8-71. Description.**

This district is designed to be used primarily on major or secondary thoroughfares where the major use of the property is for low-medium density residential dwellings characterized, primarily, by rental apartment dwellings. Among others, uses permitted by right include multiple-family dwellings, single- and two-family dwellings, and certain other residentially related uses which can function most advantageously where located on these thoroughfares. Medical and dental clinics, motels or hotels, and certain types of non-profit uses may be permitted on a conditional basis subject to appropriate findings and compliance with required standards.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-8-72. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-73. By-right uses.**

Uses permitted by right in the R4 District are delineated in Sec. 61-8-74 through Sec. 61-8-78 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

Sec. 61-8-74 | By-right residential uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-74. By-right residential uses.**

- (1) Boarding school and dormitory
- (2) Child caring institution
- (3) Convalescent, nursing or rest home
- (4) Fraternity or sorority house
- (5) Loft
- (6) Multiple-family dwelling
- (7) Religious residential facilities
- (8) Rooming house
- (9) Shelter for victims of domestic violence
- (10) Single-family detached dwelling
- (11) Town house
- (12) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-8-75. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Family day care home
- (4) Library
- (5) Museum
- (6) Neighborhood center, nonprofit
- (7) Outdoor recreation facility
- (8) Religious institution
- (9) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-76. By-right retail, service, and commercial uses.**

- (1) Parking lots or parking areas for operable private passenger vehicles

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-77. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-78 | By-right other uses.

**Sec. 61-8-78. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Railroad right-of-way, not including storage tracks, yards, or buildings
- (5) Signs as provided for in ARTICLE VI of this Chapter
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-79. Conditional uses.**

Uses permitted conditionally in the R4 District are delineated in Sec. 61-8-80 through Sec. 61-8-84 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-80. Conditional residential uses.**

- (1) Adult foster care facility
- (2) Assisted living facility
- (3) (Repealed)
- (4) Emergency shelter
- (5) Pre-release adjustment center
- (6) Residential substance abuse service facility
- (7) Shelter for victims of domestic violence
- (8) Single-room-occupancy housing, nonprofit

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-8-81. Conditional public, civic, and institutional uses.**

- (1) Educational institution
- (2) Fire or police station and similar public building
- (3) Group day care home



Sec. 61-8-82 | Conditional retail, service, and commercial uses.

- (4) Hospital or hospice
  - (5) Residential-area utility facilities, public
  - (6) School building adaptive reuses—public, civic, and institutional
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-82. Conditional retail, service, and commercial uses.**

- (1) Bed and breakfast inn
  - (2) Hotel
  - (3) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
  - (4) Motel
  - (5) Private club, lodge, or similar use, non-profit
  - (6) School building adaptive reuses—retail, service, and commercial
  - (7) Youth hostel/hostel
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-83. Conditional manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-84. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
  - (2) Signs as provided for in ARTICLE VI of this Chapter
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-85. Intensity and dimensional standards.**

Development in the R4 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII, DIVISION 1, Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-86. Other regulations.**

For accessory parking regulations, see ARTICLE XIV, DIVISION 1, Subdivision E and ARTICLE XIV, DIVISION 1, Subdivision K of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-87 | Motor vehicle repair prohibited as home occupation.

**Sec. 61-8-87. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-382 through Sec. 61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m.;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-8-88–61-8-90. Reserved.**

**DIVISION 6. R5 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**Sec. 61-8-91. Description.**

This district is designed to provide for a range of residential development from the single-family detached dwelling to medium-density multiple-family dwellings. The primary use in this district will be the rental apartment structure. In addition to permitted residential uses, certain specified non-residential uses which can be properly blended into this district may be permitted.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-92. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. )See ARTICLE III, DIVISION 5).

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-93. By-right uses.**

Uses permitted by right in the R5 District are delineated in Sec. 61-8-94 through Sec. 61-8-98 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for

Sec. 61-8-94 | By-right residential uses.

by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-94. By-right residential uses.**

- (1) Assisted living facility
- (2) Boarding school and dormitory
- (3) Child caring institution
- (4) Convalescent, nursing, or rest home
- (5) Fraternity or sorority house
- (6) Loft
- (7) Multiple-family dwelling
- (8) Religious residential facilities
- (9) Residential use combined in structures with permitted commercial use
- (10) Rooming house
- (11) Shelter for victims of domestic violence
- (12) Single-family detached dwelling
- (13) Town house
- (14) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-95. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Family day care home
- (5) Hospital or hospice
- (6) Library
- (7) Museum
- (8) Neighborhood center, nonprofit
- (9) Outdoor recreation facility
- (10) Religious institution
- (11) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-8-96 | By-right retail, service, and commercial uses.

**Sec. 61-8-96. By-right retail, service, and commercial uses.**

- (1) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
  - (2) Parking lots or parking areas for operable private passenger vehicles
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-97. By-right manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-98. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
  - (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (4) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (5) Signs as provided for in ARTICLE VI of this Chapter.
  - (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-99. Conditional uses.**

Uses permitted conditionally in the R5 District are delineated in Sec. 61-8-100 through Sec. 61-8-104 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-100. Conditional residential uses.**

- (1) Adult foster care facility
- (2) Emergency shelter
- (3) Mobile home park
- (4) Pre-release adjustment center
- (5) Residential substance abuse service facility
- (6) Single-room-occupancy housing, nonprofit

Sec. 61-8-101 | Conditional public, civic, and institutional uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-101. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Fire or police station and similar public building
- (3) Gas regulator station
- (4) Group day care home
- (5) School building adaptive reuses—public, civic, and institutional
- (6) Telephone exchange building
- (7) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-102. Conditional retail, service, and commercial uses.**

- (1) Bed and breakfast inn
- (2) Hotel
- (3) Motel
- (4) Parking structure
- (5) Private club, lodge, or similar use, non-profit
- (6) Retail sales and personal service in multiple-residential structures
- (7) School building adaptive reuses—retail, service, and commercial
- (8) Youth hostel/hostel

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-103. Conditional manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-104. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Signs as provided for in ARTICLE VI of this Chapter
- (3) Marinas

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-105. Intensity and dimensional standards.**

Development in the R5 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII, DIVISION 2 of this Chapter.

Sec. 61-8-106 | Other regulations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-106. Other regulations.**

For accessory parking regulations, see ARTICLE XIV, DIVISION 1, Subdivision E and ARTICLE XIV, DIVISION 1, Subdivision K of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-107. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-382 through Sec. 61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m.;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-8-108–61-8-110. Reserved.**

**DIVISION 7. R6 HIGH DENSITY RESIDENTIAL DISTRICT**

**Sec. 61-8-111. Description.**

The district is designed as a high-density multiple-dwellings district to be used primarily in areas adjacent to the Central business district, the New Center Area, the Cultural Center, the waterfront, certain large city parks, and other areas which have a high concentration of persons and land values. This district will permit a range of living accommodations, from the low-density dwelling up to very high-density dwellings, including institutions and residentially related uses, and will permit certain specified service and convenience-type commercial uses of a character unlikely to develop excessive traffic but which will serve the residents of the immediate area. Single-family detached and two-family dwellings will not be permitted in this district by-right but may be allowed as Conditional Uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

Sec. 61-8-112 | Site plan review.

**Sec. 61-8-112. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-113. By-right uses.**

Uses permitted by right in the R6 District are delineated in Sec. 61-8-114 through Sec. 61-8-118 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-114. By-right residential uses.**

- (1) Assisted living facility
- (2) Boarding school and dormitory
- (3) Child caring institution
- (4) Convalescent, nursing, or rest home
- (5) Fraternity or sorority house
- (6) Loft
- (7) Multiple-family dwelling
- (8) Religious residential facility
- (9) Residential use combined in structures with permitted commercial use
- (10) Rooming house
- (11) Shelter for victims of domestic violence
- (12) Town house

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-115. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Family day care home
- (5) Hospital or hospice
- (6) Library
- (7) Museum

Sec. 61-8-116 | By-right retail, service, and commercial uses.

- (8) Neighborhood center, nonprofit
- (9) Outdoor recreation facility
- (10) Religious institution
- (11) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-116. By-right retail, service, and commercial uses.**

- (1) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (2) Parking lots or parking areas for operable private passenger vehicles
- (3) Retail sales and personal service in multiple-residential structures

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-117. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-118. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Railroad right-of-way, not including storage tracks, yards, or buildings
- (5) Signs as provided for in ARTICLE VI of this Chapter.
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-8-119. Conditional uses.**

Uses permitted conditionally in the R6 District are delineated in Sec. 61-8-120 through Sec. 61-8-124 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-8-120 | Conditional residential uses.

**Sec. 61-8-120. Conditional residential uses.**

- (1) Adult foster care facility
  - (2) Emergency shelter
  - (3) Pre-release adjustment center
  - (4) Single-family detached dwelling
  - (5) Single-room-occupancy housing, nonprofit
  - (6) Two-family dwelling
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-121. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
  - (2) Fire or police station and similar public building
  - (3) Gas regulator station
  - (4) Group day care home
  - (5) School building adaptive reuses—public, civic, and institutional
  - (6) Telephone exchange building
  - (7) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-122. Conditional retail, service, and commercial uses.**

- (1) Bed and breakfast inn
  - (2) Hotel
  - (3) Motel
  - (4) Parking structure
  - (5) Private club, lodge, or similar use, non-profit
  - (6) School building adaptive reuses—retail, service, and commercial
  - (7) Youth hostel/hostel
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-8-123. Conditional manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-124. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Signs as provided for in ARTICLE VI of this Chapter.

Sec. 61-8-125 | Intensity and dimensional standards.

- (3) Marinas

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-125. Intensity and dimensional standards.**

Development in the R6 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision A and in ARTICLE XIII, DIVISION 1, Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-126. Other regulations.**

For accessory parking regulations, see ARTICLE XIV, DIVISION 1, Subdivision E and ARTICLE XIV, DIVISION 1, Subdivision K of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-8-127. Motor vehicle repair prohibited as home occupation.**

Any type of repair or assembly of vehicles or equipment with internal combustion engines is prohibited as a home occupation as provided for in Sec. 61-12-382 through Sec. 61-12-392 of this Code. Incidental and accessory at-home motor vehicle repair is limited as follows:

- (1) No motor vehicle may be repaired on residential property outside of a fully enclosed structure, except in the rear yard;
- (2) No motor vehicle shall be repaired on residential property outside of a fully enclosed structure, except between the hours of 8:00 a.m. and 8:00 p.m.;
- (3) No motor vehicle being repaired on residential property outside of a fully enclosed structure shall appear in a visibly dismantled state, or with parts or components of the vehicle visibly separated from a vehicle, for a period of more than fourteen (14) consecutive days; and
- (4) No inoperable vehicle shall be stored in a residential yard area, unless the owner of the property has obtained a thirty (30) day sticker from the Police Department precinct where the residential property is located.

(Ord. No. 11-05, §1, 5-28-05)



# ARTICLE IX. BUSINESS ZONING DISTRICTS

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## DIVISION 1. GENERALLY

### **Sec. 61-9-1. Introduction.**

This article contains general information for all business zoning districts. For each district, the Article contains a general-purpose statement, a list of permitted uses, and any other district-specific regulations that may apply. For a complete list of permitted uses in all zoning districts, see the Use Table in ARTICLE XII, DIVISION 1 of this Chapter. To determine whether a property within a business zoning district is located within a development plan area, see Sec. 61-4-4 of this Code. To determine whether a property within a business zoning district is designated as historic, see Chapter 25, Article II, Division 5 of this Code and ARTICLE XVII of this Chapter. Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety as provided for in Sec. 61-3-231(9) of this Code, and the adequacy of vehicle stacking/access lane(s) as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

### **Sec. 61-9-2. State-licensed residential facilities.**

In the business zoning districts where single-family dwellings are permitted as a Conditional Use, state-licensed residential facilities, as provided for in Sec. 206 of the Michigan Zoning Enabling Act, being MCL 125.3206, for six (6) or fewer persons, shall also be permitted on a conditional basis. Because single-family dwellings are not permitted by right in any business zoning district, neither shall state-licensed residential facilities for six (6) or fewer persons be permitted by right.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

### **Secs. 61-9-3–61-9-10. Reserved.**

## DIVISION 2. B1 RESTRICTED BUSINESS DISTRICT

### **Sec. 61-9-11. Description.**

The B1 District is designed to provide an adequately controlled transition in land use from residential to business and commercial uses and is mapped accordingly. Permitted uses are limited to those which are desirable and can be fitted into such a transitional pattern of land use. Front, side, and rear setbacks are required of all permitted residential and

**Sec. 61-9-12 | Site plan review.**

commercial uses. To protect housing adjacent or across an alley, a lot line wall is required of nonresidential uses where adjacent to, or across an alley from, residential property.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-12. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-13. By-right uses.**

Uses permitted by right in the B1 District are delineated in Sec. 61-9-14 through Sec. 61-9-18 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-14. By-right residential uses.**

- (1) Adult foster care facility
- (2) Assisted living facility
- (3) Boarding schools and dormitory
- (4) Child caring institutions
- (5) Convalescent, nursing, or rest home
- (6) Religious residential facilities
- (7) Shelter for victims of domestic violence

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-15. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Hospital or hospice
- (5) Library
- (6) Museum
- (7) Neighborhood center, nonprofit
- (8) Outdoor recreation facility

Sec. 61-9-16 | By-right retail, service, and commercial uses.

- (9) Religious institution
  - (10) School, elementary, middle/junior high, or high
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-16. By-right retail, service, and commercial uses.**

- (1) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
  - (2) Bank without drive-up or drive-through facilities
  - (3) Barber or beauty shop
  - (4) Customer service center without drive-up or drive-through facilities
  - (5) Dry cleaning or laundry pick-up stations and laundromats
  - (6) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
  - (7) Nail salon
  - (8) Office, business or professional
  - (9) Parking lots or parking areas for operable private passenger vehicles
  - (10) Parking structure
  - (11) School or studio of dance, gymnastics, music, art, or cooking
  - (12) Shoe repair shop
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-9-17. By-right manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-18. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
- (2) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Railroad right-of-way, not including storage tracks, yards, or buildings
- (5) Signs as provided for in ARTICLE VI of this Chapter.
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

Sec. 61-9-19 | Conditional uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-19. Conditional uses.**

Uses permitted conditionally in the B1 District are delineated in Sec. 61-9-20 through Sec. 61-9-24 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-20. Conditional residential uses.**

- (1) Fraternity or sorority house
- (2) Loft
- (3) Multiple-family dwelling
- (4) Pre-release adjustment center
- (5) Residential substance abuse service facility
- (6) Residential use combined in structures with permitted commercial uses
- (7) Rooming house
- (8) Single-family detached dwelling
- (9) Single-room-occupancy housing, nonprofit
- (10) Town house
- (11) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-21. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Fire or police station and similar public building
- (3) Gas regulator station
- (4) Telephone exchange building
- (5) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-22. Conditional retail, service, and commercial uses.**

- (1) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (2) Bank with drive-up or drive-through facilities
- (3) Bed and breakfast inn
- (4) Customer service center with drive-up or drive-through facilities

Sec. 61-9-23 | Conditional manufacturing and industrial uses.

- (5) Food stamp distribution center
  - (6) Hotel
  - (7) Motel
  - (8) Private club, lodge, or similar use
  - (9) Retail sales and personal service in business and professional offices
  - (10) Retail sales and personal service in multiple-residential structures
  - (11) Youth hostel/hostel
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-9-23. Conditional manufacturing and industrial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-24. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
  - (2) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-25. Intensity and dimensional standards.**

Development in the B1 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII.DIVISION 1.Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-26. Other regulations.**

Non-residential uses hereafter established in a B1 District shall comply with the regulations in this section. These regulations may only be adjusted as provided for in Sec. 61-4-82 of this Code.

- (1) The site shall be screened and landscaped in accordance with the provisions of ARTICLE XIV, DIVISION 2 of this Chapter; and
- (2) Vehicular access to the premises shall be permitted only by way of the front or side of the zoning lot, except for vehicles servicing the premises.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-9-27–61-9-30. Reserved.**



Sec. 61-9-31 | Description.

### **DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT**

#### **Sec. 61-9-31. Description.**

The B2 Local Business and Residential District provides for the day-to-day consumer goods and services required to serve a small residential area. High-traffic generating and traffic-oriented uses are restricted because of their obvious undesirable influence on adjacent residential areas.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-9-32. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-9-33. By-right uses.**

Uses permitted by right in the B2 District are delineated in Sec. 61-9-34 through Sec. 61-9-38 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-9-34. By-right residential uses.**

- (1) Adult foster care facility
- (2) Assisted living facility
- (3) Boarding school and dormitory
- (4) Child caring institution
- (5) Convalescent, nursing, or rest home
- (6) Multiple-family dwelling where located in a Traditional Main Street Overlay Area and where combined with uses specified in Sec. 61-9-36
- (7) Religious residential facilities
- (8) Residential use combined in structures with permitted commercial uses where located in a Traditional Main Street Overlay Area
- (9) Shelter for victims of domestic violence

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-16, §, 5-20-2016)

#### **Sec. 61-9-35. By-right public, civic, and institutional uses.**

- (1) Adult day care center

Sec. 61-9-36 | By-right retail, service, and commercial uses.

- (2) Child care center
  - (3) Educational institution
  - (4) Hospital or hospice
  - (5) Library
  - (6) Museum
  - (7) Neighborhood center, nonprofit
  - (8) Outdoor recreation facility
  - (9) Religious institution
  - (10) School, elementary, middle/junior high, or high
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-36. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Art gallery
- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (4) Bake shop, retail
- (5) Bank without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Customer service center without drive-up or drive-through facilities
- (8) Dry cleaning, laundry, or laundromat
- (9) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (10) Nail salon
- (11) Office, business or professional
- (12) Parking lots or parking areas for operable private passenger vehicles
- (13) Parking structure
- (14) Pet shop
- (15) Radio, television, or household appliance repair shop
- (16) Recreation, indoor commercial and health club (not exceeding 10,000 square feet of gross floor area)
- (17) Restaurant, carry-out without drive-up or drive-through facilities
- (18) Retail sales and personal service in business and professional offices
- (19) Retail sales and personal service in multiple-residential structures
- (20) School or studio of dance, gymnastics, music, art, or cooking

Sec. 61-9-37 | By-right manufacturing and industrial uses.

- (21) Shoe repair shop
- (22) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (23) Veterinary clinic for small animals  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-37. By-right manufacturing and industrial uses.**

- (1) None.  
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-38. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (3) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Railroad right-of-way, not including storage tracks, yards, or buildings
- (6) Signs as provided for in ARTICLE VI of this Chapter.
- (7) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (8) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-39. Conditional uses.**

Uses permitted conditionally in the B2 District are delineated in Sec. 61-9-40 through Sec. 61-9-44 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-40. Conditional residential uses.**

- (1) Fraternity or sorority house
- (2) Loft
- (3) Multiple-family dwelling

Sec. 61-9-41 | Conditional public, civic, and institutional uses.

- (4) Pre-release adjustment center
  - (5) Residential substance abuse service facility
  - (6) Residential use combined in structures with permitted commercial uses
  - (7) Rooming house
  - (8) Single-family detached dwelling
  - (9) Single-room-occupancy housing, nonprofit
  - (10) Town house
  - (11) Two-family dwelling
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-41. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
  - (2) Fire or police station, post office and similar public building
  - (3) Gas regulator station
  - (4) Telephone exchange building
  - (5) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-42. Conditional retail, service, and commercial uses.**

- (1) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (2) Bank with drive-up or drive-through facilities
- (3) Bed and breakfast inn
- (4) Customer service center with drive-up or drive-through facilities
- (5) Financial services center
- (6) Food stamp distribution center
- (7) Hotel
- (8) Mortuary or funeral home, including those containing a crematory
- (9) Motel
- (10) Plasma donation center
- (11) Printing or engraving shops with building size not exceeding six thousand (6,000) square feet
- (12) Private club, lodge, or similar use
- (13) Radio or television station
- (14) Recording studio or photo studio or video studio, no assembly hall

Sec. 61-9-43 | Conditional manufacturing and industrial uses.

- (15) (Repealed)
- (16) Restaurant, fast-food without drive-up or drive-through facilities
- (17) Restaurant, standard without drive-up or drive-through facilities
- (18) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (19) Youth hostel/hostel

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-43. Conditional manufacturing and industrial uses.**

- (1) Blueprinting shop
- (2) Confection manufacture
- (3) Dental products, surgical, or optical goods manufacture with building size not exceeding four thousand (4,000) square feet
- (4) Food catering establishment
- (5) Lithographing with building size not exceeding four thousand (4,000) square feet
- (6) Trade services, general

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-44. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Medical marihuana caregiver centers as provided for in ARTICLE III, DIVISION 12 of this Chapter, except such use shall not be permitted in any Traditional Main Street overlay area.
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-9-45. Intensity and dimensional standards.**

Development in the B2 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-9-46–61-9-50. Reserved.**

Sec. 61-9-51 | Description.

**DIVISION 4. B3 SHOPPING DISTRICT****Sec. 61-9-51. Description.**

The B3 Shopping District provides for a range of convenience and comparison shopping goods stores, which are generally grouped into neighborhood and community shopping centers, depending on the size of the area so mapped. Uses permitted are inclusive enough to allow for the provisions of a broad range of goods and services for the consumer, and to allow for as much freedom and healthy competition in the commercial real estate market and commercial activities as is commensurate with other community values.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-52. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-53. By-right uses.**

Uses permitted by right in the B3 District are delineated in Sec. 61-9-54 through Sec. 61-9-58 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-54. By-right residential uses.**

- (1) Residential use combined in structures with permitted commercial uses where located in a Traditional Main Street Overlay Area

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-9-55. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Governmental service agency

**Sec. 61-9-56. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Art gallery

Sec. 61-9-57 | By-right manufacturing and industrial uses.

- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (4) Bake shop, retail
- (5) Bank without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Customer service center without drive-up or drive-through facilities
- (8) Dry cleaning, laundry, or Laundromat
- (9) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (10) Nail salon
- (11) Office, business or professional
- (12) Parking lots or parking areas for operable private passenger vehicles
- (13) Parking structure
- (14) Pet shop
- (15) Radio, television, or household appliance repair shop
- (16) Recreation, indoor commercial and health club
- (17) Restaurant, carry-out without drive-up or drive-through facilities
- (18) Restaurant, standard without drive-up or drive-through facilities
- (19) Retail sales and personal service in business and professional offices
- (20) School or studio of dance, gymnastics, music, art, or cooking
- (21) Shoe repair shop
- (22) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise with or without drive-up or drive-through facilities
- (23) Theater and concert café, excluding drive-in theaters
- (24) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-57. By-right manufacturing and industrial uses.**

- (1) None.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-58. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter

Sec. 61-9-59 | Conditional uses.

- (3) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Signs as provided for in ARTICLE VI of this Chapter.
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-59. Conditional uses.**

Uses permitted conditionally in the B3 District are delineated in Sec. 61-9-60 through Sec. 61-9-64 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-60. Conditional residential uses.**

- (1) Loft
- (2) Religious residential facilities
- (3) Residential use combined in structures with permitted commercial uses

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-61. Conditional public, civic, and institutional uses.**

- (1) Auditoriums, public
- (2) Electric transformer station
- (3) Fire or police station, post office and similar public building
- (4) Gas regulator station
- (5) Library
- (6) Museum
- (7) Neighborhood center, nonprofit
- (8) Outdoor recreation facility
- (9) Religious institution
- (10) School, elementary, middle/junior high, or high
- (11) Substance abuse service facility
- (12) Telephone exchange building



Sec. 61-9-62 | Conditional retail, service, and commercial uses.

- (13) Water works, reservoir, pumping station, or filtration plant  
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-62. Conditional retail, service, and commercial uses.**

- (1) Arcade
- (2) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (3) Bank with drive-up or drive-through facilities
- (4) Business college or commercial trade school
- (5) Cabaret
- (6) Customer service center with drive-up or drive-through facilities
- (7) Dance hall, public
- (8) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
- (9) Financial services center
- (10) Firearms dealership
- (11) Firearms target practice range, indoor
- (12) Food stamp distribution center
- (13) Hotel
- (14) Mortuary or funeral home, including those containing a crematory
- (15) Motel
- (16) Motor vehicle filling station
- (17) Motor vehicles, new or used, salesroom or sales lot
- (18) Plasma donation center
- (19) Pool or billiard hall
- (20) Private club, lodge, or similar use
- (21) Restaurant, carry-out with drive-up or drive-through facilities
- (22) Restaurant, fast-food with or without drive-up or drive-through facilities
- (23) Restaurant, standard with drive-up or drive-through facilities
- (24) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment  
  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-63. Conditional manufacturing and industrial uses.**

- (1) None

Sec. 61-9-64 | Conditional other uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-64. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Railroad right-of-way, not including storage tracks, yards, or buildings
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-65. Intensity and dimensional standards.**

Development in the B3 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-66. Other regulations.**

Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety as provided for in Sec. 61-3-231(9) of this Code, and the adequacy of vehicle stacking/access lane(s) as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-9-67–61-9-70. Reserved.**

**DIVISION 5. B4 GENERAL BUSINESS DISTRICT**

**Sec. 61-9-71. Description.**

The B4 General Business District provides for business and commercial uses of a thoroughfare-oriented nature. In addition to these uses, other businesses, which may benefit by drawing part of their clientele from passing traffic are permitted. Additional uses, which may be successfully blended with permitted by-right uses, are conditional.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-72. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

Sec. 61-9-73 | By-right uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-73. By-right uses.**

Uses permitted by right in the B4 District are delineated in Sec. 61-9-74 through Sec. 61-9-78 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-74. By-right residential uses.**

- (1) Boarding school and dormitory
- (2) Child caring institution
- (3) Convalescent, nursing, or rest home
- (4) Lofts, inside the Central Business District
- (5) Multiple-family dwelling where located in a Traditional Main Street Overlay Area and where combined with uses specified in Sec. 61-9-76 of this Code
- (6) Religious residential facilities
- (7) Residential use combined in structures with permitted commercial uses where located in a Traditional Main Street Overlay Area
- (8) Shelter for victims of domestic violence

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-9-75. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Armory
- (3) Auditoriums, public
- (4) Child care center
- (5) Educational institution
- (6) Fire or police station, post office, court house, and similar public building
- (7) Governmental service agency
- (8) Hospital or hospice
- (9) Library
- (10) Museum
- (11) Neighborhood center, nonprofit
- (12) Outdoor recreation facility

Sec. 61-9-76 | By-right retail, service, and commercial uses.

- (13) Religious institution
- (14) School, elementary, middle/junior high, or high  
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-76. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Art gallery
- (3) Assembly hall
- (4) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (5) Bake shop, retail
- (6) Bank without drive-up or drive-through facilities
- (7) Barber or beauty shop
- (8) Brewpub or microbrewery or small distillery, inside the Central Business District
- (9) Business college or commercial trade school
- (10) Cabaret, inside the Central Business District
- (11) Customer service center without drive-up or drive-through facilities
- (12) Dance hall, public, inside the Central Business District
- (13) Dry cleaning, laundry, or laundromat
- (14) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, inside the Central Business District
- (15) Hotel, inside the Central Business District
- (16) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (17) Mortuary or funeral home, including those containing a crematory
- (18) Motor vehicles, new, salesroom or sales lots
- (19) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (20) Nail salon
- (21) Office, business or professional
- (22) Parking lots or parking areas for operable private passenger vehicles, except as restricted by Sec. 61-12-219 of this Code
- (23) Parking structure
- (24) Pet shop
- (25) Private club, lodge, or similar use
- (26) Radio or television station

Sec. 61-9-77 | By-right manufacturing and industrial uses.

- (27) Radio, television, or household appliance repair shop, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
  - (28) Recreation, indoor commercial and health club
  - (29) Recording studio or photo studio or video studio, no assembly hall
  - (30) Restaurant, carry-out, without drive-up or drive-through facilities, except such use shall be prohibited on any zoning lot abutting the Woodward Avenue Gateway Radial Thoroughfare where not located in a multi-story building and integrated into a mixed-use or multi-tenant development
  - (31) Restaurant, fast-food, without drive-up or drive-through facilities, where located in a multi-story building and integrated into a mixed use or multi-tenant development
  - (32) Restaurant, standard without drive-up or drive-through facilities
  - (33) Retail sales and personal service in business and professional offices
  - (34) Retail sales and personal service in multiple-residential structures
  - (35) School or studio of dance, gymnastics, music, art, or cooking
  - (36) Shoe repair shop
  - (37) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise with or without drive-up or drive-through facilities
  - (38) Veterinary clinic for small animals
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-77. By-right manufacturing and industrial uses.**

- (1) Blueprinting shop
  - (2) Trade services, general
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-78. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (3) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Marinas
- (6) Railroad right-of-way, not including storage tracks, yards, or buildings

Sec. 61-9-79 | Conditional uses.

- (7) Signs as provided for in ARTICLE VI of this Chapter.
- (8) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (9) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-79. Conditional uses.**

Uses permitted conditionally in the B4 District are delineated in Sec. 61-9-80 through Sec. 61-9-84 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-80. Conditional residential uses.**

- (1) Emergency shelter, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (2) Fraternity or sorority house
- (3) Loft, outside the Central business district
- (4) Multiple-family dwelling
- (5) Pre-release adjustment center, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (6) Residential substance abuse service facility
- (7) Residential use combined in structures with permitted commercial uses
- (8) Rooming house
- (9) Single-family detached dwelling
- (10) Single-room-occupancy housing, nonprofit
- (11) Town house
- (12) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-81. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Gas regulator station
- (3) Outdoor entertainment facility
- (4) Power or heating plant with fuel storage on site

Sec. 61-9-82 | Conditional retail, service, and commercial uses.

- (5) Substance abuse service facility, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
  - (6) Stadium or sports arena
  - (7) Telephone exchange building
  - (8) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-82. Conditional retail, service, and commercial uses.**

- (1) Amusement park
- (2) Arcade
- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (4) Bank with drive-up or drive-through facilities
- (5) Bed and breakfast inn
- (6) Brewpub or microbrewery or small distillery, outside the Central Business District
- (7) Cabaret, outside the Central Business District
- (8) Customer service center with drive-up or drive-through facilities
- (9) Dance hall, public, outside the Central Business District
- (10) Employee recruitment center
- (11) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District
- (12) Financial services center
- (13) Firearms dealership
- (14) Firearms target practice range, indoor
- (15) Food stamp distribution center
- (16) Go-cart track, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (17) Golf course, miniature
- (18) Hotel, outside the Central Business District
- (19) Kennel, commercial
- (20) Lodging house, public
- (21) Motel
- (22) Motor vehicle filling station
- (23) Motor vehicles, used, salesroom or sales lot, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare

## Sec. 61-9-82 | Conditional retail, service, and commercial uses.

- (24) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (25) Motor vehicle services, major, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (26) Motor vehicle services, minor
- (27) Motor vehicle washing and steam cleaning, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (28) Motorcycles, retail sales, rental or service
- (29) Outdoor commercial recreation, not otherwise specified
- (30) Parking lots or parking areas for operable private passenger vehicles, as restricted by Sec. 61-12-219(9)(e) of this Code
- (31) Pawnshop, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (32) Plasma donation center, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (33) Pool or billiard hall
- (34) Printing or engraving shops
- (35) Public lodging house
- (36) Rebound tumbling center, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (37) Rental hall or banquet hall
- (38) Restaurant, carry-out, with drive-up or drive-through facilities, except any carry-out restaurant having drive-up or drive-through facilities shall be prohibited on any zoning lot abutting the Woodward Avenue Gateway Radial Thoroughfare
- (39) Restaurant, fast-food, with drive-up or drive-through facilities, except any fast-food restaurant having drive-up or drive-through facilities shall be prohibited on any zoning lot abutting the Woodward Avenue Gateway Radial Thoroughfare
- (40) Restaurant, standard, with drive-up or drive-through facilities, except such use having drive-up or drive-through facilities shall not be permitted on any zoning lot abutting the Woodward Avenue Gateway Radial Thoroughfare
- (41) Secondhand stores and secondhand jewelry stores, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (42) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (43) Tattoo and/or piercing parlor, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (44) Taxicab dispatch and/or storage, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare



Sec. 61-9-83 | Conditional manufacturing and industrial uses.

- (45) Theater and concert café, excluding drive-in theaters
- (46) Trailer coaches or boat sale or rental, open air display, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (47) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots
- (48) Youth hostel/hostel

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-9-83. Conditional manufacturing and industrial uses.**

- (1) Confection manufacture, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (2) Dental products, surgical, or optical goods manufacture, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (3) Food catering establishment
- (4) Ice manufacture, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (5) Jewelry manufacture, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (6) Lithographing, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (7) Research or testing laboratory
- (8) Toiletries or cosmetic manufacturing, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (9) Tool, die, and gauge manufacturing, small items, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (10) Vending machine commissary, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (11) Wearing apparel manufacturing, except such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare
- (12) Wholesaling, warehousing, storage buildings, or public storage houses, except excluding Gratiot Avenue, such use shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-84. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.

Sec. 61-9-85 | Intensity and dimensional standards

- (2) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Medical marihuana caregiver center, as provided for in ARTICLE III.DIVISION 12 of this Chapter, except such use shall not be permitted in any Gateway Radial Thoroughfare or Traditional Main Street overlay area.
- (6) Signs as provided for in ARTICLE VI of this Chapter.
- (7) Telecommunications building, private

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-9-85. Intensity and dimensional standards**

Development in the B4 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-86. Other regulations.**

Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety, as provided for in Sec. 61-3-231(5) of this Code and the adequacy of vehicle stacking/access lane(s), as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-9-87–61-9-90. Reserved.**

**DIVISION 6. B5 MAJOR BUSINESS DISTRICT**

**Sec. 61-9-91. Description.**

This district is designed to provide adequate regulations within the Central business district, the New Center Area, and may be successfully utilized in other regionally-oriented shopping and office areas.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-9-92 | Site plan review.

**Sec. 61-9-92. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-93. By-right uses.**

Uses permitted by right in the B5 District are delineated in Sec. 61-9-94 through Sec. 61-9-98 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-94. By-right residential uses.**

- (1) Boarding school and dormitory
- (2) Child caring institution
- (3) Convalescent, nursing, or rest home
- (4) Loft
- (5) Multiple-family dwelling having ground floor commercial space or other space oriented to pedestrian traffic
- (6) Pre-release adjustment center
- (7) Religious residential facilities
- (8) Shelter for victims of domestic violence

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-95. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Auditoriums, public
- (3) Child care center
- (4) Educational institution
- (5) Electric transformer station
- (6) Family day care home
- (7) Fire or police station, post office, court house, and similar public building
- (8) Gas regulator station
- (9) Governmental service agency
- (10) Hospital or hospice

Sec. 61-9-96 | By-right retail, service, and commercial uses.

- (11) Library
  - (12) Museum
  - (13) Neighborhood center, nonprofit
  - (14) Outdoor entertainment facility
  - (15) Outdoor recreation facility
  - (16) Power or heating plant with fuel storage on site
  - (17) Religious institution
  - (18) School, elementary, middle/junior high, or high
  - (19) Stadium or sports arena
  - (20) Telephone exchange building
  - (21) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-96. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Art gallery
- (3) Assembly hall
- (4) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (5) Bake shop, retail
- (6) Bank without drive-up or drive-through facilities
- (7) Barber or beauty shop
- (8) Brewpub or microbrewery or small distillery, inside the Central business district
- (9) Business college or commercial trade school
- (10) Cabaret, inside the Central business district
- (11) Customer service center without drive-up or drive-through facilities
- (12) Dance hall, public, inside the Central business district
- (13) Dry cleaning, laundry, or laundromat
- (14) Employee recruitment center
- (15) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, inside the Central business district
- (16) Financial services center without drive-up or drive-through facilities
- (17) Food stamp distribution center without drive-up or drive-through facilities
- (18) Hotel, inside the Central business district

Sec. 61-9-96 | By-right retail, service, and commercial uses.

- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicles, new, salesroom or sales lot
- (22) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (23) Nail salon
- (24) Office, business or professional
- (25) Parking lots or parking areas for operable private passenger vehicles
- (26) Parking structure having ground floor commercial space or other space oriented to pedestrian traffic
- (27) Pet shop
- (28) Pool or billiard hall
- (29) Printing or engraving shops
- (30) Private club, lodge, or similar use
- (31) Radio or television station
- (32) Radio, television, or household appliance repair shop
- (33) Recording studio or photo studio or video studio, no assembly hall
- (34) Recreation, indoor commercial and health club
- (35) Rental hall or banquet hall
- (36) Restaurant, carry-out and fast-food as provided for in Sec. 61-12-228(8) of this Code
- (37) Restaurant, standard without drive-up or drive-through facilities
- (38) Retail sales and personal service in business and professional offices
- (39) Retail sales and personal service in multiple-residential structures
- (40) School or studio of dance, gymnastics, music, art, or cooking
- (41) Shoe repair shop
- (42) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise without drive-up or drive-through facilities
- (43) Tattoo and/or piercing parlor
- (44) Theater and concert café, excluding drive-in theaters
- (45) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 38-14, §1, 10-16-2014)

Sec. 61-9-97 | By-right manufacturing and industrial uses.

**Sec. 61-9-97. By-right manufacturing and industrial uses.**

- (1) Blueprinting shop
- (2) Food catering establishment
- (3) Newspaper, daily, publishing or printing
- (4) Trade services, general
- (5) Vending machine commissary

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-98. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Passenger transportation terminal
- (3) Railroad right-of-way, not including storage tracks, yards, or buildings
- (4) Signs as provided for in ARTICLE VI of this Chapter.
- (5) Telecommunications building, private

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-99. Conditional uses.**

Uses permitted conditionally in the B5 District are delineated in Sec. 61-9-100 through Sec. 61-9-104 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-100. Conditional residential uses.**

- (1) Emergency shelter
- (2) Multiple-family dwelling not having ground floor commercial space or other space oriented to pedestrian traffic
- (3) Residential substance abuse service facility
- (4) Residential use combined in structures with permitted commercial uses
- (5) Rooming house
- (6) Single-room-occupancy housing, nonprofit
- (7) Town house

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-101. Conditional public, civic, and institutional uses.**

- (1) Substance abuse service facility

Sec. 61-9-102 | Conditional retail, service, and commercial uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-102. Conditional retail, service, and commercial uses.**

- (1) Arcade
- (2) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (3) Brewpub or microbrewery or small distillery, outside the Central business district
- (4) Cabaret, outside the Central business district
- (5) Dance hall, public, outside the Central business district
- (6) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central business district
- (7) Firearms dealership
- (8) Firearms target practice range, indoor
- (9) Hotel, outside the Central business district
- (10) Lodging house, public
- (11) Motel
- (12) Motor vehicle filling station
- (13) Motor vehicle services, minor
- (14) Motor vehicle washing and steam cleaning
- (15) Parking structure not having ground floor commercial space or other space oriented to pedestrian traffic
- (16) Plasma donation center
- (17) Restaurant, carry-out or fast-food, as provided for in Sec. 61-12-228(8) of this Code
- (18) Restaurant, standard with drive-up or drive-through facilities
- (19) Secondhand stores and secondhand jewelry stores
- (20) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (21) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise with drive-up or drive-through facilities
- (22) Taxicab dispatch and/or storage facility
- (23) Youth hostel/hostel

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-9-103. Conditional manufacturing and industrial uses.**

- (1) Confection manufacture
- (2) Dental products, surgical, or optical goods manufacture

Sec. 61-9-104 | Conditional other uses.

- (3) Jewelry manufacture
  - (4) Research or testing laboratory
  - (5) Toiletries or cosmetic manufacturing
  - (6) Wearing apparel manufacturing
  - (7) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-104. Conditional other uses.**

- (1) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (2) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (4) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Heliports
- (6) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (8) Signs as provided for in ARTICLE VI of this Chapter.
- (9) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (10) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-105. Intensity and dimensional standards.**

Development in the B5 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-106. Other regulations.**

Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety, as provided for in Sec. 61-3-231(9) of this Code and the adequacy of vehicle



**Sec. 61-9-111 | Description.**

stacking/access lane(s), as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-9-107–61-9-110. Reserved.****DIVISION 7. B6 GENERAL SERVICES DISTRICT****Sec. 61-9-111. Description.**

This district provides for wholesaling, transport, food services, and similar activities essential to the commerce and health of the City. Office, retail, service, and other uses normally desiring to locate in this type of district are also permitted.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-112. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-113. By-right uses.**

Uses permitted by right in the B6 District are delineated in Sec. 61-9-114 through Sec. 61-9-118 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-9-114. By-right residential uses.**

- (1) Religious residential facilities in conjunction with a Religious institution in the immediate vicinity

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-115. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Auditoriums, public
- (3) Customs office
- (4) Educational institution

Sec. 61-9-116 | By-right retail, service, and commercial uses.

- (5) Electric transformer station
  - (6) Fire or police station, post office, court house, and similar public building
  - (7) Gas regulator station
  - (8) Governmental service agency
  - (9) Library
  - (10) Museum
  - (11) Neighborhood center, nonprofit
  - (12) Outdoor entertainment facility
  - (13) Outdoor recreation facility
  - (14) Power or heating plant with fuel storage on site
  - (15) Religious institution
  - (16) Stadium or sports arena
  - (17) Telephone exchange building
  - (18) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-116. By-right retail, service, and commercial uses.**

- (1) Assembly hall
- (2) Art gallery
- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (4) Bake shop, retail
- (5) Bank
- (6) Barber or beauty shop
- (7) Brewpub or microbrewery or small distillery, inside the Central business district
- (8) Business college or commercial trade school
- (9) Cabaret, inside the Central business district
- (10) Customer service center
- (11) Dance hall, public, inside the Central business district
- (12) Dry cleaning, laundry, or laundromat
- (13) Employee recruitment center
- (14) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, inside the Central business district
- (15) Financial services center

Sec. 61-9-116 | By-right retail, service, and commercial uses.

- (16) Food stamp distribution center
- (17) Hotel, inside the Central business district
- (18) Kennel, commercial
- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (22) Motor vehicle services, minor
- (23) Motor vehicle washing and steam cleaning
- (24) Motor vehicles, new or used, salesroom or sales lots
- (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (26) Nail salon
- (27) Office, business or professional
- (28) Parking lots or parking areas for operable private passenger vehicles
- (29) Parking structure
- (30) Pet shop
- (31) Pool or billiard hall
- (32) Private club, lodge, or similar use
- (33) Produce or food markets, wholesale
- (34) Radio or television station
- (35) Radio, television, or household appliance repair shop
- (36) Recording studio or photo studio or video studio, no assembly hall
- (37) Recreation, indoor commercial and health club
- (38) Rental hall or banquet hall
- (39) Restaurant, carry-out or fast-food with or without drive-up or drive-through facilities
- (40) Restaurant, standard
- (41) Retail sales and personal service in business and professional offices
- (42) Shoe repair shop
- (43) Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade
- (44) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise with or without drive-up or drive-through facilities
- (45) Tattoo and/or piercing parlor

Sec. 61-9-117 | By-right manufacturing and industrial uses.

- (46) Taxicab dispatch and/or storage facility
- (47) Trailer coaches or boat sale or rental, open air display
- (48) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-9-117. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop
- (3) Cold storage plant
- (4) Confection manufacture
- (5) Containerized freight yard
- (6) Contractor yard, landscape or construction
- (7) Food catering establishment
- (8) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (9) Ice manufacture
- (10) Lumber yard
- (11) Railroad transfer or storage tracks
- (12) Research or testing laboratory
- (13) Trade services, general
- (14) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable commercial vehicles, other than limousines and taxicabs, semi-trailers, and/or buses
- (15) Vending machine commissary
- (16) Wholesaling, warehousing, storage buildings, or public storage houses

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-118. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

Sec. 61-9-119 | Conditional uses.

- (4) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (5) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (6) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (8) Railroad right-of-way, not including storage tracks, yards, or buildings
- (9) Signs as provided for in ARTICLE VI of this Chapter.
- (10) Telecommunications building, private
- (11) Tunnel or bridge plaza and terminal, vehicular
- (12) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (13) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-9-119. Conditional uses.**

Uses permitted conditionally in the B6 District are delineated in Sec. 61-9-120 through Sec. 61-9-124 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-120. Conditional residential uses.**

- (1) Loft
- (2) Multiple-family dwelling, only in a multi-story building located in the Wholesale Distribution Center #3, as identified in Sec. 61-4-4 of this Code, and only if integrated into a mixed-use or multi-tenant development in which one or more ground-floor, pedestrian-oriented retail, service, or commercial use is permitted.
- (3) Penal or correctional institution; detention facility
- (4) Residential use combined in structures with permitted commercial uses, in which one or more permitted commercial use is located on the ground floor.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-16, §1, 8-11-2016)

**Sec. 61-9-121. Conditional public, civic, and institutional uses.**

- (1) Substance abuse service facility

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-122. Conditional retail, service, and commercial uses.**

- (1) (Repealed)
  - (2) Amusement park
  - (3) Arcade
  - (4) Brewpub or microbrewery or small distillery, outside the Central business district
  - (5) Cabaret, outside the Central business district
  - (6) Dance hall, public, outside the Central business district
  - (7) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central business district
  - (8) Firearms dealership
  - (9) Firearms target practice range, indoor
  - (10) Hotel, outside the Central business district
  - (11) Motel
  - (12) Motor vehicle filling station other than as provided for in Sec. 61-12-182(2) of this Code
  - (13) Motor vehicle services, major
  - (14) Motor vehicles, used, storage lot accessory to salesroom or sales lot for used motor vehicles
  - (15) Outdoor commercial recreation, not otherwise specified
  - (16) Plasma donation center
  - (17) Secondhand stores and secondhand jewelry stores
  - (18) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-9-123. Conditional manufacturing and industrial uses.**

- (1) Abattoir, slaughter house
  - (2) Tires, used: sales and/or service
  - (3) (Repealed)
  - (4) Truck stop
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-9-124. Conditional other uses.**

- (1) Ferry terminal
- (2) Heliports

Sec. 61-9-125 | Intensity and dimensional standards.

- (3) Passenger transportation terminal
  - (4) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-125. Intensity and dimensional standards.**

Development in the B6 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision C and in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-9-126. Other regulations.**

Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety, as provided for in Sec. 61-3-231(9) of this Code and the adequacy of vehicle stacking/access lane(s), as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05)

## ARTICLE X. INDUSTRIAL ZONING DISTRICTS

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### DIVISION 1. GENERALLY

#### **Sec. 61-10-1. Introduction.**

This article contains general information for all industrial zoning districts. For each district, the article contains a general purpose statement, a list of permitted uses, and any other district-specific regulations that may apply. For a complete list of permitted uses in all zoning districts, see the Use Table in ARTICLE XII.DIVISION 1 of this Chapter. To determine whether a property within an industrial zoning district is located within a development plan area, see Sec. 61-4-4 of this Code. To determine whether a property within an industrial zoning district is designated as historic, see Chapter 25, Article II, Division 5 of this Code and ARTICLE XVII of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

#### **Secs. 61-10-2–61-10-10. Reserved.**

### DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT

#### **Sec. 61-10-11. Description.**

This district is used primarily along major and secondary thoroughfares in blocks which contain older, vacant structures, mixed land uses, or other deficiencies, and where the Master Plan indicates industrial development to be the desirable ultimate use. The purpose of the district is to permit these vacant structures to be used for necessary economic activities, and to encourage the transition of the area to warehousing, wholesaling, and light industrial uses.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-10-12. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-10-13. By-right uses.**

Uses permitted by right in the M1 District are delineated in Sec. 61-10-14 through Sec. 61-10-18 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-10-14 | By-right residential uses.

**Sec. 61-10-14. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-15. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Auditoriums, public
- (3) Electric transformer station
- (4) Fire or police station, post office, court house, and similar public building
- (5) Gas regulator station
- (6) Governmental service agency
- (7) Library
- (8) Museum
- (9) Neighborhood center, nonprofit
- (10) Outdoor entertainment facility
- (11) Outdoor recreation facility
- (12) Power or heating plant with fuel storage on site
- (13) Religious institution
- (14) Stadium or sports arena
- (15) Substance abuse service facilities
- (16) Telephone exchange building
- (17) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-16. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Arcade
- (3) Art gallery
- (4) Assembly hall
- (5) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (6) Bake shop, retail
- (7) Bank without drive-up or drive-through facilities
- (8) Barber or beauty shop

Sec. 61-10-16 | By-right retail, service, and commercial uses.

- (9) Brewpub or microbrewery or small distillery, subject to Sec. 61-12-158(4) of this Code
- (10) Business college or commercial trade school
- (11) Customer service center
- (12) Dry cleaning, laundry, or laundromat
- (13) Employee recruitment center
- (14) Financial services center without drive-up or drive-through facilities
- (15) Food stamp distribution center
- (16) Go-cart track
- (17) Golf course, miniature
- (18) Kennel, commercial
- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (22) Motor vehicle services, minor
- (23) Motor vehicle washing and steam cleaning
- (24) Motor vehicles, new or used, salesroom or sales lot
- (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (26) Nail salon
- (27) Office, business or professional
- (28) Parking lots or parking areas for operable private passenger vehicles
- (29) Parking structure
- (30) Pet shop
- (31) Pool or billiard hall
- (32) Printing or engraving shops
- (33) Private club, lodge, or similar use
- (34) Produce or food markets, wholesale
- (35) Radio or television station
- (36) Radio, television, or household appliance repair shop
- (37) Rebound tumbling center
- (38) Recording studio or photo studio or video studio, no assembly hall
- (39) Recreation, indoor commercial and health club
- (40) Rental hall or banquet hall

Sec. 61-10-17 | By-right manufacturing and industrial uses.

- (41) Restaurant, standard
- (42) Retail sales and personal service in business and professional offices
- (43) School or studio of dance, gymnastics, music, art, or cooking
- (44) Secondhand stores and secondhand jewelry stores
- (45) Shoe repair shop
- (46) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (47) Tattoo and/or piercing parlor
- (48) Taxicab dispatch and/or storage facility
- (49) Theater and concert café, excluding drive-in theaters
- (50) Trailer coaches or boat sale or rental, open air display
- (51) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots
- (52) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-17. By-right manufacturing and industrial uses.**

- (1) Blueprinting shop
- (2) Contractor yard, landscape or construction
- (3) Food catering establishment
- (4) Jewelry manufacture
- (5) Lumber yard
- (6) Newspaper, daily, publishing or printing
- (7) Research or testing laboratory
- (8) Trade services, general
- (9) Vending machine commissary
- (10) Wholesaling, warehousing, storage buildings, or public storage houses

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-18. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

Sec. 61-10-19 | Conditional uses.

- (3) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (4) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
  - (5) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (6) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (7) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (8) Passenger transportation terminal
  - (9) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (10) Signs as provided for in ARTICLE VI of this Chapter.
  - (11) Telecommunications building, private
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-19. Conditional uses.**

Uses permitted conditionally in the M1 District are delineated in Sec. 61-10-20 through Sec. 61-10-24 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-20. Conditional residential uses.**

- (1) Loft
  - (2) Residential use combined in structures with permitted commercial uses
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-21. Conditional public, civic, and institutional uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-22. Conditional retail, service, and commercial uses.**

- (1) Amusement park
- (2) Bank with drive-up or drive-through facilities
- (3) Brewpub or microbrewery or small distillery, subject to Sec. 61-12-158(4)
- (4) Cabaret
- (5) Dance hall, public

Sec. 61-10-23 | Conditional manufacturing and industrial uses.

- (6) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
  - (7) Financial services center with drive-up or drive-through facilities
  - (8) Firearms dealership
  - (9) Firearms target practice range, indoor
  - (10) Hotel
  - (11) Motel
  - (12) Motor vehicle filling station other than as provided for in Sec. 61-12-182(2) of this Code
  - (13) Motor vehicle services, major
  - (14) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles
  - (15) Motorcycles, retail sales, rental or service
  - (16) Outdoor commercial recreation, not otherwise specified
  - (17) Pawnshop
  - (18) Plasma donation center
  - (19) Restaurant, carry-out or fast-food
  - (20) (Repealed)
  - (21) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-23. Conditional manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Boiler repairing
- (3) Cold storage plant
- (4) Confection manufacture
- (5) Dental products, surgical, or optical goods manufacture
- (6) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (7) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (8) Laundry, industrial
- (9) Lithographing and sign shops
- (10) Railroad transfer or storage tracks

Sec. 61-10-24 | Conditional other uses.

- (11) Tires, used, sales and/or service
  - (12) Toiletries or cosmetic manufacturing
  - (13) Tool sharpening or grinding
  - (14) Tool, die, and gauge manufacturing, small items
  - (15) Towing service storage yard
  - (16) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable commercial vehicles, other than limousines and taxicabs, semi-trailers and/or buses
  - (17) Wearing apparel manufacturing
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-24. Conditional other uses.**

- (1) Aircraft landing areas for winged aircraft
  - (2) Ferry terminal
  - (3) Signs as provided for in ARTICLE VI of this Chapter.
  - (4) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (5) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (6) Medical marihuana caregiver centers as provided for in ARTICLE III.DIVISION 12 of this Chapter
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-10-25. Intensity and dimensional standards.**

Development in the M1 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision E and in ARTICLE XIII, DIVISION 1, Subdivision F of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-10-26–61-10-30. Reserved.**

**DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT**

**Sec. 61-10-31. Description.**

This district is designed for a wide range of industrial and related uses which can function with a minimum of undesirable effects. Industrial establishments of this type provide a buffer between residential districts and intensive industrial districts. New residential construction is excluded from this district with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted

Sec. 61-10-32 | Site plan review.

commercial uses. These requirements are both to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-32. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-33. By-right uses.**

Uses permitted by right in the M2 District are delineated in Sec. 61-10-34 through Sec. 61-10-38 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

**Sec. 61-10-34. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-35. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Auditoriums, public
- (3) Electric transformer station
- (4) Fire or police station, post office, court house, and similar public building
- (5) Gas regulator station
- (6) Governmental service agency
- (7) Library
- (8) Museum
- (9) Neighborhood center, nonprofit
- (10) Outdoor entertainment facility
- (11) Outdoor recreation facility
- (12) Power or heating plant with fuel storage on site
- (13) Religious institution
- (14) Stadium or sports arena
- (15) Substance abuse service facility
- (16) Telephone exchange building

Sec. 61-10-36 | By-right retail, service, and commercial uses.

- (17) Water works, reservoir, pumping station, or filtration plant  
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-36. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Arcade
- (3) Art gallery
- (4) Assembly hall
- (5) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (6) Bake shop, retail
- (7) Bank
- (8) Barber or beauty shop
- (9) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (10) Business college or commercial trade school
- (11) Customer service center
- (12) Dry cleaning, laundry, or laundromat
- (13) Employee recruitment center
- (14) Financial services center
- (15) Food stamp distribution center
- (16) Go-cart track
- (17) Golf course, miniature
- (18) Kennel, commercial
- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicle filling station as provided for in **Sec. 61-12-182(2)** of this Code
- (22) Motor vehicle services, minor
- (23) Motor vehicle washing and steam cleaning
- (24) Motor vehicles, new or used, salesroom or sales lot
- (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (26) Motorcycles, retail sales, rental or service
- (27) Nail salon
- (28) Office, business or professional



Sec. 61-10-37 | By-right manufacturing and industrial uses.

- (29) Parking lots or parking areas for operable private passenger vehicles
- (30) Parking structure
- (31) Pet shop
- (32) Pool or billiard hall
- (33) Printing or engraving shops
- (34) Private club, lodge, or similar use
- (35) Produce or food markets, wholesale
- (36) Radio or television station
- (37) Radio, television, or household appliance repair shop
- (38) Rebound tumbling center
- (39) Recording studio or photo studio or video studio, no assembly hall
- (40) Recreation, indoor commercial and health club
- (41) Rental hall or banquet hall
- (42) Restaurant, carry-out or fast-food with or without drive-up or drive-through facilities
- (43) Restaurant, standard
- (44) Retail sales and personal service in business and professional offices
- (45) School or studio or dance, gymnastics, music, art, or cooking
- (46) Secondhand stores and secondhand jewelry stores
- (47) Shoe repair shop
- (48) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (49) Tattoo and/or piercing parlor
- (50) Taxicab dispatch and/or storage facility
- (51) Theater and concert café, excluding drive-in theaters
- (52) Trailer coaches or boat sale or rental, open air display
- (53) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental, or service; moving truck/trailer rental lots
- (54) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-37. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop

Sec. 61-10-38 | By-right other uses.

- (3) Boiler repairing
  - (4) Cold storage plant
  - (5) Confection manufacture
  - (6) Containerized freight yard
  - (7) Contractor yard, landscape or construction
  - (8) Dental products, surgical, or optical goods manufacture
  - (9) Food catering establishment
  - (10) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
  - (11) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
  - (12) Ice manufacture
  - (13) Jewelry manufacture
  - (14) Laundry, industrial
  - (15) Lithographing and sign shops
  - (16) Lumber yard
  - (17) Newspaper, daily, publishing or printing
  - (18) Railroad transfer or storage tracks
  - (19) Research or testing laboratory
  - (20) Tank storage of bulk oil or gasoline
  - (21) Toiletries or cosmetic manufacturing
  - (22) Tool sharpening or grinding
  - (23) Tool, die, and gauge manufacturing, small items
  - (24) Trade services, general
  - (25) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable commercial vehicles, other than limousines and taxicabs, semi-trailers, and/or buses
  - (26) Vending machine commissary
  - (27) Wearing apparel manufacturing
  - (28) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-38. By-right other uses.**

- (1) Aircraft landing areas for winged aircraft

Sec. 61-10-39 | Conditional uses.

- (2) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (3) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (6) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (8) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (9) Passenger transportation terminal
- (10) Railroad right-of-way, not including storage tracks, yards, or buildings
- (11) Signs as provided for in ARTICLE VI of this Chapter.
- (12) Telecommunications building, private

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-39. Conditional uses.**

Uses permitted conditionally in the M2 District are delineated in Sec. 61-10-40 through Sec. 61-10-44 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-40. Conditional residential uses.**

- (1) Lofts
- (2) Residential use combined in structures with permitted commercial uses

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-41. Conditional public, civic, and institutional uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-42. Conditional retail, service, and commercial uses.**

- (1) Amusement park
- (2) Brewpub or microbrewery or small distillery, subject to Sec. 61-12-158(4)

Sec. 61-10-43 | Conditional manufacturing and industrial uses.

- (3) Cabaret
  - (4) Dance hall, public
  - (5) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
  - (6) Firearms dealership
  - (7) Firearms target practice range, indoor
  - (8) Hotel
  - (9) Motel
  - (10) Motor vehicle filling station other than as provided for in Sec. 61-12-182(2) of this Code
  - (11) Motor vehicle services, major
  - (12) Motor vehicles, used, storage lot accessory to salesroom or sales lot for used motor vehicles
  - (13) Outdoor commercial recreation, not otherwise specified
  - (14) Pawnshop
  - (15) Plasma donation center
  - (16) (Repealed)
  - (17) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-43. Conditional manufacturing and industrial uses.**

- (1) Chemical materials blending or compounding but not involving chemicals manufacturing
  - (2) Construction equipment, agricultural implements, and other heavy equipment repair or service
  - (3) Machine shop
  - (4) (Repealed)
  - (5) Steel warehousing
  - (6) Tires, used, sales and/or service
  - (7) Towing service storage yard
  - (8) Welding shops
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-10-44. Conditional other uses.**

- (1) Ferry terminal

Sec. 61-10-45 | Intensity and dimensional standards.

- (2) Heliports
- (3) Signs as provided for in ARTICLE VI of this Chapter.
- (4) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (6) Medical marihuana caregiver centers as provided for in ARTICLE III.DIVISION 12 of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-10-45. Intensity and dimensional standards.**

Development in the M2 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision E and in ARTICLE XIII, DIVISION 1, Subdivision F of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-10-46–61-10-50. Reserved.**

**DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT**

**Sec. 61-10-51. Description.**

This district is composed of property so situated as to be suitable for industrial development, but where the modes of operation of the industry may affect any nearby residential uses. The purpose of this district is to permit the normal operation of a majority of industries, subject only to those regulations needed to control congestion and to protect nearby residential districts. No new residential construction is permitted in this district with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted commercial uses. These requirements are to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-52. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-10-53 | By-right uses.

**Sec. 61-10-53. By-right uses.**

Uses permitted by right in the M3 District are delineated in Sec. 61-10-54 through Sec. 61-10-58 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-54. By-right residential uses.**

- (1) None.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-55. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Electric transformer station
- (3) Fire or police station, post office, court house, and similar public building
- (4) Gas regulator station
- (5) Governmental service agency
- (6) Power or heating plant with fuel storage on site
- (7) Telephone exchange building
- (8) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-56. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Arcade
- (3) Art gallery
- (4) Assembly hall
- (5) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (6) Bake shop, retail
- (7) Bank
- (8) Barber or beauty shop
- (9) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (10) Business college or commercial trade school
- (11) Customer service center

Sec. 61-10-56 | By-right retail, service, and commercial uses.

- (12) Dry cleaning, laundry, or laundromat
- (13) Employee recruitment center
- (14) Financial services center
- (15) Food stamp distribution center
- (16) Go-cart track
- (17) Golf course, miniature
- (18) Kennel, commercial
- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (22) Motor vehicle services, minor
- (23) Motor vehicle washing and steam cleaning
- (24) Motor vehicles, new or used, salesroom or sales lot
- (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (26) Motorcycles, retail sales, rental or service
- (27) Nail salon
- (28) Office, business or professional
- (29) Parking lots or parking areas for operable private passenger vehicles
- (30) Parking structure
- (31) Pet shop
- (32) Pool or billiard hall
- (33) Printing or engraving shops
- (34) Private club, lodge, or similar use
- (35) Produce or food markets, wholesale
- (36) Radio or television station
- (37) Radio, television, or household appliance repair shop
- (38) Rebound tumbling center
- (39) Recording studio or photo studio or video studio, no assembly hall
- (40) Recreation, indoor commercial and health club
- (41) Rental hall or banquet hall
- (42) Restaurant, carry-out or fast-food with or without drive-up or drive-through facilities
- (43) Restaurant, standard

Sec. 61-10-57 | By-right manufacturing and industrial uses.

- (44) Retail sales and personal service in business and professional offices
- (45) School or studio of dance, gymnastics, music, art, or cooking
- (46) Secondhand stores and secondhand jewelry stores
- (47) Shoe repair shop
- (48) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (49) Tattoo and/or piercing parlor
- (50) Taxicab dispatch and/or storage facility
- (51) Theater and concert café, excluding drive-in theaters
- (52) Trailer coaches or boat sale or rental, open air display
- (53) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots
- (54) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-57. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop
- (3) Boiler repairing
- (4) Chemical materials blending or compounding but not involving chemicals manufacturing
- (5) Cold storage plant
- (6) Confection manufacture
- (7) Construction equipment, agricultural implements, and other heavy equipment repair or service
- (8) Containerized freight yard
- (9) Contractor yard, landscape or construction
- (10) Dental products, surgical, or optical goods manufacture
- (11) Food catering establishment
- (12) General: High/medium-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code
- (13) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (14) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code



Sec. 61-10-58 | By-right other uses.

- (15) Ice manufacture
  - (16) Jewelry manufacture
  - (17) Laundry, industrial
  - (18) Lithographing and sign shops
  - (19) Lumber yard
  - (20) Machine shop
  - (21) Newspaper, daily, publishing or printing
  - (22) Railroad transfer or storage tracks
  - (23) Research or testing laboratory
  - (24) Steel warehousing
  - (25) Tank storage of bulk oil or gasoline
  - (26) Toiletries or cosmetic manufacturing
  - (27) Tool sharpening or grinding
  - (28) Tool, die, and gauge manufacturing, small items
  - (29) Trade services, general
  - (30) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable commercial vehicles, other than limousines and taxicabs, semi-trailers, and/or buses
  - (31) Vending machine commissary
  - (32) Wearing apparel manufacturing
  - (33) Welding shops
  - (34) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-58. By-right other uses.**

- (1) Aircraft landing areas for winged aircraft
- (2) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (3) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (6) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

Sec. 61-10-59 | Conditional uses.

- (7) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (8) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (9) Marinas
  - (10) Passenger transportation terminal
  - (11) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (12) Signs as provided for in ARTICLE VI of this Chapter.
  - (13) Telecommunications building, private
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-59. Conditional uses.**

Uses permitted conditionally in the M3 District are delineated in Sec. 61-10-60 through Sec. 61-10-64 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-60. Conditional residential uses.**

- (1) Lofts
  - (2) Residential use combined in structures with permitted commercial uses
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-61. Conditional public, civic, and institutional uses.**

- (1) Auditoriums, public
  - (2) Library
  - (3) Museum
  - (4) Neighborhood center, nonprofit
  - (5) Outdoor entertainment facility
  - (6) Outdoor recreation facility
  - (7) Race track, motor vehicle
  - (8) Religious institution
  - (9) Stadium or sports arena
  - (10) Steam generating plant
  - (11) Substance abuse service facility
- (Ord. No. 11-05, §1, 5-28-05)

Sec. 61-10-62 | Conditional retail, service, and commercial uses.

**Sec. 61-10-62. Conditional retail, service, and commercial uses.**

- (1) (Repealed)
- (2) Amusement park
- (3) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (4) Cabaret
- (5) Dance hall, public
- (6) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
- (7) Firearms dealership
- (8) Firearms target practice range, indoor
- (9) Fireworks, sales
- (10) Hotel
- (11) Motel
- (12) Motor vehicle filling station other than as provided for in Sec. 61-12-182(2) of this Code
- (13) Motor vehicle services, major
- (14) Motor vehicles, used, storage lot accessory to salesroom or sales lot for used motor vehicles
- (15) Outdoor commercial recreation, not otherwise specified
- (16) Pawnshop
- (17) Plasma donation center
- (18) (Repealed)
- (19) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-63. Conditional manufacturing and industrial uses.**

- (1) Elevators, grain
- (2) Feed or grain mill
- (3) General: High-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code
- (4) Outdoor operations of permitted land uses specified in the Manufacturing and Production use category, Sec. 61-12-62 of this Code, and as specified in the Warehouse and Freight Movement use category, Sec. 61-12-63 of this Code
- (5) Outdoor storage yards

Sec. 61-10-64 | Conditional other uses.

- (6) (Repealed)
- (7) Sewage disposal plant
- (8) Tires, used, sales and/or service
- (9) Towing service storage yard
- (10) Truck stop
- (11) Waste/scrap materials: indoor storage, handling, transfer  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-10-64. Conditional other uses.**

- (1) Boat or ship yard: construction, repair, maintenance, dry dock
- (2) Docks, waterway shipping/freighters
- (3) Ferry terminal
- (4) Heliports
- (5) Signs as provided for in ARTICLE VI of this Chapter.
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (7) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (8) Medical marihuana caregiver centers as provided for in ARTICLE III.DIVISION 12 of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-10-65. Intensity and dimensional standards.**

Development in the M3 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision E of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-10-66–61-10-70. Reserved.**

**DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT**

**Sec. 61-10-71. Description.**

This district will permit uses which are usually objectionable and, therefore, the district is rarely, if ever, located adjacent to residential districts. A broad range of uses is permitted in this district. New residences are prohibited with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted commercial uses. These requirements are to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

## Sec. 61-10-72 | Site plan review.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-72. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-73. By-right uses.**

Uses permitted by right in the M4 District are delineated in Sec. 61-10-74 through Sec. 61-10-78 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.

**Sec. 61-10-74. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-75. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Electric transformer station
- (3) Fire or police station, post office, court house, and similar public building
- (4) Gas regulator station
- (5) Governmental service agency
- (6) Power or heating plant with fuel storage on site
- (7) Steam generating plant
- (8) Telephone exchange building
- (9) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-76. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Arcade
- (3) Art gallery
- (4) Assembly hall
- (5) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (6) Bake shop, retail

Sec. 61-10-76 | By-right retail, service, and commercial uses.

- (7) Bank
- (8) Barber or beauty shop
- (9) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (10) Business college or commercial trade school
- (11) Customer service center
- (12) Dry cleaning, laundry, or laundromat
- (13) Employee recruitment center
- (14) Financial services center
- (15) Food stamp distribution center
- (16) Go-cart track
- (17) Golf course, miniature
- (18) Kennel, commercial
- (19) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (20) Mortuary or funeral home, including those containing a crematory
- (21) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (22) Motor vehicle services, minor
- (23) Motor vehicle washing and steam cleaning
- (24) Motor vehicles, new or used, salesroom or sales lot
- (25) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (26) Motorcycles, retail sales, rental or service
- (27) Nail salon
- (28) Office, business or professional
- (29) Parking lots or parking areas for operable private passenger vehicles
- (30) Parking structure
- (31) Pet shop
- (32) Pool or billiard hall
- (33) Printing or engraving shops
- (34) Private club, lodge, or similar use
- (35) Produce or food markets, wholesale
- (36) Radio or television station
- (37) Radio, television, or household appliance repair shop
- (38) Rebound tumbling center

Sec. 61-10-77 | By-right manufacturing and industrial uses.

- (39) Recording studio or photo studio or video studio, no assembly hall
- (40) Recreation, indoor commercial and health club
- (41) Rental hall or banquet hall
- (42) Restaurant, carry-out or fast-food with or without drive-up or drive-through facilities
- (43) Restaurant, standard
- (44) Retail sales and personal service in business and professional offices
- (45) School or studio of dance, gymnastics, music, art, or cooking
- (46) Secondhand stores and secondhand jewelry stores
- (47) Shoe repair shop
- (48) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (49) Tattoo and/or piercing parlor
- (50) Taxicab dispatch and/or storage facility
- (51) Theater and concert café, excluding drive-in theaters
- (52) Trailer coaches or boat sale or rental, open air display
- (53) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots
- (54) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-77. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop
- (3) Boiler repairing
- (4) Chemical materials blending or compounding but not involving chemicals manufacturing
- (5) Cold storage plant
- (6) Confection manufacture
- (7) Construction equipment, agricultural implements, and other heavy equipment repair or service
- (8) Containerized freight yard
- (9) Contractor yard, landscape or construction
- (10) Dental products, surgical, or optical goods manufacture

Sec. 61-10-77 | By-right manufacturing and industrial uses.

- (11) Elevators, grain
- (12) Feed or grain mill
- (13) Food catering establishment
- (14) General: High/medium-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code
- (15) General: High-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code.
- (16) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (17) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (18) Ice manufacture
- (19) Jewelry manufacture
- (20) Laundry, industrial
- (21) Lithographing and sign shops
- (22) Lumber yard
- (23) Machine shop
- (24) Newspaper, daily, publishing or printing
- (25) Outdoor operations of permitted land uses specified in the Manufacturing and Production use category, Sec. 61-12-62 of this Code, and as specified in the Warehouse and Freight Movement use category, Sec. 61-12-63 of this Code
- (26) Outdoor storage yards
- (27) Railroad transfer or storage tracks
- (28) Research or testing laboratory
- (29) Sewage disposal plant
- (30) Steel warehousing
- (31) Tank storage of bulk oil or gasoline
- (32) Toiletries or cosmetic manufacturing
- (33) Tool sharpening or grinding
- (34) Tool, die, and gauge manufacturing, small items
- (35) Trade services, general
- (36) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks
- (37) Vending machine commissary
- (38) Wearing apparel manufacturing



Sec. 61-10-78 | By-right other uses.

- (39) Welding shops
  - (40) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-78. By-right other uses.**

- (1) Adult use/sexually oriented business, as provided in Sec. 61-3-344 of this Code
  - (2) Aircraft landing areas for winged aircraft
  - (3) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
  - (4) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (5) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (6) Boat or ship yard, construction, repair, maintenance, dry dock
  - (7) Boat terminal, passenger
  - (8) Docks, waterway shipping/freighters
  - (9) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
  - (10) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (11) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (12) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (13) Marinas
  - (14) Passenger transportation terminal
  - (15) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (16) Signs as provided for in ARTICLE VI of this Chapter.
  - (17) Telecommunications building, private
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-79. Conditional uses.**

Uses permitted conditionally in the M4 District are delineated in Sec. 61-10-80 through Sec. 61-10-84 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards.) In addition, all other uses not prohibited by law or this Code, and not specifically permitted elsewhere in this zoning ordinance shall be considered as Conditional Uses in the M4 District.

Sec. 61-10-80 | Conditional residential uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-80. Conditional residential uses.**

- (1) Lofts
- (2) Residential use combined in structures with permitted commercial uses

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-81. Conditional public, civic, and institutional uses.**

- (1) Auditoriums, public
- (2) Library
- (3) Museum
- (4) Neighborhood center, nonprofit
- (5) Outdoor entertainment facility
- (6) Outdoor recreation facility
- (7) Race track, motor vehicle
- (8) Religious institution
- (9) Stadium or sports arena
- (10) Substance abuse service facility

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-82. Conditional retail, service, and commercial uses.**

- (1) (Repealed)
- (2) Amusement park
- (3) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (4) Cabaret
- (5) Dance hall, public
- (6) Drive-in theater
- (7) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
- (8) Firearms dealership
- (9) Firearms target practice range, indoor
- (10) Fireworks, sales
- (11) Motor vehicle filling station other than as provided for in **Sec. 61-12-182(2)** of this Code
- (12) Motor vehicle services, major

Sec. 61-10-83 | Conditional manufacturing and industrial uses.

- (13) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles
- (14) Outdoor commercial recreation, not otherwise specified
- (15) Pawnshop
- (16) Plasma donation center
- (17) (Repealed)
- (18) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-10-83. Conditional manufacturing and industrial uses.**

- (1) Abattoir, slaughter house
- (2) Explosives storage
- (3) Garbage, offal, or dead animal reduction
- (4) General: Very high-impact manufacturing or processing as defined in Sec. 61-16-201 of this Code
- (5) Hazardous waste facility
- (6) Incinerator plant
- (7) Intermodal freight terminal
- (8) Junkyard
- (9) Outdoor operations of permitted land uses specified in the Manufacturing and Production use category, Sec. 61-12-62 of this Code, and as specified in the Warehouse and Freight Movement use category, Sec. 61-12-63 of this Code
- (10) (Repealed)
- (11) Radioactive waste handling
- (12) Recycling center
- (13) Rendering plant
- (14) Salt works
- (15) Scrap tire storage, processing, or recycling facility
- (16) Tires, used, sales and/or service
- (17) Towing service storage yard
- (18) Transfer station for garbage, refuse, or rubbish
- (19) Truck stop
- (20) Used auto parts sales
- (21) Waste/scrap materials: indoor storage, handling, transfer

Sec. 61-10-84 | Conditional other uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-10-84. Conditional other uses.**

- (1) Ferry terminal
- (2) Heliports
- (3) Signs as provided for in ARTICLE VI of this Chapter
- (4) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (6) Medical marihuana caregiver centers as provided for in ARTICLE III.DIVISION 12 of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-10-85. Intensity and dimensional standards.**

Development in the M4 District shall comply with the standards provided for in ARTICLE XIII, DIVISION 1, Subdivision E of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-10-86–61-10-90. Reserved.**

**DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT**

**Sec. 61-10-91. Description.**

This district is composed primarily of property located deep within other industrial districts and indicates areas of the City which are best suited for development with intensive uses and are or can be objectionable or hazardous. Inasmuch as this district also permits less intensive industrial uses, the potentially objectionable or hazardous uses are placed under the "Conditional" category in order to guarantee a review of their operating characteristics to ensure that other industrial uses will not be unduly injured by the establishment of a potentially objectionable use in the same area. Even though some of these objectionable or hazardous uses may also be permitted in other districts, every attempt will be made to assure their location in an M5 District. In addition, hazardous waste facilities are, as required by the Michigan Natural Resources and Environmental Protection Act (NREPA) being MCL 324.101 *et seq.*, subject to approval by the Michigan Department of Environmental Quality and the Hazardous Waste Site Review Board. As such the Hazardous Waste Facility Review Committee shall review applications for such facilities and forward respective reports with recommendations to the Michigan Department of Environmental Quality and Hazardous Waste Site Review Board.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-10-92 | Site plan review.

**Sec. 61-10-92. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-93. By-right uses.**

Uses permitted by right in the M5 District are delineated in Sec. 61-10-94 through Sec. 61-10-98 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-94. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-95. By-right public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Gas regulator station
- (3) Power or heating plant with fuel storage on site
- (4) Steam generating plant
- (5) Telephone exchange building
- (6) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-96. By-right retail, service, and commercial uses.**

- (1) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, with or without drive-up or drive-through facilities
- (2) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (3) Motor vehicle services, minor
- (4) Motor vehicle washing and steam cleaning
- (5) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (6) Parking lots or parking areas for operable private passenger vehicles
- (7) Parking structure
- (8) Taxicab dispatch and/or storage facility

Sec. 61-10-97 | By-right manufacturing and industrial uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-97. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop
- (3) Boiler repairing
- (4) Chemical materials blending or compounding but not involving chemicals manufacturing
- (5) Cold storage plant
- (6) Confection manufacture
- (7) Construction equipment, agricultural implements, and other heavy equipment repair or service
- (8) Containerized freight yard
- (9) Contractor yard, landscape or construction
- (10) Dental products, surgical, or optical goods manufacture
- (11) Elevators, grain
- (12) Feed or grain mill
- (13) Food catering establishment
- (14) General: High/medium-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code
- (15) General: High-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code.
- (16) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (17) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
- (18) Ice manufacture
- (19) Intermodal freight terminal
- (20) Jewelry manufacture
- (21) Laundry, industrial
- (22) Lithographing and sign shops
- (23) Lumber yard
- (24) Machine shop
- (25) Newspaper, daily, publishing or printing

Sec. 61-10-98 | By-right other uses.

- (26) Outdoor operations of permitted land uses specified in the Manufacturing and Production use category, Sec. 61-12-62 of this Code, and as specified in the Warehouse and Freight Movement use category, Sec. 61-12-63 of this Code
  - (27) Outdoor storage yards
  - (28) Railroad transfer or storage tracks
  - (29) Research or testing laboratory
  - (30) Sewage disposal plant
  - (31) Steel warehousing
  - (32) Tank storage of bulk oil or gasoline
  - (33) Toiletries or cosmetic manufacturing
  - (34) Tool sharpening or grinding
  - (35) Tool, die, and gauge manufacturing, small items
  - (36) Trade services, general
  - (37) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable commercial vehicles, other than limousines and taxicabs, semi-trailers, and/or buses
  - (38) Vending machine commissary
  - (39) Wearing apparel manufacturing
  - (40) Welding shops
  - (41) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-98. By-right other uses.**

- (1) Adult use/sexually oriented business, as provided in Sec. 61-3-344 of this Code
- (2) Aircraft landing areas for winged aircraft
- (3) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (4) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (6) Boat or ship yard, construction, repair, maintenance, dry dock
- (7) Boat terminal, passenger
- (8) Docks, waterway shipping/freighters
- (9) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter

Sec. 61-10-99 | Conditional uses.

- (10) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (11) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (12) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (13) Marinas
  - (14) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (15) Signs as provided for in ARTICLE VI of this Chapter.
  - (16) Telecommunications building, private
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-10-99. Conditional uses.**

Uses permitted conditionally in the M5 District are delineated in Sec. 61-10-100 through Sec. 61-10-104 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards. In addition, all other uses not prohibited by law or this Code, and not specifically permitted elsewhere in this zoning ordinance shall be considered as Conditional Uses in the M5 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-100. Conditional residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-101. Conditional public, civic, and institutional uses.**

- (1) Race track, motor vehicle

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-10-102. Conditional retail, service, and commercial uses.**

- (1) (Repealed)
- (2) Firearms target practice range, indoor
- (3) Motor vehicle filling station other than as provided for in Sec. 61-12-182(2) of this Code
- (4) Motor vehicle services, major
- (5) Motor vehicles, used, storage lot accessory to salesroom or sales lot for used motor vehicles

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)



Sec. 61-10-103 | Conditional manufacturing and industrial uses.

**Sec. 61-10-103. Conditional manufacturing and industrial uses.**

- (1) Abattoir, slaughter house
- (2) Explosives storage
- (3) Garbage, offal, or dead animal reduction
- (4) General: Very high-impact manufacturing or processing as defined in Sec. 61-16-201 of this Code
- (5) Hazardous waste facility
- (6) Incinerator plant
- (7) Junkyard
- (8) Outdoor operations of permitted land uses specified in the Manufacturing and Production use category, Sec. 61-12-62 of this Code, and as specified in the Warehouse and Freight Movement use category, Sec. 61-12-63 of this Code
- (9) (Repealed)
- (10) Radioactive waste handling
- (11) Recycling center
- (12) Rendering plant
- (13) Salt works
- (14) Scrap tire storage, processing, or recycling facility
- (15) Tires, used, sales and/or service
- (16) Towing service storage yard
- (17) Transfer station for garbage, refuse, or rubbish
- (18) Truck stop
- (19) Used auto parts sales
- (20) Waste/scrap materials: indoor storage, handling, transfer  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-10-104. Conditional other uses.**

- (1) Ferry terminal
- (2) Heliports
- (3) Signs as provided for in ARTICLE VI of this Chapter.
- (4) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter  
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

Sec. 61-10-105 | Intensity and dimensional standards.

**Sec. 61-10-105. Intensity and dimensional standards.**

Development in the M5 District shall comply with the standards provided in ARTICLE XIII, DIVISION 1, Subdivision E and in ARTICLE XIII, DIVISION 1, ARTICLE XIII.DIVISION 1.Subdivision F of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)



# ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS

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## DIVISION 1. GENERALLY

### **Sec. 61-11-1. Introduction.**

This article contains general information for all special purpose zoning districts and overlay areas. For each district, the article contains a general purpose statement, a list of permitted uses, and any other district-specific regulations that may apply. For a complete list of permitted uses in all zoning districts, see the Use Table in ARTICLE XII, DIVISION 1 of this Chapter. To determine whether a property within a special zoning district is located within a development plan area, see Sec. 61-4-4 of this Code. To determine whether a property within a special zoning district is designated as historic, see Chapter 25, Article II, Division 5 of this Code and ARTICLE XVII of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

### **Sec. 61-11-2. State-licensed residential facilities.**

In the special purpose zoning districts where single-family dwellings are permitted by right, state-licensed residential facilities, as provided for in Sec. 206 of the Michigan Zoning Enabling Act, being MCL 125.3206, for six (6) or fewer persons, shall also be permitted by right. In addition, in those districts where single-family dwellings are permitted as a Conditional Use, state-licensed residential facilities for six (6) or fewer persons, shall also be permitted on a conditional basis.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

### **Secs. 61-11-3–61-11-10. Reserved.**

## DIVISION 2. PD PLANNED DEVELOPMENT DISTRICT

### **Sec. 61-11-11. Description.**

This district will permit planned developments throughout the City and will be particularly useful in urban renewal areas. Such planned developments shall be substantially in accord with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are Residential, Retail and Local Services, Industrial, Mixed Use, Parks and Open Space, and Other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings. The regulations of the district are designed to accomplish this by permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare and, where applicable, encouraging historic preservation. Developers in both private and urban renewal areas are advised to confer with the Planning and Development Department or the City Planning Commission

**Sec. 61-11-12 | Review for consistency with adopted plans.**

before investing large amounts of time and energy in preparing plans and proposals. The review and approval procedures for developments on land zoned PD are specified in ARTICLE III, DIVISION 4 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-12. Review for consistency with adopted plans.**

Site plan review is required for all uses in the PD District. (See ARTICLE III, DIVISION 5.) Once a PD District is established, however, unlike in other districts, site plan review in the PD District is the review by the City Planning Commission for consistency with:

- (1) The dated site plans and elevations adopted at the time the PD District was established or with the dated site plans and elevations adopted as a result of a modification of the approved plans, as provided in Sec. 61-3-97 of this Code; or
- (2) The Land Use and Development Plan and the Declaration of Restrictions in Urban Renewal areas.

Where the City Planning Commission finds that a PD District outside of an Urban Renewal area was established without a development plan on record, such as on land previously zoned RMA, no site plan review shall be required unless one or more of the applicability criteria in Sec. 61-3-113(1) through Sec. 61-3-113(7) or Sec. 61-3-113(10) is applicable.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-11-13. Use regulations.**

Uses permitted shall include any and all uses subject to review by the City Planning Commission and to approval by the City Council, provided, that the major land use shall correspond to the most general category of land use proposed in the Master Plan for the area involved. Land use categories include Residential, Retail and Local Services, Industrial, Mixed Use, Parks and Open Space, and Other. (See Article XII for a complete listing of all use regulations and standards, and ARTICLE XII, Division 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-11-14. Intensity and dimensional standards.**

Lot dimensions, setbacks, height limitations, lot coverage percentages, and floor area ratios should be appropriate to the nature of the project and relate well to surrounding development.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-11-15 | PD District design criteria.

**Sec. 61-11-15. PD District design criteria.**

- (a) *Master Plan.* The proposed development should reflect applicable policies stated in the Detroit Master Plan. The policies relating to the geographic area in question as well as general policies will be considered. This zoning ordinance requires that the proposed major land use be consistent with the adopted Master Plan in all PD developments.
- (b) *Scale, form, massing, and density.* Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development.
- (c) *Compatibility.* The proposed development should be compatible with surrounding development in terms of land use, general appearance and function, and should not adversely affect the value of properties in the immediate vicinity.
- (d) *Circulation.* Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands. Disruption of traffic flow in surrounding areas should be minimized, and truck traffic should be carefully planned and controlled, especially to avoid use of residential streets.
- (e) *Parking and loading.* Where appropriate, adequate vehicular off-street parking and loading should be provided. The City Planning Commission will be guided by standards delineated in this zoning ordinance with adjustments appropriate to each specific situation.
- (f) *Environmental impacts.* Environmental impacts that relate to such factors as noise, air, combustibles and explosives, gases, soil, and water pollution, toxic waste, vibration, odor, glare, and radiation, should be controlled to be within acceptable levels at all times.
- (g) *Open space.* Adequate public and private open space should be provided for light and air, landscaping and, where appropriate, for passive and active recreation. Lot size, setbacks and yard requirements are flexible, but the City Planning Commission will be guided by standards that appear in comparable zoning ordinance district classifications.
- (h) *Rights-of-way, easements, and dedications.* Where appropriate, adequate rights-of-way, easements and dedications should be provided for trafficways, utilities and community facilities.
- (i) *River access.* Where appropriate, public access should be provided, including provision of adequate right-of-way for the continuous pedestrian and bicycle pathway being developed along the Detroit River.
- (j) *Screening.* Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and of parking areas should be provided.
- (k) *Orientation.* Careful consideration should be given to orientation both for solar access to the proposed project and for shadow impact upon surrounding development.
- (l) *Signage.* Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development. They should provide needed information, direction, and orientation in a clear and concise manner.
- (m) *Security considerations.* Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program.

**Sec. 61-11-41 | Description.**

- (n) *Accessibility.* Barrier-free access and public safety features should be carefully planned.
- (o) *Preservation and restoration.* Preservation and restoration of buildings having architectural or historic value should be considered a primary objective.
- (p) *Urban design.* Urban design elements of form and character, especially in intensely developed areas, should be carefully considered. Such elements include, but are not limited to: richness and interest of public areas through the provision of storefronts, window displays, landscaping, and artwork; color, texture and quality of structural materials; enclosure of public spaces; variations in scale; squares, plazas and/or "vest pocket parks" where appropriate; continuity of experience, visual activity and interest; articulation and highlighting of important visual features; and preservation and enhancement of important views and vistas.
- (q) *Amenities.* Special attention should be given to amenity and comfort considerations such as provision for outdoor seating, restrooms for public use, bicycle storage, convenience of access points, and protection from harsh weather through features as enclosed walkways and arcaded pedestrian areas.
- (r) *Maintenance.* Careful attention should be given to ease of maintenance of the completed project. Snow removal, mowing, cleaning, and other maintenance and repair operations should be considered.
- (s) *Construction period.* Phasing, staging, and interim circulation patterns should be well-planned so as to minimize disruption during the construction period.
- (t) *Urban renewal areas.* In addition, in urban renewal areas, the preliminary site plan must conform to the design criteria as stated in the adopted Land Use Development Plan and the Declaration of Restrictions, except as may have been authorized as a minor deviation by the Board of Zoning Appeals in accordance with Sec. 61-2-53 and Sec. 61-4-3.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

**Secs. 61-11-16–61-11-40. Reserved.****DIVISION 3. P1 OPEN PARKING DISTRICT****Sec. 61-11-41. Description.**

This district is designed for off-street parking of private passenger vehicles on property which abuts, or is separated by an alley or easement from, a non-residential district. The regulations permit the establishment of parking facilities to serve the non-residential uses, and at the same time do not permit the non-residential uses themselves to extend into residential areas. The district will assist in reducing traffic congestion caused by non-residential uses and at the same time will protect abutting residential areas from the deleterious effects of adjacent vehicular parking areas.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-42 | Site plan review.

**Sec. 61-11-42. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-43. By-right uses.**

Uses permitted by right in the P1 District are limited to parking structures and parking lots for operable private passenger vehicles excluding “towing service storage yards.” (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-11-44. Conditional uses.**

The only land use permitted conditionally in the P1 District is the storage of new motor vehicles, accessory to a salesroom or sales lot for new motor vehicles. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-45. Intensity and dimensional standards—in general.**

Development in the P1 District shall comply with the standards provided for in Sec. 61-13-63 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-46. Ingress and egress.**

Adequate ingress and egress shall be provided and shall be by means of streets or alleys adjacent to or extending through B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, TM, W1, or SD2 Districts, or by private roadways extending through or abutting such districts. All such roadways shall be surfaced in a manner at least equivalent to that, which is required in Sec. 61-14-150 for the parking or storage area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-47. Use limitations.**

The following specific use limitations shall apply in the P1 District:

- (1) The parking area shall be used for parking or storage of operable private passenger vehicles only;
- (2) No charge shall be made for parking or storage;



**Sec. 61-11-48 | Landscaping and screening.**

- (3) No business involving vehicle repair, service, sale or display for sale, or any other type of business, shall be conducted from or upon such premises;
- (4) No structures other than those required by, or specifically permitted herein, in this zoning ordinance shall be erected or placed on the premises;
- (5) No buildings other than those for shelter of attendants shall be erected or placed upon said premises, and there shall be not more than two (2) such buildings in any one (1) area and each building shall be not more than fifty (50) square feet in area nor shall each exceed fifteen (15) feet in height; and
- (6) No sign shall be erected or placed on the premises, except that not more than one (1) directional sign at each point of ingress or egress may be erected or placed. This sign may also bear the name of the operator of the parking area and enterprise it is intended to serve. Such signs shall not exceed twenty (20) square feet in area or fifteen (15) feet in height. Such signs shall not project beyond the property line when opposite R1, R2, R3, R4, R5, R6, or residential PD Districts.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-48. Landscaping and screening.**

Parking areas on land zoned P1 shall conform to the landscaping and screening provisions of ARTICLE XIV.DIVISION 2.Subdivision B and ARTICLE XIV.DIVISION 2.Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-11-49. Surface of parking or storage area.**

See Sec. 61-14-150 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-50. Lighting.**

See Sec. 61-14-156 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-51–61-11-60. Reserved.****DIVISION 4. PC PUBLIC CENTER DISTRICT****Sec. 61-11-61. Description.**

This district includes areas used or to be used for governmental, recreational, and cultural purposes of particular or special civic importance. All construction or other improvement within this district requires that the Planning and Development Department and the City Planning Commission review and make recommendation to City Council, as provided for in ARTICLE III, DIVISION 6 of this Chapter so as to ensure a completely harmonious, pleasing, and functional public center.

**Sec. 61-11-62 | Site plan review.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-62. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-63. By-right uses.**

Uses permitted by right in the PC District are delineated in Sec. 61-11-64 through Sec. 61-11-68 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-64. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-65. By-right public, civic, and institutional uses.**

- (1) Auditoriums, public
- (2) Convention or exhibit buildings
- (3) Educational institution or cultural building
- (4) Library
- (5) Museum
- (6) Outdoor entertainment facility
- (7) Outdoor recreation facility
- (8) Public aquarium
- (9) School, elementary, middle/junior high, or high
- (10) Stadium or sports arena, public only
- (11) All other public recreational uses and “Park and Open Space” uses

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-66. By-right retail, service, and commercial uses.**

- (1) Arcade, when clearly incidental and accessory to uses permitted in the PC district and where located on the same zoning lot
- (2) Office, public only

**Sec. 61-11-67 | By-right manufacturing and industrial uses.**

- (3) Parking lots or parking areas for operable private passenger vehicles open to the public
- (4) Parking structure, open to the public and having ground floor commercial space or other space oriented to pedestrian traffic
- (5) Retail sales and services clearly incidental and accessory to uses permitted in the PC district and where located on the same zoning lot, such as food service counters, restaurants, bars and lounges, gift and souvenir shops, shoeshine stand or parlor, and personal service establishments

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-67. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-68. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Boat terminal, passenger
- (3) Public center open uses
- (4) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-69. Conditional uses.**

Uses permitted conditionally in the PC District are delineated in Sec. 61-11-70 through Sec. 61-11-74 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-70. Conditional residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-71. Conditional public, civic, and institutional uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-72. Conditional retail, service, and commercial uses.**

- (1) Commercial parking lots or areas not permitted by right in the PC district.
- (2) Parking structures not permitted by right in the PC district.

## Sec. 61-11-73 | Conditional manufacturing and industrial uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-73. Conditional manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-74. Conditional other uses.**

- (1) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (2) Heliports
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-75. General intensity and dimensional standards.**

Development in the PC District shall comply with the standards provided for in Sec. 61-13-64 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-76. Review process.**

The exterior design, appearance, and location of any proposed building, or exterior alteration of any existing building, structure, or premises, or part thereof, including any exterior signs, and parking, loading or unloading areas, shall be reviewed by the Planning and Development Department and by the City Planning Commission to ensure harmony with the public center where it is located and consistency with the spirit, intent, and purpose of this Zoning Ordinance. A written report shall be filed with the City Council recommending approval or disapproval of the proposed use, facility or alteration, and recommending any changes deemed necessary to ensure conformity with the spirit, intent, and purpose of this district. In each case the City Council shall approve, disapprove, or adjust said recommendation by resolution. Advertising signs shall not be permitted in the PC district. (See ARTICLE III, DIVISION 6)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-77. PC District review criteria.**

The City Planning Commission and the Planning and Development Department shall review proposals, referenced in Sec. 61-11-76, in accordance with the following criteria:

- (1) The proposed development should reflect applicable policies stated in the Detroit Master Plan;
- (2) Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development;

## Sec. 61-11-77 | PC District review criteria.

- (3) The proposed development should be compatible with surrounding development in terms of land use, general appearance and function and should not adversely affect the value of adjacent properties;
- (4) Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands; disruption of traffic flow in surrounding areas should be minimized; truck traffic should be carefully planned and controlled;
- (5) Adequate vehicular off-street parking and loading should be provided, where appropriate;
- (6) Adequate public and private open space should be provided for light and air, landscaping, and, where appropriate, for passive and active recreation;
- (7) Adequate rights-of-way, easements and dedications should be provided where appropriate for trafficways, utilities and community facilities;
- (8) Public access should be provided where appropriate, including provision of adequate right-of-way for the continuous pedestrian/bicycle pathway being developed along the Detroit River;
- (9) Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and parking areas should be provided;
- (10) Careful consideration should be given to orientation for solar access to both the proposed project and surrounding development;
- (11) Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development; they should provide needed information, direction and orientation in a clear and concise manner;
- (12) Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program;
- (13) Barrier-free access and public safety features should be carefully planned;
- (14) Preservation/restoration of buildings having architectural or historic value should be considered a primary objective;
- (15) Urban design elements of form and character should be carefully considered; such elements include, but are not limited to: richness/ interest of public areas through the provision of storefronts, window displays, landscaping, and artwork; color, texture and quality of structural materials; enclosure of public spaces; variations in scale; squares, plazas and/or "vest pocket parks" where appropriate; continuity of experience, visual activity and interest; articulation and highlighting of important visual features; preservation/enhancement of important views and vistas;
- (16) Special attention should be given to amenity and comfort considerations such as provision for outdoor seating, restrooms for public use, bicycle storage, convenience of access points and protection from harsh weather through such features as enclosed walkways and arcaded pedestrian areas;

**Sec. 61-11-81 | Description.**

- (17) Careful attention should be given to ease of maintenance of the completed project; snow removal, mowing, cleaning, and other maintenance and repair operations should be considered;
- (18) Phasing, staging and interim circulation patterns should be well-planned so as to minimize disruption during the construction period.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-78–61-11-80. Reserved.****DIVISION 5. PCA PUBLIC CENTER ADJACENT DISTRICT  
(RESTRICTED CENTRAL BUSINESS DISTRICT)****Sec. 61-11-81. Description.**

The Public Center Adjacent District (Restricted Central business district) includes property in close proximity to the Public Center District, and the controls specified in this division are designed to prevent any uses or structures within the district from having a deleterious effect upon the public center. Uses in this district shall include, to the maximum extent possible, ground-floor commercial space or other space oriented to pedestrian traffic, to enhance the public streetscape and street-level activity.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-11-82. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-83. By-right uses.**

Uses permitted by right in the PCA District are delineated in Sec. 61-11-84 through Sec. 61-11-88 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-84. By-right residential uses.**

- (1) Loft
- (2) Multiple-family dwelling having ground-floor commercial space or other space oriented to pedestrian traffic
- (3) Residential use combined in structures with permitted commercial uses

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-85 | By-right public, civic, and institutional uses.

**Sec. 61-11-85. By-right public, civic, and institutional uses.**

- (1) Auditoriums, public
- (2) Child care center
- (3) Convention or exhibit buildings
- (4) Customs office
- (5) Educational institution
- (6) Family day care home
- (7) Library
- (8) Museum
- (9) Outdoor recreation facility
- (10) Public aquarium
- (11) Religious institution

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-86. By-right retail, service, and commercial uses.**

- (1) Arcade
- (2) Assembly hall
- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (4) Bake shop, retail
- (5) Bank without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Brewpub or microbrewery or small distillery
- (8) Business college or commercial trade school
- (9) Cabaret, inside the Central business district
- (10) Dance hall, public, inside the Central business district
- (11) Dry cleaning, laundry, or laundromat
- (12) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, inside the Central business district
- (13) Financial services center without drive-up or drive-through facilities
- (14) Hotel, inside the Central business district
- (15) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (16) Nail salon
- (17) Office, business or professional, having ground-floor commercial space or other space oriented to pedestrian traffic

Sec. 61-11-87 | By-right manufacturing and industrial uses.

- (18) Parking lots or parking areas for operable private passenger vehicles
- (19) Parking structure, having ground-floor commercial space or other space oriented to pedestrian traffic
- (20) Pool or billiard hall
- (21) Private club, lodge, or similar use
- (22) Radio or television station
- (23) Recording studio or photo studio or video studio, no assembly hall
- (24) Recreation, indoor commercial and health club
- (25) Restaurant, standard without drive-up or drive-through facilities
- (26) Restaurant, carry-out or fast-food as provided for in Sec. 61-12-228(8) of this Code
- (27) Secondhand stores and secondhand jewelry stores, as limited by Sec. 61-12-233 of this Code
- (28) Shoe repair shop
- (29) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (30) Theater and concert café, excluding drive-in theaters

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-87. By-right manufacturing and industrial uses.**

- (1) Blueprinting shop
  - (2) Newspaper, daily, publishing or printing
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-88. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
  - (2) Heliports
  - (3) Marinas
  - (4) Signs as provided for in ARTICLE VI of this Chapter.
  - (5) Tunnel or bridge plaza and terminal, vehicular
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-89. Conditional uses.**

Uses permitted conditionally in the PCA District are delineated in Sec. 61-11-90 through Sec. 61-11-94 of this Code. (See ARTICLE XII for a complete listing of all use regulations)



**Sec. 61-11-90 | Conditional residential uses.**

and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-90. Conditional residential uses.**

- (1) Religious residential facilities
- (2) Multiple-family dwelling, other than that permitted by right

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-91. Conditional public, civic, and institutional uses.**

- (1) Outdoor entertainment facility
- (2) Schools
- (3) Stadium or sports arena

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-11-92. Conditional retail, service, and commercial uses.**

- (1) Automated Teller Machine not accessory to other use on the same zoning lot, which is stand-alone, with drive-up or drive-through facilities
- (2) Bank with drive-up or drive-through facilities
- (3) Cabaret, outside the Central business district
- (4) Dance hall, public, outside the Central business district
- (5) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central business district
- (6) Financial services center with drive-up or drive-through facilities
- (7) Hotel, outside the Central business district
- (8) Motor vehicle filling station
- (9) Motor vehicle washing
- (10) Motor vehicles, new, salesroom or sales lot
- (11) Office, business or professional, other than that permitted by right
- (12) Parking structures, not having ground floor commercial space or other space oriented to pedestrian traffic
- (13) Rental hall or banquet hall
- (14) Restaurant, carry-out or fast-food, other than that permitted by right
- (15) Restaurant, standard as provided for in Sec. 61-12-229(5) of this Code
- (16) Retail sales and personal service in business and professional offices
- (17) (Repealed)

**Sec. 61-11-93 | Conditional manufacturing and industrial uses.**

- (18) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-93. Conditional manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-94. Conditional other uses.**

- (1) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (2) Passenger transportation terminal
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-95. General intensity and dimensional standards.**

Development in the PCA District shall comply with the standards provided for in Sec. 61-13-65 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-96. Review process.**

The exterior design, appearance, and location of any proposed building, or exterior alteration of any existing building, structure, or premises, or part thereof, and the location and design of any proposed sign, parking facilities or loading and unloading areas, shall be reviewed by the Planning and Development Department and by the City Planning Commission for consistency with the spirit, purpose, and intent of this district. In each case, the City Council shall approve, disapprove, or adjust said recommendation by resolution. Advertising signs shall not be permitted in the PCA district. (See ARTICLE III, DIVISION 6 for design criteria applicable to the PCA district.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-97. PCA District review criteria.**

The City Planning Commission and the Planning and Development Department shall review proposals, referenced in Sec. 61-11-96, in accordance with the following criteria:

- (1) The proposed development should reflect applicable policies stated in the Detroit Master Plan;
- (2) Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development;

## Sec. 61-11-97 | PCA District review criteria.

- (3) The proposed development should be compatible with surrounding development in terms of land use, general appearance and function and should not adversely affect the value of adjacent properties;
- (4) Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands; disruption of traffic flow in surrounding areas should be minimized; truck traffic should be carefully planned and controlled;
- (5) Adequate vehicular off-street parking and loading should be provided, where appropriate;
- (6) Adequate public and private open space should be provided for light and air, landscaping, and, where appropriate, for passive and active recreation;
- (7) Adequate rights-of-way, easements and dedications should be provided where appropriate for trafficways, utilities and community facilities;
- (8) Public access should be provided where appropriate, including provision of adequate right-of-way for the continuous pedestrian/bicycle pathway being developed along the Detroit River;
- (9) Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and parking areas should be provided;
- (10) Careful consideration should be given to orientation for solar access to both the proposed project and surrounding development;
- (11) Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development; they should provide needed information, direction and orientation in a clear and concise manner;
- (12) Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program;
- (13) Barrier-free access and public safety features should be carefully planned;
- (14) Preservation/restoration of buildings having architectural or historic value should be considered a primary objective;
- (15) Urban design elements of form and character should be carefully considered; such elements include, but are not limited to: richness/ interest of public areas through the provision of storefronts, window displays, landscaping, and artwork; color, texture and quality of structural materials; enclosure of public spaces; variations in scale; squares, plazas and/or "vest pocket parks" where appropriate; continuity of experience, visual activity and interest; articulation and highlighting of important visual features; preservation/enhancement of important views and vistas;
- (16) Special attention should be given to amenity and comfort considerations such as provision for outdoor seating, restrooms for public use, bicycle storage, convenience of access points and protection from harsh weather through such features as enclosed walkways and arcaded pedestrian areas;

**Sec. 61-11-98 | Drive-up or drive-through facilities.**

- (17) Careful attention should be given to ease of maintenance of the completed project; snow removal, mowing, cleaning, and other maintenance and repair operations should be considered;
- (18) Phasing, staging and interim circulation patterns should be well-planned so as to minimize disruption during the construction period.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-98. Drive-up or drive-through facilities.**

Any land use featuring drive-up or drive-through facilities shall be subject to site plan review as provided for in Sec. 61-3-113(6) of this Code. No such drive-up or drive-through facilities or outdoor walk-up pass-through feature shall be approved without strict attention to traffic safety, as provided for in Sec. 61-3-231(9) of this Code, and the adequacy of vehicle stacking/access lane(s), as provided for in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. However, in no instance shall a Specially Designated Merchant's (SDM) establishment or a Specially Designated Distributor's (SDD) establishment be considered for drive-up or drive-through facilities.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-99–61-11-100. Reserved.****DIVISION 6. TM TRANSITIONAL-INDUSTRIAL DISTRICT****Sec. 61-11-101. Description.**

This district is a special transitional district covering areas currently developed with a mixture of uses, which, among others, is a relatively large number of residential uses and which the Master Plan of Land Use Policies indicates is to be developed eventually into industrial uses. The district regulations provide for a guided change to the terminal land use while, at the same time, protecting, as much as possible, the existing residential development. No new residential development will be permitted in this district. However, the existing residential development will not be considered non-conforming. As the area changes from a residential to a non-residential character, a rezoning to the appropriate industrial classification should be effectuated.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-102. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-103. By-right uses.**

Uses permitted by right in the TM District are delineated in Sec. 61-11-104 through Sec. 61-11-108 of this Code. (See Sec. 61-11-116 of this Code for other applicable regulations,

**Sec. 61-11-104 | By-right residential uses.**

ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.) Notwithstanding the preceding, any by-right use on a development parcel consisting of one (1) or more acres shall be considered a Conditional Use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-104. By-right residential uses.**

All residential uses existing on December 22, 1968 shall be conforming uses and shall be subject to all conditions and requirements of the district where they are first permitted by right. However, no new residential use may be established.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-105. By-right public, civic, and institutional uses.**

- (1) Armory
- (2) Auditoriums, public
- (3) Electric transformer station
- (4) Fire or police station, post office, court house and similar public building
- (5) Gas regulator station
- (6) Governmental service agency
- (7) Library
- (8) Museum
- (9) Neighborhood center, nonprofit
- (10) Outdoor recreation facility
- (11) Power or heating plant with fuel storage on site
- (12) Religious institution
- (13) Stadium or sports arena
- (14) Telephone exchange building
- (15) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-106. By-right retail, service, and commercial uses.**

- (1) Animal-grooming shop
- (2) Arcade
- (3) Assembly hall

## Sec. 61-11-106 | By-right retail, service, and commercial uses.

- (4) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone
- (5) Bake shop, retail
- (6) Bank
- (7) Barber or beauty shop
- (8) Brewpub or microbrewery or small distillery, subject to **Sec. 61-12-158(4)**
- (9) Business college or commercial trade school
- (10) Customer service center
- (11) Dry cleaning, laundry, or laundromat
- (12) Employee recruitment center
- (13) Financial services center
- (14) Food stamp distribution center
- (15) Go-cart track
- (16) Golf course, miniature
- (17) Kennel, commercial
- (18) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (19) Mortuary or funeral home, including those containing a crematory
- (20) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (21) Motor vehicle services, minor
- (22) Motor vehicle washing and steam cleaning
- (23) Motor vehicles, new or used, salesroom or sales lots
- (24) Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles
- (25) Motorcycles, retail sales, rental or service
- (26) Nail salon
- (27) Office, business or professional
- (28) Parking lots or parking areas for operable private passenger vehicles
- (29) Parking structure
- (30) Pet shop
- (31) Pool or billiard hall
- (32) Printing or engraving shops
- (33) Private club, lodge, or similar use
- (34) Produce or food markets, wholesale
- (35) Radio or television station

**Sec. 61-11-107 | By-right manufacturing and industrial uses.**

- (36) Radio, television, or household appliance repair shop
- (37) Rebound tumbling center
- (38) Recording studio or photo studio or video studio, no assembly hall
- (39) Recreation, indoor commercial and health club
- (40) Rental hall or banquet hall
- (41) Restaurant, carry-out or fast-food
- (42) Restaurant, standard
- (43) Retail sales and service in business and professional offices
- (44) Secondhand stores and secondhand jewelry stores
- (45) Shoe repair shop
- (46) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (47) Tattoo and/or piercing parlor
- (48) Taxicab dispatch and/or storage facility
- (49) Theater and concert café, excluding drive-in theaters
- (50) Trailer coaches or boat sale or rental, open air display
- (51) Trailers, utility, or cement mixers, pneumatic-tired, sales, rental or service; moving truck/trailer rental lots
- (52) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-107. By-right manufacturing and industrial uses.**

- (1) Bailing of waste paper or rags
- (2) Blueprinting shop
- (3) Chemical materials blending or compounding but not involving chemicals manufacturing
- (4) Cold storage plant
- (5) Confection manufacture
- (6) Construction equipment, agricultural implements, and other heavy equipment repair or service
- (7) Containerized freight yard
- (8) Contractor yard, landscape or construction
- (9) Dental products, surgical, or optical goods manufacture
- (10) Food catering establishment

## Sec. 61-11-108 | By-right other uses.

- (11) General: High/medium-impact manufacturing or processing as defined in Sec. 61-16-102 of this Code
  - (12) General: Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
  - (13) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code
  - (14) Ice manufacture
  - (15) Jewelry manufacture
  - (16) Laundry, industrial
  - (17) Lithographing and sign shops
  - (18) Lumber yard
  - (19) Newspaper, daily, publishing or printing
  - (20) Railroad transfer or storage tracks
  - (21) Research or testing laboratory
  - (22) Steel warehousing
  - (23) Tank storage of bulk oil or gasoline
  - (24) Toiletries or cosmetic manufacturing
  - (25) Tool sharpening or grinding
  - (26) Tool, die, and gauge manufacturing, small items
  - (27) Trade services, general
  - (28) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks
  - (29) Vending machine commissary
  - (30) Wearing apparel manufacturing
  - (31) Wholesaling, warehousing, storage buildings, or public storage houses
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-108. By-right other uses.**

- (1) Aircraft landing areas for winged aircraft
- (2) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (3) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter



**Sec. 61-11-109 | Conditional uses.**

- (5) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
  - (6) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (7) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (8) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (9) Passenger transportation terminal
  - (10) Railroad right-of-way, not including storage tracks, yards, or buildings
  - (11) Signs as provided for in ARTICLE VI of this Chapter.
  - (12) Telecommunications building, private
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-109. Conditional uses.**

Uses permitted conditionally in the TM District are delineated in Sec. 61-11-110 through Sec. 61-11-114 of this Code. All industrial uses considered under Sec. 61-11-113 of this Code shall be reviewed by the Industrial Review Committee and a report and recommendation forwarded to the Buildings and Safety Engineering Department. By-right uses on development parcels consisting of one (1) or more acres shall be considered Conditional Uses. In addition, Conditional Uses may be granted only where a finding can be made that such use will be successfully blended into the district so as to be non-injurious to the contiguous or surrounding land uses. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-110. Conditional residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-111. Conditional public, civic, and institutional uses.**

- (1) All those uses permitted by right in the TM district having one (1) acre or more of lot area

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-112. Conditional retail, service, and commercial uses.**

- (1) All those uses permitted by right in the TM district on a parcel for development consisting of one (1) or more acres
- (2) Brewpub or microbrewery or small distillery, subject to Sec. 61-12-158(4)

**Sec. 61-11-113 | Conditional industrial uses.**

- (3) Cabaret
- (4) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
- (5) Motor vehicle filling station as provided for in Sec. 61-12-182(2) of this Code
- (6) Motor vehicle services, major
- (7) Motor vehicles, used, storage lot accessory to salesroom or sales lot for used motor vehicles
- (8) Outdoor commercial recreation, not otherwise specified
- (9) Pawnshop
- (10) (Repealed)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-113. Conditional industrial uses.**

- (1) All those uses permitted by right in the TM district having one (1) acre or more of lot area.
- (2) (Repealed)
- (3) Tires, used, sales and/or service
- (4) Towing service storage yard

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-11-114. Conditional other uses.**

- (1) All those uses permitted by right in the TM district having one (1) acre or more of lot area
- (2) Heliports
- (3) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Urban garden as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-115. Intensity and dimensional standards.**

Development in the TM District shall comply with the standards provided for in Sec. 61-13-66 of this Code and in Sec. 61-13-82 through Sec. 61-13-85 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-116. Other regulations.**

New construction, alteration, extension, or conversion to industrial uses permitted by right in the TM District is allowed, provided, that:

**Sec. 61-11-121 | Description.**

- (1) The zoning lot to be developed or converted to the proposed use lies wholly or predominantly in an area designated for light industrial use by the Land Use Plan of the Master Plan;
- (2) The minimum lot area, as specified in Sec. 61-13-66 of this Code, may be reduced by the Planning and Development Department where conditions are such that the areas of platted lots or other circumstances affecting the ownership or control of parcels of land serve to increase substantially the costs and difficulties in assembling a parcel with an area equal to or greater than the minimum;
- (3) For a continuous segment of its perimeter equal to or greater than one-eighth (1/8) the length of its total perimeter, the zoning lot abuts or is directly across a street, alley, or other public right-of-way from any M1, M2, M3, M4, M5, or W1 District classification; and
- (4) In the event of the expansion of an existing industrial use within the TM district, its side lot line should abut the side lot line of the parcel onto which it will expand, provided, that, in unusual circumstances, the Buildings and Safety Engineering Department may modify this requirement where the department determines that the expansion can be accomplished in such a manner that greater harm or inconvenience will not result for nearby residences than would result were the expansion carried out under normal circumstances in compliance with this provision.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-117–61-11-120. Reserved.****DIVISION 7. PR PARKS AND RECREATION****Sec. 61-11-121. Description.**

The intent of the Parks and Recreation District is to retain, insofar as is practicable and desirable, publicly owned lands in excess of four (4) acres in size already improved for or intended to be improved for recreational uses and/or to be preserved as open space. The restrictions of this classification are intended to encourage preservation of these lands and to permit development in keeping with the natural amenities of these areas. In addition to those uses allowed by right, commercial recreational facilities may be permitted upon approval of the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-122. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-123 | By-right uses.

**Sec. 61-11-123. By-right uses.**

Uses permitted by right in the PR District are delineated in Sec. 61-11-124 through Sec. 61-11-128 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-124. By-right residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-125. By-right public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Gas regulator station
- (3) Museum
- (4) Outdoor recreation facility
- (5) Public aquarium
- (6) Residential-area utility facilities, public
- (7) Telephone exchange building
- (8) Other public uses such as zoo, nature center, botanical conservatory, and interpretive center.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-126. By-right retail, service, and commercial uses.**

- (1) Commercial recreation facilities, outdoor and indoor, subject to Sec. 61-11-136 of this Code and upon resolution of City Council.
- (2) Retail sales clearly incidental and accessory to uses permitted in the PR district, such as food service concession stands under contract to the Recreation Department

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-127. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-128. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.

Sec. 61-11-129 | Conditional uses.

- (2) Marina, public
  - (3) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-129. Conditional uses.**

Uses permitted conditionally in the PR District are delineated in Sec. 61-11-130 through Sec. 61-11-134 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-130. Conditional residential uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-131. Conditional public, civic, and institutional uses.**

- (1) Outdoor entertainment facility
  - (2) Solar generation station
  - (3) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-11-132. Conditional retail, service, and commercial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-133. Conditional manufacturing and industrial uses.**

- (1) None

**Sec. 61-11-134. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter
  - (2) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-135. Intensity and dimensional standards.**

Development in the PR District shall comply with the standards provided for in Sec. 61-13-67 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-136 | Planning and Development Department Review.

**Sec. 61-11-136. Planning and Development Department Review.**

The appropriateness of commercial recreational facilities, the design, appearance and location of such facilities, and the location and design of signs and parking areas in conjunction therewith shall be reviewed by the Planning and Development Department for consistency with the spirit, purpose, and intent of this Zoning Ordinance. A written report shall be filed with the City Council that recommends approval or disapproval of the proposal and any changes deemed necessary to ensure conformity with the spirit, purpose, and intent of this Zoning Ordinance. In each case, the City Council shall approve, disapprove, or adjust said recommendations by resolution.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-137–61-11-140. Reserved.**

**DIVISION 8. W1 WATERFRONT-INDUSTRIAL DISTRICT**

**Sec. 61-11-141. Description.**

Because of the limited amount of water frontage, and the even more limited amount of frontage that is suitable or adaptable to shipping activities or other water-oriented uses, these areas will be subject to controls which will provide for their development with uses that must rely on or that will be benefited most by such a location.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-142. Site plan review.**

Site plan review is required for all Conditional Uses and for certain by-right uses. (See ARTICLE III, DIVISION 5.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-143. By-right uses.**

Uses permitted by right in the W1 District are delineated in Sec. 61-11-144 through Sec. 61-11-148 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE III, DIVISION 5 to determine when Site Plan Review is required for by-right uses, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-144. By-right residential uses.**

(1) None.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-145 | By-right public, civic, and institutional uses.

**Sec. 61-11-145. By-right public, civic, and institutional uses.**

- (1) Customs office
  - (2) Museum
  - (3) Outdoor recreation facility
  - (4) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-146. By-right retail, service, and commercial uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-147. By-right manufacturing and industrial uses.**

- (1) Feed or grain mill
  - (2) Fuel dock
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-148. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
  - (2) Boat or ship yards: construction, repair, maintenance, dry dock
  - (3) Boat terminal, passenger
  - (4) Docks or wharves, waterway shipping/freighters
  - (5) Ferry terminal
  - (6) Marinas
  - (7) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-149. Conditional uses.**

Uses permitted conditionally in the W1 District are delineated in Sec. 61-11-150 through Sec. 61-11-154 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-150. Conditional residential uses.**

- (1) None
- (Ord. No. 11-05, §1, 5-28-05)

Sec. 61-11-151 | Conditional public, civic, and institutional uses.

**Sec. 61-11-151. Conditional public, civic, and institutional uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-152. Conditional retail, service, and commercial uses.**

- (1) None

**Sec. 61-11-153. Conditional manufacturing and industrial uses.**

Uses from the following list that require large quantities of raw water for cooling, condensing, washing or other mill purposes, or depend upon water transportation for receipt or shipment of goods or products, and when found by the County of Wayne Department of Environment, to comply with all requirements, regulation, and ordinances of the County of Wayne:

- (1) Explosives, storage only;
- (2) Garbage, offal, or dead animal reduction;
- (3) Junkyards;
- (4) Radioactive waste handling;
- (5) Scrap tire storage, processing, or recycling facility;
- (6) Transfer stations for garbage or rubbish;
- (7) The following eleven (11) uses, which are included among the “Very high-impact manufacturing or processing” uses as defined in Sec. 61-16-201 of this Code, that require large quantities of raw water for cooling, condensing, washing or other mill purposes, or depend upon water transportation for receipt or shipment of goods or products, and when found by the County of Wayne Department of Environment to comply with all applicable requirements, regulations, and ordinances:
  - (1) Acoustical material manufacture;
  - (2) Airplane manufacture;
  - (3) Automobile body plant;
  - (4) Bituminous concrete manufacture;
  - (5) Charcoal or fuel briquette manufacture;
  - (6) Coal or coke yard;
  - (7) Foundry, ferrous or non-ferrous;
  - (8) Insulation manufacture;
  - (9) Linoleum manufacture;



## Sec. 61-11-153 | Conditional manufacturing and industrial uses.

- (10) Paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture;
- (11) Stamping or pressing plant.
- (8) The following twenty-seven (27) uses, which are included among the “Very high-impact manufacturing or processing” uses as defined in Sec. 61-16-201 of this Code, that require large quantities of raw water for cooling, condensing, washing or other mill purposes, or depend upon water transportation for receipt or shipment of goods or products, after a report and recommendation has been received by the Buildings and Safety Engineering Department from the Industrial Review Committee relative to the external effects of noise, vibration, smoke, odor, noxious gas, dust, dirt, glare, heat or other discharge or emission or other operating characteristic:
  - (1) Acid manufacture;
  - (2) Alkali manufacture;
  - (3) Asphalt manufacture;
  - (4) Beryllium storage, handling, or processing;
  - (5) Carbide manufacture;
  - (6) Cement, lime, gypsum, or plaster of paris manufacture;
  - (7) Ceramic glaze or porcelain enamel frit manufacture;
  - (8) Chemical manufacture from raw substances;
  - (9) Coke ovens;
  - (10) Crushing, grading, and screening of rock, stone, slag, clay, or concrete;
  - (11) Distillation of coal, petroleum, bones, tar, or refuse;
  - (12) Dog or cat food cannery or manufacture;
  - (13) Drop forge plants;
  - (14) Fertilizer manufacture;
  - (15) Fish oil or meal manufacture;
  - (16) Fish smoking, curing, canning, or cleaning;
  - (17) Glue manufacture using animal products;
  - (18) Lampblack manufacturing;

Sec. 61-11-154 | Conditional other uses.

- (19) Paper manufacturing or reclaiming;
- (20) Petroleum refining or processing;
- (21) Radio isotope fabrication or use;
- (22) Smelting or refining of metals or ores;
- (23) Steel barrel, drum, or pail renovation or reclaiming;
- (24) Steel mills;
- (25) Tanning, curing, or storage of raw hides or skins;
- (26) Tar products manufacture;
- (27) Wool pulling.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-154. Conditional other uses.**

- (1) Heliports
- (2) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-155. General intensity and dimensional standards.**

Development in the W1 District shall comply with the standards provided for in Sec. 61-13-68 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-156. Other requirements.**

One non-flashing identification sign, not exceeding thirty-five (35) square feet in area, shall be permitted in each setback area as required in Sec. 61-13-68 of this Code. Where required, directional signs may be provided as specified in ARTICLE VI, DIVISION 4, Subdivision C of this Chapter or as may be approved by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-157–61-11-160. Reserved.**

Sec. 61-11-161 | Description.

**DIVISION 9. SD1—SPECIAL DEVELOPMENT DISTRICT—SMALL-SCALE, MIXED-USE****Sec. 61-11-161. Description.**

This district is designed to encourage a complementary mixture of small-scale, pedestrian- and transit-oriented uses that are compatible in a neighborhood setting. It is intended to ensure a neighborhood character and place a proper balance of activities within walking distance of one another while serving the day-to-day needs of residents. Parking requirements are reduced in certain circumstances to promote use of transit and non-motorized transportation; shared parking and a district approach to parking are encouraged to lessen demand for off-street parking spaces. Certain establishments that serve alcohol for consumption on the premises are permitted without a spacing requirement in order to attract increased pedestrian traffic to the area..

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-162. Site plan review**

All new construction and conditional uses in the SD1 District are subject to site plan review as provided for in ARTICLE III, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-163. By-right uses.**

Uses permitted by right in the SD1 District are delineated in Sec. 61-11-164 through Sec. 61-11-168 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.) Site Plan Review is required for all uses in the SD1 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-164. By-right residential uses.**

- (1) Assisted living facility
- (2) Boarding school and dormitory
- (3) Loft
- (4) Multiple-family dwelling
- (5) Religious residential facilities (in conjunction with religious institutions in the immediate vicinity)
- (6) Residential use combined in structures with permitted (first-floor) commercial uses
- (7) Shelter for victims of domestic violence

Sec. 61-11-165 | By-right public, civic, and institutional uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-165. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Family day care home
- (5) Fire or police station, post office and similar public building
- (6) Library
- (7) Museum
- (8) Neighborhood center, nonprofit
- (9) Outdoor recreation facility
- (10) Religious institution
- (11) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/8/2017)

**Sec. 61-11-166. By-right retail, service, and commercial uses.**

- (1) Animal grooming shop
- (2) Art gallery
- (3) Automated teller without drive-up, drive-through facilities
- (4) Bake shop, retail
- (5) Banks without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Brewpub or microbrewery or small distillery, not exceeding three thousand (3,000) square feet
- (8) Dry cleaning, laundry, or Laundromat
- (9) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, not exceeding three thousand (3,000) square feet
- (10) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (11) Nail salon

Sec. 61-11-167 | By-right manufacturing and industrial uses.

- (12) Office, business or professional
- (13) Parking lots or parking areas, accessory for operable private passenger vehicles, not farther than the maximum distance specified in ARTICLE XIV, DIVISION 1 of this Chapter.
- (14) Pet shop
- (15) Printing or engraving shops not exceeding four thousand (4,000) square feet of gross floor area with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced
- (16) Recording studio or photo studio or video studio, no assembly hall
- (17) Recreation, indoor commercial and health club
- (18) Restaurant, carry-out or fast-food, without drive-up or drive-through facilities
- (19) Restaurant, standard, without drive-up or drive-through facilities
- (20) School or studio of dance, gymnastics, music, art or cooking
- (21) Shoe repair shop
- (22) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (23) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-11-167. By-right manufacturing and industrial uses.**

The following uses not exceeding 4,000 square feet of gross floor area with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced:

- (1) Confection manufacturing
- (2) Food catering
- (3) General: Low/Medium impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code and limited to the following:
  - (a) Art needlework
  - (b) Canvas goods manufacture
  - (c) Cigar or cigarette manufacture

**Sec. 61-11-168 | By-right other uses.**

- (d) Clock or watch manufacture
  - (e) Coffee roasting
  - (f) Door, sash, or trim manufacture
  - (g) Draperies manufacture
  - (h) Flag or banner manufacture
  - (i) Glass blowing
  - (j) Knit goods manufacturing
  - (k) Leather goods manufacture or fabrication
- (4) General: Low-impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code
  - (5) Jewelry manufacture
  - (6) Lithographing, and sign shops
  - (7) Trade services, general, with the exception of cabinet making
  - (8) Wearing apparel manufacturing

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-168. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
- (3) Signs as provided for in ARTICLE VI of this Chapter
- (4) Urban Garden not exceeding 0.5 acres in size as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-169. Conditional uses.**

Uses permitted conditionally in the SD1 District are delineated in Sec. 61-11-170 through Sec. 61-11-174 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-11-170 | Conditional residential uses.

**Sec. 61-11-170. Conditional residential uses.**

- (1) Child caring institution
- (2) Convalescent, nursing, or rest home
- (3) Fraternity or sorority house
- (4) Residential substance abuse service facility
- (5) Rooming house
- (6) Single-family detached dwelling
- (7) Single-room-occupancy (SRO) housing, nonprofit
- (8) Town house
- (9) Two-family dwelling

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-171. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
- (2) Gas regulator station
- (3) Telephone exchange building

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-172. Conditional retail, service, and commercial uses.**

- (1) Bed and breakfast inn
- (2) Brewpub or microbrewery or small distillery exceeding three thousand (3,000) square feet
- (3) Establishment for the sale of beer or intoxicating liquor for consumption on the premises exceeding three thousand (3,000) square feet
- (4) Hotel
- (5) Kennel, commercial
- (6) Parking lots or parking areas, commercial and accessory parking farther than the maximum distance specified in ARTICLE XIV, DIVISION 1 of this Chapter
- (7) Parking structure having at least sixty percent (60%) of the ground floor level façade abutting a public street dedicated to commercial space or other space oriented to pedestrian traffic
- (8) Pool or billiard hall
- (9) Private club, lodge, or similar use
- (10) Radio or television station
- (11) Radio, television, or household appliance repair shop

**Sec. 61-11-173 | Conditional manufacturing and industrial uses.**

- (12) Secondhand store and secondhand jewelry store
  - (13) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment
  - (14) Theater, excluding concert café and drive-in theater, not exceeding one hundred fifty (150) fixed seats
  - (15) Youth hostel/hostel
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-173. Conditional manufacturing and industrial uses.**

When considering the conditional uses specified in this section, the factors listed in Sec. 61-2-84(b)(2), Sec. 61-2-84(b)(3), and Sec. 61-2-84(b)(14) of this Code shall be considered.

The following uses not exceeding 4,000 square feet of gross floor area and having a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced:

- (1) General: High/medium-impact Manufacturing or Processing limited to furniture manufacturing
- (2) Machine shop
- (3) Trade services, general limited to cabinet making

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-174. Conditional other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Marina
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-175. General intensity and dimensional standards.**

Development in the SD1 District shall comply with the standards provided in Sec. 61-13-69 of this Code and as follows.

- (1) *Front Setback:*
  - (a) A minimum front setback is not required.
  - (b) The maximum front setback allowed shall be the average of the front setback of the buildings located on the adjacent lots on each side of the subject building or twenty (20) feet, whichever is less.



## Sec. 61-11-176 | Accessory uses.

- (c) Off-street parking shall be prohibited in the front setback.
- (2) *Rear Setback:*
  - (a) If an alley is to the rear of a single-story building, a minimum rear setback is not required. If no alley is present, single-story buildings shall have a minimum rear setback of ten (10) feet.
  - (b) Where land zoned R1, R2, R3, R4, R5, R6, residential PD, or SD1 is located to the rear, multi-story buildings shall have a rear setback of ten (10) feet if an alley is to the rear of the building and thirty (30) feet if one is not present.
  - (c) Multiple-family dwellings shall have a rear setback of ten (10) feet if an alley is present and thirty (30) feet if one is not present.
- (3) *Side Setback:* No minimum side setback is required except where building is adjacent to land zoned R1, R2, R3, or R4. Where adjacent to land zoned R1, R2, R3, or R4, the side setback shall be calculated using Formula A
- (4) *Off-street parking location:* Parking shall be prohibited between the street and front façade of the building.
- (5) *Maximum height:* thirty-five (35) feet for non-mixed-use, fifty (50) feet for mixed-use, not to exceed four (4) stories. Where a lot fronts on a right-of-way which is more than fifty (50) feet wide and where the outermost point of the proposed building is at least forty (40) feet from all R1, R2, and R3 Districts, the maximum height may be increased one (1) foot for each one (1) foot of right-of-way width greater than fifty (50) feet. The building shall not exceed sixty (60) feet in height.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-176. Accessory uses.**

Regulations governing minimum yards for accessory uses in the R5 District shall apply to similar accessory uses in the SD1 District.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-177–61-11-180. Reserved.**

**DIVISION 10. SD2—SPECIAL DEVELOPMENT DISTRICT, MIXED-USE**

**Sec. 61-11-181. Description.**

This district is designed to encourage a complementary mixture of more intensive pedestrian- and transit-oriented uses that may be compatible with a neighborhood center or with a location along major or secondary thoroughfares. Parking requirements are reduced in certain circumstances to promote use of transit and non-motorized transportation; shared parking and a district approach to parking are encouraged to lessen demand for off-street parking spaces. Certain establishments that serve alcohol for consumption on the premises

**Sec. 61-11-182 | Site plan review.**

are permitted without a spacing requirement in order to attract increased pedestrian traffic to the area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-182. Site plan review.**

All new construction and conditional uses in the SD2 District are subject to site plan review as provided for in ARTICLE III, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-183. By-right uses.**

Uses permitted by right in the SD2 District are delineated in Sec. 61-11-184 through Sec. 61-11-188 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.) Site Plan Review is required for all uses in the SD2 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-184. By-right residential uses.**

- (1) Assisted living facility
- (2) Boarding school and dormitory
- (3) Lofts
- (4) Multiple-family dwelling where combined in structures with permitted first-floor commercial use
- (5) Religious residential facilities in conjunction with religious institutions in the immediate vicinity
- (6) Residential use combined in structures with permitted (first floor) commercial use

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-185. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care center
- (3) Educational institution
- (4) Fire or police station, post office and similar public building
- (5) Governmental service agency
- (6) Library
- (7) Museum

## Sec. 61-11-186 | By-right retail, service, and commercial uses.

- (8) Neighborhood center, nonprofit
- (9) Outdoor recreation facility
- (10) Religious institution
- (11) School, elementary, middle/junior high, or high

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-186. By-right retail, service, and commercial uses.**

- (1) Animal grooming shop
- (2) Art gallery
- (3) Automated teller machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities
- (4) Bake shop, retail
- (5) Bank without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Brewpub or microbrewery or small distiller
- (8) Dry cleaning, laundry, or laundromat
- (9) Establishment for the sale of beer or intoxicating liquor for consumption on the premises
- (10) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (11) Mortuary or funeral home, including those containing a crematory
- (12) Nail salon
- (13) Office, business or professional
- (14) Parking lots or parking areas, accessory, for operable private passenger vehicles, not farther than the maximum distance specified in ARTICLE XIV.DIVISION 1 of this Chapter
- (15) Pet shop
- (16) Printing or engraving shops not exceeding five thousand (5,000) square feet of gross floor area with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced
- (17) Radio or television station
- (18) Recording studio or photo studio or video studio, no assembly hall
- (19) Recreation, indoor commercial and health club, excluding golf dome
- (20) Restaurant, carry-out or fast-food, located in a multi-story building and integrated into a mixed-use or multi-tenant development, and without drive-up or drive-through facilities
- (21) Restaurant, standard without drive-up or drive-through facilities

**Sec. 61-11-187 | By-right manufacturing and industrial uses.**

- (22) Retail sales and personal service in business and professional offices
- (23) Retail sales and personal service in multiple-residential structures
- (24) School or studio of dance, gymnastics, music, or art or cooking
- (25) Shoe repair shop
- (26) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise
- (27) Theater, excluding concert café and drive-in theaters, not exceeding one hundred fifty (150) fixed seats
- (28) Veterinary clinic for small animals

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-187. By-right manufacturing and industrial uses.**

The following uses not exceeding 5,000 square feet with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced:

- (1) Confection manufacturing
- (2) Food catering
- (3) General: Low/Medium impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code and limited to the following:
  - (a) Art needlework
  - (b) Canvas goods manufacture
  - (c) Cigar or cigarette manufacture
  - (d) Clock or watch manufacture
  - (e) Coffee roasting
  - (f) Door, sash, or trim manufacture
  - (g) Draperies manufacture
  - (h) Flag or banner manufacture
  - (i) Glass blowing
  - (j) Knit goods manufacturing
  - (k) Leather goods manufacture or fabrication

**Sec. 61-11-188 | By-right other uses.**

- (4) General: Low-impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code
- (5) Jewelry manufacture
- (6) Lithographing, and sign shops
- (7) Trade services, general, with the exception of cabinet making
- (8) Wearing apparel manufacturing

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-188. By-right other uses.**

- (1) Antennas as provided for in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter.
- (2) Farmers market as defined in ARTICLE XVI, DIVISION 2, Subdivision G of this Chapter
- (3) Marina
- (4) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-189. Conditional uses.**

Uses permitted conditionally in the SD2 District are delineated in Sec. 61-11-190 through Sec. 61-11-194 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, and ARTICLE XII, DIVISION 5 of this Chapter for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-190. Conditional residential uses.**

- (1) Adult foster care facility
- (2) Convalescent, nursing, or rest home
- (3) Emergency shelter
- (4) Fraternity or sorority house
- (5) Multiple-family dwelling
- (6) Residential substance abuse service facility
- (7) Rooming house
- (8) Single-room-occupancy housing, nonprofit
- (9) Town house

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

Sec. 61-11-191 | Conditional public, civic, and institutional uses.

**Sec. 61-11-191. Conditional public, civic, and institutional uses.**

- (1) Electric transformer station
  - (2) Gas regulator station
  - (3) Hospital or hospice
  - (4) Substance abuse service facility
  - (5) Telephone exchange building
  - (6) Water works, reservoir, pumping station, or filtration plant
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-192. Conditional retail, service, and commercial uses.**

- (1) Arcade
- (2) Business college or trade school
- (3) Cabaret
- (4) Customer service center without drive-up or drive-through facilities
- (5) Dance hall, public
- (6) Hotel
- (7) Kennel, commercial
- (8) Motel
- (9) Motor vehicle filling station
- (10) Motor vehicle services, minor
- (11) Parking lots or parking areas, commercial
- (12) Parking lots or parking areas, accessory for operable private passenger vehicles, farther than the maximum distance specified in ARTICLE XIV, DIVISION 1 of this Chapter
- (13) Parking structure having at least sixty percent (60%) of the ground floor devoted to commercial space or other space oriented to pedestrian traffic
- (14) Pool or billiard hall
- (15) Printing or engraving shops exceeding 5,000 square feet of gross floor area with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced
- (16) Private club, lodge, or similar use
- (17) Radio, television, or household appliance repair shop
- (18) School building adaptive reuses—retail, service, and commercial
- (19) Secondhand store and secondhand jewelry store
- (20) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment

**Sec. 61-11-193 | Conditional manufacturing and industrial uses.**

- (21) Tattoo and/or piercing parlor
  - (22) Theater, excluding concert café and drive-in theaters, exceeding one hundred fifty (150) fixed seats
  - (23) Youth hostel/hostel
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-11-193. Conditional manufacturing and industrial uses.**

When considering the conditional uses specified in this sections, the factors listed in Sec. 61-2-84(b)(2), Sec. 61-2-84(b)(3), and Sec. 61-2-84(b)(14) of this Code shall be considered.

The following uses not exceeding 5,000 square feet of gross floor area and having a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced:

- (1) General: High/medium-impact Manufacturing or Processing limited to furniture manufacturing
- (2) Machine shop
- (3) Trade services, general (limited to cabinet making)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-194. Conditional other uses.**

- (1) Passenger transportation terminal
- (2) Signs as provided for in ARTICLE VI of this Chapter.
- (3) Urban Garden not exceeding 0.5 acres in size as provide for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-11-195. Intensity and dimensional standards.**

Development in the SD2 District shall comply with the standards provided for in Sec. 61-13-70 of this Code and as follows.

(1) *Front Setback:*

- (a) A minimum front setback is not required.
- (b) The maximum front setback allowed shall be the average of the front setback of the buildings located on each side of the subject building or twenty (20) feet, whichever is less. Parking in front of a neighboring building does not count as a front setback.
- (c) Off-street parking shall be prohibited in the front setback.

(2) *Rear Setback:*

**Sec. 61-11-201 | Description.**

- (a) If an alley is to the rear of a single-story building, a minimum rear setback is not required. If no alley is present, single-story buildings shall have a minimum rear setback of ten (10) feet.
  - (b) Where land zoned R1, R2, R3, R4, R5, R6, residential PD is located to the rear, multi-story buildings shall have a rear setback of ten (10) feet if an alley is to the rear of the building and thirty (30) feet if one is not present.
  - (c) Multiple-family dwellings shall have a rear setback of ten (10) feet if an alley is present and thirty (30) feet if one is not present.
- (3) *Side Setback:* No minimum side setback is required except where building is adjacent to land zoned R1, R2, R3, or R4. Where adjacent to land zoned R1, R2, R3, or R4, the side setback shall be calculated using Formula A
- (4) *Off-street parking location:* Parking shall be prohibited between the street and front façade of the building.
- (5) *Maximum height:* forty-five (45) feet for non-mixed-use, sixty (60) feet for mixed-use, not to exceed five (5) stories. Where a lot fronts on a right-of-way which is more than sixty (60) feet wide and where the outermost point of the proposed building is at least forty (40) feet from all R1, R2, and R3 Districts, the maximum height may be increased one (1) foot for each one (1) foot of right-of-way width greater than sixty (60) feet.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Secs. 61-11-196–61-11-200. Reserved.****DIVISION 11. SD3—SPECIAL DEVELOPMENT DISTRICT,  
TECHNOLOGY AND RESEARCH****Sec. 61-11-201. Description.**

The SD3 District is designed for areas of the City where research facility development in a campus-like setting is practicable. In addition, the district is designed for areas of the City where the future general land use map of the Master Plan indicates usage other than “Residential.”

Advances in industry and technology have created uses, which are related to industry and office or commercial uses, but may not be appropriate or function adequately in a typical industrial or business zoning district. The SD3 District provides an environment where “high technology” uses such as engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development and limited manufacturing, biotechnology lasers, medical research, food and materials testing, telecommunications, and related storage, warehousing and limited assembly operations associated with principal permitted uses can be located. The SD3 District will be located in a campus-type environment and so situated that uses will be developed without being negatively impacted by elements and conditions



**Sec. 61-11-202 | Site plan review.**

which are commonly found in a traditional industrial district and without negatively impacting uses found in a business district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-202. Site plan review.**

All uses in the SD3 District are subject to site plan review as provided for in ARTICLE III, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-203. By-right uses.**

Research facility involving any of the following:

- (1) Basic research, research and development, design, and prototype or experimental product development facility;
- (2) Office, business or professional;
- (3) Data processing and computing, including service and maintenance of electronic data processing equipment;
- (4) Photonics/optics, robotics, and electronic equipment research;
- (5) High technology service activity that involves computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, or testing services;
- (6) High technology industrial activity that involves one-time prototype production, robotics, biological or pharmaceutical research, or technology oriented to emerging industrial or business activity not involving any heavy manufacturing;
- (7) Business activity that involves developing, improving, or creating new or existing products; and
- (8) Limited assembly and machining operations where accessory to research and development activities occurring at the same locations, provided, that:
  - (a) Assembly activities shall be limited to assembly of pre-manufactured finished objects or components, and shall include only small-volume, non-routine production of innovative products or equipment products or equipment; and
  - (b) Machining shall be permitted on a limited basis and only for research and development activities, repair, demonstration and/or training.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-204. Conditional uses.**

- (1) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

## Sec. 61-11-205 | Intensity and dimensional standards.

- (2) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (3) Greenhouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (4) Hoophouse as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (5) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
- (6) Urban farm as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-205. Intensity and dimensional standards.**

Intensity and dimensional standards are subject to review and approval by the Planning and Development Department. (See Sec. 61-13-71.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-206. Other regulations.****(a) *Planning and Development Department Review.***

The Planning and Development Department shall review site, elevation, and landscape plans to assure that any building, structure, or use will be blended into the contiguous and adjacent areas so as to promote a campus-like setting and be non-injurious to contiguous uses and not contrary to the spirit and purpose of this Zoning Ordinance. The Planning and Development Department shall conduct its site plan review, as provided for in ARTICLE III, DIVISION 5 of this Chapter, with particular focus upon:

- (1) Proximity to Adjacent Residential Developments;
- (2) Open Space;
- (3) Bulk;
- (4) Setbacks;
- (5) Traffic Flow;
- (6) Signage and graphics;
- (7) Landscaping and screening.

**(b) *Specific requirements.***

- (1) Research facilities in the SD3 District shall conform to the Operational Performance Standards of ARTICLE XIV, DIVISION 7 of this Chapter;
- (2) Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night;
- (3) Waste removal areas shall be located within a building.

Sec. 61-11-211 | Description; purpose.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-207–61-11-210. Reserved.**

**DIVISION 12. SD4—SPECIAL DEVELOPMENT DISTRICT,  
RIVERFRONT MIXED USE**

**Sec. 61-11-211. Description; purpose.**

- (a) The SD4 District is intended for areas indicated in the Detroit Master Plan as appropriate for high intensity residential and commercial mixed-use development due to regional significance and unique locational attributes and amenities, such as the Riverfront. While recognizing that, although it may be desirable to retain in such areas a mix of existing uses, such as offices, lofts, and certain industrial establishments, due to the local ambience it provide, increased industrialization of such areas by very intense and abrasive land uses is considered inappropriate.
- (b) SD4 regulations are intended to promote the public health, safety and general welfare, to encourage the use of the land in accordance with its character and adaptability, to avoid the overcrowding of population, to control congestion of the public roads and streets, to reduce hazards to life and property, to facilitate land use and development, and to encourage innovative, high intensity developments while simultaneously protecting those attributes and amenities which make such areas unique. These objectives shall be accomplished by a system of flexible regulations, performance requirements, and review procedures.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-212. Continuity of certain industrial land uses.**

To assure maximum Citywide economic and social benefits, and to allow the smoothest transition possible to the preferred uses, all but the most abrasive special industrial uses which are those first permitted as Conditional Uses in the M4 District, shall be permitted to continue as, and are hereby declared to be, conforming uses. Except for those industrial uses first permitted as Conditional Uses in the M4 District, industrial land uses that were legally established on the date of the property's classification as an SD4 District may continue as conforming, but may only expand on the same parcel or on adjacent vacant parcels in accordance with performance standards specified in Sec. 61-11-214 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-213. Continuity of land uses established prior to reclassification to SD5.**

- (a) If the previous zoning of the property is SD5, then except as provided for in the subsection (b) of this section, land uses that were legally established on the date preceding the date of the property's classification to an SD5 District may continue as conforming.

## Sec. 61-11-214 | Change of use or occupancy for certain industrial land uses.

- (b) Industrial land uses that were legally established on the date preceding the date of the property's classification to an SD5 District may continue as conforming, but may only expand on the same parcel, or on adjacent vacant parcels, in accordance with performance standards specified in Sec. 61-11-214 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-214. Change of use or occupancy for certain industrial land uses.**

- (a) A change of use or occupancy, including a change to another industrial use, on land which was legally used for industrial purposes on the date of the property's classification as an SD4 District, shall be permitted without a public hearing, but in accordance with Sec. 61-11-215(b) and (c) of this Code, provided, that the new industrial use is:
- (1) Not more intensive than the legally established use in effect on the date preceding the date of the property's classification to an SD4 District as indicated in the permit records of the Buildings, Safety Engineering and Environmental Department; and
  - (2) Not more intensive than those land uses first permitted by right or as a Conditional Use in the zoning classification of the subject property on the date preceding the date of the property's classification to an SD4 District.
- (b) No change of use or occupancy shall be permitted from an industrial land use to any Regulated Use as specified in ARTICLE III, Division 8 of this Chapter, or Controlled Use as specified in ARTICLE III, DIVISION 9 of this Chapter, or any residential or commercial land use, unless said use is specified as a permitted use in Sec. 61-11-218 through Sec. 61-11-230 of this Code.
- (c) In no instance shall the following land uses be permitted as a change of use or occupancy in the SD4 District: outdoor storage yard as defined in Sec. 61-16-144 of this Code or towing service storage yards as defined in Sec. 61-16-182 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-11-215. Change of use or occupancy for industrial land uses established prior to reclassification to SD5.**

- (a) Change of use or occupancy, including a change to another industrial use on land which contained a legally established industrial use on the date preceding the date of the property's classification to an SD5 District, shall be permitted in accordance with Sec. 61-11-216(b) and Sec. 61-11-216(c) of this Code, provided that the new industrial use is:
- (1) Not more intensive than the legally established use in effect on the date preceding the date of the property's classification to an SD5 District as indicated in the permit records of the Buildings, Safety Engineering and Environmental Department; and

**Sec. 61-11-216 | Intensity of land use explained.**

- (2) Not more intensive than those land uses first permitted by right or with approval in the zoning classification of the subject property on the date preceding the date of the property's classification to an SD5 District.
- (b) No change of use or occupancy shall be permitted from an industrial land use to any Regulated Use as specified in ARTICLE III, Division 8 of this Chapter, or Controlled Use as specified in ARTICLE III, DIVISION 9 of this Chapter, or any residential or commercial land use, unless said use is specified as a permitted use in Sec. 61-11-218 through Sec. 61-11-224 of this Code.
- (c) In no instance shall the following land uses be permitted as a change of use or occupancy in the SD4 District: open storage of equipment or supplies by a Building or construction contractor as defined in Sec. 61-16-42 of this Code or towing service storage yards as defined in Sec. 61-16-182 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-11-216. Intensity of land use explained.**

- (a) As used in Sec. 61-11-214 and Sec. 61-11-215 of this Code, and subject to the right to develop adjacent parcels as provided for in Sec. 61-11-247 of this Code, the intensity of a land use shall be based on the zoning district where the specified land use initially appears in the zoning ordinance as a use permitted by right.
- (b) For example, a land use first listed as a by-right use in ARTICLE X of this Chapter, which is industrial zoning districts, shall be deemed more intensive than a land use first listed as a by-right use in ARTICLE IX of this Chapter, which is business districts, and a land use first listed as a by-right use in ARTICLE IX of this Chapter shall be more intensive than a land use first listed as a by right use in ARTICLE VIII of this Chapter, which is residential districts.
- (c) Similarly, within a given Article, zoning districts bearing a higher number shall be deemed more intensive than districts bearing a lower number; for example, a use first permitted by right in the M4 District shall be deemed more intensive than a use first permitted by right in the M2 District. For a land use not permitted in any zoning district by right, but exclusively permitted as a Conditional Use, the intensity of the land use in comparison to another shall be determined according to the zoning districts where the two land uses are first permitted as Conditional Uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-217. Industrial uses.**

For the purposes of this Chapter, an industrial use is any use specified in ARTICLE XII, DIVISION 1, Subdivision E of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-218. Site plan review.**

Site Plan Review is required for all uses in the SD4 District (See ARTICLE III, DIVISION 5).

## Sec. 61-11-219 | By-right uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-219. By-right uses.**

Uses permitted by right in the SD4 District are delineated in Sec. 61-11-220 through Sec. 61-11-224 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE XII, DIVISION 5 for accessory uses, including home occupations.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-220. By-right residential uses.**

- (1) Loft
- (2) Multiple-family dwelling
- (3) Residential use combined in structures with permitted commercial uses.
- (4) Town house

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-221. By-right public, civic, and institutional uses.**

- (1) Adult day care center
- (2) Child care centers
- (3) Electric transformer station
- (4) Family day care home
- (5) Fire or police station, post office and similar public building
- (6) Gas regulator station
- (7) Library
- (8) Neighborhood center, nonprofit
- (9) Outdoor recreation facility
- (10) Telephone exchange building

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-222. By-right retail, service, and commercial uses.**

- (1) Automated teller machine without drive-up or drive-through facilities
- (2) Bake shop, retail
- (3) Bank without drive-up or drive-through facilities
- (4) Barber or beauty shop.
- (5) Cabaret, inside the Central business district
- (6) Dry cleaning, laundry, or laundromat.

Sec. 61-11-223 | By-right manufacturing and industrial uses.

- (7) Establishments for the sale of beer or intoxicating liquor for consumption on the premises, inside the Central business district
- (8) Hotel, inside the Central business district
- (9) Medical or dental clinic, physical therapy clinic or massage therapy clinic.
- (10) Nail salon.
- (11) Office, business or professional.
- (12) Private club, lodge, or similar use.
- (13) Radio or television station.
- (14) Recording studio or photo studio or video studio, no assembly hall
- (15) Recreation, indoor commercial and health club.
- (16) Restaurant, carry-out or fast-food when integrated into a mixed use or multi-tenant development, and without drive-up or drive-through facilities.
- (17) Restaurant, standard without drive-up or drive-through facilities.
- (18) Retail sales and personal service in business and professional offices
- (19) Retail sales and personal service in multiple-residential structures.
- (20) Shoe repair shop.
- (21) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise.
- (22) Theater and concert café, excluding drive-in theaters.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-11-223. By-right manufacturing and industrial uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-224. By-right other uses.**

- (1) Antennas as regulated in ARTICLE XII, DIVISION 3, Subdivision G of this Chapter, provided that no antenna shall exceed thirty-five (35) feet in height, except those antennas which are incidental and accessory to principal uses allowed in the SD4 District.
- (2) Marina.
- (3) Signs as provided for in ARTICLE VI of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-225. Conditional uses.**

Uses permitted on a conditional basis in the SD4 District are delineated in Sec. 61-11-226 through Sec. 61-11-231 of this Code. (See ARTICLE XII for a complete listing of all use regulations and standards, ARTICLE XII, DIVISION 5 for accessory uses.)

## Sec. 61-11-226 | Conditional residential uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-226. Conditional residential uses.**

- (1) None

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-227. Conditional public, civic, and institutional uses.**

- (1) Customs office
- (2) Educational institution
- (3) Governmental service agency
- (4) Group day care home
- (5) Hospital or hospice
- (6) Museum
- (7) Post office
- (8) Public aquarium
- (9) Religious institution
- (10) School, elementary, middle/junior high, or high
- (11) Water works, reservoir, pumping station, or filtration plant

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-228. Conditional retail, service, and commercial uses.**

- (1) Automated teller machine, with drive-up or drive-through facilities
- (2) Bank with drive-up or drive-through facilities
- (3) Brewpub or microbrewery or small distillery
- (4) Cabaret, outside the Central business district
- (5) Establishments for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central business district.
- (6) Hotels, outside the Central business district.
- (7) Motor vehicles, new or used, salesroom or sales lot.
- (8) Outdoor commercial recreation not otherwise specified
- (9) Parking lots or parking areas for operable private passenger vehicles.
- (10) Parking structure.
- (11) Printing or engraving shop
- (12) Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment, subject to [Sec. 61-12-234](#) of this Code

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)



Sec. 61-11-229 | Conditional manufacturing and industrial uses.

**Sec. 61-11-229. Conditional manufacturing and industrial uses.**

In order to facilitate the reuse of existing buildings, the following uses may be allowed in buildings that were constructed prior to July 15, 1998, but shall be prohibited in buildings constructed thereafter.

- (1) Blueprinting shop
  - (2) Confection manufacture
  - (3) Food catering establishments
  - (4) General: Low-impact manufacturing or processing as defined in Sec. 61-16-124 of this Code, but limited to only food products manufacturing or processing, but excluding slaughtering or rendering
  - (5) Lithographing and sign shops
  - (6) Vending machine commissary
  - (7) Trucking terminals, truck garages, and open areas for the parking of operable commercial vehicles having not more than two (2) axles
  - (8) Wholesaling, warehousing, storage buildings, or public storage house-
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-11-230. Conditional other uses.**

- (1) Aquaculture as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (2) Aquaponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (3) Boat terminal, passenger.
  - (4) Docks or wharves, waterway shipping/freighters
  - (5) Farmers market as defined in ARTICLE XVI.DIVISION 2.Subdivision G of this Chapter
  - (6) Heliport as regulated by Sec. 61-12-341 of this Code and ARTICLE XIV, DIVISION 6 of this Chapter.
  - (7) Hydroponics as provided for in ARTICLE XII.DIVISION 3.Subdivision H of this Chapter
  - (8) Signs as provided for in ARTICLE VI of this Chapter.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-11-231. Similar land uses.**

Uses that are similar to those specified above, may be permitted on a conditional basis where found by the Planning and Development Department to be consistent with the uses listed in Sec. 61-11-226 through Sec. 61-11-230 and with the objectives of the Detroit Master Plan for the area.

## Sec. 61-11-232 | Operating and performance limitations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-232. Operating and performance limitations.**

The SD4 District is intended to allow a harmonious mixture of residential, commercial, and certain industrial uses. As such, the environmental characteristics should suit office and residential uses, as addressed by the following requirements:

- (1) All permitted uses and accessory activities shall be confined within completely enclosed buildings, with the exception of the following: uses and activities directly dependent upon traffic or waterway shipping; existing legally established outdoor storage; waste, trash, and rubbish incidental to the principal use of the site, temporarily stored prior to removal; off-street parking and loading; signs; recreational facilities; heliports; marinas; outdoor sales and display areas for new or used motor vehicles; and outdoor dining facilities. In the event of the legal expansion of an existing use which includes legally established outdoor storage accessory to the principal use, the outdoor accessory storage area shall be permitted to increase in direct proportion to the expanded principal use, provided, that any additional outdoor accessory storage area will be screened as specified in this Chapter. For example, where a ten thousand (10,000) square foot facility expands an additional thousand (1,000) square feet, the facility's outdoor accessory storage area may likewise expand by one-tenth (1/10);
- (2) Subsection (1) of this section shall not be construed to permit the following uses as defined in ARTICLE XVI of this Chapter, in the SD4 District: outdoor storage yards, scrap tire storage facilities, towing service storage yards, junkyards, recycling centers, or transfer stations;
- (3) All outside storage areas shall be screened, except for uses and activities directly dependent upon traffic or waterway shipping, and the outside storage area is otherwise adequately screened from view from public roads. Screening shall consist of landscaping which shall be visible from the public roadway and not less than six (6) feet in height, except for the "clear vision triangle" that is referenced in Sec. 61-13-12(3) of this Code. In addition, screening shall consist of an opaque wooden fence or masonry wall not less than six (6) feet in height;
- (4) Establishments shall not create any dangerous, injurious, noxious, or other hazardous condition due to fire, electrical malfunction, explosives, radioactivity, or other causes adversely affecting the surrounding area. Establishments shall comply with the applicable federal, state, and county health and pollution laws and regulations, and this code, which relate to noise, dust, smoke and other air pollutants, soil contaminants, storm water management, vibration, glare, heat, fire and explosive hazards, gases, electromagnetic radiation, radioactive matter, and toxic materials; and
- (5) Establishments shall implement reasonable mitigating measures to control the movement of nuisance-causing levels of mud, dust, and dirt onto adjacent and surrounding properties. Establishments may be required to implement any or all of the following measures: screening with landscaping and/or fencing to control

## Sec. 61-11-233 | Off-street parking and loading requirements and modifications.

dust, street sweeping on-site and off-site, reconfiguration of site plan, and/or paving for vehicular traffic.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-11-233. Off-street parking and loading requirements and modifications.**

Off-street parking and loading requirements shall be provided in accordance with the requirements of ARTICLE XIV, DIVISION 1 of this Chapter, provided that the Buildings and Safety Engineering Department may reduce parking requirements by up to one-third (1/3) for multiple-family dwellings, and up to two-thirds (2/3) for housing for the elderly regulated by the U.S. Department of Housing and Urban Development under its program pursuant to Section 202 of the Housing Act of 1959, being 12 USC 1701 *et seq.*, except that these reductions shall not be granted in addition to any other reduction in off-street parking as provided for in Sec. 61-14-103 of this Code, provided, further, that in the case of a proposed reduction, the Planning and Development Department and, where applicable, the City Planning Commission shall recommend to the Buildings and Safety Engineering Department whether such reduction is appropriate given the location, amount of parking already provided and available in the area, and the type of public and private transportation expected to be available within one (1) year after issuance of the certificate of occupancy. The parking requirements may be met within a distance of five hundred (500) feet beyond the zoning lot, which distance shall be measured between the nearest point of the off-street parking facility and the nearest part of the building or use to be served, upon a recommendation for approval to the Buildings and Safety Engineering Department by the Planning and Development Department and, where applicable, by the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-234. Lighting.**

Lighting fixtures shall be strategically located to provide a safe environment and to accentuate important points of activity, access, and building features.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-235. Pre-application conference.**

Potential land use applicants in this district are encouraged to confer with the Planning and Development Department before preliminary plans are completed. In the SD4 Special Development District, the applicant shall submit a site plan, elevations, and other materials as may be required for site plan review as specified in ARTICLE III, DIVISION 5, Subdivision B of this Chapter and in accordance with Sec. 61-11-236 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-236. Review process.**

In addition to the Site Plan Review procedures specified in ARTICLE III of this Chapter, the following provisions shall apply in the SD4 District:

## Sec. 61-11-236 | Review process.

- (1) *Departmental review, when required.* Preliminary site plan review by the appropriate review body shall be concluded within sixty (60) days of receipt by the review body of the completed application. Failure by the review body to comment within said sixty (60) days shall be deemed an approval of such plans as submitted, unless a written request for an extension of the review period, that is supported by specific reasons justifying such extension, is submitted to and approved by the Buildings and Safety Engineering Department;
- (2) *Public hearing, for Conditional Uses.* “Expedited review” may apply in certain situations as provided for in Sec. 61-3-121. Otherwise, in the case of Conditional Uses, upon receipt of preliminary site plan approval from the appropriate review body, the Buildings and Safety Engineering Department shall schedule a public hearing as provided for in ARTICLE III, DIVISION 7 of this Chapter. The applicant shall be provided with any preliminary comments or recommendations from City departments or commissions at least three (3) days prior to the public hearing.
- (3) *Final actions by Buildings and Safety Engineering Department.* The Buildings and Safety Engineering Department shall have authority to take final action on all applications involving sites less than three (3) acres. The Buildings and Safety Engineering Department shall approve, disapprove, or conditionally approve the proposed development and site plan no later than forty-five (45) days after the public hearing. Decisions of the Buildings and Safety Engineering Department may be appealed to the Board of Zoning Appeals as provided for in Sec. 61-4-73 of this Code. For cases where City Council takes final action, the Buildings and Safety Engineering Department shall forward its findings, recommendation, and any proposed conditions to City Council. No permit shall be issued by the Buildings and Safety Engineering Department before the applicant presents proof that the zoning grant for the subject property has been properly recorded with the County of Wayne Register of Deeds;
- (4) *City Council Review.* Referral to City Council. The City Council shall have sole authority to take final action on all applications involving sites of three (3) or more acres;
- (5) *City Council review or public hearing.* For development and site plans which the City Council determines in its discretion to require a public hearing, the same shall be held in accordance with Section 103 of the Michigan Zoning Enabling Act, being MCL 125.3103, relative to notice, hearings, and findings. The applicant shall be provided with any preliminary comments or recommendations from City departments or the City Planning Commission at least seven (7) days prior to the public hearing;
- (6) *Final action by City Council.* The City Council shall approve, disapprove, or approve with conditions, the proposed development and site plan within forty-five (45) days after receipt of the written departmental findings, recommendations, and conditions from the Buildings and Safety Engineering Department. However, in such cases where a public hearing is held, the decision of the City Council shall be made within forty-five (45) days of said public hearing. Decisions of the City Council may not be appealed to the Board of Zoning Appeals;

## Sec. 61-11-237 | Findings of conformity and consistency.

- (7) *Issuance of permit.* No permit shall be issued by the Buildings and Safety Engineering Department before the applicant presents proof that a certified copy of the City Council resolution of approval for the subject property has been properly recorded with the County of Wayne Register of Deeds.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-237. Findings of conformity and consistency.**

To ensure harmony with the policies of the Detroit Master Plan as applied, and with design guidelines adopted by the Planning and Development Department or City Planning Commission and approved by the City Council, the Planning and Development Department or City Planning Commission, as appropriate, shall submit written findings to that effect to the Buildings and Safety Engineering Department or the City Council, as appropriate, with regard to the proposed use, exterior design, site plan, appearance, location of any proposed building, or exterior alteration of any existing building, structure, or premises, in whole or part, including any exterior signs, and areas for parking, loading, or unloading.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-238. Final approval.**

Final approval by the Buildings and Safety Engineering Department is required for all sites less than three (3) acres in size. For development sites of three (3) or more acres, the Buildings and Safety Engineering Department shall forward any such proposal, along with its recommendation for approval and those recommendations from the appropriate departments, to the City Council for final approval by resolution. Decisions of the City Council may not be appealed to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-239. Urban renewal area under State Acts.**

In addition, the following procedures shall be followed as appropriate for urban renewal areas under MCL 125.71 *et seq.*, MCL 125.1601 *et seq.*, MCL 125.1651 *et seq.*, MCL 125.1801 *et seq.*, MCL 207.551 *et seq.*, or similar state statutes where an adopted land use and development plan and declaration of restrictions exist for the area. In urban renewal areas, the land use development plan and the declaration of restrictions, indicating uses and setbacks, shall be filed with the petition for approval pursuant to Sec. 61-11-236 of this Code, and shall be recorded with the County of Wayne Register of Deeds and numbered as indicated for private developments. Ultimate development in a renewal area, or parcel thereof, shall conform in all respects to the land use and development plan and declaration of restrictions, except as may have been authorized as a minor deviation by the Board of Zoning Appeals in accordance with Sec. 61-2-53 and Sec. 61-4-3, and shall also be subject to site plan and other review as indicated in this division. Any and all uses specified in this division are permitted in urban renewal areas, and are subject to review and recommendation by the Planning and Development Department, and, where applicable, by the City Planning Commission, to the Buildings and Safety Engineering Department, provided, that the Buildings and Safety Engineering Department finds the proposal to be consistent with the spirit and purpose of this Chapter, and that the Planning and

## Sec. 61-11-240 | Site plan approval standards.

Development Department finds the proposal to be in accord with the declaration of restrictions and urban renewal land use and development plan for the area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-11, §1, 12-22-11)

**Sec. 61-11-240. Site plan approval standards.**

In addition to the Site Plan approval criteria specified in Sec. 61-3-96 of this Code, the following provisions shall apply:

- (1) That the proposed development reflects the applicable policies stated in the Detroit Master Plan, both text and maps, as applied to the geographic area in question;
- (2) That the natural features of the landscape, particularly views of the Detroit River, are retained where they enhance the development of the site, or where they furnish a barrier or buffer between the project and adjoining properties, or where they assist in preserving the general safety, health, and appearance of the area or district. Removal of existing trees should be minimized;
- (3) That there are appropriately designed and visually appealing signage and graphics in keeping with the surrounding development, such as signage and graphics providing necessary information, direction, and orientation in a clear and concise manner;
- (4) That buildings are designed to create a pedestrian-friendly setting that relates a building's active uses to the street;
- (5) That new buildings are constructed to the lot line with no setback, except for a setback not to exceed ten (10) feet from the lot line for a permitted outdoor seating area only;
- (6) That new buildings establish a uniform street wall by establishing a building base a minimum of two (2) stories or twenty (20) feet in height; that new buildings taller than three (3) stories establish a uniform street wall or building base (a podium) not to exceed forty (40) feet; and that the taller section of the building should be on top of the podium and set back a minimum of ten (10) feet horizontal distance from the parapet of the main façade facing a street;
- (7) That the maximum height for signs shall not exceed thirty-five (35) feet or the height of existing structures on the same or nearby zoning lots, whichever is lower. For purposes of this section, "nearby zoning lots" shall mean those lots on the same block face as the subject property, or lots on a block face immediately separated by a public street from the subject property;
- (8) That to the fullest extent possible, the hours of operation shall not create any adverse effect upon owners or occupants of adjacent and surrounding properties. This subsection shall not be construed or interpreted to define the operating hours of businesses established prior to the property's reclassification to a SD4 District as either non-conforming, or as creating an adverse effect upon the owners and occupants of adjacent and surrounding properties; and

**Sec. 61-11-241 | Design guidelines.**

- (9) That the proposed landscaping and other site amenities are appropriate to the development and to the adjoining and surrounding properties.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-07, §1, 7-24-07)

**Sec. 61-11-241. Design guidelines.**

The Planning and Development Department and City Planning Commission shall develop design standards appropriate to ensure high quality development and to improve the environmental aesthetics of the SD4 District. Such standards shall be adopted by ordinance for inclusion in this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-242. Modification of approved plans.**

All site plans, elevations, and other development proposals, including proposed uses approved in accordance with Sec. 61-11-238 of this Code, may be amended pursuant to the same procedure and subject to the same limitations and requirements by which the plans and proposals were initially approved. However, minor changes to such approved site plans, elevations and other development proposals, and minor changes to conforming uses existing on July 15, 1998, may be permitted by the Buildings, Safety Engineering and Environmental Department without the usual public hearing or, where applicable, by the City Planning Commission (or its staff where consistent with its bylaws), subject to the determination that such change will not cause any of the following:

- (1) A change in character of the development;
- (2) An increase in the ratio of gross floor area to zoning area;
- (3) An increase in coverage by structures unless justified by changes in other factors;
- (4) A reduction in approved open space or off-street parking and loading space unless justified by changes in other factors; or
- (5) The creation of, or increase in, injurious effects upon land uses permitted by right or conditionally in the immediate vicinity.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-243. Zoning approval criteria and modification of minimum lot size and bulk requirements.**

As provided for in ARTICLE IV, DIVISION 6 of this Chapter, the Planning and Development Department or, where applicable, the City Council may modify the minimum lot size, setbacks, and buildings bulk requirements as an administrative adjustment. Such an adjustment shall be:

- (1) Based on the approval criteria specified in Sec. 61-4-81 of this Code; and
- (2) Ensure that the proposed development will conform in all other respects to the applicable regulations of the SD4 District and this Chapter, and be consistent with the intent and policies of the adopted Master Plan.

## Sec. 61-11-244 | Nonconformities in the SD4 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-244. Nonconformities in the SD4 District.**

Sec. 61-11-211 through Sec. 61-11-243 of this Code establish the Special Development District, Riverfront Mixed Use (SD4) as an appropriate area for specified types of buildings, structures, and uses. It is necessary and consistent with the establishment of this district that all nonconforming buildings, structures, and uses be permitted to continue only under specific controls. Any nonconforming building, structure, or use lawfully existing on July 27, 1998 and which remains nonconforming, and any lawfully existing building, structure, or use which shall become nonconforming upon the adoption of any subsequent amendment to this Chapter, may be continued, operated, occupied, or maintained subject to the provisions of ARTICLE XV, Nonconformities. All applications for permits under ARTICLE XV and ARTICLE II, DIVISION 5 of this Chapter shall include plats and site plans as required in Sec. 61-4-36 of this Code and ARTICLE II, DIVISION 12 of this Chapter. The Planning and Development Department shall submit its report and recommendation to the Board of Zoning Appeals as the reviewing body, pursuant to the provisions in ARTICLE XV or ARTICLE II, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-245. Nonconforming buildings or structures.**

Where setback, lot size, or lot width provisions of ARTICLE XIII would render an otherwise conforming building or structure nonconforming, and the land use related to the building or structure is listed as a by-right or conditional use in this division or is otherwise a conforming use as provided for in Sec. 61-11-212 and Sec. 61-11-213 of this Code, said building or structure shall also be considered a conforming building or structure.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-246. Abandonment of conforming industrial uses in the SD4 District.**

Any industrial use within an SD4 District, which is conforming in accordance with Sec. 61-11-212 and Sec. 61-11-213 of this Code that is vacated, closed, or not open for business for a period of six (6) consecutive months shall be deemed *prima facie* abandoned. Upon abandonment of the industrial use, only those specific uses listed as by-right or conditional in this division may be considered by the Buildings and Safety Engineering Department and, as applicable, by the City Council for establishment upon the site of the prior industrial use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-247. Development of vacant land by adjacent property owners.**

Development of vacant land by adjacent property owners shall be subject to the following:

- (1) Where a zoning lot or parcel is vacant on the date it is included in an SD4 District, and where the owner of said vacant land also owns developed property



## Sec. 61-11-248 | Other Regulations.

immediately adjacent to the vacant land, then said owner, within twenty-four (24) months from said date, may submit a site plan and permit application for development of the vacant zoning lot or parcel in the manner provided for in Sec. 61-4-36 of this Code and in Sec. 61-11-235 through Sec. 61-11-240 of this Code;

- (2) Uses permitted on said vacant land shall be the same as those uses permitted on the developed land of the adjacent property owner seeking to expand, provided, that the vacant land shall not be developed for any use more intensive than the adjacent expanding use, or for any use more intensive than those uses first permitted by right or with approval for the zoning classification of the subject vacant land immediately predating the SD4 designation;
- (3) In the event the Buildings and Safety Engineering Department does not receive a permit application and site plan on or before expiration of the twenty-four (24) month period, development of said property shall be limited to those uses specified in Sec. 61-11-220 through Sec. 61-11-230 of this Code provided, that notification of said development limitation shall be sent by the Buildings and Safety Engineering Department, by registered mail, to the property owner of record, not more than sixty (60) days prior to the expiration of said twenty-four (24) month period;
- (4) The property owner shall be given sixty (60) days from the date of mailing of said notification to submit an application and site plan for development of the vacant zoning lot or parcel;
- (5) Where a site plan and application are received by the Buildings and Safety Engineering Department within the time specified, the plan and application will be reviewed in the manner provided in this division. If the site plan and application is denied, development of the land shall be limited to those uses specified in Sec. 61-11-218 through Sec. 61-11-230 of this Code;
- (6) In the event that the final site plan and application are approved, the property owner will be given three (3) years from the effective date of the approval to commence the development unless said time period is extended upon the application of the property owner by the appropriate body prior to the expiration of the three (3) year time period. Where the three (3) year time period expires, or where any time extension expires, then development of the land shall be limited to those uses specified at Sec. 61-11-219 through Sec. 61-11-230.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-248. Other Regulations.**

In the SD4 District, uses having drive-up or drive-through facilities are only permitted on zoning lots abutting East Jefferson Avenue.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-249–61-11-260. Reserved.**

Sec. 61-11-261 | Description.

## **DIVISION 13. SD5—SPECIAL DEVELOPMENT DISTRICT, CASINOS**

### **Sec. 61-11-261. Description.**

The SD5 Special Development District is designed to facilitate the location of licensed casinos and casino complexes within the boundaries established by the City of Detroit for casino gaming activities. The SD5 District focuses on urban entertainment and recreational activities that will enhance the area as a desirable location for tourists, conventions, and urban life. The provisions of the district encourage pedestrian and transit-oriented linkages between casinos and casino complexes and other activity areas within the City. Because of the special characteristics of casinos and casino complexes, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this division. These regulations are designed to ensure that casinos and casino complexes contribute positively to the built environment, that the operation of casinos and casino complexes will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

After review and recommendation by the Planning and Development Department and the City Planning Commission, the City Council shall review and approve site plans and design features for all casinos and casino complexes.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-11-262. Site plan review.**

All uses in the SD5 District are subject to site plan review as provided for in ARTICLE III, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-11-263. By-right uses.**

- (1) Casinos and casino complexes, inclusive of hotels, cabarets and establishments for the sale of beer or intoxicating liquor for consumption on the premises

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-11-264. Submittal requirements.**

In petitioning for a rezoning to an SD5 District, the petitioner shall submit to the City Planning Commission studies, site plans, and other information relative to the proposed casino or casino complex as specified in the City Planning Commission's procedures that are referenced in Sec. 61-11-275 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

Sec. 61-11-265 | Criteria for rezoning and approval of a development proposal.

**Sec. 61-11-265. Criteria for rezoning and approval of a development proposal.**

The City Council, the Planning and Development Department, and the City Planning Commission shall review development proposals for compliance with the following criteria:

- (1) The proposed development shall be consistent with and promote the goals of the City's Master Plan of Policies;
- (2) The proposed development shall promote pedestrian and transit linkages to other activity areas;
- (3) The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance, function, signage, and lighting recognizing the unique functional characteristics of a casino or casino complex;
- (4) The proposed development shall include adequate circulation, off-street parking, and loading facilities to meet expected parking and vehicular and pedestrian traffic demands;
- (5) The proposed development shall provide amenities and public facilities to promote safety, comfort and convenience, including barrier-free access for visitors, employees, and the general public;
- (6) The proposed development shall contain quality urban design elements and design features including those which promote public safety, facilitate maintenance and repair, and provide appropriate screening and buffers; and
- (7) The proposed development shall be sensitive to buildings in the immediate area which have architectural or historic value.

The City Planning Commission shall adopt guidelines which amplify these criteria as referenced in Sec. 61-11-275 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-266. Hotel requirement.**

A casino complex must include a hotel development having a minimum of four hundred (400) rooms.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-267. Minimum parking requirements for a casino or casino complex.**

- (a) The following visitor parking spaces shall be provided in structures located within three hundred (300) feet of the casino or casino complex:

Use	Parking Requirement
Hotel	Three (3) parking spaces for every four (4) hotel rooms

Sec. 61-11-268 | General sign regulations.

Theater or concert café or auditorium	One (1) parking space for every four (4) seats
All other areas open to the public within the casino complex not included in the uses specifically described above, such as casinos, show rooms, bars, lounges, convention areas, shops and stores, dining rooms, and related spaces; but excluding space intended for the exclusive use of guests of the hotel, such as restrooms, vestibules, hall ways, and swimming pools and other similar recreation areas.	Twenty (20) parking spaces for each 1,000 sq. ft. of floor area up to the 1st 40,000 sq. ft. of floor area, plus ten (10) parking spaces for each 1,000 sq. ft. of floor area for the next 60,000 sq. ft. of floor area, plus 6 parking spaces for each 1,000 sq. ft. of floor area over 100,000 sq. ft. of floor area.

- (b) In addition, one (1) parking space per each two (2) employees at maximum employment on a single shift shall be provided. Where employee parking is provided in off-site lots, a traffic study shall be provided and verified by the Department of Public Works, Traffic Engineering Division that shows the impact from these parking lots and resulting traffic upon City streets. The location and site plan of these lots shall be reviewed by the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-268. General sign regulations.**

All signs within the SD5 Special Development District for casinos or casino complexes shall be subject to the general sign regulations as contained within ARTICLE VI of this Chapter and the applicable regulations of this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-269. Procedures for rezoning to the SD5 District and approval of a development proposal.**

The procedures for rezoning to the SD5 District and for approval of a development proposal shall be in accordance with ARTICLE III, DIVISION 3 of this Chapter and with Sec. 61-11-270 through Sec. 61-11-274 of this Code. In the event of conflict, the procedures specified in Sec. 61-11-270 through Sec. 61-11-274 of this Code shall control.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-270. Petition submittal; one-step or two-step approval.**

- (a) A petition requesting rezoning to the SD5 District shall be accompanied by a site plan, building elevations, and other data in sufficient detail to permit the City Council, the Planning and Development Department, and the City Planning Commission to review the proposed development for compliance with the criteria stated in Sec. 61-11-265 of this Code and other applicable regulations of this division.
- (b) Where the development proposal consists of detailed schematics or design development level plans, a one-step approval procedure may be followed as provided for in Sec. 61-11-271 and Sec. 61-11-272 of this Code.

**Sec. 61-11-271 | City Planning Commission public hearing and action.**

- (c) Where the development proposal consists of conceptual plans, the staff of the City Planning Commission may deem the development proposal to be preliminary and require a two-step approval process as provided for in Sec. 61-11-273 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-271. City Planning Commission public hearing and action.**

A public hearing before the City Planning Commission shall be held after publishing a notice of the hearing, not less than fifteen (15) days prior to the hearing, in a newspaper of general circulation in the City of Detroit and mailing the notice to owners and occupants within three hundred (300) feet of the proposed rezoning. Notice shall also be given by mail to each public utility company and to each railroad company that owns or operates any public utility or railroad within the districts or zones affected. Following the public hearing, the City Planning Commission may take action to recommend to City Council approval, approval with conditions, or denial of the proposed rezoning and development proposal.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-272. Additional notice requirements for City Council public hearing.**

In addition to the provisions of ARTICLE III, DIVISION 3 of this Chapter, the notice for the public hearing to be held by the City Council shall:

- (1) Indicate the property which is the subject of the requested rezoning to SD5 and approval of a development proposal;
- (2) Describe the nature of the proposed development;
- (3) State when and where the public hearing will be held; and
- (4) Indicate when and where written comments will be received concerning the requested rezoning and approval of the development proposal.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-273. Two-step process, approval of preliminary development proposal, approval of the final development proposal.**

The two-step process is subject to the provisions of Sec. 61-11-270, Sec. 61-11-271, and Sec. 61-11-272 of this Code.

- (1) *Step One: Rezoning of Land to SD5 and Approval of Preliminary Development Proposal.* A petitioner having submitted only a preliminary development proposal, as described in Sec. 61-11-270(c) of this Code, may obtain a rezoning of the land to SD5 prior to obtaining approval of the final development proposal. However, City Council shall not rezone the land to SD5 unless the Body simultaneously grants approval, or approval with conditions, to a preliminary development proposal.
- (2) *Step Two: Approval of Final Development Proposal.* To obtain approval of the final development proposal subsequent to the approval of the preliminary

**Sec. 61-11-274 | Filing approved development proposals.**

development proposal, the petitioner shall submit detailed schematic or design-development level plans to the Planning and Development Department and to the City Planning Commission. The City Planning Commission staff shall evaluate the submission for consistency with the approval of the preliminary development proposal granted in Step One.

- (a) Where the submission is deemed by the City Planning Commission staff to be consistent with the approval of the preliminary development proposal granted by the City Council, the City Planning Commission may schedule a public discussion, inviting interested parties, and consider the request. Following its review, the City Planning Commission shall take action to recommend approval, or approval with conditions, and forward a report and its recommendation to the City Council. The Council may choose to hold a discussion on the request and shall render its action with respect to the final development proposal by resolution.
- (b) Where the submission is not deemed by City Planning Commission staff to be consistent with the approval of the preliminary development proposal granted by the City Council, the submission shall be processed in accordance with the public hearing and action procedures contained in Sec. 61-11-271 and Sec. 61-11-272 of this Code. The submission may not be acted on by resolution of City Council but, instead, may only be acted on as an amendment to the rezoning ordinance where approval of the preliminary development proposal had been granted.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-274. Filing approved development proposals.**

The City Planning Commission shall keep a true and complete record of the final development proposal, as approved, including the petition, preliminary development proposal, if any, and accompanying information and documentation submitted by the petitioner. The City Planning Commission shall provide a true copy of the record to the Buildings and Safety Engineering Department and to the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-275. City Planning Commission procedures and guidelines.**

The City Planning Commission shall adopt procedures and guidelines to carry out the purposes of the SD5 Special Development District and to ensure that casinos and casino complexes are well designed and compatible with surrounding uses. The procedures shall include a description of the information that must accompany a petition for a rezoning to an SD5 District. Development and site design guidelines shall amplify the criteria stated in Sec. 61-11-265 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

Sec. 61-11-276 | Modification of approved plans.

**Sec. 61-11-276. Modification of approved plans.**

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes may be permitted by the City Planning Commission (or its staff where consistent with its bylaws) subject to a finding that such change will not cause any of the following:

- (1) A change in the character of the development; or
- (2) An increase in the ratio of gross floor area by more than five percent (5%); or
- (3) An increase in lot coverage by structure unless justified by changes in other factors; or
- (4) A reduction in approved open space or off-street parking unless justified by changes in other factors; or
- (5) The creation of or increase in injurious effects to land uses in the immediate vicinity.

After review by the City Planning Commission, the petitioner shall be notified, in writing, of the result(s) of the City Planning Commission's findings. These findings shall be forwarded to the City Council.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 38-14, §1, 10-16-2014)

**Secs. 61-11-277–61-11-300. Reserved.**

**DIVISION 14. OVERLAY AREAS**

**Subdivision A. Gateway Radial Thoroughfare Overlay Areas.**

**Sec. 61-11-301. Description.**

The Gateway Radial Thoroughfare Overlay Areas consist of property abutting those major radial streets, within and leading to the Central business district, upon which the Master Plan of Policies has generally proposed a rezoning from B4, General Business, district to a Special Development zoning district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-302. Boundaries.**

The five (5) Gateway Radial Thoroughfares are designated as:

- (1) Woodward Avenue between Euclid Avenue and the Fisher Freeway (I-75);
- (2) Grand River Avenue between the Edsel Ford Freeway (I-94) and Cass Avenue;

**Sec. 61-11-303 | Woodward Avenue Gateway Radial Thoroughfare.**

- (3) Gratiot Avenue between Mount Elliott Avenue and Randolph Street/Broadway Avenue;
- (4) Michigan Avenue between the Jeffries Freeway (I-96) and the John C. Lodge Freeway (M-10); and
- (5) East Jefferson Avenue between Water Works Park (Garland Avenue/Marquette Ave.) and the Chrysler Freeway (I-375).

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-303. Woodward Avenue Gateway Radial Thoroughfare.**

As Detroit's main street, Woodward Avenue functions as the main ceremonial thoroughfare of the City. To emphasize its major civic character, additional and unique land use provisions may be appropriate along this Gateway Radial Thoroughfare only.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-304. Prohibitions and limitations.**

(a) The following uses are prohibited on any zoning lot zoned B4 abutting any street designated as a Gateway Radial Thoroughfare:

- (1) Confection manufacture;
- (2) Dental products, surgical, or optical goods manufacture;
- (3) Emergency shelter;
- (4) Go-cart track;
- (5) Ice manufacture;
- (6) Jewelry manufacture;
- (7) Lithographing;
- (8) Medical marihuana caregiver center, as provided for in ARTICLE III.DIVISION 12 of this Chapter
- (9) Motor vehicle washing and steam cleaning;
- (10) Motor vehicle services, major;
- (11) Motor vehicles, used, salesroom or sales lots;
- (12) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles;
- (13) Pawnshop;
- (14) Plasma donation center;
- (15) Pre-release adjustment center;
- (16) Radio, television, or household appliance repair shop;
- (17) Rebound tumbling center;



**Sec. 61-11-311 | Description.**

- (18) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or where not located in a multi-story building having a mixed-use or multi-tenant development; prohibition limited to Woodward Avenue only;
  - (19) Secondhand store and secondhand jewelry store;
  - (20) Signs, advertising;
  - (21) Substance abuse service facility;
  - (22) Tattoo and/or piercing parlor;
  - (23) Taxicab dispatch and/or storage facility;
  - (24) Toiletries or cosmetic manufacturing;
  - (25) Tool, die, and gauge manufacturing;
  - (26) Trade services, general;
  - (27) Trailer coaches or boats, sale or rental, open air display;
  - (28) Trailers or cement mixers, pneumatic-tired, sales, rental or service;
  - (29) Vending machine commissary;
  - (30) Wearing apparel manufacturing;
  - (31) Wholesaling, warehousing, storage buildings, or public storage houses, except on Gratiot Avenue.
- (b) Accessory parking lots or parking areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are not farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter shall be permitted by right subject to ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision G, and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.
- (c) Commercial parking lots or areas and accessory parking lots or areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter, shall be reviewed as Conditional Uses subject to ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision G, and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)

**Secs. 61-11-305–61-11-310. Reserved.****Subdivision B. Traditional Main Street Overlay Areas.****Sec. 61-11-311. Description.**

Certain commercial areas of the City are, or have the potential to be, high quality, pedestrian-scale, walkable areas with a traditional urban atmosphere. Areas designated by

**Sec. 61-11-312 | Designated Traditional Main Street Overlay Areas.**

City Council as Traditional Main Street Overlay Areas are listed in Sec. 61-11-312 of this Code.

Development within Traditional Main Street Overlay Areas should be geared, as much as possible, toward street-level pedestrian-generating uses. Ground level treatment of buildings should be pedestrian scale.

Designated Traditional Main Street Overlay Areas are subject to additional development standards as specified in Sec. 61-14-281 through Sec. 61-14-300 of this Code in order to address pedestrian needs and to enhance pedestrian interest, access, and enjoyment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-11-312. Designated Traditional Main Street Overlay Areas.**

The following areas are designated as Traditional Main Street Overlay Areas:

- (1) *West Seven Mile.* All zoning lots abutting West Seven Mile Road between the zoning lots at the four (4) corners of John R Avenue and the center line of Woodward Avenue.
- (2) *Grand River.* All zoning lots abutting Grand River Avenue between the center line of Woodmont Avenue and the zoning lots at the four (4) corners of Evergreen Road.
- (3) *Bagley/Vernor.* All zoning lots abutting Bagley Avenue between the center line of 16<sup>th</sup> Street and the center line of 24<sup>th</sup> Street; and all zoning lots abutting West Vernor Highway between the center line of Newark Avenue and the center line of Clark Street.
- (4) *Livernois/West McNichols.* All zoning lots abutting Livernois Avenue between the center line of the John C. Lodge Freeway and the center line of St. Martins Avenue; and all zoning lots abutting West McNichols Road between the center line of Lawton Avenue and the zoning lots at the four (4) corners of Wyoming Avenue.
- (5) *East Jefferson.* All zoning lots abutting East Jefferson Avenue between the center lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- (6) *Woodward.* All zoning lots abutting Woodward Avenue between the center line of the Fisher Freeway (I-75) and the city limits of Highland Park.
- (7) *Grand Boulevard.* All zoning lots abutting West Grand Boulevard/East Grand Boulevard between the center line of Kipling/Sterling Avenues and the eastern edge of Cameron Street (extended). (See also the standards for West Grand Boulevard between Kipling/Sterling Avenues and West Grand River in the Grand Boulevard Overlay Area, Subdivision D of this division.)

**Sec. 61-11-313 | Design standards and guidelines for Traditional Main Street Overlay Areas.**

- (8) *Michigan Avenue.* All zoning lots abutting Michigan Avenue between the John C. Lodge freeway (M-10) and the zoning lots at the four (4) corners of Vinewood Avenue.
- (9) *Vernor/Springwells.* All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four (4) corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four (4) corners of West Vernor Highway and the four (4) corners of the Fisher Freeway (I-75) service drives.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-11-313. Design standards and guidelines for Traditional Main Street Overlay Areas.**

The Planning and Development Department shall develop design standards and guidelines for Traditional Main Street Overlay Areas. The design standards and guidelines shall address the following elements and, where applicable, be employed in addition to Site Plan Review as provided for in ARTICLE III, DIVISION 5, Use Regulations as provided for in ARTICLE XII, Intensity and Dimensional Standards as provided for in ARTICLE XIII, and General Development Standards as provided for in ARTICLE XIV of this Chapter:

- (1) Context;
- (2) Site layout;
- (3) Building design;
- (4) Landscaping;
- (5) Streetscape;
- (6) Signage and other communication elements;
- (7) Parking; and
- (8) Open space and public amenities.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-314. Consistency with design standards required.**

The Buildings and Safety Engineering Department shall not approve a permit application for any work relating to a zoning lot within a Traditional Main Street Overlay Area unless the Planning and Development Department shall have verified that such work is consistent with the design standards of this subdivision.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-315. Applicability of design standards.**

The Buildings and Safety Engineering Department shall forward to the Planning and Development Department all permit applications related to a designated Traditional Main Street overlay area, except those permit applications for interior alterations or other

**Sec. 61-11-316 | Prohibited use.**

such permit applications which, in the concurrence of both departments, would have no bearing on the exterior appearance of the building.

The Planning and Development Department's review of demolition permits is limited to five (5) business days during which time alternatives to demolition might be explored with the applicant and/or owner. The Planning and Development Department may waive the five-day review period where no good purpose would be served by deferring demolition.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-316. Prohibited use.**

Medical marijuana caregiver centers are prohibited within any Traditional Main Street Overlay Area.

(Ord. No. 31-15, §1, 3-01-2016)

**Secs. 61-11-317–61-11-320. Reserved.****Subdivision C. Major Corridor Overlay Areas.****Sec. 61-11-321. Description**

Certain wide major thoroughfares of the City of Detroit, typically zoned B4, pass through neighborhoods undertaking commercial revitalization efforts. Similarly, certain major thoroughfares pass through both Detroit and neighboring cities and townships that participate in multi-jurisdictional improvements to the vehicular corridor. In all such areas, the character and design of development is important to the attraction of additional development and to the improvement of environmental aesthetics. The Major Corridor Overlay Area provides the opportunity for more detailed review of proposed development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-322. Designated Major Corridor Overlay Areas.**

The following streets are designated as Major Corridors and the following areas are hereby designated as Major Corridor Overlay Areas:

- (1) *Woodward*. All zoning lots abutting Woodward Avenue between the center line of West McNichols and the center line of West Eight Mile Road.
- (2) *Eight Mile Road*. All zoning lots abutting Eight Mile Road.
- (3) Reserved.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-11-323. Design guidelines for Major Corridor Overlay Areas.**

The Planning and Development Department shall develop design standards and guidelines for Major Corridor Overlay Areas. The design standards and guidelines shall

Sec. 61-11-324 | Consistency with design standards required.

address the following elements and, where applicable, be employed in addition to Site Plan Review as provided for in ARTICLE III, DIVISION 5, Use Regulations as provided for in ARTICLE XII, Intensity and Dimensional Standards as provided for in ARTICLE XIII, and General Development Standards as provided for in ARTICLE XIV of this Chapter:

- (1) Context;
- (2) Site layout;
- (3) Building design;
- (4) Landscaping;
- (5) Street elements;
- (6) Signage and other communication elements;
- (7) Parking; and
- (8) Open space and public amenities.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-324. Consistency with design standards required.**

The Buildings and Safety Engineering Department shall not approve a permit application for any work relating to a zoning lot within a Major Corridor Overlay Area unless the Planning and Development Department shall have verified that such work is consistent with the design standards of this subdivision.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-325. Applicability of design standards.**

The Buildings and Safety Engineering Department shall forward to the Planning and Development Department all permit applications related to a designated Major Corridor overlay area, except those permit applications for demolition or interior alterations or other such permit applications which, in the concurrence of both departments, would have no bearing on the exterior appearance of the building.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-326. Adult uses/sexually oriented businesses prohibited.**

Notwithstanding any other provision of this Code, adult uses/sexually oriented businesses are prohibited in Major Corridor Overlay Areas.

(Ord. No. 01-10, §1, 04-01-10)

**Secs. 61-11-327–61-11-330. Reserved.**

Sec. 61-11-331 | Boundaries description.

### **Subdivision D. Grand Boulevard Overlay Area**

#### **Sec. 61-11-331. Boundaries description.**

The Grand Boulevard Overlay Area includes all zoning lots abutting or bounded by East Grand Boulevard, the Detroit River, and West Grand Boulevard.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-11-332. Prohibitions and limitations.**

- (a) Lofts as defined in Sec. 61-16-124 of this Code, shall be subject to review by the Loft Review Committee on land zoned B6, M1, M2, M3, and M4; and
- (b) As provided for in Sec. 61-6-65 of this Code, advertising signs are prohibited in the Grand Boulevard Overlay Area;
- (c) For the area of West Grand Boulevard between Kipling/Sterling Avenues and West Grand River Avenue, parking, driveways, or loading areas shall not be located between new primary buildings and West Grand Boulevard. Parking, driveways, or loading areas shall be located to the side or the rear of the building.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

#### **Secs. 61-11-333–61-11-340. Reserved.**

### **Subdivision E. Downtown and Riverfront Overlay Areas.**

#### **Sec. 61-11-341. Reserved.**

#### **Sec. 61-11-342. Designated Downtown and Riverfront Overlay Areas.**

The following areas are designated as Downtown and Riverfront Overlay Areas:

- (1) *Downtown.* All zoning lots within the Central business district as defined in Sec. 61-16-51 of this Code.
- (2) *Riverfront.* All zoning lots outside of the Central business district bound by the zoning lots abutting West Jefferson Avenue/East Jefferson Avenue on the north, the center line of East Grand Boulevard on the east, the Detroit River on the south, and the center line of West Grand Boulevard, extended to the River, on the west.

(Ord. No. 20-05, §1, 5-29-05)

#### **Sec. 61-11-343. Design standards and guidelines for Downtown and Riverfront Overlay Areas.**

The Planning and Development Department shall develop design standards and guidelines for Downtown and Riverfront Overlay Areas. The design standards and guidelines shall address the following elements and, where applicable, be employed in addition to Site Plan Review as provided for in ARTICLE III, DIVISION 5, Use

**Sec. 61-11-344 | Consistency with design standards required.**

Regulations as provided for in ARTICLE XII, Intensity and Dimensional Standards as provided for in ARTICLE XIII, and General Development Standards as provided for in ARTICLE XIV of this Chapter:

- (1) Context;
- (2) Site layout;
- (3) Building design;
- (4) Landscaping;
- (5) Streetscape;
- (6) Signage and other communication elements;
- (7) Parking; and
- (8) Open space and public amenities.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-344. Consistency with design standards required.**

The Buildings and Safety Engineering Department shall not approve a permit application for any work relating to a zoning lot within a Downtown or Riverfront Overlay Area unless the Planning and Development Department shall have verified that such work is consistent with the design standards of this subdivision.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-11-345. Applicability of design standards.**

The Buildings and Safety Engineering Department shall forward to the Planning and Development Department all permit applications related to a designated Downtown and Riverfront overlay area, except those permit applications for demolition or interior alterations or other such permit applications which, in the concurrence of both departments, would have no bearing on the exterior appearance of the building.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-11-346–61-11-360. Reserved.****Subdivision F. Development Improvement Area****Sec. 61-11-361. Description.**

The Development Improvement Area is a special area that is established to permit property owners in business or other areas to request City assistance in upgrading the external physical appearance of their area. The provisions allow for the employment of a design consultant to prepare a development-improvement plan, including such items as planting boxes or other “street furniture”, lighting and lighting fixtures, building materials, finishes and colors including building façade modernizations, improvements in parking and

**Sec. 61-11-362 | Initiation.**

traffic facilities, all aspects of signs, an overall color scheme, an improved pedestrian circulation scheme, or any other visual or functional appurtenances for the district. Provision is also made for the establishment of a special assessment district to defray all or part of the costs of such improvement projects consistent with the provisions of Article 8, Chapter 6 of the 2012 Detroit City Charter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-362. Initiation.**

A Development Improvement Area, that is to be financed by special assessment according to the probable benefits to be derived therefrom, may be initiated upon petition to the City Council by the owners of at least fifty-one percent (51%) of the land frontage along which such business or other establishments are operating in any area comprised of at least one (1) block frontage on both sides of the street, or other appropriate area which may be approved by the Planning and Development Department and the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-363. Referral to Planning and Development Department.**

A petition shall be filed with the City Clerk who shall refer the petition to the Planning and Development Department for investigation and report to the City Council. The Planning and Development Department shall investigate the practicality and feasibility of such a project for the area proposed and submit an appropriate recommendation to the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-364. First public hearing at City Council.**

Where the City Council deems it advisable to establish such a Development Improvement Area, the Body shall fix, by resolution, a time and place where a public hearing will be held. The City Council shall cause a notice of such hearing to be published, at least twice, in a daily paper of general circulation at least ten (10) days prior to the time fixed for such hearing. Such notice shall state the nature of the proposal and that it is proposed to levy an assessment upon land or lands within the area described in the petition. At least ten (10) days prior to such hearing, the City Clerk shall notify property owners, within the area, of said hearing by first class mail sent to the address appearing on the most recent tax rolls of the City of Detroit. At the public hearing, or at any adjournment thereof, the City Council may approve, by resolution, the establishment of a Development Improvement Area as beneficial to the area and to the businesses or other establishments therein.

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-11-365 | Designation.

**Sec. 61-11-365. Designation.**

Subsequent to the designation of such a Development Improvement Area, the City shall:

- (1) Direct the Planning and Development Department, in cooperation with petitioners, to select and recommend to the City Council the appointment of a specific architect or other professional designer to serve as consultant for the improvement of the area, and report the probable cost of the consultant's services. In addition, the Planning and Development Department shall recommend after consultation with the Board of Assessors, what portion of this cost should be paid by a special assessment district, and what portion should be paid by the City; and
- (2) Direct the Board of Assessors to prepare a tentative special assessment district to defray the cost of the consultant's services.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-366. Board of Assessors.**

Upon appointment of a designer and approval of his or her fees by the City Council, the Body shall direct the Board of Assessors to prepare a special assessment roll and transmit this roll to the City Council which may confirm and direct the same to the City Treasurer who shall proceed to collect this assessment. Where this assessment is not paid within sixty (60) days after receipt of the special assessment roll, then the City Treasurer shall report this fact to the City Council which may then order the Development Improvement Area cancelled and the assessments refunded.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-367. Notice to proceed.**

When all assessments have been collected, the City Council shall notify the appointed designer to proceed with the preparation of the improvement plan and cost estimate, and to submit the same to the Planning and Development Department which shall investigate, in conjunction with petitioners, the practicality and feasibility of the proposed improvements and report to the City Council its recommendation regarding the acceptability of the project and what portion of the cost thereof, if any, should be paid by the City. Where the City Council approves the plans and cost estimate, the Body shall forward them to the Board of Assessors and request that the office prepare a benefited district and a tentative special assessment roll to pay for the proposed improvements. The Board of Assessors shall submit its report to the City Council which may approve and forward it to the Planning and Development Department for further processing.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-368. Petition.**

The Planning and Development Department shall then meet, again, with petitioners to review the tentative special assessment roll and the entire improvement program. Where a

## Sec. 61-11-369 | Second public hearing at City Council.

majority of the petitioners approve the plans and wish to proceed with the improvements, a petition stating that fact and signed by property owners within the assessment district, who represent at least fifty-one percent (51%) of the proposed assessment, shall be filed with the City Council, and no improvements shall proceed without such petition.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-369. Second public hearing at City Council.**

Where such a petition is received, the City Council shall fix a time and place for a public hearing at which any person may express his or her views regarding the proposed improvement or assessment. At least ten (10) days prior to the public hearing, the City Council shall cause a notice of such hearing to be published, at least twice, in a daily paper of general circulation, and said notice shall state the nature of the improvement and that it is proposed to levy an assessment upon the land in the assessment district. At least ten (10) days prior to such hearing, the City Clerk shall notify the property owners within the assessment district of said hearing by first class mail sent the address appearing on the most recent tax rolls of the City of Detroit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-370. Rescission, confirmation, or adjustment.**

At the public hearing, or at any adjournments thereof, the City Council may either rescind its previous action which established the Development Improvement Area, or confirm or adjust the Development Improvement Area and the tentative special assessment roll, by resolution. Where the Development Improvement Area and assessment roll are confirmed, the City Council shall:

- (1) Transmit the assessment roll to the City Treasurer who shall proceed to collect in advance ten percent (10%) or more of the assessable cost of the proposed improvements, provided that the City Treasurer shall not accept from any person more than the total amount shown on the assessment roll against the property actually owned by such person. Where ten percent (10%) is not paid within sixty (60) days after receipt of the assessment roll, the City Treasurer shall report the deficiency to the City Council. The City Council may then order the improvement cancelled and the deposits refunded. Where ten percent (10%) or more of the assessable cost is collected by the City Treasurer within sixty (60) days after receipt of the assessment roll, the City Treasurer shall notify City Council of the same; and
- (2) Transmit a copy of the proposed improvement plan to the Buildings and Safety Engineering Department and to any other affected department, board, or commission, which shall not issue or approve a) any permits for external construction, of any type, within such Development Improvement Area unless the proposed construction is in conformance with the plans and specifications as adopted by the City Council, or b) any specification as adopted by the City Council, or c) any City department engage in works or activities which are not in accord with such plans and specifications.

**Sec. 61-11-371 | Appropriation.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-371. Appropriation.**

The City Council may then order, by resolution, the improvements made through the appropriate City departments and agencies. Where the improvement is so ordered, the City Council shall appropriate sufficient funds to defray the City's portion of the improvement, and the assessable cost of the improvement shall be paid by the City Treasurer out of funds collected in advance through the tentative special assessment roll mentioned in Sec. 61-11-366. If any, the balance shall be paid from a revolving fund to be created by the City Council.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-11-372. Collection of assessments.**

Upon completion and acceptance of the improvements by the City Council, the appropriate City department shall certify the cost of said improvement to the Board of Assessors which shall then prepare a regular special assessment roll for said improvement as provided for in Article 8, Chapter 6 of the 2012 Detroit City Charter. The completed regular special assessment roll shall be confirmed by City Council and transmitted to the City Treasurer for collection in one (1) or more but not to exceed ten (10) annual installments.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-373. City Treasurer.**

Upon receipt of the regular special assessment roll, the City Treasurer shall apply all monies collected upon the tentative special assessment roll to the regular special assessment roll and shall proceed with the collection of the assessments as provided for in Article 8, Chapter 6 of the 2012 Detroit City Charter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-11-374. Overpayment.**

In the event any person has paid more than his or her share of the total cost of the improvement as provided for in the regular special assessment roll, the City Treasurer shall certify such overpayment to the City Council which shall direct a refund of such overpayment.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-11-375—61-11-380. Reserved.**

Sec. 61-11-381 | Far Eastside Overlay Area created; description; applicability of provisions.

### **Subdivision G. Far Eastside Overlay Area.**

#### **Sec. 61-11-381. Far Eastside Overlay Area created; description; applicability of provisions.**

Certain areas of the City of Detroit are characterized by a high concentration of vacant land once occupied by dwellings on small lots. East Warren Avenue, Alter Road and the Grosse Pointe Park city limits, East Jefferson Avenue, and Conner Avenue generally bound one such broad area, which has been found to be ripe for infill housing development.

To facilitate residential infill development within this broad area, a Far Eastside Overlay Area is created, the boundaries of which are specified in Sec. 61-11-382 of this Chapter. The provisions in this Subdivision for the Far Eastside Overlay Area will allow for the reestablishment of dwellings similar in placement, character, and massing to the dwellings originally built on the lots of this broad area and will further allow for an even greater density of such dwellings, notwithstanding the intensity and dimensional standards that govern such construction elsewhere in the City. However, where no special provision is recited in this Subdivision, the standard provisions of ARTICLE XIII of this Chapter that apply citywide shall govern development within the overlay area.

This overlay area is created in the spirit of the Alternative Residential Development Options of Article XIII, ARTICLE XIII.DIVISION 3 of this Chapter, however, the provisions of this Subdivision shall apply in lieu of Article XIII, ARTICLE XIII.DIVISION 3 of this Chapter.

As the Planning and Development Department identifies contiguous neighborhoods within this broad area for concentrated redevelopment, the boundaries of the overlay area may be expanded only by amendment of this Chapter.

*(Ord. No. 20-06, §1, 8-10-06)*

#### **Sec. 61-11-382. Boundaries of the Far Eastside Overlay Area.**

The Far Eastside Overlay Area is bounded by a line beginning on the south side of East Vernor Highway at the north/south alley first east of Philip Avenue, proceeding east to the north/south alley first east of Alter Road at the Grosse Pointe Park city limits, then proceeding south to the north side of East Jefferson Avenue, then proceeding west to the centerline of Newport Avenue, then proceeding north to the east/west alley first north of East Jefferson Avenue, then proceeding west to the north/south alley first west of Newport Avenue, then proceeding north to the centerline of Kercheval Avenue, then proceeding east to the centerline of Newport Avenue, then proceeding north to the east/west alley first north of Kercheval Avenue, then proceeding east to the north/south alley first east of Philip Avenue, then proceeding north to the point of beginning.

The zoning district classifications for land within the Far Eastside Overlay Area are specified in ARTICLE XVII on Zoning District Map No. 32.

Where the boundaries of the Far Eastside Overlay Area overlap with the boundaries of any Traditional Main Street Overlay Area, the standards established for both overlay areas shall apply. Where there is conflict between the standards of the two overlay areas, the provisions of the Traditional Main Street Overlay Area shall control.

*(Ord. No. 20-06, §1, 8-10-06)*

Sec. 61-11-383 | Minimum lot area for single-family dwellings, two-family dwellings, and town houses.

**Sec. 61-11-383. Minimum lot area for single-family dwellings, two-family dwellings, and town houses.**

Notwithstanding the lot area requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter, in the Far Eastside Overlay Area:

- (1) Single-family dwellings and two-family dwellings may be built on any zoning lot having a minimum of three thousand (3,000) square feet in area;
- (2) Town houses may be built on any zoning lot having a minimum of four thousand three hundred twenty (4,320) square feet in area.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-384. Minimum lot width for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings.**

Notwithstanding the lot width requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter, in the Far Eastside Overlay Area:

- (1) Single-family dwellings, two-family dwellings, and multiple-family dwellings may be built on any zoning lot having a minimum width of thirty (30) feet;
- (2) Town houses may be built on any zoning lot having a minimum width of sixty (60) feet.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-385. Minimum front setback for multiple-family dwellings.**

(a) Notwithstanding the front setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, multiple-family dwellings in the Far Eastside Overlay Area shall provide a minimum front setback of:

- (1) Fifteen (15) feet where the multiple-family dwelling has six (6) or fewer units; and
- (2) Ten (10) feet where the multiple-family dwelling has seven (7) or more units.

(b) Notwithstanding the front setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, no minimum front setback shall be required for multiple-family dwellings in the Far Eastside Overlay Area.

(c) For residential uses combined in structures with permitted commercial uses, see Sec. 61-11-392 of this Code.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-386. Minimum side setbacks for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings.**

(a) Notwithstanding the side setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings in the

**Sec. 61-11-387 | Minimum rear setback for town houses and multiple-family dwellings.**

Far Eastside Overlay Area shall provide a side setback of not less than four (4) feet on each side of the building.

(b) Notwithstanding the side setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, in the Far Eastside Overlay Area:

- (1) No minimum side setback for multiple-family dwellings shall be required along a side lot line abutting a right-of-way; and
- (2) A minimum side setback of not less than four (4) feet shall be required along any interior side lot line for multiple-family dwellings.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-387. Minimum rear setback for town houses and multiple-family dwellings.**

Notwithstanding the rear setback requirements of Article XIII, ARTICLE XIII.DIVISION 1 of this Chapter for residential and business zoning districts, town houses and multiple-family dwellings in the Far Eastside Overlay Area shall provide a rear setback of not less than two (2) feet. However, where a town house or multiple-family dwelling would be located directly across an alley from an existing or approved town house or multiple-family dwelling which has a two-foot rear setback, the proposed town house or multiple-family dwelling shall provide the minimum required rear setback as specified in Article XIII, ARTICLE XIII.DIVISION 1 of this Chapter in order to avoid the creation of a canyon-type effect in the alley. At no point in a public or private alley may two (2) principal buildings be separated from each other at any point merely by the width of the public or private alley and a two-foot rear setback on each side of the alley.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-388. Maximum lot coverage for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings; recreational space.**

- (a) Notwithstanding the maximum lot coverage requirement of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings, in the Far Eastside Overlay Area, and all buildings accessory to them, shall cover no more than fifty percent (50%) of the zoning lot.
- (b) Recreational space shall be provided in accordance with Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts and Sec. 61-13-159 of this Code; however, the minimum dimensions specified in Sec. 61-13-159(1)(e) of this Code do not apply in the Far Eastside Overlay Area.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-389. Maximum height of new single-family and two-family dwellings and town houses adjacent to existing dwellings.**

- (a) Where a new single-family or two-family dwelling or town house is to be constructed on a lot adjacent to, or across an alley from, the side lot line of an existing single-

Sec. 61-11-390 | Maximum floor area ratio (FAR) for multiple-family dwellings; maximum height of new multiple-family dwellings adjacent to existing dwellings.

family or two-family dwelling, the height of the new single-family or two-family dwelling or town house shall not exceed one hundred thirty-five percent (135%) of the height of the existing single-family or two-family dwelling or thirty-five (35) feet, whichever is less.

- (b) Except as provided in Subsection (a) of this section, the maximum height of single-family and two-family dwellings in the Far Eastside Overlay Area shall be forty-seven (47) feet, notwithstanding the maximum height provisions of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-390. Maximum floor area ratio (FAR) for multiple-family dwellings; maximum height of new multiple-family dwellings adjacent to existing dwellings.**

- (a) Notwithstanding the Chapter for residential zoning districts, the maximum FAR for multiple-family dwellings in the Far Eastside Overlay Area shall be 2.5.
- (b) However, where a multiple-family dwelling is to be constructed on a lot adjacent to, or across an alley from, the side lot line of an existing single-family or two-family dwelling, the height of the new multiple-family dwelling shall not exceed one hundred thirty-five percent (135%) of the height of the existing single-family or two-family dwelling or the maximum FAR specified in Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, whichever is less.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-391. Multiple-family dwellings permitted by right; residential uses combined in structures with permitted commercial uses permitted by right in B4.**

- (a) Notwithstanding Sec. 61-8-40(2) of this Code:
- (1) Multiple-family dwellings shall be permitted on a by-right basis on land zoned R2 within the Far Eastside Overlay Area;
  - (2) The total number of units in a multiple-family dwelling in the R2 district within the Far Eastside Overlay Area may exceed eight (8) dwelling units.
- (b) Notwithstanding Sec. 61-9-80(4) of this Code, multiple-family dwellings shall be permitted on a by-right basis on land zoned B4 within the Far Eastside Overlay Area;
- (c) Notwithstanding Sec. 61-9-80(7) of this Code, residential uses combined in structures with permitted commercial uses shall be permitted on a by-right basis on land zoned B4 within the Far Eastside Overlay Area.

*(Ord. No. 20-06, §1, 8-10-06)*

Sec. 61-11-392 | Residential uses combined in structures with permitted commercial uses.

**Sec. 61-11-392. Residential uses combined in structures with permitted commercial uses.**

Notwithstanding the setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, in the Far Eastside Overlay Area, residential uses combined in structures with permitted commercial uses shall be subject to the following:

- (1) Buildings shall be placed on the front lot line and the new building footprint and façade shall be located parallel to the street system;
- (2) No minimum side setback shall be required along a side lot line abutting a right-of-way;
- (3) A minimum side setback of not less than four (4) feet shall be provided along any interior side lot line; and
- (4) A rear setback of not less than two (2) feet shall be provided.

*(Ord. No. 20-06, §1, 8-10-06)*

**Sec. 61-11-393. Outdoor recreation facilities.**

Notwithstanding Sec. 61-8-41(3) of this Code, outdoor recreation facilities are permitted on a by-right basis in the Far Eastside Overlay Area.

*(Ord. No. 20-06, §1, 8-10-06)*





## ARTICLE XII. USE REGULATIONS

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### DIVISION 1. USE TABLE

#### Subdivision A. Generally.

##### **Sec. 61-12-1. Use table.**

The use table in this division summarizes the principal use regulations of the several zoning districts.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-2. Use categories.**

All of the use categories listed in the use table of this division are described in ARTICLE XVI of this Chapter. In some cases, “Specific Use Types” are listed in the second column of the table. The use types and categories are mutually exclusive. Where a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-3. Conditional uses.**

A “C” in the use table indicates that a use category or specific land use is allowed only where reviewed and approved in accordance with the Conditional Use Permit procedures of ARTICLE III, DIVISION 7 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-4. Uses permitted by right.**

An “R” in the use table indicates that a use category or specific land use is allowed as a matter-of-right in the respective zoning district, and is subject to compliance with all other applicable regulations of this Zoning Ordinance.

##### **Sec. 61-12-5. Uses not allowed.**

A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations in this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-6. Uses subject to general and specific regulations.**

Letters or numbers in the final column of the Use Table indicate that the listed use is subject to use-specific regulations in one (1) or more of the districts where the use is

**Sec. 61-12-7 | New or unlisted uses.**

allowed. The letters or numbers listed provide a cross-reference to the use-specific regulations, which can generally be found in DIVISION 2 and DIVISION 3 of this article.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-7. New or unlisted uses.**

Where an application is submitted for a land use that is not listed as a use permitted by right or as a Conditional Use in one (1) or more zoning districts, the Buildings and Safety Engineering Department shall be authorized to make a “similar use interpretation” based on the use category descriptions of ARTICLE XVI of this Chapter. A “similar use interpretation” shall determine 1) which use category covers the proposed use, and 2) within that use category, what specific land use category, which may include “all other,” applies to the proposed use. At the request of the applicant, or where the Buildings and Safety Engineering Department official who makes the “similar use interpretation” concludes that the proposed use does not fit any of the use category descriptions of ARTICLE XVI, no “similar use interpretation” shall be made, and the proposed use type shall be classified as a use permitted conditionally in the M4 and M5 Districts, as provided for in Sec. 61-10-79 and Sec. 61-10-99 of this Code. In several of the Use Categories, the phrase “All other” is found following the list of specific land uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-8. Licenses and permits of other agencies.**

Wherever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for that specific use, whether or not said license or permit is recited in the applicable provisions of DIVISION 2 or DIVISION 3 of this article.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-12-9–61-12-10. Reserved.**

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	PR	W1	S1	S2	S3		S4	S5	
<b>Subdivision B. Residential Uses.</b>																																
<b>Sec. 61-12-11.</b> <b>Group living.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 15-17, §1, 6/16/2017)	Adult foster care facility			C	C	C	C	R	R										L									C				SPC; <u>Sec. 61-12-111</u>
	Assisted living facility					C	R	R	R	R										L							R	R				<u>Sec. 61-12-112</u>
	Convalescent, nursing, or rest home					R	R	R	R	R		R	R							L							C	C				<u>Sec. 61-12-115</u>
	Emergency shelter					C	C	C				C	C							L								C				SPC; GRT <u>Sec. 61-12-116</u>
	Fraternity or sorority house			C	R	R	R	C	C		C									L							C	C				
	Religious residential facility	C	C	R	R	R	R	R	R		R	R	R							L			C				R	R				
	Residential substance abuse service facility			C	C	C		C	C	C	C	C								L							C	C				
	Rooming house					R	R	R	C	C		C	C							L							C	C				<u>Sec. 61-12-123</u>
	Shelter for victims of domestic violence			R	C/R	R	R	R	R		R	R								L								R				<u>Sec. 61-12-124</u>
All other					C	C	C	C	C		C	C							L							C						
<b>Sec. 61-12-12.</b> <b>Household living.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-16, §1, 5-20-2016; Ord. No. 15-17, §1, 6/16/2017)	Loft			R	R	R	R	C	C	C	C/R	R	C	C	C	C	C		L			R				R	R	R			<u>Sec. 61-12-117; Sec. 61-12-118</u>	
	Mobile Home Park					C														L												<u>Sec. 61-12-119</u>
	Multiple-family dwelling	C	C/R	R	R	R	C	C/R		C/R	R/C									L			R/C			R	C/R	R			<u>Sec. 61-12-117; Sec. 61-12-120</u> <u>Sec. 61-12-121</u>	
	Residential use combined in structures with permitted commercial uses					R	R	C	C/R	C/R	C/R	C	C	C	C	C	C			L			R			R	R	R			<u>Sec. 61-12-118</u>	

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	T	M	P	R		W	S1	S2	S3	S4	S5
	Single-family detached dwelling	R	R	R	R	R	C	C	C		C								L										C						
	Single-room-occupancy (SRO) housing, nonprofit				C	C	C	C	C		C	C							L										C	C					
	Town house		C	R	R	R	R	C	C		C	C							L										C	C		R			
	Two-family dwelling		R	R	R	R	C	C	C		C								L										C						
	All other				C	C	C	C	C		C	C							L										C						
<b>Sec. 61-12-13.</b> <b>Institutional living.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 15-17, §1, 6/16/2017)	Boarding school and dormitory			R	R	R	R	R	R		R	R							L									R	R						
	Child caring institution			R	R	R	R	R	R		R	R							L										C						
	Penal or correctional institution; detention facility													C					L																
	Pre-release adjustment center				C	C	C	C	C	C		C	R							L															
	All other				C	C	C	C	C	C		C	C							L															
<b>Sec. 61-12-14.</b> <b>Other residential uses.</b>  (Ord. No. 21-12, §1, 11-2-12)	School building adaptive reuses—residential	C	C	C																															

C = Conditional Use / R = By-Right Use / L = Subject to approval by the Legislative Body / Blank Cell = Not Allowed / Final Column Abbreviations:  
 CU = Subject to “Controlled Use” Standards / GRT = Use prohibited in B4 on Gateway Radial Thoroughfare / IRC = Subject to Industrial Review Committee / P = Requires Petition signed by nearby property owners / RU = Subject to “Regulated Use” Standards / SPC = Subject to Spacing Standards (See Section 61-12-87 for explanation of these and others) / SWFRC = Solid Waste Facility Review Committee.

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	M	P	W	S1	S2		S3	S4	S5		
<b>Secs. 61-12-15-61-12-20.</b>	Reserved.																																	
<b>Subdivision C. Public, Civic and Institutional Uses</b>																																		
<b>Sec. 61-12-21. Auditorium or Stadium.</b>  (Ord. No. 11-05, §1, 5-28-05)	Armory									R	R	R	R	R						L			R											
	Auditoriums, public									C	R	R	R	R	R	R	C	C		L	R	R	R											
	Convention or exhibit building; Office, public only																				L	R	R									<u>Sec. 61-12-408; Sec. 61-12-442(a)(3)</u>		
	Outdoor entertainment facility									C	R	R	R	R	C	C				L	R	C		C								<u>Sec. 61-12-140</u>		
	Race track, motor vehicle														C	C	C			L														
	Stadium; sports arena									C	R	R	R	R	C	C				L	R	C	R									<u>Sec. 61-12-140</u>		
	All other										C	C	C	C	C	C				L														
<b>Sec. 61-12-22. Community service.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)	Customs office											R							L		R		R							C				
	Fire or police station, post office, court house, and similar public building			C	C	C	C	C	C	C	R	R	R	R	R	R	R	R		L			R			R	R		C/R	<u>Sec. 61-12-136</u>				
	Governmental service agency									R	R	R	R	R	R	R	R		L			R				R		C						
	Neighborhood center, nonprofit	C	C	R	R	R	R	R	R	C	R	R	R	R	R	C	C		L			R			R	R		R	<u>Sec. 61-12-138</u>					
	Substance abuse service facility									C	C	C	C	R	R	C	C		L							C			<u>SPC; GRT Sec. 61-12-141</u>					
All other									C	C	C	C	C	C	C	C		L										C						

**C = Conditional Use / R = By-Right Use / L = Subject to approval by the Legislative Body / Blank Cell = Not Allowed / Final Column**

**Abbreviations:**

**CU = Subject to “Controlled Use” Standards / GRT = Use prohibited in B4 on Gateway Radial Thoroughfare / IRC = Subject to Industrial Review Committee / P = Requires Petition signed by nearby property owners / RU = Subject to “Regulated Use” Standards / SPC = Subject to Spacing Standards (See Section 61-12-87 for explanation of these and others) / SWFRC = Solid Waste Facility Review Committee.**

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	PD	P1	PC	PCA	TM	PR	W1	SD1	SD2	SD3		SD4	SD5	
<b>Sec. 61-12-23.</b> <b>Day care.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 15-17, §1, 6/16/2017)	Adult day care center			R	R	R	R	R	R	R	R	R								L							R	R		R		Sec. 61-12-131
	Child care center			R	R	R	R	R	R	R	R	R								L		R					R	R		R		Sec. 61-12-133; Sec. 61-12-402
	Family day care home	R	R	R	R	R	R					R								L		R					R			R		Sec. 61-12-135
	Group day care home			C	C	C	C													L										C		Sec. 61-12-137
	All other																			L												

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Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)								
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	P	W	S1	S2	S3		S4	S5						
<b>Sec. 61-12-24.</b> <b>Hospital.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)	Hospital or Hospice					C	R	R	R	R	R																										
<b>Sec. 61-12-25.</b> <b>Library.</b> (Ord. No. 11-05, §1, 5-28-05)	All				R	R	R	R	R	R	C	R	R	R	R	R	C	C	L		R	R	R			R	R						R				
<b>Sec. 61-12-26.</b> <b>Museum.</b> (Ord. No. 11-05, §1, 5-28-05)	Museum			R	R	R	R	R	R	C	R	R	R	R	R	C	C		L		R	R	R	R	R	R	R	R						C			
	Outdoor art exhibition grounds; sculpture gardens																		L																		
	Public Aquarium																		L		R	R		R												C	
<b>Sec. 61-12-27.</b> <b>Park and open space.</b> (Ord. No. 11-05, §1, 5-28-05)	Cemeteries, including those containing mausoleums, crematories, or columbaria	C	C	C															L																	Sec. 61-12-132	
	Outdoor recreation facility	C	C	R	R	R	R	R	R	C	R	R	R	R	R	C	C		L		R	R	R	R	R	R	R	R	R					R	Sec. 61-12-139; Sec. 61-13-131(4)		
	All other				C	C	C	C	C	C		C	R	C	C	C	C		L		R	R		R	R	R	R										

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P	P	P	T	P	W	S	S		S	S	S	D1	D2	D3	D4	D5
<b>Sec. 61-12-28.</b> <b>Religious institution.</b> (Ord. No. 11-05, §1, 5-28-05)	All	C	C	R	R	R	R	R	R	C	R	R	R	R	R	C	C		L							R	R				R	R			C		
<b>Sec. 61-12-29.</b> <b>Schools.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)	Educational institution			C	C	R	R	R	R	R	R	R	R						L	R	R										R	R			C	<u>Sec. 61-12-134</u>	
	School, elementary, middle/junior high, or high	C	C	R	R	R	R	R	R	C	R	R							L	R	C										R	R			C	<u>Sec. 61-12-139.5</u>	
	All other																		L	R											R	R			C		
<b>Sec. 61-12-30.</b> <b>Utility, basic.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-16, §1, 5-20-2016)	Electric transformer station					C	C	C	C	C	C	R	R	R	R	R	R	R	L								R	R				C	C			R	<u>Sec. 61-12-142</u>
	Gas regulator station					C	C	C	C	C	C	R	R	R	R	R	R	R	L								R	R				C	C			R	<u>Sec. 61-12-142</u>
	Residential-area utility facilities, public	C	C	C	C															L							R										<u>Sec. 61-12-142</u>
	Solar generation station																			L											C						<u>Sec. 61-12-142</u>
	Telephone exchange building					C	C	C	C	C	C	R	R	R	R	R	R	R	L								R	R				C	C			R	<u>Sec. 61-12-142</u>
	All other																			L												R				C	<u>Sec. 61-12-142</u>

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		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3	S D 4		S D 5	
<b>Sec. 61-12-31.</b> <b>Utility, major.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14)	Power or heating plant with fuel storage on site											C	R	R	R	R	R	R	R	L			R									<u>Sec. 61-12-142</u>
	Steam generating plant																C	R	R	L												<u>Sec. 61-12-142</u>
	Water works, reservoir, pumping station, or filtration plant					C	C	C	C	C	C	R	R	R	R	R	R	R	L			C	R	R	C	C					<u>Sec. 61-12-142</u>	
	All other																C	C	L													<u>Sec. 61-12-142</u>
<b>Sec. 61-12-32.</b> <b>Other public, civic and institutional uses.</b>  (Ord. No. 21-12, §1, 11-2-12)	School building adaptive reuses—public, civic and institutional	C	C	C	C	C	C																								<u>Sec. 61-12-99</u>	
<b>Secs. 61-12-33–61-12-40.</b>	Reserved.																															

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	P	W	S1	S2	S3		S4	S5								
<b>Subdivision D. Retail, Service and Commercial Uses</b>																																							
<b>Sec. 61-12-41.</b>  (Repealed)  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)																																							
<b>Sec. 61-12-42.</b> <b>Assembly.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)	Assembly hall											R	R	R	R	R	R	R	R	L				R													<u>Sec. 61-12-155</u>		
	Dance hall, public										C	C/R	C/R	C/R	C	C	C	C	C	L			C/R					C									P; RU;SPC; <u>Sec. 61-12-160</u>		
	Private club, lodge, or similar use					C	C	C	C	C	C	R	R	R	R	R	R	R	R	L			R	R			C	C		R							<u>Sec. 61-12-224</u>		
	Rental hall or banquet hall														C	R	R	R	R	R	L			C	R												<u>Sec. 61-12-227</u> ; P		
	All other														C	C	C	C	C	C	L			C													<u>Sec. 61-12-431</u>		
<b>Sec. 61-12-43.</b>  <b>Food and beverage</b>																																							
	Brewpub or microbrewery or small distillery														C	C/R	C/R	C/R	C/R	C/R	C/R	C/R	C/R			R	C/R			C/R	R		C			CU; RU; <u>Sec. 61-12-158</u>			
	Establishment for the sale of beer or intoxicating liquor for consumption on the premises														C	C/R	C/R	C/R	C	C	C	C	L			C/R	C		C/R	R		C				RU;SPC; <u>Sec. 61-12-161</u>			

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	P	W	S1		S2	S3	S4	S5	
<b>service.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)	Restaurant, carry-out, with drive-up or drive-through facilities									C	C	C/R	R	C	R	R	R		L															SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, carry-out, without drive-up or drive-through facilities							R	R	R	C/R	R	C	R	R	R		L			R/C	R					R	R			R		SPC; Sec. 61-12-228; Sec. 61-12-401	
	Restaurant, fast-food, with drive-up or drive-through facilities									C	C	C/R	R	C	R	R	R		L														SPC; Sec. 61-12-228; Sec. 61-12-401	
	Restaurant, fast-food, without drive-up or drive-through facilities									C	C	C/R	C/R	R	C	R	R	R		L			R/C	R					R	R		R		SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, standard, with drive-up or drive-through facilities										C/R	C/R	C/R	R	R	R	R	R		L														SPC; Sec. 61-12-229; Sec. 61-12-401
	Restaurant, standard, without drive-up or drive-through facilities									C	C/R	C/R	C/R	R	R	R	R	R		L				R	R				R	R		R		SPC; Sec. 61-12-229; Sec. 61-12-401
	All other									C	C	C	C	C	C	C	C	C		L			C										C	
<b>Sec. 61-12-44.</b>  <b>Office.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-	Medical or dental clinic, physical therapy clinic, or massage therapy clinic				C	R	R	R	R	R	R	R	R	R	R	R	R		L			R	R				R	R			R		Sec. 61-12-173	
	Office, business or professional							R	R	R	R	R	R	R	R	R	R		L		R	C/R	R				R	R			R		Sec. 61-12-218	
	Plasma donation center									C	C	C	C	C	C	C	C		L														RU; SPC	
	Radio or television station									C		R	R	R	R	R	R		L			R	R					C	R			R		
	Recording studio or photo studio or video studio, no assembly hall									C		R	R	R	R	R	R		L			R	R					R	R			R		

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	P6	T	M	R	W		S1	S2	S3	S4	S5
14, §1, 07-24-14)	All other							C	C	C	C	C	C	C	C	C	C		L						C	C			C	C				Sec. 61-12-218
<b>Sec. 61-12-45.</b> <b>Parking, commercial.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)	Parking lots or parking areas	C	C	C	R	R	R	R	R	R	C/R	R	R	R	R	R	R	R	L	R	C/R	R	R						C/R	C/R				Sec. 61-12-219
	Parking structure					C	C	R	R	R	C/R	R		R	R	R	R	R	L	R	C/R	C/R	R						C/R	C/R				Sec. 61-12-220
	All other																												C	C				
<b>Sec. 61-12-46.</b> <b>Public accommodation.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014)	Bed and breakfast inn			C	C	C	C	C	C		C																						Sec. 61-12-157	
	Hotel				C	C	C	C	C	C	C/R	C/R	C/R	C	C	C												C/R					Sec. 61-12-169; Sec. 61-12-404	
	Lodging house, public											C	C																				RU; SPC; Sec. 61-12-171	
	Motel					C	C	C	C	C	C	C	C	C	C	C	C																C	RU; SPC; Sec. 61-12-174; Sec. 61-12-404
	Youth hostel/hostel			C	C	C	C	C	C		C	C																					Sec. 61-12-241	

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T1	T2	T3	T4	T5		W1	W2	W3	W4	W5	S1	S2	S3	S4	S5			
<b>Sec. 61-12-47.</b> <b>Recreation/entertainment, indoor.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)	Arcade										C	C	C	C	R	R	R	R				L																C				CU; P; SPC; <u>Sec. 61-12-154</u> ; <u>Sec. 61-12-405</u>
	Cabaret										C	C/R	C/R	C/R	C	C	C	C				L											C		C	RU; SPC; <u>Sec. 61-12-159</u>						
	Casinos and casino complexes																					L													R							
	Firearms target practice range, indoor										C	C	C	C	C	C	C	C	C			L														P; <u>Sec. 61-12-164</u>						
	Pool or billiard hall										C	C	R	R	R	R	R	R				L					R	R			C	C				CU; P; SPC; <u>Sec. 61-12-223</u>						
	Recreation, indoor commercial and health club								R	R	R	R	R	R	R	R	R	R				L					R	R	R		R	R		R		<u>Sec. 61-12-226</u>						
	Theater and Concert café, excluding drive-in theaters									R	C	R			R	R	R	R				L					R	R			C	C/R		R		<u>Sec. 61-12-238</u>						
<b>Sec. 61-12-48.</b> <b>Recreation/entertainment, outdoor.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)	Amusement park										C		C	C	C	C	C				L													P; <u>Sec. 61-12-152</u>								
	Drive-in theater																C				L																					
	Go-cart track										C			R	R	R	R				L					R								P; GRT; <u>Sec. 61-12-166</u>								
	Golf course, miniature										C			R	R	R	R				L					R								P; <u>Sec. 61-12-167</u>								
	Rebound tumbling center										C			R	R	R	R				L					R								GRT; P; <u>Sec. 61-12-225</u>								
	Outdoor commercial recreation not otherwise specified										C	C		C	C	C	C				L					C	R					C		P; <u>Sec. 61-12-226</u>								

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	R	W	S1		S2	S3	S4	S5
<b>Sec. 61-12-49.</b> <b>Retail sales and service; occupant-oriented.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)	Retail sales and personal service in business and professional offices							C	R	R	R	R	R	R	R	R	R		L		R	R	R							R		C	<u>Sec. 61-12-218</u>
	Retail sales and personal service in multiple-residential structures																													R		R	<u>Sec. 61-12-231; Sec. 61-12-404</u>
<b>Sec. 61-12-50.</b> <b>Retail sales and service; sales-oriented.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014)	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise								R	R	R	C/R	R	R	R	R	R		L			R	R							C	R	R	<u>Sec. 61-11-248</u>
	Art gallery								R	R	R	R	R	R	R	R	R		L											R	R		
	Bake shop, retail								R	R	R	R	R	R	R	R	R		L			R	R							R	R	R	<u>Sec. 61-12-156</u>
	Firearms dealership									C	C	C	C	C	C	C	C		L														<u>Sec. 61-12-163</u>
	Fireworks sales															C	C			L													<u>Sec. 61-12-165</u>
	Motor vehicles, new, salesroom or sales lots									C	R	R	R	R	R	R	R		L			C	R									C	<u>Sec. 61-12-212; Sec. 61-12-407</u>
	Motor vehicles, used, salesroom or sales lots									C	C		R	R	R	R	R		L				R									C	<u>Sec. 61-12-213; Sec. 61-12-407</u>
	Motorcycles, retail sales, rental or service										C			C	R	R	R		L				R										<u>P; Sec. 61-12-217</u>
Pawnshop										C			C	C	C	C		L				C										<u>P;RU;SPC;GRT; Sec. 61-12-221</u>	

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	Pet shop							R	R	R	R	R	R	R	R	R	R	R	L					R				R	R				Sec. 61-12-222
	Produce or food markets, wholesale													R	R	R	R	R	L					R									
	Secondhand stores and secondhand jewelry stores										C	C	C	R	R	R	R	R	L					C	C			C	C				RU SPC; Sec. 61-12-233
	Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment							C	C	C	C	C	C	C	C	C	C	C	L					C				C	C		C		CU;P; SPC; Sec. 61-12-234
	Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade												R						L														Sec. 61-12-235
	Trailer coaches or boat sale or rental, open air display										C		R	R	R	R	R	R	L					R									GRT
	Trailers, utility, or cement mixers, pneumatic-tired, sales, rental, or service; moving truck/trailer rental lots										C		R	R	R	R	R	R	L					R									
	All other										C	C	C	C	C	C	C	C	L					C							C		
<b>Sec. 61-12-51.</b> <b>Retail sales and service; service-oriented.</b>	Animal-grooming shop							R	R	R	R			R	R	R	R	R	L					R				R	R				Sec. 61-12-153
	Automated teller machine (without drive-up or drive-through facilities)							R	R	R	R	C/R	R	R	R	R	R	R	L					R	R			R	R		R		
	Automated teller machine, with drive-up or drive-through facilities							C	C	C	C	R	R	R	R	R	R	R	L					C	R				R		C		Article XIV, Division 1, Subdivision H; Sec. 61-11-248
	Bank without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R	R	L					R	R			R	R		R		

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Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)															
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	P	W	S1		S2	S3	S4	S5											
No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 21-12, §1, 11-2-12; Ord. No. 23-14, §1, 07-24-14; Ord. No. 15-17, §1, 6/16/2017)	Bank with drive-up or drive-through facilities							C	C	C	C		R	C	R	R	R		L																	R						C	Article XIV, Division 1, Subdivision H; Sec. 61-11-248	
	Barber or beauty shop							R	R	R	R	R	R	R	R	R	R	R		L										R	R						R	R					R	Sec. 61-12-408
	Business college or commercial trade school									C	R	R	R	R	R	R	R	R		L												C												Sec. 61-12-239
	Customer service center with drive-up or drive-through facilities							C	C	C	C		R	R	R	R	R	R		L							R																	Article XIV, Division 1, Subdivision H
	Customer service center without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R	R		L							R					C												
	Dry cleaning, laundry, or laundromat							R	R	R	R	R	R	R	R	R	R	R		L							R	R			R	R											R	Sec. 61-12-162
	Employee recruitment center											C	R	R	R	R	R	R		L							R																	
	Financial services center, with drive-up or drive-through									C	C	C		R	C	R	R	R		L							C	R																Sec. 61-12-162.5; Article XIV, Division 1, Subdivision H
	Financial services center (without drive-up or drive-through)									C	C	C	R	R	R	R	R	R		L							R	R																Sec. 61-12-162.5
	Food stamp distribution center									C	C	C	C	R	R	R	R	R		L							R																	Article XIV, Division 1, Subdivision H
	Kennel, commercial											C		R	R	R	R	R		L							R				C	C												Sec. 61-12-170
Mortuary or funeral home, including those containing a crematory									C	C	R	R	R	R	R	R	R		L							R																	Sec. 61-12-175	

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	P	W	S1		S2	S3	S4	S5		
	Nail salon							R	R	R	R	R	R	R	R	R	R	R	L						R	R				R	R				R
	Printing or engraving shops								C		C	R		R	R	R	R	R	L								R			R	R/C				C
	Public center limited sales and service																				R														
	Radio, television, or household appliance repair shop								R	R	R	R	R	R	R	R	R	R	L								R			C	C				
	School or studio of dance, gymnastics, music, art, or cooking							R	R	R	R	R		R	R	R	R	R	L											R	R				
	Shoe repair shop							R	R	R	R	R	R	R	R	R	R	R	L						R	R				R	R		R		
	Tattoo and/or piercing parlor										C	R	R	R	R	R	R	R	L								R				C				
	Veterinary clinic for small animals								R	R	R	R		R	R	R	R	R	L								R			R	R				
	All other								C	C	C	C	C	C	C	C	C	C	L						C	C				C	C		C		
<b>Sec. 61-12-52.</b> <b>Vehicle repair and service.</b>  (Ord. No. 11-05, §1, 5-28-05)	Motor vehicle filling station										C	C	C	R/C	R/C	R/C	R/C	R/C	R/C	L					C	R/C				C					
	Motor vehicle services, major										C			C	C	C	C	C	L							C									
	Motor vehicle services, minor										C	C	R	R	R	R	R	R	L							R				C					
	Motor vehicle washing and steam cleaning										C	C	R	R	R	R	R	R	L						C	R									
	Motor vehicles, new, Storage lot accessory to salesroom or sales lots for new motor vehicles													R	R	R	R	R	R	L	C						R								
	Motor vehicles, used, Storage lot accessory to salesroom or sales lots for used motor vehicles													C		C	C	C	C	L						C									
	Taxicab dispatch and/or storage facility													C	C	R	R	R	R	L						R									

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		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3		S D 4	S D 5																
<b>Sec. 61-12-53.</b>  <b>Other retail, service, and commercial uses.</b>  (Ord. No. 21-12, §1, 11-2-12; Ord. No. 15-17, §1, 6/16/2017)	School building adaptive reuses—retail, service, and commercial	C	C	C	C	C	C																															C							<u>Sec. 61-12-99</u>		
<b>Secs. 61-12-54–61-12-60.</b>	Reserved.																																														
<b>Subdivision E. Manufacturing and Industrial Uses</b>																																															
<b>Sec. 61-12-61.</b>  <b>Industrial service.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14)	Blueprinting shop							C	R	R	R	R	R	R	R	R	L				R	R									C	<u>Sec. 61-12-253</u>															
	Boiler repairing															C	R	R	R	L																											
	Construction equipment, agricultural implements, and other heavy equipment repair or service																C	R	R	R	L			R																							
	Contractor yard, landscape or construction													R	R	R	R	R	R	L					R																						
	Junkyard																		C	C	L							C						SWFRC; <u>Sec. 61-12-261</u>													
Laundry, industrial																C	R	R	R	L				R																							

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	P	W	S1		S2	S3	S4	S5				
	Lumber yard												R	R	R	R	R	R	L					R													Sec. 61-12-263
	Machine shop														C	R	R	R	L								C	C									Sec. 61-12-285
	Outdoor storage yard															C	R	R	L																		Sec. 61-12-264
	(Repealed)																																				
	Research facilities																		L											R							
	Tires, used; sales and/or service													C	C	C	C	C	L					C													Sec. 61-12-271
	Tool sharpening or grinding														C	R	R	R	L					R													Sec. 61-12-406
	Towing service storage yard														C	C	C	C	L					C													Sec. 61-12-273
	Trade services, general									C	R	R	R	R	R	R	R	L					R				C/R	C/R									Sec. 61-12-274; ENV
	Truck stops													C		C	C	L																			Sec. 61-12-409
	Used auto parts sales															C	C	L																			Sec. 61-12-277
	Welding shops														C	R	R	L																			
	All other															C	C	L																			
<b>Sec. 61-12-62.</b>	General: Very high-impact manufacturing or processing as defined in <u>Sec. 61-16-201</u>															C	C	L							C												ENV; IRC
<b>Manufacturing and production.</b>	General: High-impact manufacturing or processing as defined in <u>Sec. 61-16-102</u>															C	R	R	L																		Sec. 61-16-102
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-	General: High/medium-impact manufacturing or processing as defined in <u>Sec. 61-16-102</u>															R	R	R	L					R			C	C									[Sec. 61-12-284;] Sec. 61-16-102

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		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3		S D 4	S D 5				
24-14)	General: Low/medium-impact manufacturing or processing as defined in <u>Sec. 61-16-124</u>														C	R	R	R	R	L				R			R	R						Sec. 61-12-283	
	General: Low-impact manufacturing or processing as defined in <u>Sec. 61-16-124</u>												R	C	R	R	R	R	L				R			R	R		C					<u>Sec. 61-12-281</u>	
	Abattoir, slaughter house													C				C	C	L														<u>Sec. 61-12-251</u>	
	Baling of waste paper or rags												R	C	R	R	R	R	L				R											<u>Sec. 61-12-252</u>	
	Chemical materials blending or compounding but not involving chemicals manufacturing															C	R	R	R	L				R										ENV	
	Confection manufacture								C		C	C	R	C	R	R	R	R	L				R			R	R		C				GRT; <u>Sec. 61-12-254</u>		
	Dental products, surgical, or optical goods manufacture								C		C	C		C	R	R	R	R	L				R											GRT; <u>Sec. 61-12-255</u>	
	Food catering establishment								C		C	R	R	R	R	R	R	R	L				R			R	R		C					<u>Sec. 61-12-280</u>	
	Ice manufacture										C		R		R	R	R	R	L				R											GRT; <u>Sec. 61-12-258</u>	
	Jewelry manufacture										C	C		R	R	R	R	R	L				R			R	R								GRT; <u>Sec. 61-12-260</u>
	Lithographing, and sign shops								C		C			C	R	R	R	R	L				R			R	R		C						GRT; <u>Sec. 61-12-262</u>
	Newspaper (daily) publishing or printing												R	R	R	R	R	R	L				R	R											
	Outdoor operations of all manufacturing and production land uses															C	C	C	L																<u>Sec. 61-12-264</u>
	Research or testing laboratory												C	C	R	R	R	R	R	L				R											<u>Sec. 61-12-269</u>
	Salt works																C	C	L																IRC
	Toiletries or cosmetic manufacturing												C	C		C	R	R	R	R	L				R										GRT
	Tool, die, and gauge manufacturing												C			C	R	R	R	R	L				R										GRT; <u>Sec. 61-12-272</u>

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	T	P	W	S1	S2	S3	S4		S5							
	Wearing apparel manufacturing										C	C		C	R	R	R	R	L					R			R	R										GRT; Sec. 61-12-282
	All other																		C	C	L																	
<b>Sec. 61-12-63. Warehouse and freight movement.</b> <small>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-15, §1, 7-11-2015)</small>	Cold storage plant												R	C	R	R	R	R	L					R														
	Containerized freight yard												R		R	R	R	R	L					R														
	Elevators, grain																C	R	R	L																		
	Explosives storage																	C	C	L							C											IRC
	Feed or grain mill																C	R	R	L							R											
	Fuel dock																			L						R												
	Intermodal freight terminal																		C	R	L																	
	Outdoor operations of all warehouse and freight movement land uses																	C	C/R	C/R	L																	Sec. 61-12-264
	Railroad transfer or storage tracks													R	C	R	R	R	R	L					R													
	Steel warehousing																C	R	R	R	L					R												
	Tank storage of bulk oil or gasoline																	R	R	R	L					R												
	Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks													R	C	R	R	R	R	L					R											C		Sec. 61-12-276
	Vending machine commissary																	C	R	R	L					R										C		GRT
	Wholesaling, warehousing, storage buildings, or public storage houses																		C	C	R	R	R	R	R	R	L									C		GRT; Sec. 61-12-279
	All other																				C	C	L															
<b>Sec. 61-12-64. Waste-related use.</b> <small>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-15, §1, 7-11-2015)</small>	Garbage, offal, or dead animal reduction																			C	C	L															IRC; Sec. 61-12-256	
	Hazardous waste facility																				C	C	L															Sec. 61-12-257
	Incinerator plant																				C	C	L															Sec. 61-12-259

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No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11)	Outdoor operations of all waste-related land uses																		C	C	L												<u>Sec. 61-12-264</u>
	Radioactive waste handling																		C	C	L				C								IRC; <u>Sec. 61-12-266</u>
	Recycling center																		C	C	L												SWFRC; <u>Sec. 61-12-267</u>
	Rendering plant																		C	C	L												IRC; <u>Sec. 61-12-268</u>
	Scrap tire storage, processing, or recycling facility																		C	C	L				C								IRC; <u>Sec. 61-12-270</u>
	Sewage disposal plant																	C	R	R	L												
	Transfer station for garbage, refuse, or rubbish																		C	C	L				C								SWFRC; <u>Sec. 61-12-275</u>
	Waste, scrap materials: indoor storage, handling and/or transfer																		C	C	C	L											SWFRC; <u>Sec. 61-12-278</u>
	All other																		C	C	L												IRC
<b>Secs. 61-12-65–61-12-70.</b>	Reserved.																																
<b>Subdivision F. Other Uses</b>																																	
<b>Sec. 61-12-71. Aviation and</b>	Aircraft landing areas for winged aircraft																	C	R	R	R	R	L										
	Heliports																	C	C		C	C	C	L	C	R	C	C			C	<u>Sec. 61-12-341</u>	
	Passenger transportation terminal																R	C	R	R	R	R	L			C	R				C		

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	TM	PR	W1	S1	S2	S3		S4	S5
<b>surface transportation facilities.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)	Tunnel or bridge plaza and terminal, vehicular																														

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		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	P	W	S1	S2	S3		S4	S5
<b>Sec. 61-12-72.</b> <b>Public center open uses.</b> (Ord. No. 11-05, §1, 5-28-05)	All																					R									
<b>Sec. 61-12-73.</b> <b>Railroad facilities.</b> (Ord. No. 11-05, §1, 5-28-05)	Railroad right-of-way, not including storage tracks, yards, or buildings	C	C	R	R	R	R	R	R	C	R	R	R	R	R	R	R	R	L				R								
<b>Sec. 61-12-74.</b> <b>Signs.</b> (Ord. No. 11-05, §1, 5-28-05)	Signs	<u>ARTICLE VI</u>																													
<b>Sec. 61-12-75.</b> <b>Telecommunications facilities.</b> (Ord. No. 11-05, §1, 5-28-05)	Antennas  Telecommunications building, private	Article XII, Division 3, <u>Subdivision G</u>																													
<b>Sec. 61-12-76.</b>	Boat or ship yard: construction, repair, maintenance, dry dock																		C	R	R	L									

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Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)				
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	P	W	S1	S2		S3	S4	S5	
<b>Water-related facilities.</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 15-17, §1, 6/16/2017)	Boat terminal, passenger																R	R	L	R												C	
	Docks, waterway shipping/freighters															C	R	R	L							R						C	
	Ferry terminal												C	C	C	C	C	C	L						R								
	Marinas-					C	C					R					R	R	R	L			R		R	R	C	R		R			

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**CU = Subject to “Controlled Use” Standards / GRT = Use prohibited in B4 on Gateway Radial Thoroughfare / IRC = Subject to Industrial Review Committee / P = Requires Petition signed by nearby property owners / RU = Subject to “Regulated Use” Standards / SPC = Subject to Spacing Standards (See Section 61-12-87 for explanation of these and others) / SWFRC = Solid Waste Facility Review Committee.**



Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay											Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	PCA	T	M	P	W	S1	S2	S3		S4	S5			
	Greenhouse	C	C	C	R	R	R	R	R	R	R	C	R	R	R	R	R	R	L					R						C					
	Hoophouse	C	C	C	R	R	R	R	R	R	R	C	R	R	R	R	R	R	L					R					C						
	Hydroponics											C	C	R	R	R	R	R	L				R				C	C							
	Urban farm (including orchard and tree farm when principal use)	C	C	C	R	R	R	R	R	R	R	C	R	C	C	C	C	C	L					C				C	C						
	Urban garden	R	R	R	R	R	R	R	R	R	R	C	R	C	C	C	C	C	L					C					R	C					
<b>Sec. 61-12-80. Medical marihuana caregiver centers</b>  (Ord. No. 31-15, §1, 3-01-2016)	Medical marihuana caregiver center																																	ARTICLE III, DIVISION 12; Sec. 61- 12-92; Sec. 61-12-95; Sec. 61-12- 343	

**C = Conditional Use / R = By-Right Use / L = Subject to approval by the Legislative Body / Blank Cell = Not Allowed / Final Column**  
**Abbreviations:**  
**CU = Subject to “Controlled Use” Standards / GRT = Use prohibited in B4 on Gateway Radial Thoroughfare / IRC = Subject to Industrial Review Committee / P = Requires Petition signed by nearby property owners / RU = Subject to “Regulated Use” Standards / SPC = Subject to Spacing Standards (See Section 61-12-87 for explanation of these and others) / SWFRC = Solid Waste Facility Review Committee.**



## DIVISION 2. GENERAL USE STANDARDS

### Sec. 61-12-81. CU (Controlled Use).

The use is subject to the Controlled Use standards and procedures set forth in ARTICLE III, DIVISION 9 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-12-82. ENV (County of Wayne Department of Environment).

The use may be approved if the County of Wayne Department of Environment finds that the use complies with all applicable statutes, requirements, regulations, and ordinances. Wherever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for that specific use.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-12-83. GRT (Gateway Radial Thoroughfare).

Uses in the B4 District may be subject to the provisions of the Gateway Radial Thoroughfare Overlay Area as provided for in ARTICLE XI, DIVISION 14, Subdivision A of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-12-84. IRC (Industrial Review Committee).

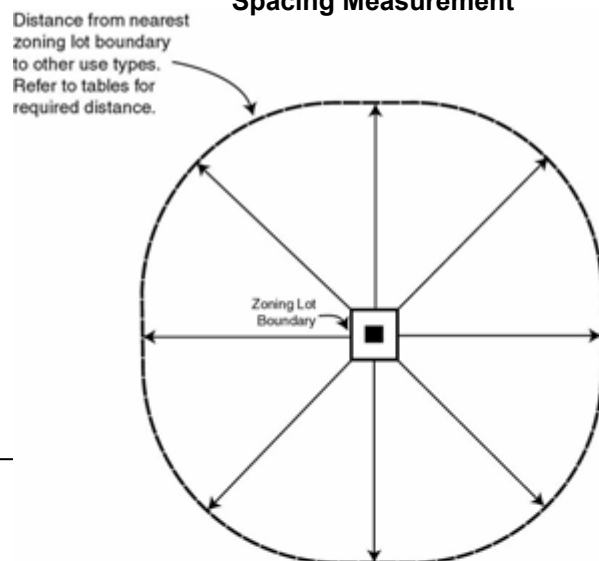
The use may be approved after a report and recommendation has been received from the Industrial Review Committee concerning the noise, vibration, smoke, odor, noxious gas, dust, dirt, glare, heat or other discharge or emission or other operating characteristics peculiar to the listed use. Wherever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for that specific use. (See also ARTICLE II, DIVISION 7, Subdivision B.)

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-12-85. P (Petition).

Restrictions on the location of the use may in some cases require presentation of a valid petition signed by nearby property owners and other parties, as indicated below:

**Figure 61-12-87  
Spacing Measurement**



- (1) *Amusement parks*, see Sec. 61-12-152 of this Code.
- (2) *Concert cafés and concert halls*, see Sec. 61-12-238 of this Code.
- (3) *Controlled Uses*, see Sec. 61-3-312 of this Code.
- (4) *Dance halls, public*, see Sec. 61-3-272 of this Code.
- (5) *Firearms target practice ranges*, see Sec. 61-12-164 of this Code.
- (6) *Go-cart tracks*, see Sec. 61-12-166 of this Code.
- (7) *Golf courses, miniature*, see Sec. 61-12-167 of this Code.
- (8) *Motor vehicle filling stations*, see Sec. 61-12-190 of this Code.
- (9) *Motorcycle clubs*, see Sec. 61-12-224(5) of this Code; for *motorcycle sales, rental, or service establishments*, see Sec. 61-12-217 of this Code.
- (10) *Pawnshops*, see Sec. 61-3-272 of this Code.
- (11) *Rebound tumbling centers*, see Sec. 61-12-225 of this Code.
- (12) *Recreation facilities, commercial (selected)*, see Sec. 61-12-226 of this Code.
- (13) *Rental halls or Banquet halls*, see Sec. 61-12-227 of this Code.
- (14) *Tattoo parlors*, see Sec. 61-12-97 of this Code.

In accordance with Section 2-111 of the 2012 Detroit City Charter, the Buildings, Safety Engineering and Environmental Department shall adopt rules and regulations which govern verification of the petition that may be required by this Chapter. The rules shall provide, among other things, that the circulator of the petition who is requesting a waiver shall not be less than eighteen (18) years of age and shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with such rules, that the circulator personally witnessed the signatures on the petition, and that such signatures were affixed to the petition by the persons whose names appeared thereon.

Where a petition is required for a use that also requires a public hearing, no hearing shall be scheduled at the Buildings, Safety Engineering and Environmental Department or at the Board of Zoning Appeals until the petition has been verified by the Buildings, Safety Engineering and Environmental Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 01-10, §1, 04-01-10; Ord. No. 38-14, §1, 10-16-2014)

### **Sec. 61-12-86. RU (Regulated Use).**

The use is subject to the Regulated Use standards and procedures set forth in ARTICLE III.DIVISION 8 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-87. SPC (Spacing).**

The spacing requirements between certain uses of the same type are intended to prevent the over-concentration of those uses in a limited area and to more equitably disperse them throughout the City. Certain uses are required to be appropriately spaced from other use types as a protection for those other use types.

It is the City’s intent to address the needs of the homeless and to ensure that emergency shelters are dispersed throughout the City so as not to create an over concentration of emergency shelters, adult foster care facilities, substance abuse treatment facilities, and pre-release adjustment centers in any community.

Uses accompanied by the “SPC” note shall be subject to the spacing requirements set forth in the tables of Sec. 61-12-89 through Sec. 61-12-94 of this Code. Except as otherwise expressly stated, all distances listed in the table are to be measured radially outward from the boundaries of the property where a listed use is proposed to be located. (See Figure 61-12-87.) Some specific use types and accessory uses are subject to additional use-specific setback requirements that are measured from a building or specific site feature rather than outward from the subject property boundaries. Those requirements are found in ARTICLE XII, DIVISION 3 and in ARTICLE XII, DIVISION 5 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-88. SWFRC (Solid Waste Facility Review Committee).**

The use may be approved after a report and recommendation has been received from the Solid Waste Facility Review Committee concerning the impacts, operations, and mitigations pertinent to the listed use. Wherever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for that specific use. See ARTICLE II.DIVISION 7.Subdivision E of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved)	Comment
<b>Sec. 61-12-89. Residential uses—Spacing.</b>			
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)			
Adult foster care	3000 feet	N/A	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-111</u>
Emergency shelter	3000 feet	- Lodging house, public: 3000 feet - Adult foster care facility: 500 feet - Substance abuse service facility: 500 feet - Pre-release adjustment center: 500 feet	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-115</u>



## Sec. 61-12-90 | Public, civic, and institutional uses—Spacing.

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved)	Comment
Pre-release adjustment center	1000 feet	- Adult foster care facility: 1000 feet - Substance abuse facility: 1000 feet - School (not including Educational institutions): 500 feet	Major or secondary thoroughfare: not farther than 200 feet. <u>Sec. 61-12-95</u> ; <u>Sec. 61-12-122</u>
Single-room-occupancy (SRO) housing, non-profit	500 feet	N/A	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-125</u>
<b>Sec. 61-12-90. Public, civic, and institutional uses—Spacing.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)			
Substance abuse service facility	2000 feet	N/A	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-141</u>
<b>Sec. 61-12-91. Retail, service, and commercial uses—Spacing.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 01-10, §1, 04-01-10; Ord. No. 26-12, §1, 11-21-12; Ord. No. 38-14, §1, 10-16-2014)			
Amusement park	N/A	- Residentially zoned area: 2,500 feet	<u>Sec. 61-12-152</u>
Concert café and concert hall	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-238(3)</u>
Firearms target practice range, indoor	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-164</u>
Go-cart	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-166</u>
Golf course, miniature	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-167</u>
Motor vehicle filling station, not possessing locational suitability	1000 feet	N/A	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-188</u> through <u>Sec. 61-12-192</u>
Motor vehicle, used, salesroom or sales lot	1000 feet	N/A	<u>Sec. 61-12-213</u> ; <u>Sec. 61-12-407</u>
Motorcycle rentals	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-217</u>
Rebound tumbling center	N/A	- Residentially zoned area: 500 feet	<u>Sec. 61-12-225</u>
Recreation, facilities, commercial (selected)	N/A	- Residentially zoned area: 500 feet	Sec. 61-12-226
Rental hall or banquet hall	N/A	- Residentially zoned area: 500 feet; - (Inside Central business district only) Rental hall and public dance hall; 1,000 feet	<u>Sec. 61-12-227</u>
Restaurant, carry-out or fast-food	N/A	School (not including Educational institutions): 500 feet	<u>Sec. 61-12-96</u> ; <u>Sec. 61-12-228</u>
Restaurant, standard	N/A	School (not including Educational institutions): 500 feet	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-96</u> ; <u>Sec. 61-12-229</u>

Sec. 61-12-92 | Other uses—Spacing.  
 (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 31-15, §1, 3-01-2016)

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved)	Comment
Tattoo parlor	N/A	Lodging house, public: 750 feet	<u>Sec. 61-12-95</u> ; <u>Sec. 61-12-97</u> ; <u>Sec. 61-12-236</u>

**Sec. 61-12-92. Other uses—Spacing.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 31-15, §1, 3-01-2016)

Adult uses/sexually oriented business	1000 radial feet	<ul style="list-style-type: none"> <li>- Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1000 feet;</li> <li>- Residentially developed zoning lot in SD1, SD2, and SD4 zoning districts: 1000 feet;</li> <li>- Elementary, middle, or high school: 1000 feet;</li> <li>- Park, playlot, playfield, playground, recreation center, youth activity center: 1000 feet;</li> <li>- Religious institution identified as exempt by the City Assessor: 1000 feet</li> <li>-Regulated Use: 1000 feet</li> </ul>	<u>Sec. 61-3-344</u>
Sign, advertising	1000 feet, measured linearly	School site: 500 linear feet; public playground or public park: 500 linear feet; historic district: 500 linear feet	<u>Sec. 61-6-52</u> ; <u>Sec. 61-6-57</u> ; <u>Sec. 61-12-95</u> ; <u>Sec. 61-12-96</u>
Medical marihuana caregiver center	1000 radial feet (except in M1, M2, M3 or M4 where 150 feet from land zoned R1, R2, R3, R4, R5, R6 or residential PD)	<ul style="list-style-type: none"> <li>- Drug-free zone: 1000 radial feet;</li> <li>- Religious institution identified as exempt by the City Assessor: 1000 radial feet;</li> </ul> Controlled Uses (other than arcades): 1000 radial feet.	<u>Sec. 61-3-354</u> ; <u>Sec. 61-12-95</u> ; <u>Sec. 61-12-96</u> ; <u>Sec. 61-12-343</u> ; <u>Sec. 61-12-443</u>

Use Type	Minimum Distance from Controlled Uses (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
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**Sec. 61-12-93. Controlled uses—Spacing.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 01-10, §1, 04-01-10)

Arcade	Any 2 other Controlled Uses: 2000 feet	<ul style="list-style-type: none"> <li>- Residentially zoned area: 500 feet</li> <li>- School (not including Educational institutions): 500 feet</li> </ul>	<u>Sec. 61-3-293(1)</u> ; Article III, <u>DIVISION 9</u> ; <u>Sec. 61-12-96</u> ; <u>Sec. 61-12-154</u> ; <u>Sec. 61-12-405</u>
Specially designated merchant's (SDM) and/or Specially designated distributor's (SDD) establishments	Any 2 other Controlled Uses: 2000 feet.	<ul style="list-style-type: none"> <li>- Residentially zoned area: 500 feet</li> <li>- School (not including Educational institutions): 500 feet.</li> </ul>	<u>Sec. 61-3-293(1)</u> ; Article III, <u>DIVISION 9</u> ; <u>Sec. 61-12-96</u> ; <u>Sec. 61-12-234</u>

Sec. 61-12-94 | Regulated Uses—Spacing.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

Pool and billiard halls	Any 2 other Controlled Uses: 2000 feet.	- Residentially zoned area: 500 feet School (not including Educational institutions): 500 feet.	<u>Sec. 61-3-293(1); Article III, DIVISION 9; Sec. 61-12-96</u>
<b>Use Type</b>	<b>Minimum Distance from Regulated Uses (Existing or Approved)</b>	<b>Minimum Distance from Other Use Types (Existing or Approved) or Zoning District</b>	<b>Comment</b>
<p><b>Sec. 61-12-94. Regulated Uses—Spacing.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)</p>			
[Repealed]			
Brewpub outside the Central Business District and SD2 District and Microbrewery outside the Central Business District and SD2 District and Small Distillery outside the Central Business District and SD2 District that serves alcohol for consumption on the premises	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	<u>ARTICLE III. DIVISION 8. Subdivision C; Sec. 61-12-95; Sec. 61-12-158</u>
Cabaret, outside the Central business district and SD5 District	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, <u>Subdivision C; Sec. 61-12-95; Sec. 61-12-159</u>
Dance hall, public, outside the Central business district	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet; Residentially zoned area: 500 feet.	Article III, Division 8, <u>Subdivision C; Sec. 61-12-95; Sec. 61-12-160</u>
Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and outside the SD1, SD2 and SD5 Districts	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, <u>Subdivision C; Sec. 61-12-95; Sec. 61-12-161</u>
Lodging house, public	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, <u>Subdivision C; Sec. 61-12-95; Sec. 61-12-171</u>
Motel	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, <u>Subdivision C; Sec. 61-12-95; Sec. 61-12-174</u>
Pawnshop	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet; Residentially zoned area: 500 feet.	<u>Sec. 61-3-252(2); Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-221</u>

## Sec. 61-12-95 | Waiver of general spacing requirements.

Plasma donation center	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	<u>ARTICLE III.DIVISION 8.Subdivision C; Sec. 61-12-95</u>
Secondhand store and Secondhand jewelry store, outside the M1, M2, M3, and M4 Districts	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	<u>ARTICLE III.DIVISION 8.Subdivision C; Sec. 61-12-95; Sec. 61- 12-233</u>

**Sec. 61-12-95. Waiver of general spacing requirements.**

Except for Controlled Uses, and medical marihuana caregiver centers, only the Board of Zoning Appeals may adjust the spacing requirements between land uses, as provided for in the tables in Sec. 61-12-89, Sec. 61-12-90, Sec. 61-12-91, Sec. 61-12-92, and Sec. 61-12-94 of this Code, as a “locational variance” in accordance with the criteria specified in Sec. 61-4-81 of this Code and where the proposed use satisfies all the following conditions:

- (1) All other applicable regulations within this zoning ordinance or this Code will be observed;
- (2) The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing regulations will still be observed;
- (3) The proposed use will not aggravate or promote a deleterious effect upon adjacent areas through causing or encouraging blight, and will not discourage investment in the adjacent areas or cause a disruption in neighborhood development; and
- (4) The establishment of the use in the area will not be contrary to any program of neighborhood conservation or interfere with any program of urban renewal.

The spacing and locational requirements for adult uses, as specified in Sec. 61-3-344 and Sec. 61-12-92 of this Code, may not be waived. The “drug-free zone” spacing requirement for medical marihuana caregiver centers, as specified in Sec. 61-3-354 and Sec. 61-12-92 of this Code, may not be waived; the spacing requirement between medical marihuana caregiver centers and the “religious institution” and “Controlled Use” spacing requirements for medical marihuana caregiver centers may be modified by the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals as provided in Sec. 61-3-354(e) of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-12-96. Waiver of spacing from schools.**

- (a) The prohibition that relates to the location of a use, referenced in the tables in Sec. 61-12-89 through Sec. 61-12-94 of this Code, within five hundred (500) radial feet of a school site may be waived by:
  - (1) The Buildings, Safety Engineering and Environmental Department, provided, that the proposed use is at least four hundred-fifty (450) radial feet from the school site; or

## Sec. 61-12-97 | Waiver of prohibition by petition.

- (2) The Board of Zoning Appeals where the proposed use is less than four hundred-fifty (450) radial feet from the school site.
- (b) The waiver of the prohibition is subject to a finding based on evidence presented at a public hearing that the establishment of the use will not impede the normal and orderly development, operation, and improvement of the school.
- (c) Such waiver shall be documented by a statement of facts upon which such determination was made and shall indicate that such use would not be injurious or harmful to the school.
- (d) The prohibition that relates to the location of a medical marihuana caregiver center within one thousand (1,000) feet of a school (among other uses specified in a “drug-free zone,” as defined in Sec. 61-3-353 of this Code and referenced in the table of Sec. 61-12-92 of this Code) shall not be waived by the Buildings, Safety Engineering and Environmental Department, nor the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-12-97. Waiver of prohibition by petition.**

It shall be unlawful to establish any tattoo parlor within seven hundred fifty (750) feet of any public lodging house. This prohibition shall be waived upon presentment to the Buildings and Safety Engineering Department, or Board of Zoning Appeals, of a validated petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location. Such petition shall be processed in the same manner as applies to petitions for those Regulated Uses as provided for in Sec. 61-3-272 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-98. Hazardous substances; precautions and due care responsibilities.**

The applicant shall demonstrate that he or she has taken adequate precautions to prevent unacceptable exposures, as defined in rules promulgated under Part 201 of the Natural Resources and Environmental Protection Act (NREPA), titled *Environmental Remediation*, being MCL 324.20101 through MCL 324.20142, to hazardous substances in the environment, consistent with the proposed use of the property, and that he or she has exercised due care with respect to preventing hazardous substances from entering the environment.

In residential uses, hazardous substances as defined in Sec. 61-16-101 of this Code, may not be used, stored, handled, or managed in quantities that exceed those commonly used for typical residential purposes.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-99. School building adaptive reuse provision.**

- (1) *Purpose.* The purpose of this provision is to provide for the adaptive reuse and preservation of existing school buildings. Any of the nineteen (19) uses included in the

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**Sec. 61-12-99 | School building adaptive reuse provision.**

definition of “School building adaptive reuses,” as provided in Sec. 61-16-171 of this Code, may be permitted on a conditional basis, subject to the provisions of ARTICLE III.DIVISION 7 of this Chapter, in those residential zoning districts where they are otherwise prohibited. Any of the nineteen (19) uses established under the “School building adaptive reuse” provision is subject to all applicable use regulations of ARTICLE XII, applicable intensity and dimensional standards of ARTICLE XIII, and applicable general development standards of ARTICLE XIV for that use.

- (2) *Demolition restrictions.* In order to promote maximum preservation of existing school buildings and the City of Detroit’s architectural heritage, the demolition of existing buildings under the school building adaptive reuse provision shall be subject to the following:
- (a) School building adaptive reuses shall only be established in buildings originally constructed as schools where at least 75% of the gross floor area of all buildings on the school site is retained.
  - (b) Notwithstanding paragraph (a), the following buildings and additions shall not be included in the calculation of the minimum 75% of the school site gross floor area that must be retained:
    - (1) Accessory buildings that have not been identified by the Historic Designation Advisory Board as contributing resources to school buildings that are eligible for the National Register of Historic Places.
    - (2) Additions to original principal school structures that do not contribute to the historic character of the property, as determined by the Buildings, Safety Engineering, and Environmental Department, in consultation with the Historic Designation Advisory Board.
  - (c) The Buildings, Safety Engineering, and Environmental Department shall review requests for demolition in an administrative hearing. If the request for demolition is made at the time of the request for a permit for a school building adaptive reuse, then the administrative hearing shall be combined with the special land use hearing for a conditional use. If the request for demolition is made subsequent to obtaining a permit for school building adaptive re-use, then a separate administrative hearing is required.
  - (d) If a school has been designated as a local historic district according to Chapter 25 of this Code, History, then the evaluation of any request for demolition shall be conducted by the Historic District Commission.

(Ord. No. 21-12, §1, 11-2-12)

**Secs. 61-12-100–61-12-110. Reserved.**

### DIVISION 3. SPECIFIC USE STANDARDS

#### Subdivision A. Residential Uses

##### **Sec. 61-12-111. Adult foster care facilities.**

Adult foster care facilities shall be subject to the following provisions:

- (1) Prior to the issuance of any permit to operate the home or facility, and no later than December 31<sup>st</sup> of each subsequent year, the applicant or operator shall submit to the Buildings and Safety Engineering Department a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation, of any adult foster care facility;
- (2) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets; and
- (3) In the R1 and R2 Districts, state-licensed residential facilities for six (6) or fewer persons, as provided for in Sec. 206 of the Michigan Zoning Enabling Act, being MCL 125.3206, are governed by the provisions of the Act.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

##### **Sec. 61-12-112. Assisted living facility.**

Assisted living facilities shall be subject to the following provisions:

- (1) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets; and
- (2) Assisted living facilities shall be licensed as such by the Business License Center in accordance with Chapter 44 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-113. Boarding school.**

Boarding schools shall provide and maintain an outdoor play area suitable for play activity and containing a minimum of two thousand (2,000) square feet. The outdoor play area shall be located on the same zoning lot as the boarding school, or immediately contiguous to it, and shall be enclosed by a protective wall or fence.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-12-114. Child caring institution.**

Child caring institutions shall be subject to the following:

- (1) Proof of licensing by the Michigan Department of Human Services shall be required prior to the operation of any child caring institution. In addition, there shall be provided and maintained an outdoor play area suitable for play activity

**Sec. 61-12-115 | Convalescent, nursing, or rest home.**

and containing a minimum of two thousand (2,000) square feet. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence;

- (2) In the R1 and R2 Districts, state-licensed residential facilities for six (6) or fewer persons, as provided for in Sec. 206 of the Michigan Zoning Enabling Act, being MCL 125.3206, are governed by the provisions of the act.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-115. Convalescent, nursing, or rest home.**

- (a) Adequate provisions shall be made for access by emergency medical and fire vehicles.
- (b) Notwithstanding the provisions of Sec. 61-11-175(1) and Sec. 61-11-95(1) of this Code, in the SD1 and SD2 Districts, the convalescent, nursing, or rest home shall be multi-story and shall be built to the front lot line.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-12-116. Emergency shelters.**

The only Conditional Use general approval criteria that shall apply to emergency shelters are contained in Sec. 61-3-231(6) and Sec. 61-3-231(9) of this Code as well as the following provisions:

- (1) *Capacity limitations.* The maximum capacity of an emergency shelter shall be established by the Buildings and Safety Engineering Department in accordance with the terms of the Life Safety Code, but in no case shall that capacity exceed fifty (50) persons, including children, in the R4, R5, and B4 Districts.
- (2) *Other standards:*
  - (a) The emergency shelter will in other respects conform to the applicable regulations of the district where it is located;
  - (b) Where the emergency shelter is proposed within or in the immediate vicinity of an area which has a written, approved, and disseminated plan for area development, the establishment of the emergency shelter will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that area.
- (3) *Conditions.* The Buildings and Safety Engineering Department may impose reasonable conditions designed to protect natural resources, and the health, safety and welfare, as well as the social and economic well-being, of those who will use the emergency shelter, and the residents and landowners immediately adjacent or across an alley, and the community as a whole;
- (4) *Gateway Radial Thoroughfares.* In the B4 District, emergency shelters are not permitted along designated Gateway Radial Thoroughfares.



(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-117. Family, functional.**

Those land uses from the “Household Living” use category as defined in Sec. 61-16-103 of this Code, may be occupied either by a family or by a functional family as defined in Sec. 61-16-81 of this Code.

A group of not more than six (6) individuals may assert a claim of functional family status to the City of Detroit based on a common bond identified and protected by the Fair Housing Act, being 42 USC §3601 *et seq.*, the Americans with Disabilities Act, being 42 USC §12101 *et seq.*, or the Religious Land Uses and Institutionalized Persons Act, being 42 USC §2000cc *et seq.*

The Buildings and Safety Engineering Department shall review any such claim pursuant to criteria developed in consultation with the Law Department, the City Planning Commission, and the Human Rights Department. No group shall occupy a dwelling as a functional family unless and until the Buildings and Safety Engineering Department has recognized, in writing, the claim as valid. To maintain its eligibility to functional family status, the group, which has obtained such recognition from the Buildings and Safety Engineering Department, shall abide by the criteria in this section. In the R1, R2, and R3 Districts, occupancy of those land uses included in the “Household Living” use category by a functional family shall be characterized by the following:

- (1) The functional family consists of not more than six (6) individuals;
- (2) A demonstrable and recognizable bond, not of a commercial nature, characterizes the relationship among the members of the functional family;
- (3) The members share a single household budget;
- (4) The members prepare food and eat together on a regular basis;
- (5) The members share in the work of maintaining the premises;
- (6) The members legally share in the ownership or possession of the premises, such as being tenants in common on a deed or cosigners of a single lease; and
- (7) The members are not legally dependent on others living elsewhere.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-118. Lofts; residential uses combined in structures with permitted commercial uses.**

In order to encourage the preservation and reuse of existing commercial and industrial structures, and to encourage live-work situations, loft conversions and mixed-use commercial-residential uses are permitted in many zoning districts, even in certain districts where new residential construction is prohibited, subject to the following:

- (1) Loft conversions are prohibited in the R1 and R2 Districts except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code.

**Sec. 61-12-119 | Mobile homes and mobile home parks.**

- (2) Lofts in the B6, M1, M2, M3, M4, and SD4 Districts are subject to review by the Loft Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision C of this Chapter.
- (3) Similarly, single-family dwellings, two-family dwellings, and multiple-family dwellings are permitted in commercial or industrial structures combined with those permitted Retail, Service, and Commercial uses specified in ARTICLE XII, DIVISION 1, Subdivision D of this Chapter, except for “Adult Uses/Sexually Oriented Businesses” as specified in Sec. 61-12-78.

For example, although a single-family detached dwelling is not permitted by right in the R6 District, a doctor’s office that has an apartment is permitted by right as a “Residential use combined in structures with permitted commercial uses.” In addition, in industrial zoning districts where new residential construction is prohibited, an existing building with a hardware store on the ground floor, for example, and residential units on the upper floor(s) could be reoccupied on a Conditional Use basis and without the need for approval by the Board of Zoning Appeals.

However, any time three (3) or more residential units are combined with permitted commercial uses in an existing commercial or industrial structure in the B6, M1, M2, M3, M4, or SD4 District, the use shall be subject to the review of the Loft Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision C of this Chapter.

- (4) In the SD4 District, specially designated merchant’s (SDM) establishments and specially designated distributor’s (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a loft development that has not fewer than fifty (50) dwelling units.
- (5) Additionally, in designated Traditional Main Street Overlay Areas, as provided in Sec. 61-11-312 of this Code, residential uses, including multiple-family dwellings combined in structures with commercial uses that are permitted by right in the respective zoning district shall be permitted by right.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 21-12, §1, 11-2-12; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-12-119. Mobile homes and mobile home parks.**

Mobile homes and mobile home parks, are defined in Sec. 61-16-133 of this Code, and are subject to the following provisions:

- (1) No one shall occupy a mobile home for living purposes, except:
  - (a) In a licensed mobile home park on land zoned R5; or
  - (b) For a period not in excess of one (1) year on property for which a building permit for the construction of a permanent dwelling has been issued, and the

**Sec. 61-12-120 | Manufactured housing units.**

construction is actively pursued to completion within the one (1) year time frame (See also Sec. 61-12-436); or

(c) As a temporary office or shelter incidental to construction or development of the property on which the mobile home is located only during the time construction or development is actively pursued (See also Sec. 61-12-435).

(2) Except as provide in Subsection (1) of this section, a mobile home shall not be permitted as a principal structure or as an accessory building for nonresidential uses permitted by this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-120. Manufactured housing units.**

“Manufactured Housing” is defined in Sec. 61-16-131 of this Code. All manufactured housing units shall comply with the following requirements:

- (1) All dwelling units shall provide a minimum height between the floor and ceiling consistent with applicable codes;
- (2) There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of eight (8) inches;
- (3) Where the dwelling unit does not have a basement, a crawl space is permitted within the requirements of applicable building codes. In the alternative, construction on slab may be permitted where the distance from the finished floor to the floor joists of the second floor is not less than eight (8) feet; additionally, construction on slab may be permitted for a single-story dwelling where the distance from the finished floor to the ceiling is not less than eight (8) feet;
- (4) All dwellings shall be firmly attached to their foundation so as to be watertight as required by the Michigan Building Code or anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled *Mobile Home Construction & Safety Standards*;
- (5) Any wheels, pulling mechanism, or tongues shall be removed prior to placement on a foundation;
- (6) All dwellings shall be connected to a sewer system and water supply system approved by the City;
- (7) Where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade, all dwellings shall provide steps or porch areas connected to each exterior door and permanently attached to the foundation. All dwellings shall provide a minimum of two (2) points of ingress and egress. One (1) exterior door shall face the front yard and a second exterior door shall face either the rear or side of the dwelling;

**Sec. 61-12-121 | Multi-family dwellings.**

- (8) The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this section. All additions to dwellings shall meet all of the requirements of this Zoning Ordinance, this Code, and the Michigan Construction Codes; and
- (9) All dwellings shall have a minimum 4:12 roof pitch, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwellings.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-121. Multi-family dwellings.**

Multi-family dwelling shall be subject to the following provisions:

- (1) In the R2 District, such uses shall have a maximum of eight (8) dwelling units, except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code;
- (2) In the R3 District, multiple-family dwellings, where fewer than fifty percent (50%) of the units are efficiency units, are permitted by right; multiple-family dwellings, where percent (50%) or more of the units are efficiency units, are a Conditional Use;
- (3) In the B5 District, ground-floor commercial uses shall be required along at least fifty percent (50%) of the building façade fronting Woodward Avenue, and may be required in other portions of the B5 District;
- (4) The required Recreational Space Ratios for multi-family dwellings are listed as follows.
  - (a) R3 District: 0.12;
  - (b) R4 District: 0.10;
  - (c) R5 District: 0.085;
  - (d) R6 District: 0.07;
  - (e) SD1 District: 0.07;
  - (f) SD2 District: 0.07.

(See Sec. 61-13-159 of this Code for information on recreational space requirements.)

- (5) For certain permitted accessory uses in the R5, R6, and B1 Districts, see Sec. 61-12-404 of this Code;
- (6) In the B5 and PCA districts, multiple-family dwellings that have ground floor commercial space or other space oriented to pedestrian traffic are permitted by

**Sec. 61-12-122 | Pre-release adjustment centers.**

right. Multiple-family dwellings not having such ground floor space are a Conditional Use;

- (7) Multiple-family dwelling developments that exceed twelve (12) units are subject to site plan review as provided for in Sec. 61-3-113 of this Code;
- (8) In the SD4 District, specially designated merchant's (SDM) establishments and specially designated distributor's (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a multiple-family dwelling, that have not fewer than fifty (50) dwelling units;
- (9) Multiple-family dwellings for the elderly as defined in Sec. 61-16-134 of this Code, are subject to a lesser off-street parking requirement than other multiple-family dwellings. However, where a multiple-family dwelling for the elderly converts to a general population multiple-family dwelling, the full off-street parking requirement must be satisfied;
- (10) In designated Traditional Main Street Overlay Areas, as provided in Sec. 61-11-312 of this Code, residential uses, including multiple-family dwellings, shall be permitted by right where combined in structures with commercial uses that are permitted by right in the respective zoning district.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-12-122. Pre-release adjustment centers.**

Pre-release adjustment centers shall be subject to the following provisions:

- (1) Such uses shall not have a capacity in excess of fifty (50) persons;
- (2) Such uses shall be located along, or within two hundred (200) feet of, a major or secondary thoroughfare unless such location requirement is specifically modified by the Board of Zoning Appeals after finding that such waiver will:
  - (a) Not be injurious to the contiguous property;
  - (b) Not have a detrimental effect on the surrounding neighborhood; and
  - (c) Not be contrary to any other policy expressed in this zoning ordinance;
- (3) Where possible, such pre-release adjustment center shall not occupy an entire building, but should preferably share such building with other permitted uses of service or benefit to the neighborhood where the building is located;
- (4) In the B4 District, pre-release adjustment centers are prohibited in the B4 District on zoning lots that abut designated Gateway Radial Thoroughfares;
- (5) In the B5, district, pre-release adjustment centers that conform to the Spacing Requirements of Sec. 61-12-87 and Sec. 61-12-89 of this Code, and the standards provided for in Subsections (1), (2), and (3) of this section, shall be permitted by right.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-123. Rooming house.**

(a) The required Recreational Space Ratios for rooming houses are as follows:

- (1) R3 District: 0.12;
- (2) R4 District: 0.10;
- (3) R5 District 0.085;
- (4) R6 District: 0.07;
- (5) SD1 District: 0.07;
- (6) SD2 District: 0.07.

(See [Sec. 61-13-159](#) for information on recreational space requirements.)

(b) Rooming houses shall be licensed as such by the Business License Center in accordance with Chapter 44 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-124. Shelters for victims of domestic violence.**

(a) The maximum capacity of any shelter for victims of domestic violence shall be specified by the Buildings and Safety Engineering Department in accordance with adopted building standards and regulations.

(b) In the R3 and R4 Districts, such uses shall be permitted by right only where:

- (1) The shelter is adjacent to, or across an alley or street from, land zoned in a business or industrial district classification; and
- (2) The zoning lot of the shelter abuts a major thoroughfare as designated in the Master Plan.

(c) Shelters for victims of domestic violence shall not be permitted in R1 and R2 Districts. However, where a shelter for victims of domestic violence, duly recognized by the State of Michigan Domestic Violence Prevention and Treatment Board, has been established in such zoning district and was operated as such a shelter since April 26, 1995, said shelter shall be permitted to continue as a nonconforming use, provided, that the shelter shall have secured an occupancy or change of use permit for a shelter for victims of domestic violence not later than October 26, 1995. Such shelter shall be subject to the restrictions set forth in [ARTICLE XV](#) of this Chapter and be subject to other provisions of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-125. Single-room occupancy (SRO) housing, non-profit.**

Non-profit single-room occupancy (SRO) housing shall be subject to the following provisions:

- (1) Non-profit single-room-occupancy facilities shall have no fewer than twenty (20) units;

- (2) Non-profit SRO housing shall provide common interior space for residents, which space may consist of community kitchen/dining area, lobby, recreational area, sitting area, or the like, according to the following, whichever amount is greater:
  - (a) Five (5) square feet of common interior space per SRO unit; or
  - (b) Two hundred fifty (250) square feet of common interior space;
- (3) As practicable, non-profit SRO housing shall provide nearby outdoor open space for use by residents;
- (4) Non-profit SRO housing shall provide 24-hour resident management staffing;
- (5) Non-profit SRO housing shall make provision for services needed by residents as to enhance their well-being including, but not limited to, community kitchen and housekeeping; and
- (6) No such facility shall be located less than five hundred (500) feet from any other non-profit SRO housing facility.
- (7) Non-profit SRO housing facilities shall be licensed as such by the Business License Center in accordance with Chapter 44 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-126. Town houses.**

Town houses shall be subject to the following provisions:

- (1) In the R2 District, a maximum of eight (8) town houses shall be permitted in any group of attached town houses;
- (2) In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses; and
- (3) Town house developments that exceed twelve (12) units are subject to site plan review as provided for in Sec. 61-3-113 of this Code.

(See also Sec. 61-13-106.)

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-12-127–61-12-130. Reserved.**

**Subdivision B. Public, Civic, and Institutional Uses**

**Sec. 61-12-131. Adult day care center.**

Adult day care centers shall be subject to the following provisions:

- (1) The facility shall be in full compliance with all applicable requirements of the Michigan Building Code;

**Sec. 61-12-132 | Cemeteries.**

- (2) Adequate provision shall be made for access by emergency medical and fire vehicles; and
- (3) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Where such areas are provided on a street, such areas shall be approved by the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-12-132. Cemeteries.**

Cemeteries in the R1, R2, and R3 Districts shall be subject to the following provisions:

- (1) *Yards.* When a cemetery abuts or is across a street, alley, or easement from private property zoned in a residential district classification, a twenty (20) foot yard shall be provided and the following conditions shall be observed:
  - (a) No burials shall be permitted in the yard;
  - (b) The yard shall be landscaped with grass and trees, shrubs, or other ornamental horticultural materials; and
  - (c) The yard shall be maintained in a neat and orderly condition at all times.
- (2) *Accessory uses.* Warehouses, storage or maintenance buildings, mausoleums, crematories, or columbaria shall be located not less than one hundred fifty (150) feet from the nearest private residential property line.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-133. Child Care Centers.**

Child care centers that operate with children in attendance for five (5) or more continuous hours a day shall be subject to the following provisions:

- (1) The child care center shall be licensed by the Michigan Department of Human Services;
- (2) There shall be provided and maintained an outdoor play area suitable for play activity and containing a minimum of two thousand (2,000) square feet;
- (3) The surface treatment of said play area shall comply with the guidelines of the appropriate public agencies;
- (4) Said outdoor play area shall be immediately contiguous to the child care center and shall be enclosed by a protective wall or fence; and
- (5) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Where such areas are provided on a street, such areas shall be approved by the Department of Public Works, Traffic Engineering Division.



**Sec. 61-12-134 | Educational institution.**

(See Sec. 61-12-402 for child care centers operated in conjunction with places of employment or located in existing buildings in certain zoning districts as an accessory use.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-134. Educational institution.**

Educational institution is defined in Sec. 61-16-71 of this Code. Educational institutions shall be subject to the following provisions:

- (1) The required Recreational Space Ratio for educational institutions in the R4 District is 0.10. (See Sec. 61-13-159 for information on recreational space requirements); and
- (2) In the PC district, both educational institutions and cultural buildings are permitted by right; and
- (3) In the PC and PCA Districts, educational institution includes a nonprofit corporation organized under the laws of this state to provide training, retraining, and personal and professional development opportunities, and exempt from federal income tax under section 501(c)(5) of the Internal Revenue Code of 1986, as amended.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-12-135. Family day care home.**

In the B5 District, family day care homes are permitted only in dwellings permitted by right.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-136. Fire or police station, post office, court house, and similar public building.**

In the SD4 District, post offices are

- (1) Permitted by right where part of a multi-tenant, mixed use development in a multi-story building; and
- (2) Permitted on a conditional basis where not a part of a multi-tenant, mixed use development in a multi-story building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-137. Group day care homes.**

Group day care homes shall not be permitted in R1 and R2 Districts. However, where the residence of a state-licensed group day care provider is located in an R1 or R2 District and where such residence has been established and continuously operated as a group day care home since prior to July 11, 1990, said group day care home shall be permitted to continue as a nonconforming use subject to the restriction set forth in ARTICLE XV of this Chapter.

**Sec. 61-12-138 | Neighborhood center (non-profit).**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-138. Neighborhood center (non-profit).**

Non-profit neighborhood center is defined in Sec. 61-16-141 of this Code. Recreation centers under the control of the Recreation Department that are not located in conjunction with a public park, playfield, or playground shall be considered “Nonprofit neighborhood centers.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-139. Outdoor recreation facility.**

Outdoor recreation facilities shall be subject to the following:

- (1) *Golf course.* Facilities including, but not limited to, club houses, banquet halls, and outdoor swimming pools shall be considered customary and incidental accessory uses to a golf course;
- (2) *Swimming pool, outdoor.* No public outdoor swimming pool shall be constructed less than forty (40) feet from any property line abutting, or across an alley from, private property, other than a railroad, on land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (3) Accessory structures for outdoor recreation facilities in general are subject to the provisions in Sec. 61-13-131; and
- (4) Recreation centers under the control of the Recreation Department shall be considered as an accessory use where located in conjunction with a public park, playfield, or playground. Such accessory use may be established on a by-right basis where the outdoor recreation facility itself is permitted by right. However, where the outdoor recreation facility is permitted as a Conditional Use, then the accessory recreation center shall not be established, except on a Conditional Use basis. Such recreation centers that are not located in conjunction with a public park, playfield, or playground shall be considered “Nonprofit neighborhood centers.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-139.5. Schools.**

Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Where such areas are provided on a street, such areas shall be approved by the Department of Public Works, Traffic Engineering Division.

(Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-12-140. Stadiums or sports arenas; outdoor entertainment facilities.**

Stadiums, sports arenas, and outdoor entertainment facilities shall be subject to the following provisions:

**Sec. 61-12-141 | Substance abuse service facility.**

- (1) Within the B4 District, the stadium or sports arena or outdoor entertainment facility shall be located on a site that:
  - (a) Has not fewer than three (3) acres of land; and
  - (b) Is not less than two hundred fifty (250) feet in depth;
- (2) Accessory parking areas shall be provided in accordance with ARTICLE XIV, DIVISION 1 of this Chapter;
- (3) Any accessory parking area within one thousand (1,000) feet shall be maintained with a surface having an asphalted or Portland cement binder so as to provide a permanent, durable and dustless surface;
- (4) Any accessory parking area within one thousand (1,000) feet shall be graded and drained in conformance with the requirements of the Michigan Plumbing Code so as to dispose of all surface water accumulation within the parking area;
- (5) Walls and Fences:
  - (a) No fences or walls are required for accessory parking for stadiums or sports arenas or outdoor entertainment facilities;
  - (b) However, a decorative, opaque masonry wall that does not exceed thirty (30) inches in height may be permitted on any side of the parking lot facing a public street. Such a wall that does not exceed six (6) feet in height may be permitted along those sides of the parking lot that do not face a public street.
- (6) All parking lot lighting shall conform with the provisions of Sec. 61-14-156 of this Code;
- (7) All outdoor areas shall be either landscaped in accordance with ARTICLE XIV, DIVISION 2 of this Chapter or hard surfaced;
- (8) In the PC district, only public stadiums or public sports arenas or public outdoor entertainment facilities shall be permitted;
- (9) Stadiums and sports arenas shall be licensed by the Business License Center as provided for in Chapter 5, Article XIV of this Code.

(See also Sec. 61-12-219(7).)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-141. Substance abuse service facility.**

Substance abuse service facilities shall comply with all appropriate state and county laws and regulations, and this Code, which control or regulate such uses. Such facilities are prohibited in the B4 District on zoning lots that abut designated Gateway Radial Thoroughfares.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-142. Utilities, basic; utilities, major.**

Basic utility facilities and major utility facilities shall be subject to the following provisions:

- (1) Service or storage yards for any electric transformer station, gas regulator station, telephone exchange building, water work, reservoir, pumping station, or filtration plant, shall not be permitted, except in the B5, B6, M1, M2, M3, M4, M5 and TM districts;
- (2) In the R1, R2, R3, R4, R5, R6, residential PD, PR and SD1 Districts:
  - (a) Basic utilities shall be permitted only when operating requirements mandate that they be located within the district in order to serve the immediate vicinity; and
  - (b) Outdoor service or storage yards shall not be permitted.
- (3) In the SD4 District, the following uses shall be subject to site plan review as provided for in Sec. 61-3-113(8) of this Code, and subject to review as to the appropriateness of exterior design:
  - (a) Electric transformer stations;
  - (b) Gas regulator stations;
  - (c) Telephone exchange buildings; and
  - (d) Water works, reservoirs, pumping stations, and filtration plants.
- (4) In the PR District, the only major utility that shall be permitted is a pumping station without on-site employees.
- (5) Solar generation stations are limited to the PD and PR zoning districts; reasonable and appropriate conditions relative to the following factors may be attached to any approval:
  - (a) Height of installation;
  - (b) Setback from rights-of-way and adjacent properties and uses;
  - (c) Screening from rights-of-way and adjacent properties and uses;
  - (d) Landscaping;
  - (e) Glare mitigation;
  - (f) Noise;
  - (g) Safety/access; site security;

- (h) Location of on-site power lines;
- (i) Lighting;
- (j) Signage (identification and warning);
- (k) Removal requirements upon abandonment/decommissioning;
- (l) Stormwater management;
- (m) Construction period impacts;
- (n) General site maintenance;
- (o) Off-street parking.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 13-16, §1, 5-20-2016)

**Secs. 61-12-143–61-12-150. Reserved.**

**Subdivision C. Retail, Service, and Commercial Uses; Generally**

**Sec. 61-12-151.** (Repealed).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-152. Amusement park.**

Amusement parks shall be subject to the following provisions:

- (1) Such uses may only be located on a site that:
  - (a) Has not fewer than ten (10) acres;
  - (b) Is not less than two hundred fifty (250) feet in depth; and
  - (c) Is farther than two thousand five hundred (2,500) feet from a Residentially Zoned District (R1, R2, R3, R4, R5, and R6), or of a Residential Planned Development (PD) District; however, this restriction (c) shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within two thousand five hundred (2,500) feet of the proposed location.
- (2) Such uses shall be subject to licensing by the Business License Center under the provisions of Chapter 5, Article IV of this Code.
- (3) Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Where such areas are

**Sec. 61-12-153 | Animal-grooming shops.**

provided on a street, such areas shall be approved by the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-12-153. Animal-grooming shops.**

- (a) All facilities of an animal-grooming shop, including all grooming areas, cages, pens and kennels, shall be maintained within a completely enclosed, soundproof building.
- (b) All animal-grooming shops shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.
- (c) Kennel facilities, if any, shall be governed separately by the provisions of Sec. 61-12-170 of this Code for commercial kennels.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-154. Arcades.**

Arcades shall be subject to the following provisions:

- (1) In the B4 District, such uses shall be permitted only where:
  - (a) They are part of a "family restaurant and entertainment center" having not less than ten thousand (10,000) square feet of gross floor area; and
  - (b) Not less than sixty percent (60%) of the establishment's gross floor area consists of kitchen and sit-down dining area;
  - (c) For purposes of this section, an arcade shall be considered as an accessory use to the "family restaurant and entertainment center" and shall not be subject to the petition requirements specified in Subsection (4) of this section;
- (2) In retail stores exceeding twenty thousand (20,000) square feet of gross floor area, up to eight (8) coin-operated amusement devices may be permitted as an accessory use without need for a separate permit for an arcade and shall not be subject to the petition requirements specified in Subsection (4) of this section;
- (3) Arcades shall be subject to the licensing provisions of Chapter 5, Article X of this Code; and
- (4) The petition provisions of Sec. 61-3-312 shall apply in those districts where arcades are a Controlled Use in order to waive the prohibition of arcades within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(See ARTICLE III, DIVISION 9 for the Controlled Use regulations.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-155. Assembly halls.**

Assembly halls shall be subject to the following provisions:

- (1) Assembly halls require licensing by the Business License Center in accordance with the provisions of Chapter 46 of this Code;
- (2) For large outdoor assemblies and special events, see Sec. 61-12-431 and Sec. 61-12-432 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-156. Bake shops.**

Bake shops shall be subject to the following provisions:

- (1) Such uses shall not have more than four thousand (4,000) square feet gross floor area;
- (2) Drive-up or drive-through facilities shall not be permitted; and
- (3) Bakeries larger than four thousand (4,000) square feet of gross floor area are regulated as a Low-impact Manufacturing or Processing Use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-157. Bed and breakfast inns.**

Bed and breakfast inns shall be subject to the following provisions:

- (1) The primary use of a bed and breakfast must be as a residence for the owner or manager, who operates and occupies the structure. The bed and breakfast facility may have up to ten (10) bedrooms for the use of transient guests for compensation and by pre-arrangement;
- (2) The exterior appearance of the structure shall not be altered from its residential district character;
- (3) Parking shall be arranged so as not to create negative noise or light impacts on properties adjacent or across an alley, or to necessitate on-street parking. (See Off-street accessory parking schedule in Sec. 61-14-44);
- (4) Each sleeping room shall have a separate smoke alarm as required in the Michigan Building Code;
- (5) A fire escape plan shall be developed and graphically displayed in each guest room;
- (6) A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor;
- (7) The establishment shall contain at least two (2) exits to the outdoors;
- (8) No guest room shall be located in a basement or cellar;
- (9) No transient occupant shall reside on the premises for more than one hundred (100) days in any continuous period of one hundred twenty (120) days;

**Sec. 61-12-158 | Brewpubs and microbreweries and small distilleries.**

- (10) Lavatories and bathing facilities shall be available to all persons using the premises;
- (11) No separate or additional kitchen facilities shall be provided for the guests;
- (12) Retail sales are not permitted beyond those activities serving the registered overnight patrons;
- (13) Meals shall not be served to the public at large but only to registered guests. Meal preparation and service shall conform with all applicable public health requirements of the Michigan Public Health Code, being MCL 333.1101 *et seq.*, and of this Code;
- (14) In the R3 and R4 Districts, no receptions, private parties, conferences, or activities for which a fee is paid shall be permitted, except for those which involve only registered guests;
- (15) Outdoor rubbish or trash facilities beyond what might normally be expected for a residential structure shall be prohibited;
- (16) One (1) identification sign that does not exceed six (6) square feet in area shall be permitted. On a corner lot, the maximum size shall be permitted on each street frontage. No such sign shall extend more than fifteen (15) feet above the level of the nearest sidewalk; and
- (17) Bed and breakfast inns shall be licensed as such by the Business License Center as provided for in Chapter 44 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-158. Brewpubs and microbreweries and small distilleries.**

Brewpubs and microbreweries and small distilleries shall be subject to the following provisions:

- (1) Regulated Use provisions of ARTICLE III, Division 8 of this Chapter where there is consumption of beer or intoxicating liquor on the premises, located outside of the Central Business District and outside the SD2 District; however, a brewpub, microbrewery, or small distillery operating in conjunction with and located on the same zoning lot as a standard restaurant, as defined in Sec. 61-16-162 of this Code, shall not be considered a Regulated Use, as provided in Sec. 61-3-253(1) of this Code;
- (2) Controlled Use provisions of ARTICLE III, Division 9 of this Chapter where beer or wine or intoxicating liquor are sold to the general public for consumption off the premises at a brewpub or small distillery;
- (3) (Repealed);
- (4) In the M1, M2, M3, and M4 Districts: where a brewpub, microbrewery, or small distillery is classified as a Regulated Use and/or a Controlled Use, the use shall be permitted on a conditional basis; where a brewpub, microbrewery, or small distillery is not classified as a Regulated Use or Controlled Use, the use shall be permitted on a by-right basis in the M1, M2, M3, and M4 Districts;



**Sec. 61-12-159 | Cabaret.**

- (5) In the SD1 District, a brewpub or microbrewery or small distillery shall be permitted on a by-right basis where not exceeding 3,000 square feet as provided in Sec. 61-11-166(7) of this Code and on a conditional basis where exceeding 3,000 square feet as provided in Sec. 61-11-172(2) of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-12-159. Cabaret.**

Cabarets are subject to the licensing provisions of Chapter 5, Article VII of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-160. Dance hall, public.**

Public dance halls shall be subject to the following provisions:

- (1) Licensing by the Business License Center is required as provided for in Chapter 5, Article XIII of this Code; and
- (2) A petition may be required, as provided for in Sec. 61-3-272 and Chapter 5 of this Code.

(See also ARTICLE III, ARTICLE III.DIVISION 8 for Regulated Use provisions.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-12-161. Establishment for the sale of beer or intoxicating liquor for consumption on the premises.**

Establishments for the sale of beer or intoxicating liquor for consumption on the premises shall be subject to the following provisions:

- (1) Regulated Use provisions of ARTICLE III, Division 8 of this Chapter if not located in the Central Business District or SD1, SD2, or SD5 districts, or where not operating in conjunction with and located on the same zoning lot as a standard restaurant, as defined in Sec. 61-16-162 of this Code;
- (2) Establishments for the sale of beer or intoxicating liquor for consumption on the premises are permitted conditionally in the R5 District and by right in the R6 District only where they are located in a multiple-family dwelling, hotel, or motel that has at least fifty (50) units and, provided, that the establishment for consumption on the premises:
  - (a) Does not exceed two thousand (2,000) square feet in gross floor area;
  - (b) Is accessible only from the interior of the building; and
  - (c) Has no advertising or display of said use visible from the exterior of the building.
- (3) In the SD1 District, establishments for the sale of beer or intoxicating liquor for consumption on the premises shall be permitted on a by-right basis where not exceeding 3,000 square feet as provided in Sec. 61-11-166(7) of this Code and on a

**Sec. 61-12-162 | Dry cleaning, laundry, or laundromat.**

conditional basis where exceeding 3,000 square feet as provided in Sec. 61-11-172(2) of this Code.

(See Article III, Division 8 for Regulated Use provisions)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-12-162. Dry cleaning, laundry, or laundromat.**

- (a) Dry cleaning facilities must receive an air permit from the Michigan Department of Environmental Quality to conduct operations subject to the U.S. Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air pollutants (NESHAP). All dry cleaning facilities, which use perchloroethylene (PCE) in their cleaning process, are subject to NESHAP. Presentation of the state permit to the Buildings and Safety Engineering Department by dry cleaners that use PCE shall be required as a condition for the City's permit. In addition, dry cleaning facilities and laundries shall comply with materials storage, handling and disposal requirements, and pollution prevention and waste minimization requirements.
- (b) In the B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, PCA, TM, SD1, and SD2 Districts, dry cleaning, laundry, or laundromat establishments may provide:
  - (1) Pick-up stations; and
  - (2) Customer operated washer, dryer, or dry cleaning machines for family washing or dry cleaning; laundromat.
- (c) In the B2, B3, and SD4 Districts, dry cleaning, laundry, or laundromat establishments:
  - (1) Shall employ a maximum of ten (10) persons on site; and
  - (2) Shall not exceed four thousand (4,000) square feet in gross floor area.
- (d) In the B4, B5, B6, and M1 Districts, dry cleaning, laundry or laundromat establishments:
  - (1) Shall include a retail service; and
  - (2) Shall employ a maximum of twenty-five (25) persons on site.
- (e) Dry cleaners and laundries are subject to the licensing requirements of Chapter 28 of this Code.

(For industrial laundries, see "Laundry, Industrial.")

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-12-162.5. Financial services center.**

Any deferred presentment center, commonly known as a payday lending center or a check advance center, is required to obtain and maintain a license from the State of Michigan Office of Financial and Insurance Services (OFIS) as a condition for its Buildings

**Sec. 61-12-163 | Firearms dealerships.**

and Safety Engineering Department permit. Non-renewal or revocation of the OFIS license shall be deemed to be abandonment of the use.

See also Sec. 61-12-410 of this Code for applicable accessory use standards for check-cashing services.

(Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-163. Firearms dealerships.**

- (a) “Firearms dealership” is defined in Sec. 61-16-82 of this Code.
- (b) No permit for a firearms dealership shall be issued until the applicant submits a certified copy of the federal firearms license from the United States Bureau of Alcohol, Tobacco, and Firearms for the address shown on the firearms dealership's zoning grant.
- (c) Stores of a generally recognized retail nature, whose primary business is the sale of new merchandise, that are licensed by the Bureau of Alcohol, Tobacco, and Firearms as a firearms dealership, need not secure an additional permit for “Firearms Dealership,” provided, that the sale of firearms or ammunition is an incidental and accessory use to the principal business.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-164. Firearms target practice ranges, indoor.**

Indoor firearms target practice ranges shall be subject to the following:

- (1) It shall be unlawful to establish any indoor firearms target practice range within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location; and
- (2) Indoor firearms target practice ranges shall be licensed, as such, by the Business License Center as provided for in Chapter 5, Article XIV of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-165. Fireworks sales.**

Fireworks sales establishments shall be subject to the following provisions:

- (1) As provided for in Section 19-3-67 of this Code, fireworks sales shall be subject to licensing by the Business License Center;
- (2) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise need not secure an additional permit for “Fireworks sales,”

provided, that the sale of fireworks is an incidental and accessory use to the principal business; and

- (3) Whenever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for “Fireworks Sales.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-166. Go-cart tracks.**

Go-cart tracks shall be subject to the following provisions:

- (1) Accessory parking areas shall be provided in accordance with Sec. 61-14-46 of this Code;
- (2) Ingress or egress shall be only from the principal, or busier, street as determined by the Planning and Development Department;
- (3) No part of the driving track shall be within three hundred (300) feet of property zoned in a residential district classification;
- (4) Any track surface or other area to be used for the operation of a go-cart shall be of an asphaltic or concrete material;
- (5) All light standards, poles, or other appurtenances shall be effectively padded or screened so as to prevent injury to drivers of the vehicles. Baled hay or other suitable shock absorbing material shall be placed around all turns or curves in the track;
- (6) All vehicles shall be provided with mufflers to eliminate objectionable noise. The Buildings and Safety Engineering Department may require a change in mufflers to reduce exhaust noises where, in its opinion, such noise has become a nuisance;
- (7) Permitted hours of operation shall be 10:00 a.m. to 10:00 p.m. Monday through Saturday, and 12:00 noon to 10:00 p.m. on Sunday;
- (8) Go-cart tracks are prohibited in the B4 District on zoning lots abutting designated Gateway Radial Thoroughfares;
- (9) It shall be unlawful to establish any go-cart track within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location.
- (10) Go-cart tracks shall be licensed as such by the Business License Center in accordance with Chapter 5, Article XIV of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-167. Golf courses (miniature).**

Miniature golf courses shall be subject to the following provisions:

- (1) Accessory parking areas shall be provided in accordance with Sec. 61-14-46 of this Code;
- (2) Ingress or egress shall be only from the principal, or busier, street as determined by the Planning and Development Department;
- (3) Loudspeakers or public address systems may be used only for control purposes, shall play no music, and shall be removed where, in the opinion of the Buildings and Safety Engineering Department, such operation constitutes a nuisance;
- (4) No part of the playing surface of a miniature golf course shall be located within fifty (50) feet of any property zoned in a residential district classification;
- (5) Permitted hours of operation shall be 8:00 a.m. to 10:30 p.m. Monday through Saturday, and 12:00 Noon to 10:30 p.m. Sunday;
- (6) It shall be unlawful to establish any miniature golf course within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD; said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location.
- (7) Miniature golf courses shall be licensed as such by the Business License Center in accordance with Chapter 5, Article XIV of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10)

### **Sec. 61-12-168.**

Repealed.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)

### **Sec. 61-12-169. Hotel.**

Hotels shall be subject to the following provisions:

- (1) In the R3 and R4 Districts, no receptions, private parties, conferences, or activities for which a fee is paid shall be permitted, except for those that involve registered guests only;
- (2) In the SD4 District, specially designated merchant's (SDM) establishments and specially designated distributor's (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a hotel, having not fewer than fifty (50) guest rooms;
- (3) Hotels shall be licensed by Chapter 44 of this Code;
- (4) A shoeshine stand or parlor is a permissible use in conjunction with a hotel.

(See ARTICLE III, Division 8 for Regulated Use provisions and Sec. 61-12-404 for standards related to occupant-oriented retail sales and service.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-170. Kennel, commercial.**

Commercial kennels shall be subject to the following provisions:

- (1) No outdoor kennel shall be permitted in any zoning district;
- (2) All cages, pens, and grooming areas shall be maintained with a completely enclosed, soundproof building. The facility shall conform to the noise restrictions of Chapter 6 of this Code;
- (3) All facilities shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying, or patronizing properties adjacent to, or across an alley from, the use;
- (4) No outdoor exercise run area shall be permitted less than fifty (50) feet from any land zoned residential or residential PD.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-171. Lodging house, public.**

Public lodging houses shall be subject to licensing in accordance with Chapter 44, Article II of this Code. (See ARTICLE III, Division 8 for Regulated Use provisions.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-172. Marinas.**

A marina shall obtain and maintain any required marina permit from the Michigan Department of Natural Resources and/or the Michigan Department of Environmental Quality as a condition for its Buildings and Safety Engineering Department permit.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-12-173. Medical/dental/physical therapy clinics and massage therapy clinics.**

Massage therapy clinics shall be subject to applicable licensing provisions of Chapter 32 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-174. Motel.**

Motels shall be subject to the following provisions:

- (1) In the R3 and R4 Districts, no receptions, private parties, conferences, or activities for which a fee is paid shall be permitted, except for those that involve registered guests only; and

**Sec. 61-12-175 | Mortuary or funeral home.**

- (2) Motels shall be licensed in accordance with the provisions for “hotels” in Chapter 44 of this Code.

(See ARTICLE III, Division 8 for Regulated Use provisions and Sec. 61-12-404 for standards related to occupant-oriented retail sales and service.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-175. Mortuary or funeral home.**

Mortuaries and funeral homes may contain a crematory on the premises as an accessory use.

(Ord. No. 38-14, §1, 10-16-2014)

**Secs. 61-12-176–61-12-180. Reserved.****Subdivision D. Retail, Service, and Commercial Uses; Motor vehicle filling stations****Sec. 61-12-181. Purpose.**

Due to the unique characteristics of motor vehicle filling stations, and their role in meeting a public need and in providing greatly demanded services to various economic sectors, this subdivision provides procedures and regulations for the establishment of motor vehicle filling stations to assure compatibility with, and prevent deleterious effects upon, areas that are in close proximity to such uses, while permitting sufficient locational flexibility to meet the demand of the City’s economy for such services.

In order to minimize the traffic safety concerns that stem from a land use closely connected with vehicular travel, these provisions are intended to encourage the location of motor vehicle filling stations on corner lots at certain major intersections, to discourage their location on roadways other than major thoroughfares or freeways, and to discourage their location on lots other than corner lots.

In light of the City’s experience with detrimental effects upon the environment and future investment caused by leakage from underground fuel storage tanks, a further purpose of these provisions is to safeguard the quality of the soil and groundwater, that is located within and under the City, by limiting the number of potential sites where such tanks might be located.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-182. Motor vehicle filling stations; basis of approval.**

The basis of approval for motor vehicle filling stations is generally described as follows:

- (1) Motor vehicle filling stations as defined in Sec. 61-16-133 of this Code, may usually be established pursuant to ARTICLE III, DIVISION 7 of this Chapter,

**Sec. 61-12-183 | Motor vehicle filling stations; retail stores, other than SDD/SDM, permitted.**

after a public hearing, provided that all regulations, standards, requirements, and conditions hereinafter stated are satisfied;

- (2) In addition, in certain situations, a motor vehicle filling station may be permitted by right in the B6, M1, M2, M3, M4, M5, and TM Districts, as prescribed by said zoning districts, provided, that:
  - (a) Said station is located on a corner lot at the intersection of two (2) major thoroughfares, or of a major thoroughfare and a freeway; and
  - (b) Said intersection has not more than one (1) motor vehicle filling station existing, approved, or on record; and
  - (c) No additional land use other than a convenience store is proposed; and
  - (d) The station complies with all site development standards as provided for in Sec. 61-12-195 of this Code.
- (3) For “gas stations” in the PD District, the findings and decision of City Council shall be final and may not be appealed to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-183. Motor vehicle filling stations; retail stores, other than SDD/SDM, permitted.**

Notwithstanding the provisions of Sec. 61-3-220 of this Code regarding intensification of Conditional Uses, stores of a generally recognized retail nature whose primary business is the sale of new merchandise may be operated in conjunction with a motor vehicle filling station. However, in no instance shall a specially designated distributor’s (SDD) establishment or a specially designated merchant’s (SDM) establishment be permitted in conjunction with, or on the same zoning lot as, a motor vehicle filling station.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-184. Motor vehicle filling stations; other mixed-use stations.**

Other principal uses which operate on the same zoning lot as a motor vehicle filling station shall only be permitted in accordance with provisions that govern each additional use including, but not limited to, antennas, motor vehicle washing and steam cleaning, standard restaurants, carry-out restaurants, fast-food restaurants. In addition, all such standard restaurants, carry-out restaurants, and fast-food restaurants are subject to the applicable provisions of Chapter 21, Article III, of this Code, *Manufacture, Preparation, Handling and Service of Food Generally*.

Such mixed-use stations shall be subject to the provisions of Sec. 61-13-93 through Sec. 61-13-100 of this Code with respect to lot size, lot width, lot coverage, and other intensity and dimensional standards.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)



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 Sec. 61-12-185 | Alternative fuel filling stations; accessory fueling sites.
**Sec. 61-12-185. Alternative fuel filling stations; accessory fueling sites.**

- (a) In addition to gasoline and diesel fuel, motor vehicle filling stations may provide alternative fuels to power motor vehicles subject to all applicable standards recited and cross-referenced in this subdivision.
- (b) Motor vehicle fueling sites that are closed to the public and that only service a fleet of vehicles related to a specific land use on the same zoning lot shall be considered “accessory” to the principal land use and not subject to the standards of this subdivision.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-186. Motor vehicle filling stations; “locational suitability” defined.**

Locational suitability is the establishment of a proposed motor vehicle filling station on a corner lot at the intersection of two (2) or more major thoroughfares, or of a major thoroughfare and a freeway, in accordance with the transportation designation on the future general land use map of the Master Plan of Policies.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-187. Motor vehicle filling stations; establishment of a motor vehicle filling station possessing locational suitability.**

Where the proposed motor vehicle filling station possesses locational suitability, a public hearing shall be scheduled by the Buildings and Safety Engineering Department, where required, in accordance with the provisions of ARTICLE III, DIVISION 7 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-188. Motor vehicle filling stations; establishment of a motor vehicle filling station not possessing locational suitability.**

A motor vehicle filling station may be established at a location other than the intersection of two (2) or more major thoroughfares or of a major thoroughfare and a freeway, in accordance with the transportation designation on the future general land use map of the Master Plan of Policies, provided, that:

- (1) The proposed motor vehicle filling station shall be a minimum distance of one thousand (1,000) radial feet from any existing or approved motor vehicle filling station; and
- (2) A waiver of locational suitability has been obtained as provided in Sec. 61-12-189 through Sec. 61-12-191 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

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Sec. 61-12-189 | Motor vehicle filling stations; procedure for exception to or variance from “locational suitability” requirement.

**Sec. 61-12-189. Motor vehicle filling stations; procedure for exception to or variance from “locational suitability” requirement.**

The following provisions shall apply for exceptions to, and variances from, “locational suitability” requirements:

- (1) Where a motor vehicle filling station is a) proposed at a location other than the intersection of two major thoroughfares, or of a major thoroughfare and a freeway, and b) is proposed a minimum distance of one thousand (1,000) radial feet from any existing or approved motor vehicle filling station, the applicant may request an exception to the “locational suitability” requirement from the Buildings and Safety Engineering Department. Such request shall be processed in accordance with the provisions of Sec. 61-12-190 and Sec. 61-12-191 of this Code, whichever is applicable;
- (2) However, when a motor vehicle filling station is: a) proposed at a location other than the intersection of two (2) major thoroughfares, or of a major thoroughfare and a freeway, and b) is less than one thousand (1,000) radial feet from an existing or approved motor vehicle filling station, the use may only be considered by the Board of Zoning Appeals as a “locational variance,” subject to the approval criteria specified in Sec. 61-4-81 of this Code. No public hearing shall be scheduled by the Board of Zoning Appeals until the qualifying petition, where required, has been filed and verified as a mandated by Sec. 61-12-190 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-190. Motor vehicle filling stations; procedure for exception to or variance from “locational suitability” requirement for sites within three hundred (300) radial feet of land zoned R1, R2, R3, R4, R5, R6, PD, or TM.**

Where the proposed motor vehicle filling station does not possess locational suitability and where the zoning lot of the proposed site is less than three hundred (300) radial feet from land zoned R1, R2, R3, R4, R5, R6, PD, or TM, a qualifying petition shall be required and is subject to the following provisions:

- (1) Upon the applicant’s request, the Buildings and Safety Engineering Department shall supply the applicant with a qualifying petition form;
- (2) The petition form shall be circulated in accordance with the department’s petition guidelines and shall contain the signatures of at least two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) radial feet of the outermost property lines of the proposed zoning lot for the motor vehicle filling station. For purposes of this section, joint owners, occupants or business operators of property within this radius shall not be entitled to more than one (1) consent for each address;
- (3) Upon securing the required signatures, the applicant shall submit the signed petition to the Buildings and Safety Engineering Department, which shall verify such petition;

**Sec. 61-12-191 | Motor vehicle filling stations; procedure for exception to or variance from “locational suitability” requirement” for sites farther than three hundred (300) radial feet from land zoned R1, R2, R3, R4, R5, R6, PD, or TM.**

- (4) Where the Buildings and Safety Engineering Department determines that the total number of valid signatures represents at least two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) radial feet of the subject property, then the department or the Board of Zoning Appeals shall hold a hearing to determine:
  - (a) Whether the locational prohibitions may be waived as provided for in Sec. 61-12-192 of this Code; and
  - (b) Whether the findings required in ARTICLE III, DIVISION 7 of this Chapter can be made as they relate to the establishment of a motor vehicle filling station at the subject location.

See also Sec. 61-12-85.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-191. Motor vehicle filling stations; procedure for exception to or variance from “locational suitability” requirement” for sites farther than three hundred (300) radial feet from land zoned R1, R2, R3, R4, R5, R6, PD, or TM.**

Where a zoning lot that is intended for use as a proposed motor vehicle filling station is farther than three hundred (300) radial feet as measured from the outermost property lines of land zoned R1, R2, R3, R4, R5, R6, residential PD or TM, a qualifying petition shall not be required.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-192. Conditional use plus variance.**

Wherever a gas station is a Conditional Use and requires a variance, the provisions of Sec. 61-3-219 of this Code shall apply.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-193. Motor vehicle filling stations; findings required for exception to or variance from “locational suitability” requirement.**

Neither the Buildings and Safety Engineering Department shall grant an exception to, nor the Board of Zoning Appeals shall grant a variance from, the “locational suitability” requirements, unless all of the following findings are made:

- (1) The applicant has demonstrated public need for the proposal at the subject location that is evidenced by a market feasibility study or comparable documentation;
- (2) The proposal is consistent with the generalized proposed land use maps and text for the corresponding sector of the official Master Plan of Policies; and

**Sec. 61-12-194 | Motor vehicle filling stations; Planning and Development Department review.**

- (3) The nearest intersection of two (2) or more major thoroughfares, or a major thoroughfare and a freeway, is located:
  - (a) Outside a one (1) mile radius of the zoning lot proposed for the use; or
  - (b) Within a one (1) mile radius of the zoning lot proposed for the use, but separated from it by a significant barrier to vehicular traffic such as a freeway, railroad tracks, park, cemetery, river, canal or stream, thereby increasing the distance to the site to over one (1) mile via travel on public streets.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-194. Motor vehicle filling stations; Planning and Development Department review.**

At least two (2) working days prior to any public hearing, the Planning and Development Department shall submit a written report to the body that is hearing the case. The report shall be available for review and shall be incorporated into the record of the hearing. The report shall include, but not be limited to, the following:

- (1) The number of operating, approved, or recently closed motor vehicle filling stations with unextinguished land use rights that are within one thousand two hundred (1,200) radial feet of the proposed site;
- (2) Existing land use and zoning within five hundred (500) radial feet of the proposed site; and
- (3) Density and characteristics of traffic circulation in the area.

This section shall not apply when the proposed motor vehicle filling station possesses locational suitability and only one (1) existing or approved motor vehicle filling station is located at such intersection.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-195. Motor vehicle filling stations; site development standards.**

Consistent with sound planning and in order to ensure site compatibility, site development standards for motor vehicle filling stations are specified in Sec. 61-12-196 through Sec. 61-12-205 of this Code. These standards shall apply in the following situations:

- (1) New construction;
- (2) Expansion of the gross floor area of any building on the zoning lot of an existing station by more than ten percent (10%);
- (3) Alterations to any structure on the zoning lot of an existing station where a building permit is required, and the cost of such work exceeds sixty percent (60%) of the assessed valuation of the property; and
- (4) Reopening of a station after cessation of operation for six (6) months.

**Sec. 61-12-196 | Motor vehicle filling stations; dimensional standards.**

As provided for in ARTICLE IV, DIVISION 6 of this Chapter, the appropriate review body may make administrative adjustments to any quantifiable standard in the case of uses subject to site plan review. The Buildings and Safety Engineering Department may make administrative adjustments to any quantifiable standard in cases of uses not subject to site plan review.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-196. Motor vehicle filling stations; dimensional standards.**

The minimum lot width and lot area requirements, the lot coverage requirement, building and equipment setbacks, and maneuvering area requirements are specified in Sec. 61-13-94 through Sec. 61-13-100 of this Code. For purposes of this Zoning Ordinance, a “pump island” shall be considered a fueling position where not more than two (2) vehicles may be fueled simultaneously.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-197. Motor vehicle filling stations; equipment enclosure and screening and landscaping.**

- (a) Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, or repairing equipment shall be entirely enclosed within a building.
- (b) Any such building, or portion of a building, which faces, abuts, or is adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, residential PD, or TM, shall comply with the screening and landscaping requirements of ARTICLE XIV, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-12-198. Motor vehicle filling stations; ingress and egress.**

Driveway openings shall be limited to major and secondary thoroughfares and freeway service drives only. The number of driveway openings that service a motor vehicle filling station shall conform to the following, with the exception of motor vehicle filling stations located on designated Traditional Main Streets, along which not more than two (2) driveways/curb cuts are allowed from the Traditional Main Street:

Dimension of Lot Line abutting Public Street (in feet)	Maximum Number of Driveways Per Public Street
Less than 120 (alongside lot line only)	1
120-149	2
150-179	3
180-210	4
Each additional 30	1 additional driveway

The design and location of driveway openings shall be subject to the approval of the of the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-12-199. Motor vehicle filling stations; paving.**

The site shall be paved with a permanent surface of concrete or asphaltic cement, and shall be graded and drained in accordance with the Michigan Plumbing Code so as to dispose of all surface water. Any unpaved areas of the site shall be landscaped in accordance with Sec. 61-14-206 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-200. Motor vehicle filling stations; screening and landscaping.**

*In general:*

- (a) A landscaped area, that measures not less than one hundred fifty (150) square feet, shall be provided at the intersection of two (2) lot lines at a street corner. Where not located on a corner lot, the one hundred fifty (150) square foot landscaped area shall surround the base of the primary business sign. In addition, the site shall be screened and landscaped in accordance with the provisions—of ARTICLE XIV, DIVISION 2 of this Chapter following.

*Traditional Main Street Overlay Areas:*

- (b) For gas stations located on a zoning lot abutting a Traditional Main Street, the principal building rather than a landscaped area must be placed at the corner. Additionally, on lots abutting a Traditional Main Street, parking areas, vehicular circulation lanes, or pump queuing areas that are adjacent to a public sidewalk shall be screened with a landscape buffer strip with a minimum width of five (5) feet between the vehicular area and the sidewalk. The landscape buffer strip shall include:
- (1) A wall that forms a continuous screen at least thirty (30) inches, but not more than thirty-six (36) inches, in height. The screen wall shall be protected with appropriate curbs and bollards, in compliance with Sec. 61-14-299(a)(2). The wall shall be:
- (1) A brick wall;
  - (2) A masonry wall with brick facing;
  - (3) A concrete wall with brick design;
  - (4) A stone wall; or
  - (5) Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the motor vehicle filling station.
- (2) A combination of evergreen and deciduous vegetation, including trees, shrubs, and groundcover.

**Sec. 61-12-201 | Motor vehicle filling stations; lighting.**

- (1) Trees. At least one (1) tree shall be provided in the buffer strip for each thirty (30) linear feet of landscape buffer. Trees must have a minimum nonpaved planting area of eighteen (18) square feet, with a minimum depth of five (5) feet. Trees provided to meet the standards of this subsection shall not be planted more than fifty (50) feet apart. (See Figure 61-14-221(1)(a));
  - (2) Shrubs. At least one shrub shall be provided per twenty (20) square feet of landscaped area.
  - (3) All landscaping shall comply with the standards in ARTICLE XIV.DIVISION 2.Subdivision B of this Chapter, Landscaping, Quality.
- (3) In instances where it is not practical to provide a 5-foot landscaped buffer strip, just the screen wall may be provided without the additional landscaping, provided the screen wall includes additional design features such as decorative caps, subject to review and approval by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-12-201. Motor vehicle filling stations; lighting.**

The following lighting provisions for gas stations shall apply:

- (1) All light sources, including canopy, perimeter, and flood lighting shall be stationary and shielded or recessed within the roof canopy so that light is deflected away from adjacent properties and public rights-of-way;
- (2) Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties; and
- (3) Luminaries shall not be higher than fifteen (15) feet above established grade; and
- (4) Internally illuminated gas station canopies are prohibited where located on a zoning lot abutting a Traditional Main Street.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-12-202. Motor vehicle filling stations; signs.**

The following standards and requirements shall apply to signs for motor vehicle filling stations. In the event of conflict between these provisions and the provisions for business signs as provided for in ARTICLE VI of this Chapter, the following provisions shall control:

- (1) A sign shall not be erected or allowed to remain anywhere on the subject property that exceeds a height of thirty-five (35) feet above established grade;
- (2) A maximum of one (1) such ground sign may be erected or allowed to remain on site. Said sign may be located in the corner landscaped area, as specified in Sec. 61-12-200 of this Code, provided, that at least one hundred fifty (150) landscaped square feet remain;

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**Sec. 61-12-203 | Motor vehicle filling stations; refuse storage areas.**

- (3) All building walls and fences, or walls that surround the property, shall be kept clean and free from all banners, posters, advertising materials, temporary signage and graffiti;
- (4) Temporary signs and banners shall be prohibited, except as provided for in Sec. 61-12-442 of this Code;
- (5) Signs on the premises shall be arranged so that they do not obstruct the visibility of drivers or pedestrians. The total signage on the zoning lot shall not exceed three hundred (300) square feet in area, provided, that not more than twenty-five percent (25%) of any exterior building wall shall be covered by signage.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-203. Motor vehicle filling stations; refuse storage areas.**

The following provisions for refuse storage areas at gas stations shall apply:

- (1) All outdoor trash receptacles, except those that are intended for customer use, shall be located within an enclosure which is not less than six (6) feet in height, be constructed of the same materials as the building's masonry walls or of the screen wall, and have opaque gates of the same height; and
- (2) Trash receptacles for customer use shall be provided at each pump island and at the customer entrance to the building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-204. Motor vehicle filling stations; outdoor display of merchandise.**

All retail activities and operations shall be conducted entirely within an enclosed building, except as follows:

- (1) The display of merchandise offered for customer convenience on any pump island, provided, that the aggregated display area on each island does not exceed twelve (12) square feet; and
- (2) Motor vehicle products displayed along the front of the building and within thirty-six (36) inches of the building that are limited to five (5) feet in height and not more than ten (10) feet in length.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-205. Permits and licenses of other agencies.**

Whenever a license or permit is required by a county, state, or federal agency, then obtaining and maintaining said license or permit shall be deemed a use regulation under this article for motor vehicle filling stations. Obtaining and maintaining the proper license from the City of Detroit Business License Center, as provided for in Chapter 19 of this Code, shall be deemed a use regulation under this article for motor vehicle filling stations.

(Ord. No. 11-05, §1, 5-28-05)



Sec. 61-12-205 | Permits and licenses of other agencies.

**Secs. 61-12-206–61-12-210. Reserved.**

Sec. 61-12-211 | Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.

**Subdivision E. Retail, Service and Commercial Uses; Generally, continued**

**Sec. 61-12-211. Motor vehicles, new or used: storage lot accessory to a salesroom or sales lot for new or used motor vehicles.**

Storage lots accessory to a salesroom or sales lot for new or used motor vehicles shall be subject to the following provisions:

- (1) Such storage lots for motor vehicle salesrooms or sales lots exclude use as “towing service storage yards,” as defined in Sec. 61-16-182 of this Code; and
- (2) Any portion of such storage lots designed or used for the storage of commercial vehicles or semi-trucks shall be located a minimum of twenty-five (25) feet from properties adjacent or across an alley and used for residential purposes.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-12-212. Motor vehicles, new, salesroom or sales lot.**

Salesrooms or sales lots for new motor vehicles shall be subject to the following provisions:

- (1) The premises shall be located on a major or secondary thoroughfare as indicated in the Master Plan;
- (2) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across and alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code;
- (3) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (5) The premises shall have proper curb cuts for entrances and exits; and
- (6) Accessory service facilities and the sale of used motor vehicles shall be permitted as an accessory use. However, in the event of cessation of new motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.

(See Sec. 61-12-407 for additional regulations of accessory uses.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-213. Motor vehicles, used, salesroom or sales lot.**

Salesrooms or sales lots for used motor vehicles shall be subject to the following provisions:

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**Sec. 61-12-213 | Motor vehicles, used, salesroom or sales lot.**

- (1) The facility shall be adequate in size for the display and sale of not fewer than twelve (12) used motor vehicles; all display spaces shall measure not less than nine (9) feet by twenty (20) feet, exclusive of unusable space and drives or aisles which give access to the space; aisle ways that adjoin display spaces shall comply with the dimensional standards for width as specified in Sec. 61-14-152 of this Code.
- (2) All used motor vehicles for sale shall be in operable condition.
- (3) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved.
- (4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD.
- (5) The premises shall have proper curb cuts for entrances and exits.
- (6) The premises shall be screened by six (6) foot high opaque walls where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code.
- (7) A suitable building of a permanent nature shall be erected that has at least two hundred (200) square feet of gross floor area, is constructed of wood, masonry, or other approved building material, and sits on a proper foundation, except that frame and all metal buildings less than two hundred (200) square feet of gross floor area may be erected as outlined in the Michigan Building Code. However, in the event of cessation of used motor vehicle sales, said accessory uses may not continue, except upon issuance of a permit for said uses as the principal use of the land, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists.
- (8) Vehicle preparation shall be permitted as an accessory use at the time of establishment of the used motor vehicle salesroom or sales lot. However, major motor vehicle services or minor motor vehicles services on the premises of the used motor vehicle salesroom or sales lot shall only be permitted upon issuance of a permit for the service facilities as a principal land use in conjunction with the salesroom or sales lot, which is subject to a Conditional Use public hearing where such is specified in the zoning districts use lists for said service facilities.
- (9) All used motor vehicle salesrooms or sales lots shall be licensed in accordance with Chapter 49 of this Code.
- (10) In the SD4 District, used motor vehicle sales are prohibited, except where incidental and accessory to a new car dealership.
- (11) Where used motor vehicles are sold on the same zoning lot upon which used tire sales are conducted, a separate principal land use permit is required for used tire sales; the outdoor storage of used tires is prohibited.
- (12) All used motor vehicle salesrooms or sales lots shall be established and located along a major thoroughfare only, as identified in the Master Plan.
- (13) All used motor vehicle salesrooms or sales lots shall be subject to site plan review as specified in Sec. 61-3-113 of this Code.

**Sec. 61-12-214 | Motor vehicle services, major.**

- (14) It is unlawful for any used motor vehicle salesroom or sales lot to display motor vehicles on the berm, sidewalk, or elsewhere in the public right-of-way.
- (15) It is unlawful for any used motor vehicle salesroom or sales lot to display an A-frame or other portable sign in the public right-of-way.
- (16) As specified in Sec. 61-12-91 of this Code – “Spacing,” no new and/or newly established used motor vehicle salesroom or sales lot shall be located within one thousand (1,000) radial feet of any existing used motor vehicle salesroom or sales lot located within or outside of the City of Detroit’s boundaries

(See Sec. 61-13-24, Sec. 61-13-25, Sec. 61-13-27, Sec. 61-13-42, Sec. 61-13-43, Sec. 61-13-44, Sec. 61-13-45, Sec. 61-13-46, and Sec. 61-13-66 for dimensional requirements.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, §1, 11-21-12; Ord. No. 13-16, §1, 5-20-2016)

**Sec. 61-12-214. Motor vehicle services, major.**

Major motor vehicle services shall be subject to the following provisions:

- (1) All major motor vehicle services shall be conducted entirely within an enclosed building;
- (2) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code. Said wall(s) shall have no openings, except for one secondary, pedestrian exit door of minimum requirements, where mandated by the Fire Marshall;
- (3) All open storage of vehicles awaiting repairs or service be enclosed by an opaque wall or fence of masonry construction, that is six (6) feet in height and maintained in a neat and orderly fashion at all times;
- (4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (5) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (6) The sale or rental of used motor vehicles, and the storage of such vehicles incidental to their sale, is prohibited on the premises of a major motor vehicle services facility, except upon issuance of a permit for such sale, rental, or storage in conjunction with the major motor vehicle repair facility, which is subject to a Conditional Use public hearing, where such is specified in the zoning districts use lists for said sales, rental, or storage;
- (7) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building;
- (8) Major motor vehicle services facilities shall neither be permitted in the B4 District on any zoning lot abutting a designated Gateway Radial Thoroughfare, nor anywhere within the Central business district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-215. Motor vehicle services, minor.**

Minor motor vehicle services shall be subject to the following provisions:

- (1) All minor motor vehicle services shall be conducted entirely within an enclosed building;
- (2) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code. Said wall(s) shall have no openings, except for one secondary, pedestrian exit door of minimum requirements, where mandated by the Fire Marshall;
- (3) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All outdoor areas shall be either landscaped, in accordance with the provisions of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter, or paved;
- (5) The sale or rental of used motor vehicles, and the storage of such vehicles incidental to their sale, is prohibited on the premises of a minor motor vehicle services facility, except upon issuance of a permit for such sale, rental, or storage in conjunction with the minor motor vehicle repair facility, which is subject to a Conditional Use public hearing, where such is specified in the zoning districts use lists for said sales, rental, or storage;
- (6) There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building; and
- (7) Minor motor vehicle services at which customers are not required to exit their vehicles, such as at quick oil change facilities, shall be subject to the vehicle stacking provisions of Sec. 61-14-132 and Sec. 61-14-133 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-216. Motor vehicle washing and steam cleaning.**

Motor vehicle washing and steam cleaning shall be subject to the following provisions:

- (1) The lot to be built upon shall be located on a street designated as a major or secondary thoroughfare and all means of vehicular ingress and egress shall be located on a major or secondary thoroughfare, and not from an adjoining residential street or alley. A residential street or alley shall not be used as a maneuvering or parking area for vehicles using the facility;
- (2) All portions of each area designed or used for the washing of motor vehicles shall be located a minimum of twenty-five (25) feet from the boundaries of residential zoning districts;
- (3) A hard surfaced driveway of one (1) or more lanes shall be constructed on the property in such manner as to provide for a continuous movement of vehicles into the wash-rack (See Figure 61-12-216 and Sec. 61-14-132):

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**Sec. 61-12-216 | Motor vehicle washing and steam cleaning.**

- (a) The driveway so provided shall be not less than ten (10) feet wide for a single lane and not less than ten (10) additional feet in width for each additional lane;
  - (b) Where only a single lane is provided, the lane shall be used for no other purpose than to provide access to the wash-rack. All lanes provided shall be suitably protected from incursions of other traffic;
  - (c) The total length of the required stacking lane(s) so provided shall be determined by the overall length of the wash line, measured from the point that mechanical washing or cleaning begins, to the end of the mechanical washing or drying operation. In any development where the washing operation moves in other than a straight line, the length of the building or wash line for purposes of this section shall be the distance measured along the center-line of the conveyor or wash line. The greater of the above measurements shall be used in the determination of the length of the required lane or lanes. The overall length of the required lane or lanes, as measured along the center-line, shall be determined in accordance with the following formula: Where the building or total length of all wash lines is eighty (80) feet or less in overall length, the total required lane or lanes exclusive of the wash line shall be not less than two hundred (200) feet in length. Where the building or total length of all wash lines exceed eighty (80) feet in length, the length of the required lane or lanes exclusive of the wash line shall be increased twenty (20) feet for each ten (10) feet, or fraction thereof, by which the building or wash lines exceed eighty (80) feet in overall length;
  - (d) Not fewer than two (2) stacking spaces, which measure ten (10) feet by twenty (20) feet, shall be provided for each stall at a self-service/customer-operated car wash. In addition, one (1) stacking space shall be provided between the vehicle exit door and the point of vehicular egress to the right-of-way;
  - (e) Not fewer than two (2) stacking spaces, which measure ten (10) feet by twenty (20) feet, shall be provided for each designated wash area at a “hand car wash”;
  - (f) The premises shall be screened by six (6) foot high opaque wall(s) where adjacent to land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with the provisions of Sec. 61-14-237 of this Code;
- (4) A barrier, that is a minimum of eighteen (18) inches in height, shall be constructed and maintained on all lot lines within nine (9) feet of a required stacking lane, except where the above required masonry wall is constructed on the lot line;
  - (5) The operating equipment shall be located or buffered so as to prevent unreasonably high noise levels at any point on the property boundary;

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**Sec. 61-12-216 | Motor vehicle washing and steam cleaning.**

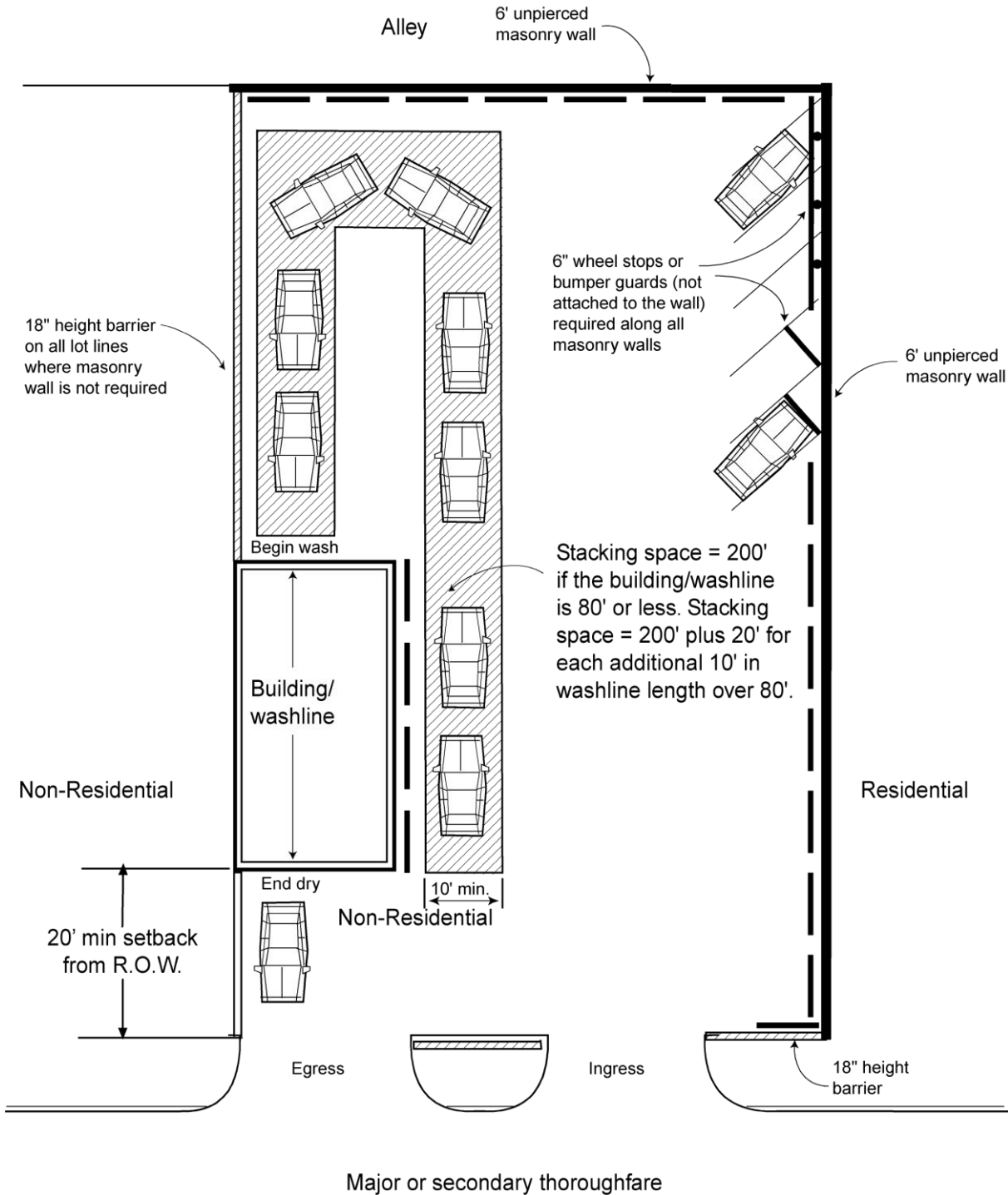
- (6) Permitted hours of operation shall be from 7:00 a.m. to 10:00 p.m.;
- (7) There shall be no above-ground outdoor storage/dispensing tanks on the site;
- (8) All washing activities shall be conducted within an enclosed structure, except for a designated wash area for not more than one (1) tall vehicle. Customer-operated “car washes” are exempt from this provision;
- (9) Vacuuming activities shall be at least twenty-five (25) feet from any lot line except where the property abuts a residential zoning district in which case a fifty (50) foot separation shall be maintained;
- (10) All drains shall be properly connected to a public sewer system;
- (11) Such uses shall be graded and drained in conformance with the requirements of the Michigan Plumbing Code so as to dispose of all surface water accumulation within the parking area;
- (12) Motor vehicle washing and steam cleaning facilities are also subject to the provisions of Chapter 10 of this Code, *Car Washes*;
- (13) In the B4 District, motor vehicle washing and steam cleaning establishments shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare; and
- (14) As may be required, landscaping shall be provided in accordance with ARTICLE XIV, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-12-216 | Motor vehicle washing and steam cleaning.

**Figure 61-12-216**  
**Motor Vehicle Washing and Steam Cleaning Establishments**

Residential





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**Sec. 61-12-217 | Motorcycle sales, rental, or service establishments.****Sec. 61-12-217. Motorcycle sales, rental, or service establishments.**

Motorcycle sales, rental, or service establishments shall be subject to the following provisions:

- (1) It shall be unlawful to engage in the business of renting motorcycles within five hundred (500) feet of land zoned R1, R2, R3, R4, R6, or residential PD. This requirement may be waived by the Buildings and Safety Engineering Department where the applicant secures in writing the consent of two-thirds (2/3) of the persons owning, residing, or doing business within five hundred (500) feet of the applicant's proposed location.
- (2) The petition provisions of Sec. 61-12-85 of this Code shall also apply.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-218. Office, business or professional.**

In the PC district, only public offices shall be permitted.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-219. Parking lots or parking areas.**

The definitions for commercial parking, accessory parking, and remote accessory parking are specified in Sec. 61-16-151 of this Code. Parking lots shall be subject to the following provisions:

- (1) Parking lots are limited to the parking of operable private passenger vehicles and the accessory parking of other vehicles associated with a land use to which the parking lot is accessory. All such vehicles shall bear current and valid license plates;
- (2) No parking lot or parking area may be used as a towing service storage yard as defined in Sec. 61-16-182 of this Code;
- (3) No permit is required for accessory parking on the same zoning lot as the use to which the parking is accessory. A permit from the Buildings, Safety Engineering and Environmental Department is required for any commercial parking lot or remote accessory parking lot, and for any accessory parking lot that is located on a zoning lot separate from the principal use;
- (4) Commercial parking lots must be licensed by the Business License Center as provided for in Chapter 39 of this Code;
- (5) Vending on parking lots that are licensed for commercial parking is prohibited as provided for in Section 39-2-17 of this Code.
- (6) Vending on parking lots or parking areas that are not licensed for commercial parking is prohibited, except as provided for in Sec. 61-12-437 of this Code;
- (7) No commercial parking lot shall be located within one thousand (1,000) radial feet of any stadium or sports arena, except on land that, on August 13, 1999, 1)

## Sec. 61-12-219 | Parking lots or parking areas.

was vacant, or 2) for which the most recently recorded permitted use was for parking purposes;

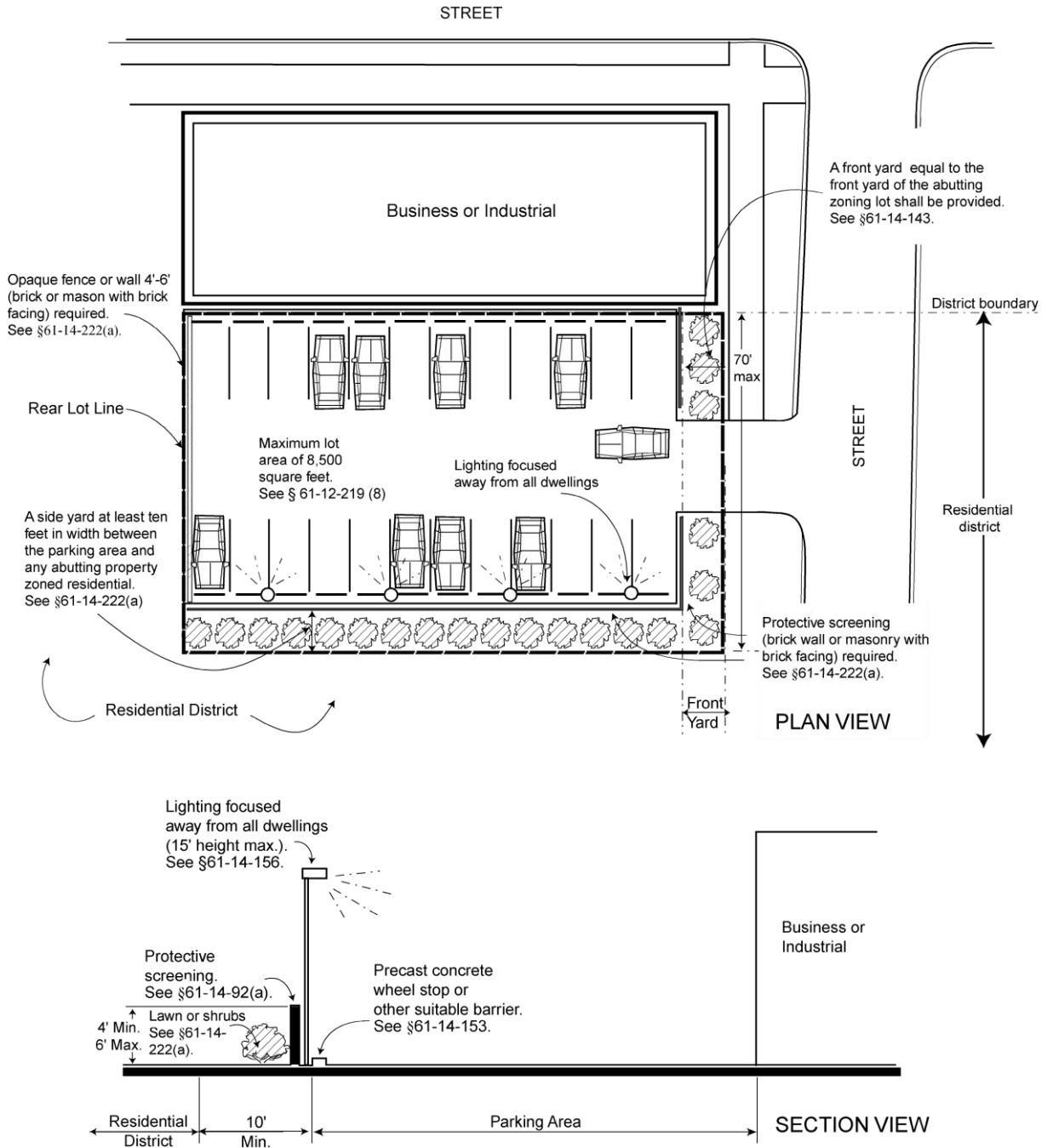
- (8) Parking lots and parking areas shall conform to:
- (a) The specifications for “Accessible Parking for Physically Disabled Persons” as provided for in ARTICLE XIV, DIVISION 1, Subdivision G of this Chapter;
  - (b) The “Off-Street Parking Area Design” standards for “Off-Street Parking Areas” as provided for in ARTICLE XIV, DIVISION 1, Subdivision I of this Chapter; and
  - (c) The “Landscaping and Screening” standards for “Off-Street Parking Areas” as provided for in ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter; and
- (9) In addition, the following specific standards shall apply for the zoning districts that are specified (See Figure 61-12-219(9)):
- (a) *Districts R1-R2*: A parking lot may be allowed when accessory to any non-residential use permitted in the subject district, and where located on a separate zoning lot and not involving any trade, business, profession, or occupation;
  - (b) *Districts R1-R3*: Where a zoning lot abuts, or is separated by an alley or easement along its side zoning lot line from a business or industrial zoning district, a parking lot may be allowed provided that it does not exceed seventy (70) feet in width and not more than eight thousand five hundred (8,500) square feet in area. Any off-street parking spaces so furnished may be considered as supplying either required or surplus off-street parking facilities for new, converted, or expanded uses;
  - (c) *Districts R3-R4*: A parking lot shall be allowed only when accessory to uses permitted in the subject zoning district, where located on a separate zoning lot, and where not involving any trade, business, profession, or occupation;
  - (d) *Districts R1-R3*: A parking lot may be permitted on land designated non-residential on the generalized land use plan of the Master Plan;
  - (e) *District B4*: Commercial parking lots that are located on zoning lots in the B4 District, which abut a designated Gateway Radial Thoroughfare, may be permitted as a Conditional use only. However accessory parking is permitted by right;
  - (f) *District P1*: Parking lots shall conform to:
    - (i) The specifications for accessible parking for physically disabled persons as provided for in ARTICLE XIV, DIVISION 1, Subdivision G of this Chapter;

## Sec. 61-12-219 | Parking lots or parking areas.

- (ii) The off-street parking area design standards as provided for in ARTICLE XIV, DIVISION 1, Subdivision I of this Chapter; and
- (iii) The landscaping and screening standards for off-street parking areas as provided for in ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 38-14, §1, 10-16-2014)

**Figure 61-12-219 (9)  
Off-Street Parking Areas on Land Zoned R1, R2 or R3**



**Sec. 61-12-220. Parking structures.**

Parking structures shall be subject to the following provisions:

- (1) The dimensions of parking spaces in a parking structure shall be nine (9) feet by twenty (20) feet as specified in Sec. 61-14-151 of this Code, except that not more than twenty percent (20%) of the total number of spaces may be striped to

smaller dimensions, provided, that all such spaces are located in those areas of the structure most remote from street-level ingress and egress and from direct access points to adjacent buildings. No other administrative adjustment of parking space dimensions may be granted;

- (2) Parking structures shall conform to the specifications for Accessible Parking for Physically Disabled Persons as provided for in Sec. 61-14-122 through Sec. 61-14-126 of this Code. In addition, the minimum height clearance shall be ninety-eight inches (98") for van accessibility;
- (3) In the B5, PC, and PCA Districts, a parking structure shall be permitted by right if at least thirty percent (30%) of the ground floor level façade abutting a public street is dedicated to commercial space or other space oriented to pedestrian traffic. Otherwise, a parking structure may only be permitted as a Conditional use;
- (4) In the SD1 and SD2 districts, a parking structure may be permitted as a Conditional use if least sixty percent (60%) of the ground floor level façade abutting a public street is dedicated to commercial space or other space oriented to pedestrian traffic;
- (5) Parking structures shall be subject to site plan review as provided for in Sec. 61-3-113(1)(f) of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

#### **Sec. 61-12-221. Pawnshops.**

Pawnshops shall be subject to the following provisions:

- (1) Pawnshops are prohibited in all zoning districts within the Central business district;
- (2) In the B4 District, pawnshops are prohibited on zoning lots abutting designated Gateway Radial Thoroughfares;
- (3) Pawnshops are subject to the Regulated Use provisions of ARTICLE III, Division 8 of this Chapter; and
- (4) Pawnbrokers are subject to the licensing provisions of Chapter 49, Article V of this Code.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-12-222. Pet shops.**

Pet shops shall be subject to the following provisions:

- (1) Pet shops are subject to the licensing provisions of Chapter 6, Article V of this Code; and
- (2) Commercial kennel facilities shall be governed separately by the provisions of Sec. 61-12-170 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-223. Pool or billiard halls.**

Pool and billiard halls are subject to the licensing provisions of Chapter 5, Article V of this Code. The petition provisions of Sec. 61-3-312 shall apply in those districts where pool or billiard halls are a Controlled Use in order to waive the prohibition of arcades within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(See ARTICLE III, DIVISION 9 for the Controlled Use regulations.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-12-224. Private clubs, lodges, or similar uses.**

Private clubs and lodges, and similar uses, shall be subject to the following provisions:

- (1) Private clubs, lodges, and similar uses without assembly halls are permitted in the R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, PCA, TM, SD1, and SD2 Districts;
- (2) Such uses with assembly halls are only permitted in the B4, B5, B6, M1, M2, M3, M4, and TM districts;
- (3) Such uses that rent, lease, or loan space for the purpose of public assembly, banquets, luncheons, entertainment or sports events, whether such assemblies are public or private or subject to an admission fee, are permitted only in those zoning districts where “Rental halls” are permitted. Such rental facilities may be subject to the petition requirements of Sec. 61-12-85 as provided for in Section 46-2-4 of this Code. Such rental facilities are subject to the licensing requirements of Chapter 46 of this Code;
- (4) No private club, lodge, or similar use shall be licensed by the Michigan Liquor Control Commission (MLCC) for consumption of alcoholic beverages on the premises until the Buildings and Safety Engineering Department shall have approved a change of use for the premises to a Group B Cabaret as defined in Sec. 61-16-92 of this Code; such clubs that are licensed by the MLCC for consumption on the premises are only permitted in the B3, B4, B5, B6, M1, M2, M3, M4, PCA, TM, SD1, SD2, and SD4 Districts;
- (5) Motorcycle clubs, as defined in Sec. 55-9-28 of this Code, shall be prohibited within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location (See Section 55-9-30); and
- (6) In the R4, R5, and R6 Districts, only those private clubs and lodges recognized by the Internal Revenue Service as holding non-profit, tax-exempt status are permitted.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-225. Rebound tumbling centers.**

Rebound tumbling centers are subject to the following provisions:

- (1) Accessory parking areas shall be provided in accordance with ARTICLE XIV.DIVISION 1 of this Chapter;
- (2) Ingress or egress shall be only from the principal, or busier, street as determined by the Planning and Development Department;
- (3) Loudspeakers or public address systems may be used only for control purposes, shall play no music, and shall be removed where, in the opinion of the Buildings and Safety Engineering Department, such operation constitutes a nuisance;
- (4) No rebound tumbling apparatus, or part thereof, shall be located within one hundred (100) feet of any property zoned in a residential district classification;
- (5) Permitted hours of operation shall be 8:00 a.m. to 10:30 p.m., Monday through Saturday, and 12:00 noon to 10:30 p.m. Sunday;
- (6) Rebound tumbling centers are prohibited in the B4 District on zoning lots abutting designated Gateway Radial Thoroughfares;
- (7) It shall be unlawful to establish any rebound tumbling center within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location.
- (8) Rebound tumbling centers shall be licensed by the Business License Center as provided in Chapter 5, Article XIV of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-226. Recreation, indoor commercial and health club; Recreation outdoor commercial.**

Indoor commercial recreation is prohibited in the R1, R2, R3, R4, R5, and R6 Districts, except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code. Commercial recreation uses or activities are subject to the following provisions:

- (1) It shall be unlawful to establish any of the following uses within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD:
  - (a) Archery gallery, range, or school;
  - (b) Baseball batting practice net;
  - (c) Golf practice driving range, golf practice driving net, golf practice putting green, or golf school; and

## Sec. 61-12-227 | Rental halls and banquet halls.

- (d) Track for bicycles, or velodromes, except where operated exclusively indoors.

Said prohibition shall be waived upon presentation to the Buildings, Safety Engineering and Environmental Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location.

- (2) Archery ranges are subject to the licensing provisions of Chapter 5, Article XIV of this Code;
- (3) Baseball batting practice nets are subject to the licensing provisions of Chapter 5, Article XIV of this Code;
- (4) Bathhouses shall be licensed in accordance with Chapter 8 of this Code;
- (5) Bicycle tracks or velodromes are subject to the licensing provisions of Chapter 5, Article XIV of this Code, except where such licensing provisions conflict with the provisions of this section;
- (6) Bowling centers are subject to the licensing provisions of Chapter 5, Article VI of this Code;
- (7) Golf domes are not permitted in the SD2 District;
- (8) Golf schools are subject to the licensing provisions of Chapter 5, Article XIV of this Code;
- (9) Ice skating rinks are subject to the licensing provisions of Chapter 5, Article XIV of this Code;
- (10) Roller skating rinks are subject to the licensing provisions of Chapter 5, Article XIV of this Code;
- (11) Indoor commercial recreation facilities on land zoned B2 shall not exceed 10,000 square feet of gross floor area as specified in Sec. 61-9-36(16) of this Code and shall not contain a spectator seating area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 21-12, §1, 11-2-12; Ord. No. 13-15, §1, 7-11-2015; Ord. No. 23-16, §1, 7-22-2016)

**Sec. 61-12-227. Rental halls and banquet halls.**

Rental halls and banquet halls shall be subject to the following provisions:

- (1) Rental halls and banquet halls shall be prohibited within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings, Safety Engineering and Environmental Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location;
- (2) In the Central business district, rental halls and banquet halls shall be prohibited within one thousand (1,000) feet of any other rental hall or public dance hall; and
- (3) Rental halls are subject to the licensing requirements of Chapter 46 of this Code and
- (4) Banquet halls are subject to the applicable licensing requirements of this Code..



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**Sec. 61-12-228 | Restaurants, carry-out and fast-food.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-12-228. Restaurants, carry-out and fast-food.**

Carry-out restaurants and fast-food restaurants shall be located on a street designated as a major or secondary thoroughfare, and shall be subject to the spacing provisions of Sec. 61-12-92 of this Code and to the following provisions:

- (1) Points of vehicular ingress and egress shall be approved by Department of Public Works, Traffic Engineering Division in accordance with the provisions of Chapter 50, Article IV of this Code;
- (2) Exhaust and filtration systems from food preparation shall be installed and shall meet all requirements of the County of Wayne Department of Environment;
- (3) Except as provided in Subsection (6) of this Section, food consumption upon the premises outside the restaurant building shall be prohibited, and, where deemed advisable by the enforcing official to assure compliance with this prohibition, the premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs shall be posted within the building near the checkout counter of the restaurant, and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises;
- (4) Drive-up, drive-through facilities may be provided in the B3, B4, and B5, districts only where approved as Conditional Uses and subject to the provisions for vehicle stacking in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. Where practicable, there shall be at least one (1) temporary vehicle stopping space after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway;
- (5) Carry-out or fast-food restaurants with drive-up or drive-through facilities are prohibited on any zoning lot abutting a Gateway Radial Thoroughfare. In addition, carry-out or fast-food restaurants are prohibited altogether on the Woodward Avenue Gateway Radial Thoroughfare unless located in a multi-story building having a mixed-use or multi-tenant development;
- (6) Designated outdoor eating areas accessory to fast-food restaurants, such as in a courtyard or on a roof or deck, may be provided in the B2, B3, B4 and B5 Districts only where approved as Conditional Uses. Such feature may be provided on a by-right basis in those other zoning districts where carry-out or fast-food restaurants are permitted by right. Designated outdoor eating areas shall be added to the gross floor area of the building for purposes of computing off-street parking requirements. Outdoor eating areas shall not be designated in required parking areas. Outdoor eating areas on the sidewalk or elsewhere in the right-of-way are prohibited except upon the recommendation of the Department of Public Works and subject to approval by City Council;

## Sec. 61-12-229 | Restaurants, standard.

- (7) Any carry-out or fast-food restaurant that operates as a concert café or coffee house is subject to the licensing provisions of Chapter 5, Article IX of this Code;
  - (8) In the B5 and PCA districts:
    - (a) Any carry-out or fast-food restaurant that is located in a multi-story building and integrated into a mixed-use or multi-tenant development, rather than a single use building, shall be a by-right use in the B5 and PCA districts. Stand-alone carry-out or fast-food restaurants shall be a Conditional Use; and
    - (b) Any carry-out or fast-food restaurant that includes service which eliminates the need for the customer to enter the building shall be a Conditional Use.
  - (9) In the PR district, carry-out or fast-food restaurants operated as concession stands under contract with the Recreation Department shall be permitted as accessory uses as provided for in Sec. 61-12-401(2) of this Code;
  - (10) In the SD4 District, stand-alone carry-out or fast-food restaurants are prohibited. However, carry-out or fast-food restaurants may be permitted on a by-right basis when integrated in a mixed-use, multi-tenant development and without drive-up or drive-through facilities; and
  - (11) See also Sec. 61-12-401 of this Code for applicable accessory use standards.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-229. Restaurants, standard.**

Standard restaurants shall be subject to the spacing provisions of Sec. 61-12-92 of this Code and to the following provisions:

- (1) Such uses may include the sale of beer or intoxicating liquor for consumption on the premises via a service bar only. Where the primary use of the liquor license is to serve table-seated dining patrons, the restaurant shall be a Regulated Use subject to ARTICLE III.DIVISION 8 of this Chapter;
- (2) Points of vehicular ingress and egress shall be determined by the Department of Public Works, Traffic Engineering Division;
- (3) Exhaust and filtration systems from food preparation shall be installed and shall meet all requirements of the County of Wayne Department of Environment;
- (4) Except as provided in Subsection (6) of this section, food consumption upon the premises outside the restaurant shall be prohibited, and, where deemed advisable by the enforcing official to assure compliance with this prohibition, the premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs shall be posted within the building near the checkout counter of the restaurant, and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises;

**Sec. 61-12-230 | (Repealed).**

- (5) Drive-up, drive-through facilities may be provided in the B3 and B4 Districts only where approved as Conditional Uses and subject to the provisions for vehicle stacking in ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. Where practicable, there shall be at least one (1) temporary vehicle stopping space after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway. In the B2, PCA, SD1, SD2, and SD4 Districts, such drive-through facilities are prohibited. In the M2, M3, M4, and TM districts, such drive-through facilities are permitted by right, subject to the provisions of ARTICLE XIV, DIVISION 1, Subdivision H of this Chapter. Standard restaurants with drive-up or drive-through facilities are prohibited on any zoning lot abutting a Gateway Radial Thoroughfare;
- (6) Designated outdoor eating areas, such as in a courtyard or on a roof or deck, may be provided in the B2, B3, or B4 District only where approved as Conditional Uses. Such feature may be provided on a by-right basis in those other zoning districts where standard restaurants are permitted by right. Designated outdoor eating areas shall be added to the gross floor area of the building for purposes of computing off-street parking requirements. Outdoor eating areas shall not be designated in required parking areas; and
- (7) Any standard restaurant operating as a coffee house is subject to the licensing provisions of Chapter 5, Article IX of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-230. (Repealed).**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-231. Retail sales and personal service in multiple-residential structures, hotels, and motels.**

Retail sales and personal service in certain multiple-residential structures, hotels, and motels shall be subject to the following provisions:

- (1) In order to provide urban amenities in a convenient and orderly manner for residents of medium-density and high-density residential areas, the following uses may be permitted as accessory uses in a multiple-family dwelling or a hotel or a motel that has at least fifty (50) units:
  - (a) Barber or beauty shops;
  - (b) Cleaning or pressing shops;
  - (c) Coffee shops;
  - (d) Gift shops;
  - (e) Laundry pick-up stations;
  - (f) Telegraph, photocopying, fax, computing offices;

**Sec. 61-12-232 | Schools or studios of dance, gymnastics, music, art or cooking.**

- (g) Tobacco or newspaper stands or shops; and
  - (h) Similar commercial uses.
- (2) These services are intended as a convenience for the residents of the building where they are permitted and for other residents within easy and convenient walking distance of these uses. The uses and applicable restrictions are as follows:
- (a) There shall be no entrance to such place of business except from within the building;
  - (b) There shall be no advertising or display of said use visible from outside the building; and
  - (c) The retail sales or personal service use does not exceed two thousand (2,000) square feet in gross floor area.
- (3) See also Sec. 61-12-404 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-232. Schools or studios of dance, gymnastics, music, art or cooking.**

Dance studios shall be licensed in accordance with the provisions of Chapter 5, Article XII of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)

**Sec. 61-12-233. Secondhand stores; secondhand jewelry stores.**

Secondhand stores and secondhand jewelry stores are subject to the Regulated Use provisions of Article III, Division 8 and shall be subject to the following provisions:

- (1) Secondhand stores shall comply with the licensing provisions of Chapter 49, Article IV of this Code;
- (2) Secondhand jewelry stores shall comply with the licensing provisions of Chapter 49, Article III of this Code;
- (3) Such uses shall not be permitted in the B4 District on any zoning lot abutting a designated Gateway Radial Thoroughfare; and
- (4) In the PCA district, secondhand stores shall be limited to antique stores and auction houses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-12-234. Specially designated distributor's (SDD) establishment or specially designated merchant's (SDM) establishment.**

Specially designated distributor's (SDD) establishments and specially designated merchant's (SDM) establishments shall be subject to the following provisions:

**Sec. 61-12-235 | Storage or killing of poultry.**

- (1) See Sec. 61-16-174 of this Code for definitions;
- (2) For zoning purposes, a retail store licensed by the state to sell carry-out beer, wine, or liquor, that exceeds fifteen thousand (15,000) square feet of gross floor area, shall not be considered an SDD or SDM, except as provided for in the definition;
- (3) In the event that such a retail store, that exceeds fifteen thousand (15,000) square feet of gross floor area is diminished to fifteen thousand (15,000) or fewer square feet of gross floor area, for example by subdividing or subletting retail space, such diminution shall be deemed a “change of use,” subject to the Controlled Use provisions of ARTICLE III, DIVISION 9 of this Chapter, and, depending on the zoning district, the Conditional Use provisions of ARTICLE III, DIVISION 7 of this Chapter. A public hearing may be required to effect such a change of use;
- (4) In the SD4 District, specially designated merchant’s (SDM) establishments and specially designated distributor’s (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a multiple-family dwelling or loft development, that has not fewer than fifty (50) dwelling units, or a hotel, that has not fewer than fifty (50) guest rooms.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-12-235. Storage or killing of poultry.**

Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade shall also conform to the applicable articles of Chapter 21 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-236. Tattoo parlors and piercing parlors.**

Tattoo parlors and piercing parlors shall be subject to the following provisions:

- (1) No tattoo parlor or piercing parlor shall be located within seven hundred fifty (750) feet of any public lodging house. This prohibition may be waived only by petition, as provided for in Sec. 61-12-97 of this Code;
- (2) Such uses shall be subject to licensing by the Business License Center and to the provisions of Chapter 53 of this Code; and
- (3) No tattoo parlor or piercing parlor shall be permitted in the B4 District on any zoning lot abutting a designated Gateway Radial Thoroughfare.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-237. Taxicab dispatch and/or storage facilities.**

Taxicab dispatch and/or storage facilities shall be subject to the following provisions:

- (1) Where taxicabs are stored on the premises, any portion of the storage lot that is visible from a public street shall include a landscape buffer strip with a minimum width of five (5) feet between the storage area and the right-of-way;

**Sec. 61-12-238 | Theaters and concert cafés.**

- (2) Where required, the landscape buffer shall be landscaped in the manner that is specified in Sec. 61-14-232 of this Code;
- (3) A screen wall may be required as provided for in Sec. 61-14-222 of this Code;
- (4) Only operable taxicabs, bearing a current license may be stored on the premises. No junk vehicles may be stored unless a permit for a junkyard has been issued by the Buildings and Safety Engineering Department;
- (5) Motor vehicle services may be performed on site only upon receipt of a separate permit from the Buildings and Safety Engineering Department for said services and subject to the provisions of Sec. 61-12-214 of this Code for major motor vehicle services or Sec. 61-12-215 of this Code for minor motor vehicle services; and
- (6) In the B4 District, taxicab dispatch and/or storage facilities shall not be located on any zoning lot abutting a designated Gateway Radial Thoroughfare.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-238. Theaters and concert cafés.**

Theaters and concert cafés shall be subject to the following provisions:

- (1) Multiplex theaters exceeding fifty thousand (50,000) square feet shall conform to the standards for large retail centers as provided for in ARTICLE XIV, DIVISION 3, Subdivision E of this Chapter;
- (2) It shall be unlawful to establish any concert hall within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD; said prohibition shall be waived upon presentation to the Buildings, Safety Engineering and Environmental Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location; and
- (3) It shall be unlawful to establish any concert café within five hundred (500) feet of land zoned R1, R2, R3, R4, R5, R6, or residential PD. Said prohibition shall be waived upon presentation to the Buildings and Safety Engineering Department of a verified petition requesting such waiver, signed by two-thirds (2/3) of those persons owning, residing, or doing business within five hundred (500) feet of the proposed location;
- (4) Theaters, stage show theaters, concert halls, and motion picture theaters are subject to licensing by the Business License Center, as provided for in Chapter 5, Articles XIV of this Code;
- (5) Concert cafés are subject to licensing by the Business License Center, as provided for in Chapter 5, Article IX of this Code;
- (6) In the SD1 District, theaters, excluding concert cafés, not exceeding one hundred fifty (150) fixed seats, may be permitted on a conditional basis.
- (7) In the SD2 District, theaters, excluding concert cafes, not exceeding 150 fixed seats, are permitted on a matter-of-right basis. Those exceeding 150 fixed seats may be permitted on a conditional basis.

**Sec. 61-12-239 | Trade schools, commercial.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-239. Trade schools, commercial.**

- (a) Truck driving schools are subject to the noise provisions of Sec. 36-1-4 of this Code and are excluded from the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code.
- (b) On land zoned SD2, all activities must occur indoors or to the rear of the building; truck driving schools are prohibited on land zoned SD2.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 15-17, §1, 6/16/2017)

**Sec. 61-12-240. Veterinary clinic for small animals.**

Veterinary clinics for small animals shall be subject to the following provisions:

- (1) Kennel facilities shall be governed separately by the provisions of Sec. 61-12-170 of this Code for commercial kennels;
- (2) All facilities of a veterinary clinic, including all grooming areas, cages, pens, and kennels, shall be maintained within a completely enclosed, soundproof building;
- (3) All veterinary clinics shall be designed and constructed in a manner that eliminates any emission of odor which is offensive to persons owning, occupying or patronizing properties adjacent to, or across an alley from, the use; and
- (4) No outdoor exercise run area shall be permitted less than fifty (50) feet from any land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-241. Youth hostels/hostels.**

Youth hostels/hostels shall be subject to the following provisions:

- (1) A youth hostel shall provide 24-hour management staffing when occupied.
- (2) A youth hostel shall provide common interior space for residents, which space may consist of community kitchen/dining area, lobby, sitting area, or the like and shall provide lockers or locked luggage rooms.
- (3) Each sleeping room shall have a separate smoke alarm as required in the Michigan Building Code.
- (4) A fire escape plan shall be developed and geographically displayed in each guest room.
- (5) The accommodations are only to be rented or hired out to an individual for a maximum duration of fourteen (14) consecutive days. There shall be a minimum of 21 days between stays for repeat visitors.

## Sec. 61-12-241 | Youth hostels/hostels.

- (6) Lavatories and bathing facilities shall be available to all persons using the premises.
- (7) In residential and residential PD zoning districts, one (1) identification sign that does not exceed six (6) square feet in area shall be permitted. On a corner lot, the maximum size shall be permitted on each street frontage; all signage shall be consistent with Chapter 3, Article VII of the City Code.
- (8) All prospective lodgers shall provide a government issued driver's license, photo identification, passport, or international student identification card, as a condition of lodging.
- (9) Lodging by minors under the age of 18 without a parent, legal guardian or an adult leader of an organized group shall not be permitted.
- (10) Management shall adopt, inform lodgers of, and strictly enforce rules of conduct of its guests to ensure the operation is not detrimental to the health, safety, peace or welfare of the neighborhood. All operation rules of and for the youth hostel/hostel shall be conspicuously displayed at locations throughout the premises and shall be printed in multiple languages to accommodate foreign travelers. These rules shall include, without limitation, the following:
  - (a) Specific check-in, check-out, day time lock-out (for cleaning purposes) and a nighttime curfew time where applicable shall be specified and enforced by the management.
  - (b) No controlled substances or alcohol are permitted on the premises.
  - (c) No pets are permitted (except guide dogs for the disabled). and
  - (d) No amplified music is allowed in any sleeping area.
- (11) Within a year of obtaining a land use permit, the hostel shall obtain and maintain affiliation with Hostelling International USA (HI-USA) or other national or international hostel association and otherwise promote the premises as a hostel catering to national and/or international travelers.
- (12) Building occupancy limits established by the Buildings, Safety Engineering and Environmental Department shall not be exceeded.
- (13) The owner(s) and/or management of the youth hostel/hostel shall comply with all provisions of and guidelines of Title VIII of the Fair Housing Act of 1968.



0 | (14) For lodgers staying longer than 7 days, management shall provide linen and cleaning service at a minimum once per week.

(14) For lodgers staying longer than 7 days, management shall provide linen and cleaning service at a minimum once per week.

(Ord. No. 13-11, §1, 8-23-11)

### **Sec. 61-12-242. Printing or engraving shops**

In the SD1 District, Printing or engraving shops not exceeding 4,000 square feet may be permitted on a conditional basis where a minimum of ten percent (10%) of the gross floor area is used as a retail store for the sale of the goods produced.

In the SD2 District, Printing or engraving shops not exceeding 5,000 square feet may be permitted on a matter of right basis where a minimum of ten percent (10%) of the gross floor area is used as a retail store for the sale of the goods produced. Printing or engraving shops exceeding 5,000 square feet may be permitted on a conditional basis where a minimum of ten percent (10%) of the gross floor area is used as a retail store for the sale of the goods produced.

(Ord. No. 23-14, §1, 7-24-14)

### **Secs. 61-12-243–61-12-250. Reserved.**

## **Subdivision F. Manufacturing and Industrial Uses**

### **Sec. 61-12-251. Abattoirs (slaughterhouses).**

Abattoirs (slaughterhouses) are additionally subject to the state licensing provisions that are specified in the Michigan Slaughterhouses; Edible Rendering, Wholesale Fabricating, Processing, or Storage Establishments Act, being MCL 287.571 *et seq.*

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-12-252. Bailing of waste paper or rags.**

The bailing of waste paper or rags shall be completely enclosed in a building.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-12-253. Blueprinting shop.**

In the B2 District, a blueprinting shop shall not exceed four thousand (4,000) square feet in gross floor area.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-12-254. Confection manufacturing.**

In the B2 District, confection manufacturing must include retail sales, and the building size shall not exceed six thousand (6,000) square feet in gross floor area.

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**Sec. 61-12-255 | Dental products, surgical, or optical goods manufacturing.**

In the SD1 District, confection manufacturing with a minimum of 10 percent of the gross floor area being used as a retail store for the sale of the goods produced, shall not exceed four thousand (4,000) square feet in gross floor area.

In the SD2 District, confection manufacturing with a minimum of 10 percent of the gross floor area being used as a retail stores for the sale of the goods produced, shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-255. Dental products, surgical, or optical goods manufacturing.**

In the B2 District, the building size of a dental products, surgical, or optical goods manufacturing establishment shall not exceed four thousand (4,000) square feet of gross floor area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-256. Garbage, offal, or dead animal reduction.**

A permit for garbage, offal, or dead animal reduction shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-257. Hazardous waste facilities.**

Hazardous waste facilities shall be subject to the following provisions:

- (1) Hazardous waste facilities shall be reviewed by the Hazardous Waste Facility Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision D of this Chapter;
- (2) Hazardous waste facilities may be permitted subject to approval by the State of Michigan Department of Environmental Quality and Hazardous Waste Site Review Board as required by Section 11119 of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.11119. The State of Michigan Department of Environmental Quality and Site Review Board shall receive a report with recommendations from the Hazardous Waste Facility Review Committee. Such report and recommendations shall consider those factors listed in Sec. 61-2-104(b) of this Code and the City's adopted siting criteria for Hazardous Waste Facilities. All storage of hazardous substances shall comply with the provisions of all applicable ordinances;
- (3) A permit for Hazardous waste facilities shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-258. Ice manufacture.**

Other than carbonic ice manufacture, ice manufacture shall be subject to licensing by the Business License Center and to the provisions of Chapter 24, Article VIII of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-259. Incinerator plants.**

Incinerator plants shall be subject to the following provisions:

- (1) The Industrial Review Committee shall submit a report to the Buildings and Safety Engineering Department regarding items of concern to that committee;
- (2) The Buildings and Safety Engineering Department shall submit a report and recommendation to City Council regarding the appropriateness of the incinerator in the zoning district where it is to be located;
- (3) The City Council shall hold a public hearing prior to making its decision and shall only grant approval where the Body makes findings that the use will be non-injurious to the surrounding property;
- (4) A permit for an incinerator plant shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-260. Jewelry manufacturing.**

In the B2 District, only the manufacture of handcrafted jewelry is permitted, and the building size shall not exceed four thousand (4,000) square feet of gross floor area.

In the SD1 District, jewelry manufacturing establishments shall have a minimum of ten percent (10%) of the gross floor area being used as a retail stores for the sale of the goods produced and shall not exceed four thousand (4,000) square feet in gross floor area.

In the SD2 District, jewelry manufacturing establishments shall have a minimum of ten percent (10%) of the gross floor area being used as a retail stores for the sale of the goods produced and shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-261. Junkyards.**

The term, “junkyard,” includes four (4) land uses: the premises of junk dealers, the premises of scrap iron and metal processors, automobile dismantling and wrecking yards, and recycling centers other than scrap tire recycling as defined in Sec. 61-16-171, and recycling center as defined in Sec. 61-16-161. These uses are subject to review by the Solid Waste Facility Review Committee and the applicable, corresponding licensing provisions of Chapter 49 of this Code. Junkyards are subject to the following provisions:

## Sec. 61-12-261 | Junkyards.

- (1) The minimum lot or parcel size for junkyards shall be two (2) acres;
- (2) *Spacing.* Junkyards shall not be located within one hundred fifty (150) feet of any lot zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (3) *Screening.* Notwithstanding the junkyard screening provisions of Chapter 49 of this Code, a masonry wall that is not less than eight (8) feet in height and or more than twelve (12) feet in height, shall be constructed and maintained in good condition around any junkyard;
- (4) *Setbacks.* All buildings, screening, and junk materials shall be set back at least twenty (20) feet from any lot line abutting a right-of-way;
- (5) As required by Sec. 61-14-231 of this Code, the twenty (20) foot setback area between the masonry wall and the lot line shall be landscaped in accordance with Sec. 61-14-232 and Sec. 61-14-235 of this Code;
- (6) Adequate parking and unloading facilities shall be provided at the site so that no junk-hauling vehicle stands on a public right-of-way awaiting entrance to the site at any time;
- (7) All activities shall be confined within the walled-in area. There shall be no stacking of material above the height of the masonry wall, except that moveable equipment used on the site may exceed that height. No equipment or material shall be used or stored outside the screened area;
- (8) No open burning shall be permitted;
- (9) Any outdoor industrial processes involving the use of equipment for cutting, shredding, compressing, or packaging shall be conducted at least five hundred (500) feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (10) All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads;
- (11) The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Buildings and Safety Engineering Department shall certify that the facility is in a properly zoned area and the Police Department shall certify that the operators have not been previously convicted as felons;
- (12) All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site. Any materials listed on the Michigan Critical Materials Register, gasoline and solvents, shall require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality;
- (13) *Bond.*
  - (a) The applicant shall tender to the Finance Department, Debt Management Section an instrument of assurance in the form of a surety bond or an irrevocable letter of credit or a certificate of deposit note, in a sufficient amount, as determined by the Director of the Buildings and Safety Engineering Department for the removal and safe disposal of the maximum

**Sec. 61-12-262 | Lithographing and sign shops.**

amount of material determined to be storable on site and to abate any nuisances remaining in the event of abandonment (See ARTICLE XIV.DIVISION 8); and

- (b) The Buildings and Safety Engineering Department shall prepare rules governing these instruments of assurance.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-262. Lithographing and sign shops.**

In the B2 and B4 Districts, sign shops shall be prohibited.

In the SD1 District, lithographing and sign shop establishments shall have a minimum of ten percent (10%) of the gross floor area being used as a retail stores for the sale of the goods produced and shall not exceed four thousand (4,000) square feet in gross floor area.

In the SD2 District, lithographing and sign shop establishments shall have a minimum of ten percent (10%) of the gross floor area being used as a retail stores for the sale of the goods produced and shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-263. Lumber yards.**

Lumber yards shall be subject to the following provisions:

- (1) All lumber yards with accessory outdoor sales, display, or storage areas shall be screened from view of street rights-of-way and land zoned R1, R2, R3, R4, R5, R6, or residential PD in accordance with Sec. 61-14-237 of this Code; and
- (2) No lumber yard, that is located within five hundred (500) feet of a residential or business zoning district, shall receive or dispatch deliveries of lumber or building materials between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-264. Outdoor storage yards.**

Outdoor storage yards shall be subject to the following provisions:

- (1) No storage shall be maintained within twenty (20) feet of any lot line abutting a public street. Said setback area shall be landscaped in accordance with Sec. 61-14-232 and Sec. 61-14-237 of this Code;
- (2) No storage shall be located upon any required off-street parking or loading area;
- (3) No storage yard shall be located less than one hundred fifty (150) feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All such uses shall be screened from adjacent streets, alleys, and properties by an opaque fence that is not less than six (6) feet high. The height of stored items shall not exceed the height of any fence or wall surrounding such lot;

- (5) No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted in any such use;
- (6) An accessory structure up to four hundred (400) square feet in area may be permitted;
- (7) There shall be at least one (1) driveway which shall be wide enough to accommodate two (2) vehicles that are side-by-side;
- (8) Permitted hours of operation shall be 7:00 a.m. to 10:00 p.m.; and
- (9) A permit for an outdoor storage yard shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies and City departments.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-12-265.**

(Repealed)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 04-12, §1, 3-30-12)

#### **Sec. 61-12-266. Radioactive waste handling.**

A permit for radioactive waste handling shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-12-267. Recycling center.**

A permit for a recycling center shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies and City departments.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-12-268. Rendering plants.**

A permit for a rendering plant shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies and City departments. Rendering plants are subject to the state licensing provisions that are specified in the Michigan Slaughterhouses; Edible Rendering, Wholesale Fabricating, Processing, or Storage Establishments Act, being MCL 287.571 *et seq.* In addition, rendering plants are subject to the applicable licensing provisions of Chapter 24, Article IX of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-269. Research or testing laboratories.**

In the B4, SD1, and SD2 Districts, no research or testing laboratory shall be permitted to utilize large animals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-270. Scrap tire storage, processing, or recycling facility.**

Scrap tire storage, processing, or recycling facilities shall be subject to the following provisions:

- (1) Where conducted outside of an enclosed structure, such uses shall comply with all applicable provisions of Part 169 of the Michigan Natural Resources and Environmental Protection Act (NREPA), titled *Scrap Tires*, being MCL 324.16901 through MCL 324.16910, and Chapter 19, Article III of this Code;
- (2) Where conducted inside an enclosed structure, the Buildings and Safety Engineering Department shall determine the maximum volume of indoor scrap tire storage space, and the maximum number of scrap tires allowed to be stored in said space in accordance with the provisions of the Detroit Fire Prevention Code, being Chapter 19, Article III of this Code;
- (3) Where conducted inside of an enclosed structure, the applicant shall tender to the Finance Department, Debt Management Section an instrument of assurance in the form of a surety bond or an irrevocable letter of credit or a certificate of deposit note, in a sufficient amount, as determined by the Director of the Buildings and Safety Engineering Department for the removal and safe disposal of the maximum number of scrap tires, previously determined to be storable under Subsection (2) of this section, and to abate any other nuisances remaining in the event of abandonment. Rules governing these instruments of assurance shall be prepared by the Buildings and Safety Engineering Department (See ARTICLE XIV.DIVISION 8);
- (4) Scrap tire storage accessory and incidental to retail dealerships shall abide by the Fire Marshall's requirements for method of storage, maximum height of stored tires, maximum width of tire stacks, required aisles between stacks, etc., and shall additionally comply with Chapter 19, Article III, of this Code and Part 169 of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.16901 through MCL 324.16910. In those instances where storage of scrap tires within trucks or trailers has been approved, such storage shall be limited to trucks or trailers bearing valid and current license plates as required by the Michigan Secretary of State;
- (5) Such uses are subject to review by the Industrial Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision B of this Chapter;
- (6) A permit for scrap tire storage, processing, or recycling facilities shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-271. Tires, used: sales and/or service.**

Used tire sales and/or service establishments are subject to the following:

- (1) Shall not operate as a scrap tire storage, processing, or recycling facility, unless a permit for such “scrap tire” facility has been issued by the Buildings and Safety Engineering Department; and
- (2) The sale of used tires requires no separate permit when merely incidental and accessory to a retail store the business of which is the sale of new tires.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-272. Tool, die, and gauge manufacturing.**

Tool, die, and gauge manufacturing establishments are subject to the following provisions:

- (1) In the B4 District:
  - (a) Building size for special small tool, die, and gauge manufacturing shall not exceed five thousand (5,000) square feet of gross floor area; and
  - (b) Such establishments shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare.
- (2) In the B4, M1, and M2 Districts, stamping is limited to tryout stamping only; and
- (3) For die casting, see “High-medium impact manufacturing processing.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-273. Towing service storage yards.**

- (a) Towing service storage yards shall be subject to the following provisions:
  - (1) All buildings, screening, and stored or abandoned vehicles shall be set back at least twenty (20) feet from any lot line abutting, across the street, or across the alley from land zoned R1, R2, R3, R4, R5, R6, or residential PD;
  - (2) As required by Sec. 61-14-231 of this Code, the twenty (20) foot setback area between the masonry wall and the lot line, where required, shall be landscaped in accordance with Sec. 61-14-232 and Sec. 61-14-237 of this Code;
  - (3) A masonry wall that is not less than six (6) feet in height, shall be erected:
    - (a) Between any storage and the twenty (20) foot setback area specified in subsection (1) of this section; and
    - (b) At any lot line abutting, across the street, or across the alley from land zoned B1, B2, B3, B4, B5, B6, non-industrial PD, P1, PC, PCA, PR, SD1, SD2, SD3, SD4, and SD5;
  - (4) All ground surfaces within any towing service storage yard shall be covered with asphalt or concrete paving, or other material to create a firm, level



## Sec. 61-12-274 | Trade services, general.

surface that prevents the formation of dust and mud and is approved by the Buildings, Safety Engineering and Environmental Department. Pervious surface treatments are encouraged, except that gravel, slag, cinder, or graded natural surfaces shall not be allowed;

- (5) No vertical stacking of abandoned vehicles shall be permitted;
  - (6) The Buildings, Safety Engineering and Environmental Department shall specify the maximum, appropriate number of abandoned vehicles to be stored given the area and configuration of the site;
  - (7) The Buildings, Safety Engineering and Environmental Department shall be authorized to obtain a performance guarantee as provided for in ARTICLE XIV, DIVISION 8 of this Chapter, in a sufficient amount, as determined by the Director of the Buildings, Safety Engineering and Environmental Department.
- (b) Any use previously classified as a “Police Department authorized abandoned vehicle yard” or a “Police Department authorized abandoned vehicle storage yard” shall now be considered a “Towing service storage yard” without need for issuance of an additional permit or change of use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)

**Sec. 61-12-274. Trade services, general.**

General trade services shall be subject to the following provisions:

- (1) General Trade Services are defined in Sec. 61-16-182 of this Code;
- (2) All material shall be stored within an enclosed building with walls on all sides; and
- (3) Carpenter shops shall be properly ventilated as required by the County of Wayne Department of the Environment.
- (4) *SD1 District.*
  - (a) In the SD1 District, Trade services, general, with the exception of cabinet making establishments shall be permitted on a by-right basis if they have a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced and do not exceed four thousand (4,000) square feet in gross floor area.
  - (b) In the SD1 District, Trade services, general, cabinet making establishments may be permitted on a conditional basis if they have a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced and do not exceed four thousand (4,000) square feet in gross floor area.
- (5) *SD2 District.*
  - (a) In the SD2 District, Trade services, general, with the exception of cabinet making establishments shall be permitted on a by-right basis if they have a minimum of ten percent (10%) of the gross floor area being used as a retail

**Sec. 61-12-275 | Transfer station for garbage, refuse, or rubbish.**

store for the sale of the goods produced and do not exceed five thousand (5,000) square feet in gross floor area.

- (b) In the SD2 District, Trade services, general, cabinet making establishments may be permitted on a conditional basis if they have a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced and do not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-275. Transfer station for garbage, refuse, or rubbish.**

Transfer stations for garbage, refuse, or rubbish shall be subject to the following provisions:

- (1) No storage or processing shall be maintained in the open within twenty (20) feet of any lot line abutting a public street. Said setback shall be landscaped in accordance with Sec. 61-14-232 and Sec. 61-14-237 of this Code;
- (2) No storage or processing shall be located upon any required off-street parking or loading area;
- (3) No storage or processing shall be located less than five hundred (500) feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD;
- (4) All such uses shall be screened from adjacent streets, alleys, and properties by a masonry wall that is not less than eight (8) feet high, and not more than twelve (12) feet high;
- (5) The height of stored items shall not exceed the height of any fence or wall surrounding such lot;
- (6) Adequate parking and unloading facilities shall be provided at the site so that no truck stands on the public right-of-way awaiting entrance to the site at anytime;
- (7) 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;
- (8) Permitted hours of operation shall be 7:00 a.m. to 10:00 p.m.;
- (9) The applicant shall tender to the Finance Department, Debt Management Section an instrument of assurance in the form of a surety bond or an irrevocable letter of credit or a certificate of deposit note, in a sufficient amount, as determined by the Director of the Buildings and Safety Engineering Department for the removal and safe disposal of the maximum amount of material determined to be storable on site and to abate any nuisances remaining in the event of abandonment. Rules governing these instruments of assurance shall be prepared by the Buildings and Safety Engineering Department (See ARTICLE XIV.DIVISION 8);
- (10) A permit for a transfer station for garbage, refuse, or rubbish shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.

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**Sec. 61-12-276 | Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-276. Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks.**

(a) Wherever possible, access to the sites of trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks from local residential streets shall be avoided.

(b) On land zoned SD4, exclusively, only emergency medical service vehicles having not more than two axles may be parked, stored, or serviced.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-12-277. Used auto parts sales.**

Used auto parts sales shall be subject to the following provisions:

- (1) Such establishments are subject to the licensing provisions of Chapter 49, Article VI of this Code;
- (2) The dismantling or salvage of vehicles entirely within a building on the premises is permitted where the State of Michigan has issued a Class C Used Vehicle Parts Dealer license; where such dismantling or salvage is conducted in the open, a “junkyard” permit from the Buildings and Safety Engineering Department is required in addition to the State of Michigan Class C Used Vehicle Parts Dealer license; and
- (3) The sale of used auto parts requires no separate permit where merely incidental and accessory to a retail store that sells new auto parts.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-278. Waste, scrap materials: indoor storage, handling and/or transfer.**

- (a) A permit for waste, scrap materials: indoor storage, handling and/or transfer facilities shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state and county agencies, and City departments.
- (b) In no way shall this land use be construed so as to allow an “indoor junkyard.”
- (c) For the indoor storage or transfer of distressed motor vehicles, pursuant to a State of Michigan Class C Used Vehicle Parts Dealer license, see Sec. 61-12-276 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

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Sec. 61-12-279 | Wholesaling, warehousing, storage buildings, or public storage houses.

**Sec. 61-12-279. Wholesaling, warehousing, storage buildings, or public storage houses.**

Wholesaling, warehousing, storage buildings, or public storage houses shall be subject to the following provisions:

- (1) In the B4 District, such facilities shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare, except Gratiot;
- (2) Steel warehousing shall be prohibited in all zoning districts except M3, M4, and M5;
- (3) Storage of bulk petroleum or related products, garbage, refuse, rubbish, or scrap tires are prohibited;
- (4) All materials shall be completely enclosed within a building;
- (5) There shall be a minimum of thirty-five (35) feet or 45 feet if the driveway is 2-way, between warehouses for driveway, parking, and fire lane purposes. Where no parking is permitted within the building separation areas, the building separation need only be twenty-five (25) feet. Traffic direction and parking in such areas shall be designated by signaling or painting;
- (6) Permitted accessory storage shall be placed only on asphalt or concrete paved surfaces, and screening shall be subject to the applicable provisions of ARTICLE XIV, DIVISION 2, Subdivision D of this Chapter;
- (7) No storage of hazardous substances, toxic, or explosive materials shall be permitted. Signs shall be posted at the facility describing such restrictions; and
- (8) Public storage houses are subject to the licensing provisions of Chapter 35, Article IV of this Code and shall comply with the following standards:
  - (a) No residential use shall be allowed in any public storage unit; and
  - (b) No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from within public storage units.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-280. Food catering.**

In the SD1 District, food catering establishments not exceeding four thousand (4,000) square feet in gross floor area shall be permitted on a by-right basis.

In the SD2 District, food catering establishments not exceeding five thousand (5,000) square feet in gross floor area shall be permitted on a conditional basis.

(Ord. No. 23-14, §1, 07-24-14)

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Sec. 61-12-281 | General: Low-impact Manufacturing or processing facilities.

**Sec. 61-12-281. General: Low-impact Manufacturing or processing facilities.**

In the SD1 District, Low-impact Manufacturing or processing facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced, shall not exceed four thousand (4,000) square feet in gross floor area.

In the SD2 District, Low-impact Manufacturing or processing facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced, shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-282. Wearing apparel manufacturing.**

In the SD1 District, wearing apparel manufacturing facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced, shall not exceed four thousand (4,000) square feet in gross floor area.

In the SD2 District, wearing apparel manufacturing facilities with a minimum of 10 percent of the gross floor area being used as a retail store for the sale of the goods produced, shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-283. Low/Medium-impact Manufacturing or processing facilities.**

(a) In the SD1 and SD2 Districts, Low/Medium-impact Manufacturing or processing facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced are limited to the following:

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**Sec. 61-12-284 | High/medium Impact Manufacturing or processing facilities.**

- (1) Art needlework
  - (2) Canvas goods manufacture
  - (3) Cigar or cigarette manufacture
  - (4) Clock or watch manufacture
  - (5) Coffee roasting
  - (6) Door, sash, or trim manufacture
  - (7) Draperies manufacture
  - (8) Flag or banner manufacture
  - (9) Glass blowing
  - (10) Knit goods manufacturing
  - (11) Leather goods manufacture or fabrication
- (b) In the SD1 District, such facilities shall not exceed four thousand (4,000) square feet in gross floor area; in the SD2 District, such facilities shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-284. High/medium Impact Manufacturing or processing facilities.**

- (a) In the SD1 and SD2 Districts, High/Medium-impact Manufacturing or processing facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced may be permitted as a conditional use and are limited to furniture making facilities.
- (b) In the SD1 District, furniture making facilities shall not exceed four thousand (4,000) square feet in gross floor area; in the SD2 District, furniture making facilities shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-12-285. Machine Shop.**

- (a) In the SD1 and SD2 Districts, machine shop facilities with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced may be permitted as a Conditional use.
- (b) In the SD1 District, machine shops shall not exceed four thousand (4,000) square feet in gross floor area; in the SD2 District, machine shops shall not exceed five thousand (5,000) square feet in gross floor area.

(Ord. No. 23-14, §1, 07-24-14)

**Secs. 61-12-286–61-12-290. Reserved.**

### Subdivision G. Other Uses—Antennas

#### Sec. 61-12-291. Antennas, in general.

Antennas may be installed, erected, and maintained within all zoning districts except the P1 District, but only in accordance with the provisions of this subdivision.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-12-292. General regulations; permits not required.

Antennas that do not exceed twenty-eight (28) square feet in area or two (2) feet in dish diameter, and that do not exceed twelve (12) feet in height, may be erected and maintained in the rear setback and on the roof of any building without a building permit.

(Ord. No. 11-05, §1, 5-28-05)

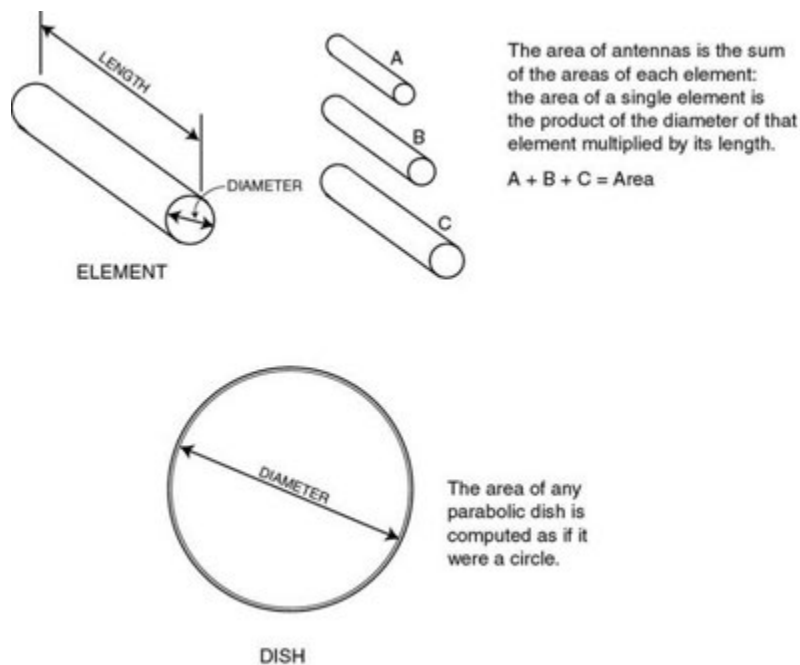
#### Sec. 61-12-293. General regulations; permit required.

A building permit shall be required for:

- (1) All antennas and antenna towers more than twelve (12) feet in height;
- (2) All dish antennas more than two (2) feet in diameter; and
- (3) Any other antenna that exceeds twenty-eight (28) square feet in area.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-12-295  
Method of Measurement**



**Sec. 61-12-294. General regulations; applications for permit.**

Applications for a building permit to erect an antenna shall be submitted to the Buildings and Safety Engineering Department. At a minimum, application forms shall indicate the following:

- (1) The category and type of antenna, as listed in Sec. 61-16-33 of this Code;
- (2) The proposed location of the installation on the zoning lot, including the shortest distance between the closest R1, R2, or R3 District lot line and the outermost point of the antenna structure closest to it;
- (3) Dimensions of the antenna;
- (4) Total height of the proposed installation measured from established grade to the uppermost element of the antenna;
- (5) The number and type of all other existing antennas and antenna towers on the same zoning lot; and
- (6) Applicable UL listings.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-295. General regulations; method of measurement.**

The area of any parabolic dish antenna is computed as if it were a circle. The area of other antennas is the sum of the areas of each element, and the area of a single element is the product of the diameter of that element multiplied by its length. (See Figure 61-12-295.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-296. General regulations; height, in general.**

The height of antennas shall be governed generally by the following provisions:

- (1) Due to the variation in wind surfaces and snow surfaces of different antennas, and in order to protect public safety, height regulations shall vary for different types of antennas. In no case shall the height of antennas which are regulated by the Federal Communications Commission (FCC) exceed the height limitations established by the FCC;
- (2) Except as otherwise provided for in this subdivision, antennas which are greater than twenty-eight (28) square feet in area or greater than six (6) feet in dish diameter shall not exceed the height limitations as specified for antennas in each zoning district;
- (3) Any antenna structure near airports or heliports that exceed thirty-five (35) feet from established grade shall comply with applicable special regulations as provided for in ARTICLE XIV, DIVISION 6 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

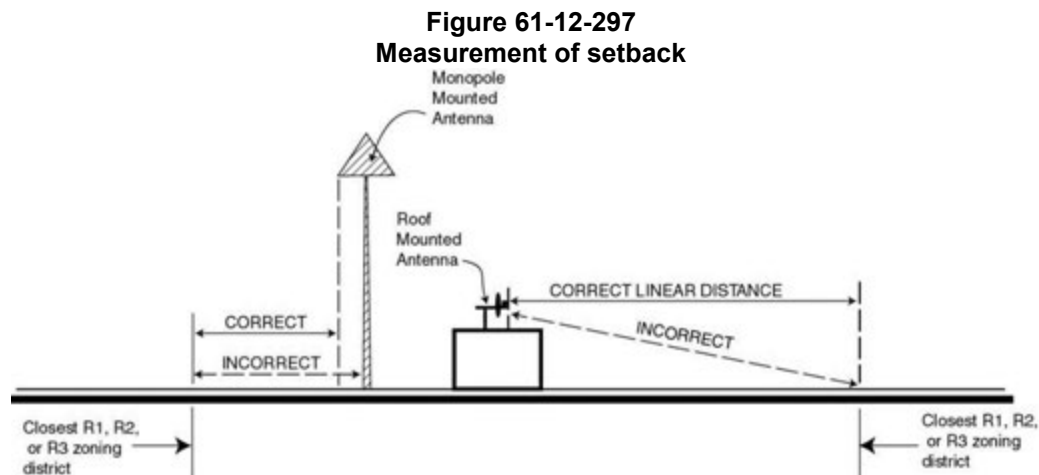


**Sec. 61-12-297. General regulations; setbacks.**

Setback requirements shall be governed generally by the following provisions:

- (1) *Setbacks for roof-mounted antennas.* Dish antennas that exceed six (6) feet in diameter and other antennas that exceed twenty-eight (28) square feet in area, which are mounted on the roof of a structure in a residential zoning district or in the B1 or B2 Districts, shall not be erected nearer to any lot line than one-half (1/2) the total height of the antenna above the roof, provided, that said setback is not less than three (3) feet or one-half (1/2) the diameter of the dish, whichever is greater, or be greater than one-half (1/2) the width of the zoning lot. Insofar as possible, roof-mounted antennas shall be placed to the rear of the roof; and
- (2) *Setbacks for ground-mounted antennas.* Ground-mounted dish antennas, including those dish antennas mounted on a mast or pole or tower, shall be set back from all lot lines in residential zoning districts and in the B1 and B2 Districts not less than one-half (1/2) the diameter of the antenna or three (3) feet, whichever is greater. Ground-mounted conventional television antennas, and radio antennas, including those mounted on a mast or pole or tower, shall not be erected closer than three (3) feet to any lot line in residential zoning districts and in the B1 and B2 Districts, subject to the encroachment and projection provisions of this subdivision; and
- (3) The prescribed setback shall be measured in the manner depicted in Figure 61-12-297.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-298. General regulations; encroachments and projections.**

Antennas shall not encroach or project across property lines, or into required setbacks, or be erected closer than twenty-four (24) inches to telephone or power lines.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-299. General regulations; sign antennas.**

Signs, lettering, numbers, symbols, other illustrative markings, or artistic renderings attached to or painted on any antenna are prohibited.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-300. General regulations; structural standards.**

Antennas and their installation shall meet manufacturer's specifications and requirements of the Michigan Building Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-301. General regulations; placement restrictions.**

Antennas, that are incidental and accessory to a principal use, shall be placed only on the same zoning lot as the principal structure.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-302. General regulations; nonconforming uses.**

Antennas for which a building permit was properly secured as required prior to February 19, 1988 and rendered nonconforming by the provisions of this subdivision shall be subject to the regulations of ARTICLE XV, DIVISION 2 of this Chapter governing such nonconforming uses.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-303. General regulations; exceptions.**

Antennas and towers erected in the several zoning districts for use by government utilities and public utilities that are listed in Sec. 61-16-192 of this Code, public law enforcement authorities, and public radio stations and public television stations are excepted from the Placement Restrictions, Bulk Restrictions, Density Restrictions, Color and Materials Standards, Setback Provisions, and Height Limitations of this subdivision and of ARTICLE XIII.DIVISION 1.Subdivision I and ARTICLE XIII.DIVISION 1.Subdivision J.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-304. General regulations; maintenance.**

All antennas shall be maintained in good condition and in accordance with all requirements of this subdivision and of ARTICLE XIII.DIVISION 1.Subdivision I and ARTICLE XIII.DIVISION 1.Subdivision J of this Chapter. In addition, Category D antennas must be removed within two (2) months of their abandonment or decommissioning.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-09, §1, 8-21-09)

**Sec. 61-12-305. General regulations; variances.**

Permits which are denied by the Buildings and Safety Engineering Department may be considered by the Board of Zoning Appeals upon appeal and variances may be granted by the Board of Zoning Appeals as provided for in Sec. 61-4-89 of this Code, provided, that the following findings are made:

- (1) The antenna is not injurious to the safety, aesthetics, or property values of contiguous and surrounding property;
- (2) The antenna is required to remove an obstacle or condition that is preventing the reception or transmission of a signal;
- (3) The open space needs of potential occupants are adequately served;
- (4) The antenna complies with all appropriate federal, state, county and local ordinances and regulations controlling or regulating such use.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-12-306–61-12-310. Reserved.****Sec. 61-12-311. Specific regulations; bulk restrictions.**

The bulk of antennas shall be governed by the following provisions:

- (1) In all residential zoning districts and in the B1, B2, B3, and B4 Districts, the bulk of the following antennas shall be permitted by right: Dish antennas not exceeding a diameter measurement of twelve (12) feet, and other antennas not exceeding one hundred thirteen (113) square feet in area;
- (2) In the R4, R5, and R6 residential zoning districts and in the B1, B2, B3, and B4 Districts dish antennas with a diameter measurement exceeding twelve (12) feet and other antennas exceeding one hundred thirteen (113) square feet in area may be permitted conditionally, subject to the general antenna variance conditions; and
- (3) Antennas in the B5 and B6 Districts, in all industrial districts, and in any PCA, TM, or SD2 District, are not subject to bulk restrictions.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-312. Specific regulations; materials and colors.**

In order to allow for the passage of air and light, and in order not to alter the essential character of a locality, or negatively impact the safety, aesthetics, or property values of contiguous or surrounding property, the following standards shall apply with respect to the materials and colors of antennas:

- (1) Black mesh or black perforated metal satellite television antennas shall be permitted by right in all zoning districts;
- (2) Where a satellite television antenna, for which a building permit is required, is to be located in any R4, R5, or R6 residential zoning district or any B1, B2, B3, or

**Sec. 61-12-313 | Specific regulations; screening.**

B4 District and said antenna is farther than forty (40) feet from any R1, R2, and R3 District, or, where said antenna is to be located in any B5 or B6 District, any industrial zoning district, or any PCA, TM or SD2 District, colors and materials in addition to black mesh and black perforated metal shall be permitted by right; and

- (3) When a satellite television antenna for which a building permit is required is to be located in an R1, R2, or R3 District or where located within forty (40) feet of an R1, R2 or R3 District in the R4, R5, or R6 residential zoning districts or the B1, B2, B3 or B4 Districts, colors and materials in addition to black mesh and black perforated metal may be permitted as a conditional use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-12-313. Specific regulations; screening.**

In all R1, R2, and R3 Districts and for installations proposed in the R4, R5, or R6 residential zoning districts or in the B1, B2, B3 or B4 Districts within forty (40) feet of any R1, R2, or R3 District, antennas for which a building permit is required, which do not exceed fifteen (15) feet in height from established grade, shall be effectively screened from view between the antenna and residential properties and between the antenna and any street bordering the front or corner side yard by means of natural plants, trees, other structures or landscaping, or opaque fencing insofar as possible without obstructing the reception window of the antenna, but shall be not less than five (5) feet in height from established grade. Screening higher than five (5) feet is not required.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-314. Specific regulations; antenna density restrictions.**

In any residential zoning and in the B1, B2, B3, and B4 Districts, not more than one (1) dish antenna exceeding six (6) feet in dish diameter nor more than one (1) radio antenna of the same type for which a permit is required, nor more than one (1) conventional television antenna or microwave-receiving antenna exceeding twenty-eight (28) square feet in area may be located on a single zoning lot by-right:

- (1) *Permitted by right.* Where a dish antenna or radio antenna for which a building permit is required is proposed in the R4, R5, or R6 residential zoning district, or proposed in the B1, B2, B3, and B4 Districts and is farther than forty (40) feet from any R1, R2, or R3 District, more than one (1) dish antenna or radio antenna of the same type may be permitted by right where added to an already existing antenna tower exceeding seventy-five (75) feet for which a building permit was properly secured;
- (2) *Conditional.* Where a dish antenna greater than six (6) feet in diameter or radio antenna for which a building permit is required is proposed in the R4, R5, or R6 residential zoning district, or in the B1, B2, B3, and B4 Districts and is farther than forty (40) feet from any R1, R2, or R3 District, more than one (1) dish antenna or radio antenna of the same type may be permitted conditionally on a single zoning lot, subject to the general antenna variance findings;

**Sec. 61-12-315 | Height of antennas in the R1, R2, R3, and SD1 Districts.**

- (3) *Exceptions.* Antenna density restrictions shall not apply to the B5 and B6 Districts or to any industrial zoning district or any PCA, TM, or SD2 District.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-315. Height of antennas in the R1, R2, R3, and SD1 Districts.**

The height of antennas in the R1, R2, R3, and SD1 Districts shall be governed by the following provisions:

- (1) The following antennas shall be permitted by right:
  - (a) Antennas for which a building permit is not required, and
  - (b) Antennas for which a building permit is required that do not exceed fifteen (15) feet in height from established grade;
- (2) The following antennas shall be permitted conditionally: antennas for which a building permit is required, and which exceed fifteen (15) feet in height from established grade and are located in or projecting into the rear setback or affixed to the roof of a structure, subject to the following conditions:
  - (a) The antenna shall not exceed thirty-five (35) feet in height from established grade, except as otherwise provided for in this subdivision or in ARTICLE XIII.DIVISION 1.Subdivision I or ARTICLE XIII.DIVISION 1.Subdivision J;
  - (b) The excess height shall not negatively impact the safety, aesthetics, or property values of contiguous or surrounding property;
  - (c) The antenna structure and installation comply with all applicable structural and safety standards;
  - (d) The applicant has satisfactorily demonstrated that siting a dish antenna in the rear setback at a height not exceeding fifteen (15) feet above established grade would result in the obstruction of the antenna's reception window; and
  - (e) Such obstruction involves factors beyond the control of the applicant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-316. Height and other features of antennas in the R4, R5, R6, B1, and B2 Districts.**

The height and other features of antennas in the R4, R5, R6, B1, and B2 Districts shall be governed by the following provisions:

- (1) The following antennas shall be permitted by right:
  - (a) Antennas for which a building permit is not required;

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**Sec. 61-12-316 | Height and other features of antennas in the R4, R5, R6, B1, and B2 Districts.**

- (b) Antennas for which a building permit is required, and which shall not exceed twenty-eight (28) square feet in area or six (6) feet in dish diameter;
  - (c) Antennas for which a building permit is required, and which shall not exceed six (6) feet in dish diameter or twenty-eight (28) square feet in area, that are located in the rear setback and not exceeding fifteen (15) feet in height from established grade;
  - (d) Antennas for which a building permit is required, that exceed twenty-eight (28) square feet in area or exceeding six (6) feet in dish diameter, which are proposed to be erected farther than forty (40) feet from any R1, R2 or R3 District on the roof of a building that exceeds seventy-five (75) feet in height from established grade, provided, that the roof already holds a penthouse, elevator penthouse, scenery loft, parapet, tower, cupola, dome, chimney, stack, or tank already excepted from height regulations as provided for in Sec. 61-13-153 of this Code, provided further that the height and area of the antenna structure shall not exceed the height and area of the roof structure already exempt from height regulations;
- (2) The following antennas, other than Category D antenna towers, shall be permitted conditionally: antennas, for which a building permit is required, that exceed twenty-eight (28) square feet in area or that exceed six (6) feet in dish diameter and that exceeds fifteen (15) feet in height from established grade, and is located in or projecting into the rear setback or affixed to the roof of a structure, provided, that the following findings are made:
- (a) Said antenna shall not exceed seventy-five (75) feet in height from established grade, or the height limitation for principal structures whichever is greater; or in the event a proposed antenna that exceeds twenty-eight (28) square feet in area or that exceeds six (6) feet in dish diameter is to be located within forty (40) feet of any R1, R2, or R3 District, said antenna shall not exceed thirty-five (35) feet in height from established grade;
  - (b) The excess height shall not negatively impact the safety, aesthetics, or property values of contiguous or surrounding property;
  - (c) The antenna structure and installation comply with all applicable structural and safety standards;
  - (d) The applicant has satisfactorily demonstrated that siting a dish antenna in the rear setback at a height not exceeding fifteen (15) feet above established grade would result in the obstruction of the antenna's reception window; and
  - (e) Such obstruction involves factors beyond the control of the applicant.
- (3) Category D antenna towers:
- (a) Shall be prohibited where less than one hundred twenty (120) feet from land zoned R1, R2, or R3 or from any single- or two-family dwelling; collocation of antennas on antenna towers located less than one hundred twenty (120)

**Sec. 61-12-317 | Height and other features of antennas in the B3 and B4 Districts.**

feet from land zoned R1, R2, or R3 or from a single- or two-family dwelling requires a public hearing before the Buildings and Safety Engineering Department as an expansion of a Conditional Use and before the Board of Zoning Appeals as an expansion of a nonconforming structure;

- (b) Shall be permitted on a conditional basis where located at least one hundred twenty (120) feet from land zoned R1, R2, or R3, provided the height of the uppermost element of the antenna tower structure does not exceed the setback distance. (For example, a Category D antenna tower set back 120 feet from land zoned R1, R2, or R3 may not exceed 120 feet in height from established grade; a Category D antenna tower set back 130 feet from land zoned R1, R2, or R3 may not exceed 130 feet in height from established grade.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-09, §1, 8-21-09)

**Sec. 61-12-317. Height and other features of antennas in the B3 and B4 Districts.**

The height and other features of antennas in the B3 and B4 Districts shall be governed by the following provisions:

- (1) The following antennas shall be permitted by right:
- (a) Antennas for which a building permit is not required;
  - (b) Antennas for which a building permit is required, and which shall not exceed twenty-eight (28) square feet in area or six (6) feet in dish diameter;
  - (c) Antennas, other than Category D antenna towers, for which a building permit is required, that exceed twenty-eight (28) square feet in area or that exceed six (6) feet in dish diameter, which are proposed to be erected farther than forty (40) feet from any R1, R2, or R3 District, and not exceeding seventy-five (75) feet in height from established grade;
  - (d) Antennas for which a building permit is required, that exceed twenty-eight (28) square feet in area or that exceed six (6) feet in dish diameter, which are proposed to be erected farther than forty (40) feet from any R1, R2, or R3 District on the roof of a building that exceeds seventy-five (75) feet in height from established grade, provided, that the roof already holds a penthouse, elevator penthouse, scenery loft, parapet, tower, cupola, dome, chimney, stack, or tank already excepted from height regulations as provided for in Sec. 61-13-153 of this Code, provided further that the height and area of the antenna structure shall not exceed the height and area of the roof structure already exempt from height regulations; and
  - (e) Antennas, other than Category D antenna towers, for which a building permit is required, that exceed twenty-eight (28) square feet in area or that

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**Sec. 61-12-317 | Height and other features of antennas in the B3 and B4 Districts.**

exceed six (6) feet in dish diameter, which are proposed to be erected within forty (40) feet from any R1, R2 or R3 District, and not exceeding thirty-five (35) feet in height from established grade.

- (2) The following antennas, other than Category D antenna towers, shall be permitted conditionally. Antennas for which a building permit is required, that exceed twenty-eight (28) square feet in area or that exceed six (6) feet in dish diameter and that exceed thirty-five (35) feet in height from established grade, and proposed to be erected within forty (40) feet from any R1, R2, or R3 District, provided, that the following findings are made:
    - (a) Any proposed antenna shall not exceed seventy-five (75) feet in height from established grade;
    - (b) The excess height shall not negatively impact the safety, aesthetics, or property values of contiguous or surrounding property;
    - (c) The antenna structure and installation comply with all applicable structural and safety standards;
    - (d) The applicant has satisfactorily demonstrated that siting the antenna at a height not exceeding thirty-five (35) feet above established grade would result in the obstruction of the antenna's reception window and that such obstruction involves factors beyond the control of the applicant.
  - (3) Category D antenna towers:
    - (a) Shall be prohibited where less than one hundred twenty (120) feet from land zoned R1, R2, or R3 or from any single- or two-family dwelling; collocation of antennas on antenna towers located less than one hundred twenty (120) feet from land zoned R1, R2, or R3 or from a single- or two-family dwelling requires a public hearing before the Buildings and Safety Engineering Department as an expansion of a Conditional Use and before the Board of Zoning Appeals as an expansion of a nonconforming structure;
    - (b) Shall be permitted on a conditional basis where located at least one hundred twenty (120) feet from land zoned R1, R2, or R3, provided the height of the uppermost element of the antenna tower structure does not exceed the setback distance. (For example, a Category D antenna tower set back 120 feet from land zoned R1, R2, or R3 may not exceed 120 feet in height from established grade; a Category D antenna tower set back 130 feet from land zoned R1, R2, or R3 may not exceed 130 feet in height from established grade.)
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-09, §1, 8-21-09)



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 Sec. 61-12-318 | Antennas in the PD, PC, PCA, TM, PR, and W1 Districts.
**Sec. 61-12-318. Antennas in the PD, PC, PCA, TM, PR, and W1 Districts.**

- (a) All antennas shall be subject to review by the Planning and Development Department and the City Planning Commission for the appropriateness of the following:
- (1) Antenna diameter and dimensions;
  - (2) Setbacks;
  - (3) Setback requirements;
  - (4) Number of antennas per zoning lot;
  - (5) Height limitations;
  - (6) Screening; and
  - (7) Materials and coloration.
- (b) Category D antenna towers shall be prohibited in the TM and W1 zoning districts where less than one hundred twenty (120) feet from a single- or two-family dwelling; collocation of antennas on antenna towers located less than one hundred twenty (120) feet from land zoned R1, R2, or R3 or from a single- or two-family dwelling requires a public hearing before the Board of Zoning Appeals as an expansion of a nonconforming structure.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-09, §1, 8-21-09)

**Sec. 61-12-319. Height; waiver of height restrictions on satellite television antennas.**

In those instances where an obstruction would affect the reception window of a proposed satellite television antenna, the enforcing official shall investigate, upon the applicant's request, the proposed installation. Where a pre-inspection report of the Buildings and Safety Engineering Department conclusively verifies that a proposed satellite television antenna that would be located in the rear setback and would not exceed fifteen (15) feet in height from established grade in any R1, R2, R3, R4, R5, R6, B1, or B2 District would be prevented from receiving a satellite signal due to an architectural obstruction or due to obstruction from trees on other zoning lots, the fifteen (15) foot height limitation shall be waived by the Buildings and Safety Engineering Department to allow the unobstructed reception of satellite television signals, provided, that the uppermost point of the satellite television antenna does not exceed twenty (20) feet in height from established grade.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-320. Height; exceptions to height regulations.**

Exceptions to height regulations shall apply in these situations:

- (1) Antennas for which a building permit is required need not be included in determining the height of a building or structure in the B5 and B6 Districts, or in any industrial zoning district, or in any PCA, TM, or SD2 District; and

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**Sec. 61-12-321 | Permissibility and review; Category D antenna towers.**

- (2) Where located in a residential district or in the B1, B2, B3, or B4 business districts, Category B radio antennas and towers may exceed the allowable height regulations on accessory structures but in no case shall the radio tower exceed applicable FCC height limitations or a height of seventy-five (75) feet form established grade, whichever is less.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-321. Permissibility and review; Category D antenna towers.**

Category D antenna towers shall be governed by the following provisions:

- (1) *Review.* All Category D antennas shall be subject to review by the Wireless Telecommunications Site Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision G of this Chapter.
- (2) *Permitted by right.* Notwithstanding the height limitations specified in ARTICLE XIII, DIVISION 1 of this Chapter, Category D antenna towers shall be permitted by right in the B5 and B6 Districts, all industrial zoning districts and in any PCA, TM, or SD2 District where more than one hundred twenty (120) feet from any single- or two-family dwelling; *Building-mounted antennas:* except as provided for in Subsection (5) of this section, antennas, such as those for cellular telephone that are often affixed to antenna towers exceeding seventy-five (75) feet in height, may be mounted to the wall or roof or other surface of an existing building or other existing structure on a by right basis in the R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PC, PCA, TM, PR, W1, SD1, SD2, and SD4 Districts provided the antennas are effectively concealed or camouflaged.
- (3) *Conditional.* Notwithstanding the height limitations specified in ARTICLE XIII.DIVISION 1 of this Chapter for the R4, R5, R6, B1, B2, B3, B4, and PR districts, Category D antenna towers may be permitted as a Conditional Use in the R4, R5, and R6 residential zoning districts and in B1, B2, B3, and B4 Districts, and in the PR special zoning district where proposed farther than one hundred twenty (120) feet from any R1, R2, or R3 District and from any single- or two-family dwelling, subject to the findings specified in Sec. 61-12-305(1) of this Code, and subject to conditions as deemed necessary by the Buildings and Safety Engineering Department, including, but not limited to: antenna tower dimensions, setback requirements, number of antenna towers per zoning lot, height limitations, screening, and materials and coloration; Category D antenna towers may also be permitted as a Conditional Use in the R1, R2, and R3 residential zoning districts on the grounds of a lighted athletic field, notwithstanding the prohibition in Subsection (4)(a) of this section, where proposed;
- (4) *Prohibited.* Except as delineated in Subsection (3) and Subsection (5) of this section, Category D antennas are prohibited:
- (a) In the R1, R2, and R3 Districts;
  - (b) In the R4, R5, R6, B1, B2, B3, B4, and PR Districts where located within one hundred twenty (120) feet of any R1, R2, or R3 District or a single- or

**Sec. 61-12-326 | Farm products and uses; prohibited.**

two-family dwelling. Distance shall be measured between the closest R1, R2, R3 District lot line and the outermost point of the antenna structure closest to it;

- (c) In the SD4 District, except as accessory to a land use specified in ARTICLE XI, DIVISION 12 of this Chapter; and
  - (d) In the TM, W1, M1, M2, M3, M4, M5 Districts where less than one hundred twenty (120) feet from a single- or two-family dwelling; collocation of antennas on antenna towers located less than one hundred twenty (120) feet from land zoned R1, R2, or R3 or from a single- or two-family dwelling requires a public hearing before the Board of Zoning Appeals as an expansion of a nonconforming structure.
- (5) *Exception to prohibition.* Notwithstanding the prohibitions that are contained in Subsection (4) of this section, antennas, such as those for cellular telephone that are often affixed to antenna towers exceeding seventy-five (75) feet in height, may be mounted to the wall or roof or other surface of an existing building or other existing structure in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, PR, and SD4 Districts:
- (a) Subject to review by the Wireless Telecommunications Site Review Committee; and
  - (b) Provided the antennas are effectively concealed or camouflaged; and
  - (c) As a Conditional Use, subject to the provisions of ARTICLE III, DIVISION 7 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-09, §1, 8-21-09)

**Secs. 61-12-322–61-12-325. Reserved.****Subdivision H. Other Uses—Urban Agriculture****Sec. 61-12-326. Farm products and uses; prohibited.**

The following farm products are prohibited from being produced on an urban garden or urban farm:

- (1) Farm animals, as described in Chapter 6 of the Detroit City Code
- (2) Prohibited tree species (Sec. 61-14-204) and any other plants prohibited under Chapter 57 of this Code or otherwise deemed injurious or invasive by the Forestry Division of the General Services Department
- (3) Oats, wheat, and rye, (in order to prevent rodents) except when used as a winter cover crop and not grown to full maturity

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-327. Sale of farm products.**

Sale of farm products grown or produced at urban gardens and urban farms is allowed as an accessory use at a farm stand located on the property of the urban garden or urban farm from which the farm product is grown or produced as defined in Sec. 61-16-81. Sale of farm products grown or produced at urban gardens and urban farms is also allowed at farmers markets as defined in Sec. 61-16-81 and subject to the provisions of Sec. 61-12-79, or directly to public or private entities, retail or wholesale.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-328. Trash storage.**

Trash containers shall be located to the rear of the property unless the Department of Public Works determines that another location creates less impact on the adjacent properties.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-329. Setbacks and height requirements.**

- (a) Buildings and structures related to agricultural uses must comply with the accessory structure setback and height requirements in ARTICLE XIII.DIVISION 1 of this Chapter, with the exception of rear yard requirements.
- (b) Cultivation must comply with the following additional setback requirements:
  - (1) Crop areas must be set back at least five (5) feet from all property lines. The required setback must be covered with ground plants, not planted with the intent to harvest, which may include grasses (including native species and ornamental grasses).
  - (2) Orchards and tree farms shall be set back at least fifteen (15) feet from the lot line of any lot developed with a residential, public/civic/institutional, retail/service/commercial, or manufacturing/industrial land use.
  - (3) Greenhouses and hoopouses shall be set back at least five (5) feet from the rear property line.

(Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-12-330. Lighting.**

Lighting, if provided, shall be shielded so that all directly emitted light falls within the property.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-331. Signage.**

All signs are subject to ARTICLE VI of this Chapter.

(Ord. No. 10-13, §1, 04-16-13)

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**Sec. 61-12-332 | Notice to abutting propetyowners and/or occupants.****Sec. 61-12-332. Notice to abutting propetyowners and/or occupants.**

All urban gardens permitted on a conditional use basis and all urban farms shall provide each abutting property owner or occupant, and/or the first nearest property owner or occupant of an occupied dwelling or business, written notice of the garden or farm owner's or owner's agent's name, address, and telephone number for the urban garden or urban farm, no less than thirty (30) days prior to the start of any agricultural development or site preparation. The notice shall include a description of the planned agricultural use.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-333. Property maintenance.**

- (a) The property shall be maintained free of high grass (with the exception of purposely cultivated native species, which shall be allowed), weeds, or debris. Dead garden plants shall be removed regularly, and in any instance, no later than November 30th of each year.
- (b) Plants from cultivated areas shall be prevented from encroaching onto adjacent properties or onto the public right-of-way.
- (c) The property shall generally be maintained in an orderly and neat condition.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-334. Drainage.**

The property shall be maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-335. Nuisance; general.**

Agricultural uses shall not be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, vibrations, or odors. All operating equipment, such as fans, shall be located or buffered so as to prevent unreasonably high noise levels at any point on the property boundary.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-336. Motorized and other equipment; storage; noise; hours of operation.**

- (a) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground, in an enclosed, locked structure when the site is unattended.
- (b) Motorized equipment within a residential zoning district or residential planned development district shall be restricted to hours beginning at 8:00 A.M. and ending at

**Sec. 61-12-337 | Restroom facilities.**

8:00 P.M. Equipment, such as fans, necessary for the operation of greenhouses is exempted from this provision.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-337. Restroom facilities.**

If temporary restroom facilities are provided on site, they shall be screened on at least three (3) sides from public view by an opaque impact-resistant fence of sufficient height to screen the facility.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-338. Compost.**

Compost, as defined in Sec. 61-16-53 of this Code, must be located as close as is practicable to the rear crop setback (five (5) feet from the property line) and at least twenty (20) feet from the nearest principal residential structure.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-339. Compliance with other regulations.**

Agricultural uses shall comply with all applicable local, state, and federal regulations.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-340. Reserved.****Subdivision I. Other Uses—Miscellaneous****Sec. 61-12-341. Heliports.**

In the B5 and B6 Districts, heliports shall be permitted only after report and recommendation from the Detroit Airport Department and upon finding that such use is suitable in relation to the features and objectives of the Master Plan and not contrary to the spirit, intent, and purpose of this district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-342. Adult uses/sexually oriented businesses.**

Adult uses/sexually oriented businesses shall be subject to the following provisions:

- (1) Adult uses/sexually oriented businesses shall comply with the requirements in Chapter 5, Article XV of the Detroit City Code;
- (2) Adult uses/sexually oriented businesses shall comply with the general development standards of Article XIV of this Chapter, pursuant to Sec. 61-

**Sec. 61-12-343 | Medical marihuana caregiver centers.**

14-2; all required parking shall be provided on the same zoning lot as the proposed Adult Use;

- (3) All proposed on-premises business signage for the Adult Use shall comply with the provisions of Chapter 3, Article VII of this Code; and
- (4) The establishment of the Adult Use will not violate any land use prohibition of any adopted development plan as provided in Article IV, DIVISION 1 of this Chapter.

(Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-12-343. Medical marihuana caregiver centers.**

Medical marihuana caregiver centers are subject to the following:

- (1) Prior to the issuance of any permit to operate a medical marihuana caregiver center, and no later than December 31<sup>st</sup> of each subsequent year, the applicant or operator shall submit to the Buildings, Safety Engineering and Environmental Department a photocopy of the operator's valid and current registered primary caregiver's license issued by the State of Michigan in accordance with the General Rules of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421 *et seq.* Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation, of any medical marihuana caregiver center.
- (2) Medical marihuana caregiver centers shall be licensed as such by the Business License Center in accordance with Chapter 24 of this Code and shall be required prior to the opening for business, and as a condition for the continued operation, of any medical marihuana caregiver center.
- (3) All signage identifying a building as a medical marihuana caregiver center must be removed within thirty (30) days of ceasing to do business or physical abandonment of the premises of the medical marijuana caregiver center.
- (4) A medical marihuana caregiver center shall not allow loitering inside or outside its premises, consumption of medical marihuana in the premises, and shall take care to prevent the transmission of any odors from the medical marihuana caregiver center to the exterior of the licensed premises.
- (5) The provisions of ARTICLE III.DIVISION 12 of this Chapter.

(Ord. No. 31-15, §1, 3-01-2016)

**Secs. 61-12-344–61-12-350. Reserved.**

**DIVISION 4. PRINCIPAL USES AND STRUCTURES****Sec. 61-12-351. Number of buildings on a zoning lot.**

Not more than one (1) principal detached residential building shall be located on a zoning lot in the R1, R2, R3, R4, R5, and R6 Districts. Except in the case of planned developments, or buildings used for educational or religious purposes, a principal detached residential building shall not be located on the same zoning lot with any other principal building. However, in the R3, R4, R5, and R6 Districts, more than one (1) principal detached residential building may be permitted on the same zoning lot, subject to the provisions of ARTICLE XIII, DIVISION 3 of this Chapter, as an Alternative Residential Development Option.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-352. Location of principal buildings.**

Except where otherwise provided for in this Chapter, every zoning lot upon which a principal building is erected shall face or front upon a street or permanent means of access to a street, other than an alley. Such means of access shall have a width throughout of not less than thirty (30) feet or not less than ten (10) feet for each zoning lot fronting upon it, whichever is greater, except that no width greater than sixty (60) feet shall be required.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-353. Second principal use of the land.**

Where an activity on, or use of, the land, in addition to the principal use, fails to meet the definition of an accessory use, as provided in Sec. 61-16-31 of this Code, it shall be considered a second principal use, subject to all applicable regulations for that use.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-354. Use of vehicles as permanent structures prohibited.**

No truck, truck tractor, semi trailer, bus, or recreational vehicle may be permitted as a permanent structure or as an accessory building.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-12-355–61-12-360. Reserved.**



## DIVISION 5. ACCESSORY USES AND STRUCTURES

### Subdivision A. In General.

#### **Sec. 61-12-361. Allowed uses.**

By-right uses and approved Conditional Uses shall be deemed to include accessory uses, as defined in Sec. 61-16-31 of this Code, and activities that are necessarily and customarily associated with, on the same zoning lot as, and are clearly incidental and subordinate to, the principal uses allowed in zoning districts. Unless otherwise expressly stated, accessory uses and activities shall be subject to the specific use standards of ARTICLE XII, DIVISION 3 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

#### **Sec. 61-12-362. General provisions; time of establishment and construction; discontinuation of principal use.**

Accessory buildings, structures, and land uses shall be subject to the following provisions:

- (1) No accessory building or structure shall be constructed on any zoning lot prior to the time of construction of the principal building to which it is accessory;
- (2) No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized;
- (3) In the event the principal use of the land is discontinued or abandoned, any surviving accessory use may continue as a principal use only in accordance with the provisions for that surviving use in that district. For example, a service garage or bump shop established on a by-right basis in a B4 District as accessory to a new car dealership may wish to continue operation after the car dealership closes. Because such motor vehicle service facilities are a Conditional Use in B4, a new permit would be needed subject to the provisions of ARTICLE III, DIVISION 7 of this Chapter;
- (4) Structures accessory to nonconforming uses are subject to the provisions of Sec. 61-15-37 of this Code;
- (5) Structures accessory to Conditional Uses are subject to the provisions of Sec. 61-3-247 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-12-363. General provisions; use of vehicles as accessory structures prohibited.**

No truck, truck tractor, semi trailer, bus, or recreational vehicle may be permitted as a permanent structure or as an accessory building.

(Ord. No. 11-05, §1, 5-28-05)

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Sec. 61-12-364 | General provisions; limitations on use of accessory structure.

**Sec. 61-12-364. General provisions; limitations on use of accessory structure.**

In the R1 and R2 Districts, accessory buildings shall not be occupied for dwelling purposes or used for any business profession, trade, or occupation. However, carriage houses built prior to 1940 may continue to be occupied for dwelling purposes.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-365. General provisions; permit required.**

A permit shall be required for any accessory structure exceeding one hundred (100) square feet of gross floor area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-366. Operation.**

Accessory uses shall be constructed, maintained, and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, and glare from artificial illumination or from reflection of natural light.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-367. Dimensional standards for accessory structures.**

For dimensional standards for accessory uses see Sec. 61-13-126 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-368. Accessory outdoor operations—sales, display, or storage.**

Accessory outdoor sales, display, or storage may be permitted in the B2, B3, B4, B5, B6, M1, M2, M3, M4, PCA, TM, and SD2 Districts without need for a temporary use permit, subject to the provisions of Sec. 61-12-369 through Sec. 61-12-373 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-369. Accessory outdoor operations; setback areas.**

No accessory outdoor sales, display, or storage area shall be placed or maintained within a required front or side setback area or on required parking or loading spaces.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-370. Accessory outdoor operations; public property.**

No accessory outdoor sales, display, or storage shall occupy any public sidewalk, public street, or other public property, except as provided for in Chapter 50, Article II of this Code.

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**Sec. 61-12-371 | Accessory outdoor operations; screening.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-371. Accessory outdoor operations; screening.**

All accessory outdoor storage areas shall be screened as required under Sec. 61-14-235 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-372. Accessory outdoor operations; waste.**

No storage or accumulation of solid or hazardous waste or waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water shall be permitted in any outdoor sales or storage area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-373. Accessory outdoor operations; limitation on size.**

The accessory outdoor sales or outdoor display area shall not exceed ten percent (10%) of the gross floor area of the principal building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-374. Accessory uses not permitted.**

Medical marijuana caregiver centers are not permitted as accessory uses, nor may they include accessory uses.

(Ord. No. 31-15, §1, 3-01-2016)

**Secs. 61-12-375–61-12-380. Reserved.****Subdivision B. Home Occupations.****Sec. 61-12-381. Where allowed.**

Home occupations that comply with the regulations of this subdivision are allowed within a dwelling unit, without need for a permit or registration unless otherwise specified in this subdivision, where such home occupation is incidental and subordinate to use of the dwelling for residential purposes.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)

**Sec. 61-12-382. Allowed uses.**

The regulations of this subdivision establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subdivision will be allowed as home occupations unless they are specifically prohibited by Sec. 61-12-392 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-383. Size.**

A home occupation may occupy not more than twenty-five percent (25%) of the total floor area of the principal dwelling or rooming unit, or more than five hundred (500) square feet of floor area, except for home occupations in lofts which may occupy up to forty-five percent (45%) of the total floor area of such dwelling unit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-384. Employees.**

Nonresident employees are not permitted with a home occupation in the R1 and R2 Districts. In districts other than R1 and R2, a maximum of two (2) nonresident employees are allowed with a home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live in the dwelling unit, but who visits the dwelling unit as part of the home occupation.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-385. Off-street parking.**

In those zoning districts where nonresident employees are allowed, as provided for in Sec. 61-12-384 of this Code, at least one (1) off-street parking space shall be provided for each nonresident employee of the home occupation in addition to residential parking requirements. The parking or storage of commercial vehicles on land zoned R1, R2, R3, R4, R5, R6, and residential PD shall be prohibited.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-386. Resident operator.**

The operator of a home occupation shall be a full-time resident of the dwelling unit.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-387. Visitors, clients or customers.**

The home occupation shall not cause an increase in traffic to and from the dwelling by visitors, clients, or customers so as to be contrary to the normal amounts and timing of traffic by residents and guests customary to the neighborhood.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-388. Signs.**

In the R1 and R2 Districts, signage for a home occupation is prohibited. However, in districts other than R1 and R2, not more than one (1) identification sign may be permitted, subject to the following provisions:

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**Sec. 61-12-389 | Exterior appearance.**

- (1) The identification sign is non-illuminated;
- (2) The identification sign is affixed, flush to the dwelling;
- (3) The identification sign does not exceed one hundred forty-four (144) square inches in area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-389. Exterior appearance.**

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Home occupations shall not involve any exterior alteration that would affect a substantial change in the residential character of the building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-390. Professional offices.**

Professional offices shall be permitted as home occupations only where such office activity is conducted entirely within the residence and incidental to the residential use of the premises.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-391. Retailing and wholesaling prohibited.**

The operation of any retail store or wholesaling business is prohibited as a home occupation. Likewise, except for arts and crafts produced on the premises, retail sales are prohibited. However, off-premises orders made by mail, telephone, facsimile, internet, or at a sales party may be filled. As such, the direct sale of products on-premises is not permitted but a person may pick up an order previously placed.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-392. Prohibited uses and activities.**

Any sale of fireworks, any firearms dealership, any materials or service characterized by an emphasis on “specified anatomical areas” or “specified sexual activities” as defined in Sec. 61-16-174 of this Code, and any type of repair or assembly of vehicles or equipment with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines, are prohibited. Any other work related to automobiles and their parts, that is not conducted as a home occupation and is merely incidental and accessory to the principal use, is subject to the provisions of Sec. 61-8-27 of this Code.

In addition, no home occupation may use, store, handle, or manage “significant quantities” of hazardous substances as defined in Sec. 61-16-101 of this Code. For purposes of this provision, “significant quantities” shall mean amounts exceeding those commonly used for typical residential or office purposes. However, this does not include

gasoline, oil, or other vehicle fluids that are contained in vehicles traversing or parked at a property for individual use or on a short-term basis.

Further, those land uses specified in Sec. 61-12-11 of this Code, the “Group Living” use category, being adult foster care facility, assisted living facility, convalescent, nursing, or rest home, emergency shelter, fraternity or sorority house, religious residential facility, residential substance abuse service facility, rooming house, and shelter for victims of domestic violence, and in Sec. 61-12-13 of this Code, the “Institutional Living” use category, being boarding school, dormitory, child caring institution, penal or correctional institution, detention facility, and pre-release adjustment center, may only be permitted as principal uses of the land in those zoning districts where such uses are permitted. In no instance shall such uses be considered as a home occupation accessory to a single-family dwelling, two-family dwelling, multiple-family dwelling, town house, or loft.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-12-393. Nuisances.**

No home occupation may operate in such a manner so as to create a nuisance to surrounding property. Nuisances created by the home occupation stemming from traffic, parking, noise, or disturbance of the peace shall be considered “nuisances in fact.”

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-12-394. Cultivation of Medical Marihuana.**

Cultivation of Medical Marihuana shall be permitted as a home occupation where the resident operating the business registers the home occupation with the Buildings, Safety Engineering and Environmental Department and:

- (1) The resident operating the business in the dwelling unit is a registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health and the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421 *et seq.*;
- (2) The portion of the dwelling unit used for cultivation shall be inspected upon registration and annually thereafter for compliance with this Chapter, and applicable fire, building and property maintenance codes;
- (3) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling unit where electrical wiring, lighting, ventilation systems and/or watering devices that support the cultivation, growing or harvesting of marihuana are to be installed;
- (4) If a room with windows is utilized as a growing location, any lighting methods used between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent properties;

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**Sec. 61-12-401 | Carry-out, fast-food and standard restaurants.**

- (5) That portion of the dwelling unit where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval upon registration and annually thereafter by the Detroit Fire Department to ensure compliance with the Michigan Fire Prevention Code, being MCL Section 29.1 *et seq.*;
- (6) Care shall be taken to prevent the transmission of odors from the dwelling unit to neighboring properties when medical marihuana is being cultivated:
- (7) Additional conditions may be imposed by the Buildings, Safety Engineering and Environmental Department on a case by case basis when necessary to protect the health, safety and general welfare of the occupants of the dwelling unit or the general public.

(Ord. No. 31-15, §1, 3-01-2016)

**Secs. 61-12-395–61-12-400. Reserved.****Subdivision C. Specific Accessory Use Standards.****Sec. 61-12-401. Carry-out, fast-food and standard restaurants.**

Carry-out, fast-food, and standard restaurants shall be subject to the following provisions:

- (1) A carry-out, fast-food, or standard restaurant shall be permitted as an accessory use in any establishment that exceeds fifteen thousand (15,000) square feet of gross floor area, provided, that the restaurant portion does not exceed ten percent (10%) of the gross floor area; however, a carry-out, fast-food, or standard restaurant in an establishment having fifteen thousand (15,000) or fewer square feet of gross floor area shall be considered a principal use; and
- (2) In the PR district, carry-out, fast-food, or standard restaurants that are operated as concession stands under contract with the Recreation Department or other governmental or non-profit operating entity shall be permitted as an accessory use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-12-402. Child care center.**

- (a) Notwithstanding the prohibition of child care centers in the B6, M1, M2, M3, M4, PC, TM, and PR districts, child care centers that are operated in conjunction with a place of employment, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity, may be permitted as an accessory use, subject to the use regulations specified in Sec. 61-12-133 of this Code.
- (b) Notwithstanding the prohibition of child care centers in the R1 and R2 districts, child care centers, such as, but not limited to “Head Start” programs, may be permitted as an

**Sec. 61-12-403 | Golf course.**

accessory use in existing buildings occupied by a principal use specified as a public, civic, or institutional use in Article XII, DIVISION 1, DIVISION 1.Subdivision C of this Chapter that is also permitted in the R1 or R2 district, subject to the use regulations specified in Sec. 61-12-133 of this Code; however, in the event the principal use, such as, but not limited to a school or religious institution, is discontinued, the child care center would be prohibited as a principal use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-12-403. Golf course.**

Clubhouses, banquet halls, and outdoor swimming pools shall be considered customary and incidental accessory uses to a golf course.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-404. Occupant-oriented retail sales and service.**

The following occupant-oriented retail sales and service uses may be established as accessory either by-right or on a conditional basis, as provided for in Sec. 61-12-49 of this Code:

- (1) *Establishments for the sale of beer or intoxicating liquor for consumption on the premises.* Such establishments may be permitted in a multiple-family dwelling, hotel, or motel that has at least fifty (50) units, provided, that the establishment for consumption on the premises:
  - (a) Does not exceed two thousand (2,000) square feet in gross floor area;
  - (b) Is accessible only from the interior of the building; and
  - (c) Has no advertising or display of said use visible from the exterior of the building.
- (2) Retail sales and service in multiple-family dwellings, hotels, and motels.
  - (a) In order to provide urban amenities in a convenient and orderly manner for residents of medium-and high-density residential areas, the following uses may be permitted as accessory uses in multiple-family dwellings, hotels, and motels that have at least fifty (50) units:
    - (i) Barber or beauty shops;
    - (ii) Cleaning or pressing shops;
    - (iii) Coffee shops;
    - (iv) Gift shops;
    - (v) Laundry pick-up stations;



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 Sec. 61-12-405 | Certain coin-operated amusement devices.

- (vi) Shoeshine stand or parlor
  - (vii) Telegraph, photocopying, fax, computing offices; or
  - (viii) Tobacco or newspaper stands or shops;
  - (ix) Similar commercial uses.
- (b) These services are intended as a convenience for the residents or guests of the building where they are permitted and for other residents within easy and convenient walking distance of these uses. The uses and applicable restrictions are as follows:
- (i) There shall be no entrance to such place of business, except from within the building; and
  - (ii) There shall be no advertising or display of said uses visible from outside the building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-405. Certain coin-operated amusement devices.**

In retail stores that exceed twenty thousand (20,000) square feet of gross floor area, up to eight (8) coin-operated amusement devices may be permitted as an accessory use without need for a separate permit for an arcade.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-406. Tool sharpening or grinding.**

In the B4 District, lawnmower sharpening and snow blower servicing shall be a permitted accessory use in the retail stores that sell them by right.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-407. Motor vehicle salesroom or sales lot.**

Motor vehicle salesrooms and sales lots shall be subject to the following provisions:

- (1) *New Vehicle Sales.* Service facilities that are operated in conjunction with a new motor vehicle sales establishment (motor vehicle, new, salesroom or sales lots) shall be considered accessory where such service facilities are located within three hundred (300) feet of the zoning lot on which the motor vehicles are sold.
- (2) *New Vehicle Sales.* Service facilities that are operated in conjunction with a new motor vehicle sales establishment (motor vehicle, new, salesroom or sales lots) shall not be considered accessory, but rather as a principal use, where such service facilities are located farther than three hundred (300) feet from the zoning lot on

**Sec. 61-12-408 | Shoeshine stand or parlor.**

which the motor vehicles are sold. Establishment of such service facilities as a principal use of the land may require a public hearing.

- (3) *Used Vehicle Sales.* Vehicle preparation shall be considered a permissible accessory use at a used motor vehicle salesroom or sales lot. Where minor motor vehicle services or major motor vehicle services are to take place on the same zoning lot as a used motor vehicle salesroom or sales lot, a separate principal land use permit must be obtained from the Buildings, Safety Engineering and Environmental Department.
- (4) *New and Used Vehicle Sales.* Service facilities that are operated in conjunction with a new or used motor vehicle sales establishment are subject to the use regulations for major motor vehicle services as provided for in Sec. 61-12-214 of this Code, or for minor motor vehicle services as provided for in Sec. 61-12-215 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, §1, 11-21-12)

**Sec. 61-12-408. Shoeshine stand or parlor.**

A shoeshine stand or parlor is considered a permissible accessory use in office buildings, hotels, convention or exhibit buildings, barber shops, and shoe repair shops.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-409. Truck stops.**

Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-410. Check cashing services.**

Check cashing services shall be permitted as an accessory use in any establishment that exceeds fifteen thousand (15,000) square feet of gross floor area, provided, that the check cashing services portion does not exceed ten percent (10%) of the gross floor area; however, check cashing services in an establishment having fifteen thousand (15,000) or fewer square feet of gross floor area shall be considered a principal use.

(Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-411. Farmers Markets.**

Farmers markets are permitted as an accessory use where located on the same zoning lot as religious institutions, schools, educational institutions, outdoor recreation facilities, and non-profit neighborhood centers.

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-412. Urban garden.**

Only the following accessory uses and structures are permitted on an urban garden. All accessory structures are subject to the provisions of ARTICLE XII, DIVISION 5, and also require a building permit where applicable.

- (1) Greenhouses
- (2) Farm stands
- (3) Hoophouses or high tunnels, and similar structures used to extend the growing season
- (4) Signs; subject to the provisions in ARTICLE VI
- (5) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rainwater catchment system
- (6) Tool sheds and shade pavilions
- (7) Garages

(Ord. No. 10-13, §1, 04-16-13)

**Sec. 61-12-413. Urban farm.**

Only the following accessory uses and structures are permitted on an urban farm. All accessory structures are subject to the provisions of ARTICLE XII, DIVISION 5, and also require a building permit where applicable.

- (1) All uses and structures permitted on an urban garden
- (2) Aquaculture
- (3) Aquaponics
- (4) Hydroponics
- (5) Barns and/or other buildings for storage
- (6) Structures for cold storage and processing

(Ord. No. 10-13, §1, 04-16-13)

**Secs. 61-12-414—61-12-420. Reserved.****DIVISION 6. TEMPORARY USES AND STRUCTURES****Subdivision A. In general****Sec. 61-12-421. Temporary activities in general.**

Temporary activities shall be subject to the following provisions:

- (1) Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. This shall not

apply to outdoor operations that are accessory to permitted uses as regulated in Sec. 61-12-368 through Sec. 61-12-373 of this Code.

- (2) The operational performance standards in Article XIV, DIVISION 7 of this Chapter shall apply to temporary activities.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-422. Permit required.**

A temporary use or structure for one (1) or more of the uses described in this division shall be permitted in any district, except as provided in Sec. 61-12-443 of this Code. All temporary uses and structures shall obtain a Temporary Use Permit pursuant to the procedures set forth in ARTICLE IV, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-423. Permanent changes prohibited.**

Permanent changes to a zoning lot, on which a temporary activity is conducted, are prohibited.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-424. Accessory signage.**

Signs accessory to temporary uses are subject to the following provisions:

- (1) Permanent signs that are accessory to temporary uses are prohibited;
- (2) Signs that are accessory to temporary uses shall be limited to the premises of the temporary use;
- (3) Not more than one (1) double-faced, non-illuminated sign shall be permitted;
- (4) One (1) sign shall be allowed and the location shall be noted on the plan. The sign shall be limited to a double-faced non-illuminated sign no greater than thirty-two (32) square feet in area. The height of the sign shall not exceed fifteen (15) feet. The sign shall have a minimum setback of five (5) feet from the front and/or side property line;
- (5) Signs that are accessory to temporary uses require a permit;
- (6) All signs that are accessory to temporary uses shall be removed when the activity ends; signs that are accessory to temporary outdoor retail sales shall be removed each day; and
- (7) The Buildings, Safety Engineering and Environmental Department shall not approve accessory signage for a temporary use within a Traditional Main Street Overlay Area, Major Corridor Overlay Area, or Downtown and Riverfront Overlay Area unless the Planning and Development Department has verified that such work is consistent with the design standards for such areas.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 08-12, §1, 6-05-12)

## Sec. 61-12-425 | Adherence to conditions of principal use.

**Sec. 61-12-425. Adherence to conditions of principal use.**

Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-426. Additional compliance.**

The operator shall additionally comply with the following:

- (1) All temporary structures shall be erected in a safe manner in accordance with any applicable provisions or standards in this Code;
- (2) The operator must obtain all other required permits applicable to the activity, such as from the Department of Health and Wellness Promotion;
- (3) No temporary use shall be placed on any public sidewalk, public street, or other public property, except as provided for in Chapter 50, Article II of this Code;
- (4) Where applicable, electrical and utility connections, shall be approved by the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-12-427–61-12-430. Reserved.****Subdivision B. Specific Temporary Uses Allowed****Sec. 61-12-431. Outdoor assembly: carnivals; fairs, circuses; concerts; festivals; and other public entertainments.**

Outdoor assemblies such as carnivals, fairs, circuses, concerts, festivals, and other public entertainments shall be governed by the licensing provisions of Chapter 5, Articles VIII and XIV of this Code. In addition, outdoor assembly shall be subject to the following provisions:

- (1) Such events shall not be located on land zoned residential, except on church or school property;
- (2) In nonresidential zoning districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per site per calendar year;
- (3) In residential zoning districts, such uses may be allowed for up to four (4) consecutive days. Two (2) events are allowed per calendar year;
- (4) *Exemptions.*
  - (a) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly, for assemblies that do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held;

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**Sec. 61-12-432 | Outdoor assembly: exemptions; required facilities.**

(b) This section shall not apply to government-sponsored fairs that are held on regularly established fairgrounds or to assemblies required to be licensed by this Code.

(5) See also Sec. 61-12-432.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-432. Outdoor assembly: exemptions; required facilities.**

No person shall permit, maintain, promote, conduct advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of five thousand (5,000) or more people which continues or can reasonably be expected to continue for eighteen (18) or more consecutive hours, whether on public or private property, unless the following facilities and services are provided by the organizers prior to commencement of the assembly to ensure the assembly causes as little disruption and inconvenience as possible to adjacent properties, neighborhoods, and traffic patterns:

- (1) A fence of sufficient height and strength that completely encloses the proposed location, which shall have at least four (4) gates, at least one (1) at, or near, four (4) opposite points of the compass to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds;
- (2) Potable water that meets all federal and state requirements for purity, and that is sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one (1) gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day;
- (3) Separate enclosed toilets for males and females, that are in compliance with the Michigan Building Code; and that are conveniently located throughout the grounds, that are sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every two hundred (200) females and at least one (1) toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
- (4) A sanitary method for disposing of solid waste that is in compliance with Chapter 22 of this Code and that is sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with lids and personnel to perform the task;
- (5) Physicians and nurses licensed to practice in Michigan sufficient to provide the average medical care enjoyed by residents of Michigan for the maximum number of people to be assembled at the rate of at least one (1) physician for every one thousand (1,000) people and at least one (1) nurse for every 1,300 people, together with an enclosed covered structure where treatment may be rendered,

**Sec. 61-12-433 | Natural disasters and emergencies.**

which contains separately enclosed treatment rooms for each physician and at least one (1) emergency ambulance available for use at all times;

- (6) Where the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundary enclosed location of the assembly;
- (7) Security guards, either regularly employed, duly sworn, off-duty Michigan peace officers or private guards licensed in Michigan, who are sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every seven hundred fifty (750) people;
- (8) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, that is sufficient to meet all State and local standards for the location of the assembly as set forth in the Michigan Administrative Code and Chapter 19, Article III, of this Code, and sufficient emergency personnel to efficiently operate the required equipment; and
- (9) All necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-433. Natural disasters and emergencies.**

Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-434. Seasonal outdoor sales.**

Seasonal outdoor sales for Christmas trees or Halloween pumpkins are allowed for up to five (5) weeks at one (1) time. Not more than two events are allowed per calendar year subject to the following provisions:

- (1) The seasonal outdoor sale shall be conducted in a B2, B3, B4, B5 ,B6, M1, M2, M3, M4, PCA, TM, or SD2 District;
- (2) Permits for Christmas tree sales shall expire on December 26<sup>th</sup>;
- (3) The lot, and any abutting private or public property, shall be cleaned and any remaining pumpkins shall be disposed of by an approved method on or before November 6<sup>th</sup> of the year of issue of said permit;
- (4) The lot, and any abutting private or public property, shall be cleaned and any remaining trees shall be disposed of by an approved method on or before December 31<sup>st</sup> of the year of issue of said permit;
- (5) The Buildings and Safety Engineering Department shall require the applicant to deposit such sum as specified in the schedule of fees to guarantee the proper cleaning of the site and proper disposal of any remaining materials. A temporary use permit shall not be required for seasonal outdoor sales where such sales are

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**Sec. 61-12-435 | Temporary construction, security, real estate sales offices.**

part of the inventory of an established business holding a valid building permit.  
(See provisions for accessory uses, ARTICLE XII, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-435. Temporary construction, security, real estate sales offices.**

The applicant for a temporary permit for a temporary construction, security, or real estate sales office shall comply with all conditions imposed by the enforcing official, which may include fencing, surfacing, and setbacks, as deemed necessary to ensure no undue interference with the use and enjoyment of neighboring property. As determined by the enforcing official, such office shall be located within a reasonable distance of the primary development or improvement:

- (1) The owner of a construction project may place on the construction site and utilize a trailer coach as a temporary office for use by construction, security, and real estate sales personnel;
- (2) The temporary office shall be located on the lot where construction or development is occurring and shall not be located within twenty-five (25) feet of any abutting residential use;
- (3) The office shall be removed within ten (10) days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed within ten (10) days of sale or lease of all dwelling units; and
- (4) The owner of a permitted business who requires security protection during hours of closure may maintain a travel trailer for that purpose until a permanent facility can be constructed. In no case shall the use of such security trailer be for longer than a six (6) month period.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-436. Temporary dwelling units on single-family lots.**

Temporary dwelling units on single-family lots shall be subject to the following provisions:

- (1) The owner of any lot or tract of land may place on the lot, and live in, a manufactured home, mobile home, or a travel trailer provided, that all sanitary plumbing, power, and utilities are approved by the Buildings and Safety Engineering Department, and provided, further that:
  - (a) The owner is constructing a single-family residence on the lot, and or tract of land, and has obtained all necessary permits and paid all mandatory fees;
  - (b) The use of the temporary dwelling unit shall not exceed the period of six (6) months from the date of permit issuance;
  - (c) The owner shall tender a five hundred dollar (\$500) surety bond to the Finance Department, Debt Management Section for purposes of ensuring



**Sec. 61-12-437 | Temporary outdoor retail sales.**

the removal of the temporary dwelling unit at the end of the six (6) month period (See also Sec. 61-14-442;) and

- (d) The owner has submitted to the Buildings and Safety Engineering Department a construction schedule for the new house and accessory buildings, and a statement of intent to complete construction within the proposed time period.
- (2) The time limits and other provisions of this section are based on the premise that an owner-builder who is exercising proper judgment will not enter into a residence-construction project and be unable to complete the project within twelve (12) months, and, once started, the owner-builder will diligently continue the work and finish construction prior to expiration of his temporary dwelling permit. However, the owner of any lot or tract of land where a temporary dwelling unit has been placed may request one (1) six (6) month extension of time from the Buildings and Safety Engineering Department by demonstrating extreme hardship.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-437. Temporary outdoor retail sales.**

Temporary outdoor retail sales on private property are permitted subject to the following:

- (1) Temporary outdoor retail sales are only allowed on property with an already operating, permitted, and, where applicable, licensed, non-residential principal use. Locating on vacant property, or on property with a vacant or abandoned use, is not permitted. Locating on any property in the Central business district, as defined in Sec. 61-16-51 of this Code or in the Cultural Center, as defined in Sec. 61-16-54 of this Code is not permitted.
- (2) Temporary outdoor retail sales refers to the sale of goods or merchandise that are not generally sold as part of the principal use's inventory. (For sales accessory to a principal use, see Sec. 61-12-368.) Sales for the temporary outdoor retail sales operation shall be separate and apart from sales for the principal use;
- (3) No temporary outdoor retail sales use shall be placed or maintained within a required front or side setback or on required parking or loading spaces;
- (4) It shall be unlawful to conduct temporary outdoor retail sales within five hundred (500) feet of the entrance of any place of business that sells the same commodity or within forty (40) feet of land zoned residential or primarily developed with residential uses.
- (5) Temporary outdoor retail sales are only allowed on land zoned B2, B3, B4, B5, B6, M1, M2, M3, M4, non-residential PD, PCA, TM, SD1, SD2, SD4, or where the temporary outdoor retail sales are in conjunction with, and on the premises of, a religious institution.
- (6) The temporary outdoor retail sales use shall not conflict with principal activities conducted on the site.

## Sec. 61-12-437 | Temporary outdoor retail sales.

- (7) The sales, storage, and display area of the temporary outdoor retail sales use shall not exceed one ten (10) foot by ten (10) foot area; a tent canopy no larger than ten (10) feet by ten (10) feet in area may be used to cover the sales, storage, and display area.
- (8) Only one (1) temporary outdoor retail sales use is allowed per site at a time.
- (9) The temporary outdoor retail sales use may only operate on and during the seven days prior to the following days: Valentine’s Day, Easter Sunday, Mother’s Day, Father’s Day, Sweetest Day, Thanksgiving Day, and Christmas Day.
- (10) After each day of operation, all sites shall be completely cleaned of debris and any item associated with the temporary outdoor retail sales use shall be removed. Items relating to the operation of the temporary outdoor retail sales use shall not be left at the approved location when the temporary outdoor retail sales use is not in operation.
- (11) The temporary outdoor retail sales use shall operate only when the principal use is operating; however, temporary outdoor retail sales shall not be conducted between the hours of 11:00 p.m. and 7:00 a.m.
- (12) No sales shall be conducted from a truck or other vehicle.
- (13) Vendors under this section shall be allowed to sell only the following items from an approved location:
  - (a) Artwork, including existing paintings, prints, photographs, and sculptures.
  - (b) Balloons.
  - (c) Confections and snack foods, as defined in Sec. 61-16-174 of this Code, in commercially-sealed unopened containers and packages that are not potentially hazardous and for which written approval from the Department of Health and Wellness Promotion of the item is not required.
  - (d) Ethnic apparel, which is limited to wearing apparel that is particular to a specific nationality distinguished by custom, heritage, or language.
  - (e) Frangrances, incense, and shea butter.
  - (f) Fresh flowers.
  - (g) Fresh fruit (whole and uncut).
  - (h) Gift baskets containing goods of a generally recognized retail nature which are not otherwise prohibited in this Code.
  - (i) Handcrafted goods, as defined in Sec. 61-16-101 of this Code, including baskets, jewelry, leather, needle crafts, pottery, quilts, and woodcarvings.
- (14) This section does not apply to “mobile food service establishments” as defined in Section 41-2-1 of this Code and in Section 1107 of the Michigan Food Law of 2000, 2000 Public Act 92, MCL 289.1107.
- (15) Secondhand goods as provided for in Chapter 49 of this Code may not be sold under this section. Vendors are prohibited from selling alcoholic beverages, contraband goods, drug paraphernalia, electronics, electrical items, fireworks,

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**Sec. 61-12-438 | Yard or garage sales accessory to a dwelling.**

“potentially hazardous food” as defined in Section 41-2-1 of this Code, food items that have not been approved in writing by the Department of Health and Wellness Promotion, tattoos, and unlicensed goods.

- (16) The display of goods shall comply with the following:
  - (a) Where a table is used, the stand shall be draped on all four (4) sides with a skirt in good repair.
  - (b) Merchandise not being displayed for sale shall be stored out of public view.
  - (c) Merchandise to be sold shall be displayed in a neat and orderly fashion.
- (17) The Buildings, Safety Engineering and Environmental Department, the Department of Health and Wellness Promotion, the Fire Department, or the Police Department may prohibit the sale of any items where it is determined that the sale of such items would jeopardize the health, safety or general welfare, or be injurious or detrimental to persons or properties adjacent to or in the vicinity of the vending location.
- (18) A vendor shall obtain a separate temporary use permit for each location it plans to operate a temporary outdoor retail sales use.
- (19) Temporary outdoor retail sales shall not be permitted on the premises of motor vehicle filling stations, as specified in Sec. 61-12-204 of this Code, or licensed parking lots, as specified in Sec. 61-12-219(5) and Sec. 39-2-17 of this Code.
- (20) Provisions of this section shall not apply to the following:
  - (a) Vending on public property as governed by Chapter 41 of this Code.
  - (b) Public markets as governed by Chapter 31 of this Code.
  - (c) City approved events and festivals, as that term is used in Chapter 41, Article II, Division 1 of this Code, that are conducted on private property.
  - (d) Any park, public place, or boulevard governed by Chapter 40 of this Code.
- (21) Temporary outdoor retail sales must conspicuously display all required City permits at all time while in operation.
- (22) Temporary outdoor retail sales must be attended at all times.
- (23) Temporary outdoor retail sales permit holders shall be subject to licensing in accordance with this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 08-12, §1, 6-05-12)

**Sec. 61-12-438. Yard or garage sales accessory to a dwelling.**

Yard or garage sales accessory to a dwelling shall be subject to the following provisions:

- (1) A maximum of one (1) yard or garage sale accessory to a dwelling may be held within any ninety (90) day period without need for a permit. In no instance may another yard or garage sale be permitted until ninety (90) days shall have elapsed since the previous sale.

**Sec. 61-12-439 | Other uses.**

- (2) All yard and garage sales shall be conducted so that no goods offered for sale are located on any public street or sidewalk, and so that vehicle and pedestrian traffic on public streets and sidewalks is not obstructed.
- (3) No sign advertising a yard or garage sale may be posted on any public property.
- (4) Only goods of the property owner or tenant shall be sold.
- (5) Yard or garage sales shall be limited to daylight hours and shall last for no longer than three (3) consecutive days.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 08-12, §1, 6-05-12)

**Sec. 61-12-439. Other uses.**

The Buildings and Safety Engineering Department may approve other temporary uses and activities or special events where it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-440. “Cellular on wheels.”**

A temporary Category D antenna, or “cellular on wheels (COW),” may be permitted by the Buildings and Safety Engineering Department after review and recommendation from the Wireless Telecommunications Site Review Committee.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-441. Portable concrete batching plants.**

Portable concrete batching plants may be established as a temporary use subject to the following provisions:

- (1) Review and approval is required by the Buildings and Safety Engineering Department which may grant approval upon finding that the presence of the batching plant is reasonably necessary for the proposed development;
- (2) Time limits may be imposed, both as to the hours of operation and the length of time that the batch plant may remain at the site. In no instance shall the batch plant be permitted to remain on the site longer than reasonably necessary to complete the construction work;
- (3) Limitations may be imposed as to permitted haul routes for all vehicles associated with the batch plant operations; and
- (4) The Buildings and Safety Engineering Department may impose any restrictions deemed necessary to ensure the control of noise and dust at, and around, the batch plant site.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-12-442. Temporary signs.**

- (a) Temporary signs, other than political signs, windbreaks or fugitive dust mitigation coverings on temporary fencing at construction sites (See Sec. 61-6-41(c)), and other lawful noncommercial messages, are subject to the following provisions:
- (1) Temporary signs shall be prohibited on the exterior of any building and on any other structure. However, notwithstanding this prohibition, any establishment may display temporary signage pertaining to activities, uses, or events on the premises on any façade of a building not more than two (2) times in any calendar year, provided, that:
    - (1) Such temporary signage shall not be suspended from, or attached to, a canopy, marquee, fence, free-standing wall, or other structure;
    - (2) Such temporary signage shall not be displayed for more than fifteen (15) day during each occurrence and shall comply with all applicable provisions of the Michigan Building Code;
    - (3) Such temporary signage shall be limited to an area which does not exceed ten percent (10%) of the area of the ground floor façade(s) which abut(s) any public street; the area of the ground floor façade is calculated by multiplying the length of the façade(s) abutting the public street(s) by thirteen (13) feet;
    - (4) A permit for such temporary sign shall be obtained;
    - (5) Temporary signs and banners which are attached to or suspended from a building, and which are constructed of cloth or other combustible material, shall be constructed in an approved manner and shall be securely supported; and
    - (6) Such signs and banners shall be removed as soon as torn or damaged, and not later than fifteen (15) days after erection.
  - (2) Permits for temporary signs shall be limited to a period of fifteen (15) days;
  - (3) Temporary signs, that are incidental and accessory to convention or exhibit buildings, shall not be subject to the time or area limitations specified in this section and may be displayed more than two (2) times in a calendar year. Such signage shall be promptly removed upon completion of the event or activity that is occurring on the premises.
- (b) The outdoor use of searchlights or spotlights or balloons or other inflatable devices to draw attention to an event, activity, or land use requires a “temporary sign” permit, subject to the following:
- (1) Time restrictions, as specified in Sec. 61-12-442(a)(1) and Sec. 61-12-442(a)(2) of this Code, except for any such searchlights or spotlights in the Central business district or on land zoned SD5; and

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**Sec. 61-12-443 | Prohibited temporary uses.**

- (2) Any such searchlights or spotlights shall be directed away from all residential buildings.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-12-443. Prohibited temporary uses.**

The following temporary uses are prohibited:

- (1) Sales of fireworks as defined in Sec. 61-16-82 of this Code;
- (2) Sales of firearms;
- (3) Sales of any materials characterized by an emphasis on specified anatomical areas or specified sexual activities as defined in Sec. 61-16-174 of this Code; and
- (4) Medical marihuana caregiver centers.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)



**ARTICLE XIII. INTENSITY AND DIMENSIONAL STANDARDS**

**DIVISION 1. TABLES OF INTENSITY AND DIMENSIONAL STANDARDS**

**Subdivision A. Residential Districts**

**Sec. 61-13-1. Residential districts in general.**

All principal structures in residential districts shall be subject to the intensity and dimensional standards set forth in the following table, unless undertaken through one or more of the Alternative Residential Development Options set forth in ARTICLE XIII, DIVISION 3 of this Chapter or where the structure is located on a zoning lot abutting a Traditional Main Street, in which case the setback shall be as specified in Sec. 61-14-282 of this Code. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Zoning Ordinance. Additional general standards that are applicable to the residential districts are set forth immediately following the table. Additional specific standards and exceptions are located in ARTICLE XIII, DIVISION 1, Subdivision I and DIVISION 1.Subdivision J of this Chapter. Rules of measurement and exceptions are set forth in ARTICLE XIII, DIVISION 2 of this Chapter.

(Ord No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	Sec. 61-13-151	Sec. 61-13-152	Sec. 61-13-156 _Sec. 61-13-157		
*Formula A = Length (feet) + 2 (height) /15			*Formula B = Length (feet) + 2 (height) /6						
<b>Sec. 61-13-2. R1.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			<u>Sec. 61-13-126</u>
Cemeteries									<u>Sec. 61-13-16, Sec. 61-13-131(2)</u>
Neighborhood center (non-profit)	10000	70	20	Formula B	30	35	35		<u>Sec. 61-13-19</u>
Outdoor recreation facilities									<u>Sec. 61-13-131</u>
Parking lots or parking areas			20	10					<u>Sec. 61-13-102; Article XIV, Division 1, Subdivision</u>



Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	Sec. 61-13-151	Sec. 61-13-152	Sec. 61-13-156 Sec. 61-13-157		
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
Public utilities			20	15	30	35			I
Religious institutions	10000	70	20	Formula B	30	45	35		Sec. 61-13-19; Sec. 61-13-104
Schools	10000	70	20	Formula B	30	--	35	0.70	Sec. 61-13-19; Sec. 61-13-131
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 including all accessory buildings/structures. (See also Sec. 61-13-105.)		Sec. 61-13-104; Article XIV, Division 3, Subdivision A
Agricultural uses			See: Sec. 61-12-329			35	35		Sec. 61-12-338
All other uses	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35		
<b>Sec. 61-13-3. R2.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			Sec. 61-13-126
Cemeteries									Sec. 61-13-16, Sec. 61-13-131(2)
Multiple-family dwellings	7000	70	20	10	30		35	0.50	Sec. 61-13-101
Neighborhood center (non-profit)	10000	50	20	Formula B	30	35	35		Sec. 61-13-19
Outdoor recreation facilities									Sec. 61-13-131
Parking lots or parking areas			20	10					Sec. 61-13-102; Article XIV, Division 1, Subdivision I
Public Utilities			20	15	30	35			
Religious institutions	10000	70	20	Formula B	30	45	35		Sec. 61-13-19; Sec. 61-13-104
Schools	10000	70	20	Formula B	30		35	0.70	Sec. 61-13-

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142	<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u>			
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
									19; <u>Sec. 61-13-131</u>
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 (See also <u>Sec. 61-13-105.</u> )		<u>Sec. 61-13-104</u> ; Article XIV, Division 3, Subdivision A
Town houses (attached group)	7000	70	20	Formula B	30	35	35		<u>Sec. 61-13-106</u>
Two-family dwellings	6000	55	20	4 ft minimum/ 14 ft combined	30	35	35 (See also <u>Sec. 61-13-107.</u> )		Article XIV, Division 3, Subdivision A
Agricultural uses			See: <u>Sec. 61-12-329</u>			35	35		<u>Sec. 61-12-338</u>
All other uses	5000	50	20	4 ft minimum/ 14 ft combined	20	35	35		
<b>Sec. 61-13-4. R3.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			<u>Sec. 61-13-126</u>
Cemeteries									<u>Sec. 61-13-16</u> , <u>Sec. 61-13-131(2)</u>
Fire or police stations			20	15	30			0.70	
Libraries or museums	10000	70	20	Formula B	30	35			<u>Sec. 61-13-19</u>
Multiple-family dwellings	7000	70	20	Formula A	30		(0.12 RSR)	0.70	
Neighborhood center (non-profit)	7000	70	20	Formula B	30	35		0.70	<u>Sec. 61-13-19</u>
Outdoor recreation facilities									<u>Sec. 61-13-131</u>
Parking lots or parking areas			20	10					<u>Sec. 61-13-102</u> ; Article XIV, Division 1, Subdivision I
Public utilities			20	15	30			0.70	
Religious institutions	10000	70	20	Formula B	30			0.70	<u>Sec. 61-13-19</u> ; <u>Sec. 61-13-104</u>

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	<b>Sec. 61-13-142</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-13-151</b>	<b>Sec. 61-13-152</b>	<b>Sec. 61-13-156</b>	<b>Sec. 61-13-157</b>		
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
Schools	10000	70	20	Formula B	30			0.70	Sec. 61-13-19; Sec. 61-13-131
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 (See also Sec. 61-13-105)		
Town houses (attached group)	7000	70	20	Formula A	30			0.70	Sec. 61-13-106
Two-family dwellings	6000	60	20	4 ft minimum/ 14 ft combined	30	35	35 (See also Sec. 61-13-107.)		
Agricultural uses			See: Sec. 61-12-329			35			Sec. 61-12-338
All other uses	7000	70	20	Formula B	30	35		0.70	
<b>Sec. 61-13-5. R4.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			Sec. 61-13-126
Educational institutions	7000	70	20	Formula B	30		(0.10 RSR)	1.00	Sec. 61-13-19; Sec. 61-13-131
Fire or police stations			20	15	30			1.00	
Fraternity or sorority houses	7000	70	20	Formula A	30			1.00	
Libraries or museums	10000	70	20	Formula B	30	35			Sec. 61-13-19
Multiple-family dwellings	7000	70	20	Formula A	30		(0.10 RSR)	1.00	
Neighborhood center (non-profit)	7000	70	20	Formula B	30			1.00	Sec. 61-13-19
Outdoor recreation facilities									Sec. 61-13-131
Parking lots or parking areas			20	10					Sec. 61-13-102; Article XIV, Division 1, Subdivision I
Public utilities			20	15	30			1.00	
Religious institutions	10000	70	20	Formula B	30			1.00	Sec. 61-13-19; Sec. 61-13-104
Rooming houses	7000	70	20	Formula A	30		(0.10 RSR)	1.00	

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	<b>Sec. 61-13-142</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-13-151</b>	<b>Sec. 61-13-152</b>	<b>Sec. 61-13-156</b> <b>Sec. 61-13-157</b>			
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
Schools	10000	70	20	Formula B	30			1.00	Sec. 61-13-131
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 (See also Sec. 61-13-105)		
Town houses (attached group)	7000	70	20	Formula A	30			1.00	Sec. 61-13-106
Two-family dwellings	6000	55	20	4 ft minimum/ 14 ft combined	30	35	35 (See also Sec. 61-13-107.)		
Agricultural uses			See: Sec. 61-12-329						Sec. 61-12-338
All other uses	7000	70	20	Formula B	30			1.00	
<b>Sec. 61-13-6. R5.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			Sec. 61-13-126
Educational Institutions	7000	70	20	Formula B	30			1.50	Sec. 61-13-19; Sec. 61-13-131
Fire or police stations			20	15	20			1.50	
Libraries or museums	10000	70	20	Formula B	30			1.50	Sec. 61-13-19
Marinas			20	20		35			Sec. 61-13-91
Mobile home park		100	20	25	30				Sec. 61-13-17
Multiple-family dwellings	7000	70	20	Formula A	30		(0.085 RSR)	1.50	
Neighborhood center (non-profit)	7000	70	20	Formula B	30			1.50	
Outdoor recreation facilities									Sec. 61-13-131
Parking lots or parking areas			20	10					Sec. 61-13-102; Article XIV, Division 1, Subdivision I
Parking structures			20	Formula B	5			1.50	Sec. 61-13-103
Public utilities			20	15	30			1.50	

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	<b>Sec. 61-13-142</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-16-172</b>	<b>Sec. 61-13-151</b>	<b>Sec. 61-13-152</b>	<b>Sec. 61-13-156</b>	<b>Sec. 61-13-157</b>		
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
Religious institutions	10000	70	20	Formula B	30			1.50	Sec. 61-13-19; Sec. 61-13-104
Rooming houses	7000	70	20	Formula A	30		(0.085 RSR)	1.50	
Schools	10000	70	20	Formula B	30			1.00	Sec. 61-13-19; Sec. 61-13-131
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 (See also Sec. 61-13-105)		
Town houses (attached group)	7000	70	20	Formula A	30			1.50	Sec. 61-13-106
Two-family dwellings	6000	55	20	4 ft minimum/ 14 ft. combined	30	35	35 (See also Sec. 61-13-107.)		Sec. 61-13-106
Agricultural uses			See: Sec. 61-12-329						Sec. 61-12-338
All other uses	7000	70	20	Formula B	30			1.50	
<b>Sec. 61-13-7. R6.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			Sec. 61-13-126
Educational Institutions	7000	70	20	Formula B	30			2.00	Sec. 61-13-19; Sec. 61-13-131
Fire or police stations			20	15	30			2.00	
Libraries or museums	10000	70	20	Formula B	30			2.00	Sec. 61-13-19
Marinas			20	20		35			Sec. 61-13-91
Multiple-family dwellings	7000	70	20	Formula A	30		(0.07 RSR)	2.00	
Neighborhood center (non-profit)	7000	70	20	Formula B	30			1.50	Sec. 61-13-19
Outdoor recreation facilities									Sec. 61-13-131
Parking lots or parking areas			20	10					Sec. 61-13-102; Article XIV, Division 1, Subdivision I
Parking structures			20	Formula B	5			2.00	Sec. 61-13-

Sec. 61-13-11 | Lot size requirements.

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage(%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	Sec. 61-13-151	Sec. 61-13-152	Sec. 61-13-156 Sec. 61-13-157		
	*Formula A = Length (feet) + 2 (height) /15					*Formula B = Length (feet) + 2 (height) /6			
									103
Public utilities			20	15	30			2.00	
Religious institutions	10000	70	20	Formula B	30			2.00	<u>Sec. 61-13-19; Sec. 61-13-104</u>
Rooming houses	7000	70	20	Formula A	30		(0.07 RSR)	2.00	
Schools	10000	70	20	Formula B	30			2.00	<u>Sec. 61-13-19; Sec. 61-13-131</u>
Single-family dwellings, Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35	35 (See also <u>Sec. 61-13-105</u> )		
Town houses (attached group)	7000	70	20	Formula A	30			2.00	<u>Sec. 61-13-106</u>
Two-family dwellings	6000	55	20	4 ft minimum/ 14 ft combined	30	35	35 (See also <u>Sec. 61-13-107.</u> )		<u>Sec. 61-13-106</u>
Agricultural uses			<u>See: Sec. 61-12-329</u>						<u>Sec. 61-12-338</u>
All other uses	7000	70	20	Formula B	30			2.00	

**Secs. 61-13-8–61-13-10. Reserved.**

**Subdivision B. General Dimensional Standards for Residential Districts**

**Sec. 61-13-11. Lot size requirements.**

Lot size requirements are specified for each zoning district in this article. In addition, the following general regulations are applicable to all residential zoning districts:

- (1) No use shall be established on a lot platted and recorded on or after December 22, 1968, which is of less area or width than prescribed in this section for such use in the zoning district where it is to be located. This provision shall not apply where approvals have been given for the division of recorded lots in accordance with the City of Detroit Subdivision Control Ordinance. If parts of two or more parcels of land, any part of which was platted and identified as a single unit on a plat officially approved and recorded prior to December 22, 1968, are combined to create a zoning lot upon which a building for residential purposes is to be built, the ensuing zoning lots shall be no smaller in width or area than the larger or largest of such parcels which were platted and identified as a single unit on a plat officially approved and recorded prior to December 22, 1968, provided, that no

zoning lot so created need be larger than the minimum size as specified for the district where it is located;

- (2) In the R1, R2, R3, R4, R5 and R6 Districts, a single-family detached dwelling, parsonage, rectory, or parish house may be established on a lot of record on December 22, 1968 regardless of the size of the lot, provided, that all other requirements of this Zoning Ordinance are met;
- (3) In the R2, R3, R4, R5, and R6 Districts, a two-family dwelling may be established on a lot of record on December 22, 1968 of a lesser width or area than the required, provided, that all other requirements of the district where it is located are met. In no instance, however, shall a two-family dwelling be established on a lot having a width of less than forty (40) feet or an area of less than four thousand (4,000) square feet;
- (4) In the R3, R4, R5, and R6 Districts, a multiple-family dwelling may be established on a lot of record on December 22, 1968 of a lesser width or area than that required, provided all other requirements of the district where it is located are met. However, in no instance, shall a multiple-family dwelling be established on a lot having a width of less than fifty (50) feet or an area of less than six thousand (6,000) square feet;
- (5) Unless otherwise specified, lot width shall be measured at a distance of twenty (20) feet from the front line of the subject zoning lot.

(Ord No. 11-05, §1, 5-28-05)

### **Sec. 61-13-12. Traffic safety sight area.**

In order to provide a clear line of sight for the drivers of approaching motor vehicles, the following provisions shall apply:

- (1) On a corner lot in the R1, R2, R3, R4, R5, R6, and residential PD Districts, no opaque fence, wall, hedge, sign or other structure, shrubbery, mounds of earth or other visual obstruction over thirty-six (36) inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within the “Clear Vision Triangle,” as described in Subsection (3) of this section;
- (2) Subsection (1) shall not apply to public utility poles; trees trimmed to the trunk to a line at least six (6) feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date this amendments becomes effective; and official warning signs or signals.
- (3) The “Clear Vision Triangle” is that area formed by extending the two (2) curb lines a distance of forty-five (45) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle;
- (4) In cases where streets do not intersect at approximately right angles, the Department of Public Works, Traffic Engineering Division shall have the authority to vary these requirements as it deems necessary to provide safety for

**Sec. 61-13-13 | Exceptions to the required depth of front setbacks.**

both vehicular and pedestrian traffic. However, site distance in excess of two hundred seventy-five (275) feet shall not be required.

(5) See Sec. 61-14-251

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-13. Exceptions to the required depth of front setbacks.**

Front setbacks of zoning lots used for residential purposes shall be increased or may be reduced in accordance with the following conditions:

- (1) In the event one (1) or both of the existing abutting residential dwellings has been erected at the rear one-half (1/2) of the zoning lot, said dwelling shall be disregarded for purposes of computing the required front setback and said zoning lot shall be considered to be vacant for purposes of this section;
- (2) In cases wherein residential dwellings that have a front setback greater than twenty (20) feet in depth have been erected on both sides of a zoning lot, the required front setback of the zoning lot to be built upon shall be at least as large as the smaller front setback of the adjacent residential dwellings;
- (3) In cases where residential dwellings, that have front setbacks of less than twenty (20) feet or more than twenty (20) feet in depth, have been erected on one (1) or both sides of a subject lot, except as regulated in Subsection (2) of this section, the required front setback of the zoning lot is to be reduced or increased in accordance with the following rules:
  - (a) In cases where the zoning lot to be built upon is situated between two zoning lots both of which have been built upon, and either or both of which has a front setback less than twenty (20) feet or more than twenty (20) feet in depth, the center point of the front wall of the proposed structure shall be located on, or to the rear of, a straight line drawn between the center points of the front walls of the existing buildings on these two (2) zoning lots;
  - (b) In such cases where the zoning lot to be built upon has a lot on one (1) side not built upon but there is a zoning lot on the other side already built upon with a front setback less than twenty (20) feet or more than twenty (20) feet in depth, the required minimum depth of the front setback for the lot to be built upon shall be determined as follows: A straight line shall be drawn between the center point of the front wall of the existing building and a point twenty (20) feet inside of the front lot line and eighty (80) feet distant from the zoning lot to be built upon and on the other side thereof. The center point of the front wall of the proposed building shall be located on or to the rear of this line; and
  - (c) In such cases where the zoning lot to be built upon is bounded on one (1) side by a street or alley and on the other side by a zoning lot already built upon with a front setback less than twenty (20) feet or more than twenty (20) feet in depth, the required minimum depth of the front setback for the



**Sec. 61-13-14 | Special provisions for side setbacks for single- or two-family dwellings.**

zoning lot to be built upon shall be equal to the existing depth of the front setback on the adjoining lot.

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-14. Special provisions for side setbacks for single- or two-family dwellings.**

The following special provisions for side setbacks shall apply for single- or two-family dwellings:

- (1) *Side setbacks on zoning lots of less than minimum width.* The required combined width of side setbacks may be reduced by six (6) inches for each foot or major fraction thereof by which the width of such lot is less than that required, provided, that the combined width of both side setbacks shall not be less than ten (10) feet, six (6) inches, nor shall the width of either side setback be less than three (3) feet;
- (2) *Side setbacks on zoning lots abutting an alley and whose width is less than thirty-five (35) feet.* The required combined width of side setbacks may be reduced by nine-tenths (9/10) of a foot for each foot or major fraction thereof by which the width of such lot is less than thirty-five (35) feet, provided, that the combined width of both side setbacks shall not be less than six (6) feet, nor shall the width of either side setback be less than three (3) feet. However, in no instance, shall a two-family dwelling be established on a lot having a width of less than forty (40) feet or an area of less than four thousand (4,000) square feet;
- (3) *Side Setback.* Each zoning lot upon which a two-family dwelling is placed or erected where the dwelling units are located one (1) behind the other, shall provide minimum side setbacks of not less than ten (10) feet on each side; and
- (4) See also “Alternative Residential Development Options, ARTICLE XIII, DIVISION 3 of this Chapter.

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-15. Rear and side setback exceptions for multiple-family dwellings.**

The following rear and side setback exceptions shall apply for multiple-family dwellings:

- (1) *Rear Setback.* Each zoning lot upon which a multiple-family dwelling is placed or erected where the only entrance of a unit within the building opens directly on a rear yard, shall provide a rear yard of not less than forty-five (45) feet, and the five (5) feet nearest the building shall not be used for vehicular parking. Where the balance of the yard is utilized for vehicular parking purposes, the five (5) feet or greater space shall be separated from the parking area by precast concrete wheel stops or their equivalent, at least six (6) inches in height, and located on the parking area not less than three (3) feet from the edge of the five (5) feet or greater space. Firmly implanted bumper guards that are located at the edge of the parking area may be substituted for the above required wheel stops;

**Sec. 61-13-16 | Special provisions for cemeteries.**

- (2) *Side Setback.* Where any side setback is used in whole or in part for vehicular parking, the five (5) feet nearest the principal building shall not be used for vehicular parking or driveway purposes, and this five (5) feet or greater space shall be separated from the balance of the setback by a barrier as described in Subsection (1) of this section;
- (3) *Side Setback.* Except as provided for in Sec. 61-13-101 of this Code, each zoning lot upon which a multiple-family dwelling is placed or erected where the only entrance of a unit within the structure opens directly on a side yard not abutting a street, shall provide a side setback of not less than twenty (20) feet; and
- (4) The provisions with respect to parking in ARTICLE XIV, DIVISION 1, Subdivision I (Off-street parking area design); ARTICLE XIV, DIVISION 1, Subdivision E (Use of accessory parking lots and areas); and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter (Off-street parking areas) shall also apply.

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-16. Special provisions for cemeteries.**

Where a cemetery abuts or is across a street, alley, or easement from property zoned R1, R2, R3, R4, R5, R6, or residential PD, a twenty (20) foot setback shall be provided subject to the following conditions:

- (1) That no burials be permitted in said setback;
- (2) That said setback be landscaped with grass and trees, shrubs, or other ornamental horticultural materials; and
- (3) That said setback be maintained in a neat and orderly condition at all times.

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-17. Mobile home park.**

Mobile home parks must have at least one hundred (100) feet of frontage on a major thoroughfare and each mobile home space must be at least thirty (30) feet wide as measured at a point twenty (20) feet from the primary access drive.

(Ord No. 11-05, §1, 5-28-05)

**Sec. 61-13-18. Lofts.**

The setback requirements for “All other uses” in the R3, R4, R5, and R6 Districts do not apply to lofts.

(Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-13-19. Setback requirements; lot area and lot width requirements.**

The setback requirements, the lot area requirements, and the lot width requirements for residential uses and public, civic, and institutional uses do not apply where such a use is

Sec. 61-13-21 | Business districts in general.

established in an existing building; however, any expansion of such a use shall comply with applicable setback requirements.

(Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-13-20. Reserved.**

**Subdivision C. Business Districts**

**Sec. 61-13-21. Business districts in general.**

All primary structures in business districts shall be subject to the intensity and dimensional standards that are set out in the following table, except where the structure is located on a zoning lot abutting a Traditional Main Street, in which case the setback shall be as specified in Sec. 61-14-282 of this Code. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Zoning Ordinance. Additional general standards applicable to the business districts are set forth immediately following the table in ARTICLE XIII, DIVISION 1, Subdivision D of this Chapter. Additional specific standards and exceptions are located in ARTICLE XIII, DIVISION 1, [Subdivision I] and Subdivision J of this Chapter. Rules of measurement and exceptions are set forth in ARTICLE XIII, DIVISION 2 of this Chapter.

(Ord No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142	<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u>			
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
<b>Sec. 61-13-22. B1.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 38-14, §1, 10-16-2014)									
Accessory buildings/structures						15			<u>Sec. 61-13-126</u>
Libraries or museums	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Multiple-family dwellings	7000	70	20	Formula A	30			1.00	<u>Sec. 61-13-32</u>
Neighborhood centers (nonprofit)	7000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Parking lots or parking areas									<u>Sec. 61-13-102</u> ; Article XIV, Division 1, Subdivision I
Parking structures			20	5	5	35			<u>Sec. 61-13-103</u>
Public utilities								1.50	

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	<b>Sec. 61-13-142</b>		<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-13-151</u></b>	<b><u>Sec. 61-13-152</u></b>	<b><u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u></b>		
Religious institutions	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32;</u> <u>Sec. 61-13-104</u>
Schools	10000	70	20	Formula B	30	35			
Single-family dwellings; Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35			
Two-family dwellings	6000	55	20	Formula A	30	35			
Town houses (attached group)	7000	70	20	Formula A	30	35			<u>Sec. 61-13-106</u>
Agricultural uses			<i>See: Sec. 61-12-329</i>			35			<u>Sec. 61-12-338</u>
All other uses	7000	70	20	Formula A	30	35			<u>Sec. 61-13-32</u>
<b>Sec. 61-13-23. B2.</b>									
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)									
Accessory buildings/structures						15			<u>Sec. 61-13-126</u>
Hotel/motel	7000	70	20	Formula A	30	35			
Libraries or museums	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Multiple-family dwellings	7000	70	20	Formula A	30			1.50	
Neighborhood centers (nonprofit)	7000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Parking lots or parking areas									<u>Sec. 61-13-102;</u> Article XIV, Division 1, Subdivision I
Private club, lodge, or similar use	7000	70				35			
Public utilities								1.50	
Religious institutions	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32;</u> <u>Sec. 61-13-104</u>
Schools	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Single-family dwellings; Religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35			
Two-family dwellings	6000	55	20	Formula A	30	35			
Town houses (attached group)	7000	70	20	Formula A	30	35			<u>Sec. 61-13-106</u>
All other residential uses and public, civic, and institutional uses	7000	70	20	Formula A	30	35			<u>Sec. 61-13-32</u>
All other uses						35			

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u>		

**Sec. 61-13-24. B3.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 26-12-, §1, 11-21-12)

Libraries or museums	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Hotel/motel	7000	70				35			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used: salesroom or sales lot	4000	40				35			
Neighborhood center, non-profit	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Religious institutions	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u> ; <u>Sec. 61-13-104</u>
Parking lots or parking areas									<u>Sec. 61-13-102</u> ; Article XIV, Division 1, Subdivision I
All other residential and public, civic and institutional uses	7000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
All other uses						35			

**Sec. 61-13-25. B4.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 26-12, §1, 11-21-12)

Fraternity or sorority houses	7000	70	20	Formula A	30	35			
Libraries or museums	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
Motels or hotels	7000	70	20	Formula A	30	35			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used: salesroom or sales lot	4000	40				35			
Motor vehicle washing and steam cleaning	10000					35			
Multiple-family dwellings	7000	70	20	Formula A	30			2.00	
Parking lots or parking areas									<u>Sec. 61-13-102</u> ; Article XIV, Division 1, Subdivision I
Religious institutions	10000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u> ; <u>Sec. 61-13-104</u>

Sec. 61-13-26 | B5.

(Ord. No. 11-05, §1, 5-28-05; ORd. No. 26-12-, §1, 11-21-12)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	<b>Sec. 61-13-142</b>		<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-13-151</u></b>	<b><u>Sec. 61-13-152</u></b>	<b><u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u></b>		
Single family dwellings; Religious residential facilities	5000	50	20	4 ft minimum/14 ft combined	30	35			
Two family dwellings	6000	55	20	Formula A	30	35			
Town houses (attached group)	7000	70	20	Formula A	30	35			<u>Sec. 61-13-106</u>
All other residential and public, civic and institutional uses	7000	70	20	Formula B	30	35			<u>Sec. 61-13-32</u>
All other uses						35			
<b>Sec. 61-13-26. B5.</b> (Ord. No. 11-05, §1, 5-28-05; ORd. No. 26-12-, §1, 11-21-12)									
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		Article XIII, Division 1, <u>Subdivision J</u>
[Repealed]									
Multiple-family dwellings	7000	70			20				Article XIII, Division 1, <u>Subdivision J</u>
Parking lots or parking areas									<u>Sec. 61-13-102</u> ; Article XIV, Division 1, <u>Subdivision I</u>
Rooming houses	7000	70		Formula A	20			2.00	Article XIII, Division 1, <u>Subdivision J</u>
Town houses (attached group)	7000	70		Formula A	20			2.00	Article XIII, Division 1, <u>Subdivision J</u>
All other uses									Article XIII, Division 1, <u>Subdivision J</u>
<b>Sec. 61-13-27. B6.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, §1, 11-21-12; Ord. No. 26-16, §1, 8-11-2016)									
Motels or hotels	7000	70	20	Formula A	30	80			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Multiple-family dwelling (as specified in <u>Sec. 61-9-120</u> of this Code)						80			

Sec. 61-13-31 | Lot size requirements.

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Sec. Reference	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156</u> <u>Sec. 61-13-157</u>		
Motor vehicles, used, salesroom or sales lot	4000	40							
Parking lots or parking areas									<u>Sec. 61-13-102</u> ; Article XIV, Division 1, <u>Subdivision I</u>
Penal or correctional institutions	10000	70	20	Formula A	30	80			
All other uses						80			
All other uses						80			

**Secs. 61-13-28–61-13-30. Reserved.**

**Subdivision D. General Dimensional Standards for Business Districts**

**Sec. 61-13-31. Lot size requirements.**

Lot width shall be measured at the front line of the zoning lot, except for residential uses where lot width shall be measured at a distance of twenty (20) feet from the front zoning lot line.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-32. Setback requirements; lot area and lot width requirements.**

- (a) Where a dwelling unit is erected, located, or placed above another type of use in a B2 or B4 District, no setbacks shall be required for the dwelling unit, except a rear setback which may begin at the lowest floor occupied for dwelling purposes.
- (b) The setback requirements for “All other residential and public, civic and institutional uses” in the B1, B2, B3, and B4 Districts do not apply to lofts;
- (c) The setback requirements for “All other residential uses and public, civic, and institutional uses” do not apply to “residential uses combined in structures with permitted commercial uses” on land zoned B2, B3, or B4 in designated Traditional Main Street overlay areas, as provided in Sec. 61-11-312 of this Code.
- (d) The setback requirements, the lot area requirements, and the lot width requirements for residential uses and public, civic, and institutional uses do not apply where such a

**Sec. 61-13-33 | B3 and B4 District height limitations.**

use is established in an existing building; however, any expansion of such a use shall comply with applicable setback requirements.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-13-33. B3 and B4 District height limitations.**

The following provisions shall apply to B3 and B4 Districts:

- (1) The maximum height for each principal use in the B3 and B4 Districts shall not exceed thirty-five (35) feet;
- (2) Where the zoning lot fronts on a street which is eighty (80) feet or more in width, and is designated by the Master Plan as a major or secondary thoroughfare, and where the outermost point of the proposed building on said zoning lot is forty (40) feet or more from the nearest point of the lot line of all R1, R2, and R3 Districts, the maximum height may be increased, as a matter of right, one (1) foot for each one (1) foot of street width greater than eighty (80) feet. However, in no case shall the building exceed eighty (80) feet in height;
- (3) Where the zoning lot fronts on a street which is eighty (80) feet or more in width, and is designated by the Master Plan as a major or secondary thoroughfare, and where the zoning lot abuts, is adjacent to, or across an alley from any zoning district other than an R1, R2, R3 or residential PD District, the maximum height may be increased, by right, one (1) foot for each one (1) foot of street width greater than eighty (80) feet, regardless of the location of the proposed structure. However, in no case shall the building exceed eighty (80) feet in height; and
- (4) The provisions of this section shall also apply to signs; ground or free-standing advertising signs shall not exceed thirty-five (35) feet, except as provided for in Sec. 61-6-74 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-13-34–61-13-40. Reserved.****Subdivision E. Industrial Districts****Sec. 61-13-41. Industrial districts in general.**

All primary structures in industrial districts shall be subject to the intensity and dimensional standards that are set out in the following tables, except where the structure is located on a zoning lot abutting a Traditional Main Street, in which case the setback shall be as specified in Sec. 61-14-282 of this Code. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Zoning Ordinance. Additional general standards applicable to the industrial districts are set forth immediately following the table in ARTICLE XIII, DIVISION 1, Subdivision F of this Chapter. Additional specific standards and exceptions are located in ARTICLE XIII, DIVISION 1, Subdivision I and Subdivision J of this Chapter. Rules of measurement and exceptions are set forth in ARTICLE XIII, DIVISION 2 of this Chapter.



Sec. 61-13-42 | M1.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-13, §1, 8-28-13)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	Sec. 61-13-151	Sec. 61-13-152	Sec. 61-13-156 Sec. 61-13-157		
*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6						
<b>Sec. 61-13-42. M1.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)									
Hotels or motels	7000	70	20	Formula A	30	35			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40				35			
All other uses	No minimum requirements.					35			
<b>Sec. 61-13-43. M2.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)									
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40				35			
All other uses			No minimum requirements.			40			
<b>Sec. 61-13-44. M3.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)									
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40							
All other uses			No minimum requirements.			80			
<b>Sec. 61-13-45. M4.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)									
Junkyard	2 acres		See <u>Sec. 61-12-261(4)</u>			35			

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Sec. Reference</b>	Sec. 61-13-142		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	Sec. 61-13-151	Sec. 61-13-152	Sec. 61-13-156 Sec. 61-13-157		
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40				80			
Transfer Stations			See <u>Sec. 61-12-275(1)</u>			35			
All other uses				No minimum requirements.		80			<u>Sec. 61-13-125</u>
<b>Sec. 61-13-46. M5.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, 11-21-12)									
Junkyard	2 acres		See <u>Sec. 61-12-261(4)</u>			35			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40				80			
Transfer Stations			See <u>Sec. 61-12-275(1)</u>			35			
All other uses				No minimum requirements.		80			<u>Sec. 61-13-125</u>

**Secs. 61-13-47–61-13-50. Reserved.**

**Subdivision F. General Dimensional Standards for Industrial Districts**

**Sec. 61-13-51. M1 District height.**

The maximum height for each principal use shall not exceed thirty-five (35) feet; provided, that:

- (1) Where the zoning lot fronts on a street which is eighty (80) feet or more in width, and is designated by the Master Plan as a major or secondary thoroughfare, and where the outermost point of the proposed building on said zoning lot is forty (40) feet or more from the nearest point of the lot line of all R1, R2, and R3 Districts, the maximum height may be increased, by right, one (1) foot for each one (1) foot of street width greater than eighty (80) feet. However, in no case shall the building exceed eighty (80) feet in height; and

**Sec. 61-13-52 | No minimum setback requirements.**

- (2) Where the zoning lot fronts on a street which is eighty (80) feet or more in width, and is designated by the Master Plan as a major or secondary thoroughfare, and where the zoning lot abuts or is adjacent to, or across an alley from, any zoning district other than an R1, R2 or R3 District, the maximum height may be increased, by right, one (1) foot for each one (1) foot of street width greater than eighty (80) feet, regardless of the location of the proposed structure. However, in no case shall the building exceed eighty (80) feet in height; and
- (3) The provisions of this section shall also apply to signs. Ground or free-standing advertising signs shall not exceed thirty-five (35) feet, except as provided for in Sec. 61-6-74 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-52. No minimum setback requirements.**

Except as provided for in Sec. 61-13-53 of this Code, no front, rear, or side setbacks shall be required in industrial districts.

**Sec. 61-13-53. Setback requirements for boundary lot lines.**

Setbacks shall be provided in industrial districts where abutting or across a street or alley from land zoned R1, R2, R3, R4, R5, R6, TM, or residential PD District in accordance with the following:

- (1) Where an industrial district is separated by a public street from the front yard of lots zoned R1, R2, R3, R4, R5, R6, TM, or residential PD, there shall be provided a twenty (20) foot setback in such industrial district where contiguous to the street separating such lots zoned R1, R2, R3, R4, R5, R6, TM, or residential PD District; provided, that where the lots or parcels of land in the industrial district measure less than one hundred (100) feet from the property line along said separating right-of-way to the property line opposite therefrom, the required setback may be reduced one (1) foot in depth for each one (1) foot, or fraction thereof, by which the maximum depth of such lot or parcel is less than one hundred (100) feet, all as indicated on a plat of record in the case of subdivided property, or a deed of record in the case of unsubdivided property, as recorded as of December 22, 1968. However, in no instance shall the setback be reduced by more than fifteen (15) feet;
- (2) Where an industrial district is separated by a public street from the side setback of lots R1, R2, R3, R4, R5, R6, TM, or residential PD, there shall be provided a ten (10) foot setback in such industrial district where contiguous to the street separating such lots zoned R1, R2, R3, R4, R5, R6, TM, or residential PD; provided, that where the lots or parcels of land in the industrial district measure less than one hundred (100) feet from the property line along said separating street to the property line opposite therefrom, the required setback may be reduced one (1) foot in depth for each one (1) foot, or fraction thereof, by which the maximum depth of such lot or parcel is less than one hundred (100) feet, all as indicated on a plat of record in the case of subdivided property, or a deed of record in the case of unsubdivided property, as recorded as of December 22,

## Sec. 61-13-61 | Special purpose zoning districts in general.

1968. However, in no instance shall the setback be reduced by more than five (5) feet;

- (3) Where an industrial district abuts or is across an alley from land zoned R1, R2, R3, R4, R5, R6, TM, or residential PD, there shall be provided a twenty (20) foot setback in such industrial district where contiguous to the lot line separating the districts, provided, that where the lots or parcels of land in the industrial district measure less than one hundred (100) feet from the property line, along said residential district to the opposite property line, the required setback may be reduced one (1) foot in depth for each one (1) foot, or fraction thereof, by which the maximum depth of such lot or parcel is less than one hundred (100) feet, all as indicated on a plat of record in the case of subdivided property, or a deed of record in the case of unsubdivided property, as recorded as of December 22, 1968. However, in no instance shall the setback be reduced by more than ten (10) feet; and
- (4) Nothing in this section shall prevent the alteration, improvement, or increase in bulk of a structure existing as of December 22, 1968, provided, that any addition resulting in an increase in coverage of ground area by the structure shall conform to the following requirements:
  - (a) Where the addition exceeds the existing structure in dimensions along a street, alley, or other public right-of-way, or abuts land zoned R1, R2, R3, R4, R5, R6, TM, or residential PD, such addition shall conform to the provisions of this section; and
  - (b) Where the addition is less than or equal to the existing structure in dimensions along a street, alley, or other public right-of-way, or abuts land zoned R1, R2, R3, R4, R5, R6, TM, or residential PD, the minimum setback of the addition shall be not less than the setback of the existing structure, provided, that where the existing structure exceeds the setback requirements of this section, the addition shall be subject only to the minimum setback requirements of this section; and
- (5) All portions of the setbacks that are required in Subsections (1) through (4) of this section shall be kept free of refuse and debris and all portions not used for access shall be landscaped in accordance with the provisions of ARTICLE XIV, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-13-54–61-13-60. Reserved.****Subdivision G. Special Purpose Zoning Districts****Sec. 61-13-61. Special purpose zoning districts in general.**

All primary and accessory structures in special purpose and overlay districts shall be subject to the intensity and dimensional standards that are set out in the following table, except where the structure is located on a zoning lot abutting a Traditional Main Street, in

Sec. 61-13-62 | PD.  
(Ord. No. 11-05, §1, 5-28-05)

which case the setback shall be as specified in Sec. 61-14-282 of this Code. Additional general standards applicable to the special purpose and overlay districts are set forth immediately following the table in ARTICLE XIII, DIVISION 1, Subdivision H of this Chapter. Additional specific standards and exceptions are located in ARTICLE XIII, DIVISION 1, Subdivision I and Subdivision J of this Chapter. Rules of measurement and exceptions are set out in ARTICLE XIII, DIVISION 2 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
Section Reference	<u>Sec. 61-13-142</u>		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156 Sec. 61-13-157</u>		
			*Formula A = Length (feet) + 2 (height) / 15			*Formula B = Length (feet) + 2 (height) / 6			
<p><b>Sec. 61-13-62. PD.</b> (Ord. No. 11-05, §1, 5-28-05)</p>									
All uses	Lot dimensions, setbacks, height limitations, lot coverage percentages, and floor area ratios should be appropriate to the nature of the project and relate well to surrounding development.								
<p><b>Sec. 61-13-63. P1.</b> (Ord. No. 11-05, §1, 5-28-05)</p>									
All uses	-	-	See <u>Sec. 61-13-81.</u>			-	-	-	
<p><b>Sec. 61-13-64. PC.</b> (Ord. No. 11-05, §1, 5-28-05)</p>									
All uses	-	-	-	-	-	-	See <u>Sec. 61-13-121</u> and <u>Sec. 61-13-122.</u>	<u>Sec. 61-13-123</u> and <u>Sec. 61-13-124.</u>	
<p><b>Sec. 61-13-65. PCA.</b> (Ord. No. 11-05, §1, 5-28-05)</p>									
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
All other uses	-	-	-	-	-	35	See <u>Sec. 61-13-121</u> and <u>Sec. 61-13-122</u>	<u>Sec. 61-13-123</u> and <u>Sec. 61-13-124.</u>	
<p><b>Sec. 61-13-66. TM.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12-, §1, 11-21-12)</p>									
Chemical materials blending or compounding but not involving chemicals	15,000	-	-	-	-	35	-	-	

Sec. 61-13-67 | PR.  
(Ord. No. 11-05, §1, 5-28-05)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Section Reference</b>	<u>Sec. 61-13-142</u>		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156 Sec. 61-13-157</u>		
manufacturing									
Construction equipment, agricultural implements and other heavy equipment repair or service	15,000	-	-	-	-	35	-	-	
High/medium impact manufacturing or processing as defined in <u>Sec. 61-16-102</u>	15,000	-	-	-	-	35	-	-	
Machine shop	15,000	-	-	-	-	35	-	-	
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98</u> and <u>Sec. 61-13-99</u>			35	See <u>Sec. 61-13-97</u>		
Motor vehicles, used, salesroom or sales lot	4000	40	-	-	-	-	-	-	
Steel warehousing	15,000	-	-	-	-	35	-	-	
Tank storage of bulk oil or gasoline	15,000	-	-	-	-	35	-	-	
Welding shop	15,000	-	-	-	-	35	-	-	
All other uses	10,000	-	-	-	-	35	-	-	
<b>Sec. 61-13-67. PR.</b> (Ord. No. 11-05, §1, 5-28-05)									
Antenna	See <u>Sec. 61-12-321(3)</u> .								
All other uses	4 acres		-	-	-	35	-	-	
<b>Sec. 61-13-68. W1.</b> (Ord. No. 11-05, §1, 5-28-05)									
All uses			No minimum requirements, except as specified in <u>Sec. 61-13-86</u>			80			<u>Sec. 61-13-125</u>
<b>Sec. 61-13-69. SD1.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)									
Gas regulator stations,			See: <u>Sec. 61-11-175</u>	See: <u>Sec. 61-11-175</u>	See: <u>Sec. 61-11-175</u>				

ARTICLE XIII INTENSITY AND DIMENSIONAL STANDARDS

Sec. 61-13-69 | SD1.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Section Reference</b>	<b><u>Sec. 61-13-142</u></b>		<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-13-151</u></b>	<b><u>Sec. 61-13-152</u></b>	<b><u>Sec. 61-13-156 Sec. 61-13-157</u></b>		
electric transformer stations, telephone exchange buildings.									
Establishment for the sale of beer or intoxicating liquor for consumption on the premises			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Fraternity or sorority houses	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Hotels	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Libraries or museums	10000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Marinas			20	20					Sec. 61-13-91
Multiple-family dwellings	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	(0.07 RSR)		
Neighborhood centers (nonprofit)	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Outdoor recreation facilities									Sec. 61-13-131
Parking lots or parking areas			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175				Article XIV, Division 1, Subdivision I
Parking structures			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			Sec. 61-13-103
Personal service establishment as defined in Sec. 61-16-151			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Radio, television, or household appliance repair shop			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Religious institutions	10000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Residential use combined in structures with			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	50, not to exceed 4 stories;			

ARTICLE XIII INTENSITY AND DIMENSIONAL STANDARDS

Sec. 61-13-70 | SD2.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-14, §1, 07-24-14)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Section Reference</b>	<u>Sec. 61-13-142</u>		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156 Sec. 61-13-157</u>		
permitted (first floor) commercial uses						See: Sec. 61-11-175			
Restaurants			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Rooming houses	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	(0.07 RSR)		
Schools	10000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Single-family dwellings; religious residential facilities	5000	50	20	4 ft minimum/ 14 ft combined	30	35			
Specially designated distributor's (SDD) establishment			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Specially designated merchant's (SDM) establishment			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Stores of a generally recognized retail nature whose primary business is the sale of new merchandise			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175			
Town houses (attached group)	7000	70	20	Formula A	30		35	1.50	Sec. 61-13-106
Agricultural uses			See: Sec. 61-12-329				Sec. 61-12-338		
All mixed use			See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	50, not to exceed 4 stories; See: Sec. 61-11-175	35		
All other uses, other than mixed use	7000	70	See: Sec. 61-11-175	See: Sec. 61-11-175	See: Sec. 61-11-175	35			
<b>Sec. 61-13-70. SD2.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-14, §1, 07-24-14)									
Fraternity or	7000	70	20	Formula A	30			1.50	



ARTICLE XIII INTENSITY AND DIMENSIONAL STANDARDS

Sec. 61-13-71 | SD3.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Section Reference</b>	<b><u>Sec. 61-13-142</u></b>		<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-16-172</u></b>	<b><u>Sec. 61-13-151</u></b>	<b><u>Sec. 61-13-152</u></b>	<b><u>Sec. 61-13-156 Sec. 61-13-157</u></b>		
sorority houses									
Hotels	7000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			
Libraries or museums	10000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			
Motor vehicle filling station	See <u>Sec. 61-13-93</u>		See <u>Sec. 61-13-98 and Sec. 61-13-99</u>				See <u>Sec. 61-13-97</u>		
Multiple-family dwellings	7000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	(0.07 RSR)		
Neighborhood centers (nonprofit)	7000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			
Outdoor recreation facilities									<u>Sec. 61-13-131</u>
Parking lots or parking areas			See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>				Article XIV, Division 1, Subdivision 1
Parking structures			See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			<u>Sec. 61-13-103</u>
Personal service establishments as defined in <u>Sec. 61-16-151</u>			See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>				
Religious institutions	10000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			<u>Sec. 61-13-104</u>
Rooming houses	7000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	(0.07 RSR)		
Schools	10000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			<u>Sec. 61-13-131</u>
Town houses (attached group)	7000	70	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>			<u>Sec. 61-13-106</u>
All mixed use			See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	60, not to exceed 5 stories; See <u>Sec. 61-11-195</u>			
All other uses, other than mixed use			See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	See <u>Sec. 61-11-195</u>	45			<u>Sec. 61-13-131</u>
<b>Sec. 61-13-71. SD3.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)									
Agricultural			See: <u>Sec. 61-12-329</u>						<u>Sec. 61-12-</u>

Use	Minimum Lot Dimensions		Minimum Setbacks (feet)			Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.
	Area (sq ft)	Width (feet)	Front	Side*	Rear				
<b>Section Reference</b>	<u>Sec. 61-13-142</u>		<u>Sec. 61-16-172</u>	<u>Sec. 61-16-172</u>	<u>Sec. 61-13-151</u>	<u>Sec. 61-13-152</u>	<u>Sec. 61-13-156 Sec. 61-13-157</u>		
uses									338
All uses	3 acres		20	Formula B	30			2.00	
<b>Sec. 61-13-72. SD4.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-07, §1, 7-24-07)									
Hotels and motels	7000	70				110'		4.50	<u>Sec. 61-13-87</u>
Multiple-family dwellings	7000	70				110'		4.50	<u>Sec. 61-13-87</u>
Private clubs and lodges	7000	70				110'		4.50	<u>Sec. 61-13-87</u>
Town houses (attached group)	7000	70				110'		4.50	<u>Sec. 61-13-87</u>
All other uses	Subject to review and approval by Planning and Development Department or City Council					110	Subject to review and approval by Planning and Development Department or City Council	4.50	<u>Sec. 61-13-87</u>
<b>Sec. 61-13-73. SD5.</b> (Ord. No. 11-05, §1, 5-28-05)									
All uses	Requirements shall be as established by the City Planning Commission subject to the approval of City Council.								Article XI, <u>DIVISION 13</u>

**Secs. 61-13-74–61-13-80. Reserved.**

**Subdivision H. General Intensity and Dimensional Standards for Special Purpose Zoning Districts**

**Sec. 61-13-81. P1 District setback requirements.**

In the P1 District, the following setback requirements shall apply:

- (1) *Front setback.* Where the P1 District is contiguous to property zoned R1, R2, R3, R4, R5, R6, or residential PD which has common frontage on the same block with the P1 District, a front setback equal to the front setback of the abutting lot shall be provided, excepting in those instances where residential structures have been erected on the rear one-half (1/2) of the zoning lot. In such instances, and in those cases where the abutting lot or parcel is vacant, a front setback of twenty (20) feet in depth shall be provided. Where the P1 District is across a street and opposite a residentially zoned district, and the lots in said residential district front

**Sec. 61-13-82 | TM District height requirements.**

upon such street, a front setback shall be provided between the parking or storage area and said street, that is not less than twenty (20) feet in width;

- (2) *Side setback.* Where the P1 District is contiguous to, or across a public right-of-way from, side zoning lot lines of property zoned in a residential district classification, a side setback shall be provided between the parking or storage area and said zoning lot line or between the parking or storage area and said public right-of-way, that is not less than ten (10) feet in depth.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-82. TM District height requirements.**

Development in the TM District shall comply with the standards provided in Sec. 61-13-51 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-83. Alterations and expansions in the TM district.**

Nothing in this section shall prevent the alteration, improvement or increase in bulk of a structure that exists at the time of the rezoning of the land to a TM District classification, provided, that any addition resulting in an increase in coverage of ground area by the structure shall conform to the following requirements:

- (1) Where the addition exceeds the existing structure in dimensions along a street, alley or other public right-of-way, or abuts property having a residential use, such addition shall conform to the provisions of this section;
- (2) Where the addition is less than or equal to the existing structure in dimensions along a street, alley or other right-of-way, or abuts property having a residential use, the minimum setback of the addition shall be not less than the setback of the existing structure, provided, that where the existing structure exceeds the setback requirements of this section, the addition shall be subject only to the minimum setback requirements of this section; and
- (3) All portions of the above required setbacks shall be kept free of refuse and debris and all portions not used for access shall be landscaped with lawn or other ornamental horticultural materials, which are to be maintained in a healthy, neat, and orderly condition at all times. Where necessary to maintain the lawn or other ornamental horticultural materials, a water bibb or other means of supplying water shall be provided.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-84. Setbacks for boundary lot lines in the TM District.**

Setbacks shall be provided in TM Districts when abutting or across a street or alley, from property zoned R1, R2, R3, R4, R5, R6 or residential PD in accordance with the following:

- (1) Where an industrial use is separated by a public street from the front yard of lots that have a residential use, there shall be provided a twenty (20) foot setback in

**Sec. 61-13-85 | Bulk and height limitations in the TM District.**

such TM District when contiguous to the street separating such residential or residential PD District and the TM District;

- (2) Where an industrial use is separated by a public street from the side yard of lots that has a residential use, there shall be provided a ten (10) foot setback in such TM District when contiguous to the street separating such residential or residential PD District and the TM District;
- (3) Where an industrial use abuts property that has a residential use, there shall be provided a twenty (20) foot setback in such TM District when contiguous to the lot line separating the districts; and
- (4) No off-street parking or off-street loading shall be permitted in the setback areas that are required by this section. However, driveways to parking and loading facilities may be permitted through these setbacks.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-85. Bulk and height limitations in the TM District.**

Except as otherwise specified in Sec. 61-13-66 of this Code, the building bulk and height limitations for principal and accessory uses in the TM District shall be as follows:

- (1) No building or structure within one hundred (100) feet of an existing residential use shall exceed thirty-five (35) feet in height, excepting that in the event there is an existing building or structure of greater height between the parcel in question and the existing residential use within one hundred (100) feet, or in the event there is an adjacent residential structure greater than thirty-five (35) feet in height, the proposed building or structure shall be permitted to a height not to exceed by more than five (5) feet the height of the adjacent or intervening building or structure. However, in no case, shall the height or bulk of the proposed building or structure exceed the limitations set forth in this zoning ordinance for the identical use in the district where it is first permitted by right;
- (2) Buildings or structures or uses of land, which are farther than one hundred feet from existing residential uses, shall conform to the bulk and height limitations that have been established in the district where they are first permitted by right.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-86. W1 District requirements.**

In the W1 District, the following provisions regarding setbacks shall apply:

- (1) A setback of twenty (20) feet shall be provided where a W1 District abuts, or is separated by a street or alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD; and
- (2) In all other zoning districts, only a front setback ten (10) feet shall be provided for primary structures.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-87. SD4 District requirements.**

In the SD4 District, the following additional provisions shall apply:

- (1) *Building bulk requirement and height limitation.* The maximum floor area ratio (FAR) shall be 4.5. Any parking structure, or part thereof, that is used as a podium for high-rise or medium-rise structures shall not be included in computing the floor area ratio. However, notwithstanding this FAR requirement, the maximum height of buildings shall not exceed one hundred ten (110) feet; and
- (2) The minimum lot size requirement may be modified subject to the provisions of Sec. 61-11-243 of this Code. However, the floor area ratio (FAR) and maximum height may only be granted a variance of up to twenty percent (20%) by the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-07, §1, 7-24-07.)

**Secs. 61-13-88–61-13-90. Reserved.****Subdivision I. Intensity and Dimensional Standards for Specific Uses****Sec. 61-13-91. Antennas.**

Where the zoning district height limitation, as provided for in ARTICLE XIII, DIVISION 1 of this Chapter conflicts with the height limitations for antennas that are specified in ARTICLE XII, DIVISION 3, Subdivision G, the provisions of ARTICLE XII, DIVISION 3, Subdivision G of this Chapter shall control. The zoning district height limitations shall not apply to Category D antenna towers.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-92. Marinas.**

For structures accessory to marina uses, the following minimum requirements shall be observed:

- (1) Front setback: twenty (20) feet; and
- (2) Side setbacks: twenty (20) feet each.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-93. Motor vehicle filling station.**

The minimum lot width and lot area requirements are specified in the tables of Sec. 61-13-94, Sec. 61-13-95, and Sec. 61-13-96 of this Code. For zoning purposes, a “pump island” shall be considered a fueling position where not more than two (2) vehicles may be fueled simultaneously. On zoning lots abutting a Traditional Main Street, the lot width of a motor vehicle filling station shall not exceed one hundred twenty (120) feet on the Traditional

**Sec. 61-13-94 | Motor vehicle filling station; lot width/lot area requirements, stations not exceeding six hundred (600) square feet in gross floor area, excluding those on a Traditional Main Street.**

Main Street, shall not exceed a total lot area of sixteen thousand (16,000) square feet, and shall not exceed a total of four (4) pump islands.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-13-94. Motor vehicle filling station; lot width/lot area requirements, stations not exceeding six hundred (600) square feet in gross floor area, excluding those on a Traditional Main Street.**

Number of Pump Islands	0-2 Service Bays Lot width/Lot area	3 Service Bays Lot width/Lot area	Each Additional Service Bay
2 Pump Islands	120 feet/12,000 square feet	120 feet/14,000 square feet	Add 2,000 square feet
3 Pump Islands	120 feet/14,000 square feet	120 feet/16,000 square feet	Add 2,000 square feet
4 Pump Islands	120 feet/16,000 square feet	120 feet/18,000 square feet	Add 2,000 square feet
5 Pump Islands	120 feet/18,000 square feet	120 feet/20,000 square feet	Add 2,000 square feet
6 Pump Islands	120 feet/20,000 square feet	120 feet/22,000 square feet	Add 2,000 square feet
Each Additional Pump Island	Add 2,000 square feet	Add 2,000 square feet	Add 2,000 square feet

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-13-95. Motor vehicle filling station; lot width/lot area requirements, stations exceeding six hundred (600) square feet in gross floor area, excluding those on a Traditional Main Street.**

Number of Pump Islands	0-2 Service Bays Lot width/Lot area	3 Service Bays Lot width/Lot area	Each Additional Service Bay
2 Pump Islands	120 feet/14,000 square feet	120 feet/16,000 square feet	Add 2,000 square feet
3 Pump Islands	120 feet/16,000 square feet	120 feet/18,000 square feet	Add 2,000 square feet
4 Pump Islands	120 feet/18,000 square feet	120 feet/20,000 square feet	Add 2,000 square feet
5 Pump Islands	120 feet/20,000 square feet	120 feet/22,000 square feet	Add 2,000 square feet
6 Pump Islands	120 feet/22,000 square feet	120 feet/24,000 square feet	Add 2,000 square feet
Each Additional Pump Island	Add 2,000 square feet	Add 2,000 square feet	Add 2,000 square feet

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-13-96. Motor vehicle filling station; lot width/lot area requirements, stations exceeding six hundred (600) square feet in gross floor area and including restaurant service, excluding those on a Traditional Main Street.**

Number of Pump Islands	0-2 Service Bays Lot width/Lot area	3 Service Bays Lot width/Lot area	Each Additional Service Bay
2 Pump Islands	120 feet/15,000 square feet	120 feet/17,000 square feet	Add 2,000 square feet
3 Pump Islands	120 feet/17,000 square feet	120 feet/19,000 square feet	Add 2,000 square feet
4 Pump Islands	120 feet/19,000 square feet	120 feet/21,000 square feet	Add 2,000 square feet
5 Pump Islands	120 feet/21,000 square feet	120 feet/23,000 square feet	Add 2,000 square feet
6 Pump Islands	120 feet/23,000 square feet	120 feet/25,000 square feet	Add 2,000 square feet
Each Additional Pump Island	Add 2,000 square feet	Add 2,000 square feet	Add 2,000 square feet

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-13-97. Motor vehicle filling station; lot coverage.**

Not more than forty percent (40%) of the lot for a motor vehicle filling station may be covered by buildings, pump islands, and other structures and fixtures, excluding canopies.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-98. Motor vehicle filling station; building setback.**

Any building or structure for a motor vehicle filling station shall be set back a minimum of forty (40) feet from all street right-of-way lines, and a minimum of ten (10) feet from all property lines that abut any residential or residential Planned Development (PD) or Transitional Industrial (TM) District. This setback requirement does not apply to buildings or structures located on zoning lots abutting a Traditional Main Street, where principal buildings or structures shall be built to the front lot line. This provision shall not apply to fuel pumps and pump islands, attached or detached canopies, compressed air connections, and similar equipment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-13-99. Motor vehicle filling station; equipment setback.**

Gasoline pumps, diesel pumps, and pump islands for a motor vehicle filling station shall be set back a minimum of twenty (20) feet from any street right-of-way line and all property lines, and shall be subject to compliance with the Detroit Fire Prevention Code, as amended, being Chapter 19, Article III, of this Code. Compressed air connections, similar equipment, and kerosene pumps shall be set back a minimum of fifteen (15) feet from any street right-of-way line and all property lines, and shall be subject to the Detroit Fire Prevention Code, being Chapter 19, Article III, of this Code. Kerosene pumps shall be

**Sec. 61-13-100 | Motor vehicle filling station; maneuvering area.**

located so as to be visible by the attendant and shall be set back at least ten (10) feet from any building.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-13-100. Motor vehicle filling station; maneuvering area.**

There shall be adequate turning radius on the site of a motor vehicle filling station for passenger vehicles, delivery tankers and other delivery vehicles to maneuver without the need to stack, stand, or drive on public sidewalks or back into a public street.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-13-101. Multiple-family dwellings.**

Multiple-family dwellings in the R2 District shall have minimum side setbacks of ten (10) feet which shall be increased by one (1) foot for each five (5) feet, or part thereof, where the structure exceeds fifty (50) feet in overall dimension along the side setback. Further, a side setback shall be provided that is not less than thirty (30) feet for multiple-family dwellings which contain principal or secondary entrances to one (1) or more dwelling units along the side setback.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-102. Parking lots or parking areas.**

Parking lots and parking areas shall be subject to the following provisions:

- (1) Where the zoning lot upon which the parking lot or parking area is to be located is bounded on one (1) side by a street or alley and on the other side by a zoning lot already built upon with a front setback, the required minimum depth of the front setback for the parking lot or parking area shall be equal to the existing front setback on the adjoining lot, except as provided for in Sec. 61-14-143(b) of this Code;
- (2) A side setback at least ten (10) feet wide shall be provided on each side, except no side setback is required on the side which abuts an alley or non-residentially zoned property;
- (3) In the R1, R2, and R3 Districts only, where a zoning lot abuts, or is separated by an alley or easement along its side zoning lot line from, a business or industrial zoning district, a parking lot or parking area may be allowed on a conditional basis in certain situations that are specified in Sec. 61-12-219(9) of this Code, provided, that it does not exceed seventy (70) feet in width and not more than eight thousand five hundred (8,500) square feet in area; and
- (4) See also ARTICLE XIV, DIVISION 1, Subdivision I of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)



**Sec. 61-13-103. Parking structures.**

No setback need be provided for parking structures if either of the following exists:

- (1) Where the parking structure is separated from a non-residential land use by a public alley, easement, or railroad right-of-way; or
- (2) Where the zoning lot line abuts, for at least one-half (1/2) of its length, a building that conforms as to use, which has no setback at the point of abutment.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-104. Religious institutions; residential uses and public, civic, or institutional uses.**

There shall be no setback requirements, lot area requirements, or lot width requirements where an existing building, or portion thereof, is converted to a residential use, chapel, church, mosque, synagogue, or temple, or to any other public, civic, or institutional use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-13-105. Single-family dwellings and religious residential facilities.**

Single-family dwellings and religious residential facilities shall be subject to the following provisions:

- (1) The combined area occupied by all buildings used as, or accessory to, single-family dwellings or religious residential facilities, shall not exceed thirty-five percent (35%) of the area of the zoning lot (See Figure 61-13-105(a));
- (2) However, on zoning lots of less than four thousand (4,000) square feet in area on land zoned R1, R2, R3, R4, R5, or R6, the allowable percentage of lot coverage may be increased by one percent (1%) for each one hundred (100) square feet where the area of the zoning lot is less than four thousand (4,000) square feet, with a maximum coverage that is not in excess of forty-five percent (45%) (See Figure 61-13-105(b));
- (3) Additional “small lot” development standards are stated in Sec. 61-13-174 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

Figure 61-13-105 (a)

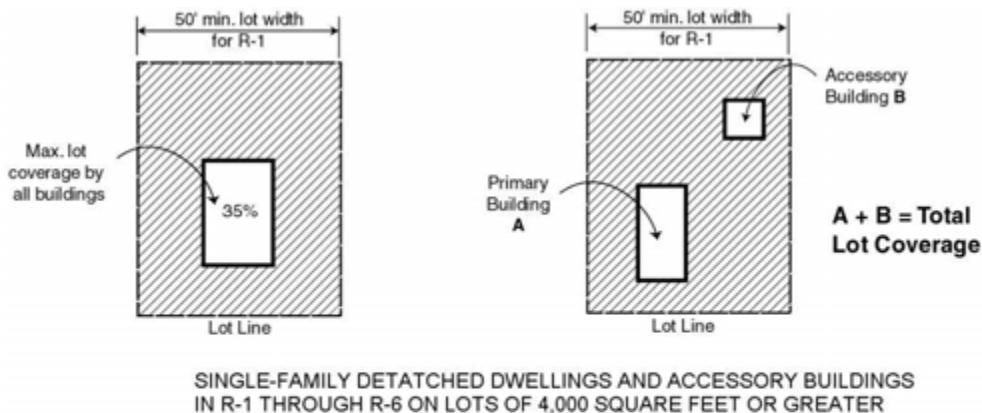
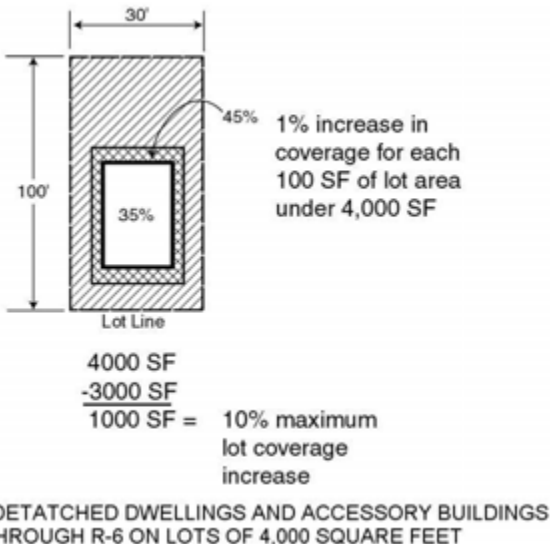


Figure 61-13-105 (b)



**Sec. 61-13-106. Town houses.**

Town houses shall be subject to the following provisions:

- (1) In the R2 District, a maximum of eight (8) town houses shall be permitted in any group of attached town houses;
- (2) In the R3 District, a maximum of ten (10) town houses shall be permitted in any group of attached town houses;
- (3) In the R2, R3, and R4 Districts, the following minimum dimensional standards shall apply to individual town houses: two thousand (2,000) square feet of lot area and twenty (20) feet width;

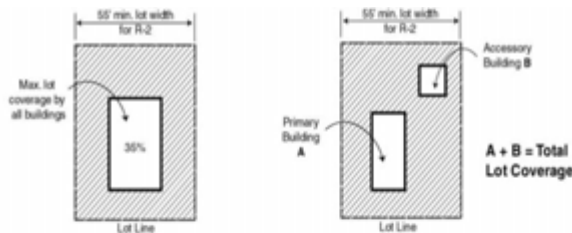
Sec. 61-13-107 | Two-family dwellings.

- (4) In the R5, R6, B1, B2, B4, and B5 Districts, the following minimum dimensional standards shall apply to individual town houses: one thousand eight hundred (1,800) square feet of lot area and eighteen (18) feet width;
- (5) In all zoning districts, setback requirements shall be applied only on those sides of a dwelling unit which have exposed walls;
- (6) Town house developments exceeding twelve (12) units are subject to site plan review as provided for in Sec. 61-3-113 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)

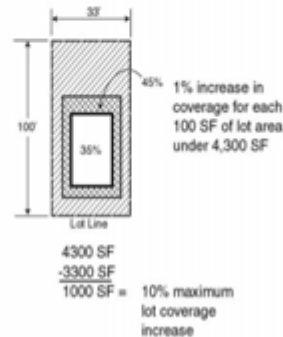
**Sec. 61-13-107. Two-family dwellings.**

(a) The combined area occupied by all buildings used for two-family dwellings and accessory buildings on land zoned R2, R3, R4, R5, and R6 shall not exceed thirty-five percent (35%) of the area of the zoning lot (See Figure 61-13-107(a)).



TWO FAMILY DWELLINGS AND ACCESSORY BUILDINGS IN R-2 ON LOTS OF 4,300 SF OR GREATER

(b) However, on zoning lots of less than 4,300 square feet in area, the allowable percentage of lot coverage may be increased by one percent (1%) for each one hundred (100) square feet by which the area of the zoning lot is less than 4,300 square feet, with a maximum coverage of forty-five percent (45%) (See Figure 61-13-107(b)).



TWO FAMILY DWELLINGS AND ACCESSORY BUILDINGS IN R-2 ON LOTS OF LESS THAN 4,300 SF

Figures 61-13-107 (a) and (b)

**Secs. 61-13-108–61-13-120. Reserved.**

**Subdivision J. Miscellaneous Intensity and Dimensional Standards**

**Sec. 61-13-121. Cubical content standard.**

All uses that are located in the B5, PC, and PCA Districts, other than town houses and rooming houses, shall be subject to the following cubical content provisions (See Figure 61-13-121):

Sec. 61-13-122 | Adjustments to cubical content.

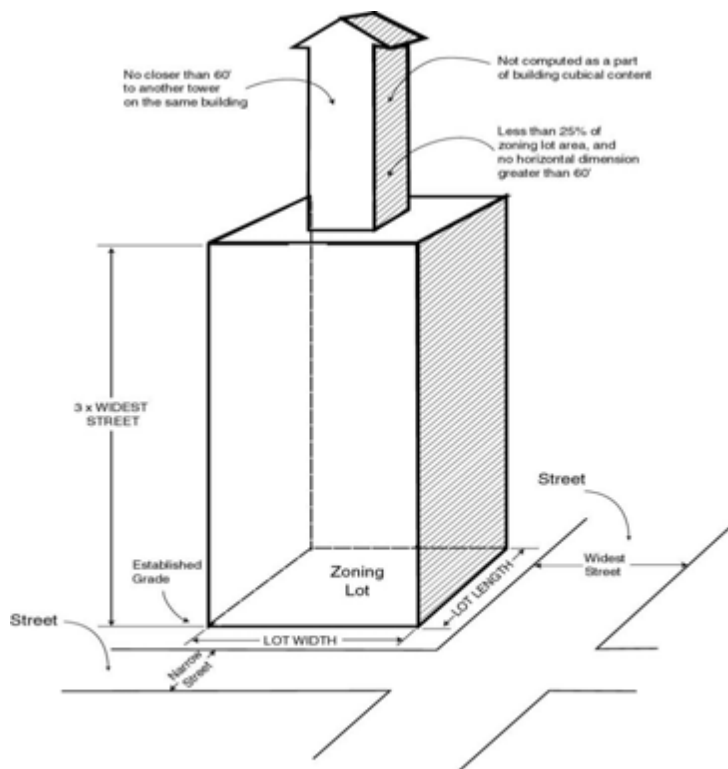
(1) No building or structure, or part thereof, shall be erected, altered, or enlarged to such a size or height that the cubical content of such building or structure above the grade plan shall exceed the volume of a block or prism having a height equal to three (3) times the width of the widest street abutting the zoning lot upon which the building or structure is located or to be located, and a base equal to the area of the zoning lot; and

(2) However, towers may be erected over and above the cubical content limit as established in Subsection (1) of this section, provided, that:

(a) The greatest horizontal dimension of the tower does not exceed sixty (60) feet;

(b) The total gross area of all such towers on any one (1) building or structure at any one (1) horizontal plane does not exceed twenty-five percent (25%) of the area of the zoning lot upon which the building or structure is situated; and

(c) Each tower shall be at least sixty (60) feet from any other tower on the same building or structure.



Cubical Content = 3 x widest street x area of zoning lot.  
Tower is not computed as part of building cubical content.

Figure 61-13-121

(3) Enclosed vehicular parking or loading areas are excluded from the volume computations of this section.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-13-122. Adjustments to cubical content.**

(a) The provisions of Sec. 61-13-123 and Sec. 61-13-124 of this Code may allow for an increase of cubical content in certain situations.

(b) The cubical content permitted in Sec. 61-13-121 may be increased further according to the provisions for administrative adjustments in Sec. 61-4-82 of this Code.

**Sec. 61-13-123 | Cubical content; maximum street width.**

- (c) In the PC and PCA districts, any adjustment to the cubical content standard in Sec. 61-13-121 shall include the review process specified in Sec. 61-11-76 of this Code for the PC district and in Sec. 61-11-96 of this Code for the PCA district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-123. Cubical content; maximum street width.**

For the purpose of determining the permissible cubical content of any building or structure, a street that is more than one hundred fifty (150) feet in width shall be considered to have a width of one hundred fifty (150) feet.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-124. Cubical content; park as part of street.**

Where a zoning lot abuts upon a public street for the full width or depth of the lot and there is a public park or other permanent public open space bordering on such street opposite such zoning lot, a part of such park or open space may be considered as a portion of the street for the purpose of determining the permissible cubical content of a building on such zoning lot, provided, that the augmented width of such street shall not be more than one hundred fifty (150) feet.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-125. Excess height.**

No building or structure, or part thereof, shall be erected or altered to a height exceeding eighty (80) feet, provided, that in any portion of an M4, M5, or W1 Districts which is one hundred fifty (150) feet or more from all R1, R2, R3, R4, R5, R6 and residential PD Districts, there shall be no limitation on the height of buildings or structures.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-126. Dimensional standards for accessory structures.**

Most accessory uses will take place within the primary structure on a site. Accessory uses that take place in separate, accessory structures shall comply with the requirements of Sec. 61-13-127 through Sec. 61-13-131 of this Code. The requirements of this section shall apply in all districts unless otherwise expressly stated. (See also ARTICLE XII, DIVISION 5)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-127. Location of accessory buildings and structures.**

In residential districts and in the B1 and B2 business districts, all accessory buildings and structures, including category "B" and category "C" antennas for which a building permit is required, shall be built in the rear yard except where built as part of the principal building, or except where said antennas do not exceed twenty-eight (28) square feet in area or six (6) feet in dish diameter, in which case they may be erected on the roof. Accessory buildings and structures shall be considered a part of the principal building where the distance between

**Sec. 61-13-128 | Accessory buildings or structures in rear setback; setbacks from principal buildings.**

structures is solidly covered by a breezeway, portico, or similar architectural device that is at least four (4) feet in width. (*See* [Sec. 61-13-146](#) for the setback of accessory buildings and structures from lot lines.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-13-128. Accessory buildings or structures in rear setback; setbacks from principal buildings.**

Unless otherwise specified, accessory buildings or structures shall be subject to the following provisions:

- (1) No detached accessory building(s) or structure(s) in an R1 or R2 District shall occupy more than fifty percent (50%) of the area of the required rear setback area;
- (2) No detached accessory building or structure in an R1 or R2 District shall be located closer than ten (10) feet to any principal building, or any porch or deck of that principal building; and
- (3) No detached accessory building or structure shall be located closer than ten (10) feet to any single- or two-family dwelling in any zoning district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-129. Height of accessory buildings.**

- (a) No detached accessory building or structure in any R1 or R2 District shall exceed the height of the principal building or structure, or fifteen (15) feet, whichever is less.
- (b) The height of buildings accessory to single-family and two-family detached dwellings shall be limited to one (1) story, and shall not exceed fifteen (15) feet.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-130. Corner-lot regulations.**

In residential districts where an accessory building is located on a corner-lot, said building shall be set back not less than ten (10) feet from the side lot line abutting the street.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-131. Use-specific requirements.**

In the R1, R2, R3, R4, R5, R6, SD1, and SD2 Districts, the following use-specific standards shall apply to accessory structures:

- (1) Accessory structures in parks, including club houses, bath houses, or similar structures on the grounds of nonprofit golf courses, swimming pools, tennis courts, or similar nonprofit uses, shall have 15-foot front and side setbacks and a 30-foot rear setback;

**Sec. 61-13-141 | Distance measurements.**

- (2) Accessory structures in cemeteries, warehouses, storage or maintenance buildings, mausoleums, crematories, or columbaria, shall be located not less than one hundred fifty (150) feet from the nearest residential property line;
- (3) Stadiums or grandstands in athletic fields shall have seating facilities located not less than one hundred fifty (150) feet from the nearest private residential property line; and
- (4) No public outdoor swimming pool shall be constructed less than forty (40) feet from any property line abutting, or across an alley from, private property that is zoned R1, R2, R3, R4, R5, R6, or residential PD, other than a railroad right-of-way.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-13-132–61-13-140. Reserved.****DIVISION 2. MEASUREMENTS, REQUIREMENTS, AND EXCEPTIONS****Sec. 61-13-141. Distance measurements.**

Except where linear measurement is indicated, for zoning purposes, all distances shall be measured radially. In other words, for regulatory purposes, the minimum distance between two points shall be the length of an imaginary straight line joining those points. Linear measurement is defined in Sec. 61-16-123 of this Code and radial measurement is defined in Sec. 61-16-161 of this Code. (See Figure 61-12-87)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-142. Lot measurement and requirements.****(a) *Lot Area/Site Area.***

Lot or site area refers to the amount of horizontal land area that is contained inside the lot lines of a lot or site. Public rights-of-way and easements for street purposes shall not be included in calculating lot size, except where specifically indicated in this article.

**(b) *Lot Width.***

Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured at right angles to the lot depth at points twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line.

**(c) *Lot Depth.***

Lot depth means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

**(d) *Lot or Property Line, Front.***

Front lot or property line means the line dividing a lot from a street. On a corner-lot, the shorter street line shall be considered the front lot line, provided, that for a lot comprised of more than one lot of record, the front lot line shall be the same as indicated

**Sec. 61-13-143 | Measurement of setbacks.**

on the plat for the individual parcels which comprise the lot. Where a zoning lot is bounded on two (2) opposite sides by public streets, the zoning lot line fronting on the street that has the wider right-of-way shall be the front zoning lot line. For unusual circumstances, not addressed in this subsection, the enforcing official shall designate which shall be the front lot line.

**(e) Lot or Property Line, Rear.**

Rear lot or property line means that lot line that is parallel to, and most distant from, the front lot line of the lot. In the case of a triangular, or irregular lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the street lot line shall be considered to be the rear lot line.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-143. Measurement of setbacks.**

Required setbacks shall be measured as the distance between the nearest lot line and the nearest part of the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear setbacks are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for the measurement of setbacks.

**Sec. 61-13-144. Setback requirements.**

- (a) Except as provided for in Sec. 61-13-14 of this Code for single- and two-family dwellings, setbacks shall be provided as required under each zoning district, subject to administrative adjustment as provided for in Sec. 61-4-82 of this Code.
- (b) Setbacks shall be unobstructed from the ground level to the sky, except as permitted in Sec. 61-13-146 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-145. Location of required setbacks.**

Except as specified in this section, all setbacks allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group:

- (1) *Alley as Part of Lot.* Where a zoning lot abuts an alley, one-half (1/2) of the width of said alley shall be considered a part of such zoning lot for the purpose of computing the area of said zoning lot for a residential land use. Where a zoning lot abuts an alley, one-half (1/2) of the width of said alley may be considered a part of such zoning lot for purposes of computing the depth or width of any setback adjacent to such alley for a residential land use, provided, that at least four (4) feet of each required side setback and twenty (20) feet of the rear setback shall be part of the zoning lot independent of such adjoining alley;
- (2) *Street as Part of Required Setback.*
  - (a) Except for setbacks adjacent to off-street parking areas, and for setbacks required by Subsection (1) of this section, where a zoning lot abuts a public street along its side zoning lot line, any portion of the adjoining one-half



**Sec. 61-13-146 | Features allowed within required setbacks.**

(1/2) of said street shall be deemed to supply a part of the required side setback adjacent to such street, provided, that a least four (4) feet of the required side setback shall be part of the zoning lot independent of such adjoining street;

- (b) Where a zoning lot is bounded on two (2) opposite sides by public streets, the zoning lot line fronting on the street that has the wider right-of-way shall be the front zoning lot line. Where both street rights-of-way are of equal width, the enforcing official shall designate one (1) to be the front zoning lot line. In such cases, one-half (1/2) of the width of the public street opposite the front zoning lot line shall be deemed to supply a part of the required rear setback, provided, that at least twenty (20) feet of such required rear setback shall be part of the zoning lot independent of such adjoining street.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-146. Features allowed within required setbacks.**

Trees, shrubs, flowers, fences, walls, hedges, and other landscape features may be located within any required setback. In addition, the following table lists features that may be located within any required setbacks, subject to the specific limitations that are delineated:

Feature That May Encroach or Project Into Required Setback	Limitation
Driveways leading directly to accessory off-street parking and/or loading areas and/or structures and/or pedestrian pick-up/drop-of areas.	No limitations, unless otherwise specified.
Access roads leading to accessory parking and/or loading areas and/or structures and/or pedestrian pick-up/drop-of areas.	Does not apply to access roads in R1, R2.
Antennas, including satellite dishes in excess of thirty-six (36) inches in diameter, amateur licensed radio antennas, and similar personal communication device reception towers and facilities	May project into or encroach upon a required front or side setback area only where prohibition of such devices or facilities would substantially interfere with reception to the extent they are rendered inoperable.
Awnings, patio covers, and pergolas (attached)	May not be located less than ten (10) feet from the rear property line and eighteen (18) inches from a side property line, measured from the eave, provided that the roof area does not exceed one-third (1/3) of the area of the required rear setback. The required setback may be reduced to five (5) feet from the rear property line and eighteen (18) inches from a side property line, measured from the eave, provided, that the setback is bounded by a solid masonry fence at least five (5) feet in height. (Detached shade structures and carports are treated as “accessory structures”).
Balconies	May project not more than six (6) feet into a front or rear setback, and three (3) feet into a side setback.
Bay windows	May project not more than two and one-half (2.5) feet into a required setback.

## Sec. 61-13-146 | Features allowed within required setbacks.

Feature That May Encroach or Project Into Required Setback	Limitation
Carports (attached)	May not be located less than three (3) feet from a side property line, and may not be located in required front setback. In addition, carports shall be designed so as to prevent runoff onto adjacent properties. (See also <u>Sec. 61-16-51.</u> )
Chimneys, fireplaces, pilasters, smokestacks, and window air conditioners not exceeding six (6) square feet in area	May project or encroach not more than sixteen (16) inches into a required side setback.
Clothesline posts	No limitations in side or rear setbacks. May not be located in required front setback.
Cornices, eaves, mechanical equipment, and ornamental features	May project not more than fourteen (14) inches into any required side setback.
Curbs, and sidewalks	No limitations.
Fences	See <u>Sec. 61-14-251.</u>
Fire escapes, stairways, and balconies which are open and unenclosed, and marquees	May project not more than five (5) feet into a required setback.
Flagpoles	No limitations.
Garages and other accessory structures (attached or unattached)	May encroach into the rear setback up to the lot line where an alley provides vehicle access to the property. Where there is no alley, garages and other accessory structures may not be located less than three (3) feet from the rear lot line except for the reconstruction of damaged accessory structures on an existing foundation. Unattached garages and other accessory structures may not be located less than three (3) feet from a side property line except for the reconstruction of damaged accessory structures on an existing foundation, and may not be located in required front setback. Attached garages shall be subject to the setback provisions for the dwellings to which they are attached. In addition, garages and other accessory structures shall be designed so as to prevent runoff onto adjacent properties.
Parking and driveways	Operable private passenger vehicles may be parked on the driveway in only one (1) side setback and the continuation of that side setback into the front setback to the property line. The area shall be maintained in a dust-free condition at all times. No mechanical maintenance or vehicular repairs shall be conducted in this area. (See additional regulations in Article XIV, Division 1, <u>Subdivision K.</u> )
Porches (enclosed)	May project not more than eight (8) feet into required front and rear setbacks, subject to applicable sections of the Michigan Building Code that pertain to such existing porches. (See additional regulations in <u>Sec. 61-13-146(2)</u> )
Porches (unenclosed) and decks	May project not more than eight (8) feet into a required front or rear setback. No unenclosed porch shall be constructed within any required side setback.
Ramps for the handicapped	Subject to applicable sections of the Michigan Building Code (See also <u>Sec. 61-13-146(3)</u> )
Signs	Regulated in accordance with <u>ARTICLE VI.</u>
Yard and service lighting fixtures, poles	May not be located less than three (3) feet from any lot line.

## Sec. 61-13-146 | Features allowed within required setbacks.

- (1) *Fences*. See provisions of Sec. 61-14-251 of this Code.
- (2) *Porches (enclosed)*. Front and rear porches may project not more than eight (8) feet into required front and rear setbacks, subject to applicable sections of the Michigan Building Code that pertain to such existing porches:
  - (a) Such structures are subject to the approval of the Buildings and Safety Engineering Department after receipt of a report and recommendation from the Planning and Development Department. Such report and recommendation shall be submitted within fifteen (15) working days of the receipt of the request from the Buildings and Safety Engineering Department, after which time the Buildings and Safety Engineering Department may proceed with or without said report and recommendation. The Planning and Development Department may recommend changes and/or special conditions to the proposed structure, and recommend approval of the proposed structure as adjusted. The Planning and Development Department shall review and determine the following:
    - (i) That the proposed structure is compatible with the existing structure and surrounding area; and
    - (ii) That the proposed structure does not alter or damage significant architectural elements of the existing residential structure.
  - (b) Such structure shall be erected and maintained in accordance with the following criteria; (NOTE: front and rear porches that do not project into a required setback are not subject to the following criteria):
    - (i) The structure shall be enclosed with screen panels or windows, or a combination thereof. The structure may be enclosed with kickplates not exceeding forty-two (42) inches in height above the floor of the porch. Existing opaque materials, not exceeding forty-two (42) inches in height above the floor of the existing porch, shall be permitted;
    - (ii) The structure shall not be enclosed in any way by opaque materials, with the exception of railings, kickplates, or existing opaque material, none of which may exceed forty-two (42) inches in height above the floor of the existing porch;
    - (iii) The exterior of the entire structure shall be maintained in a color consistent with the existing residential structure or with the surrounding residential neighborhood; and
    - (iv) The structure shall not be weather-insulated, nor have any heating system installed which makes such structure habitable year round, or usable as a general living area.

**Sec. 61-13-147 | Front setback; corner lots.**

- (3) Ramps for the handicapped, subject to applicable sections of the Michigan Building Code, are permitted in rear setbacks and may project into required front and side setbacks by right. In no instance shall any part of such ramps be located nearer than two (2) feet to any property line. Such structures shall be erected and maintained in accordance with the following criteria:
  - (a) Ramps for the handicapped, that project into the required front or side setbacks and are constructed of material other than masonry or concrete or pressure-treated wood or pre-treated synthetics, shall be painted or treated to match the color of the exterior trim or siding of the principal building or painted to blend with the exterior landscaping of the lot;
  - (b) Open areas underneath ramps for the handicapped shall be screened from view by appropriate shrubbery or raised flower beds or raised berm areas, or their equivalent;
  - (c) In addition to handrails or guardrails as required by the Michigan Building Code, ramps for the handicapped shall be provided with a top rail that covers the exposed tops of the support posts or piers.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-13-147. Front setback; corner lots.**

The front setback of a corner lot shall be measured from the side of the lot that is designated as the “front.” On a corner lot, only one (1) street line shall be considered as a front line, which shall be the shorter street frontage. Front setback is defined in Sec. 61-16-172 of this Code; corner lot is defined in Sec. 61-16-124 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-148. Contextual front setbacks.**

Regardless of the minimum front setback requirements of this article, applicants shall be allowed to use a “contextual” front setback for nonresidential purposes. (For residential purposes, see Sec. 61-13-13.) A “contextual” front setback may fall at any point between the required front setback and the front setback that exists on a lot, which is adjacent and oriented to the same street as the subject lot. Where the subject lot is a corner lot, the “contextual” setback may fall at any point between the required front setback and the front setback that exists on the lot, which is adjacent and oriented to the same street as the subject lot. Where lots on either side of the subject lot are vacant, the setback that “exists” on such vacant lots shall be interpreted as the minimum required front setback, which applies to the vacant lot. This provision shall not be interpreted as requiring a greater front setback than imposed by the underlying zoning district, and shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-13-149 | Side setback; Formula A and Formula B.

**Sec. 61-13-149. Side setback; Formula A and Formula B.**

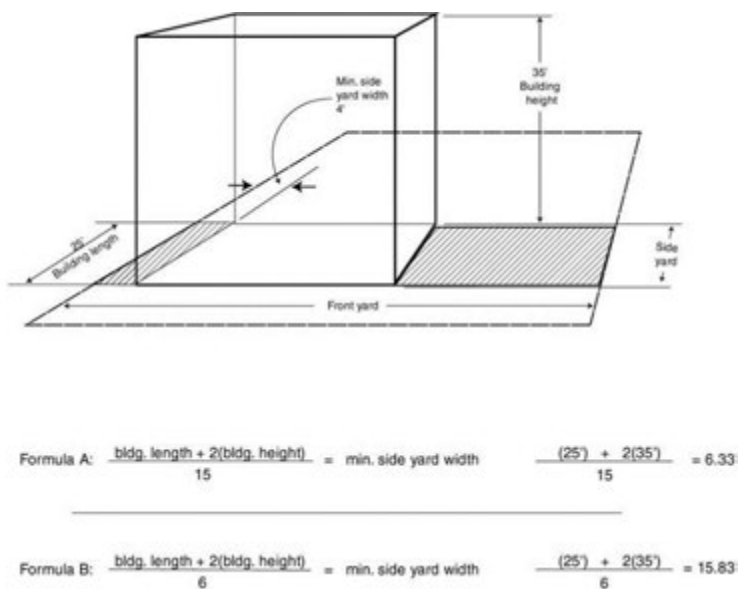
In many instances, side setback requirements are determined through the use of a formula. Formula “A” for determining each required side setback shall be computed by adding the length of the building in feet, as measured in overall dimensions along the adjoining zoning lot line, to twice the height of the building in feet, and dividing the resulting sum by fifteen (15).

Formula “B” for determining each required side setback shall be computed by adding the length of the building in feet, as measured in overall dimensions along the adjoining zoning lot line, to twice the height of the building in feet, and dividing the resulting sum by six (6). However, in no instance shall a side setback be less than five (5) feet.

Side setback is defined in [Sec. 61-16-172](#) of this Code. See Figure 61-13-151.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-13-151  
Setback Formulas**

**Sec. 61-13-150. Side setback reduction for offsets.**

The part of the overall length of a building which, through offset or break, is located a distance from the side zoning lot line, not less than twice the width of the side setback which would otherwise be required for a building of its overall length and height, need not be considered as part of the building length in determining the required width of side setback.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-151. Rear setback; definition.**

A setback that is required from the rear lot line and that extends the full width of the lot.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-152. Height measurement.**

The height of a building is the vertical distance from the grade plane at the center of the front of the building to the highest point of the structure, for a flat roof or mansard roof, and to the mean height level (midpoint) between eaves and ridge for gables, hip, and gambrel roofs.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-13-153. Exceptions to height regulations.**

The following exceptions to height regulations shall apply:

- (1) Penthouses, elevator penthouses, scenery lofts, towers, cupolas, steeples, domes, flag poles, aircraft beacons, and antennas for which a building permit is not required, and chimneys, stacks, tanks, and roof structures that are used for ornamental or mechanical purposes where located on a roof and collectively not exceeding thirty percent (30%) in gross area of the roof area, need not be included in determining the height of a building or structure;
- (2) Antennas for which a building permit is required need not be included in determining the height of a building or structure in the B5 and B6 Districts, or in any industrial zoning district, or in any PCA, TM, or SD2 District;
- (3) Parapet walls may extend not more than five (5) feet above the allowable height of a building; and
- (4) Where located in a residential district or in the B1, B2, B3, or B4 business districts, Category B radio antennas and towers may exceed the allowable height regulations on accessory structures. However, in no case shall the radio tower exceed applicable FCC height limitations or a height of seventy-five (75) feet from established grade, whichever is less.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-154. Contextual height.**

Regardless of the maximum height limit imposed by this article, applicants shall be allowed to use a “contextual” height limit. The allowed “contextual” height may fall at any point between the maximum height limit and the height of a building, which exists on a lot that is adjacent to the subject lot. Where the subject lot is a corner lot, the “contextual” height may fall at any point between the maximum height limit and the building height, which exists on the lot that is adjacent to the subject lot. Where lots on either side of the subject lot are vacant, the height that “exists” on such vacant lots shall be interpreted as the maximum height limit that applies to the vacant lot. This provision shall not be interpreted as requiring lower maximum heights than imposed by the underlying zoning district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-155. Compliance with federal height regulations.**

In all instances, the height of new development shall comply with height requirements established by the Federal Aviation Administration and codified at 14 CFR Part 77.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-156. Bulk measurement and requirements; lot coverage.**

Lot coverage means the portion of a site that is covered by principal and accessory buildings and structures, as measured from the outside of the building or structure at ground level, and expressed as a percentage of total site area.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-157. Bulk measurement and requirements; floor area ratio.**

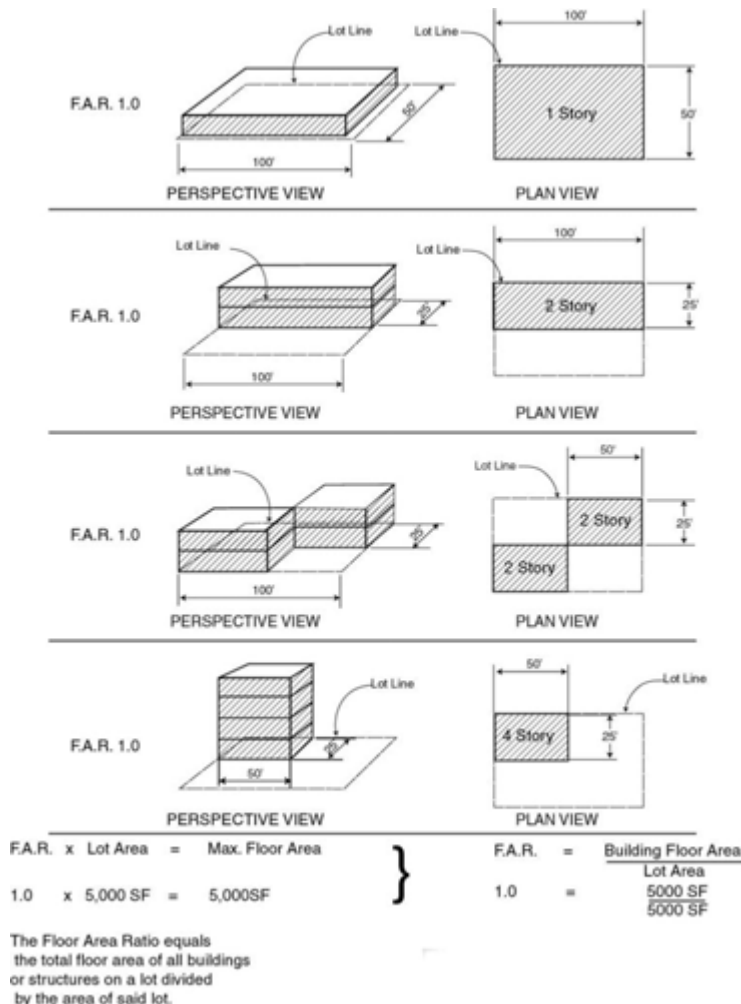
The Floor Area Ratio (FAR) shall be used to determine the maximum amount of floor area which may be built on a zoning lot. The maximum permitted floor area shall be determined by multiplying the zoning lot area, in square feet, by the FAR factor (see Figure 61-13-157). The resulting amount, which is the maximum permitted floor area, shall include all the floor areas of all the floors of a building or buildings on the zoning lot, measured from the exterior faces of exterior walls or from the centerlines of party walls and shall include elevator shafts and stairwells at each floor, interior balconies and mezzanines, and enclosed porches, but need not include the following areas:

- (1) Areas below the first or ground floor not used as a living room, a dining room, a kitchen, or sleeping accommodations;
- (2) Attic space that provides structural headroom of less than seven (7) feet, six (6) inches;
- (3) Unenclosed steps;
- (4) Any floor area that is devoted exclusively and permanently to noncommercial recreational use, but not to exceed fifteen percent (15%) of the entire floor area of the building;
- (5) Any floor area, on or above the first or ground floor, that is devoted exclusively and permanently to the housing of building service equipment, including heating, air conditioning, mechanical, electrical, or similar equipment;
- (6) Exterior terraces, balconies and mezzanines, breezeways, and open porches;
- (7) Any space that is devoted exclusively to off-street parking or loading where said space is an integral part of a principal building, unless said building is a parking structure;
- (8) Floor spaces which are not more than twenty (20) feet above grade plane and in accessory parking structures.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

Sec. 61-13-158 | Bulk measurement and requirements; floor area ratio bonus where adjacent to a large public open space.

**Figure 31-13-157  
Floor Area Ratio**



**Sec. 61-13-158. Bulk measurement and requirements; floor area ratio bonus where adjacent to a large public open space.**

The floor area ratio may be increased by fifty percent (50%) in all instances where, for at least fifty (50) feet, the zoning lot abuts, or is across a street, alley, easement, or other public right-of-way from, a park or other public open space, excluding a street right-of-way, which is not less than five (5) acres in area and not less than two hundred (200) feet deep, measured perpendicularly to the common zoning lot or parcel line.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-159. Recreational space requirements.**

The following recreational space requirements shall apply:

- (1) The Recreational Space Ratio (RSR) shall be used to determine the minimum required amount of recreational space to be provided on a zoning lot. As used in this section, gross floor area shall include all the floor areas of all the floors of a



## Sec. 61-13-159 | Recreational space requirements.

building or buildings on the zoning lot, measured from the exterior faces of exterior walls or from the centerlines of party walls and shall include elevator shafts and stairwells at each floor, interior balconies and mezzanines, and enclosed porches, but need not include any area that is devoted exclusively to off-street parking or loading where said area is an integral part of the principal building, floor areas in accessory parking structures, or any area described in Sec. 61-13-157(1) through Sec. 61-13-157(6) of this Code. Required recreational space shall be determined by multiplying the gross floor area of all existing and proposed structures by the RSR. The resulting amount, which is the minimum required recreational space, shall include only that part of the ground area of a zoning lot which:

- (a) Is devoted to outdoor recreational space, greenery, or service space for household activities that are normally carried on outdoors; and
- (b) Is not devoted to private roadways that are open to vehicular transportation, driveways, accessory off-street parking space or aisles, or accessory off-street loading berths; and
- (c) Contains no structures on the ground except:
  - (i) Open porches;
  - (ii) Terraces;
  - (iii) Recreational equipment;
  - (iv) Clotheslines;
  - (v) Arbors, trellises, walls or fences, bird baths, ornamental features, window boxes or other planting boxes;
  - (vi) Flagpoles;
  - (vii) Seating.
- (d) Is accessible to the occupants of all dwelling units within the structure; and
- (e) Is located in a side or rear setback and has a minimum dimension of eighteen (18) feet where the development served has nine (9) or fewer dwelling or rooming units, or is so located and has a minimum dimension of twenty-five (25) feet where the development served has ten (10) or more dwelling or rooming units, or is so located and has a minimum dimension of twenty-five (25) feet where the development served has ten (10) or more dwelling or rooming units. All required recreational spaces shall comply with the minimum dimension delineated in this article and said dimension shall be measured along a perpendicular line drawn from any point on one (1) side of the recreational space to the opposite side; and

## Sec. 61-13-159 | Recreational space requirements.

- (f) Is unobstructed between the ground and the sky, except that not more than twenty-five percent (25%) of the total recreational space provided on any zoning lot may be roofed, and in such case not more than fifty percent (50%) of the perimeter of the roofed section shall be enclosed. The provisions of this subsection may only be modified as provided ARTICLE IV, DIVISION 6 of this Chapter.
- (2) Recreational space on a roof, or private balcony, private patio, or similar private area may be substituted for ground recreational space in accordance with the following:
- (a) *Substitution of roof space.* Each square foot of recreational space on a roof may be substituted for one (1) square foot of ground recreational space provided, that the following conditions are met:
- (i) *Minimum dimension.* Such recreational space on a roof shall have a minimum dimension of fifteen (15) feet, measured from inside of parapet or railing to inside of parapet or railing, or to the exterior face of any wall or other obstruction projecting above roof level;
  - (ii) *No obstructions.* Such recreational space on a roof shall be free of all obstructions, except for arbors, trellises, window boxes or other planting boxes, awnings or canopies, flagpoles, plumbing or air vents, recreational or clothes drying equipment;
  - (iii) *Design and safety precautions.* Such recreational space on a roof shall be suitably surfaced and shall be protected by a parapet or railing in accordance with the safety regulations of the Michigan Building Code; and
  - (iv) *Accessibility.* Such recreational space shall be accessible to the occupants of all dwelling units within the structure.
- (b) *Substitution of private balcony, private patio, or similar private area.* Each square foot of recreational space on a private balcony, private patio, or similar private area, as determined by the enforcing official, may be substituted for one (1) square foot of ground or roof recreational space provided, that the following conditions are met:
- (i) *Minimum dimension and area.* Such areas shall have a minimum dimension of four (4) feet, six (6) inches, measured perpendicularly from one (1) side to the other side, and a minimum net area of twenty-two and one-half (22-1/2) square feet;
  - (ii) *No obstructions.* Such areas shall be free of all obstructions, except arbors, trellises, window boxes or other planting boxes, awnings or canopies, recreational or clothes drying equipment; and

- (iii) *Safety precautions.* Such areas shall be protected in accordance with the safety regulations of the Michigan Building Code.
- (c) At least fifty percent (50%) of the total required recreational space shall be accessible to all residents and shall be provided on the ground or roof, and provided further, that where a portion of the recreational space is provided on a private balcony or similar area, the minimum dimension of the required ground or roof space may only be adjusted as provided for in ARTICLE IV, DIVISION 6 of this Chapter. However, in no instance shall the minimum ground or roof dimension be less than twelve (12) feet;
- (d) The formula is as follows: Minimum Recreational Space = Gross Floor Area x Recreational Space Ratio.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-06, §1, 8-10-06)

**Secs. 61-13-160–61-13-170. Reserved.**

**DIVISION 3. ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS**

**Sec. 61-13-171. In general.**

This division presents options for residential development patterns that may be undertaken as alternatives to the dimensional requirements that are set out in DIVISION 1 and DIVISION 2 of this article. Pursuant to ARTICLE III, DIVISION 5, all development options that are set out in this division must be approved during Site Plan Review. These alternative development options may be further limited or modified by other applicable provisions of this Zoning Ordinance. In the Far Eastside Overlay Area, the provisions of Article XI, Division 14, ARTICLE XI.DIVISION 14.Subdivision G of this Chapter shall apply in lieu of the provisions of this Division.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-06, §1, 8-10-06)

**Sec. 61-13-172. Auto courts.**

Within Residential zoning districts, up to four (4) single-family dwelling units may share a single driveway access to a public street through the use of an auto court layout, provided, that the following conditions are met:

- (1) Shared driveways shall be surfaced with concrete, not asphalt, and shall be dedicated to a property owners' association, which is responsible for maintaining the shared driveway, and has the authority to enforce payment of dues from individual homeowners in order to do so. The property owner's association shall be created and the shared driveway shall be dedicated to the association before a certificate of occupancy is issued for any dwelling unit that uses the shared driveway;

**Sec. 61-13-173 | Multi-building, multi-family developments.**

- (2) Individual driveways that lead from the shared driveway to each dwelling unit shall be at least twenty-five (25) feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway;
- (3) The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn ninety (90) degrees in either direction without any portion of the vehicle:
  - (a) Leaving the share driveway or the individual driveway where the vehicle is exiting; or
  - (b) Entering on or over the individual driveways of any other residence. The American Association of State Highway and Transportation Officials turning template for a “P” design vehicle shall be used to confirm that this standard is met.
- (4) The auto court must comply with off-street parking requirements that are applicable to single-family dwellings and with the following additional requirements:
  - (a) No parking or vehicle storage shall be permitted on the shared driveway; and
  - (b) One common, off-street parking space shall be provided for each auto court.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-173. Multi-building, multi-family developments.**

Development parcels that contain two or more primary structures with any use other than a single-family detached residential unit shall comply with the following:

- (1) The provisions of Sec. 61-14-267 of this Code; and
- (2) *Yards for two (2) or more buildings per lot.* The following requirements shall apply to a public or private group housing development when two (2) or more attached groups of town houses, garden apartment buildings, apartment houses, terraces, or mixture of housing types are located on the same lot:
  - (a) The minimum horizontal distance between buildings, that is, front to front, rear to rear, or front to rear, as the case may be, shall be forty (40) feet for buildings one (1) story in height, and shall be increased by not less than five (5) feet for every story added. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one (1) end where it is increased by a similar distance at the other;
  - (b) The horizontal distance between the ends of buildings shall be twenty (20) feet or more for one (1) or two (2) story dwellings. Where the end of one (1) building is opposite the face or rear of another building, the minimum horizontal distance between them shall be thirty (30) feet for buildings one (1) story in height. These distances shall be increased by not less than five (5) feet for every story added; and

**Sec. 61-13-174 | Lots of less than five thousand (5,000) square feet (small lots).**

- (c) The front, side, and rear setbacks shall be computed as required by the zoning district.
- (d) The required front, side, or rear setback of one building may not serve as the required front, side, or rear setback of a second building.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-13-174. Lots of less than five thousand (5,000) square feet (small lots).**

Lots of less than five thousand (5,000) square feet that are intended for development of single-family detached houses are referred to as “Small Lots,” and are permitted in some zoning districts in order to encourage creative site designs for smaller lots as provided in Sec. 61-13-175 and Sec. 61-13-176 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-175. Small lot development; design objective.**

The objective of the small lot single-family design standards is to provide housing for individuals and families who seek convenience and a minimized home maintenance lifestyle. The Small Lot site plan shall be specifically designed to provide adequate light and air between units, adequate drainage between lots, interior and exterior privacy, open space relief on the individual lot, innovative and architecturally interesting home design, attractive streetscapes, and adequate parking.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-176. Small lot development standards.**

All Small Lots shall comply with the standards in the following table:

Item	Standard
Maximum number of units per lot	1
Maximum block length	500 feet
Types of housing permitted	Single family dwellings only
Avoiding garage dominance	Attached garages shall conform to the garage provisions of <u>Sec. 61-14-263</u> of this Code.
Minimum usable private open space per dwelling unit	Each lot shall incorporate a private, usable outdoor space with direct access to the lot’s dwelling unit. Such a space shall contain at least three hundred fifty (350) square feet with minimum dimension in both directions of eighteen (18) feet. Driveway and parking areas shall not be counted toward meeting this space requirement.
Private storage	No detached outdoor storage sheds are allowed on Small Lots.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-177. Zero lot line development; in general.**

In a zero lot line development, houses are shifted to one (1) side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development is possible while assuring that the single-family detached character is maintained.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-178. Zero lot line development; applicability.**

Zero lot line developments are allowed by right in any Residential District as an Alternative Residential Development Option.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-179. Zero lot line development; review and approval.**

Review for compliance with the standards of 0 through Sec. 61-13-181 of this Code that involve zero lot line development shall occur during the platting process or in the preliminary stages of site condominium development. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the deeds of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-180. Zero lot line development; setbacks.**

The side building setback on one (1) side of the house may be reduced to zero. This reduction does not apply to the street side setback or to the interior side setback that is adjacent to lots, which are not part of the zero lot line project.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-13-181. Zero lot line development; additional standards.**

The following additional zero lot line development standards shall apply:

- (1) *Distance Between Houses.* The minimum distance between all buildings in the development must be equal to twice the minimum required side setbacks that are specified in the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback;
- (2) *Eaves.* The eaves on the side of a house with a reduced setback may project a maximum of twenty-four (24) inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs; and

Sec. **61-13-181** | Zero lot line development; additional standards.

- (3) *Maintenance Easement.* An easement to allow for maintenance or repair is required where the eaves or side wall of a house are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least ten (10) feet of unobstructed space between the furthestmost project of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

(Ord. No. 11-05, §1, 5-28-05)

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## ARTICLE XIV. DEVELOPMENT STANDARDS

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### DIVISION 1. OFF-STREET PARKING, LOADING AND ACCESS

#### Subdivision A. In General

##### **Sec. 61-14-1. Purpose.**

The purpose of these regulations is to ensure that the off-street parking, loading and access demands that are associated with development will be met without adversely affecting traffic patterns, nearby land uses, and surrounding neighborhoods. In recognition of the fact that different transportation access-based solutions will be appropriate in different areas of the City and for different types of development, the standards set out in this division allow flexibility in dealing with vehicle parking, loading, and access issues.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-14-2. Applicability.**

The general development standards of this article shall apply in the following situations:

- (1) *New Development.* Unless otherwise expressly stated, the parking, loading and access standards of this division shall apply to all new buildings constructed and all new uses established in all zoning districts;
- (2) *Expansions and Increases in Intensity.* Unless otherwise expressly stated, the parking, loading, and access standards of this division shall apply where an existing structure or use is expanded or enlarged, through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement that are used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces shall be required only to serve the enlarged or expanded area, and not the entire building or use; and
- (3) *Change of Use.* Except as provided for in ARTICLE XIV, DIVISION 1, Subdivision F of this Chapter, off-street parking and loading facilities shall be provided for any change of use that, based on the Off-Street Parking Schedules of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C or the Off-Street Loading Schedule of ARTICLE XIV, DIVISION 1, Subdivision D of this Chapter, would result in a requirement for more parking or loading spaces than the former use. Additional parking or loading spaces shall be required only in proportion to the extent of the change, and not for the entire building or use.

(Ord. No. 11-05, §1, 5-28-05)

##### **Sec. 61-14-3. No reduction below minimums.**

The number of parking and loading spaces that exist on a site shall not be reduced below the minimum requirements of this division. Unless additional parking and loading spaces are provided to meet the minimum requirements of this division, any change in use



**Sec. 61-14-4 | Damage or destruction.**

to a use that requires more parking or loading spaces than exist on the subject site shall be a violation of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-4. Damage or destruction.**

The following provisions shall apply in the event of damage or destruction:

- (1) When a conforming or nonconforming building or use that does not comply with current off-street parking and/or loading regulations is damaged by fire, collapse, explosion, or act of God and the cost of reconstruction does not exceed sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the building or structure at the time such damage occurred, all parking and loading spaces that existed at the time of damage or destruction shall be restored or continued in operation; and
- (2) However, where the cost of reconstruction of said building or use exceeds sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the building or structure at the time such damage occurred, off-street parking and loading shall be provided in the amount required for new construction at the date the application for reconstruction is approved.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-5. Effect on nonconforming status.**

A use that was legally established shall not be deemed nonconforming solely as a result of providing fewer than the minimum number of off-street parking or loading spaces which are required by this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-6. Joint use.**

Off-street parking and loading facilities that are provided for one (1) use shall not be considered as providing required parking or loading facilities for any other use, except as otherwise allowed under the shared parking provisions of Sec. 61-14-109 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-7. Off-street parking exemptions and allowances.**

The following exemptions and allowances to the off-street parking requirements shall apply:

- (1) Uses in the B5 and PC districts and in any other district in the Central business district area shall be exempt from the off-street parking requirements of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter;
- (2) For retail, service, and commercial uses on zoning lots abutting a Traditional Main Street or on land zoned SD1 or SD2, the maximum distance that off-street

**Sec. 61-14-8 | Accessory parking lot defined.**

parking shall be provided from the principal use specified in Article XIV, [Division 1,] Subdivision B, may be increased to one thousand three hundred and twenty (1,320) feet where the applicant can show to the satisfaction of the Planning and Development Department that a “district approach” to parking is being used in the Traditional Main Street Overlay Area or other area nearby. To show a district approach to parking, the applicant shall provide the following:

- (a) A signage plan to show how the business will direct customers and employees to the off-site parking lot including parking signage and wayfinding;
  - (b) A plan for who will manage and maintain the off-site parking facility, including safety and security measures;
  - (c) Where the parking area or parking structure is owned by someone other than the applicant, a shared parking agreement shall be required according to Sec. 61-14-106 and Sec. 61-14-109 of this Code.
- (3) No additional off-street parking, beyond that already provided, shall be required for structures erected prior to April 9, 1998, other than religious institutions, that do not exceed three thousand (3,000) square feet of gross floor area; and
  - (4) Where a use located in a structure erected prior to April 9, 1998 expands into an existing adjacent structure erected prior to April 9, 1998 and the total gross floor area of the combined structures does not exceed four thousand (4,000) square feet, no additional off-street parking shall be required.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-13, §1, 8-28-13; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-14-8. Accessory parking lot defined.**

A parking lot or parking area shall be deemed “accessory” where such lot or area:

- (1) Is operated in conjunction with a specific land use;
- (2) Is not farther than the maximum distance for said land use that is specified in ARTICLE XIV, DIVISION 1, Subdivision B or Subdivision C of this Chapter; and
- (3) As indicated in Sec. 61-16-151, in certain instances, a fee may be charged for accessory parking.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-9. Rules for computing parking and loading requirements.**

The rules in Sec. 61-14-10 through Sec. 61-14-16 of this Code shall apply when computing the number of parking and loading spaces that are required under this division.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-14-10 | Rules for computing parking and loading requirements; fractions.

**Sec. 61-14-10. Rules for computing parking and loading requirements; fractions.**

When calculation of the number of required spaces results in a fractional number, a fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded and a fraction of one-half ( $\frac{1}{2}$ ) or more shall be rounded to the next highest whole number.

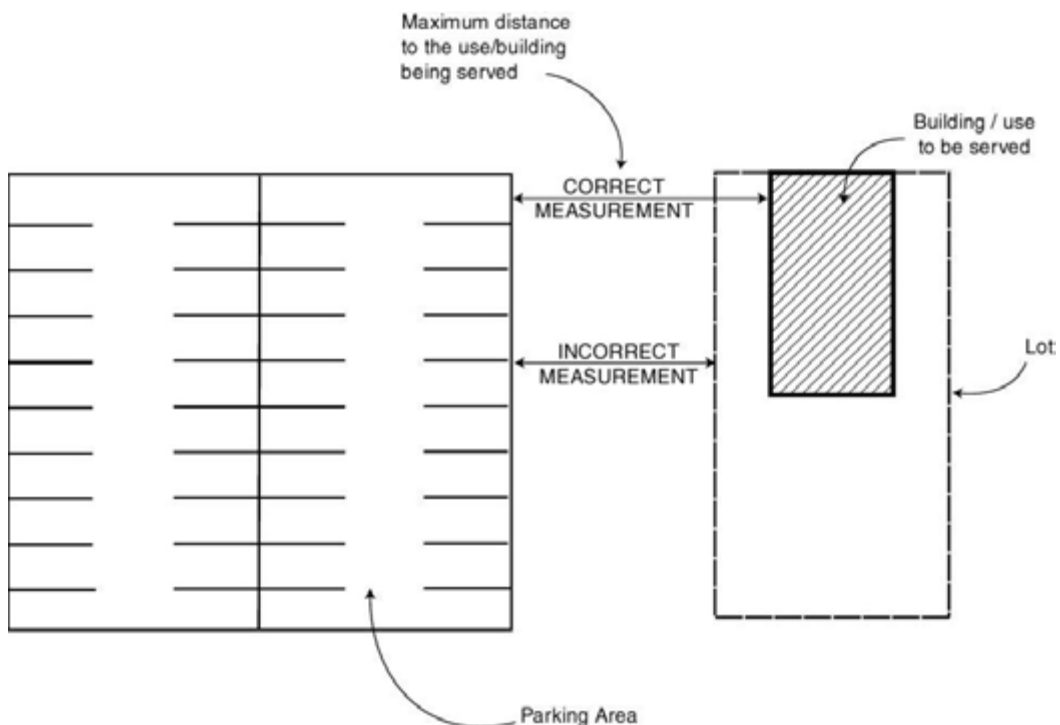
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-11. Rules for computing parking and loading requirements; distances.**

Distances shall be measured between the nearest point of the off-street parking facility and the nearest point of the building or use to be served. (See Figure 61-14-11.)

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-14-11**  
**Measuring Distance between Parking Area and Use Served**

**Sec. 61-14-12. Multiple uses.**

When two (2) or more uses or separate establishments are located within the same development, such as a strip mall, off-street parking shall be provided for each use or separate establishment unless a shared parking plan is approved under the provisions of [Sec. 61-14-109](#) of this Code. Where one (1) or more use within a multi-use development are of a size that would otherwise exempt them from compliance with off-street parking requirements, only one (1) such exemption shall be permitted to be taken for the entire

Sec. 61-14-13 | Gross floor area.

development. (For such developments having fifty thousand (50,000) or more square feet of gross floor area, see Sec. 61-14-71(2)).

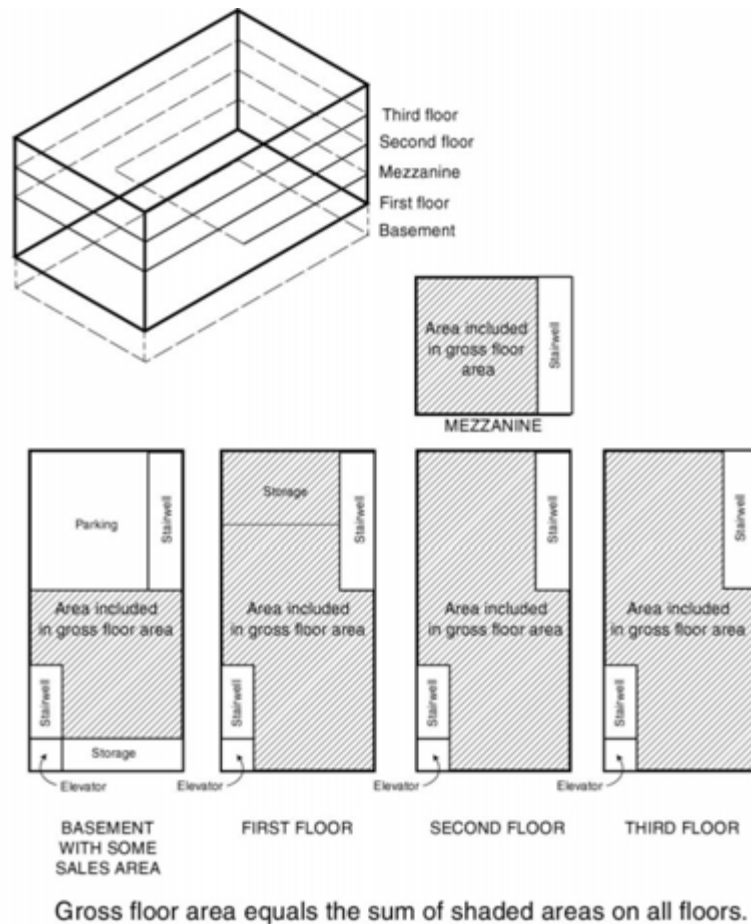
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-13. Gross floor area.**

Unless otherwise expressly stated, all square footage-based off-street parking and loading standards shall be computed on the basis of the sum of the gross horizontal floor areas of all the floors of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings or structures, but excluding stairwells and elevator shafts at each floor, floors or parts of floors devoted exclusively to vehicular parking or loading, and all floors below the first or ground floor except where used for or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment that are used for display or sale of merchandise. (See Figure 61-14-13.)

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-14-13  
Gross Floor Area**



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Sec. 61-14-14 | Rules for computing parking and loading requirements; bench seating.

**Sec. 61-14-14. Rules for computing parking and loading requirements; bench seating.**

When seating consists of benches, pews or other similar seating facilities, each twenty (20) linear inches of seating space shall be counted as one (1) seat.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-15. Employees, students, residents, and occupants.**

For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated or licensed capacity, whichever is applicable. In hospitals, bassinets shall not be counted as beds.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-16. New and unlisted uses.**

Upon receiving a development application for a use not listed in the parking and loading schedules of this division, the Buildings and Safety Engineering Department shall apply the standards of the listed use that is deemed most similar to the use proposed, or require that a parking study be submitted pursuant to Sec. 61-14-114 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-17. Ingress and egress.**

Points of vehicular ingress and egress shall be approved by Department of Public Works, Traffic Engineering Division in accordance with the provisions of Chapter 50, Article IV of this Code. Where ingress and egress is provided from a county road or state highway, approval shall be obtained from the appropriate jurisdiction.

(Ord. No. 13-11, §1, 8-23-11)

**Secs. 61-14-18–61-14-20. Reserved.**

**Subdivision B. Off-Street Parking Schedule “A”**

**Sec. 61-14-21. In general.**

Off-street parking spaces shall be provided in accordance with the requirements of Schedule A. In lieu of complying with the standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to ARTICLE XIV, DIVISION 1, Subdivision F of this Chapter. In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B or Schedule C. Those schedules follow “Schedule A.”

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-14-22 | Residential uses.

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<b>Sec. 61-14-22. Residential uses.</b>			
Residential uses shall provide off-street parking as follows:			
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)			
<b>Sec. 61-14-23.</b> Group Living  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)	Adult foster care facility	One (1) space per each four (4) persons based on maximum capacity as specified in State license	100
	Assisted Living Facility	0.50 per dwelling unit plus one per 2 employees	Same lot
	Convalescent, nursing, or rest home	1 per 4 beds	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Emergency shelter	1 per 2 employees	100
	Fraternity or sorority house; dormitory	1 per 3 beds	100
	Religious residential facility	2 per rectory or parsonage; 1 per convent or monastery plus one for each 10 residents	Same lot
	Residential Substance Abuse Facility	1 per 2 employees	100
	Rooming house	2 per 3 guestrooms or 1 per 4 residents, whichever is greater + 1 per dwelling unit	100
	Shelter for victims of domestic violence	1 per 2 employees	100

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p><b>Sec. 61-14-24.</b></p> <p>Household Living</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 23-14, §1, 07-24-14)</p>	Loft	1.25 per dwelling unit	100
	Multiple-family dwelling	1.25 per dwelling unit; 0.75 per dwelling unit for multiple-family dwelling for the elderly as defined in <u>Sec. 61-16-134</u> ; see also <u>Sec. 61-14-63</u> . On land zoned SD1 or SD2: 1.0 per dwelling unit or 0.75 per dwelling unit if located within 0.25 miles of a bus rapid transit, street car/trolley or light rail line.	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot; and except on land zoned SD1 or SD2: 1,320 where a “district approach” to parking as provided in <u>Sec. 61-14-7(2)</u> (a),(b), and (c) has been recognized by the Planning and Development Department.
	Mobile home park	2 per dwelling unit	same lot
	Single Room Occupancy Housing (Nonprofit)	1 per 2 employees + 1 per 10 residents	100
	Single-family detached dwelling	2 per dwelling unit	same lot
	Town house	1.5 per dwelling unit	100
	Two-family dwelling	1.5 per dwelling unit	same lot
<p><b>Sec. 61-14-25.</b></p> <p>Institutional Living (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)</p>	Boarding school.	1 per 5 beds or as required for schools, whichever is greater.	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Child caring institution	1 per 4 beds	100
	Penal or correctional institution	2 per 3 employees	same lot
	Pre-release adjustment center	2 per 3 employees	500

## Sec. 61-14-26 | Public, civic, and institutional uses.

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p><b>Sec. 61-14-26. Public, civic, and institutional uses.</b></p> <p>Public, Civic and Institutional uses shall provide off-street parking as follows:</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)</p>			
<p><b>Sec. 61-14-27.</b></p> <p>Auditorium or Stadium</p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>	Armory	1 per 100 square feet or Schedule C, as determined by the Planning and Development Department	100
	Race track, motor vehicle	See Schedule C	
	Stadium or sports arena	1 per 6 seats	1,000
	All other	1 per 4 seats	500
<p><b>Sec. 61-14-28.</b></p> <p>Community Service</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)</p>	Court house	15 per court room or 1 per 150 square feet, whichever is less	100
	Customs office	1 per 150 square feet	100
	Fire station	2 per 3 employees	100
	Police station	1 per 160 square feet	100
	Governmental service agency	1 per 150 square feet	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Neighborhood center, nonprofit	1 per 100 square feet	100
	Substance abuse service facility	1 per 100 square feet	100
	All other	1 per 150 square feet	100



Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p><b>Sec. 61-14-29.</b></p> <p>Day Care (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)</p>	Adult day care center	1 per 2 employees	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Child care center	1 per 2 employees plus one space for each 10 children based on maximum licensed capacity	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Family day care home	1 per 2 employees	100
	Group day care home	1 per 2 employees	100
	All other	1 per 2 employees	100

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<b>Sec. 61-14-30.</b> Hospital (Ord. No. 11-05, §1, 5-28-05)	Hospital or hospice	2 per in-patient bed + 1 per 200 square feet of out-patient clinic area	100
<b>Sec. 61-14-31.</b> Library (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)	Library	1 per 400 square feet	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
<b>Sec. 61-14-32.</b> Museum (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)	Museum or public aquarium	1 per 400 square feet	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
<b>Sec. 61-14-33.</b> Park and Open Space (Ord. No. 11-05, §1, 5-28-05)	Cemeteries (including mausoleums, crematories, or columbaria)	1 per 2 employees	100
	Golf course	3 per hole or 1 per 100 square feet in clubhouse, whichever is greater	100
	Ice skating rink	1 per 400 square feet	100
	Park, playfield, and playground	Schedule C; interior roadways may be used to satisfy parking requirements	
	Swimming pool	1 per 200 square feet of water surface area + 1 per 6 seats spectator seating area	500
	Tennis court	1 per 2 employees + 2 per court	100
	All other	As required for most similar use type or Schedule C	

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<b>Sec. 61-14-34.</b> Religious institution (Ord. No. 11-05, §1, 5-28-05)	Church, chapel, mosque, synagogue, temple	1 per 6 seats in main worship area or auditorium or 1 per 100 square feet in largest assembly area without fixed seats, whichever is greater	100
<b>Sec. 61-14-35.</b> Schools  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)	Educational institution	1 per each employee plus 1 for each 5 students based on the maximum number of students that can be accommodated at one time	500; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	School (public or parochial elementary)	3 per 2 instructional rooms or 1 per 4 seats in main auditorium whichever is greater	same lot
	School (public or parochial junior high)	3 per 2 instructional rooms or 1 per 3 seats in main auditorium whichever is greater	same lot
	School (public or parochial or senior high)	5 per instructional room or 1 per 2 seats in main auditorium whichever is greater	same lot
	All other		As required for most similar use type or Schedule C

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p><b>Sec. 61-14-36.</b></p> <p>Utility, Basic (Ord. No. 11-05, §1, 5-28-05)</p>	All	1 per 3 employees	500
<p><b>Sec. 61-14-37.</b></p> <p>Utility, Major (Ord. No. 11-05, §1, 5-28-05)</p>	All	2 per 3 employees	500
<p><b>Sec. 61-14-38. Retail, service, and commercial uses.</b></p> <p>Retail, Service and Commercial uses shall provide off-street parking as follows:</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12 Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 23-16, §1, 7-22-2016)</p>			
<p><b>Sec. 61-14-39.</b></p> <p>Retail, service, and commercial uses located on land zoned SD1 or SD2</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 23-14, §1, 07-24-14)</p>		Where the use is located within 0.25 miles of a bus rapid transit, street car/trolley or light rail line: 0.75 of the minimum required off-street spaces specified in <u>Sec. 61-14-40</u> through <u>Sec. 61-14-50</u> .	As specified in <u>Sec. 61-14-40</u> through <u>Sec. 61-14-50</u> or <u>Sec. 61-14-7(2)</u> where applicable.
<p><b>Sec. 61-14-40.</b></p> <p>Assembly (Ord. No. 11-05, §1, 5-28-05)</p>	Assembly hall	1 per 100 square feet (if no fixed seats)	100
	All Other	1 per 100 square feet	100
<p><b>Sec. 61-14-41.</b></p> <p>Food and Beverage Service</p> <p>(Ord. No. 11-05, §1,</p>	Brewpub or microbrewery or small distillery with “consumption on the premises”	3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1,000	100
	Establishment for the sale of intoxicating beverages on the premises	3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1,000	100
	Microbrewery or small distillery without “consumption on the premises”	1 per 800 square feet or 1 per 3 employees whichever is greater	100
	Restaurant, carry-out or fast-food	1 per 100 square feet of restaurant building and designated outdoor seating area + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u> (if a drive-through window exists)	100

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
5-28-05; Ord. No. 13-11, §1, 8-23-11)	Restaurant, standard	3 for the first 500 square feet of building and designated outdoor seating area + 1 per 100 square feet of building and outdoor seating area in excess of the first 500 square feet + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u> (if a drive-through window exists)	100
	All other	As required for most similar “restaurant” type	
<p data-bbox="289 961 451 1039"><b>Sec. 61-14-42.</b> Office</p> <p data-bbox="228 1207 521 1318">(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 21-12, §1, 11-2-12)</p>	Medical or dental clinic, physical therapy clinic, or massage therapy clinic	1 per 200 square feet or 5 per doctor, dentist or therapist, whichever is greater	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Office, business or professional	1 per 400 square feet	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Radio or television station	2 per 3 employees + 1 per 4 (fixed or moveable) seats in studio having greatest seating capacity	100; except where developed under the “School building adaptive reuses” provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
	Recording studio or photo studio or video studio	2 per 3 employees + 1 per 4 (fixed or moveable) seats in studio having greatest seating capacity	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	All other	1 per 400 square feet	100
<b>Sec. 61-14-43.</b>  Parking, Commercial (Ord. No. 11-05, §1, 5-28-05)	Parking lots, parking structures	None	N/A
<b>Sec. 61-14-44.</b>  Public Accommodation  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)	Bed and Breakfast Inn	3 per 4 guestrooms + 2 per dwelling unit	
	Hotel or motel	3 per 4 guestrooms + 1 per dwelling unit	100
	Lodging house, public	2 per 3 employees	100
	Youth hostel/hostel	1 per 1 employee	100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	All other	3 per 4 guestrooms + 1 per dwelling unit	100
<b>Sec. 61-14-45.</b>  Recreation and Entertainment, Indoor	Arcade	1 per 100 square feet	100
	Cabaret	3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1,000	100
	Casino or casino complex	See provisions for SD5 District in <u>Sec. 61-11-267.</u>	300
	Firearms target practice range, indoor	1 per 2 employees + 1 per target lane	100
	Pool or billiard hall	1 per 250 square feet or 1 per pool table and billiard table, whichever is greater	100

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12; Ord. No. 23-16, §1, 7-22-2016)	Recreation, indoor commercial and health club	Schedule C, where 1 space per 200 square feet of gross floor area is deemed by the Planning and Development Department to be inappropriate	Where Schedule C does not apply, 100; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Theater and concert café	1 per 4 seats	500
	All other	1 per 100 square feet	100
<b>Sec. 61-14-46.</b> Recreation, Outdoor  (Ord. No. 11-05, §1, 5-28-05)	Amusement park	1 per 200 square feet of public activity area	1,000
	Go-cart track	15 per track	100
	Golf driving range	1 per 2 employees + 1 per tee	100
	Golf course, miniature	2 per hole	100
	Rebound tumbling center	1 per tumbling apparatus	100
	All other	As required for most similar use type or Schedule C	
<b>Sec. 61-14-47.</b> Retail Sales and Service (Occupant-oriented) (Ord. No. 11-05, §1, 5-28-05)	Retail sales and service in multiple-residential structures	None	N/A
	Retail sales and service in business and professional offices	None	N/A
	All other	See Schedule B	100
<b>Sec. 61-14-48.</b> Retail Sales and Service (Sales-Oriented)  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)	Bake Shop	See Schedule B	100
	Firearm's dealership	See Schedule B	100
	Kennel, commercial	Schedule B	100
	Motor vehicles, new or used, salesroom or sales lot	2 spaces + 1 per 800 square feet of floor area over 1,600 square feet, or 2 spaces + 1 per 2,400 square feet of lot area, whichever is greater	100
	Motorcycles, retail sales, rental or service	2 spaces + 1 per 800 square feet of floor area over 1,600 square feet	100
	Pawnshop	Schedule B	100
	Pet shop	Schedule B	100
	Secondhand stores and secondhand jewelry stores	Schedule B	100
Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment	Schedule B	100	

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise	Schedule B	100
	Trailer coaches or boat sale or rental, open air display	2 spaces + 1 per 800 square feet of floor area over 1,600 square feet	100
	Trailers, utility, or cement mixers, pneumatic-tired, sales, rental, or service; moving truck/trailer rental lots	2 spaces + 1 per 800 square feet of floor area over 1,600 square feet	100
	All other	See Schedule B	100
<p><b>Sec. 61-14-49.</b></p> <p>Retail Sales and Service (Service-oriented)</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 21-12, §1, 11-2-12)</p>	Animal-grooming shop	See Schedule B	100
	Automated teller machine (without drive-in facilities)	None	N/A
	Automated teller machine (with drive-in facilities)	None; stacking spaces per Article XIV, Division 1, <u>Subdivision H</u> )	N/A
	Bank (without drive-in facilities)	1 per 200 square feet	100
	Bank (with drive-in facilities)	1 per 200 square feet + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u> )	100
	Barber shop	See Schedule B	100
	Beauty shop	1 per 100 square feet	100
	Business college or commercial trade school	1 per employee + 1 per 3 students based on maximum number of students that can be accommodated at one time	500; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Customer service center (no drive-through window)	1 per 100 square feet	100
	Customer service center (with drive-through window)	1 per 100 square feet + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u>	100
	Dry cleaning or laundry pick-up stations	See Schedule B	100
	Employee recruitment center	1 per 400 square feet	100
	Financial services center (without drive-through)	1 per 200 square feet	100
Financial services center (with drive-through)	1 per 200 square feet + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u>	100	
Food stamp distribution center (no drive-through window)	1 per 200 square feet	100	



Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
	Food stamp distribution center (with drive-through window)	1 per 200 square feet + stacking spaces per Article XIV, Division 1, <u>Subdivision H</u>	100
	Laundromat	1 per 200 square feet	100
	Mortuary or funeral home	1 per 100 square feet + 1 per dwelling unit	same lot
	Nail Salon	1 per 100 square feet	100
	Photocopying and computing self-service establishment	See Schedule B for the area accessible to customers + 1 per 800 square feet or 1 per 3 employees (whichever is greater) for that portion of building not accessible to customers	100
	Piercing Parlor	see Schedule B	100
	Printing or engraving shops	1 per 800 square feet or 1 per 3 employees whichever is greater	500
	Radio, television, or household appliance repair shop	2 spaces + 1 per 800 square feet of floor area over 1,600 square feet	100
	School or studio of dance, gymnastics, music, art, or cooking	1 per employee + 1 per 5 students based on maximum number of students that can be accommodated at one time	500; except where developed under the "School building adaptive reuses" provision as defined in <u>Sec. 61-16-171</u> of this Code: same lot
	Shoe repair shop	See Schedule B	100
	Shoeshine parlor	See Schedule B	100
	Tattoo parlor	See Schedule B	100
	Veterinary clinic for small animals	See Schedule B	100
	All other	See Schedule B	100
<b>Sec. 61-14-50.</b> Vehicle Repair and Service	Motor vehicle services, major	1 per 300 square feet (all required spaces shall be outside principal building)	100
	Motor vehicle services, minor	1 per 300 square feet (all required spaces shall be outside principal building); 2 per 3 employees at quick oil change facilities.	100
	Motor vehicle filling station	One (1) space for each service bay, plus one (1) space for each two hundred (200) square feet of gross floor area, excluding service bays, or two spaces, whichever is greater.	same lot
	Motor vehicle washing and steam cleaning	2 per 3 employees	100

## Sec. 61-14-51 | Manufacturing and industrial uses.

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
(Ord. No. 11-05, §1, 5-28-05)	Motor vehicles, new or used: storage lots accessory to salesroom or sales lot for new or used motor vehicles	None	N/A
	All other	1 per 300 square feet	100
<b>Sec. 61-14-51. Manufacturing and industrial uses.</b>			
Manufacturing and Industrial Uses shall provide off-street parking as follows:			
(Ord. No. 11-05, §1, 5-28-05)			
<b>Sec. 61-14-52.</b>  Industrial Service  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13)	Blueprinting shop	1 per 800 square feet or 1 per 3 employees (whichever is greater).	100
	Contractor yard, landscape or construction	2 per 3 employees	500
	Crushing, grading and screening of rock, stone, slag, clay or concrete	2 per 3 employees	500
	Junkyard	2 per 3 employees	same lot
	Towing service storage yard	1 per 2,400 square feet of lot area or 2 per 3 employees, whichever is less	500
	All other	1 per 800 square feet or 1 per 3 employees, whichever is greater	500
<b>Sec. 61-14-53.</b>  Manufacturing and Production (Ord. No. 11-05, §1, 5-28-05)	All uses	1 per 800 square feet or 1 per 3 employees, whichever is greater	500
<b>Sec. 61-14-54.</b>  Warehouse and Freight Movement  (Ord. No. 11-05, §1, 5-28-05)	Coal or coke yards	2 per 3 employees	500
	Containerized freight yard	2 per 3 employees	same lot
	Intermodal freight terminal	None	
	Railroad transfer or storage tracks	None	
	Tank storage of bulk oil or gasoline	2 per 3 employees	500
	Trucking terminal, transfer buildings, truck garages, recreational vehicle storage lots and open areas for the parking of operable trucks.	2 per 3 employees	500
	All other	1 per 2,400 square feet or 1 per 3 employees, whichever is less	500
<b>Sec. 61-14-55.</b>  Waste-Related Use (Ord. No. 11-05, §1, 5-28-05)	Sewage disposal plant	2 per 3 employees	same lot
	Scrap tire storage, processing or recycling facility	2 per 3 employees	same lot
	Transfer station for garbage, refuse, or rubbish	2 per 3 employees	same lot
	All Other	1 per 800 square feet or 1 per 3 employees, whichever is greater	500

## Sec. 61-14-56 | Other uses.

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p><b>Sec. 61-14-56. Other uses.</b></p> <p>These other specified uses shall provide off-street parking as follows:</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 31-15, §1, 3-01-2016)</p>			
<p><b>Sec. 61-14-57.</b></p> <p>Adult uses/sexually oriented businesses (Ord. No. 01-10, §1, 04-01-10)</p>	<p>Adult bookstore or adult video store, adult cabaret, adult motion picture theater, semi-nude model studio</p>	<p>3 (minimum) + 1 per 100 square feet for each 100 square feet in excess of 1,000</p>	<p>Same lot</p>
<p><b>Sec. 61-14-58.</b></p> <p>Aviation and Surface Transportation Facilities (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	<p>Aircraft landing areas for winged aircraft</p>	<p>Schedule C</p>	
	<p>Heliports</p>	<p>2 per 3 employees</p>	<p>500</p>
	<p>Passenger Transportation Terminal</p>	<p>Schedule C</p>	
	<p>Tunnel or Bridge Plaza and Terminal, Vehicular</p>	<p>2 per 3 employees</p>	<p>same lot</p>
	<p>All Other</p>	<p>Schedule C</p>	

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)		Maximum Distance (feet)
<p><b>Sec. 61-14-58.5</b> Medical Marihuana Caregiver Center (Ord. No. 31-15, §1, 3-01-2016)</p>	<p>Medical Marihuana Caregiver Center</p>	<p>1 per 200 square feet</p>	<p>same lot</p>	
<p><b>Sec. 61-14-59.</b> Public Center Open Uses (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	<p>All</p>	<p>Schedule C</p>		
<p><b>Sec. 61-14-60.</b> Railroad Facilities (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	<p>Railroad right-of-way, not including storage tracks, yards, or buildings</p>	<p>None</p>		
<p><b>Sec. 61-14-61.</b> Telecommunications facilities (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	<p>Telecommunications building, private</p>	<p>2 per 3 employees</p>	<p>500</p>	
<p><b>Sec. 61-14-62.</b> Water-related Facilities (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	<p>Boat terminal, passenger</p>	<p>Schedule C</p>		
	<p>Docks, waterway shipping/freighters</p>	<p>2 per 3 employees</p>	<p>same lot</p>	
	<p>Ferry terminal</p>	<p>2 per 3 employees</p>	<p>same lot</p>	
	<p>Marinas</p>	<p>1 per boat slip</p>	<p>100</p>	

## Sec. 61-14-63 | Multiple-family dwelling for the elderly.

**Sec. 61-14-63. Multiple-family dwelling for the elderly.**

In the event a multiple-family dwelling for the elderly should convert to a general population multiple-family dwelling, the full off-street parking requirement for multiple-family dwellings must be satisfied.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-64–61-14-70. Reserved.****Subdivision C. Off-Street Parking Schedules “B” and “C”****Sec. 61-14-71. Schedule “B” off-street parking for retail uses.**

Off-street parking spaces for Schedule B uses shall be provided in accordance with the following standards. The nearest point of the off-street parking facility shall not be more than one hundred (100) feet from the building or use to be served:

- (1) General retail.

Gross Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
Less than 50,000	1 per 200 square feet of gross floor area
50,001-100,000	1 per 250 square feet of gross floor area
100,001-400,000	1 per 350 square feet of gross floor area

- (2) Shopping center retail (2 or more stores organized or operating as a unit, and consisting of not less than fifty thousand (50,000) square feet of gross floor area).

Gross Floor Area (Sq. Ft.)	Off-Street Parking Spaces Required
Less than 400,000	1 per 250 square feet of gross floor area
400,001-600,000	1 per 225 square feet of gross floor area
More than 600,000	1 per 200 square feet of gross floor area

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-72. Schedule C.**

Because Schedule C uses have widely varying parking demands, it is difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Planning and Development Department based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Planning and Development Department may require that a parking study be prepared at the applicant’s expense. Said study shall provide analysis and justification for the proposed number of spaces to be provided. Parking studies shall document the source of data used to develop the recommendations. The Planning and Development Department shall review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the off-street parking or loading requirements for the use proposed.

(Ord. No. 11-05, §1, 5-28-05)

## Sec. 61-14-81 | Off-street loading schedule and exemptions.

**Secs. 61-14-73–61-14-80. Reserved.****Subdivision D. Off-Street Loading****Sec. 61-14-81. Off-street loading schedule and exemptions.**

- (a) Off-street loading spaces shall be provided on the same zoning lot in accordance with the following schedule and with ARTICLE XIV, DIVISION 1, Subdivision J of this Chapter. An open, adjacent alley may be credited toward one off-street loading space for retail, service, or commercial uses if access for loading into the building is available in the rear and the alley is not less than eighteen (18) feet wide.
- (b) The following uses shall be exempt from off-street loading requirements: Docks (water-related facilities); major and minor motor vehicle services, and outdoor recreation uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

Specific Land Use	Gross Floor Area (Square Feet)	Spaces (Minimum)	Size of Space (feet) (exclusive of aisle and maneuvering area)
<b>Sec. 61-14-82. Residential uses.</b>			
(Ord. No. 11-05, §1, 5-28-05)			
Any “Group Living” use (Buildings with 24 or more rooming units)	10,000 to 100,000	1	12 × 35
	Each additional 100,000 or major fraction thereof up to 500,000	1	12 × 55
	Each additional 500,000 or major fraction thereof	1	12 × 55
Any “Household Living” use (Multiple-family developments with 24 or more dwelling units)	10,000 to 100,000	1	12 × 35
	Each additional 100,000 or major fraction thereof up to 500,000	1	12 × 55
	Each additional 500,000 or major fraction thereof	1	12 × 55
<b>Sec. 61-14-83. Public, civic, and institutional uses.</b>			
(Ord. No. 11-05, §1, 5-28-05)			
Auditorium, public; Convention or exhibit building; Motor vehicle race track; Stadium or sports arena	10,000 to 200,000	1	12 × 55
	Each additional 200,000 or major fraction thereof	1	12 × 55
Hospital	5,000 to 100,000	1	12 × 55
	Each additional 100,000 or major fraction thereof	1	12 × 55
Any “Library” use; any “Museum” use; Outdoor entertainment facilities; Religious institutions; any	10,000 to 100,000	1	12 × 35
	Each additional 100,000 or major fraction thereof up to 500,000	1	12 × 55

## Sec. 61-14-84 | Retail, service, and commercial uses.

Specific Land Use	Gross Floor Area (Square Feet)	Spaces (Minimum)	Size of Space (feet) (exclusive of aisle and maneuvering area)
"School" use	Each additional 500,000 or major fraction thereof	1	12 × 55
<b>Sec. 61-14-84. Retail, service, and commercial uses.</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 26-12, §1, 11-21-12)			
Funeral homes, mortuaries	2,500 to 50,000	1	10 × 30
	Each additional 50,000 or major fraction thereof	1	10 × 30
Motor vehicle filling station	Over 600 excluding service bays	1	12 × 55
Any "Assembly" use; Business college, commercial or trade school; any "Indoor Recreation/Entertainment" use; Hotel/Motel; Office	10,000 to 100,000	1	12 × 35
	Each additional 100,000 or major fraction thereof up to 500,000	1	12 × 55
	Each additional 500,000 or major fraction thereof	1	12 × 55
All Other Retail, Service and Commercial Uses	1,600 to 10,000	1	12 × 35
	Over 10,000 to 25,000	2	12 × 35
	Over 25,000 to 40,000	2	12 × 55
	Over 40,000 to 100,000	3	12 × 55
	Each additional 100,000 or major fraction thereof	1	12 × 55
<b>Sec. 61-14-85. Manufacturing and industrial uses.</b> (Ord. No. 11-05, §1, 5-28-05)			
All Manufacturing and Industrial Uses	5,000 to 40,000	1	12 × 55
	Over 40,000 to 100,000	2	12 × 55
	Each additional 100,000 or major fraction	1	12 × 35
<b>Sec. 61-14-86. Other uses.</b> (Ord. No. 11-05, §1, 5-28-05)			
Telecommunications building, private	10,000 to 100,000	1	12 × 35
	Each additional 100,000 or major fraction thereof up to 500,000	1	12 × 35
	Each additional 500,000 or major fraction thereof	1	12 × 35

**Sec. 61-14-87** | Portable waste containers in loading and unloading areas of commercial establishments.

**Sec. 61-14-87. Portable waste containers in loading and unloading areas of commercial establishments.**

As required by Sec. 22-2-48(e)(1) of this Code, all loading and unloading areas shall be provided with an adequate number of portable containers for solid waste. In all cases, a minimum of one (1) portable container shall be required at all such sites. The number of portable containers required for each such area shall be governed by the need to maintain a clean, neat and sanitary premises as directed by the Director of the Department of Public Works. The orientation of such containers for solid waste shall take into account the access route and approach of waste hauling vehicles servicing the premises.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Secs. 61-14-88–61-14-90. Reserved.**

**Subdivision E. Use of Accessory Parking Lots and Areas**

**Sec. 61-14-91. Accessory parking required.**

Except as exempted in Sec. 61-14-7 of this Code, off-street parking areas shall be provided in accordance with the provisions of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter. Such accessory parking lots and parking areas are for the parking of licensed, operable, private passenger vehicles, as defined in Sec. 61-16-151 of this Code, except trucks and trailers other than panel trucks, pickup trucks, school buses and those motor vehicles necessary and accessory to the operation of the use. However, uses that are subject to site plan review and also involve commercial vehicle fleets, shall provide space for fleet parking in addition to the required off-street parking, which is intended for employees, customers, patrons, or visitors.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-92. Certain usage prohibited.**

- (a) Accessory parking lots and parking areas shall not be used as towing service storage yards as defined in Sec. 61-16-182 of this Code.
- (b) Accessory parking lots and parking areas shall not be used for:
  - (1) Vending, except as provided for in Sec. 61-12-368 and Sec. 61-12-437 of this Code;
  - (2) The display or storage of goods, supplies, or materials; except as provided for in Sec. 61-12-368 and Sec. 61-12-437 of this Code;
  - (3) Motor vehicle repair or service work of any kind.
- (c) See ARTICLE XIV, DIVISION 1, Subdivision K of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 04-12, §1, 3-30-12)



**Sec. 61-14-93. Permitted structures.**

No buildings, other than those for the shelter of attendants, shall be erected or placed upon off-street parking areas. Attendant buildings may have a maximum gross floor area of fifty (50) square feet and a maximum height of fifteen (15) feet. No more than two (2) attendant buildings shall be permitted on the site of an off-street parking area and no other structure shall be erected or placed on the premises unless expressly allowed by this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-94. Permit requirements.**

- (a) Accessory parking lots or parking areas, that are located on the same zoning lot as the use they serve, do not require a separate land use permit.
- (b) Accessory parking lots or parking areas, located on a zoning lot that is separate from the use they serve, but not farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter, shall require a land use permit for the accessory parking, separate from the permit for the use it serves.
- (c) Remote accessory parking, as provided in Sec. 61-14-97, requires a land use permit, separate from the permit for the use it serves.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-95. License requirements.**

Any accessory parking lot for which a fee is charged to the user shall be identified as “paid accessory parking” for permit purposes and shall be licensed by the Business License Center in accordance with Chapter 39 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-96. Commercial parking lots.**

For zoning purposes, parking lots that are not operated exclusively as accessory parking and for which a fee is charged, are commercial parking lots. In accordance with Chapter 39 of this Code, the Business License Center shall license all commercial parking lots.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-97. Remote accessory parking.**

Parking, which is provided in conjunction with a principal use that is located farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter and for which a fee is not charged, shall be considered “remote accessory parking.” Remote accessory parking shall be permitted in the same manner as commercial parking, but is not subject to licensing by the Business License Center.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-98. Valet parking.**

Valet parking shall not relieve a land use from providing the minimum number of off-street parking spaces with properly sized vehicle stalls and specified aisle widths as would apply to a “self-park” plan or layout.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-99–61-14-100. Reserved.**

**Subdivision F. Waivers and Alternative Parking Plans**

**Sec. 61-14-101. Scope.**

An Alternative Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking in accordance with the ratios that are established in ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter or by providing an alternative to the Off-Street Parking Area Design standards of ARTICLE XIV, DIVISION 1, Subdivision I of this Chapter. Alternative Parking Plans may not be used to reduce required setbacks, landscaping, or screening of off-street parking areas.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-102. Applicability.**

Applicants who are unable to provide the required number of off-street parking spaces within the maximum distance that is specified in ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter may seek approval of an Alternative Parking Plan in accordance with the standards of this subdivision in lieu of requesting a parking variance from the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-103. Waiver of off-street parking requirements for uses or buildings minimally deficient.**

(a) *In general*

Where the Buildings, Safety Engineering and Environmental Department determines that 1) a building or use requires no variance or other action under the jurisdiction of the Board of Zoning Appeals and 2) the building or use can provide at least eighty percent (80%) of the required off-street parking spaces, then, upon request of the petitioner and in conjunction with the Municipal Parking Department and the Department of Public Works, Traffic Engineering Division, the department may grant a waiver of the off-street parking requirements, not exceeding ten (10) parking spaces. Such waiver shall not be granted unless, in the judgment of the Buildings, Safety Engineering and Environmental Department, with the sign-off of the Municipal Parking

**Sec. 61-14-103 | Waiver of off-street parking requirements for uses or buildings minimally deficient.**

Department and the Department of Public Works, Traffic Engineering Division, the waiver of the parking requirement for the building or use involved is not injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation. However, in those instances where a building or use is subject to Site Plan Review, the Planning and Development Department has sole authority to consider such waiver.

**(b) *Traditional Main Street Overlay Areas.***

- (1) *Applicability.* In addition to the parking waiver granted for buildings not exceeding three thousand (3,000) square feet per Sec. 61-14-7(3) of this Code, in a Traditional Main Street overlay area, as provided in Sec. 61-11-312, the Planning and Development Department may grant a waiver of the off-street parking requirements for the first three thousand (3,000) square feet of pedestrian-oriented retail, service, or commercial uses. The Planning and Development Department shall have authority to consider such waiver ensuring that the waiver will not be injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation.
- (2) *Eligibility.* In order to qualify for the waiver, the following criteria shall be met:
  - (1) The pedestrian-oriented use shall fall into one of the following use categories:
    - (i) Sec. 61-12-43, Food and beverage service;
    - (ii) Sec. 61-12-50, Retail sales and service; sales-oriented; and
    - (iii) Sec. 61-12-51, Retail sales and service; service-oriented except motor vehicle sales, motorcycle sales, and any use with drive-up or drive-through facilities.
  - (2) New buildings must comply with all of the requirements in the Traditional Main Street Overlay standards.
  - (3) New uses in existing buildings shall be eligible for this waiver only if, at a minimum, the building complies with the following standards from DIVISION 3.Subdivision C of this article:
    - (i) The front façade of the building is located on the lot line facing the Traditional Main Street, in accordance with the standards in Sec. 61-14-282 of this Code;
    - (ii) The street level façade of the building has a minimum of sixty percent (60%) transparency according to Sec. 61-14-286 of this Code;
    - (iii) The building has an active entryway located on the façade facing the Traditional Main Street, according to Sec. 61-14-289 of this Code.
  - (4) In the case where one building or development contains multiple retail, service, or commercial uses, the total number of spaces that may be waived

**Sec. 61-14-104 | Alternative parking plan review and approval procedure and criteria.**

for a building or development using this waiver shall not exceed forty five (45) spaces.

**(c) *SD1/SD2 Areas***

In addition to the parking waiver granted for buildings under three thousand (3,000) square feet per Sec. 61-14-7(3) of this Code, on properties zoned SD1 or SD2, the Planning and Development Department may grant a waiver of the off-street parking requirements, for the first three thousand (3,000) square feet of pedestrian-oriented retail, service, or commercial uses. The Planning and Development Department shall have authority to consider such waiver, ensuring that the waiver will not be injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation. In the case where one building or development contains multiple retail, service, or commercial uses, the total number of spaces that may be waived for a building or development using this waiver shall not exceed forty five (45) spaces.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 23-13, §1, 8-28-13; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-14-104. Alternative parking plan review and approval procedure and criteria.**

Alternative Parking Plans shall require review and approval in accordance with the Conditional Use procedures of ARTICLE III, DIVISION 7 of this Chapter. However, no Conditional Use hearing shall be held at the Buildings and Safety Engineering Department for an Alternative Parking Plan where the building or use in question requires a variance or some other action, that is unrelated to parking, and is under the jurisdiction of the Board of Zoning Appeals. In order to approve an Alternative Parking Plan, a decision-making body must determine that the proposed plan will do at least as good of a job protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design as would strict compliance with otherwise applicable off-street parking standards.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-105. Contents.**

Alternative Parking Plans shall be submitted in a form that is developed by the Buildings and Safety Engineering Department and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-106. Recording.**

Approved Alternative Parking Plans, as set out in this subdivision, shall be recorded with the County of Wayne Register of Deeds as part of the land use grant. No building permits or certificates of occupancy shall be issued until proof of recordation of the agreement has been presented to the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-107. Violations and revocation.**

Any modification or waiver of off-street parking that is approved under an Alternative Parking Plan shall remain valid only as long as the conditions warranting the modification or waiver exist. Where the conditions that warranted the modification or waiver cease to exist, a show-cause hearing shall be held pursuant to Sec. 61-5-53 of this Code. At the hearing, the petitioner shall show cause why the Alternative Parking Plan approval or other waiver or modification granted prior to adoption of the Alternative Parking Plan provisions of this subdivision should not be revoked. Revocation of an Alternative Parking Plan shall not preclude other remedies and enforcement actions which are available under this zoning ordinance. Specifically, violations of an approved Alternative Parking Plan shall be considered violations of this Zoning Ordinance and subject to the enforcement and penalty provisions of Sec. 61-5-17 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-108. Eligible alternatives.**

A number of specific parking and access alternatives are set out in Sec. 61-14-109 through Sec. 61-14-113 and Sec. 61-14-115 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

### **Sec. 61-14-109. Shared parking.**

It is the City's stated intention to encourage the efficient use of land and resources by allowing users, wherever feasible, to share off-street parking facilities. Where a theater, concert café, religious institution, bowling alley, dance hall, or establishments for the sale and consumption on the premises of alcoholic beverages can provide at least fifty percent (50%) of the required off-street parking, decision-making bodies may authorize a reduction in the number of required off-street parking spaces when such use is in the immediate vicinity of another use, such as a bank, business office, retail store, personal service shop, household equipment or furniture shop, manufacturing building, and similar uses, which have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:

- (1) *Location.* Shared off-street parking spaces shall be located within the distance that is specified in parking Schedule A of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter or as approved pursuant to the Remote Parking provisions of Sec. 61-14-110 of this Code;
- (2) *Zoning Classification.* Shared parking facilities may be located in any zoning district that allows commercial parking lots;
- (3) *Required Study and Analysis.* The applicant shall submit a shared parking analysis to the decision-making body clearly demonstrating the feasibility of shared parking. At a minimum, the study shall address the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover

**Sec. 61-14-110 | Remote parking.**

and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces; and

- (4) *Shared Parking Agreement.* A shared parking plan, that is duly recorded, as specified in Sec. 61-14-106 of this Code, shall be enforced through written agreement, which consists of a permanent property easement, lease, or memorandum of lease among the owners of record. The agreement shall specify that the shared parking agreement may be revoked by the parties to the agreement only where off-street parking is provided pursuant to ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter or where another Alternative Parking Plan is approved.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-110. Remote parking.**

For land use that requires off-street parking of one hundred (100) or more spaces, decision-making bodies may permit all or a portion of required off-street parking to be located beyond the otherwise applicable distance requirements established in parking Schedule A of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter, subject to the standards of this section:

- (1) *Location.* The maximum distance limitation that is specified in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter may be waived by the decision-making body where adequate assurances are made that van or shuttle service will be operated between the remote lot and the principal use;
- (2) *Zoning Classification.* Remote parking facilities may be located in any zoning district that allows commercial parking lots; and
- (3) *Remote Parking Agreement.* Where a remote parking area is not under the same ownership as the principal use served, a remote parking plan, that is duly recorded, as specified in Sec. 61-14-106 of this Code, shall be enforced through written agreement, which consists of a permanent property easement, lease, or memorandum of lease among the owners of record. The agreement shall specify that the remote parking agreement may be revoked by the parties to the agreement only where off-street parking is provided pursuant to ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter, or where another Alternative Parking Plan is approved.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-111. Parking assessment districts.**

Where the City Council has established off-street parking facilities by special assessment district, all or a portion of the off-street parking spaces that are required in Article XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter may be waived when the subject building or use is located within the boundaries of the special assessment district, or other district that City Council may determine. The decision-making body, with the assistance of the Department of Public Works, Traffic Engineering Division, and the Municipal Parking Department, shall determine to what extent and on which lots the

**Sec. 61-14-112 | Valet parking.**

required parking may be waived. In no event shall the total number of such waived parking spaces exceed the total number provided on the publicly owned parking facility.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-112. Valet parking.**

Valet parking may satisfy off-street parking requirements without the need for an Alternative Parking Plan. However, where such valet parking lot is located farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter or where the parking stalls or aisles are smaller than the dimensions that are specified in Sec. 61-14-151 and Sec. 61-14-152 of this Code, valet parking may only be considered when part of an Alternative Parking Plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-113. Credit for public parking.**

Where City of Detroit public parking lots directly abut or are within one hundred (100) feet of a site that is proposed for occupancy, such City of Detroit public parking areas may be credited to the amount of off-street parking required by this article, provided, that no other land use has claimed credit for the same City of Detroit public parking lot. In Traditional Main Street Overlay Areas, City of Detroit public parking lots within one thousand three hundred and twenty (1,320) feet of the site proposed for occupancy may be used toward the required amount of off-street parking. A shared parking agreement shall be duly recorded with the City of Detroit Municipal Parking Department.

For properties zoned SD1 or SD2, City of Detroit public parking lots within one thousand three hundred and twenty (1,320) feet of the site proposed for occupancy may be used toward the required amount of off-street parking. A shared parking agreement shall be duly recorded with the City of Detroit Municipal Parking Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-14-114. Transportation Demand Management Plan.**

The decision-making body may authorize a reduction in the number of required off-street parking spaces for large developments or uses, which otherwise are required to provide more than two hundred fifty (250) parking spaces, that institute and commit to maintain a Transportation Demand Management program, in accordance with the standards of this section:

- (1) *Required Study.* The applicant shall submit a study to the decision-making body which clearly indicates the types of proposed transportation demand management activities and measures. The study shall be provided in a form that is developed by the Department of Public Works, Traffic Engineering Division and made available to the public; and

## Sec. 61-14-115 | Vehicle lift systems.

- (2) *Transportation Management Activities.* There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities:
- (a) *Posting and Distribution of Information.* The distribution and posting of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements;
  - (b) *Transportation Coordinator.* The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers;
  - (c) *Off-Peak Work Hours.* Employers, that institute off-peak work schedules to allow employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:30 a.m. through 9:00 a.m.;
  - (d) *Preferential Parking.* The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements; and
  - (e) *Financial Incentives.* The provision of cash or in-kind financial incentives for employees who commute by car pool, van pool, or transit may be cause for a reduction in otherwise applicable parking requirements.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-115. Vehicle lift systems.**

When providing required off-street parking, vehicle lift systems in parking lots may be considered as an Alternative Parking Plan.

(Ord. No. 34-05, §1, 12-06-05)

**Secs. 61-14-116–61-14-120. Reserved.**

**Subdivision G. Accessible Parking for Physically Disabled Persons**

**Sec. 61-14-121. Accessible parking spaces required.**

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities. In the event the requirements of the State of Michigan for accessible



**Sec. 61-14-122 | Number of spaces.**

parking should specify a greater number of accessible parking spaces, the requirements of the state shall supersede those of the City.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-14-122. Number of spaces.**

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards. These standards may not be varied or waived by the City of Detroit. These standards shall only be changed or waived by the State of Michigan Barrier Free Board in accordance with 1972 PA 230, being MCL 125.1531, R408.30316.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	7
301-400	8	2	10
401-700	9	2	12
701-1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-123. Minimum dimensions.**

All parking spaces that are reserved for persons with disabilities shall comply with the parking space dimension standards of this subdivision, provided, that access aisles shall be provided immediately abutting such spaces, as specified in Sec. 61-14-124 through Sec. 61-14-126 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-124. Car-accessible spaces.**

Car-accessible spaces shall have at least a 5-foot wide access aisle that abuts the designated parking space.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-125. Van-accessible spaces.**

Van-accessible spaces shall have at least an 8-foot wide access aisle that abuts the designated parking space.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-126. Accessible space signage.**

Signage, that indicates accessible parking spaces, shall be in accordance with Michigan Building Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

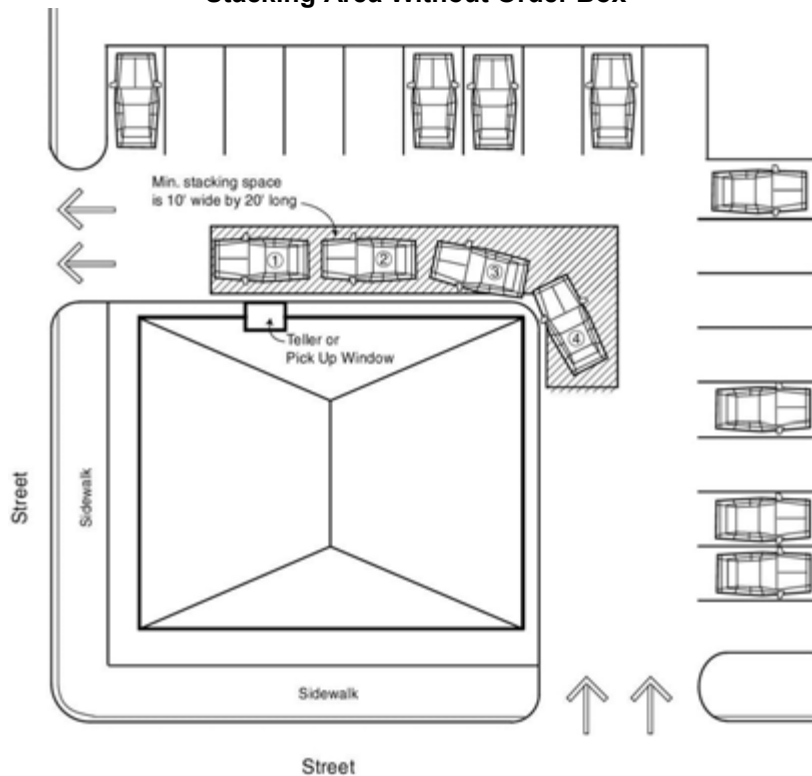
**Secs. 61-14-127–61-14-130. Reserved.**

## Subdivision H. Vehicle Stacking Areas

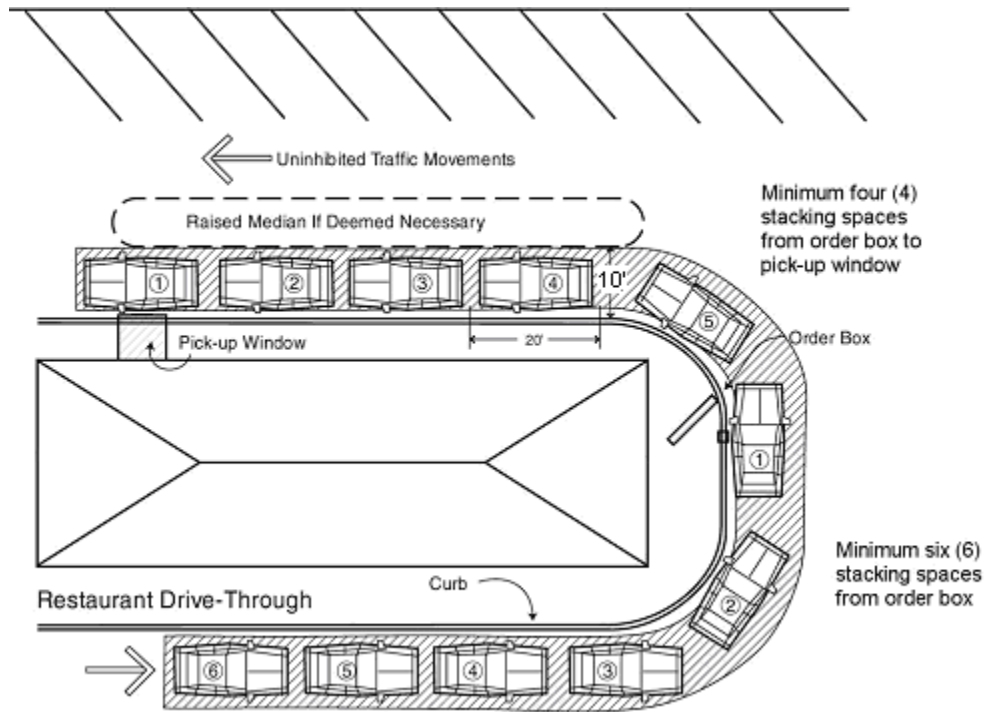
### Sec. 61-14-131. In general.

The vehicle stacking standards of this subdivision shall apply, unless otherwise expressly modified by the Planning and Development Department. Any land use that provides drive-up or drive-through service shall be subject to Site Plan Review as required in Sec. 61-3-113(6) of this Code. Appropriate number, design, and layout of stacking spaces and areas are illustrated in Figures 61-14-131(A) and 61-14-131(B)

**Figure 61-14-131(A)**  
**Stacking Area Without Order Box**



**Figure 61-14-131(B)  
Stacking Area With Order Box**



(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-132. Minimum number of spaces.**

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From Center of
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash line, automatic	10 + 1 (or more as may be required by Sec. 61-12-216(3)(C))	10 from Entrance + 1 between vehicle exit door and the point of vehicular egress to the public street
Car wash line, self-service; hand car wash; quick oil change.	2, plus 1 per bay	2 from Entrance, plus 1 between vehicle exit and the point of vehicular egress to the public street
Funeral home/mortuary	4	Window
Other	4	Pick-Up Window

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-133. Design and layout.**

(a) Required stacking spaces are subject to the following design and layout standards:

**Sec. 61-14-134 | Voice transmission device.**

- (1) *Size.* Stacking spaces must be a minimum of ten (10) feet by twenty (20) feet in size;
  - (2) *Location.* Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces. (See also Figure 61-14-131(B);
  - (3) *Design.* Where deemed necessary by the Planning and Development Department for traffic movement and safety, stacking spaces must be separated from other internal driveways by raised medians or other fixed barriers.
- (b) Stacking requirements that are unique to Motor vehicle washing and steam cleaning establishment (car washes) are further specified in Sec. 61-12-216 of this Code;
- (c) An “escape lane” or aisle, measuring ten (10) feet in width shall be provided adjacent to the stacking lane where deemed appropriate by the Planning and Development Department.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-134. Voice transmission device.**

Devices for the transmission or broadcasting of voices or music shall be so directed or muffled so as to prevent the sound or music from being audible beyond the boundaries of the site.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-135–61-14-140. Reserved.****Subdivision I. Off-Street Parking Area Design****Sec. 61-14-141. General design principles.**

Except as provided for in Sec. 61-2-151 of this Code, the location, design and improvement standards of this subdivision shall apply to all off-street surface parking lots and areas, both for accessory parking and commercial parking, whether on-site, nearby or remote. (See also ARTICLE XIV, DIVISION 2, Subdivision C.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-142. Design approval.**

Off-street parking lots and parking areas shall be designed with an appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to the approval of the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-143. Layout and setback.**

- (a) *Layout.* There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within off-street parking areas. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed buildings, adjacent uses, and landscaped areas.
- (b) *Front Setback.* Where the side zoning lot line of a parking area is contiguous to, or across an alley from, land that is zoned R1, R2, R3, R4, R5, R6, or residential PD, a front setback equal to the front yard of the abutting lot shall be provided, except in those instances where residential structures have been erected on the rear one-half (1/2) of the zoning lot. In such instances, and in those cases where the abutting lot or parcel is vacant, a front setback of twenty (20) feet in depth shall be provided.
- (c) *Accessibility.* Accessible parking spaces and loading zones shall be designed, located and distributed in accordance with the Michigan Building Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-144. Striping.**

To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped. The width of the parking stall shall be computed from the centers of the striping.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-145. Appearance.**

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs, and benches shall be of good appearance, easily maintained, and indicative of their function.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-146. Drainage.**

All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude the free flow of stormwater across or onto adjacent lots, properties, public streets, or alleys. Compliance with the Michigan Plumbing Code shall be required.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-147. Signage.**

Signage for parking lots and parking areas shall be subject to the following:

**Sec. 61-14-148 | Maintenance.**

- (1) Directional signage shall comply with the provisions of Sec. 61-6-39 of this Code. Signage at commercial parking lots shall comply with the provisions of Sections 3-7-6(c)(1) and 39-2-49 of this Code; and
- (2) Not more than one (1) business sign may be erected or placed on any accessory parking lot or area. Said sign shall not exceed twenty (20) square feet in area nor fifteen (15) feet in height.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-148. Maintenance.**

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials that are used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be continuously maintained and kept free of debris and hazards in accordance with the Detroit Property Maintenance Code, being Chapter 9, Article I of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-149. Traditional Main Street overlay areas, SD1, and SD2.**

In designated Traditional Main Street overlay areas and on land zoned SD1 and SD2, no parking may be located between the front façade of a primary structure and the street.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-14, §1, 07-24-14)

**Sec. 61-14-150. Surfacing.**

Areas used for off-street parking, loading, circulation, or vehicle display shall be surfaced with concrete, asphalt, paving blocks, brick, or other similar materials which are intended for outdoor motor vehicle use. Notwithstanding the provisions of Section 39-3-2 of this Code, the use of gravel, slag, cinder or other pervious material shall be prohibited, provided, that the Buildings and Safety Engineering Department shall be authorized to approve the use of pervious material within off-street parking areas for temporary uses as provided for in ARTICLE XII, DIVISION 6, Subdivision B of this Chapter. In addition, in unique situations, and on a case-by-case basis, the Buildings and Safety Engineering Department, in consultation with the Planning and Development Department and Recreation Department, may allow the use of “grass pavers” or comparable pervious surfacing systems in lieu of impervious parking materials.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-151. Dimensions.**

- (1) *General.* All off-street parking spaces, including those in required accessory parking areas, commercial parking lots, and parking structures shall measure not less than nine (9) feet by twenty (20) feet, exclusive of unusable space and drives or aisles which give access to the space. Parallel parking spaces shall measure ten (10) feet by twenty-three (23) feet. Notwithstanding the provisions of this

**Sec. 61-14-152 | Aisle widths.**

subsection, accessible parking spaces may be eight (8) feet in width, provided, that they otherwise comply with all the provisions of ARTICLE XIV, DIVISION 1, Subdivision G of this Chapter.

- (2) *Reduction for Planter Overhangs.* Where a parking space abuts a landscape island or planter, the front two (2) feet of the required parking space length may overhang the planter, provided, that wheel stops or curbing with a minimum height of six (6) inches are provided to protect the landscaped area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-152. Aisle widths.**

Aisle widths that adjoin off-street parking spaces shall comply with the following dimensional standards (See also Figure 61-14-152):

Parking Space Angle	Minimum Aisle Width (Feet)
90 degrees	20
60 degrees	18
45 degrees	12
30 degrees or less	10

Note: The enforcing official shall interpolate aisle widths for all parking arrangements not covered here.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-153. Wheel stops and curbs.**

Wheel stops or curbing that are at least six (6) inches in height shall be installed at the head of parking spaces to protect walls, fences, sidewalks, poles, structures, or pedestrian walkways. Along the boundaries of landscaped areas, all curbs shall be at least six (6) inches in height and constructed of continuous concrete, granite, or other approved material of similar durability and appearance. Asphalt curbs shall not be allowed. Where wheel stops are used interior to the parking lot or parking area, they shall be placed a minimum of two and one-half (2-1/2) feet from the head of parking spaces.

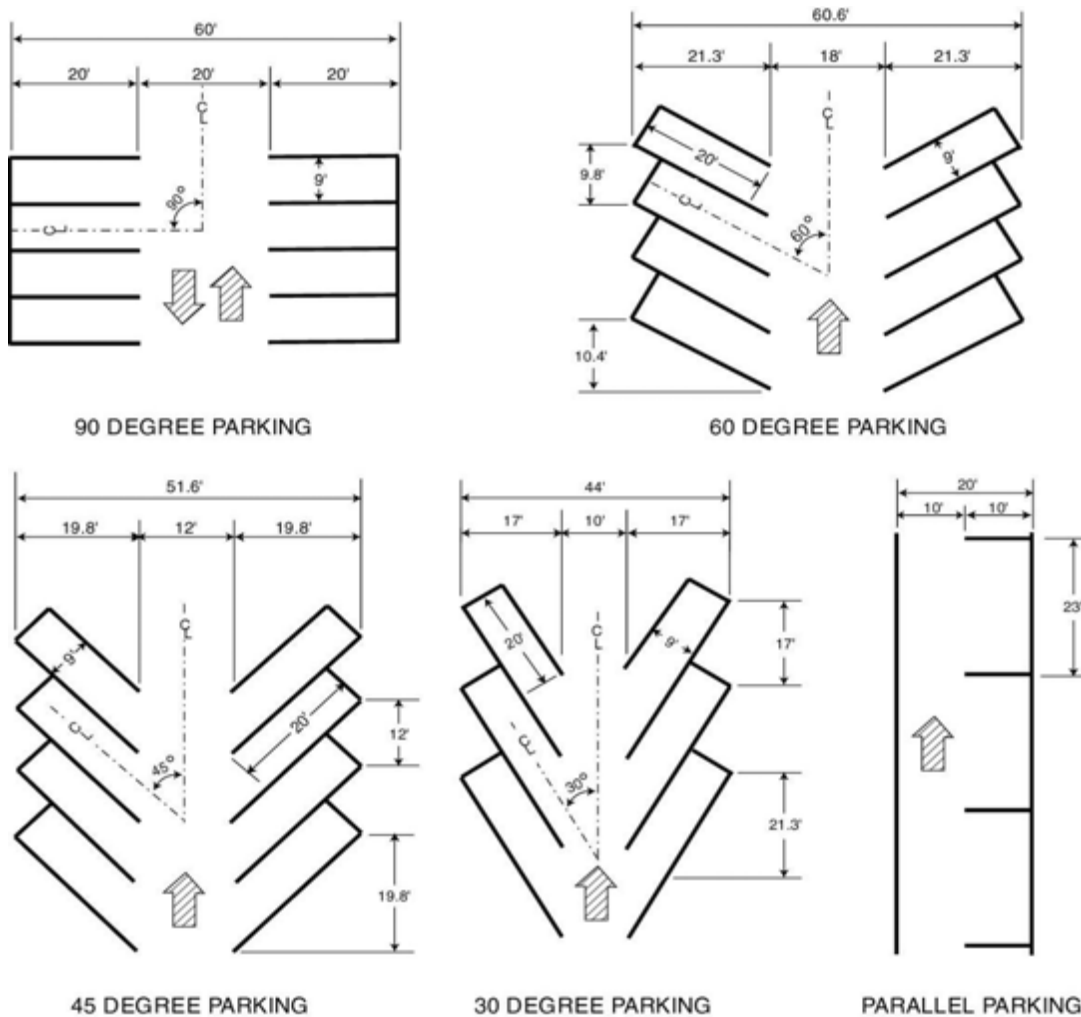
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-154. Pedestrian walkway.**

Where parking is proposed immediately adjacent to a building, a pedestrian walkway, that is not less than five (5) feet in width, shall be provided to separate the parking area from the building served. This provision shall not apply to single- and two-family dwellings.



**Figure 61-14-152**  
**Aisle Widths**



(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-155. Landscaping and screening.**

Off-street parking areas shall be landscaped and screened from view in accordance with the standards of ARTICLE XIV, DIVISION 2, DIVISION 2.Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-156. Lighting.**

Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. All reasonable measures shall be taken to ensure that off-site spillover of light and nightglow are minimized to the greatest extent possible. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Parking, loading, and other vehicular

**Sec. 61-14-157 | Parking area ingress and egress.**

use areas shall not be lighted at any time other than the hours of operation of the use that the parking is intended to serve, except for necessary security lighting. Unless a more specific standard is required for a specific use or type of development elsewhere in this Chapter, lighting shall be designed to provide:

- (1) Between two (2) and five (5) foot-candles of light as measured at five (5) feet above grade throughout the parking lot or parking structure which serve a residential use;
- (2) Between two (2) and ten (10) foot-candles of light as measured at five (5) feet above grade:
  - (a) Throughout the parking lot which serves a commercial, industrial, or mixed use;
  - (b) Throughout the parking lot that is a principal use of the property; and
  - (c) Within any parking structure.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-157. Parking area ingress and egress.**

Points of ingress and egress shall be approved by the Department of Public Works, Traffic Engineering Division to ensure that entering and exiting vehicles do not disrupt on-site or off-site vehicle and pedestrian circulation patterns. Where ingress and egress is provided from a county road or state highway, approval shall be obtained from the appropriate jurisdiction.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-158. Maneuvering.**

The layout of the parking area shall be designed so as to preclude the need to maneuver, or stand, or park a vehicle on the sidewalk or public street in order to allow entry to, or exit of, another vehicle. An area for backing up or maneuvering to an adjacent aisle shall be provided at the end of a parking lot row.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-159–61-14-160. Reserved.****Subdivision J. Off-Street Loading Area Design****Sec. 61-14-161. General design principles.**

Except as provided for in Sec. 61-2-151 of this Code, the location, design and improvement standards of this subdivision shall apply to all off-street loading areas. (See also Sec. 61-14-236.) The layout of the off-street loading area shall be designed so as to

**Sec. 61-14-162 | Vehicular access.**

preclude the need to maneuver, or stand, or park a vehicle on the sidewalk or public street in order to allow entry to, or exit of, another vehicle.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-162. Vehicular access.**

Each required off-street loading berth shall be designed with an appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to the approval of the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-163. Turning radius.**

There shall be adequate turning radius on site for delivery trucks and other long vehicles to maneuver without the need to back into a public street, as provided for in the following table, which is based on most current AASHTO, *Geometric Design of Highways and Streets*.

Vehicle	Inside Radius	Outside Radius	Swept Path Radius
Passenger Car	13.8 feet	24 feet	25.5 feet
Single Unit Truck	27.8 feet	42 feet	44.1 feet
WB-50 Truck	19.2 feet	45 feet	46.3 feet
WB-60 Truck	22.2 feet	45 feet	45.5 feet
Bus Truck	24.4 feet	42 feet	46.5 feet

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-164. Surfacing.**

At a minimum, all open off-street loading areas shall be improved with a compacted macadam base that is not less than seven (7) inches thick, and surfaced with at least two (2) inches of asphaltic concrete or other comparable, all-weather, dustless material of similar thickness and durability.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-165. Landscaping and screening.**

Off-street loading areas shall be landscaped and screened from view in accordance with the standards of ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-166. Change of use or condition; loading spaces, number and size.**

With respect to the number and size of loading spaces, the following provisions shall apply in the event of change of use or condition:

**Sec. 61-14-167 | Loading spaces do not satisfy parking requirements.**

- (1) Whenever there is any change in use of a building, structure, or parcel of land, or an increase or decrease in gross floor area, which would justify an increase or decrease in the required number of off-street loading berths, more berths shall, or fewer berths may, be supplied on the basis of the adjusted needs as determined by the requirements of ARTICLE XIV, DIVISION 1, Subdivision D of this Chapter;
- (2) Where no berths were previously required, the total number of berths required for the use or structure shall be supplied as required in Sec. 61-14-166(3) of this Code; and
- (3) Where a new use requires a loading space size that is larger than presently exists, the existing loading space size, when not less than ten (10) feet by twenty-five (25) feet, shall be deemed to satisfy the requirements of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-167. Loading spaces do not satisfy parking requirements.**

Off-street loading spaces shall not be counted toward satisfying the off-street parking space requirements of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-168–61-14-170. Reserved.****Subdivision K. Off-Street Parking Facilities in Residential Districts****Sec. 61-14-171. In general.**

Except as provided for in Sec. 61-2-151 of this Code, the standards of this subdivision shall apply in addition to Sec. 61-13-146 of this Code. In the event of conflict, the provisions of this subdivision shall prevail.

**Sec. 61-14-172. Parking of commercial vehicles on land zoned R1, R2, R3, R4, R5, R6, and residential PD.**

- (a) The off-street parking of commercial vehicles as defined in Sec. 61-16-201 of this Code, on land zoned R1, R2, R3, R4, R5, R6, and residential PD, shall be subject to the following:
  - (1) Pick-up trucks, vans, and private passenger vehicles as defined in Sec. 61-16-151 of this Code, bearing private or commercial license plates, may be parked on any zoning lot, unless such vehicle has been substantially modified to primarily perform a specific commercial or industrial task. “Substantially modified” includes the addition of a cherry picker, hoist, crane, to name a few, but does not include the attachment of snowplows, standard commercial racks, or enclosure, caps, covers, or boxes over the exterior bed, used for holding or carrying items such as ladders, tools, or supplies, among other items.

**Sec. 61-14-173 | Parking of other vehicles on land zoned R1, R2, R3, R4, R5, R6, and residential PD.**

- (2) No bus, limousine, or other commercial vehicle, not specified in Sec. 61-14-172(a)(1) of this Code, may be parked on any zoning lot. This prohibition shall not apply in the following situations:
  - (a) For the loading or unloading, delivery, or pick-up of goods, wares, merchandise, or passengers;
  - (b) For the rendering of business or commercial service by licensed contractors or service establishments for such period as is necessary to complete such service; and
  - (c) For the rendering of emergency services by an authorized emergency vehicle, government agency, or public utility.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-173. Parking of other vehicles on land zoned R1, R2, R3, R4, R5, R6, and residential PD.**

- (a) The off-street parking of vehicles, other than those specified in Sec. 61-14-172 of this Code, on land zoned R1, R2, R3, R4, R5, R6, and residential PD, shall be subject to the following:
  - (1) No trailer, greater than eight (8) feet in length, or semi-trailer may be parked on any zoning lot;
  - (2) Where the Michigan Secretary of State requires a valid and current license plate or registration sticker to use or transport the recreational equipment, recreational vehicles and recreational equipment that are parked outdoors shall bear and properly display a valid and current license plate or registration sticker at all times;
  - (3) Parking or storage of recreational vehicles or recreational equipment shall be allowed where located in a garage or in the rear yard. However, a recreational vehicle may be temporarily parked outside of the rear yard in the driveway for loading /unloading purposes for a period that is not to exceed twenty-four (24) hours;
  - (4) No recreational vehicle or recreational equipment shall be parked or stored closer than three (3) feet to any side or any rear lot line; and
  - (5) Recreational vehicles are also subject to the provisions of Sec. 34-2-2 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-174. Additional parking standards for certain vehicles on land zoned R1 and R2.**

In addition to the standards that are specified in Sec. 61-8-26, Sec. 61-8-46, Sec. 61-14-172, and Sec. 61-14-173 of this Code, the following standards shall apply to land zoned R1 and R2:

## Sec. 61-14-175 | Construction equipment.

- (1) Not more than one (1) taxicab or recreational vehicle may be parked outdoors on any zoning lot and shall be limited to the rear yard;
- (2) Not more than one (1) boat may be parked or stored on any zoning lot.
- (3) Recreational vehicles are also subject to the provisions of Sec. 34-2-2 of this Code.

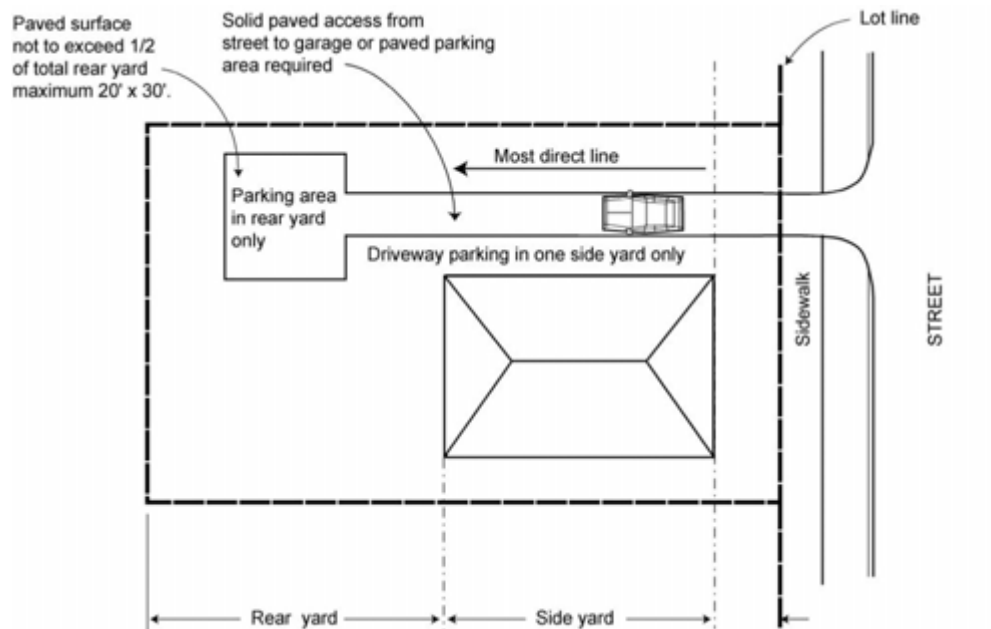
(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-14-175. Construction equipment.

Construction equipment shall not be stored on lots, except during the period of permitted construction on the subject parcel.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-14-176**  
**Location of Parking in R1 and R2**



### Sec. 61-14-176. Location of off-street parking on land zoned R1 and R2.

The following provisions, with respect to the location of off-street parking in the R1 and R2 Districts, shall apply:

- (1) In the R1 and R2 Districts, off-street parking of operable private passenger vehicles on zoning lots that contain single-family or two-family dwellings shall be permitted only:
  - (a) In garages; or

## Sec. 61-14-177 | R-3, R-4, R-5 and R6 Districts.

- (b) On approved parking areas in the rear yard as specified in Sec. 61-14-176(3) of this Code;
  - (c) On approved driveways as defined in Sec. 61-16-62 of this Code, in only one (1) side yard and the continuation of that side yard into the front yard to the property line. There shall be not more than one (1) driveway per residential dwelling unit, except as provided for in Sec. 61-14-176(5) of this Code; or
  - (d) On semicircular drives, as specified in Sec. 61-14-176(5) of this Code;
- (2) In R1 and R2 Districts, off-street parking on the site of an allowed nonresidential use shall not be allowed within required front or side setbacks;
  - (3) In R-1 and R-2 Districts, where dwelling units are built without an attached garage, a solid paved access shall be required from the street or alley to a garage or paved parking area and the solid paved access shall follow the most direct route from the street to any garage or paved parking area on the lot. Where no garage is provided, the paved parking area shall be located completely within the rear yard area and shall have maximum dimensions of twenty (20) feet by thirty (30) feet and shall not cover more than fifty percent (50%) of the rear yard. No parking shall be permitted on lawns or other unpaved areas on residential lots. The required parking area and access shall be paved with an asphaltic or Portland cement binder or solid paver;
  - (4) In R-1 and R-2 Districts, where dwelling units are built with an attached garage, a solid paved access shall be provided from the street, or, where applicable, the alley, to the attached garage. The access shall be paved with an asphaltic or Portland cement binder or solid paver;
  - (5) In R1 and R2 Districts, semicircular drives, or other drives with more than one (1) point of access to a street shall be permitted only on zoning lots having a lot width of at least sixty (60) feet and a front yard having at least two thousand one hundred (2,100) square feet.
  - (6) See Figure 61-14-176 and Sec. 61-8-27 and Sec. 61-8-47 for additional regulations; see also Chapter 55, "Traffic and Motor Vehicles," Article IV, "Local Regulations," Division 1, Sec. 55-4-36; and
  - (7) Off-street parking on the site of an allowed multiple-family dwelling or nonresidential use shall be allowed only in the rear yard or in not more than one (1) of the side yards. (See also Sec. 61-13-15.)
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)

**Sec. 61-14-177. R-3, R-4, R-5 and R6 Districts.**

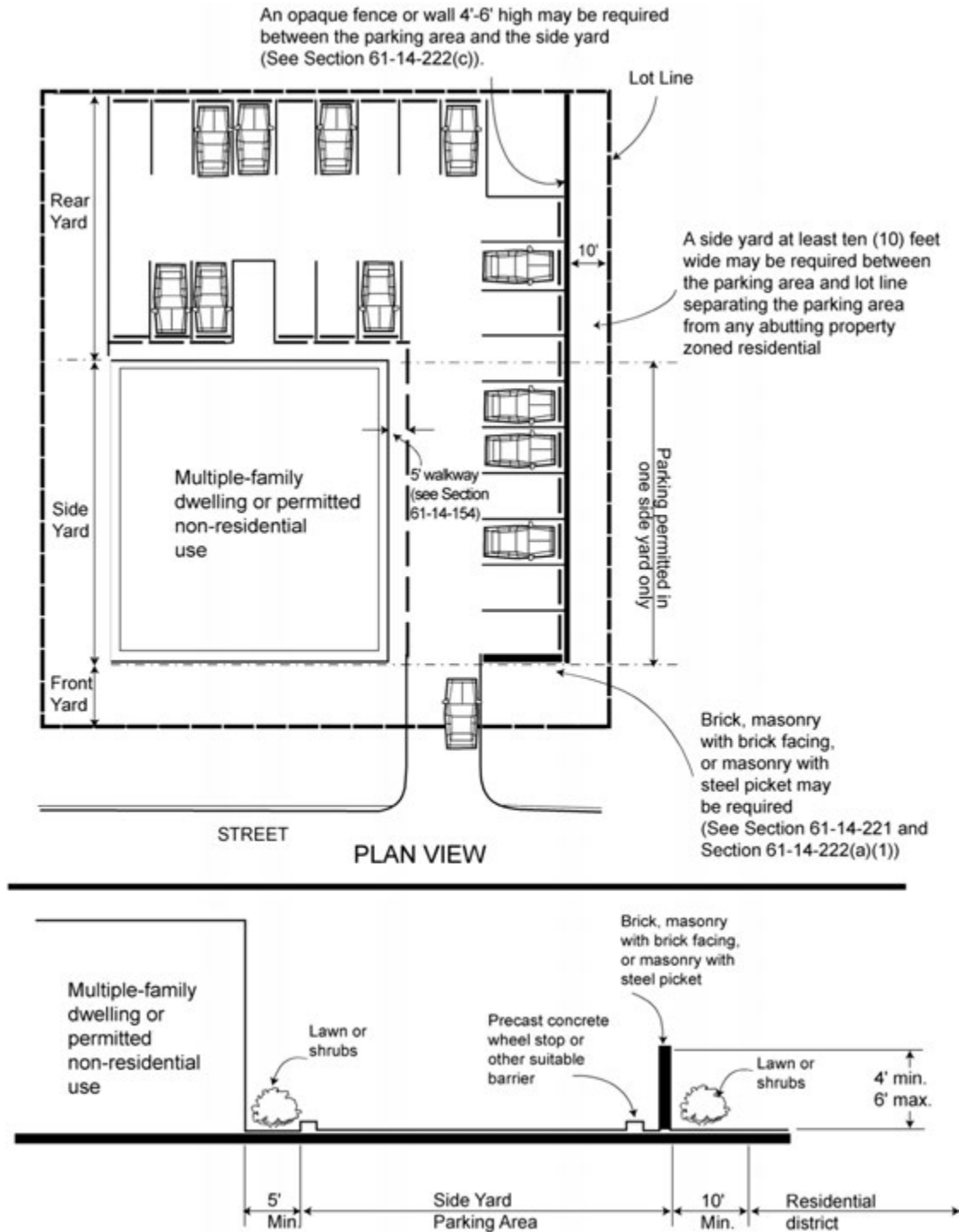
Off-street parking on land zoned R3, R4, R5, and R6 shall also be subject to the following:

## Sec. 61-14-177 | R-3, R-4, R-5 and R6 Districts.

- (1) In R3, R4, R5, and R6 Districts, off-street parking on the site of an allowed multiple-family dwelling or nonresidential use shall be allowed only in the rear yard or in not more than one (1) of the side yards (See also Sec. 61-13-15);
- (2) Single- and two-family dwellings in the R3, R4, R5, and R6 Districts shall abide by the provisions of Sec. 61-14-176 of this Code;
- (3) Zoning lots in the R3, R4, R5, and R6 Districts that are used exclusively for parking purposes and not in conjunction with a building on the same zoning lot shall be landscaped and screened in accordance with ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter; and
- (4) See Figure 61-14-177.



**Figure 61-14-177**  
**Open Parking Areas for Multi-Family and Permitted Nonresidential Uses**  
**in R3, R4, R5, and R6 Districts**



(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

Sec. 61-14-178 | Off-street parking on corner lots in R3, R4, R5, and R6 Districts.

**Sec. 61-14-178. Off-street parking on corner lots in R3, R4, R5, and R6 Districts.**

Setback provisions for off-street parking on corner lots in R3, R4, R5, and R6 Districts are specified as follows (See also [Sec. 61-13-12](#) and Figure 61-14-178):

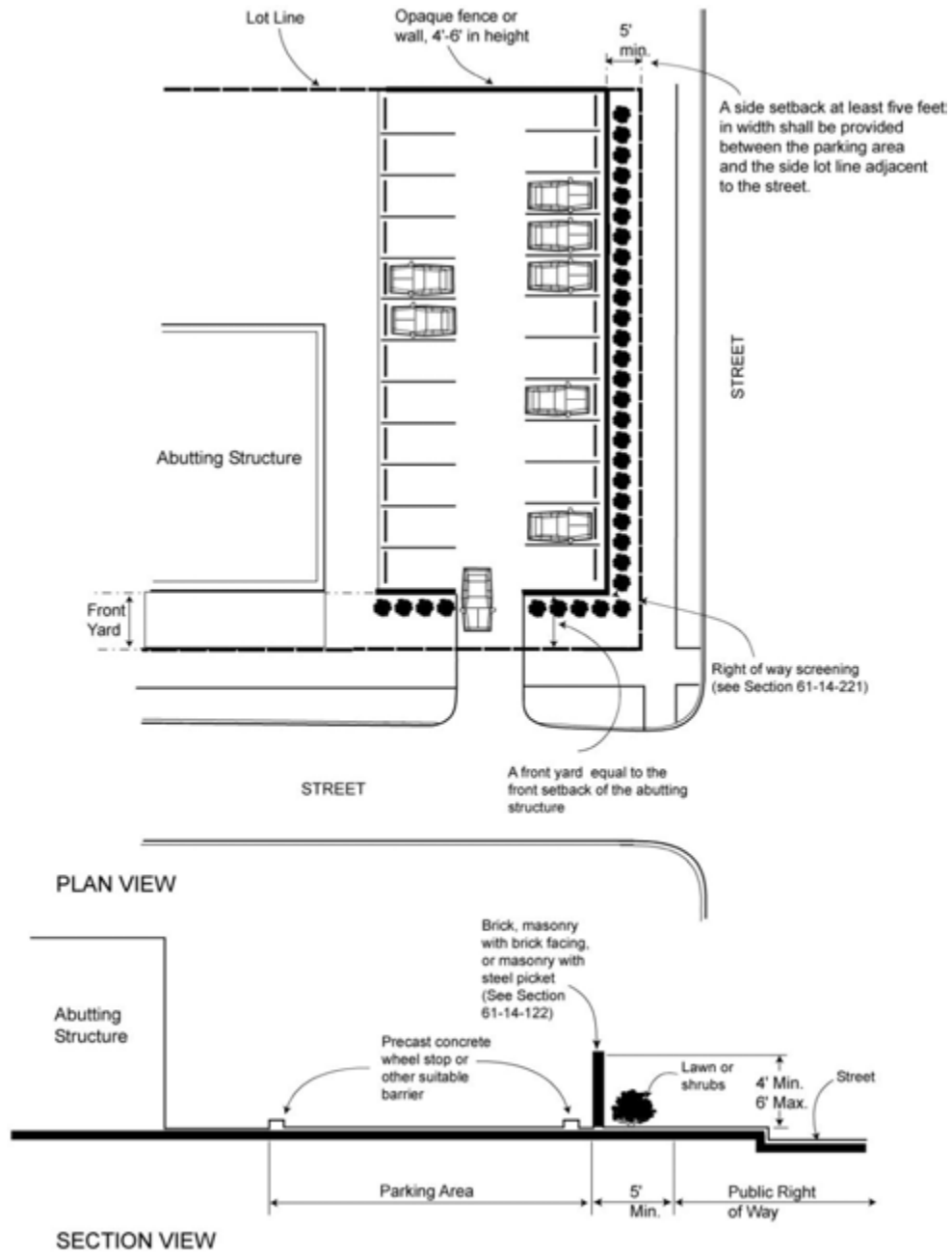
- (1) *Front Setback.* A front setback equal to the front yard of the abutting structure shall be provided. Where the abutting structure is located on the rear one-half (1/2) of the lot or where the abutting lot is vacant, a front setback of at least twenty (20) feet shall be provided between the parking area and the front lot line; and
- (2) *Side Setback.* A side setback of at least five (5) feet shall be provided between the parking area and the side lot line that is adjacent to the street, provided, that where the side lot line is substantially a continuation of the front lot line of a residentially zoned lot to its rear, the required street side setback shall be at least ten (10) feet.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-14-178 | Off-street parking on corner lots in R3, R4, R5, and R6 Districts.

Figure 61-14-178

Parking Areas on Corner Lots in R3, R4, R5, and R6 Districts



Secs. 61-14-179–61-14-190. Reserved.

## DIVISION 2. LANDSCAPING, SCREENING AND FENCING

### Subdivision A. Generally

#### Sec. 61-14-191. Purpose.

The landscaping and screening standards of this division are intended to do the following:

- (1) Encourage the planting of appropriate new vegetation and the preservation of existing vegetation to enhance the built environment and to protect and sustain the natural environment;
- (2) Reduce potential nuisances by requiring a visual screen between uses to mitigate the adverse effects of wind and air turbulence, heat, noise, motor vehicle headlight glare and other artificial light intrusion, and other adverse impacts associated with adjoining or nearby uses; and
- (3) Improve the appearance of on-premises parking, vehicular-use areas, and property abutting public rights-of-way.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-14-192. Applicability.

Except as provided for in Sec. 61-2-151 of this Code and unless otherwise expressly stated, the landscaping and screening standards of this division shall apply in the following instances:

- (1) The construction of any principal building;
- (2) The addition to, or enlargement of, any principal building by more than ten percent (10%);
- (3) The addition to, or enlargement of, any principal building by more than two thousand (2,000) square feet;
- (4) The construction or installation of any surface parking area that contains five (5) or more off-street parking spaces or the addition of five (5) or more off-street parking spaces to any existing surface parking lot or parking area;
- (5) Alterations to any structure or improvements to the land for which a building permit is required, where the cost of such work exceeds sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the property; and
- (6) Change of use of the property to a more intensive use.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

#### Sec. 61-14-193. Exemptions.

The following shall be expressly exempt from all landscaping and screening standards of this division:

- (1) The construction of a single-family or two-family dwelling; however the applicable provisions of DIVISION 3, ARTICLE XIV.DIVISION 3.Subdivision A of this article shall apply; and
  - (2) Repair or enlargement of a single-family or two-family dwelling.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Secs. 61-14-194–61-14-200. Reserved.**

**Subdivision B. Landscaping, Quality**

**Sec. 61-14-201. In general.**

The requirements of this subdivision apply to all developments subject to landscaping or screening standards.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-202. Plant materials.**

The selection of plant materials shall be based upon the City of Detroit’s climate and soils. The selection of native and indigenous plant materials is strongly encouraged.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-203. Plant quality and type.**

All plants shall conform to “American Nurserymen’s” standards, with coherent root ball or wrapped roots, of a height, leaf density and spread appropriate to the species. No one species of tree or shrub may make up more than fifty (50%) of the total plantings.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-204. Prohibited tree species.**

The planting of the following tree species shall be prohibited, except upon special review and approval by the Recreation Department:

Common Name	Horticultural Name
Silver maple	Acer saccharium
Boxelder	Acer nugundo
Honey locust (thorned)	Gleditsia t. (thorned)
Ginko (female)	Ginko biloba (female)
Mulberry	Morus species
Cottonwood; Aspen; Poplar	Populus species
Black locust	Robinis species
Willow	Salix species
American elm	Ulmus Americans
Siberian Elm	Ulmus umila
Slipper elm (Red elm)	Ulmus rubra
Catalpa	Catalpa species

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-205. Plant size.**

The following provisions shall apply with respect to plant size, except upon special review and approval by the Recreation Department:

- (1) *Shrubs.* Shrubs planted to meet the landscaping and screening standards of this subdivision shall have a minimum size equal to or greater than a Number 3 container and have a minimum height of eighteen (18) inches at the time of planting. Where shrubs are used to meet landscaping or screening standards, at least fifty percent (50%) shall be evergreen; and
- (2) *Trees.* Deciduous trees that are installed to meet the standards of this subdivision shall have a minimum diameter of two (2) inches, which is measured twelve (12) inches above the root ball, and a clear stem of at least five (5) feet. Evergreen trees shall have a minimum height of five (5) feet at time of planting.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-14-206. Ground treatment.**

All unpaved areas shall be landscaped using one (1) or any combination of the treatments specified in this section. Landscaped areas shall present a finished appearance and reasonably complete coverage upon planting. The following standards shall apply to the design of ground treatment:

- (1) *Ground Cover.* Ground cover that is appropriate for the area may be planted in lieu of turf grass. Ground cover shall be of a size and spacing to provide a minimum of fifty percent (50%) coverage after the first full growing season and complete coverage at maturity. Edging shall be provided for all ground cover;
- (2) *Mulch.* Mulch shall be installed and maintained at a minimum depth of two (2) inches and a maximum depth of four (4) inches on all planted areas, except where ground cover plants are fully established. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate; however, not more than twenty-five percent (25%) of the unpaved area shall consist of mulch;
- (3) *Grass Seed and Sod.* Turf areas shall be planted with species that are suitable as permanent lawns in the City of Detroit. Turf areas shall be sodded or seeded. In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season; and
- (4) *Cobblestone, pavers, and rocks.* Cobblestone, pavers, and rocks may be used in addition to the aforementioned ground treatments that are set out in Subsections (1) through (3) of this section; however, not more than ten percent (10%) of the unpaved area shall consist of cobblestone, pavers, and rocks.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-207. Installation, maintenance, and replacement.**

The following provisions shall apply with respect to installation, maintenance, and replacement of landscaping:

- (1) *Installation.* All landscaping shall be installed according to sound nursery practices in a manner that is designed to encourage vigorous growth. Shrubs and trees shall not be installed within car overhang or door swing areas. All landscape material shall be healthy and in place prior to issuance of a final Certificate of Occupancy. A temporary Certificate of Occupancy may be issued prior to installation of required landscaping where written assurances and financial guarantees are submitted which ensure that planting will take place when planting season arrives (See also ARTICLE XIV, DIVISION 8);
- (2) *Maintenance and Replacement.* Trees, shrubs, fences, walls, and other landscape features that are depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:
  - (a) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance as needed and in accordance with acceptable horticultural practices;
  - (b) The repair or replacement of required landscape structures, including, but not limited to walls and fences to a structurally sound condition;
  - (c) Where necessary, the regular maintenance, repair, and/or replacement, of any landscaping required by this division; and
  - (d) Continuous maintenance of the site;
  - (e) Where constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other impervious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area; and
  - (f) Trees in, or adjacent to, parking areas and streets shall be salt resistant.
- (3) *Visibility and Accessibility.* Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants. All hedges and any other type of opaque screening that is maintained or placed within twenty (20) feet of the front public sidewalk shall be limited to three (3) feet in height above the grade of the public sidewalk. For corner lots, see Sec. 61-13-12.

- (a) Shrubs and trees shall not be installed within car overhang or door swing areas; and
- (b) Trees in, or adjacent to, parking areas and streets shall be salt resistant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-208. Irrigation.**

The following landscape irrigation provisions shall apply:

- (1) Required landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition;
- (2) All landscaped areas shall be provided with a readily available water supply. Water outlets (hose bibbs) shall be provided within one hundred (100) feet of all required plant material unless a subsurface irrigation system is used; and
- (3) Irrigation systems shall be continuously maintained in working order and shall be designed to prevent overlap of water zones and to prevent watering of impervious areas.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-209–61-14-220. Reserved.**

**Subdivision C. Landscaping and Screening of Off-Street Parking Areas**

**Sec. 61-14-221. Right-of-way screening.**

Screening along the right-of-way shall be provided as follows:

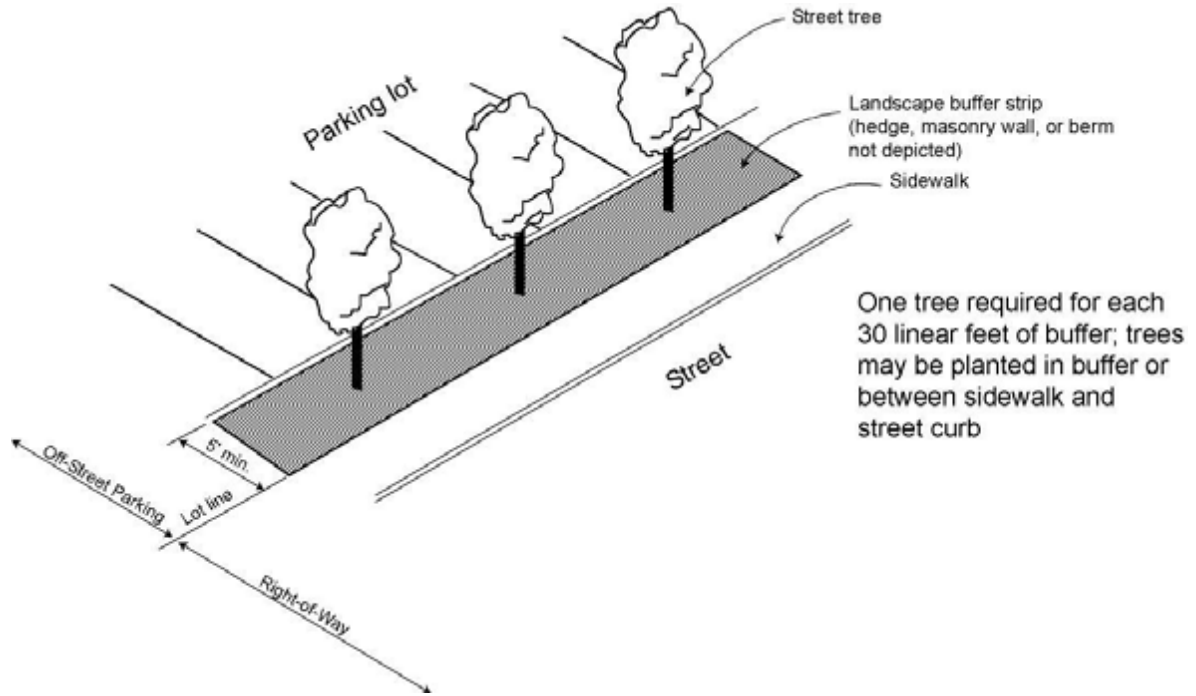
- (1) Off-street parking areas that are visible from a public street shall include a landscape buffer strip with a minimum width of five (5) feet between the off-street parking area and the right-of-way. However, where the parking area is across a public street, not exceeding sixty (60) feet in width, from a dwelling unit on land zoned residential, the provisions of Sec. 61-14-222(1)(a) of this Code shall supersede. The following shall be provided:
  - (a) At least one (1) tree shall be provided for each thirty (30) linear feet of landscape buffer. Trees shall be planted in the buffer strip or between the sidewalk and street curb. Trees must have a minimum nonpaved planting area of eighteen (18) square feet, with a minimum depth of five (5) feet. In cases where there is an existing pattern of trees along the street, new trees shall be the same species and planted according to the existing tree spacing and pattern to the greatest extent possible, except where such existing trees are included in the list of prohibited tree species in Sec. 61-14-204 of this Code. Trees provided to meet the standards of this subsection shall not be planted more than fifty (50) feet apart. (See Figure 61-14-221(1)(a));



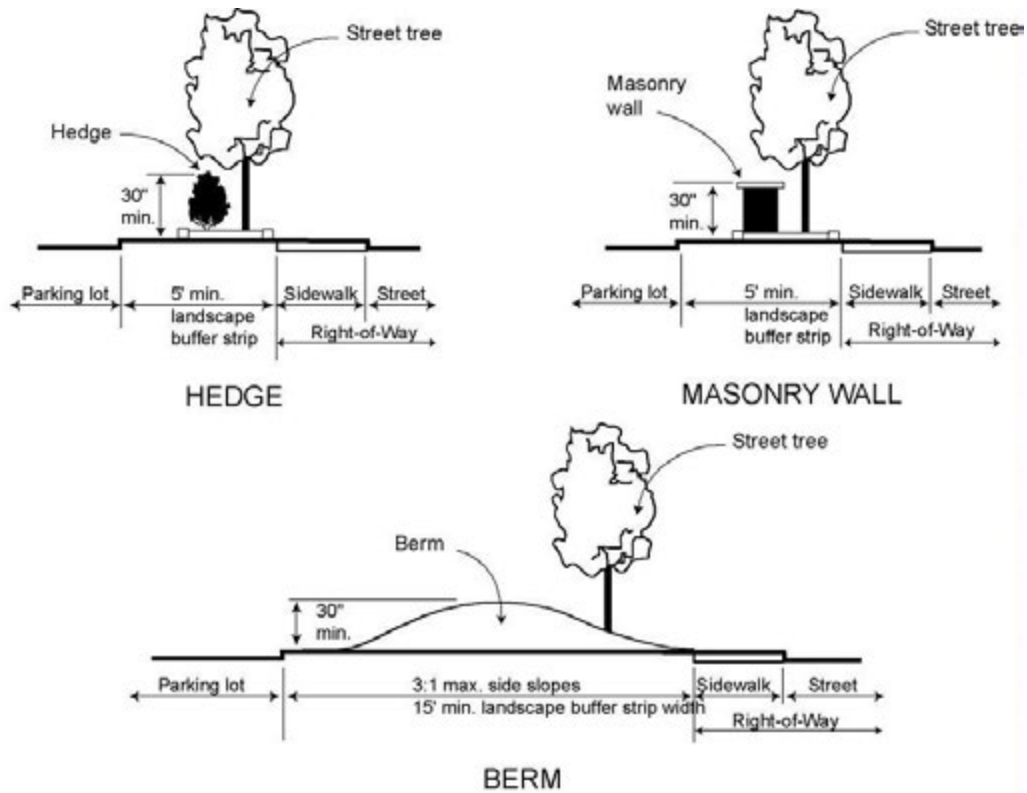
## Sec. 61-14-221 | Right-of-way screening.

- (b) A hedge (shrubs), berm, or masonry wall forming a continuous screen at least thirty (30) inches, but not more than thirty-six (36) inches, in height, shall be located within the landscape buffer that is immediately adjacent to the parking area. Berms shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33% slope) (See Figure 61-14-221 (1)(b)). Opaque screening, such as the following, is acceptable:
- (i) A brick wall;
  - (ii) A masonry wall with brick facing;
  - (iii) A masonry wall with decorative metal fence topping;
  - (iv) A concrete wall with brick design;
  - (v) A stone wall; or
  - (vi) Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.
- (2) In instances where it is not practical to provide a 5-foot landscaped buffer strip, a wrought iron-style ornamental fence may be erected, subject to review and approval by the Planning and Development Department.
- (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05)

**Figure 61-14-221(1)(a)  
Isometric View of Tree Spacing**



**Figure 61-14-221(1)(b)  
Right-of-way Screening Alternatives**

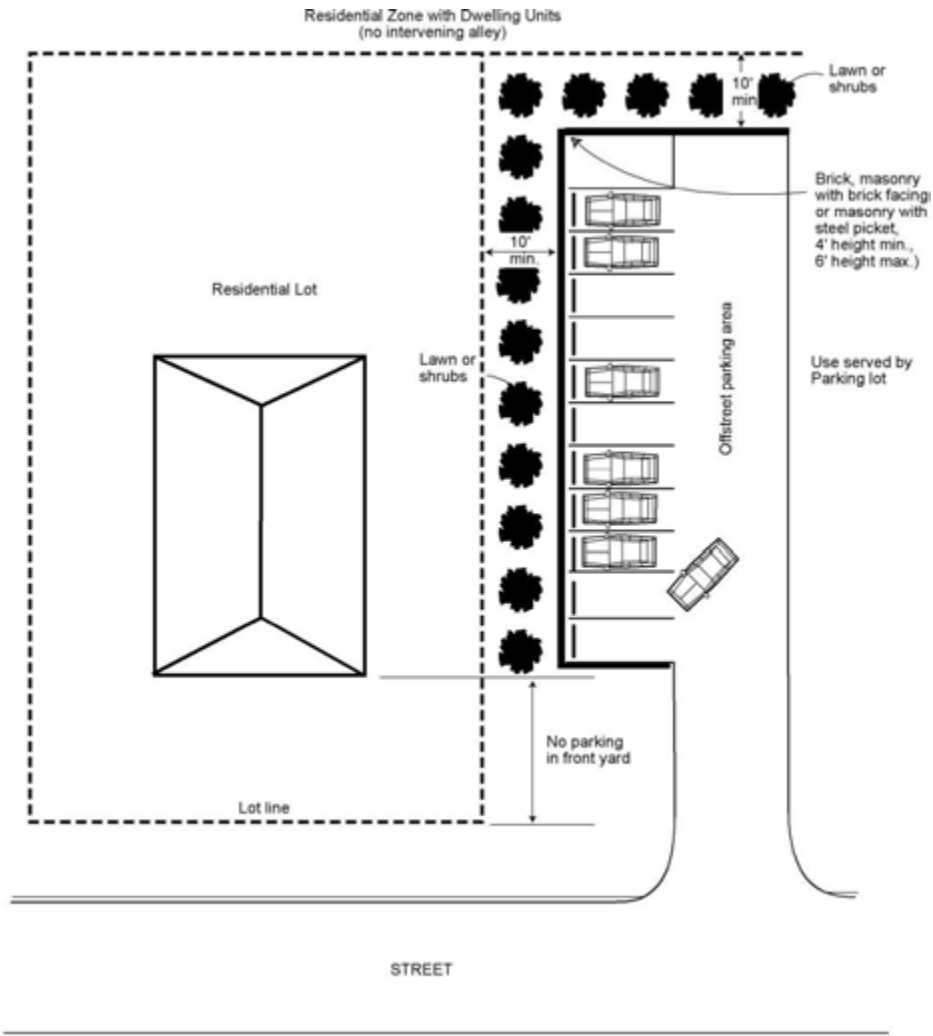


**Sec. 61-14-222. Residential screening.**

Screening from land zoned residential shall be provided as follows:

- (1) *Abutting Residentially Zoned Lots Containing Dwelling Units.*
  - (a) Where a zoning lot that has a dwelling unit on land zoned R1, R2, R3, R4, R5, R6, or residential PD and abuts, or is located across an alley or public street not exceeding sixty (60) feet in width from, a parking area visible from the residential lot, an opaque wall shall be placed at the edge of the parking area to screen the parking area. Opaque screening, such as the following, is acceptable:
    - (i) A brick wall;
    - (ii) A masonry wall with brick facing;
    - (iii) A masonry wall with decorative metal fence topping;
    - (iv) A concrete wall with brick design;
    - (v) A stone wall; or
    - (vi) Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.
  - (b) The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least ten (10) feet from the abutting residential lot. Said setback area shall be landscaped. (See Figure 61-14-222.)

**Figure 61-14-222**  
**Screening Abutting Residential Lots Containing Dwelling Units**



- (2) *Abutting Vacant, Residentially Zoned Lots.*
- (a) Where a vacant lot on land zoned R1, R2, R3, R4, R5, R6, or residential PD abuts, or is located across an alley or public street not exceeding sixty (60) feet in width from, a parking area visible from the residential lot, an opaque wall, that is placed at the edge of the parking area, is required to screen the parking area. Opaque screening, such as the following, is acceptable:
- (i) A brick wall;
  - (ii) A masonry wall with brick facing;
  - (iii) A masonry wall with decorative metal fence topping;
  - (iv) A concrete wall with brick design;

- (v) A stone wall; or
  - (vi) Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.
- (b) The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least five (5) feet from the abutting residential lot. Said setback area shall be landscaped.
- (3) *Wall Specifications.* All walls or fences that are required under this section shall be at least four (4) feet in height, with a maximum height of six (6) feet, as measured from the surface of the parking area. Walls and fences shall be maintained in a neat and orderly appearance at all times, and shall have only such openings as are required for ingress and egress.
- (4) *Exception.* Where the alley serves as the only direct access to the parking spaces, such as where parking spaces are located between a building wall and the alley, or where the alley provides the required off-street loading area, and the Planning and Development Department determines that the placement of screening would prevent access to the parking spaces or loading area, the Department may waive the screening or allow it to be pierced as necessary.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

### **Sec. 61-14-223. Interior landscaping.**

Off-street parking areas for operable, private passenger vehicles, that are visible from public rights-of-way and contain twenty-five (25) or more parking spaces, shall contain raised landscaped areas, which are protected by six (6) inch curbing poured in place, located entirely within the edges of the off-street parking area, and serve to break up the expanse of pavement (See Figure 61-14-223). The following additional requirements apply:

- (1) Within the interior of the off-street parking area, interior landscaped areas shall be provided at the following rate:

Number of Off-Street Parking Spaces	Amount of Landscaped Area Required Per Parking Space
25-100 spaces	18 square feet
101 spaces or more	22 square feet

Note: Area of off-street parking area excludes a paved area that is designed to be used exclusively for vehicle access between the street and the off-street parking area. It shall include the area of all aisles and driveways within the limits of the off-street parking area;

- (2) To be credited toward meeting the requirements of this section, each interior landscaped area shall have a minimum area of at least one hundred fifty (150) square feet, a minimum dimension of seven (7) feet in any direction, and include at least one (1) shade tree;
- (3) Any landscaped area located outside the edges of the off-street parking area shall not be counted toward satisfying this interior landscaping requirement; and

- (4) The total number of trees required to be planted in the interior of an off-street parking area shall be calculated and provided at a rate of one (1) shade tree for each two hundred fifty (250) square feet, or fraction thereof, of required interior landscaped area.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-224. Quality.**

All off-street parking areas that are contained in this subdivision shall adhere to the quality standards of ARTICLE XIV, DIVISION 2, Subdivision B of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-225. Parking structures.**

Landscaping shall be provided as part of parking structure design, and be subject to site plan review.

(Ord. No. 11-05, §1, 5-28-05)

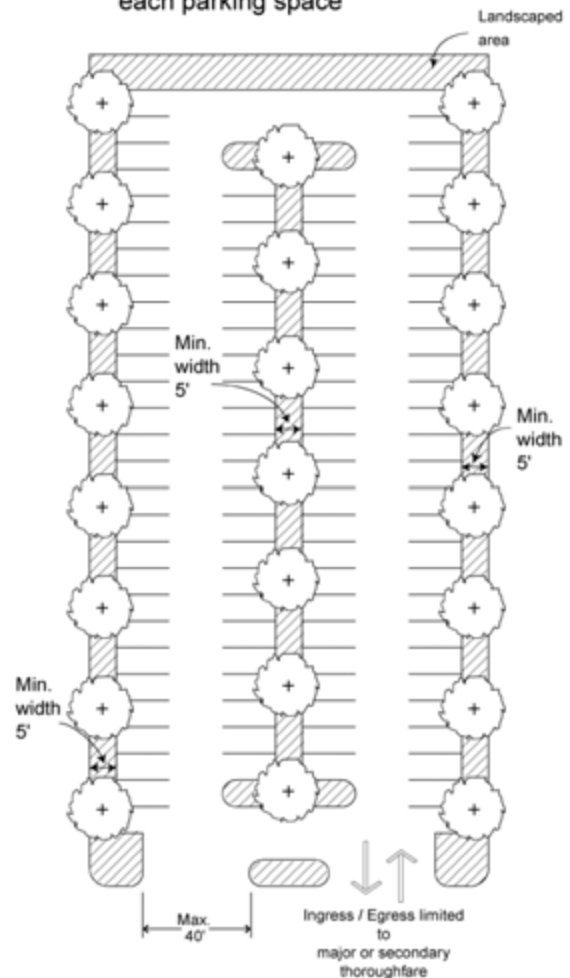
**Secs. 61-14-226–61-14-230. Reserved.**

**Figure 61-14-223**

**Parking Lot Interior Landscaping for Lots Having at least 25 Spaces**

A. Parking lots up to 100 spaces require 18 square feet of landscaping for each parking space

B. Parking lots exceeding 100 spaces require 30 square feet of landscaping for each parking space



- 6" curb height between landscaped and paved or sidewalk areas
- Water bibb or other means of water supply
- 5' min. width of planter strip or landscape islands

**Subdivision D. Landscaping and Screening; Miscellaneous Provisions****Sec. 61-14-231. Open space landscaping.**

Any portion of a developed zoning lot that is not used for the location of buildings, structures, accessory uses, off-street parking, loading areas, sidewalks, or similar features shall be landscaped as provided in Sec. 61-14-206 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-232. Landscaping of required setbacks.**

Where certain land uses require a setback from a public street, at least one (1) tree shall be provided for each thirty (30) linear feet of lot width. Trees shall be planted in the setback area or, if not practicable, between the sidewalk and street curb. Trees must have a minimum planting area of eighteen (18) square feet. Trees provided to meet this standard shall not be planted more than fifty (50) feet apart.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-233. Screening**

Screening shall be provided as set out in Sec. 61-14-234 through Sec. 61-14-236 of this Code.

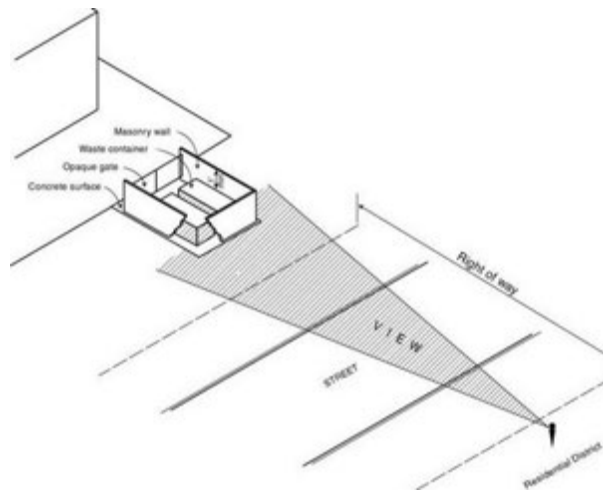
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-234. Screening of refuse receptacles and waste removal areas.**

Refuse receptacles and waste removal areas, including trash cans, trash compactors, and dumpsters shall be screened from view of street rights-of-way and from view of residential or commercial zoning districts by a masonry wall enclosure with an opaque gate. To the extent possible, the waste removal area shall be located to the rear of the building. The enclosure and gate shall have a minimum height of at least one (1) foot higher than the refuse receptacles or waste container. All refuse and waste storage areas shall be surfaced with concrete that is not less than six (6) inches in depth. All trash enclosures and other service spaces shall incorporate at least one (1) of the predominant colors that are found on the primary structure of the site and be similar in material. (See Figure 61-14-234.) This provision does not apply to those residential structures using Courville containers as provided in Chapter 22, Article II, Division 3 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Figure 61-14-234  
Screening**



**Sec. 61-14-235. Screening of open storage areas.**

Open storage of any goods, materials, products, or equipment shall be screened from view of street rights-of-way and from view of land zoned R1, R2, R3, R4, R5, R6, and residential PD in accordance with Sec. 61-14-237 of this Code. Screening is not required for permitted outdoor sales areas. This provision shall not apply to the R1, R2, R3, R4, R5, R6, and B1 Districts, except where involving a prohibited commercial or industrial use under jurisdiction of the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-236. Screening of loading docks, service yards, and exterior work areas.**

Service yards, loading docks, exterior work areas, and truck maneuvering areas shall be screened from view of street rights-of-way and from view of land zoned R1, R2, R3, R4, R5, R6, and residential PD, in accordance with Sec. 61-14-237 of this Code, except where an opening is required for vehicle access.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-237. Materials and methods; landscaping, fencing, and screening.**

Unless otherwise expressly stated, required screening may be provided in the form of new or existing natural plantings, walls and fences, topographic changes, buildings,



**Sec. 61-14-238 | Fences and walls.**

horizontal separation, or a combination, according to the provisions of this subdivision. However, in all cases screening must block the views of the area being screened. Required screening shall comply with the eight standards that are specified in Sec. 61-14-238 through Sec. 61-14-245 of this Code:

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-238. Fences and walls.**

The following provisions shall apply with respect to fences and walls:

- (1) Walls or fences shall be opaque, and the finished side of the fence or wall shall be placed on the outside of the screened area;
- (2) Fences, walls, and gates shall be constructed of standard building materials that are customarily used for wall and fence construction, such as brick, stone, concrete masonry, stucco, concrete, or wood. Scrap or “recycled” material shall not be used. Recycled garage doors, sheet metal, and plywood are expressly prohibited as fencing material;
- (3) Razor wire and electric fencing shall not be allowed in any residential, business, or special zoning district classification; and
- (4) See also Ordinance No. 290-H, Section 12-11-34.0, *Fences*.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-239. Topographic changes.**

Changes in topography, such as changes in grade or earthen berms, may be used to provide required screening. The slope of the topographical change shall be of a grade that is suitable for maintenance and soil stability. All slopes are to be landscaped.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-240. Buildings.**

Buildings or structures on the same site may be used for screening, as long they are not erected for the sole purpose of screening and meet all other requirements of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-241. Horizontal separation.**

Distance between a use or object to be screened and the adjoining property or public right-of-way may be used in combination with landscaping to provide required screening where the intent of this division is met. Horizontal separation alone will rarely provide suitable screening, except on very large zoning lots.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-242. Height.**

Required screening shall be at least as tall as the object to be screened, and no taller than eight (8) feet, except as may be specified in Sec. 61-14-221(1)(b) of this Code. There shall be no maximum height for trees or plants used as screening materials. The height of a required wall may be tapered at the end of said wall that is closest to a public street to ensure visibility of cross-traffic.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-243. Opacity.**

The screen shall be designed and installed so that the object being screened is not visible through the screen.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-244. Location of screening.**

Any screening required by this division must be located within the property lines of the lot that contains the area that is required to be screened.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-245. Compatibility.**

For nonresidential uses, retaining walls, screening, accessory structures, and other opaque features that provide screening shall incorporate at least one of the predominant colors that is found on the primary structure on the site and be similar in material.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-246. Street trees.**

Notwithstanding the exemption in Sec. 61-14-193 of this Code, the developer of any new residential subdivision shall install street trees. Such plantings shall be consistent with planting standards that are maintained by the Recreation Department, which specify soil depth, irrigation requirements, tree grates, staking, and other planting details. Street trees shall be salt-resistant.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-247. Incentives to preserving existing trees.**

The City encourages the preservation of quality and mature trees by providing credits toward the required landscaping as follows:

- (1) Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one-half inches (2-1/2") caliper. Trees to be preserved shall be counted

for credit only where they are located on the developed portion of the site as determined by the review body or individual. Credit for existing trees is subject to review and approval by the Recreation Department; and

- (2) The credit for preserved trees shall be as follows. Any preserved trees receiving credit, which are lost within two (2) years after construction, shall be replaced with trees of a high quality and at least two and one-half inches (2-1/2") caliper.

Caliper of Preserved Tree (in inches)	Number of Trees Credited
Over 12 inches at 4' above natural grade	3
8" - 11.9" at 4' above natural grade	2
2.5" - 7.9" at 4' above natural grade	1

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-248. Alternative compliance.**

Applicants, who wish to demonstrate that the intent of this division can be more effectively met, in whole or in part, through alternative means, may request approval of an alternative compliance landscape plan in accordance with this subdivision. Where approved, an alternative compliance landscape plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this subdivision. Alternative compliance is not a departure, variance or a waiver. The proposed solution must meet or exceed the intended purpose of applicable landscaping and screening requirements.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-249. Alternative compliance; procedure.**

Alternative Compliance Landscape Plans shall be prepared and submitted in accordance with the Site Plan Review procedures of ARTICLE III, DIVISION 5 of this Chapter. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and shall clearly identify the proposed modifications and alternatives. The Landscape Design Unit of the Recreation Department shall assist in the review of such plans in accordance with Sec. 61-3-141 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-250. Alternative compliance; review criteria.**

In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation and to plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

- (1) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this division; or

- (2) Innovative landscaping or architectural design is employed on the proposed development site to achieve a screening effect that is equivalent to the screening standards of this division; or
- (3) The required landscaping or screening would be ineffective at maturity due to topography or the location of improvements on the site; or
- (4) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other requirements of this division.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-251. Fences.**

The following provisions shall apply with regard to fences:

- (1) *Partition fences between houses.* The respective owners of all lots in the City of Detroit shall construct and maintain partition fences between their own and next adjoining lots in such manner as stated in this section, except that by mutual consent of adjoining owners such fences between dwellings may be omitted. All owners of lots shall be responsible for the rebuilding, care and upkeep of all fences that are contiguous to, or bordering upon, streets and alleys and also all fences that mark dividing lines between lots as specified in this section. The partition fence, to be erected and maintained, shall mean only that portion between the rear of the house and the alley or rear lot line;
- (2) *Materials to be used.* Except for screen walls and opaque walls as may be required in ARTICLE XIV, DIVISION 2 of this Chapter, all fences, constructed or reconstructed, shall be of one and five-eighths (1-5/8) inch iron pipe or two (2) inch angle irons embedded in concrete in the ground, or four (4) inch wood posts, or four (4) inch reinforced concrete posts or any other member of equal stability sunk in the soil at least three (3) feet and that has a height above the average grade of the two (2) adjoining lots of not less than two (2) feet. On the posts shall be properly fastened woven wire, boards, metal or other approved materials. The junction of the post and boards or wire shall always be considered the lot line. The Buildings and Safety Engineering Department shall not be responsible for the establishing or locating the correct lot line between lots;
- (3) *How constructed.* The house numbering system of the City shall govern the side of the fence upon which the posts shall be placed. Posts of all fences shall be placed on the side of the fence leading to the higher number as assigned by the City, except only the fences on East and West Grand Boulevard and Outer Drive shall be governed as though the Grand Boulevard and Outer Drive were numbered as on parallel streets. The lot owner upon whose property the posts are located shall be responsible for building and maintaining the front half of the fence to be built, and the rear half of the opposite fence, notwithstanding that any previous ordinances are contrary. The posts of easement fences shall be placed on the side of the fence with the higher street number and the lot owner upon whose property the posts are located shall be responsible for building and maintaining the half of the fence adjacent to the next higher street number;
- (4) *Fence height.*

- (a) *In general.* Fences between adjoining lots and on streets, alleys, and easements shall not be less than two (2) feet in height or more than eight (8) feet in height, except fences enclosing industrial or commercial properties may be twelve (12) feet in height; and
- (b) *Single- and two-family dwellings.* Notwithstanding Subsection 4(a) of this section, the height of any fence that abuts the front yard of a single-family dwelling or two-family dwelling shall not exceed four (4) feet, except that opaque fences shall not exceed three (3) feet. However, in the event a deed restriction or historic district provision, which specifies front yard fencing in excess of four (4) feet in height, a higher fence may be erected as so specified or required. The height of any fence that abuts the side yards or rear yard of a single-family dwelling or two-family dwelling shall not exceed six (6) feet. Uses, on a lot adjoining the lot of a single-family dwelling or two-family dwelling, shall observe the preceding height limitations for any fence separating said use from the single- or two-family dwelling.
- (5) *Barbed wire.*
- (a) On land zoned in a business or industrial district classification, fences of six (6) feet or greater height may have barbed wire attached to arms or brackets which extend inward over private property, but no such barbed wire shall be placed at any point closer to the ground than six (6) feet; and
- (b) Notwithstanding Subsection (a) of this section, no single-family dwelling or two-family dwelling may attach barbed wire to any fence. No use, on a lot adjoining the lot of a single-family dwelling or two-family dwelling, may attach barbed wire to any fence that separates said use from the single- or two-family dwelling.
- (6) *Razor wire and electrified fencing.* Razor wire and electrified fencing shall not be allowed in any residential, business, or special zoning district classification. Where permitted, razor wire shall not be placed at any point closer to the ground than six (6) feet.

(See also Ordinance No. 290-H, Section 12-11-34.0, “Fences.”)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 44-06, §1, 12-21-06)

**Secs. 61-14-252–61-14-260. Reserved.**

## DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS

### Subdivision A. Residential Development

#### Sec. 61-14-261. In general.

Except as provided for in Sec. 61-2-151 of this Code, the architectural and site design standards of this subdivision shall apply to all residential development.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-14-262. Yard areas.

To the maximum extent practicable, the front yard, side yard, and the unpaved area between the sidewalk and the street paving shall be covered with turf grass or vegetative ground cover that is installed in accordance with the installation and maintenance standards of Sec. 61-14-207 of this Code. The rear yard shall be fine graded to ensure proper grades and drainage to the maximum extent practicable. All construction debris shall be removed. A site drawing that indicates proposed site development shall be submitted with the building permit application.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-14-263. Attached garages for single- and two-family dwellings.

The opening(s) for attached garages shall comprise no more than forty percent (40%) of the width of the front façade of any single-family or two-family dwelling, including the attached garage. All front-loading garages, ones that face streets, shall be set back at least four (4) feet from the front façade of the dwelling unit. (See ARTICLE XIV, DIVISION 1, Subdivision K for off-street parking and driveway regulations.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

#### Sec. 61-14-264. Residential compatibility requirements.

The residential design standards of this subdivision are intended to ensure that dwelling units, which are constructed on blocks that have been substantially developed are generally compatible with existing dwelling units on those blocks. The regulations apply where at least fifty percent (50%) of the residential lots along both block faces of a block contain occupied dwelling units. The requirements of this subdivision are minimal. Residential developers are encouraged to build to the highest standards practicable.

(Ord. No. 11-05, §1, 5-28-05)

#### Sec. 61-14-265. Residential compatibility requirement; floor area.

- (a) *Single-Family Dwelling Units.* To the maximum extent practicable, the floor area of a proposed dwelling unit shall be no less than ninety percent (90%) and not more than one hundred thirty-five percent (135%) of the average floor area of other single-family

**Sec. 61-14-266 | Residential compatibility requirement; appearance.**

dwelling units within two hundred (200) feet of the subject lot, along both sides of the street of the same block.

- (b) *Two-Family Dwelling Units.* To the maximum extent practicable, the floor area of a proposed dwelling unit shall be no less than ninety percent (90%) and not more than one hundred thirty-five percent (135%) of the average floor area of other two-family dwelling units within two hundred (200) feet of the subject lot, along both sides of the street of the same block.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-266. Residential compatibility requirement; appearance.**

To the maximum extent practicable, new single-family and two-family dwelling units shall be constructed to be generally compatible with other existing dwelling units of the same type on the same block face within two hundred (200) feet. This provision may be satisfied by constructing the subject dwelling unit so that at least three (3) of the six (6) features, which are delineated in this section, are similar to the majority of other dwelling units within two hundred (200) feet on the block face on both sides of the street. (See Figure 61-14-266.)

As an example, where there are fifteen (15) other single-family or two-family dwelling units within two hundred (200) feet of the proposed infill dwelling unit, then any of the six (6) features specified in this section that appear on a majority of those fifteen (15) dwellings, or eight (8) of fifteen (15), should be considered as a “common style.” Where a common style is shared for each of the six (6) features, then the infill dwelling should exhibit three (3) of those six (6) features. Where a common style is shared for five (5) of the features, then the infill dwelling should exhibit three (3) of those five (5). Where a common style is shared for four (4) of the features, then the infill dwelling should exhibit three (3) of those four (4). Where a common style is shared for only one (1) or two (2) or three (3) of the features, then the features of the infill dwelling should be similar to each of those.

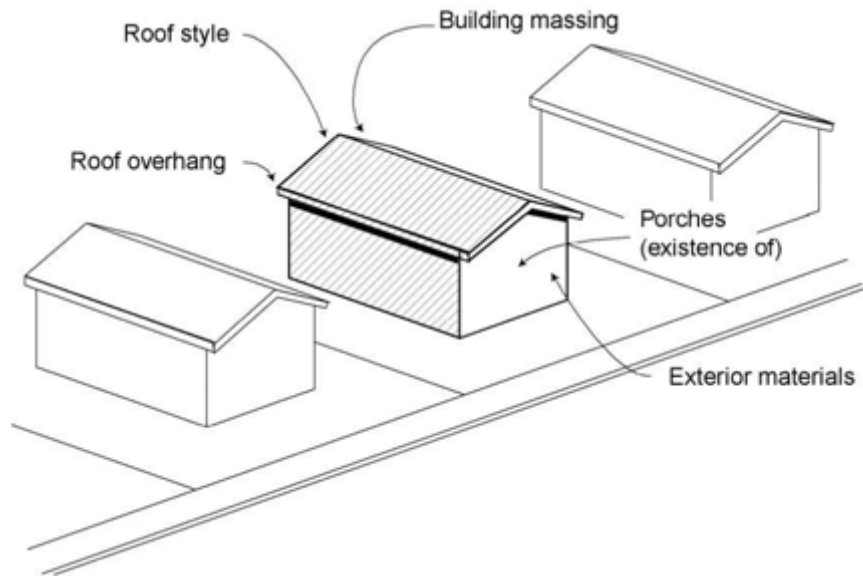
The six (6) features are:

- (1) Roof style and overhang, including, but not limited to, gable, mansard, hip, A-frame, flat;
- (2) Garage orientation and design, whether attached or detached;
- (3) Building massing including, but not limited to, ranch with two-story attached garage; two-story with attached garage; bungalow;
- (4) Front porches, whether present or not;
- (5) Exterior building material; or
- (6) Pattern of window and door openings including, but not limited to, central door and three (3) windows; offset door and four (4) windows.

As indicated in Sec. 61-14-264 of this Code, this provision shall not apply to infill situations on block faces where fewer than fifty percent (50%) of the residential lots contain occupied dwelling units.

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-14-266  
Appearance and Compatibility**



**Sec. 61-14-267. Multi-building, multi-family developments.**

Development parcels that contain two (2) or more primary structures, which contain multiple-family dwellings shall meet the following five (5) standards:

- (1) Primary access to and from multi-family areas shall be oriented towards predominantly non-single-family residential streets. Where necessary, secondary and emergency access can be provided onto such streets;
- (2) Development sites of ten (10) acres or more shall include a minimum of one (1) public street or private drive that is built to City standards, is continuous through the site, and connects to a public street on both ends (a “Through-Driveway”). Development sites of twenty (20) acres or more shall include a minimum of two (2) Through-Driveways: one (1) shall connect public streets bounding the development site generally on the north and south, and the other shall connect public streets bounding the development site generally on the east and west. No perpendicular parking or garages may be accessed directly from Through-Driveways;
- (3) Sidewalks or walkways shall be designed and installed so that: 1) each primary access to a residential unit, 2) each primary access to a non-residential building, and 3) each area of parking spaces or carports accommodating more than five (5) cars (“Key Facilities”) has direct access to a system of sidewalks which are defined as follows:
  - (a) Each system of sidewalks shall connect each of the Key Facilities i) to each other, ii) to any system of sidewalks along the perimeter streets around the



**Sec. 61-14-268 | Other residential development standards.**

development site, and iii) to any sidewalks on adjacent properties that extend to the boundary of such properties without requiring the pedestrian to walk across grass or through parking lots or streets, except at properly designed crossing areas as defined in Sec. 61-14-267(3)(b) to make those connections;

- (b) Each point where the system of sidewalks crosses a parking lot or street shall be clearly marked through the use of change in paving materials, height, or distinctive colors; and
  - (c) Sidewalk connections shall be provided between i) any sidewalk along a perimeter street around each development and ii) the sidewalk system within each development with a maximum spacing distance of 1,320 feet along the perimeter. In doing so, pedestrians along the perimeter sidewalks shall be able to find a sidewalk connection into the interior sidewalk system without walking more than 1,320 feet along the perimeter.
- (4) All multiple-family residential developments with parking lots, or with internal streets or walkways, shall provide lighting so that the following amounts of light are provided, as measured five (5) feet above grade throughout the area: pedestrian paths, one-half (0.5) to one (1) foot-candle, and parking areas, two (2) to five (5) foot-candles; and
  - (5) In all multiple-family residential developments, all lighting fixtures shall use cutoff-downcast fixtures with a minimum angle of ninety (90) degrees from the horizontal. (See also Sec. 61-2-151.)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-14-268. Other residential development standards.**

The following additional standards shall also apply to residential development:

- (1) Where a new residential development incorporates private streets, they shall be designed to meet the City standards for street width, gutters, sidewalks, and the area between sidewalk and curb for comparable public streets;
- (2) Residential lot shapes should be simple and rectilinear, or wedge-shaped where located at the end of a cul-de-sac. The creation of new flag lots or irregularly shaped lots is discouraged, unless it is necessary to match the existing pattern of surrounding lots;
- (3) All mechanical equipment, including gas and electric meters, shall be architecturally screened from view where located on the street side of a house;
- (4) Phased projects shall be designed so that each phase is completed in its functional, traffic, parking, visual, drainage and landscaping aspects;
- (5) Circulation systems shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic;
- (6) Where the dwelling unit does not have a basement, a crawl space is permitted in accordance with the Michigan Building Code. Alternatively, construction on slab may be permitted where the distance from the finished floor to the floor joists of

**Sec. 61-14-269 | Accessible routes and entrances.**

the second floor is not less than eight (8) feet; additionally, construction on slab may be permitted for a single-story dwelling where the distance from the finished floor to the ceiling is not less than eight (8) feet; and

- (7) All reasonable measures shall be taken to ensure that the off-site spillover of light and nightglow are minimized to the greatest extent possible.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-269. Accessible routes and entrances.**

Accessible routes and entrances shall be designed and located in accordance with 1966 PA 1, MCL 125.1351 *et seq.*, unless otherwise exempted under the Michigan Building Code.

(Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-14-270. Reserved.****Subdivision B. Nonresidential Development****Sec. 61-14-271. In general.**

Except as provided for in Sec. 61-2-151 of this Code, the architectural and site design standards of this subdivision shall apply to all nonresidential development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-272. Applicability.**

The design standards of this subdivision shall apply to nonresidential uses that are located in residential and business zoning districts, the SD1, SD2, SD4 Districts, and nonindustrial Planned Developments (PDs). The requirements of this subdivision are minimal. Nonresidential developers are encouraged to build to the highest standards practicable. (See also “Operational and Performance Standards” in ARTICLE XIV, DIVISION 7.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-273. Site design.**

The following site design standards shall apply to nonresidential development:

- (1) Service functions, such as shipping/receiving, and trash removal shall be integrated into the circulation pattern in a manner that minimizes conflicts with vehicles and pedestrians;
- (2) Phased projects shall be designed so that each phase is completed in its functional, traffic, parking, visual, drainage, and landscaping aspects;
- (3) All non-residential developments with parking lots, or with internal streets or walkways, shall provide lighting so that the following amounts of light are provided, as measured five (5) feet above grade throughout the area: pedestrian

**Sec. 61-14-274 | Quality of materials.**

paths, one-half (0.5) to one (1) foot-candle; parking and loading areas, two (2) to ten (10) foot-candles; and vehicular path, one (1) to two (2) foot-candles;

- (4) Approved address numbers shall be provided so that they are legible to the public from the street fronting the property;
- (5) In commercial developments of twenty thousand (20,000) square feet or more, service and loading areas should be separated from main circulation and parking areas and away from public streets.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-274. Quality of materials.**

The following “quality of materials” standards shall apply to nonresidential development:

- (1) Rear and side facades of all non-residential buildings that face a public street, park, playground, or other public open space shall incorporate the same quality of materials, trim levels, and degree of articulation which are found predominantly on the front façade of the building. Parking, service, or other open spaces at the rear of the structure shall be maintained in a neat and orderly condition;
- (2) Where the principal entrance of a free-standing building is on the side elevation or at the corner of the front and side elevations, as suggested in Figure 61-14-275 (c), that side elevation shall include the same quality of materials, trim levels, and degree of articulation as those found on the front façade;
- (3) To the maximum extent practicable, concrete finishes or precast concrete panels (tilt walls) shall not be used as exterior building materials unless they are exposed aggregate, hammered, embossed, patterned, imprinted, sandblasted, or covered with a cement-based acrylic coating;
- (4) To the maximum extent practicable, metal panel systems, used as an exterior building material, should be a minimum thickness of U.S. Standard 18 gauge metal. Corrugated (ribbed) metal panels and siding shall be prohibited on all exterior walls, except as a method of screening mechanical roof top equipment; and
- (5) To the maximum extent practicable, mirrored glass with a reflectance greater than forty percent (40%) shall not be used to cover more than forty percent (40%) of the exterior walls of any building.

(Ord. No. 11-05, §1, 5-28-05)

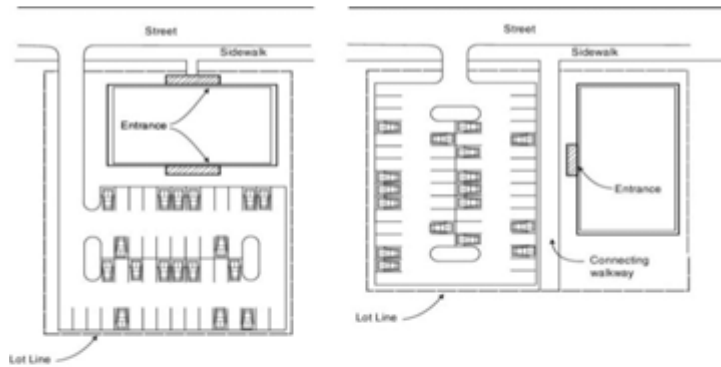
**Sec. 61-14-275. Building orientation.**

Except as otherwise expressly required or unless necessary to avoid site access through an alley adjacent to a residential zoning district, the front or side façade shall face the public street that abuts the front property line and, to the maximum extent practicable, be set back not more than sixty (60) feet from said street. To the maximum extent practicable, the main entrance shall face the public street that abuts the front property line or face a connecting walkway with a direct pedestrian connection to the public street that abuts the front

**Sec. 61-14-276 | Mechanical, electrical, and telecommunications equipment screening.**

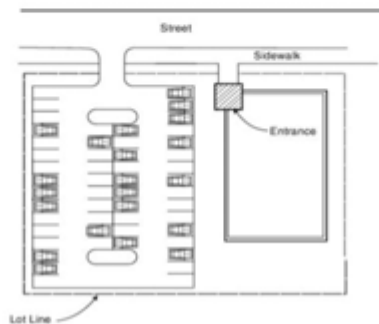
property line. Examples of possible building orientations are suggested in, but not limited to, Figures 61-14-275(a), (b), and (c).

(Ord. No. 11-05, §1, 5-28-05)

**Possible Building Orientations**

**Figure 61-14-275(a)**

**Figure 61-14-275(b)**

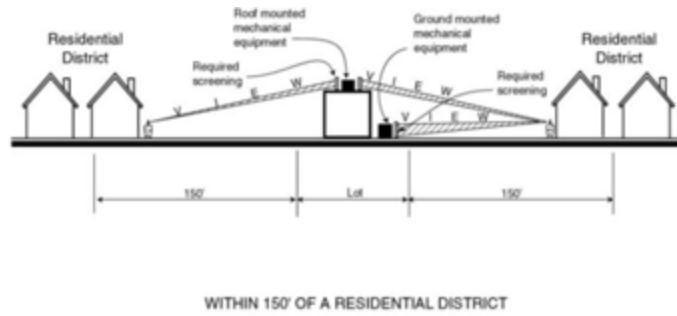
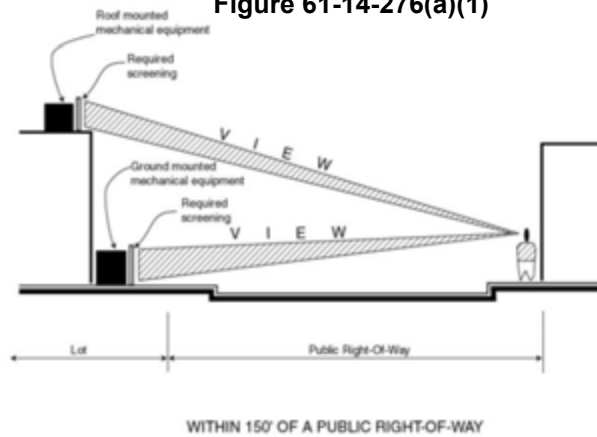


**Figure 61-14-275(c)**

**Sec. 61-14-276. Mechanical, electrical, and telecommunications equipment screening.**

- (a) All roof-mounted, building-mounted, and ground-mounted mechanical, electrical, and telecommunications equipment shall be screened from view or isolated so as not to be visible, within one hundred fifty (150) feet of the zoning lot on which the equipment is located:
- (1) From land zoned R1, R2, R3, R4, R5, R6, or residential PD, measured at a point five (5) feet above grade, (See Figure 61-14-276(a)(1)); or
  - (2) From any public right-of-way, measured at a point five (5) feet above grade, (See Figure 61-14-276(a)(2)).
- (b) Where used, roof screens shall be coordinated with the building to maintain a unified appearance and to effectively conceal or camouflage the equipment. This provision shall not require that screening be taller than the objects being screened.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Mechanical, Electrical and Telecommunications Equipment Screening****Figure 61-14-276(a)(1)****Figure 61-14-276(a)(2)****Sec. 61-14-277. Intensity of façade colors.**

It is the policy of the City of Detroit that the following provisions shall guide the intensity of façade colors for nonresidential development:

- (1) Façade colors should be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged;
- (2) Building trim may feature brighter colors, but neon tubing is discouraged as an accent material;
- (3) Color should be considered in the context of the entire commercial corridor;
- (4) How sunlight strikes the building should be considered when choosing color for the façade;
- (5) Color should be used to bring together the elements of the entire façade, from the cornice to the entrance door; and
- (6) Color should complement, respond to, and enhance the architectural character and detailing of a building.

## Sec. 61-14-278 | General illumination standard.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

**Sec. 61-14-278. General illumination standard.**

All reasonable measures shall be taken to ensure that the off-site spillover of light and nightglow are minimized to the greatest extent possible.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-279. Accessible routes and entrances.**

Accessible routes and entrances shall be designed and located in accordance with 1966 PA 1, MCL 125.1351 *et seq.*, unless otherwise exempted under the Michigan Building code.

(Ord. No. 34-05, §1, 12-06-05)

**Sec. 61-14-280. Reserved.****Subdivision C. Traditional Main Street Overlay Areas****Sec. 61-14-281. Traditional Main Street overlay area; applicability and design review.****(a) *Applicability.***

- (1) The requirements of this subdivision apply to any new development within the “Traditional Main Street Overlay Area” as designated in ARTICLE XI, DIVISION 14, Subdivision B of this Chapter.
- (2) Alteration of any structure within the Traditional Main Street Overlay that affects the exterior appearance of a building elevation visible from a public right-of-way or public space shall be subject to design review by the Planning and Development Department under the design standards of this subdivision. While the City of Detroit may benefit if all the design standards of this subdivision were met where existing properties are altered, such a strict application of the design standards might disadvantage property owners or discourage them from improving their buildings. The recommended solution is to establish two thresholds to gauge the extent of remodeling and set requirements based on what is practical and reasonable for that level of improvement:
  - (1) If fifty percent (50%) or more of an elevation of a building or structure subject to design review is altered, the building or structure shall be subject to the applicable requirements that do not involve repositioning the building or structure or reconfiguring site development as determined by the Planning and Development Department;
  - (2) If less than fifty percent (50%) of an elevation of a building or structure subject to design review is altered, the requirement is only that the proposed improvements meet the applicable standards of this subdivision; for example, if a property owner decides to replace a building façade’s siding,

**Sec. 61-14-282 | Site design standards: Building site relationship; placement and orientation.**

then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

- (3) For the purposes of this subdivision, the word “Commercial” shall mean retail, service, and commercial uses listed in ARTICLE XII.DIVISION 1.Subdivision D, Retail, Service, and Commercial Uses.
- (b) *Design Review.* The Buildings, Safety Engineering and Environmental Department shall not approve a permit application for any work relating to a zoning lot within a Traditional Main Street Overlay Area, unless the Planning and Development Department has verified that such work is consistent with design standards of this subdivision.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-282. Site design standards: Building site relationship; placement and orientation.**

- (a) The objectives of this section are:
  - (1) To line streets with buildings and/or other architectural site features in order to create a pedestrian friendly built-environment; and
  - (2) To create a pedestrian-friendly setting that directly relates buildings and active uses such as shopping and dining to the street, and maintains the continuity of street wall.
- (b) To achieve the objectives of this section, the following standards shall apply:
  - (1) Notwithstanding the front yard setback requirements in ARTICLE XIII, DIVISION 1, the front façade of buildings shall be placed on the lot line facing the Traditional Main Street. A setback, which does not exceed ten (10) feet, may be provided for religious institutions, residential buildings, or restaurants with an outside dining area; the area between the façade and the lot line shall feature pedestrian-oriented space (such as plaza or widened sidewalk) or landscaping that consists of a combination of groundcover, shrubs and/or trees that provide seasonal interest; the landscaping shall be designed so that visibility is maintained between the street and the ground floor windows;
  - (2) On corner lots, buildings shall be located at the corner, placed on the lot line of both streets. (See also Sec. 61-14-288. Building design standards: Corner lot buildings and Sec. 61-14-299. Parking design standards: parking areas).

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-283. Site design standards: Fencing.**

- (a) The objective of this section is to promote the perception of Traditional Main Street Overlay areas as safe commercial areas.
- (b) To achieve the objective of this section, the following standards shall apply:

**Sec. 61-14-284 | Building design: Style.**

- (1) The use of barbed wire is not permitted for any residential use, for any public, civic, and institutional use, or for any retail, service, and commercial use that is listed in the use table of ARTICLE XII, DIVISION 1 of this Chapter; and
- (2) No fence facing a Traditional Main Street shall exceed six (6) feet in height. Opaque fences or walls facing a Traditional Main Street shall not exceed three (3) feet in height, except as specified for screening purposes according to Sec. 61-14-242; and
- (3) Chain link fences are prohibited facing a Traditional Main Street.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-284. Building design: Style.**

In support of the standards of this subdivision, it is the policy of the City to encourage design styles that are dominant and representative of, and relevant to, the architectural history, culture, and regional significance of the area without compromising innovative and contemporary interpretations of these styles.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-285. Building design standards: Massing, scale, and form.**

- (a) The objective of this section is to continue the prevalent urban form of traditional main streets and to integrate new developments and additions into the character of traditional main streets.
- (b) To achieve the objectives of this section, the following standards shall apply:
  - (1) Buildings shall be a minimum of two (2) stories or twenty (20) feet in height;
  - (2) For buildings containing a commercial use, the typical traditional building width of twenty (20) feet to a maximum of forty (40) feet shall be expressed with a minimum of one (1) of the following architectural articulation and traditional façade elements that are repeated every twenty (20) to forty (40) feet, including, but not limited to, the following:
    - (1) Distinctive window patterns at intervals less than the articulation interval;
    - (2) Recessed entryway on the street level façade;
    - (3) Parapet or cornice on the upper level façade;
    - (4) Change of roofline that is visible from the street;
    - (5) Change in building material or siding style with a change in building plane;
    - (6) Other design treatments that satisfy the intent of the standard, as determined by the site plan review body.
  - (3) Buildings at the intersection of two streets are subject to the standards for corner lots, as provided in Sec. 61-14-288 of this Code.



**Sec. 61-14-286 | Building design standards: Façade and architectural details.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-286. Building design standards: Façade and architectural details.**

- (a) For purposes of this subdivision, “street level façade” shall mean the first story of a multi-story building or the first thirteen (13) feet of the façade above grade plane;
- (b) The objectives of this section are:
  - (1) To provide street level façades on Traditional Main Streets with maximum visibility and transparency between active interior uses and the outside;
  - (2) To create façades with ratios of solids (wall surfaces) to voids (openings for windows and doors) that express traditional fenestration patterns; and
  - (3) To require fenestration patterns, surface delineations, textures, material expressions and architectural details that relate to the human scale.
- (c) To achieve the objectives of this section, the following standards shall apply:
  - (1) For all buildings located on lots abutting a Traditional Main Street that contain a commercial use and all other buildings located on the front property line, a minimum of sixty percent (60%) of the street level façade along Traditional Main Streets, major thoroughfares, or secondary thoroughfares between two (2) and eight (8) feet above the grade plane shall consist of transparent windows and doors; all other façades of buildings on lots abutting a Traditional Main Street that face a public street (other than a major or secondary thoroughfare) shall consist of transparent windows or doors covering at least forty percent (40%) of the façade between four (4) and eight (8) feet above the grade plane;
  - (2) For all buildings, a minimum of forty percent (40%) of the upper level façade along a Traditional Main Street shall consist of openings for windows or window wall system;
  - (3) Façades with a public entrance that do not face a public street shall consist of transparent windows or doors covering at least thirty percent (30%) of the façade between four (4) and eight (8) feet above the grade plane;
  - (4) Transparent doors and windows shall be defined as those having glass that can be seen through from the right-of-way into the establishment. The glass shall have a minimum visible transmittance rating of 0.70, according to the National Fenestration Rating Council. Glass that obscures visibility shall not be considered transparent, such as glazed glass. Reflective or mirrored glass and glass block are prohibited;
  - (5) Eighty percent (80%) of the transparent area required in subsection (1) of this section shall be visually unobstructed by signs, advertisements, window screens, security grilles, and other permanent window coverings. The display of merchandise items in display windows is not restricted by this provision; [.]

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

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Sec. 61-14-287 | Building design standards: Drive-up and drive-through facilities.

**Sec. 61-14-287. Building design standards: Drive-up and drive-through facilities.**

Drive-up and drive-through facilities (including, but not limited to, restaurants and banks) are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and Development Department determines that the proposed development complies with all of the other requirements of the Traditional Main Street standards and is allowed by the underlying zoning designation. Driveways or vehicle stacking areas shall not be located between the building and the Traditional Main Street. No more than one (1) driveway/curb cut shall be allowed on the Traditional Main Street.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-288. Building design standards: Corner lot buildings.**

(a) The objectives of this section are:

- (1) To require design continuity and uniform overall building façade for corner lot buildings; and
- (2) To further relate buildings to their context and the street space, and to increase pedestrian linkages between intersecting streets.

(b) To achieve the objectives of this section, the following standards shall apply:

- (1) Buildings occupying corner lots shall be treated as buildings facing two (2) major or secondary thoroughfares, except where one of the streets is used primarily as a local street to residential areas, subject to provisions of Sec. 61-14-286(c)(1) of this Code;
- (2) At the intersection of two Traditional Main Streets or at the intersection of a Traditional Main Street and a major thoroughfare, the primary active building entrance of commercial buildings shall either be located at the corner of the two streets or two entrances shall be provided, one on each Traditional Main Street or major thoroughfare. If the entrance is located at the corner, a notched or cropped building corner with pedestrian-oriented space at the entrance is encouraged;
- (3) A distinctive architectural feature shall be provided to distinguish the corner entryway; such a feature includes, but is not limited to, the following, subject to the provisions of Sec. 61-14-286 of this Code:
  - (1) Entryway canopy, marquee, or awning;
  - (2) Bay window or turret; and
  - (3) Distinctive use of materials, sculpture, or artwork;
  - (4) Distinctive roof line.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

## Sec. 61-14-289 | Building design standards: Entryways.

**Sec. 61-14-289. Building design standards: Entryways.**

- (a) The objectives of this section are:
- (1) To enliven the public sidewalks by increasing the accessibility and visibility of building activities to the public; and
  - (2) To create identifiable building entryway to users through architectural means.
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) Entryways to building lobbies, and to all uses that are open to the public, shall be emphasized through changes in plane (such as a recessed entryway), differentiation in material and / or color, greater level of detail, or enhanced lighting;
  - (2) All buildings facing a Traditional Main Street shall have a minimum of one (1) active entryway located on the façade facing the Traditional Main Street. Where a building has multiple businesses facing the Traditional Main Street, each business shall have a minimum of one (1) entryway located on the façade of the building facing the Traditional Main Street;
  - (3) Doors used for utility or mechanical rooms shall be located away from the sidewalk of any major or secondary thoroughfare; and
  - (4) The solar performance of entryway doors that are predominantly glass shall be the same as the storefront design.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-290. Building design standards: Materials.**

- (a) The objectives of this section are:
- (1) To reinforce durable and traditional building materials consistent with urban context; and
  - (2) To encourage the use of durable construction materials.
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) Within the Grand River, Livernois / West McNichols, East Jefferson, Woodward, Grand Boulevard, Michigan Avenue, and Vernor / Springwells overlay areas, a minimum of eighty percent (80%) of any building façade that faces a public street, excluding window and door openings, shall consist of the following building materials: masonry (preferably brick), stone, or porcelain;
  - (2) Within the West Seven Mile and the Bagley / Vernor overlay areas, a minimum of thirty percent (30%) of any building façade that faces a public street, excluding window and door openings, shall consist of the following building materials: masonry (preferably brick), stone, or porcelain;
  - (3) For buildings within the Traditional Main Street Overlay area, the following materials are prohibited on any façade facing a Traditional Main Street, major thoroughfare, or secondary thoroughfare: vinyl or plywood siding, corrugated

**Sec. 61-14-291 | Building design standards: Color and finish.**

fiberglass, non-corrugated and highly reflective sheet metal, painted or unfinished concrete block, rough-textured concrete block, and split-face block;

- (4) Exterior Insulation and Finish System (EIFS) and other similar troweled finishes shall be trimmed in wood or masonry and shall not be located within the first two (2) feet of the grade plane;
- (5) Building materials that are neither delineated in Subsection (b)(1) or Subsection (b)(2) of this section nor prohibited in Subsection (b)(3) or Subsection (b)(4) of this section may only be used upon consideration and recommendation of the Design Review Advisory Committee; and
- (6) Accent building materials that may be used include, but are not limited to: architectural metals such as stainless steel, copper, clear or color anodized aluminum; other pre-finished metal; finished or painted exterior-grade wood.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-291. Building design standards: Color and finish.**

- (a) The objective of this section is to reinforce traditional color palettes and analogous colors of permanent building materials; and to establish positive district character by achieving continuity and coordination in colors and finishes.
- (b) To achieve the objective of this section, the following standards shall apply:
  - (1) The following standards shall apply to the cleaning of all exterior masonry, including brick, stone, stucco, terra cotta, ceramic tile and cement exterior finish materials:
    - (1) The application, by use of a stream of pressurized water or air, of abrasive substances such as sand, ground slag, volcanic ash, crushed walnut or almond shells, rice husks, ground corncobs, ground coconut shells, crushed eggshells, silica flour, synthetic particles, glass beads, microballoons, or baking soda shall not be permitted;
    - (2) The use of tools and equipment such as wire brushes, rotary wheels, power sanding disks, rotary sanders, or belt sanders, shall not be permitted;
    - (3) Chemical cleaning is permissible provided that the cleaning method proposed is not one that is known to cause damage to the type of material that is being cleaned; and
    - (4) High pressure liquid cleaning will be permitted if it is shown (by means of a test patch no greater than nine square feet and located in an inconspicuous area) that the proposed amount of pressure will not cause abrasive damage to the materials it is to clean.
  - (2) The exterior of every principal structure and accessory structure shall be maintained in good repair. All surfaces, with the exception of masonry, porcelain, architectural metals, brick or stone material, shall be kept painted or protected with approved coating or material. Masonry, porcelain, brick, or stone buildings that are not currently painted should be left natural and should not be painted.

**Sec. 61-14-292 | Building design standards: Awnings, canopies and marquees.**

Buildings with painted brick prior to May 29, 2005 may be repainted or may have the paint removed as a means of maintaining the surface in good repair; and

- (3) Applied finishes, such as concrete and stucco, shall be fine and smooth textured.

(Ord. No. 20-95, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-292. Building design standards: Awnings, canopies and marquees.**

- (a) The objective of this section is to enhance the scale and design of façades; complement the streetscape; and to contribute to district identity, integrity and visual continuity by achieving a comfortable and attractive pedestrian environment.

- (b) To achieve the objectives of this section, the following standards shall apply:

- (1) The bottom of any awning or canopy shall be at least eight (8) feet, six (6) inches above grade plane;
- (2) Awnings and canopies shall not project more than one-half the width of the sidewalk, nor more than ten (10) feet, six (6) inches;
- (3) All marquees, awnings, and canopies shall be supported entirely on the building on which they are erected, and there shall be no posts, brackets or other obstacles located on public property;
- (4) Vinyl and plastic materials for awnings and canopies are prohibited, however, woven man-made materials that are similar to canvas may be used with the approval and review of the Design Review Advisory Committee;
- (5) Signage on awnings and canopies is limited to forty percent (40%) of the surface area;
- (6) Signage on awnings and canopies may only include business name, address, logo, or business slogan and shall not include any specific product advertising;
- (7) The area of signage on awnings and canopies shall not exceed the total allowed for business signage in Chapter 3, Article VII of this Code;
- (8) Internally illuminated canopies, marquees, or awnings are prohibited, including gas sation canopies; and
- (9) Continuous awnings along blank walls are prohibited.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-293. Building design standards: Lighting.**

- (a) The objective of this section is to improve the character and safety of the pedestrian environment.

- (b) To achieve the objectives of this section, the following standards shall apply:

- (1) Lighting fixtures shall be located, aimed, and shielded so as not to produce:
  - (1) Light spill into the night sky;

## Sec. 61-14-294 | Building design standards: Blank walls.

- (2) Glare and spillage of light into residential areas, adjacent properties or rights-of-ways; or
  - (3) Distracting reflections;
  - (2) Flashing lights, such as strobe lights are not permitted;
  - (3) Neon tubing around windows is prohibited, except in the Vernor/Springwells and Bagley/Vernor overlay areas.
- (Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-294. Building design standards: Blank walls.**

- (a) *In general.* For purposes of this subdivision, a blank wall is a portion of a ground floor wall (including building façades 13 feet high from the grade plane) with a surface area of three hundred (300) square feet or greater that does not include a transparent window or transparent door. Blank walls are only permitted where abutting an alley or along a side lot line that does not abut a right-of-way or parking lot.
- (b) The objective of this section is to enhance the pedestrian experience through architecture by adding visual interest, character, and architectural details to otherwise blank walls.
- (c) To achieve the objectives of this section, blank walls (treated or untreated) on any building facing a Traditional Main Street are prohibited. All other blank walls adjacent to a public right-of-way or on a façade with a public entrance shall be treated with one or more of the following methods:
  - (1) Architectural details and structural bay expression that provide vertical relief, such as a pier or pilaster spaced at a maximum of twenty (20) feet; for large blank wall areas over four hundred (400) square feet, the architectural details shall be accompanied with landscape screening according to subsection (3) of this section;
  - (2) A horizontal band, twelve (12) to sixteen (16) inches wide, such as a middle cornice or a reveal band at the façade's mid-point of the same material as the façade; for large blank wall areas over four hundred (400) square feet, the architectural details shall be accompanied with landscape screening according to subsection (3) of this section;
  - (3) Landscaping that will obscure or screen at least fifty percent (50%) of the blank wall's surface within four (4) years; landscaping shall include a combination of evergreen and deciduous trees and shrubs; vines can also be used to contribute to the landscape screening; turf or other groundcover are allowed, but will not contribute to the screening requirement; or
  - (4) Artwork such as mosaic, mural, sculpture, or relief over at least fifty percent (50%) of the blank wall surface; the artwork shall be subject to review by the Design Review Committee.

(Ord. No. 20-95, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

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**Sec. 61-14-295 | Building design standards: Security roll-down doors and grilles.****Sec. 61-14-295. Building design standards: Security roll-down doors and grilles.**

- (a) The objectives of this section are:
- (1) To promote the perception of main streets districts as safe commercial areas; and
  - (2) To deter crime, but foster pride and positive perception about main streets, by relying on discrete security measures such as security glass, alarms, lighting, and police notification system.
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) For all projects that involve new construction, security roll-down grilles shall be designed and recessed into the interior of the window system;
  - (2) For retrofit projects, when it is not feasible to install a security grille into the interior of the window system, an exterior roll-down grille may be used. The roll-down grille box shall be as inconspicuous as possible, as follows:
    - (i) An encased-type roll-down grille box shall be located on the exterior above the display windows and transom;
    - (ii) The exterior box shall be painted or finished a color to match the building's color scheme. The exterior box shall be concealed by an awning; and
  - (3) At least thirty percent (30%) of the exterior roll-down grille area shall be decorative, open-slat and transparent.
  - (4) Permanent grilles over the exterior of windows or doors are prohibited.
- (Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-296. Building design standards: Utilities, Service Areas, and Rooftop mechanical equipment.**

- (a) The objectives of this section are:
- (1) To screen mechanical equipment from public view;
  - (2) To reduce bulk, visual clutter, and noise impact of roof-top mechanical equipment; and
  - (3) To enhance the overall appearance of building and its relationship to the skyline.
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) Parapets used to screen rooftop mechanical equipment shall not exceed six (6) feet in height;
  - (2) A mansard roof profile shall not be used to provide screening for rooftop mechanical equipment; and
  - (3) Utility meters and other service utility apparatus shall be located and designed to not be visible to the public. If such elements are mounted in a location visible from the street, they shall be screened with vegetation or by architectural features.

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**Sec. 61-14-297 | Building design standards: Architecturally and historically significant buildings; renovation, addition and maintenance of existing buildings.**

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-297. Building design standards: Architecturally and historically significant buildings; renovation, addition and maintenance of existing buildings.**

- (a) (a) The objectives of this section are:
- (1) To preserve architecturally, historically significant, and structurally sound buildings that form traditional main streets; and
  - (2) To maintain the architectural character and integrity of existing well-designed buildings in Traditional Main Street overlay areas;
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) The architectural and historic character of a property should be retained and preserved; traditional building elements such as original window framing, doors and windows, hardware, transom or base panel item or building wall material such as brick, stone or metal, should be removed only where necessary, and replaced with identical material; where such replacement is not possible, a replacement item may be used, provided it is similar to the original in color, texture, and profile, or otherwise compatible with the architecture and historic character of the district;
  - (2) Where buildings are either locally designated (Chapter 25 of the 1984 Detroit City Code) as historically significant buildings, or have been recommended to be designated as a local historic district, all rehabilitation, repair and maintenance shall be reviewed and approved by the City of Detroit Historic District Commission; and
  - (3) Where buildings are on the National Register of Historic Places as historically significant buildings, or have been recommended to be on the National Register, it is encouraged that all rehabilitation, repair and maintenance be consistent with the Secretary of the Interior's Standards for Rehabilitation and reviewed by the City of Detroit Historic District Commission.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-298. Building design standards: vacant structures.**

- (a) The objectives of this section are:
- (1) To translate vacant structures into an economic asset; and
  - (2) To improve the physical condition of vacant structures while unoccupied and inactive.
- (b) To achieve the objectives of this section, and as provided in Sec. 61-11-315 of this Code, the Buildings, Safety Engineering and Environmental Department shall refer applications for demolition permits to the Planning and Development Department for review consideration.

(Ord. No 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)



**Sec. 61-14-299. Parking design standards: parking areas.***(a) Surface parking.*

- (1) The objectives of this subsection are:
  - (1) To line streets with buildings and/or other architectural site features to maintain a continuous street wall;
  - (2) To promote a pedestrian-oriented environment, where building storefronts line the main streets rather than parking lots; and.
  - (3) To mask the visual clutter of parked cars and to provide uniform elements of screening.
- (2) To achieve the objectives of this subsection, the following standards shall apply:
  - (1) No parking area may be placed between the façade of a primary structure and the Traditional Main Street. Parking areas shall be located to the rear of the building, except as may otherwise be provided in this section;
  - (2) Where it is determined that locating the parking behind the building is not feasible, as determined by the Planning and Development Department, the parking may be located on the side of the building; however, no more than fifty percent (50%) of the street frontage of the development on a Traditional Main Street shall be occupied by parking, aisles, or drives.
  - (3) On corner lots, parking areas shall not be located at the corner;
  - (4) Off-street parking areas that are adjacent to a public street shall include a landscape buffer strip with a minimum width of five (5) feet between the off-street parking area and the street; the landscape buffer strip shall include the following:
    - (1) A wall immediately adjacent to the parking area, forming a continuous screen at least thirty (30) inches, but not more than thirty-six (36) inches, in height. The wall shall be:
      - (i) A brick wall;
      - (ii) A masonry wall with brick facing;
      - (iii) A concrete wall with brick design;
      - (iv) A stone wall; or
      - (v) Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.

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**Sec. 61-14-299 | Parking design standards: parking areas.**

- (2) A combination of evergreen and deciduous vegetation, including trees, shrubs, and groundcover, shall be planted between the wall and the sidewalk. At least one (1) tree shall be provided for each thirty (30) linear feet of landscape buffer. At least one shrub shall be provided per twenty (20) square feet of landscaped area. Vegetation shall comply with the standards in Division 2 of this article, Landscaping, Screening, and Fencing.
- (3) In instances where the applicant can prove that the five (5) foot landscape buffer strip would prevent the applicant from being able to provide the minimum number of required parking spaces, the thirty (30) to thirty six (36) inch wall from subsection (a)(2)(4)(1) of this section may be erected without the additional landscaping, subject to review and approval by the Planning and Development Department.
- (5) To protect the screen wall, wheel stops and curbs shall be placed in compliance with Sec. 61-14-153 of this Code;
- (6) To protect the screen wall at the parking entry and exit points, two (2) thirty (30) inch high bollards shall be placed on either side of the wall;
- (7) The minimum lighting levels for parking lots shall be provided in compliance with Sec. 61-14-156 and Sec. 61-14-273(3) of this Code;
- (8) Light fixtures shall be maintained in good operating condition and with the required light levels to provide illumination from dusk until two (2) hours after the end of business hours; and
- (9) Lighting fixtures shall be located, aimed, and shielded so that they do not produce light spill into the night sky, onto adjacent properties, or onto adjacent right-of-way.

**(b) *Parking structures.***

- (1) The objective of this subsection is to enliven parking structures with active uses and to architecturally integrate them to their district.
- (2) To achieve the objectives of this subsection, the following standards shall apply for parking structures located within Traditional Main Street Overlay areas:
  - (1) Commercial space or other space oriented to pedestrian traffic shall be provided on the ground floor of a parking structure for at least sixty percent (60%) of the length of the ground floor facing a Traditional Main Street or a major or secondary thoroughfare. Where the parking structure abuts more than one (1) street, the priority shall be to place the ground floor commercial space facing the Traditional Main Street. The applicant shall determine whether the ground floor commercial space or other space oriented to pedestrian traffic, faces one (1) or more than one (1) street;
  - (2) The parking structure façade shall be designed so that no ramp structure or sloping deck is expressed on building façades facing public streets; and

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**Sec. 61-14-300 | Signage and communication elements design standards.**

- (3) Parking structures are subject to the design standards for materials, as provided in Sec. 61-14-290 of this Code, and color and finish, as provided in Sec. 61-14-291 of this Code, and signage, as provided in Sec. 61-14-300 of this Code.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 23-13, §1, 8-28-13)

**Sec. 61-14-300. Signage and communication elements design standards.**

- (a) The objective of this section is to reach a visual balance between the objective of businesses to draw pedestrian attention and the goal of creating an attractive district free of visual clutter by integrating signage into the overall design of the storefront.
- (b) To achieve the objective of this section, the following signage standards shall apply for all buildings with a commercial use on a lot abutting a Traditional Main Street:
  - (1) Signage shall comply with the provisions of ARTICLE VI of this Chapter and Chapter 3 of this Code;
  - (2) (Repealed);
  - (3) Signage shall be designed to architecturally fit within the overall design of the building and the site;
  - (4) Signage shall be located so that it does not conceal architectural details and features;
  - (5) Signage material shall consist of, but is not limited to, painted metal, glass, finished wood or other architectural metal such as copper, bronze, stainless steel or cast aluminum. Unpainted, non-architectural metals or unfinished wood are prohibited;
  - (6) Signage, including design, material, painting and construction, shall be professionally made;
  - (7) Signage material substrate shall consist of, but is not limited to, aluminum, painted metal, weather resistant painted wood, or durable non-glare acrylic or composite material; unpainted or unfinished metals or unpainted wood are prohibited as signage material substrate;
  - (8) Dimensional letters shall be made of metal such as copper, bronze, stainless steel, cast aluminum, or durable nonglare acrylic;
  - (9) New pylon signs are prohibited. New ground mounted monument signs shall be limited to a maximum height of twelve (12) feet.
  - (10) New roof signs are prohibited.
  - (11) The bottom of projecting sign shall be a minimum of eight (8) feet six (6) inches above the sidewalk. The projecting sign shall not project more than one-half of the width of the sidewalk, or more than four (4) feet from the wall of the building on which the sign is placed, whichever is less. Projecting signs shall be placed as close as practicable to the center of the building facade, and in no case shall adjacent projecting signs be closer than fifteen (15) feet.

**Sec. 61-14-301 | Major corridor overlay area; in general.**

- (12) Each businesses shall be allowed one (1) professionally-prepared window sign not exceeding ten (10) square feet or twenty (20) percent of the area of a window, whichever is less, for every thirty (30) linear feet of transparent window or door area along the length of the building. Any such sign shall not require a permit and shall not count toward the maximum allowed sign area.
- (13) Illumination of signage shall be provided by external lighting. Internal illumination of signs is prohibited, with the following exceptions:
- (1) One neon window sign shall be allowed per business, but shall not exceed the overall size allowed for window signs. The neon window sign shall require a permit. Neon lights shall not flash on and off. Neon signs shall not be used for the advertisement of products.
  - (2) LED lighting shall only be allowed for gas station pricing signs.
  - (3) Within the Grand River, Bagley / Vernor, and East Jefferson overlay areas, signs with internally illuminated channel letters are allowed.
  - (4) Within the Woodward Avenue overlay area, neon wall signs may be allowed, subject to the review and approval of the Design Review Committee.
- (14) Animated signs and signs that incorporate flashing or moving lights are prohibited.
- (c) In achieving the objective of this section, satellite dishes and antennas shall be located in the rear roof space and away from public view, except where location is needed elsewhere to avoid obstruction of the satellite signal.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

**Subdivision D. Major Corridor Overlay Areas**

**Sec. 61-14-301. Major corridor overlay area; in general.**

The requirements of this subdivision apply to any “Major Corridor Overlay Area” as designated in ARTICLE XI, DIVISION 14, Subdivision C of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-302–61-14-320. Reserved.**

**Subdivision E. Reserved**

**Secs. 61-14-321–61-14-340. Reserved.**

**Subdivision F. Large Retail Centers****Sec. 61-14-341. In general.**

The additional requirements of this subdivision apply to any retail, commercial, office, or mixed use development that contains at least one (1) single-story retail building with at least fifty thousand (50,000) square feet of gross floor area, and is predominantly occupied by one (1) large user, except, as part of the Site Plan Review process, such requirements may be varied as an administrative adjustment as specified in Sec. 61-4-82 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-342. Pedestrian meeting place.**

Each large retail center shall include at least one (1) outdoor pedestrian plaza, that is equal in size to five percent (5%) of the gross floor area of the large retail center. Said pedestrian plaza shall contain seating and be centrally located to provide convenient access to the greatest number of users possible.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-343. Bus stops.**

Any bus stop facilities that are located on the zoning lot of the large retail center shall be built to the specifications of the Detroit Department of Transportation and shall include a passenger shelter which is sized to accommodate anticipated usage. A minimum of one (1) shade tree with a mature height of at least thirty-five (35) feet shall be installed within ten (10) feet of each bus stop.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-344. Landscaping, additional.**

In addition to the provisions of Sec. 61-14-221(1)(a) of this Code, the following landscaping provisions shall apply:

- (1) The width of the required landscaped buffer strip between any off-street parking areas and adjacent public rights-of-way shall be increased to twenty (20) feet;
- (2) In addition to other applicable tree and shrub requirements, a minimum of thirty percent (30%) of the buffer shall have plant material, such as flowers and/or ground cover other than grass;
- (3) Where the landscape buffer abuts a right-of-way that separates the large retail center from land zoned R1, R2, R3, R4, R5, R6, or residential PD, the Planning and Development Department may require a deeper landscaped buffer than twenty (20) feet and may require screening in the buffer in excess of thirty-six (36) inches in height as part of Site Plan Review; and
- (4) The Planning and Development Department may also specify the mixture of plantings in the landscaped area as part of the Site Plan Review.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-345. Delivery routes.**

Truck delivery and circulation routes should be separated from customer circulation through the site. Generally, delivery and service activities should be designed to avoid access from the residential street(s) adjacent to the large retail center.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-346. Additional architectural requirements.**

The following additional architectural requirements shall also apply to large retail centers:

- (1) Each building façade, that is greater than one hundred (100) feet in length, shall have a repeating pattern which shall include no less than three instances of 1) color change, 2) texture change, 3) material module change, or 4) expression of an architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. At least one (1) of the elements shall repeat horizontally at an interval of no more than thirty (30) feet;
- (2) Ground floor façades that face public streets shall have arcades, display windows, fascias, entry areas, wall plane projections or recesses, awnings or other such features along no less than sixty percent (60%) of the horizontal length of the ground floor façade; and
- (3) Each single story retail building with at least fifty thousand (50,000) square feet of gross floor area, that is predominantly occupied by one large user, shall have highly visible customer entrances which feature a combination of at least two (2) of the following elements:
  - (a) Roof overhang, raised cornice parapet, or peaked roof form;
  - (b) Recessed or projecting wall sections;
  - (c) Arcades;
  - (d) Outdoor windows;
  - (e) Display windows;
  - (f) Architectural details such as tile work; and
  - (g) Integral planters or wing walls that incorporate landscaped areas and/or seating areas.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-347–61-14-350. Reserved.**

## DIVISION 4. TRAFFIC IMPACTS

### **Sec. 61-14-351. Applicability of traffic impact study requirement.**

The following provisions apply to traffic impact studies:

- (1) A traffic impact study shall be required for all developments that have the potential to generate two hundred (200) or more peak-hour vehicle trips that are in the peak direction, or more than two thousand (2,000) average-daily vehicle trips;
- (2) The Planning and Development Department shall also be authorized to require a traffic impact study where department determines that the proposed development poses the potential for a measurable adverse impact on the surrounding road system or on traffic safety in the immediate vicinity; and
- (3) For developments in the SD5 District, see ARTICLE XI, DIVISION 13 of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-352. Study scope.**

Where a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Development Department. The Planning and Development Department may also solicit assistance from representatives of, or request assessments from other City departments and agencies. The elements to be determined during the scoping session shall include the seven (7) items that are specified in Sec. 61-14-353 through Sec. 61-14-359 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

### **Sec. 61-14-353. Type of study.**

The possible types of reports include: a letter report, full traffic impact analysis report, or special report, such as a sight distance survey.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-354. Definition of impact area.**

The points of access, key streets, and key intersections that may be affected by development of the subject tract, constitute the Impact Area. Traffic recorder and turning movement assessment locations shall be determined.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-355. Period of analysis.**

Periods of analysis may include: daily traffic, a.m. hours, p.m. hours, or weekend peak hours.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-356. Analysis scenarios.**

Scenarios for analysis include: existing conditions, opening year conditions with and without development, and ten (10) years after opening with and without development.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-357. Process.**

Process for determining trip generation and distribution include: trip generation category, diversion assumptions, and distribution assumptions.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-358. Growth rate assumption.**

The rate of growth assumed in background traffic assumptions.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-359. Future development.**

Future developments in the area, which have been approved or are under review.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-360. Environmental emissions analysis.**

An environmental analysis may be required by the Planning and Development Department in consultation with the Department of environmental affairs.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-361. Traffic study elements.**

A letter report, or special report, shall only include those elements that are agreed upon in the scoping meeting. A full traffic impact study shall include the elements that are specified in Sec. 61-14-362 through Sec. 61-14-365 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-362. Existing condition survey.**

- (a) *Street System Description.* The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
- (b) *Traffic Volumes.* Existing traffic volumes shall be provided for the impact area including both Average Annual Daily Traffic (AADT) and “Design” peak hour volumes. AADT may be derived from current counts of the Michigan Department of Transportation,



**Sec. 61-14-363 | Future without development.**

where available, and peak hour volumes shall be derived from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hours shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

- (c) *Capacity Analysis.* Existing capacity of signalized and unsignalized intersections.
- (d) *Other.* Depending upon the type and scale of the project, other items may be required at the discretion of the Planning and Development Department. These may include, but are not limited to: queue length analysis, pedestrian counts, accident data, both 50th and 85th percentile traffic speeds, and stopping sight distances.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-363. Future without development.**

Capacity analysis is to be provided for the opening year and for the subsequent ten (10) years for key intersections, and roadway segments where appropriate, without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Department of Public Works, Traffic Engineering Division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-364. Future with development.**

- (a) Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Report, unless the Department of Public Works, Traffic Engineering Division determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.
- (b) The projected trips shall be distributed onto the road network as agreed in the scoping meeting.
- (c) Capacity analysis for the opening year and for the subsequent ten (10) years for key intersections, and roadway segments where appropriate.
- (d) Special analysis as may be required to determine the need for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations, or similar requirements.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-365. Mitigation plan.**

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Department of Public Works, Traffic Engineering Division and, where appropriate, the Michigan Department of Transportation. Where the Department of Public Works, Traffic Engineering Division determines that a mitigation plan is not adequate to address the traffic impacts of the project, such determination may serve as a basis for denial of the site plan.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-366. Consultants.**

The Planning and Development Department may require that an independent consultant be hired to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Planning and Development Department is authorized to enter into and administer contracts for such consultants as follows:

- (1) The Planning and Development Department shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services;
- (2) The applicant shall provide to the Planning and Development Department an amount equal to the estimate which shall be deposited in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned without interest to the applicant in a timely manner; and
- (3) The Planning and Development Department may require additional fees for the independent review where: the Planning and Development Department expands the scope of the required review; the applicant substantially amends the application; additional meetings that involve the consultants are requested by the applicant; the consultant's appearance is requested at meetings beyond those initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-367–61-14-370. Reserved.**

**DIVISION 5. FLOODPLAINS AND HAZARD AREAS**

**Sec. 61-14-371. Intent.**

The regulations of this division are intended to control the use of land in flood hazard areas in order to comply with the provisions of the National Flood Insurance Act of 1968, being 42 USC §4001 *et seq.*, and the rules and regulations promulgated at 44 CFR 60.3(c) in furtherance of this program by the United States Federal Emergency Management Agency (FEMA), and to reduce injury to persons and property which result from flood conditions in the City of Detroit. The specific objectives of the regulations include:

- (1) Protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
- (2) Minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial, and industrial areas;

**Sec. 61-14-372 | Conflicting provisions.**

- (3) Prevention of private and public economic loss and social disruption as a result of flood conditions;
- (4) Maintenance of stable development patterns that are not susceptible to the blighting influence of flood damage;
- (5) Ensuring that the public has access to information which indicates the location of land areas subject to periodic flooding; and
- (6) Preserving and enhancing the ability of floodplains to carry and discharge a base flood.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-372. Conflicting provisions.**

In instances where the regulations of this division conflict with other regulations of this Zoning Ordinance, the more restrictive provisions shall prevail.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-373. Exemption of historic structures.**

The reconstruction, rehabilitation, or restoration of any structure that is listed in the National Register of Historic Places or the Michigan State Register of Historic Sites, or any structure which is located in an historic district that is listed in the National Register of Historic Places or the Michigan State Register of Historic Sites, or located within a City of Detroit designated historic district shall be exempt from the provisions of this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-374. Definitions.**

The definitions included in the following subsections shall be used solely for the purpose of interpreting and administering the floodplain and hazard area provisions of this division:

<b>Term</b>	<b>Definition</b>
(1) Area of shallow flooding	A designated AO area on the flood insurance rate map (FIRM) as defined in this section, with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
(2) Area of special flood hazard	The land in the floodplain within the City subject to a one percent (1%) or greater chance of flooding in any given year. The meaning of "area of special flood hazard" shall be the same as "flood hazard area" as herein defined.
(3) Base flood	The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
(4) Development	Any man-made change to improved or unimproved real estate, new construction, substantial improvement, alteration or repair, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Term	Definition
(5) Flood or Flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters; or b) the unusual and rapid accumulation or runoff of surface waters from any source.
(6) Flood hazard area	Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year. (Same as area of special flood hazard.)
(7) Flood insurance rate map (FIRM)	An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
(8) Flood insurance study	The official report provided by the Federal Emergency Management Agency which contains flood profiles, flood boundaries, flood insurance rate zones, and the water surface elevation of the base flood.
(9) Floodway	The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.
(10) Harmful increase	An unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
(11) Mobile home	A structure, excluding recreational vehicles or travel trailers, which is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities.
(12) New construction	Structures for which the "start of construction" commenced on or after July 6, 1981.
(13) Structure	A walled and roofed building, including gas or liquid storage utilities and a mobile home, that is principally above ground.
(14) Substantial improvement	Any repair, reconstruction or improvement of a structure whose cost equals or exceeds fifty (50) percent of the market value of the structure: a) before the start of the improvement or repair; or b) where the structure has been damaged and is being restored before the damage occurred, where the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure, but excludes: a) any project for improvement of a structure to comply with state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or b) any alteration of an historic structure, so designated by the U.S. government, the State of Michigan, or the City of Detroit.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-14-375. Delineation of the Flood Hazard Overlay Area.**

The flood hazard area shall overlay existing zoning districts that are delineated on the Official Zoning Map. The boundaries of the flood hazard area shall coincide with the boundaries of the areas that are indicated as within the limits of the one hundred (100) year flood in the Flood Insurance Rate Maps on file at the Department of Public Works, City Engineering Division and/or the Department of environmental affairs. The Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-376. Mapping disputes.**

- (a) Where disputes arise as to the location of the flood hazard area boundaries, the Board of Zoning Appeals shall resolve the dispute and establish the located boundary, after receipt of a report and recommendation from the Department of environmental affairs. In all cases, the decision of the Board of Zoning Appeals shall be based upon the most current floodplain studies that were issued by the Federal Emergency Management Agency. Where Federal Emergency Management Agency information is not available, the best available floodplain information shall be utilized.
- (b) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Emergency Management Agency floodplain studies are being questioned, the Board of Zoning Appeals shall modify the boundary of the flood hazard area or the areas that define the floodway only upon receipt of an Official Letter of Map Amendment issued by the Federal Emergency Management Agency.
- (c) All parties to a Flood Insurance Rate Map dispute may submit technical evidence to the Board of Zoning Appeals.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-377. Floodplain development permit.**

In addition to any permit that is required by the Buildings and Safety Engineering Department, development in a floodplain requires the following:

- (1) No development of any kind or type shall occur or be commenced in a flood hazard area until a floodplain development permit is first obtained from and issued by the Department of environmental affairs. Such permits from the department are conditioned upon review and recommendation from the Floodplain Management Review Committee as transmitted by the Department of environmental affairs (See Sec. 61-2-63);
- (2) No building permit shall be issued for development in a flood hazard area, unless:
  - (a) All of the applicable standards, requirements and provisions that are contained in this zoning ordinance and the Michigan Building Code are met; and
  - (b) All necessary floodplain development permits have been issued by appropriate local, state and federal authorities, including, but not limited to, a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality pursuant to Section 3104 of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.3104. Where a floodplain development permit cannot be issued prior to the issuance of a building permit, a letter from the issuing agency which indicates an intent to issue a floodplain development permit, contingent only upon proof of zoning compliance, shall be acceptable; and
- (3) No structure, building, or edifice of any kind that is located in a flood hazard area shall be occupied until a Certificate of Occupancy is first obtained from, and issued by, the Buildings and Safety Engineering Department.

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**Sec. 61-14-378 | General standards for flood hazard reduction.**

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-378. General standards for flood hazard reduction.**

The following general standards for flood hazard reduction shall also apply:

- (1) All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings, mobile homes and manufactured housing units, shall be:
  - (a) Designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - (b) Constructed with materials and utility equipment that are resistant to flood damage; and
  - (c) Constructed by methods and practices that minimize flood damage.
- (2) All new and replacement water supply systems shall be designed and constructed to prevent infiltration of floodwaters into the system;
- (3) All new and replacement sanitary sewage systems shall be designed and constructed to prevent infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding;
- (4) All public utilities and facilities shall be designed, constructed, and located so as not to contribute to flooding, or be affected by flooding;
- (5) Adequate drainage shall be provided to reduce exposure to flood hazards;
- (6) The Floodplain Management Review Committee shall review development proposals on private property to determine compliance with the standards in this division. Development proposals within public rights-of-way shall be reviewed by the Department of Public Works and other appropriate City departments. Compliance with the standards of this section shall be certified by a registered professional engineer or architect;
- (7) Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this division;
- (8) The flood-carrying capacity of any altered or relocated watercourse, that is not subject to state or federal regulations shall not be diminished;
- (9) Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this division. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources; and
- (10) Floodwater elevations for the Rouge River floodway, as derived from the flood insurance study, are as specified in the following table. These numbers are for reference only. For specific and current floodwater elevations, developers are advised to undertake their own hydrologic studies.

## Sec. 61-14-379 | Specific base flood elevation standards.

Location	Elevation (feet) [1]
West Warren Avenue	600.2 [2]
Joy Road	602.6
Plymouth Road	605.5
Schoolcraft Road	611.5
Fenkell Avenue	613.2
West McNichols Road	615.5
Grand River Avenue	616.6
West Seven Mile Road	618.8
West Eight Mile Road	622.2

[1] North American Vertical Datum of 1988 (NAVD 88).

[2] Elevations for points between locations may be obtained by interpolation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

### Sec. 61-14-379. Specific base flood elevation standards.

The standards of this section shall apply in all flood hazard areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level. The most recent base flood elevation data that was received from the Federal Emergency Management Agency shall take precedence over data from other sources;
- (2) All new construction and substantial improvements of nonresidential structures shall either:
  - (a) Have the lowest floor, including basement, elevated to or above the base flood level; or
  - (b) Be constructed so that the structure below base flood level, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied, and that the floodproofing methods which are employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors which are associated with a base flood in the location of the structure. Such certification shall be submitted with the floodplain development permit application and shall indicate the elevation to which the structure is floodproofed; and
- (3) Construction along the Rouge River shall be governed by the table that is set forth in Sec. 61-14-378(10) of this Code.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-14-380. Mobile home and manufactured housing unit standards.

The following standards shall also apply to mobile homes and manufactured housing units in floodplains:

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**Sec. 61-14-380 | Mobile home and manufactured housing unit standards.**

- (1) All mobile homes and manufactured housing units, that are established after July 6, 1981, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accordance with the following specifications:
  - (a) Over-the-top ties shall be provided at each of the four (4) corners of mobile homes and manufactured housing units, with two (2) additional ties per side at intermediate locations, except that, on mobile homes and manufactured housing units which are less than fifty (50) feet in length, one (1) tie per side shall be required;
  - (b) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that on mobile homes and manufactured housing units which are less than fifty (50) feet in length, four (4) ties per side shall be required;
  - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
  - (d) All additions to mobile homes and manufactured housing units shall be similarly anchored.
- (2) Prior to the issuance of a building permit under this division, all applicants shall file, with the Department of Public Works, Traffic Engineering Division, an evacuation plan which indicates that alternative development, when combined with all other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Section 3104 of the Michigan National Resources and Environmental Protection Act (NREPA), being MCL 324.3104. Zone A, with respect to the Rouge River, shall be considered the floodway; and
- (3) Mobile homes and manufactured housing units within Zones A1-30 on the Flood Insurance Rate Map shall be located in accordance with the following standards:
  - (a) All mobile homes and manufactured housing units shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of mobile homes and manufactured housing units will be at or above the base flood level;
  - (b) Adequate surface drainage away from all structures and access for mobile homes and manufactured housing units hauler shall be provided;
  - (c) 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 that are more than six (6) feet above ground level; and
  - (d) In mobile home/manufactured housing unit parks and mobile home/manufactured housing unit subdivisions that exist on July 6, 1981, where repair, reconstruction or improvement of streets, utilities and pads



**Sec. 61-14-381 | Standards for areas of shallow flooding.**

equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, compliance with the standards of subsection (3) of this section shall be required.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-381. Standards for areas of shallow flooding.**

The standards of this section shall apply in areas of shallow flooding that are denoted as AO Zones on the Flood Insurance Rate Map:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated above the crown of the nearest street to, or above the depth number that is specified on, the Flood Insurance Rate Map;
- (2) All new construction and substantial improvements of nonresidential structures shall either:
  - (a) Have the lowest floor, including the basement, elevated above the crown of the nearest street to, or above the depth number that is specified on, the Flood Insurance Rate Map; or
  - (b) Be floodproofed together with attendant utility and sanitary facilities to the level that is specified in Subsection (2)(a) of this section in accordance with the standards in Sec. 61-14-379(2)(b) of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-382. Floodway protection standards.**

New construction, substantial improvements and all other development, including fill, shall be prohibited within Zone A on the Rouge River, except where it is demonstrated to the satisfaction of the Director of the Department of environmental affairs that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Part 31 (Water Resources Protection) of the Michigan Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, as amended, (MCL 324.3101 *et seq.*) shall be required. Zone A, with respect to the Rouge River, shall be considered the floodway.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-14-383. Flood hazard area modifications.**

Requests for modifications to flood hazard area standards shall be considered by the Board of Zoning Appeals as provided for in Sec. 61-4-93 through Sec. 61-4-95 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

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Sec. 61-14-384 | No guarantee of safety for flood damage.

**Sec. 61-14-384. No guarantee of safety for flood damage.**

Approval of development or the use of land under this division shall not be considered a guarantee or warranty of safety from flood damage. This zoning ordinance does not imply that areas outside the flood hazard area will be free from flood damage.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-385–61-14-400. Reserved.**

**DIVISION 6. AIRPORT AND HELIPORT HAZARDS**

**Sec. 61-14-401. In general.**

The requirements of this division regulate the height of buildings and structures in the vicinity of airports and heliports, and require the marking or lighting of new and existing airport and heliport hazards. (See also Aeronautics code, MCL 259.1 *et seq.*; Airport Zoning Act, MCL 259.431 *et seq.*)

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

**Sec. 61-14-402. Conflicting provisions.**

In instances where the requirements of this division conflict with other requirements of this Zoning Ordinance, the more restrictive provision shall control.

(Ord. No. 11-05, §1, 5-28-05)

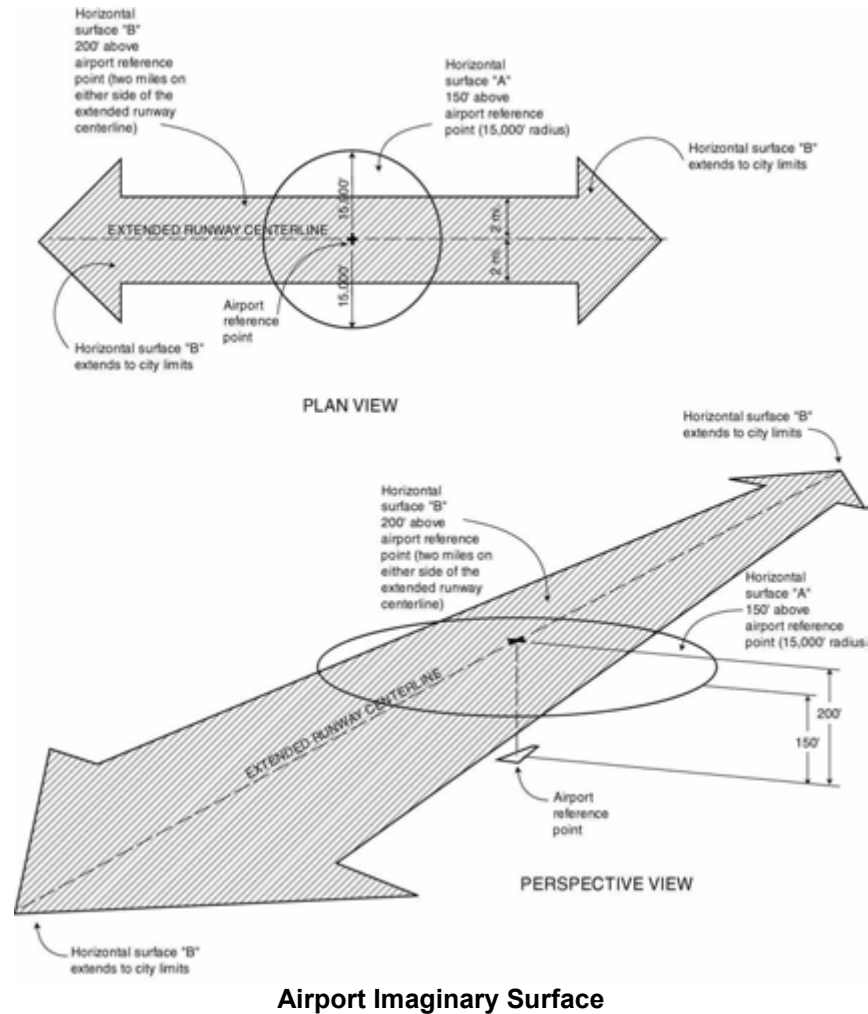
**Sec. 61-14-403. Definitions.**

See ARTICLE XVI, DIVISION 2 of this Chapter for the definitions of Airport, Airport Elevation (Established), Airport Imaginary Surfaces, Airport Reference Point, Approach Surfaces, Conical Surface, Flight Obstruction Area, Helipad, Heliport, Heliport Elevation (Established), Heliport Imaginary Surfaces, Heliport Reference Point, Horizontal Surface “A,” Horizontal Surface “B,” and Slope Ratio. (See Figure 61-14-373.)

(Ord. No. 11-05, §1, 5-28-05)

**Figure 61-14-373**

## Sec. 61-14-404 | Designation of areas.



Airport Imaginary Surface

**Sec. 61-14-404. Designation of areas.**

All areas that are regulated by this division shall be designated on the Flight Obstruction Area Map by the letters “A”, “B”, or “AA.” The Flight Obstruction Area Map is hereby adopted and incorporated by reference into this zoning ordinance and is on file at the Buildings and Safety Engineering Department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-405. “A” districts.**

“A” districts shall include those parts of flight obstruction areas that lie generally beneath the airport horizontal surface “A,” except for the airport approach and transitional surfaces and the heliport conical surface.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-406. "B" districts.**

"B" districts shall include those parts of flight obstruction areas that lie generally beneath the Detroit City Airport horizontal surface "B."

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-407. "AA" districts.**

"AA" districts shall include those parts of flight obstruction areas that lie generally beneath the airport approach and transitional surfaces and the heliport conical surface.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-408. Permitted uses.**

Uses shall be allowed within the "A," "B" and "AA" Districts in accordance with the use regulations of the underlying zoning district and other applicable regulations of this Zoning Ordinance, provided, that the following uses shall not be permitted in the "AA" district:

- (1) Schools, except commercially operated vocational or trade schools; and
- (2) Hospitals, sanitariums, and convalescent, nursing, or rest homes.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-409. Height of buildings or other structures.**

Unless otherwise expressly stated in this division, no building or other structure hereafter constructed or any existing building or other structure hereafter relocated, enlarged, or reconstructed shall project into any airport approach, or transitional, horizontal or heliport conical surface.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-410. Permitted projections within any flight obstruction area.**

Nothing in this division shall be construed as prohibiting the construction or maintenance of any building or other structure, within any flight obstruction area, to a height up to thirty-five (35) feet above established grade.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-411. Marking or lighting of new or existing hazards to air navigation.**

The following provisions shall apply with respect to hazards to air navigation:

- (1) The owner of any building or other structure that exceeds the permitted height on December 22, 1968 shall permit the installation, operation, and maintenance of such markers or lights which are deemed necessary by the Airport Department to

indicate the presence of such air navigation hazard to the operators of aircraft in the vicinity of the airport or heliport; and

- (2) Structures that are erected after December 22, 1968 which are deemed a hazard to aircraft by the Airport Department shall be lighted or marked in accordance with the Obstruction Marking and Lighting Requirements of the Federal Aviation Agency. Such marking or lighting shall be installed and maintained by the owner of the structure.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-14-412. Appeals.**

As provided for in Sec. 61-4-91(3) of this Code, appeals of provisions from Airport and Heliport Hazards shall be considered by the Board of Zoning Appeals. However, prior to making any decision, the Board shall notify the Airport Department of the appeal and of the time and place of the public hearing and shall give due consideration to any report or recommendation received from the Airport Department regarding that department's interests in the matter.

(Ord. No. 11-05, §1, 5-28-05)

#### **Secs. 61-14-413–61-14-420. Reserved.**

### **DIVISION 7. OPERATIONAL PERFORMANCE STANDARDS**

#### **Sec. 61-14-421. Applicability.**

Unless otherwise expressly exempted in this Chapter, all nonresidential uses in all zoning districts that cause off-site impacts on uses in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, nonindustrial PD, P1, PC, PCA, TM, PR, SD1, SD2, SD3, SD4, and SD5 Districts shall comply with the standards of this division.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-14-422. Exemptions.**

The operational performance standards of this division do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations on December 22, 1968. Any new or additional machinery, equipment, and facilities shall comply with the standards of this division. Where there is any question about when the equipment was brought to the site, documentation is the responsibility of the proprietor of the use.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-14-423. Relationship to other regulations.**

The operational performance standards of this division are in addition to all other regulations of this Chapter of this Code, of the County of Wayne Department of the

Environment, and of Part 55 of the Michigan Natural Resources and Environmental Protection Act (NREPA), being MCL 324.5501 through 324.5542.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-424. Air quality.**

The emission of dust, dirt, or smoke shall comply with all state and federal regulations.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-425. Combustibles and explosives.**

The use, handling, storage, and transportation of combustibles and explosives shall be approved by the Office of the Fire Marshall and comply with all applicable state and federal laws.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-426. Gases.**

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful. In addition, the use, handling, storage, and transportation of gases shall be approved by the Detroit Fire Marshall and shall comply with all applicable state and federal regulations, including the federal Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), being 42 USC §11001 *et seq.*

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-427. Noise.**

The following noise standards shall generally apply:

- (1) *General.* The City's noise standards are provided for in Chapter 36 of this Code;
- (2) *Outdoor Paging Systems and Speakers.* Outdoor paging systems and speakers shall not be located within one hundred fifty (150) feet of land that is zoned R1, R2, R3, R4, R5, R6 or residential PD, or within one hundred fifty (150) feet of the property line of a lot where a school or licensed child care center is located. This standard shall not apply to face-to-face, drive-up teller windows or remote teller systems where all of the following conditions exist:
  - (a) Cashiers and customers have direct, face-to-face contact;
  - (b) Drive aisles are adjacent to the primary structure; and
  - (c) The remote appliance is located under a portecochere attached to the primary building.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-428. Vibration.**

The following vibration standard shall generally apply:

- (1) *Vibration Standard.* Continuous, frequent, or repetitive vibrations which produce earthborn vibrations that exceed the following displacements:

Frequency (Cycles per Second)	Displacement (Inches)
0 to 10	0.0020
10 to 20	0.0016
20 to 30	0.0010
30 to 40	0.0006
40 and over	0.0005

Note: In general, this standard means that a person of normal sensitivities should not be able to feel sustained vibration when located on R-zoned property.

- (2) *Exceptions.*
- (a) Vibrations from temporary construction and vehicles that leave the site, such as trucks, trains, airplanes and helicopters, are exempt; and
  - (b) Vibrations lasting less than five (5) minutes per day are also exempt.
- (3) *Measurement.* Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-429. Odor.**

The following odor standard shall generally apply:

- (1) *Odor Standard.* Continuous, frequent, or repetitive odors detectable after the odorous air has been diluted with five (5) or more volumes of odor-free air shall be a violation of these standards;
- (2) *Exceptions.*
- (a) An odor that is detected for less than fifteen (15) minutes per day is exempt;
  - (b) No violation shall occur where the person who, or the business which, causes or allows the emission of odorous air contaminants is employing the best available treatment, maintenance, and control that is currently available to maintain the lowest possible emission of odorous gases.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-430. Glare.**

The following glare standard shall generally apply:

- (1) *Glare Standard.* Glare is illumination that is caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties that is in excess of a measurement of 0.5 foot-candles of light;

- (2) *Strobe Lights.* Strobe lights that are visible from another property are not allowed.  
(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-431. Measurements of impacts.**

The following provisions with respect to the measurement of impacts shall also apply:

- (1) Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings; and
- (2) Where the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements that are made by an independent expert who is hired by the operator of the off-site impact source. Where the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. Where a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of this Zoning Ordinance and enforced through the provisions of ARTICLE V of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-432. Impact mitigation plan.**

Where unavoidable circumstances require that portions of a phased project must be left in an unfinished state over a period longer than one (1) year, or any development project has been left in an unfinished state over a period longer than one (1) year, an impact mitigation plan that addresses erosion, security, storage, and appearance of the site shall be submitted to the Director of the Planning and Development Department to review for departmental approval.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-433. Documentation in advance.**

- (a) The Buildings, Safety Engineering and Environmental Department is authorized to require documentation in advance that a proposed use will conform to the standards of this division, in which case all of the following additional information is required of the applicant prior to development approval:
  - (1) A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as related to off-site impacts. However, the applicant is not required to reveal any trade secret that would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors; and
  - (2) An explanation of any mechanisms or techniques that are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and recording instruments to measure conformance with the required standard; and



**Sec. 61-14-441 | Intent and scope of requirements.**

- (3) An evaluation and explanation which is certified by a registered engineer or architect, as appropriate, that the proposed activity can comply with the operational performance standards or standards in question.
- (b) Where a permit application is subject to consideration by an advisory review committee, as provided in ARTICLE II.DIVISION 7 of this Chapter, the advisory review committee is also authorized to require such documentation. Where a permit application is subject to site plan review, as provided in ARTICLE III.DIVISION 5 of this Chapter, the appropriate review body is also authorized to require such documentation.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)

**Secs. 61-14-434–61-14-440. Reserved.****DIVISION 8. PERFORMANCE GUARANTEE****Sec. 61-14-441. Intent and scope of requirements.**

To ensure compliance with the provisions of this Chapter and any conditions imposed thereunder, the Buildings and Safety Engineering Department or the Board of Zoning Appeals, as applicable, may require that a performance guarantee in the form of a certified check, irrevocable bank letter of credit, or surety bond that is acceptable to the Law Department, be deposited with the City to ensure faithful completion of improvements and/or to abate any nuisance associated with the operation or upon abandonment of a use. (See definition of “improvements” in Sec. 61-16-111.)

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-442. General requirements.**

The performance guarantee shall meet the following requirements:

- (1) The performance guarantee shall be in the form of a certified check, surety bond, or performance bond which names the property owner as the obligor and the City as the obligee;
- (2) The performance guarantee shall be submitted at the time of issuance of the permit that authorizes the activity or project. Where appropriate, based on the type of performance guarantee that is submitted, the City shall deposit the funds in an interest-bearing account in a financial institution where the City regularly conducts business;
- (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements;
- (4) A performance guarantee may also be required for junkyards, towing service storage yards, and those Waste-Related Uses that are specified in Sec. 61-12-64 of this Code in an amount sufficient to abate any nuisances which remain in the

**Sec. 61-14-443 | Unsatisfactory completion of improvements.**

event of abandonment. The exact amount of the performance guarantee shall be determined by the Buildings and Safety Engineering Department;

- (5) The entire performance guarantee, including interest accrued, shall be returned to the applicant following inspection by the Buildings and Safety Engineering Department and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work that is completed on various elements, provided, that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project, provided, further that in the case of a performance guarantee which is required under Subsection (4) of this section, the performance guarantee may be retained by the City until the use is changed or abandoned, and the Buildings and Safety Engineering Department has determined that any nuisances that remain on the property have been abated.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-443. Unsatisfactory completion of improvements.**

Whenever required improvements are not installed or maintained within the stipulated time or in accordance with the standards that are set forth in this Chapter, the City may complete the necessary improvements that remain or contract with an independent developer to do so, and assess all costs of completing said improvements against the performance bond or other surety, including any interest which has accrued on said bond or surety. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-14-444–61-14-450. Reserved.****DIVISION 9. ABANDONED OR VACATED USES****Sec. 61-14-451. In general.**

Abandoned or vacated nonresidential uses shall comply with the standards of this division.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-452. Premises to be secured and maintained.**

During the period where a use is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:

- (1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post notice on the premises, which advises that all parked or stored vehicles are subject to ticketing

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**Sec. 61-14-453 | Closure of ingress and egress required.**

and removal by the City at vehicle owner's expense. In addition, the owner, franchise holder, lessee, or other person in possession, is subject to ticketing where unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, lessee, or other person in possession;

- (2) The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times; and
- (3) The owner shall maintain a record of the name and address of the person or firm who cleaned the premises and removed the debris. Such record shall be made available to the inspectors of the Department of Public Works, and each entry shall be kept for at least one (1) year.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-453. Closure of ingress and egress required.**

Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the appropriate City department.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-14-454. Presumption of abandonment.**

A use that is vacated, closed, or not opened for business for a period of six (6) months shall be presumed abandoned. Permits for uses that have been abandoned are subject to the provisions of Sec. 61-3-25 and Sec. 61-3-26 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

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## ARTICLE XV. NONCONFORMITIES

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### DIVISION 1. IN GENERAL

#### **Sec. 61-15-1. Applicability.**

The regulations of this article govern nonconforming uses, nonconforming structures, nonconforming lots, and other nonconformities that came into existence legally but do not comply with one (1) or more requirements of this Zoning Ordinance.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-15-2. Purpose and scope of regulations.**

It is the general policy of the City of Detroit that nonconforming uses be eliminated over time. It remains the general policy of the City to allow uses, structures, and lots that came into existence legally—in conformance with then-applicable requirements—to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This article establishes regulations which govern uses, structures, and lots that were lawfully established but do not conform to one or more existing requirements of this Zoning Ordinance. The regulations of this article are intended:

- (1) To recognize the interests of property owners in continuing to use their property;
- (2) To promote reuse and rehabilitation of existing buildings; and
- (3) To place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-15-3. Authority to continue.**

Any nonconformity that legally existed on December 22, 1968 or that becomes nonconforming upon the adoption of any amendment to this zoning ordinance may be continued only in accordance with the provisions of this article.

(Ord. No. 11-05, §1, 5-28-05)

#### **Sec. 61-15-4. Determination of nonconforming status.**

In all instances, the burden of establishing that any nonconformity is a legal nonconformity shall be upon the owner of such nonconformity.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)

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**Sec. 61-15-5 | Repairs and maintenance.****Sec. 61-15-5. Repairs and maintenance.**

Incidental repairs and normal maintenance of nonconforming situations, as opposed to structural alterations, shall be permitted, unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this zoning ordinance. Nothing in this article shall be construed to prevent structures from being structurally strengthened or restored to a safe condition in accordance with an official order of the City.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-6. Change of tenancy, ownership, or management.**

The status of a nonconformity is not affected by changes of tenancy, ownership or management.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-7. Board of Zoning Appeals.**

The Board of Zoning Appeals shall have the authority to hold hearings and render decisions with respect to nonconforming uses, buildings, and structures.

Pursuant to MCL 125.3406(2), a person is not eligible to apply for a decision with respect to nonconforming uses, buildings, and structures if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established pursuant to section 4q of the Home Rule City Act, 1909 PA 279, MCL 117.4q. This ineligibility does not apply to an applicant for a zoning authorization if the applicant became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure as provided in MCL 125.3406(3). Further, this ineligibility does not apply if the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the delinquent payment.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

**Sec. 61-15-8. Consideration of petition.**

Where the General Use Standards of [Sec. 61-12-85](#) of this Code specify that a land use requires circulation and verification of a petition prior to issuance of a permit, the Board of Zoning Appeals shall not vote on any nonconforming use which requires such petition without having first considered the results of said petition as a matter of record.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-15-9–61-15-10. Reserved.**

## DIVISION 2. NONCONFORMING USES

### **Sec. 61-15-11. Scope.**

The regulations of this division apply to all nonconforming uses as defined in Sec. 61-16-142 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-15-12. Accessory uses and structures.**

Uses and structures, that are accessory to nonconforming uses, shall also be considered nonconforming and subject to the provisions of this division.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-15-13. Effect of procedural changes.**

Where a land use was legally established at a time when no special form of approval was required for that use, such as, permitted with approval/Conditional Use public hearing or site plan review, but the current requirements do specify such procedure, said use shall not be deemed nonconforming merely as a result of not having followed the current procedural requirement. However, any enlargement, expansion, or intensification shall be subject to the standards that currently apply to the same use. “Intensification of use” is defined in Sec. 61-16-112 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

### **Sec. 61-15-14. Effect of use separation or concentration standards.**

Any use that was legally established at a time when no special use separation or concentration standards applied, such as those requiring that a use be located at least “x” feet from another such use or that no more than two (2) “xyz” uses be located within one thousand (1,000) feet of one another, shall not be deemed nonconforming merely as a result of not complying with such standards. Any enlargement, or expansion, or intensification of such use shall be subject to the separation or use concentration standards that are in effect at the time of the proposed expansion. “Intensification of use” is defined in Sec. 61-16-112.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05)

### **Sec. 61-15-15. Effect of use variances or hardship relief grants.**

Any use that is approved as a hardship relief grant, or was approved as a use variance, shall be considered a nonconforming use, unless, pursuant to a subsequent amendment of this Zoning Ordinance, such use is expressly allowed in the underlying zoning district.

(Ord. No. 11-05, §1, 5-28-05)

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**Sec. 61-15-16 | Expansion or intensification of nonconforming uses.****Sec. 61-15-16. Expansion or intensification of nonconforming uses.**

A public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to the provisions of Sec. 61-15-17 of this Code. However, nonconforming Adult Uses shall not be considered for expansion or intensification. See Sec. 61-3-345.

- (1) Any increase in the gross floor area of a building that houses a nonconforming use shall be deemed an expansion of the nonconforming use. Any increase in the area of a zoning lot where a nonconforming use is located shall be deemed an expansion of the nonconforming use;
- (2) The addition of any by-right or conditional land use to a nonconforming use upon the same zoning lot and within the same gross floor area shall be deemed an intensification of the nonconforming use; and
- (3) The addition of off-street parking for a nonconforming use, solely for the purpose of complying with the off-street parking standards of ARTICLE XIV, DIVISION 1 of this Chapter, shall not be considered an expansion of the nonconforming use, but shall be governed by the zoning district regulations for “parking lots or parking areas” and by the regulations and standards for “off-street parking” provided for in ARTICLE XIV of this Chapter.

“Intensification of use” is defined in Sec. 61-16-112 of this Code.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-15-17. Required findings.**

Applications to re-establish certain nonconforming uses that are specified in Sec. 61-15-18 of this Code, or to enlarge or expand a nonconforming use shall be taken to the Board of Zoning Appeals in accordance with the procedures that are specified in Sec. 61-2-46 of this Code, provided, that no re-establishment, enlargement, or expansion shall be allowed, unless the Board of Zoning Appeals finds all of the following:

- (1) The establishment, maintenance, location, and operation of the proposed use will not be detrimental to or endanger the social, physical, or economic well being of surrounding neighborhoods, or aggravate any preexisting physical, social, or economic deterioration of surrounding neighborhoods; and
- (2) The expanded nonconforming use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, or substantially diminish or impair property values within the neighborhood; and
- (3) The use will not impede the normal and orderly development and improvement of surrounding property for use permitted in that district; and
- (4) Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided; and

**Sec. 61-15-18 | Eligibility for re-establishment.**

- (5) Adequate measures have been, or will be, taken to provide ingress and egress that are designed to minimize traffic congestion in the public streets; and
- (6) In other respects, the use will conform to the applicable Use Regulations of ARTICLE XII of this Chapter, and the applicable Intensity and Dimensional Standards of ARTICLE XIII of this Chapter, the applicable General Development Standards of ARTICLE XIV of this Chapter, and will not result in the creation of additional nonconformities, deficiencies, or excesses on the subject lot or parcel.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-18. Eligibility for re-establishment.**

As specified in Sec. 61-15-21 of this Code, abandoned nonconforming uses may not be re-established. However, certain nonconforming uses may present sufficiently beneficial attributes to the community that they merit consideration for re-establishment as exceptions to this prohibition. Such consideration by the Board of Zoning Appeals would only apply in instances where the property of an abandoned land use had never been reoccupied for a different conforming or nonconforming use.

The following twenty-one (21) land uses groupings, where nonconforming in a given zoning district, may be considered for re-establishment by the Board of Zoning Appeals, subject to the various findings that are specified in Sec. 61-15-17 of this Code. Abandoned nonconforming uses, other than the following twenty-one (21), may only be considered by the Board of Zoning Appeals under the provisions of “Hardship Relief” as specified in ARTICLE IV, DIVISION 7 of this Chapter:

- (1) All “Group Living” use category uses;
- (2) All “Household Living” use category uses;
- (3) Boarding schools/dormitories, child caring institutions from the “Institutional Living” use category;
- (4) All “Auditorium or Stadium” use category uses, except “Motor vehicle race tracks;”
- (5) All “Community Service” use category uses, except “Substance abuse service facilities.”
- (6) All “Day Care” use category uses;
- (7) All “Hospital” use category uses;
- (8) All “Library” use category uses;
- (9) All “Museum” use category uses;
- (10) All “Park and Open Space” use category uses;
- (11) All “Religious institution” use category uses;
- (12) All “Schools” use category uses;
- (13) All “Basic Utility” use category uses;



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**Sec. 61-15-19 | Change of nonconforming use to conforming use.**

- (14) All “Major Utility” use category uses;
- (15) All “Assembly” use category uses, other than Regulated Uses;
- (16) All “Food and Beverage Service” use category uses, other than brewpub or microbrewery or small distillery, where the use would reoccupy an existing non-residential building, provided no dance or entertainment activity that would require a cabaret permit and license shall be included;
- (17) All “Office” use category uses other than Regulated Uses;
- (18) All “Commercial Parking” use category uses;
- (19) All “Occupant-Oriented Retail Sales and Service” use category uses, other than Regulated Uses;
- (20) All “Sales-Oriented Retail Sales and Service” use category uses, other than
  - (a) Regulated Uses;
  - (b) Controlled Uses;
  - (c) Firearms dealership;
  - (d) Fireworks sales;
  - (e) Motorcycle sales, rental or service;
  - (f) Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade; and
- (21) All “Service-Oriented Retail Sales and Service” use category uses.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-15-19. Change of nonconforming use to conforming use.**

- (a) A nonconforming use may be changed to any use that is allowed in the zoning district where it is located, subject to the all applicable standards and requirements applicable to the new use. However, this does not mean that the conforming use may be established in addition to a continuing nonconforming use, only that a conforming use may replace the nonconforming use.
- (b) Notwithstanding the provisions of subsection (a) of this section, a legally established nonconforming use that was a Group “D” Adult Cabaret use as that kind of use was defined on November 1, 2009 may be placed on record by the Buildings, Safety Engineering and Environmental Department, upon written request of the owner, as a Group “A” Cabaret use, a Group “B” Cabaret use, or a Group “C” Cabaret use without applying for or obtaining approval from the Buildings, Safety Engineering and Environmental Department for the change of use.
- (c) Once a nonconforming use is converted to a conforming use, it may not be changed back to a nonconforming use.

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**Sec. 61-15-20 | Change of nonconforming use to other nonconforming use.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-15-20. Change of nonconforming use to other nonconforming use.**

A nonconforming use may be changed to another nonconforming use only where reviewed and approved by the Board of Zoning Appeals in accordance with the procedures that are specified in Sec. 61-2-46 of this Code. However, a nonconforming use may not be changed to any of the following:

- (1) Regulated uses as specified in Sec. 61-3-253 of this Code on land zoned R1, R2, R3, R4, R5, or R6, except where an establishment for the sale of beer or intoxicating liquor for consumption on the premises would reoccupy an existing non-residential building, provided no dance or entertainment activity that would require a cabaret permit and license shall be included;
- (2) Controlled uses as specified in Sec. 61-3-292 of this Code;
- (3) Restaurants, except where the use would reoccupy an existing non-residential building;
- (4) Motor vehicle filling stations;
- (5) Mortuaries or funeral homes;
- (6) Motor vehicle services, major;
- (7) Motor vehicle services, minor;
- (8) Motor vehicle washing and steam cleaning;
- (9) Adult Uses as specified in Sec. 61-3-342 of this Code; and
- (10) Tires, used: sales and/or service.

Except for the ten (10) items prohibited above, the Board of Zoning Appeals may approve the change of one nonconforming use to another nonconforming use only where the Body determines that the new proposed use will be less injurious to the surrounding area than the previous nonconforming use. Where a change in use is approved, the Board of Zoning Appeals shall be authorized to impose conditions that the Body deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood, and to carry out the general purpose and intent of this Zoning Ordinance. Any condition that is imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.

Notwithstanding the foregoing requirement that the Board of Zoning Appeals review and approve a change of use, a legally established nonconforming use that was a Group “D” Adult Cabaret use as that kind of use was defined on November 1, 2009 may be placed on record by the Buildings, Safety Engineering and Environmental Department, upon written request of the owner, as a Group “A” Cabaret use, a Group “B” Cabaret use, or a Group “C” Cabaret use without applying for or obtaining approval from the Board of Zoning Appeals for the change of use.

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**Sec. 61-15-21 | Loss of nonconformity status; abandonment.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)

**Sec. 61-15-21. Loss of nonconformity status; abandonment.**

Once abandoned, a nonconforming use shall not be re-established or resumed, except in accordance with the provisions of Sec. 61-15-18 of this Code. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the district where it is located and all other applicable requirements of this Zoning Ordinance:

- (1) *Presumption of Abandonment.* A nonconforming use shall be presumed abandoned and its land use rights extinguished where any one (1) of the following has occurred:
  - (a) The owner has indicated, in writing or by public statement, an intent to abandon the use; or
  - (b) A conforming or less intensive nonconforming use has replaced the nonconforming use; or
  - (c) The building or structure that houses the nonconforming use has been removed; or
- (2) *Evidence of Abandonment.* Evidence that a use has been discontinued, vacant or inactive for a continuous period of at least six (6) months, and thereby abandoned, may include any of the following:
  - (a) The owner has physically changed the building or structure, or its permanent equipment, in a manner that clearly indicates a change in use or activity to something other than the nonconforming use; or
  - (b) Utility service has been shut off (see Sec. 61-16-192 for definitions of Utilities); or
  - (c) Any license, required by this Code, that is necessary for the operation of the nonconforming use;
    - (i) Has not been renewed; or
    - (ii) Has been denied or revoked without a timely appeal having been filed;
    - (iii) Has been denied or revoked, and a timely appeal of the denial or the revocation did not result in the granting of the license..
- (3) *Overcoming Presumption of Abandonment.* A presumption of abandonment based on the evidence of abandonment, as provided for in Subsection (2) of this section, may be rebutted upon a showing of all of the following, to the satisfaction of the Board of Zoning Appeals, that the owner:

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**Sec. 61-15-22 | Damage or destruction to principal structures, containing nonconforming uses.**

- (a) Has been maintaining the land and structure in accordance with all applicable regulations, including the Michigan Building Code, and did not intend to discontinue the use;
- (b) Has been maintaining all applicable licenses; and
- (c) Has filed all applicable tax documents; and
- (d) In addition, the owner of the nonconforming use shall be required to demonstrate, to the satisfaction of the Board of Zoning Appeals, that during the period of inactivity or discontinuance the owner:
  - (i) Has been actively and continuously marketing the land or structure for sale or lease; or
  - (ii) Has been engaged in other activities that would affirmatively prove there was no intent to abandon.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)

**Sec. 61-15-22. Damage or destruction to principal structures, containing nonconforming uses.**

The following provisions shall apply with respect to damage or destruction to principal structures that contain nonconforming uses:

- (1) Where a structure that contains a nonconforming use is damaged or destroyed by any means to the extent of more than sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the structure at the time the damage occurred, the use shall not be re-established except in compliance with all applicable regulations of ARTICLE XII, ARTICLE XIII, and ARTICLE XIV of this Chapter. No repairs or reconstructions shall be undertaken, unless a building permit for such repairs/construction has been obtained within two (2) years of the date of the damage or destruction. The Board may modify the provisions of the applicable regulations of ARTICLE XII, ARTICLE XIII, and ARTICLE XIV of this Chapter only after a public hearing, upon satisfying the approval criteria of ARTICLE IV, DIVISION 6 of this Chapter. The Board may impose any limitations or conditions, that the Body deems necessary to carry out the intent, spirit, and purpose of this Chapter;
- (2) Pursuant to the authority that is specified in MCL 125.3208 and notwithstanding the provisions of Subsection (1) of this section, a nonconforming single-family dwelling which is damaged or destroyed may be repaired or reconstructed without need for approval by the Board of Zoning Appeals. However, such repair or reconstruction shall not result in an increase in the gross floor area of the single-family dwelling as existed at the time that the damage or destruction occurred. No repairs or reconstruction shall be undertaken, unless a building permit for such repairs/construction has been obtained within two (2) years of the date of the damage or destruction.

**Sec. 61-15-23 | Damage or destruction to structures, accessory to nonconforming uses.**

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-15-23. Damage or destruction to structures, accessory to nonconforming uses.**

The following provisions shall apply with respect to damage or destruction to structures accessory to nonconforming uses:

- (1) Structures that are damaged or destroyed by fire, collapse, explosion, or Act of God, and are accessory to nonresidential nonconforming uses, shall be subject to the same provisions which apply to principal structures as provided for in Sec. 61-15-17 and Sec. 61-15-22 of this Code;
- (2) Structures, that are damaged, destroyed, or demolished and are accessory to residential nonconforming uses, may be reconstructed or repaired without need for a public hearing, provided, that the reconstructed accessory structure does not exceed the gross floor area of the damaged, destroyed, or demolished structure; and
- (3) Structures, that are damaged, destroyed, or demolished and are accessory to residential nonconforming uses, and that upon reconstruction or repair will exceed the gross floor area of the damaged, destroyed, or demolished structure, shall be deemed an expansion of a nonconforming use, subject to the provisions of Sec. 61-15-16 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-24. Pre-existing Agricultural Operations.**

- (a) An agricultural operation that was present prior to the adoption of this provision and does not conform to this Chapter's development standards for urban agriculture shall be considered a legal non-conforming use for the purposes of scale and type of agricultural use and are subject to the following provisions:
  - (1) Scale shall be measured by the total square footage of the agricultural operation, including the square footage of structures.
  - (2) Type is defined by the variety of crop(s) produced.
  - (3) Requests for non-conforming use status will be reviewed and granted by the City Planning Commission. Requests may be made by the owner of the subject property, the owner's authorized agent, or a person with a legal interest in the subject property, such as a purchaser under contract. The City Planning Commission will confirm the presence, scale, and type of agricultural operation on the subject property before granting non-conforming use status.
  - (4) Legal non-conforming agricultural operations are subject to ARTICLE XV, Nonconformities, of this chapter.
  - (5) Any change in scale or type will cause the non-conforming agricultural operation to lose its legal non-conforming status.
  - (6) Agricultural uses that are expressly prohibited elsewhere in the Detroit City Code will not be given legal non-conforming status.

- (b) Agricultural uses that conform to this chapter's development standards for urban agriculture shall be considered conforming uses and are not subject to this section.

(Ord. No. 10-13, §1, 04-16-13)

**Secs. 61-15-25–61-15-30. Reserved.**

### **DIVISION 3. NONCONFORMING STRUCTURES**

**Sec. 61-15-31. Scope.**

The regulations of this division apply to nonconforming structures, which are structures that were legally established but no longer comply with the Intensity and Dimensional Standards of ARTICLE XIII of this Chapter.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-32. Effect of variances.**

Where a variance is approved from otherwise applicable zoning district dimensional standards, the subject structure shall still be deemed nonconforming with respect to the standard that was “varied.”

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-33. Use.**

A nonconforming structure may be used for any use that is allowed in the underlying zoning district, subject to all applicable use standards.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-34. Expansion of nonconforming structures.**

Nonconforming structures may expand, subject to the following provisions:

- (1) A nonconforming structure may be enlarged, altered, or expanded where the enlargement, alteration, or expansion does not increase the extent of nonconformity;
- (2) Where a nonconforming building or structure is occupied by a nonconforming use, no enlargements shall be made, except those required by state law or this Code, unless the use of the building or structure is made to conform with applicable Use Regulations and General Development Standards. All other enlargements shall be deemed an expansion of a nonconforming use and subject to the provisions of Sec. 61-15-16 of this Code; and
- (3) Nothing in this division shall prevent necessary repairs or interior alterations to nonconforming structures.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-15-35. Moving.**

A nonconforming structure may be moved where the movement or relocation eliminates the nonconformity. In addition, a nonconforming structure may also be moved where the movement is for the purpose of flood-proofing or removal of the structure from a floodplain and such movement will not increase the degree of nonconformity.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-36. Loss of nonconforming status; damage or destruction of nonconforming principal structures.**

The following provisions shall apply with respect to damage or destruction to nonconforming principal structures:

- (1) Where a nonconforming principal structure is destroyed by any means to the extent of more than sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the structure at the time the damage occurred, the structure shall not be re-established, except in compliance with all applicable Use Regulations, Intensity and Dimensional Standards, and General Development Standards. No repairs or reconstruction shall be undertaken, unless commenced within two (2) years of the date of the partial destruction and diligently carried on to its completion; and
- (2) Pursuant to the authority that is specified in MCL 125.3208 and notwithstanding the provisions of Subsection (1) of this section, a nonconforming single-family dwelling which is damaged or destroyed may be repaired or reconstructed without need for approval by the Board of Zoning Appeals. However, such repair or reconstruction shall not result in an increase in the gross floor area of the single-family dwelling as existed at the time that the damage or destruction occurred. No repairs or reconstruction shall be undertaken, unless a building permit for such repairs/construction has been obtained within two (2) years of the date of the damage or destruction.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Sec. 61-15-37. Loss of nonconforming status; damage or destruction of accessory structures.**

No structure that is accessory to a principal nonconforming structure shall continue after such principal structure has been destroyed by more than sixty percent (60%) of the assessed valuation, as defined in Sec. 61-16-33 of this Code, of the principal structure at the time the damage occurred, unless the accessory structure complies with all applicable regulations of this Zoning Ordinance. No repairs or reconstruction shall be undertaken, unless commenced within two (2) years of the date of the partial destruction and diligently carried on to its completion.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06)

**Secs. 61-15-38–61-15-40. Reserved.**

## DIVISION 4. NONCONFORMING LOTS

### Sec. 61-15-41. In General.

Nonconforming lots are those lots or land parcels which were legally created but no longer comply with the minimum area or width standards of the underlying zoning district as specified in ARTICLE XIII of this Chapter. Nonconforming lots may be occupied and used in accordance with the standards of Sec. 61-13-11 and Sec. 61-13-174 through Sec. 61-13-176 of this Code.

(Ord. No. 11-05, §1, 5-28-05)

### Secs. 61-15-42–61-15-50. Reserved.

## DIVISION 5. PUBLIC ACQUISITION OF NONCONFORMITIES

### Sec. 61-15-51. Authority.

The Planning and Development Department shall be authorized to recommend to the City Council that nonconforming uses or structures be acquired and removed by the City.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-15-52. Cost estimates.

The Planning and Development Department shall submit estimates of the cost of public acquisition and removal of the nonconformity, and of the probable resale price of the subject property after removal of the nonconformity, as obtained from the appropriate City department. The Planning and Development Department's report shall identify the proposed means of offsetting any acquisition and removal costs.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-15-53. Procedure.

The City Council shall hold a public hearing on the proposed nonconformity acquisition. Following the public hearing, the City Council may declare, by resolution, that proceedings be instituted for acquisition of the nonconformity. Where the City Council resolves to acquire the nonconformity, the City Clerk shall send a certified copy of the resolution to subject property owners by registered mail. Certified copies of the resolution shall also be sent to property owners within any special assessment district that is established to help finance the acquisition.

(Ord. No. 11-05, §1, 5-28-05)

### Sec. 61-15-54. Notice.

At least fifteen (15) days' notice of the time, place, and purpose of the City Council public hearing shall be published in the City's official newspaper. The City Clerk shall send



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**Sec. 61-15-55 | Disposition of property.**

written notice of the time, place, and purpose of such public hearing, by mail, to all owners of property that is proposed for acquisition. The notice shall be sent to the owner's address as given in the last assessment roll. Where the cost of acquisition or removal is to be assessed to a special district, the Board of Assessors shall be directed to furnish the City Council with a tentative special assessment district, a tentative plan of assessment, the names of the respective owners of the properties that are located in such district, and the addresses of the owners as given in the last assessment roll. The City Clerk shall send said notice of hearing, by mail, to the owners of property that is located in the tentative special assessment district.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-15-55. Disposition of property.**

Upon the transfer of title of property to the City of Detroit, the City Council shall cause the discontinuance or removal of the nonconformity. Thereafter, the City Council may elect to retain all or part of acquired property for municipal purposes, other than public housing. Where acquisition costs are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of the property which is retained for public use. Thereafter, the City Council shall order such portion of the property not retained for municipal purposes to be sold, or otherwise disposed of, but only for a conforming use, and not public housing. The City Council shall confirm the cost of such project and report any assessable cost to the Board of Assessors, which shall then prepare an assessment roll in the manner provided for in the 2012 Detroit City Charter and this Code. At the discretion of the City council, such an assessment may be paid in one or more, but not to exceed ten (10), annual installments.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)

# ARTICLE XVI. DEFINITIONS AND RULES OF CONSTRUCTION

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## DIVISION 1. RULES OF INTERPRETATION / CONSTRUCTION OF LANGUAGE

### **Sec. 61-16-1. Internal references.**

References to “Sec.” shall include the section referred to and any further subsections contained therein.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

### **Sec. 61-16-2. Meanings and intent.**

All provisions, terms, phrases and expressions that are contained in this zoning ordinance shall be construed according to the Purpose and Intent which are set out in Sec. 61-1-4 and Sec. 61-1-5 of this Code. (See also “Written Interpretations,” ARTICLE IV, DIVISION 4)

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-16-3. Headings, illustrations, and text.**

In case of any difference of meaning or implication between the text of this Zoning Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-16-4. Lists and examples.**

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples, and are not to be exhaustive lists of all possibilities.

(Ord. No. 11-05, §1, 5-28-05)

### **Sec. 61-16-5. Computation of time.**

References to days are calendar days, unless otherwise stated. The time where an act is to be done shall be computed by excluding the first day and including the last day. Where the last day is a Saturday, Sunday, or holiday which is observed by the City, such day shall be excluded.

(Ord. No. 11-05, §1, 5-28-05)

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Sec. 61-16-6 | References to other regulations, publications, and documents.

**Sec. 61-16-6. References to other regulations, publications, and documents.**

Wherever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, as amended, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-7. Delegation of authority.**

Wherever a provision appears in this zoning ordinance that requires department director, agency head, or another officer or employee of the City to perform an act or duty, such provision shall be construed as authorizing the department director, agency head, or other officer to delegate that responsibility to others over whom they have authority.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-8. Technical and nontechnical terms.**

Words and phrases shall be construed according to the common and approved usage of English, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-9. References to public officials, bodies, and agencies.**

References to public officials, bodies, and agencies are those of the City of Detroit, unless otherwise indicated.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-10. "Use" and "Used".**

The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for." "Use" as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used."

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-11. "Person".**

The word "person" includes an individual, a firm, a partnership, a corporation, or any other legal entity.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-12. Mandatory and discretionary terms.**

The words “shall,” “will,” and “must” are mandatory terms. The words “may” and “should” are advisory and discretionary terms.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-13. Conjunctions.**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) “And” indicates that all connected items, conditions, provisions, or events apply; and
- (2) “Or” indicates that one (1) or more of the connected items, conditions, provisions, or events may apply.

(Ord. No. 11-05, §1, 5-28-05)

**Sec. 61-16-14. Tenses and plurals.**

Words that are used in one (1) tense, being past, present, or future, include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural, and the plural includes the singular.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-16-15–61-16-20. Reserved.****DIVISION 2. WORDS AND TERMS DEFINED****Subdivision A. In general****Sec. 61-16-21. Definitions and usage.**

This article includes definitions for use categories and many specialized words and terms that are used in this zoning ordinance. All words and terms that are not defined in this article shall be given their common, ordinary meanings, as the context may reasonably suggest.

(Ord. No. 11-05, §1, 5-28-05)

**Secs. 61-16-22–61-16-30. Reserved.****Term****Definition**

Term	Definition
<p><b>Subdivision B. Letter “A”</b></p> <p><b>Sec. 61-16-31. Words and terms (Aa—Ag).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 01-10, §1, 04-01-10)</p>	
Abut or abutting	Having a common border with.
Access Drive	A paved surface that provides vehicular access from a public street to a parking area or parking garage or pedestrian pick-up/drop-off area.
Accessory Building or Accessory Structure	A building or structure that: [1] is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; [2] is subordinate in area, extent and purpose to the principal building or principal use; and [3] contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.
Accessory Parking	See “Parking, Accessory.”
Accessory Use  (Ord. No. 34-05, §1, 12-06-05)	A use that: [1] is incidental and subordinate to and devoted exclusively to a principal building or a principal use legally existing on the same zoning lot; [2] is subordinate in area, extent and purpose to the principal building or principal use; and [3] contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.
Addition  (Ord. No. 20-05, §1, 5-29-05)	Construction or alteration that increases the square footage, number of dwelling units, bulk or other extent of a building or structure. However, the term “addition” does not apply in a situation where, for example, all but one (1) wall of an existing building is demolished for the purposes of reconstructing the building with a larger footprint and containing a greater gross floor area. For regulatory purposes, such a situation is considered as demolition and new construction.
Adjacent	Same as “Abut or abutting”
Adult Bookstore or Adult Video Store	<p>A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations, which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas;” or instruments, devices, or paraphernalia, which are designed or marketed primarily for stimulation of human genital organs or anus, including but not limited to dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, and physical representations of the human genital organs; but not including condoms or other items primarily intended for protection against sexually transmitted diseases or for preventing pregnancy. A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>(1) At least thirty-five percent (35%) of the establishment’s displayed merchandise consists of said items, or</li> <li>(2) At least thirty-five percent (35%) of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or</li> <li>(3) The establishment maintains at least thirty-five percent (35%) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in “floor space” maintained for</li> </ul>

Term	Definition
(Ord. No. 01-10, §1, 04-01-10)	<p>the display, sale, or rental of said items); or                      (4) The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items) and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests; or                      (5) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."</p>
Adult Cabaret (Ord. No. 01-10, §1, 04-01-10)	A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features live conduct characterized by semi-nude persons. An establishment shall not avoid classification as an adult cabaret by offering or featuring nudity.
Adult Day Care	A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons eighteen (18) years of age or older. Care is provided for periods of less than twenty-four (24) hours a day.
Adult Foster Care Facility	An establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to seven (7) or more adults. An adult foster care facility is other than a nursing home or a mental hospital for mental patients or a pre-release adjustment center. (A "home for the aged" is licensed as an adult foster care facility.)
(Repealed) (Ord. No. 01-10, §1, 04-01-10)	
(Repealed) (Ord. No. 01-10, §1, 04-01-10)	
(Repealed) (Ord. No. 01-10, §1, 04-01-10)	
Adult Motion Picture Theater (Ord. No. 01-10, §1, 04-01-10)	A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of "specified sexual activity" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.
Adult Use or Adult Use/Sexually Oriented Business (Use Category) (Ord. No. 01-10, §1, 04-01-10)	Sexually Oriented Businesses, including the following: <ul style="list-style-type: none"> <li>•Adult Bookstore or Adult Video Store</li> <li>•Adult Cabaret</li> <li>•Adult Motion Picture Theater</li> <li>•Semi-nude Model Studio (See Sec. 61-16-171)•</li> </ul>
<p><b>Sec. 61-16-32. Words and terms (Ah—Am).</b>                      (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	
Airport	A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open

Term	Definition
	spaces.
Airport Elevation, Established	The elevation above mean sea level of the highest point of the usable airport landing area.
Airport Imaginary Surfaces	Horizontal surfaces “A” and “B” (See Sec. 61-16-103.)
Airport Reference Point	A point selected or approved by the Federal Aviation Agency as the approximate center of the landing area.
Alley	A thoroughfare or way, not more than thirty (30) feet wide, that affords only a secondary means of access to abutting property and that is not intended for general traffic circulation.
Alteration  (Ord. No. 01-10, §1, 04-01-10)	Construction that changes a structure or building. Structural alterations are any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the height or footprint of the structure, the roof and/or exterior walls, including reconstruction or replacement. See also “Structural Alterations.”
Amusement Park	A park or place, unenclosed in whole or in part, operating any scenic railways, ferris wheels, merry-go-rounds, puppet shows, concession stands or any other shows and entertainments of similar character.
<p><b>Sec. 61-16-33. Words and terms (An—As).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)</p>	
Antenna	Any system of wires, poles, rods, reflecting discs, or similar devices, together with any supporting structure, used for the reception and/or transmission of electromagnetic waves.
Antenna - Category A	Television antennas not twenty-eight (28) square feet in area or six (6) feet in dish diameter, customarily though not exclusively erected from residential use, such as microwave-receiving antennas, and dipole “rod and mast” VHF-UHF antennas, hereinafter referred to as “conventional” television antennas
Antenna - Category B	Radio antennas and antenna towers, such as amateur radio antennas for ham/shortwave operations, and fixed-station antennas for business-band radio, citizens band radio, general mobile radio service and two-way radio.
Antenna - Category C	Dish antennas, such as satellite television antennas, also known as satellite dishes, earth stations, television receive-only (TVRO) antennas, earth terminals, and earth terminal antennas; other parabolic dish antennas and parabolic reflectors exceeding six (6) feet in diameter including, but not limited to, microwave-receiving antennas and studio-to-transmitter-link (STL) antennas.
Antenna - Category D	Antenna towers and poles exceeding seventy-five (75) feet in height from established grade, customarily though not necessarily housing multiple antennas, such as radio broadcasting towers, television broadcasting towers, microwave antenna towers, studio-to-transmitter links, and other communications, antennas including antennas for cellular telephone systems.
Approach Surfaces	[1] Instrument approach surfaces and non-instrument approach surfaces having a runway at least five thousand (5,000) feet in length; and [2] non-instrument approach surface having a runway with a length of two thousand (2,000) feet or more up to, but not including, five thousand (5,000) feet in length. (See Sec. 61-

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)

Term	Definition
	16-112 and Sec. 61-16-142.)
Aquaculture (Ord. No. 10-13, §1, 04-16-13)	The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.
Aquaponics (Ord. No. 10-13, §1, 04-16-13)	The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.
Arcade	A place, premises or establishment or room set aside in a retail or commercial establishment where three (3) or more coin-operated amusement devices are located, defined herein as a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor coin-operated mechanical music devices; nor mechanical motion picture devices. The definition shall not apply to coin-operated amusement devices owned or leased to establishments that are properly licensed for sale of beer or intoxicating liquor for consumption on the premises.
Arena	An enclosed structure with tiers of seats rising around a sports field, playing court or public exhibition area. Arenas are typically used for sports, entertainment and other public gathering purposes, such as athletic events, concerts, conventions, circuses and conferences.
Ash	The residue from the burning of wood, coal, coke or other combustible materials including incinerator ash and residue.
Assembly (Use Category)  (Ord. No. 38-14, §1, 10-16-2014)	Activities or structures, generally of a commercial nature that draw members of the general public to specific events or shows.  Examples include the following uses: •Assembly hall •Dance hall, public •Private club •Private lodge •Rental hall or banquet hall
Assembly hall	An enclosed place of assembly for the exclusive use of the owners of the facility or by the members of the association or organization controlling the premises. Such facility shall not be available for rental to the general public. Assembly halls are typically accessory to private clubs and private lodges and are located in a non-residential building.
Assessed valuation  (Ord. No. 44-06, §1, 12-21-06; Ord. No. 10-13, §1, 04-16-13)	Assessed valuation means the assessed valuation in the records of the Assessor of the City of Detroit. With respect to exempt properties for which the assessed valuation is zero, an independent valuation from a reputable source, subject to review and acceptance by the Buildings, Safety Engineering and Environmental Department, may be presented by the owner as the basis for determinations required by this Chapter.
Assisted Living Facility	A residential care facility designed primarily for older people who typically have no serious health problems but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided. Facilities providing regular care under supervision of physicians are not considered assisted living facilities.



Term	Definition
<p align="center"><b>Sec. 61-16-34. Words and terms (At—Az).</b></p> <p align="center">(Ord. No. 11-05, §1, 5-28-05)</p>	
<p>Auditorium or Stadium (Use Category)</p>	<p>Activities or structures that draw large numbers of people to specific events or show. Activities are generally of a spectator nature, although participatory events can also be classified as auditorium or stadium uses.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>• Armory</li> <li>• Auditorium, public</li> <li>• Convention or exhibit building</li> <li>• Office, public only</li> <li>• Outdoor entertainment facility</li> <li>• Race track, motor vehicle</li> <li>• Sports arena</li> <li>• Stadium</li> <li>• Other similar venues for major entertainment events</li> </ul>
<p>Authorized local official</p>	<p>A Detroit police officer, or other City of Detroit employee or agent, who is authorized to issue blight violations in accordance with Chapter 8.5 of the 1984 Detroit City code and the provisions of this Code that are designated as blight violations.</p>
<p>Aviation and Surface Transportation Facilities (Use Category)</p>	<p>Facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Transportation Facilities also include passenger terminals for aircraft, bus, rail and cable car service.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>• Aircraft landing areas for winged aircraft</li> <li>• Heliports</li> <li>• Passenger transportation terminal</li> <li>• Tunnel or bridge plaza and terminal, vehicular</li> </ul> <p>Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.</p>
<p align="center"><b>Secs. 61-16-35–61-16-40. Reserved.</b></p>	
<p align="center"><b>Subdivision C. Letter “B”</b></p> <p align="center"><b>Sec. 61-16-41. Words and terms (Ba-Bg)</b></p> <p align="center">(Ord. No. 11-05, §1, 5-28-05; Ord. No. 38-14, §1, 10-16-2014)</p>	
<p>Banquet hall</p> <p>(Ord. No. 38-14, §1, 10-16-2014)</p>	<p>An establishment that consists of an enclosed hall, building, or portion of any building, regularly available for the purpose of holding banquets, dinners, entertainment, luncheons, sports events, or other similar activity or events, pursuant to a “use agreement” and that is licensed by the Michigan Liquor Control Commission for the sale and consumption of alcoholic beverages on the premises. “Use agreement” means a contract or agreement between a banquet hall licensee and a person for the use of a designated portion or space of the premises for an activity or event and where the operation of the banquet hall remains under the exclusive control of the banquet hall licensee.</p>

<b>Term</b>	<b>Definition</b>
Bake Shop, Retail	Retail bakeries not exceeding four thousand (4,000) square feet in gross floor area where baked goods are prepared on the premises for consumption off the premises. Such baked goods shall primarily consist of breads, rolls, cakes, and cookies.
Basement	A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than seven (7) feet.
Bed and breakfast Inn	A single-family dwelling that meets both of the following criteria: a) Has eight (8) or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one (1) or more of which are available for rent to transient tenants; b) Serves breakfast at no extra cost to its transient tenants.
Berm	A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover. Temporary soil stockpiles and retaining walls are not berms.
<b>Sec. 61-16-42. Words and terms (Bh-Bz)</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11)	
Billiards	<p>Billiard room means a commercial establishment, except for one that has a Class C Bar License or a Tavern License, where a billiard table game, or games, are operated.</p> <p>Billiard table means a table that is surrounded by any elastic ledge or cushion, with or without pockets, and with balls that are impelled by a cue.</p> <p>Billiard table game means any of several games played on a billiard table including all forms of the game known as Carom Billiards, Pocket Billiards and English Billiards, all other games played on a billiards table, the games known as Fifteen Ball Pool, Eight ball Pool, Bottle Pool, and Pea Pool, and all other games played on a so-called pool table, or on a so-called pigeon-hole table.</p>
(Ord. No. 13-11, §1, 8-23-11)	
Blight violation	Any unlawful act, or any omission or failure to act, which is designated by this Ordinance as a blight violation pursuant to Section 41(4) of the Michigan Home Rule City Act, being MCL 117.41(4).
(Ord. No. 24-08, §1, 11-01-08)	
Blight violation determination	A determination that i) an alleged violator is responsible for one (1) or more blight violations as a result of the admission of responsibility for the allegation(s) in a blight violation notice, or ii) after an administrative hearing that a person is or is not responsible for one (1) or more blight violations, or iii) as a result of a decision and order of default for failing to appear as directed by the blight violation notice, or other notice regarding one (1) or more blight violations, at a scheduled appearance at the City of Detroit Department of Administrative Hearings in accordance with Section 4q(8)(c) of the Michigan Home Rule City Act, being MCL 117.4q(8)(c).
(Ord. No. 24-08, §1, 11-01-08)	
Blight violation notice	A written violation notice prepared by an authorized local official which directs an alleged violator i) to pay the civil fine(s) specified in the notice, including any required fees or costs, for one (1) or more blight violations in accordance with the fines, fees, or costs specified in this Ordinance and ii) to appear at the Department of Administrative Hearings regarding the occurrence or existence of one (1) or more blight violations pursuant to Section 4q(8) of the Michigan Home Rule City Act, being MCL 117.4q(8).
(Ord. No. 24-08, §1, 11-01-08)	
Blight violation proceeding.	An administrative process that results in a blight violation determination.
Block	A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, harbor lines, centerlines of waterways, or corporate boundary lines of the City of Detroit.
Block Face	All lots abutting both sides of a street between two intersecting streets.

Term	Definition
Board	The word, "Board," means the Board of Zoning Appeals of the City of Detroit.
Brewery	A facility licensed by the Michigan Liquor Control Commission that annually manufactures more than twenty thousand (20,000) barrels of beer.
Brewpub	A facility licensed as such by the Michigan Liquor Control Commission, in conjunction with a Class "C" tavern, Class "A" hotel, or Class "B" hotel, that annually manufactures and sells therein in total not more than two thousand (2,000) barrels of beer only for consumption therein.
Bridge plaza and terminal, vehicular	That property immediately contiguous to a vehicular bridge where motor vehicles enter and exit the bridge. Certain uses and activities, if oriented and available exclusively to bridge traffic, shall be considered incidental and accessory to the vehicular bridge plaza and terminal: toll booths, inspection and weigh stations, customs and immigration facilities, duty-free retail stores, motor vehicle filling stations, and uses similar to the preceding. Advertising signs that are visible to traffic outside the plaza and terminal property shall not be considered as incidental and accessory.
Building	A structure, either temporary or permanent, having a roof and enclosing walls on all sides and used or built for the shelter or enclosure of persons, animals, or property of any kind.
Building, existing	Whenever this Chapter refers to an "existing building," it means a building that constructed prior to April 9, 1998. [April 9, 1998 was the effective date of Ord. No. 9-98.]
Building, height of	(See Height of building.)
Building or construction contractor	A building or construction contractor is a person or firm engaged in the practice of assembling parts and materials to construct buildings or other structures, but not including person(s) or firm(s) (such as concrete producers) who supply and/or deliver parts or materials to a construction site without direct involvement in construction, other than delivery and deposit of the construction parts and/or materials.
Buildings and SafetyEngineering (B&SE) Department (Ord. No. 13-11, §1, 8-23-11)	The Buildings, Safety Engineering and Environmental Department (BSEED), as per amendment to the Executive Organization Plan, approved by City Council, June 15, 2010.
Bus	A motor vehicle other than a school bus that is designed for carrying sixteen (16) or more passengers, including the driver.
<b>Secs. 61-16-43–61-16-50. Reserved.</b>	
<p><b>Subdivision D. Letter "C"</b></p> <p><b>Sec. 61-16-51. Words and terms (Ca-Cg)</b></p> <p>(Ord. No. 44-06, §1, 12-21-06; Ord. No. 24-08, §1, 11-01-08; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-15, §1, 7-11-2015)</p>	
Cabaret	An establishment open to the public which sells or serves alcoholic beverages for consumption on the premises with or without food and also provides entertainment. Establishments commonly referred to as "nightclubs" shall be considered "cabarets" for zoning purposes, except for those nightclubs, bars, juice bars, restaurants, bottle clubs, or similar commercial establishment, which regularly feature live conduct characterized by semi-nudity, which are classified as "adult cabarets." The Business License Center further classifies cabarets as Group "A" Cabaret, Group "B" Cabaret, or Group "C" Cabaret. (See also Sec. 61-

<b>Term</b>	<b>Definition</b>
(Ord. No. 01-10, §1, 04-01-10)	16-92.)
Car Wash	See “Motor Vehicle Washing and Steam Cleaning”
Carport	A roofed structure providing space for the parking or storage of motor vehicles and open on three sides.
Casino (Ord. No. 44-06, §1, 12-21-06)	The premises where gaming is conducted and includes all buildings, improvements, equipment and facilities used or maintained in connection with such gaming.
Casino Complex	A casino and all buildings, hotel structures, recreational or entertainment facilities, restaurants or other dining facilities, bars and lounges, required on-site parking, retail stores and other amenities that are connected with, or operated in such an integral manner as to form part of, the same operation, whether on the same tract of land or otherwise.
Cellar	A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than seven (7) feet.
Cemetery (Ord. No. 44-06, §1, 12-21-06)	Property used for the interring of the body or cremated remains of the dead. Cemeteries may contain mausoleums, crematories, or columbaria.
Central Business District  (Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-15, §1, 7-11-2015)	The portion of the City of Detroit within the area bounded by the Detroit River, and the center lines of Brooklyn Avenue (extended), West Jefferson Avenue, Eighth Street, West Fort Street, Brooklyn Avenue, Porter Street, John C. Lodge Freeway (M-10), Fisher Freeway (I-75), Third Street, West Grand River, Temple Avenue, Fourth Street, Charlotte Street, Woodward Avenue, Fisher Freeway (I-75), Chrysler Freeway (I-375), East Jefferson Avenue, Rivard Street, Atwater Street, and Riopelle Street extended to the Detroit River.
<b>Sec. 61-16-52. Words and terms (Ch-Cm)</b>  (Ord. No. 11-05, §1, 5-28-05) (Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)	
Change of Use or Occupancy	The discontinuance of one land use and its replacement by a different land use. Also, the addition of a land use to the operation of an existing land use; for example, the addition of a cabaret to a Class C bar constitutes a change of use or occupancy. A mere change of ownership shall not constitute a change of use or occupancy.
Child Care Center  (Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)	A facility licensed by the State of Michigan Department of Human Services, other than a private residence or home, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, “Head Start” program, Day Nursery, Nursery School, Parent Cooperative Preschool, Play Group, or Drop-In Center. Child Care Center or Day Care Center does not include any of the following: [1] A Sunday School, a Vacation Bible School, or a Religious Instructional Class that is conducted by a Religious Organization where children are in attendance for not longer than three (3) hours per day for an indefinite period, or not longer than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period; [2] A facility operated by a Religious Organization where children are cared for not longer than three (3) hours while persons responsible for the children are attending religious services; [3] Family Day Care Home, Group Day Care Home, Foster Family Home, Foster Family Group Home.

Term	Definition
<p>Child Caring Institution</p> <p>(Ord. No. 34-05, §1, 12-06-05)</p>	<p>A Child Care Facility licensed by the State of Michigan Department of Human Services, other than a Juvenile Correctional Facility, that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child Caring Institution includes a Maternity Home for the care of unmarried mothers who are minors and an Agency Group Home, that is described as a Small Child Caring Institution owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child Caring Institution also includes institutions for mentally retarded or emotionally disturbed minor children. Child Caring Institution does not include a Hospital, Nursing Home, Home for the Aged, Boarding School, Adult Foster Care Family Home, Adult Foster Care Small Group Home, Family Day Care Home, Group Day Care Home, Foster Family Home, or Foster Family Group Home.</p>
<p>City</p>	<p>The word, "City," means the City of Detroit.</p>
<p>Clear Vision Triangle</p>	<p>That area formed by extending the two curb lines a distance of forty-five (45) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle</p>
<p><b>Sec. 61-16-53. Words and terms (Cn-Cs)</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)</p>	
<p>Coffee House</p>	<p>Any room, place, or building where the serving of coffee is the principal business and where tables and chairs are provided for the use of patrons to play table games and for other similar activities, but where alcoholic beverages are not provided.</p>
<p>Commercial Parking</p>	<p>See Parking, Commercial.</p>
<p>Commercial Vehicle</p>	<p>See Vehicle, Commercial.</p>
<p>Common Area, General</p>	<p>That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Condominium Master Deed.</p>
<p>Common Area, Limited</p>	<p>That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in as described in the Master Deed.</p>
<p>Community Service (Use Category)</p>	<p>Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community Services or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Customs office</li> <li>•Fire or police station, post office, court house and similar public building</li> <li>•Governmental service agency</li> <li>•Neighborhood center, nonprofit</li> <li>•Substance abuse service facility</li> </ul> <p>Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service. Public parks and recreation are classified as</p>

<b>Term</b>	<b>Definition</b>
	Parks and Open Space.
Compost (Ord. No. 10-13, §1, 04-16-13)	Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.
Concert café.	Any establishment, which provides food with music or entertainment, but does not provide alcoholic beverages. Concert cafés shall be regulated the same as “Theaters” for zoning purposes.
Condominium Act	MCL 559.101 <i>et seq.</i> , as amended.
Condominium Master Deed	The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.
Condominium Project, Commercial, Office or Industrial	A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act, MCL 559.101 <i>et seq.</i>
Condominium Subdivision	A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act, MCL 560.191 <i>et seq.</i> , as amended. Also known as a site condominium.
Condominium Subdivision Plan	The drawings attached to the Condominium master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.
Condominium Unit	Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the Condominium master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term “condominium unit” shall be equivalent to the term “lot”, for purposes of determining compliance of the site condominium subdivision with the provisions of this Zoning Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.
Conforming Land Uses	“Conforming land uses” mean any land use located in a zoning district where the land use is permitted either by-right or as a Conditional Use and not otherwise prohibited in that district.
Conical Surface	A surface sloping upward and outward to an altitude of one hundred fifty (150) feet above the established heliport elevation at a slope ratio of one to eight beginning at the heliport elevation on the perimeter of a circle of two hundred (200) feet radius centered on each heliport.
Construction Refuse	Waste from building construction, alteration, demolition or repair, and dirt from excavations.
Contractor yard, landscape or construction (Ord. No. 10-13, §1, 04-16-13)	A yard used for the outdoor storage of a construction or landscape contractor’s vehicles, equipment, and materials, including plant materials and contained soil.
Controlled Uses	Any or the following: [1] Arcades; [2] Specially designated merchant’s (SDM) establishments and/or specially designated distributor’s (SDD) establishments and [3] pool or billiard halls.

Term	Definition
Convalescent, Nursing, or Rest Home	Establishments primarily engaged in the providing in-patient nursing care, other than a private home, where seven (7) or more older adults or disabled persons receives on-going care and supervision. Same as “convalescent home” or “rest home.” These are facilities that provide a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident’s physician. They are designed for older adults or disabled persons who need health care supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided.
Council	The word, “Council,” means the City Council of the City of Detroit.
<p><b>Sec. 61-16-54. Words and terms (Ct-Cz)</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 31-15, §1, 3-01-2016)</p>	
Cultural Center (Ord. No. 44-06, §1, 12-21-06)	The portion of the City of Detroit within the area bounded by the center lines of the Edsel Ford Freeway, Brush Street, Forest Avenue, and the John C. Lodge Freeway
Cul-de-sac	A street ending in a turn-around, designed, and intended as a permanent or temporary terminus.
Cultivate or cultivation (marihuana) (Ord. No. 31-15, §1, 3-01-2016)	(i) all phases of growth of marihuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.
Customer service center	A facility, other than a retail store, operated by a public or private utility, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.
<p><b>Secs. 61-16-55–61-16-60. Reserved.</b></p>	
<p><b>Subdivision E. Letter “D”</b></p>	
<p><b>Sec. 61-16-61. Words and terms (Da-Dg)</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 44-06, §1, 12-21-06)</p>	
Dance Hall, Public (Ord. No. 24-08, §1, 11-01-08)	A place, enclosed or unenclosed, building or that portion of a building that is used for public dances where the public is invited or allowed and where a monetary contribution, donation, or fee is made or paid.
Dance Studio	Any school of dancing or any place where dancing of any type of style shall be taught. (Does not include any establishment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”)
Day Care (use Category)	<p>Uses that provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Adult day care center</li> <li>•Child care center</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>•Group day care home</li> <li>•Family day care home</li> </ul>
Debris	The remains of something broken down or destroyed.
Deciduous	A plant with foliage that is shed annually.
Decision-making Body	The entity that is authorized to finally approve or deny an application or permit required under this zoning ordinance.
Dedication	The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.
Developer	The legal or beneficial owner or the representative thereof, of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase. The developer performs all functions necessary to obtain land control and financing to construct or rehabilitate a property and expects to assume all the risks and rewards upon completion of the project.
Development  (Ord. No. 44-06, §1, 12-21-06)	The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this zoning ordinance.
<p><b>Sec. 61-16-62. Words and terms (Dh-Dz)</b>  (Ord. No. 11-05, §1, 5-28-05)</p>	
Dish Antenna	An antenna consisting of a radiation element that transmits or receives signals generated as electrical light, or sound energy supported by a structure that may or may not provide a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface.
Dormitory  (Ord. No. 13-11, §1, 8-23-11)	A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.
Driveway	That portion of the zoning lot that has been so designated, designed and improved as to afford a suitable means and a direct route for vehicular access to the private parking garage or to a rear yard parking area. Driveway shall not include other portions of the zoning lot, whether improved or not improved, that are not within the most direct line or route leading from the access street to the private parking garage or rear yard parking area. (Semicircular driveways are addressed in <b>(5)</b> of this Code.
Dwelling	Any building, or part thereof, designed for or occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily, or transiently.
Dwelling Unit	A building or portion of it designed and used for residential occupancy by a single “family” and that includes exclusive sleeping, cooking, eating and sanitation facilities.
<p><b>Secs. 61-16-63–61-16-70. Reserved.</b></p>	



<b>Term</b>		<b>Definition</b>	
<b>Subdivision F. Letter “E”</b>			
<b>Sec. 61-16-71. Words and terms (Ea-Ez)</b>			
(Ord. No. 11-05, §1, 5-28-05)			
Educational Institution	Educational institution is a post-secondary institution such as a college, university, or community college. For zoning purposes, educational institution does not include K-12 schools, business colleges, trade schools, or penal or correctional institutions.		
Efficiency Unit	A dwelling unit containing not more than one room or enclosed floor space arranged for living, eating, and sleeping purposes not including bathrooms, water closets, laundry rooms, pantries, foyers, hallways, and other accessory floor spaces.		
Emergency Shelter	A facility that provides congregate style temporary lodging with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year. An emergency shelter does not provide such lodging to any individual [1] who is required because of age, mental disability or other reason to reside either in a public or private institution or [2] who is imprisoned or otherwise detained pursuant to either federal or state law. An emergency shelter shall be considered a different land use than adult foster care facilities, designated transitional housing, nursing homes, temporary emergency shelters, or warming centers. Emergency shelters are subject to licensing by the Business License Center.		
Employee Recruitment Center	Establishments that recruit people to fill temporary employment positions with other businesses or agencies. Typical uses include day labor recruitment centers and temporary employment agencies where prospective employees come to the site.		
Erected	The word “erected” includes built, constructed, reconstructed, altered, moved upon, or any physical operation on the premises required for the building or structure. Excavations, fill, drainage, paving, and the like, shall be considered a part of erection.		
Evergreen	A plant with foliage that persists and remains green year-round.		
<b>Secs. 61-16-72–61-16-80. Reserved.</b>			
<b>Subdivision G. Letter “F”</b>			
<b>Sec. 61-16-81. Words and terms (Fa-Fg)</b>			
(Ord. No. 11-05, §1, 5-28-05) (Ord. No. 34-05, §1, 12-06-05; Ord. No. 10-13, §1, 04-16-13)			
Family	[1] One person, or a group of two (2) or more persons living together, and interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, and occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus		

Term	Definition
	<p>constituting a family may also include domestic servants employed solely on the premises. It may also include not more than four (4) foster children provided that the home is licensed as a foster home by the State of Michigan. [2] Two persons, interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, and one person not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. [3] Two persons not interrelated by bonds of consanguinity, marriage, legal adoption, or guardianship, provided that such group lives together and occupies a dwelling as a single housekeeping unit with a single set of culinary facilities, and provided that both members of the group have full access to all portions of the dwelling.</p> <p>A dwelling occupied under the provisions of this definition shall not be operated as a rooming house or an adult foster care home or child caring institution. [See also “functional family”]</p>
<p>Family Day Care Home  (Ord. No. 34-05, §1, 12-06-05)</p>	<p>A licensed day care center as an accessory use in a residential dwelling unit where at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family Day Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. For the purpose of this definition, “Private Home” means a private residence where the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children. Notwithstanding its status as an accessory use, a family day care home requires a permit. A family day care home may not operate unless also licensed by the Michigan Department of Human Services.</p>
<p>Family, Functional</p>	<p>A group of persons that does not otherwise meet the definition of “family,” living in a dwelling unit as a single housekeeping unit and intended to live together as a group for the indefinite future. This definition shall not include any club, fraternity, hotel, motel, rooming house or any other group of persons whose association is temporary or commercial in nature. (See <a href="#">Sec. 61-12-117</a> for specific use regulations that may apply to dwelling units occupied by a functional family.)</p>
<p>Farmers Market  (Ord. No. 10-13, §1, 04-16-13)</p>	<p>A pre-designed non-municipally owned or operated area, with or without temporary structures, where vendors and individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale, sell vegetables or produce, flowers, orchard products, locally-produced packaged food products, and/or animal agricultural products.</p>
<p>Farm Stand  (Ord. No. 10-13, §1, 04-16-13)</p>	<p>A temporary structure, accessory to an urban garden or urban farm for the display and sale of vegetables or produce, flowers, orchard products, locally-produced packaged food products and similar non-animal agricultural products grown or produced on the general property of the urban garden or urban farm upon which the stand is located.</p>
<p><b>Sec. 61-16-82. Words and terms (Fh-Fz)</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)</p>	
<p>Financial services center</p>	<p>A facility, other than a bank, savings and loan association, or credit union, at which the principal business is service to the public for check cashing, the sale of money orders, the transfer of funds by wire, cable, or electronic medium, or similar financial services.</p>
<p>Firearms Dealer</p>	<p>A person engaged in the wholesale or retail sale of firearms, the repair of</p>

Term	Definition
	firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms.
Firearms Dealership	A place of business of a firearms dealer. A firearms dealership shall be defined as only those establishments principally engaged in the display or sale of firearms or ammunition. A firearms dealership is not a store of a generally recognized retail nature that may include firearms or ammunition as an incidental and accessory use.
Fireworks	As specified in Sec. 19-3-62 of this Code, Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display, an audible effect or both, by combustion, deflagration or detonation. The term fireworks includes all items defined as fireworks under Michigan Laws, all items defined as fireworks by the United States Consumer Products Safety Commission and the United States Department of Transportation, and all items otherwise defined as fireworks under Michigan or Federal law.
Flight Obstruction Area	All areas of land or water below airport or heliport imaginary surfaces.
Floodplain	See Sec. 61-14-374.
Floor Area	The sum of the gross area for each of a building's stories under roof measured from the exterior limits or faces of the building.
Floor Area Ratio (FAR)	The total floor area of all buildings or structures on a lot divided by the area of said lot. (See also Sec. 61-13-157.)
Food and Beverage Service (Use Category)  (Ord. No. 13-11, §1, 8-23-11)	<p>Uses that: [1] offer food and non-alcoholic beverages for on- or off-site consumption; [2] offer food and alcoholic beverages for on-site consumption; or [3] offer alcoholic and non-alcoholic beverages for on-site consumption.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Brewpub</li> <li>•Establishment for the sale of beer or intoxicating liquor for consumption on the premises (commonly referred to as “bars” or “taverns”)</li> <li>•Microbrewery</li> <li>•Restaurant, carry-out or fast-food</li> <li>•Restaurant, standard</li> <li>•Small distillery</li> </ul>
Food Catering Establishment	A food preparation facility from which prepared meals are delivered by the caterers for consumption off the premises. Unlike carry-out restaurants which may offer delivery service, food catering establishments are primarily geared toward providing food service for events or larger gatherings rather than a family meal.
Front (Of Building)	The exterior wall of a building that faces the front lot line.
<b>Secs. 61-16-83–61-16-90. Reserved.</b>	
<b>Subdivision H. Letter “G”</b>	
<b>Sec. 61-16-91. Words and terms (Ga-Gm).</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)	

Term	Definition
Garage, Private (Accessory to Residential Dwelling Unit)	An accessory building or portion of a principal building not over one (1) story or fifteen (15) feet in height designed or used for the storage of not more than five (5) passenger vehicles or recreational equipment.
Garbage	Putrescible solid waste that consists of rejected food waste being the waste accumulation of animal, fruit or vegetable matter intended for or used as food or utilized for preparation, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and of animal and fowl excrement.
Garden Center (Ord. No. 10-13, §1, 04-16-13)	See Greenhouse
Gateway Radial Thoroughfare	Those major radial streets, within and leading to the Central business district, upon which the Master Plan of Policies has generally proposed a rezoning from B4 (General Business) district to a Special Development zoning district, are hereby designated Gateway Radial Thoroughfares. The five (5) Gateway Radial Thoroughfares are designated as: (1) Woodward Avenue between Euclid Avenue and the Fisher Freeway (I-75); (2) Grand River Avenue between the Edsel Ford Freeway (I-94) and Cass Avenue; (3) Gratiot Avenue between Mount Elliott Avenue and Randolph Street/ Broadway Avenue; (4) Michigan Avenue between the Jeffries Freeway (I-96) and the John C. Lodge Freeway (M-10); and (5) East Jefferson Avenue between Water Works Park (Garland Avenue/Marquette Ave.) and the Chrysler Freeway (I-375).
<b>Sec. 61-16-92. Words and terms (Gn-Gz).</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 10-13, §1, 04-16-13)	
Governmental Service Agency	A facility, generally operated by an agency of the government, that provides assistance, benefits, licenses, or advisory services to members of the public. These services may include counseling, legal aid, vocational rehabilitation, aid to the handicapped, welfare, or other social services.
Grade, Established	For purposes of regulating and determining the height or bulk of a building or structure, the term “established grade” shall mean the elevation of the sidewalk grade as fixed by the City. In those cases where no sidewalk exists or when the natural level of the ground is higher or lower than the grade established by the City Engineer, the average natural level of the ground shall be taken as the established grade.
Grade, Existing or Natural Grade plane	The vertical elevation of the existing ground surface prior to excavation or filling. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.
Greenhouse	A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use and/or for subsequent sale. A greenhouse may or may not be a permanent structure. Garden centers are not greenhouses. Garden centers, which may include a nursery or greenhouse as an accessory use, import most of the items sold - items such as plants, potting soil, and garden equipment. Garden centers shall be

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 10-13, §1, 04-16-13)

Term	Definition
(Ord. No. 10-13, §1, 04-16-13)	considered “stores of a generally recognized retail nature” for regulatory purposes.
Gross Floor Area	The sum of the gross horizontal floor areas including: Areas occupied by fixtures and equipment for display or sale of merchandise, and mezzanines and other partial floor areas. Such area shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings or structures, excluding stairwells at each floor, elevator shafts at each floor, floors or parts of floors devoted exclusively to vehicular parking or loading, and all floors below the first or ground floor, except when used for or intended to be used for service by customers, patrons, clients, patients, or tenants.
Group “A” Cabaret.	An establishment open to the public which sells or serves alcoholic beverages for consumption on the premises with or without food, and either allows dancing with or without live entertainment, or provides three (3) or more live entertainers at one (1) time with or without dancing.
Group “B” Cabaret.	An establishment which sells or serves alcoholic beverages for consumption on the premises with or without food, and is a club, as define within Section 107 of the Michigan Liquor Control Act, being MCL 436.1107(3), which is licensed by the Michigan Liquor Control Commission.
Group “C” Cabaret.	An establishment open to the public which sells or serves alcoholic beverages for consumption on the premises with or without food, provides only one (1) or two (2) entertainers at one time, and does not allow dancing.
Group Day Care Home  (Ord. No. 34-05, §1, 12-06-05)	An accessory use to a private home, licensed by the Michigan Department of Human Services, where more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Notwithstanding its status as an accessory use, a group day care home requires a permit.
Group Living (Use Category)	<p>Residential occupancy of a dwelling unit by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a family. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Adult foster care facility</li> <li>•Assisted living facility</li> <li>•Convalescent, nursing, or rest home</li> <li>•Emergency shelter</li> <li>•Fraternity or sorority house</li> <li>•Residential substance abuse service facility</li> <li>•Rooming house</li> <li>•Shelter for victims of domestic violence</li> </ul> <p>Lodging where tenancy may be arranged for periods of less than thirty (30) days is to be considered a hotel or motel use and classified in the Retail Sales and Service category. Lodging where the residents meet the definition of a “family” and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.</p>

Term	Definition
<b>Secs. 61-16-93–61-16-100. Reserved.</b>	
<b>Subdivision I. Letter “H”</b>	
<b>Sec. 61-16-101. Words and terms (Ha-Hg).</b>  (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 08-12, §1, 6-05-12)	
Handcrafted Goods  (Ord. No. 08-12, §1, 6-05-12)	A good or item created or produced by a craftsperson where the starting materials are significantly altered or enhanced by the craftsperson and the handcrafted components functionally and/or aesthetically dominate any non-handcrafted (commercial) components.
Hazardous Substance	Any of the following: [a] a chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment; [b] "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC 9601; [c] "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103; or "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).
Hazardous Waste	Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, or industrial discharge that is a point source subject to permits under Section 402 of the Clean Water Act of 1977, 33 U.S.C. Sec. 1342, or is a source material, special nuclear material, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. Sections 2011 to 2282.
Hazardous Waste Facility	A facility or a part of a facility that is used for the treatment, storage, or disposal of hazardous waste.
Health Club (Ord. No. 01-10, §1, 04-01-10)	Gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments. For zoning purposes, a bathhouse shall be regulated as a health club.
Height (Of Buildings)  (Ord. No. 20-05, §1, 5-29-05)	The vertical distance from the grade plane at the center of the front of the building to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip, and gambrel roofs.
Helipad	An area on a heliport for the landing or takeoff of helicopters.
Heliport	An area designed, used, or intended to be used for the landing or taking off of helicopters, including all necessary helicopter storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Term	Definition
Heliport Elevation, Established	The elevation above mean sea level of the highest point of the usable heliport landing area.
Heliport Imaginary Surface	See Conical Surface, <u>Sec. 61-16-53</u> .
Heliport Reference Point	A point selected or approved by the Federal Aviation agency as the approximate center of the heliport.
<p><b>Sec. 61-16-102. Words and terms (Hh-Hm).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>	
High/medium-impact Manufacturing or Processing	<p>Examples include:</p> <ul style="list-style-type: none"> <li>•automobile accessory manufacture (not including tires heat treating or foundry work)</li> <li>•automotive, agricultural or other heavy machinery manufacturing (not including heat treating)</li> <li>•bolt or nut manufacture (not including heat treating)</li> <li>•book publishing, printing or engraving</li> <li>•brake debonding</li> <li>•brewing or distilling of liquors</li> <li>•brewing of twenty thousand (20,000) or more barrels of beer or malt beverage per year</li> <li>•buffing shop</li> <li>•business machines or equipment manufacture</li> <li>•can, barrel, drum or pail manufacture</li> <li>•canning factories, excluding fish products</li> <li>•die casting</li> <li>•disinfectant or insecticide manufacture</li> <li>•distilling of alcoholic products</li> <li>•automatic screw machine operations</li> <li>•electric fixtures, batteries, or other electrical apparatus manufacture but excluding battery rebuilding</li> <li>•emery cloth or sandpaper manufacture</li> <li>•furniture manufacture</li> <li>•heating or ventilating apparatus manufacture or assembly</li> <li>•mattress manufacture</li> <li>•millwork, lumber or planing mills</li> <li>•monument works</li> <li>•painting or varnishing shops</li> <li>•paper box or cardboard products manufacture</li> <li>•plastic products manufacture</li> <li>•plating or anodizing</li> <li>•replating</li> <li>•sheet metal works</li> <li>•tire recapping and</li> <li>•welding shops</li> <li>• wrought iron, custom decorative shops</li> </ul>
High-impact Manufacturing or Processing	<p>Examples include:</p> <ul style="list-style-type: none"> <li>•abrasives manufacture</li> <li>•acetylene manufacture</li> <li>•annealing or heat treating plants</li> <li>•balls or bearings manufacture</li> <li>•battery rebuilding</li> <li>•bed spring manufacture</li> <li>•bleaching powder manufacture</li> <li>•boiler manufacture</li> <li>•bolts or nuts manufacture</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>•brick or building block manufacture</li> <li>•candle manufacture</li> <li>•carbonic gas manufacture or storage</li> <li>•carbonic ice manufacture</li> <li>•cattle or sheep dip manufacture</li> <li>•Cellophane or celluloid manufacture</li> <li>•ceramic products manufacture</li> <li>•chlorine gas manufacture</li> <li>•clay products manufacture</li> <li>•concrete batching plants</li> <li>•concrete pipe or concrete pipe products manufacture</li> <li>•dextrine manufacture</li> <li>•dyestuffs manufacture</li> <li>•engine manufacture</li> <li>•felt manufacture</li> <li>•glass manufacture</li> <li>•glucose manufacture</li> <li>•graphite manufacture</li> <li>•gutta percha manufacture or treatment</li> <li>•ink manufacture (from basic substance)</li> <li>•jute fabrication</li> <li>•meat products manufacturing or processing</li> <li>•pharmaceutical products manufacture</li> <li>•phenol manufacture</li> <li>•pyroxylin plastic manufacture or processing</li> <li>•roofing materials manufacture excluding tar products</li> <li>•rope manufacture</li> <li>•rug manufacture</li> <li>•shoe polish manufacture</li> <li>•soap manufacture</li> <li>•starch manufacture</li> <li>•sugar refining</li> <li>•terra cotta manufacture</li> <li>•tire manufacture</li> <li>•turpentine manufacture</li> <li>•wall board manufacture</li> <li>•wire manufacture</li> <li>•yeast manufacture</li> </ul>
<p><b>Sec. 61-16-103. Words and terms (Hn-Hz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)</p>	
Home Occupation	A business, profession, occupation or trade, conducted within a dwelling unit by a resident of the dwelling unit. Such occupation is incidental and subordinate to use of the dwelling for residential purposes.
Hoophouse or High Tunnel (Ord. No. 10-13, §1, 04-16-13)	An unheated structure whose roof and sides are made largely of transparent or translucent material (not glass) for the purpose of the cultivation of plants for personal use and/or for subsequent sale.
Horizontal Surface “A”	A circular plane, one hundred fifty (150) feet above the established airport elevation and having a radius of fifteen thousand (15,000) feet from the airport reference point.



Term	Definition
Horizontal Surface “B”	A nearly rectangular plane, two hundred (200) feet above ground level, and longitudinally centered on the extended centerline of the major north-south runway at Detroit City Airport. Said plane begins at the periphery of horizontal surface “A”, extends in both northerly and southerly directions to the City limits, and is four miles wide, <i>i.e.</i> , two miles on either side of the extended runway centerline.
Hospice	Facilities providing in-patient care for individuals suffering from a terminal illness.
Hospital (Use Category)	Uses providing medical or surgical care to patients and offering overnight care. Examples include medical centers, hospitals, and hospices. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category. Medical clinics or offices that provide care where patients are generally not kept overnight are classified as Offices.
Hotel	A building, or part of a building, or a group of buildings, on a single zoning lot, designed for or primarily occupied by transients: that contains more than ten (10) rooming or dwelling units, and where fewer than twenty-five percent (25%) of said units are independently accessible from the outside without the necessity of passing through the main lobby of the building. The term includes any such building or building group that is designated by the operator as a motor lodge, motor inn, or any other title intended for identification as providing lodging for compensation, and that is with or without a general kitchen and public dining room for the use of the occupants. Hotels are subject to licensing by the Business License Center, subject to the provisions of Chapter 44 of this Code.
House Trailer	Same as Trailer Coach. See “Recreational Vehicle” (See <u>Sec. 61-16-161.</u> )
Household Living (Use Category)	<p>Residential occupancy of a dwelling unit by a “family.” Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Loft</li> <li>•Mobile home park</li> <li>•Multiple-family dwelling</li> <li>•Residential use combined in structures with permitted commercial uses</li> <li>•Single-room-occupancy housing (SRO), nonprofit</li> <li>•Single-family detached dwelling</li> <li>•Single- or two-family dwelling combined in structures with permitted commercial uses</li> <li>•Town houses</li> <li>•Two-family dwelling</li> </ul> <p>Lodging in a dwelling unit or where less than two-thirds (2/3) of the units are rented on a monthly or longer basis is considered a hotel, motel, public lodging house or rooming/boarding house use.</p>
Hydroponics (Ord. No. 10-13, §1, 04-16-13)	A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool.
<b>Secs. 61-16-104–61-16-110. Reserved.</b>	

Term		Definition	
<b>Subdivision J. Letters “I” Through “J”</b>			
<b>Sec. 61-16-111. Words and terms (Ia-Im).</b>			
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10)			
Impervious Surface	Any hard-surfaced, man made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking, driveway areas, graveled areas, sidewalks and paved recreation areas.		
Improvements	As defined in MCL 125.3102(l), improvements means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval 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 draining. “Improvements” does not include the entire project which is the subject of zoning approval.		
(Ord. No. 44-06, §1, 12-21-06)			
[Repealed]			
(Ord. No. 01-10, §1, 04-01-10)			
<b>Sec. 61-16-112. Words and terms (In-lz).</b>			
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13)			
Incidental	1) Occurring as a minor accompaniment; or 2) In the context of zoning and land use, an activity or item that occupies or involves not more than ten percent (10%) of a whole, such as gross floor area or inventory, is considered as an incidental use of the land, while an activity or item that occupies or involves more than ten percent (10%) of a whole is considered a principal use of the land.		
(Ord. No. 01-10, §1, 04-01-10)			
Industrial Service (Use Category)	Uses engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
	Examples include the following uses:		
	<ul style="list-style-type: none"> <li>•Blueprinting shop</li> <li>•Boiler repairing</li> <li>•Construction equipment, agricultural implements and other heavy equipment repair or service</li> <li>•Contractor yard, landscape or construction</li> <li>•Junkyard</li> <li>•Laundry, industrial</li> <li>•Lumber yard</li> <li>•Machine shop</li> <li>•Outdoor storage yard</li> <li>•Research facilities</li> <li>•Research facilities</li> <li>•Tires, used: sales and/or service</li> <li>•Towing service storage yard</li> <li>•Trade services, general</li> <li>•Truck stop</li> <li>•Welding shop</li> </ul>		
(Ord. No. 04-12, §1, 03-30-12; Ord. No. 10-13, §1, 04-16-13)			



Term	Definition
	intensive than a use first permitted as a matter of right in the M2 District. For a land use not permitted in any zoning district as a matter of right, but exclusively as a Conditional Use, the intensity of that land use in comparison to another shall be determined according to the zoning districts where the two land uses are first conditionally permitted.
<p><b>Sec. 61-16-113. Words and terms (Ja-Jz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>	
Junkyard	<p>An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron or other metals, paper, rubber, rags, lumber, tires, or bottles.</p> <p>A “junkyard” also includes any outdoor storage yards of used auto parts dealers as defined in <u>Sec. 61-16-191</u> of this Code, scrap iron and metal processors, and automobile dismantling and wrecking yards as well as the storage lots or yards of the following operators licensed by the Michigan Department of State, Bureau of Automotive Regulation, Licensing Section: Class C, Used Vehicle Parts Dealer; Class E, distressed Vehicle Transporter; and Class F, Vehicle Scrap Metal Processor, but excludes uses established entirely within enclosed buildings.</p>
<p><b>Secs. 61-16-114–61-16-120. Reserved.</b></p>	
<p style="text-align: center;"><b>Subdivision K. Letters “K” Through “L”</b></p>	
<p><b>Sec. 61-16-121. Words and terms (Ka-Kz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)</p>	
Kennel, commercial  (Ord. No. 24-08, §1, 11-01-08)	Any facility except a duly licensed pet shop wherein three (3) or more licensable dogs or other household animals are boarded, confined, kept or maintained for remuneration for the purpose of breeding, boarding, sale, sporting, or any commercial or training purposes.
<p><b>Sec. 61-16-122. Words and terms (La-Lg).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>	
Landscaped Area	The portion of a site that is planted with landscaping.
Landscaping	Any combination of living plants, such as trees, shrubs, vines, groundcover, flowers, or grass.
Laundry	An establishment, including laundromats, that caters primarily to the general public, as opposed to an industrial laundry.
Laundry, industrial	An establishment that caters primarily to business and industry rather than the general public.

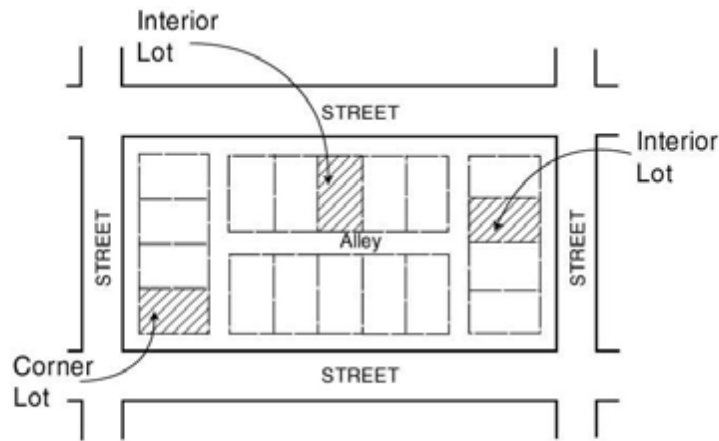
Term	Definition
<p align="center"><b>Sec. 61-16-123. Words and terms (Lh-Lm).</b></p> <p align="center">(Ord. No. 11-05, §1, 5-28-05)</p>	
Library (Use Category)	Libraries house collections of books, magazines or other material that is loaned to the general public without charge. Examples include public libraries.
Limousine	A chauffeur-driven motor vehicle which is not equipped with a taximeter, is designed to have a seating capacity for fifteen (15) persons inclusive of the driver, and is operated at hourly rates established in accordance with Section 58-2-6 of this Code.
Linear measurement	Linear measurement between two uses shall be based on the distance, measured along the centerline of the roadway abutting the zoning lots on which the uses are located, at points perpendicular to the outermost portions of the uses closest to each other. This spacing requirement applies regardless of the side of the roadway on which the use is located.
Lithographing	A printing process in which the image to be printed is rendered on a flat surface, as on sheet zinc or aluminum, and treated to retain ink while the nonimage areas are treated to repel ink. (For zoning purposes, silk screening may be permitted wherever lithographing is permitted.)
<p align="center"><b>Sec. 61-16-124. Words and terms (Ln-Lz).</b></p> <p align="center">(Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14)</p>	
Lodging House, Public	A commercial establishment or place where five (5) or more members of the public, whether travelers or not, are charged for or pay for sleeping quarters in the form of cots or beds in the same room.
Loft	A dwelling unit in a building originally constructed for other than primarily residential use containing one or more rooms or enclosed floor space arranged for living, eating, sleeping and/or home occupations; such units shall include bathroom and kitchen facilities as required by applicable codes.
Lot	Same as “Zoning lot” (See “Lot, Zoning”)
Lot Area	The area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.
Lot, Corner	A lot of which at least two sides abut (for their full length) upon a street, provided that the two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme points of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner-lot. In the case of a corner-lot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangent herein described. (See Figure 61-16-124.)
Lot, Interior	A lot other than a corner-lot, with only one frontage on a street. (See Figure 61-16-124.)
Lot Line	A line bounding a lot that divides one lot from another lot or from a street or any other public or private space.
Lot Line, Boundary	A lot line that separates a property in one zoning district from a property in a different zoning district.

Term	Definition
Lot Line, Front	The line dividing a lot from a street. On a corner-lot, the shorter street line shall be considered the front lot line; provided, that for a lot comprised of more than one lot of record, the front lot line shall be the same as indicated on the plat for the individual parcels comprising the lot. In unusual circumstances the Planning and Development Department shall designate which shall be the front lot line. Where a zoning lot is bounded on two opposite sides by public streets, the zoning lot line fronting on the street having the wider right-of-way shall be the front zoning lot line.
Lot Line, Rear	That lot line that is parallel to and most distant from the front lot line of the lot; in the case of a triangular, or an irregular lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the street lot line shall be considered to be the rear lot line. In the case of corner lots, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
Lot Line, Side	A lot line other than the front lot line or rear lot line.
Lot of Record	A lot that is part of a subdivision, the plat of which has been recorded in the office of the County of Wayne Register of Deeds; or a parcel of land, the deed of which is recorded in the office of the County of Wayne Register of Deeds.
Lot, Through	A lot other than a corner-lot with frontage on more than one street. (See Figure 61-16-124.)
Lot Width	Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured at right angles to the lot depth at points twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line

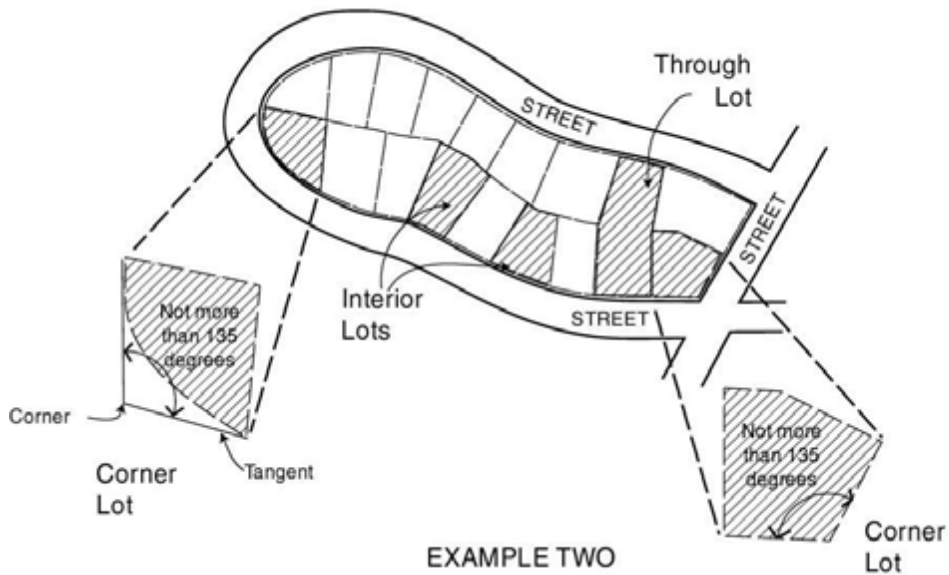
Term	Definition
Lot, Zoning	A single tract of land located within a single block that at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street, or permanent means of access to a street, other than an alley, and may consist of: [1] a single lot of record; [2] a portion of a lot of record; [3] a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; [4] a parcel of land described by metes and bounds.

Figure 61-16-124

Lot Types



EXAMPLE ONE



EXAMPLE TWO

Term	Definition
<p>Low/medium-impact Manufacturing or Processing</p>	<p>Examples include:</p> <ul style="list-style-type: none"> <li>•art needlework (factory)</li> <li>•assembly of small parts</li> <li>•awnings, cloth, custom manufacture or assembly</li> <li>•bleaching powder compounding -- blending of materials only and not involving chemicals manufacturing</li> <li>•bookbinding</li> <li>•braces, orthopedic manufacture</li> <li>•broom manufacture</li> <li>•canvas goods manufacture</li> <li>•cigar or cigarette manufacture</li> <li>•cinema production or development</li> <li>•clock or watch manufacture</li> <li>•coffee roasting</li> <li>•display designer's or builder's shops</li> <li>•dog or cat food cannery or manufacture excluding rendering or the use of fish products</li> <li>•door, sash, or trim manufacture</li> <li>•draperies manufacture</li> <li>•electric equipment assembly</li> <li>•flag or banner manufacture</li> <li>•furs: manufacture, cutting, or assembly</li> <li>•glass blowing</li> <li>•glass laminating</li> <li>•heating or ventilating apparatus assembly (not including fabrication or sheet metal ductwork)</li> <li>•industrial laundry</li> <li>•ink or paint products compounding, cold mix only</li> <li>•knit goods manufacture</li> <li>•leather goods manufacture or fabrication</li> <li>•mattress manufacturing</li> <li>•paper or cardboard box forming or assembly, excluding corrugating</li> <li>•pattern shop</li> <li>•plastic products forming or molding</li> <li>•vending machine assembly</li> <li>•wire rope assembly</li> </ul>
<p>Low-impact Manufacturing or Processing  (Ord. No. 23-14, §1, 07-24-14)</p>	<p>Examples include:</p> <ul style="list-style-type: none"> <li>•bakeries</li> <li>•bottling of alcoholic products</li> <li>•creameries</li> <li>•food products manufacturing or processing, but excluding slaughtering or rendering</li> <li>•manufacture of musical instruments, toys, novelties, metal or rubber stamps, or other small molded rubber products</li> <li>•soda water or soft drink manufacturing or bottling establishments</li> </ul>
<p><b>Secs. 61-16-125–61-16-130. Reserved.</b></p>	



Term	Definition
<b>Subdivision L. Letter “M”</b>	
<p><b>Sec. 61-16-131. Words and terms (Ma-Mg).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 31-15, §1, 3-01-2016)</p>	
Manufactured Housing Unit	A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used as a single dwelling unit.
Manufacturing and Production (Use Category)	<p>Uses involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Very high-impact manufacturing or processing</li> <li>•High-impact manufacturing or processing</li> <li>•High/medium-impact manufacturing or processing</li> <li>•Low/medium-impact manufacturing or processing</li> <li>•Low-impact manufacturing or processing</li> </ul> <p>Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.</p>
Manufacturing or Processing	See Manufacturing and Production (Use Category).
Marina	Marina means a facility that offers service to the public or members of the marina for docking, loading, or other servicing [of] recreational watercraft. Accessory uses include boat storage and eating and retail facilities for owners, crews, and guests.
Massage Therapy Clinic (Ord. No. 01-10, §1, 04-01-10)	An establishment where a licensed or certified massage therapist provides massage in compliance with applicable provisions of Chapter 32 of this Code.
Master Deed	The condominium document recording the condominium project as approved by the City, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
Master Plan (Ord. No. 13-11, §1, 8-23-11)	The official “Master Plan of Policies” of the City of Detroit, as referenced in the Journal of City Council, July 28, 2009, Pages 1715-1717, as amended. The Master Plan of Policies specifies three levels of roadway under the “transportation” designation of the City of Detroit future general land use map: freeways, major thoroughfares, and secondary thoroughfares.
Measurement	See “Linear Measurement” and “Radial Measurement.”
Medical Marihuana (Ord. No. 31-15, §1, 3-01-2016)	Marihuana intended for medical use which meets all requirements for medical marihuana contained in this Code, the Michigan Medical Marihuana Act, and any other applicable law
Medical Marihuana Caregiver	A medical marihuana business operated by a registered primary caregiver that

Term	Definition
Center (Ord. No. 31-15, §1, 3-01-2016)	distributes medical marihuana, in a manner authorized by the Act, to registered qualifying patients as defined by the Act, or performs other activities pertaining to medical marihuana authorized by the Act .
Mercado	Open air sales of new retail goods, produce, handcrafts, and the like. For zoning purposes a Mercado shall be considered the same as a store of a generally recognized retail nature whose primary business is the selling of new merchandise.
<p><b>Sec. 61-16-132. Words and terms (Mh-Mm).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; (Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14)</p>	
Michigan Planning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801 <i>et seq.</i>
Michigan Zoning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101 <i>et seq.</i>
Michigan Medical Marihuana Act	Initiated Law 1 of 2008, MCL 333.26421, <i>et seq.</i>
Microbrewery	A facility licensed as such by the Michigan Liquor Control Commission that annually produces in total less than twenty thousand (20,000) barrels of beer and that may include therein the licensed brewery premises.
Microwave-receiving Antenna	An antenna, usually parabolic or quasi-parabolic in shape, the purpose of which is to receive signals transmitted from terrestrial transmitters.
Mixed-use building  (Ord. No. 23-14, §1, 07-24-14)	<p>A mixed-use building includes at least one use from at least two of the following general land use headings in the same building: Residential Uses as specified in <u>ARTICLE XII.DIVISION 1.Subdivision B</u>; Public, Civic and Institutional Uses as specified in <u>ARTICLE XII.DIVISION 1.Subdivision C</u>; Retail, Service and Commercial uses as specified in <u>ARTICLE XII.DIVISION 1.Subdivision D</u>; Manufacturing and Industrial Uses as specified in <u>ARTICLE XII.DIVISION 1.Subdivision E</u>.</p> <p>A building shall also be deemed to be mixed-use where it includes both: (a) An “Office, business or professional” and (b) Any other retail use(s) specified in <u>Sec. 61-12-43</u> [Food and Beverage Service], <u>Sec. 61-12-47</u> [Recreation/entertainment, indoor], <u>Sec. 61-12-50</u> [Retail sales and service; sales-oriented] or <u>Sec. 61-12-51</u> [Retail sales and service; service-oriented].</p>
<p><b>Sec. 61-16-133. Words and terms (Mn-Ms).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 04-12, §1, 3-30-12)</p>	
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, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
Mobile Home	A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, recreational vehicles, manufactured housing units, recreational unit, converted buses, tent trailers, or other transportable structures designed for temporary use. Structures that comply with the federal Manufactured Housing Construction and

ARTICLE XVI DEFINITIONS AND RULES OF CONSTRUCTION

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 04-12, §1, 3-30-12)

Term	Definition
	Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) are not considered mobile homes, but are instead considered “manufactured housing units.
Modular Housing Unit	A dwelling unit that consists of building materials commonly used in on-site construction but which are pre-constructed off-site into units and transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot.
Motel	A building, or part of a building, or a group of buildings, on a single zoning lot, designed for or primarily occupied by transients: that contains more than ten (10) rooming or dwelling units where twenty-five percent (25%) or more of said units are independently accessible from the outside without the necessity of passing through the main lobby of the building. The term includes any such building or building group that is designated by the operator as a motor lodge, motor inn, or any other title intended for identification as providing lodging for compensation, and that is with or without a general kitchen and public dining room for the use of the occupants.
Motor Vehicle	Every vehicle that is self-propelled, but does not include an electric patrol vehicle being operated in compliance with the Michigan electric Patrol Vehicle Act, being MCL 257.1571 <i>et seq.</i>
Motor vehicle filling station	Any premises where gasoline or other fuel for motor vehicles is sold on a retail basis which offers either full service (for example, offering employee-dispensed fuel, window cleaning, and/or oil checking), or self-service (no such services offered). Light maintenance services such as engine tune-ups, lubrication, or motor vehicle minor repairs are permitted when operated in conjunction with a motor vehicle filling station. Automotive body or fender bumping or painting, and major motor repairing are specifically disallowed from operating in conjunction with a motor vehicle filling station. References to “gas stations” mean “motor vehicle filling stations.”
Motor Vehicle Services, Major	An establishment providing passenger vehicle motor repair, body work and painting services within completely enclosed buildings. Major motor vehicle services include body or fender bumping or painting shops, major motor repairing businesses, and other vehicle repair services that do not meet the definition of “minor motor vehicle repair.”
Motor Vehicle Services, Minor  (Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06)	An establishment providing passenger vehicle minor repair or maintenance services within completely enclosed buildings. Minor motor vehicle services include quick-lube businesses, brake and muffler shops, battery and tire service shops, car stereo or car alarm installation, auto detailing, and other vehicle maintenance establishments that do not typically render vehicles inoperable overnight. Auto detailing shops that also offer a “car wash” service to vehicles that are not in the shop for detailing service shall be classified as a “motor vehicle washing and steam cleaning” establishment.
Motor Vehicle Washing and Steam Cleaning	An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand. References to “car wash” mean “motor vehicle washing and steam cleaning.”
Motor Vehicles, New or Used, Storage of (Ord. No. 04-12, §1, 3-30-12)	Storage of new or used motor vehicles, accessory to a salesroom or sales lot for operable new or used motor vehicles, but excluding towing service storage yards. For zoning purposes, such storage lots are not considered parking lots.

Term	Definition
<p><b>Sec. 61-16-134. Words and terms (Mt-Mz).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
<p>Multiple-family Dwelling</p>	<p>A structure, located on a single lot, containing three (3) or more dwelling units, each of which is designed for or occupied by one (1) family only, with separate housekeeping and cooking facilities for each. Multiple-family dwelling for the elderly is defined as any such housing regulated by the U.S. Department of Housing and Urban Development under its program pursuant to Section 202 of the Housing Act of 1959, as amended, 12 USC 1701 <i>et seq.</i></p>
<p>Multi-tenant development</p>	<p>A nonresidential development having at least three tenants operating at least three businesses or services.</p>
<p>Museum (Use Category)</p>	<p>Museums are engaged in the collection, display or preservation of objects of community and cultural interest in one or more of the arts and sciences. Examples include fine art museums, natural history museums, and science and technology museums. Also included in this use category are public aquariums and outdoor art exhibition grounds and sculpture gardens.</p>
<p><b>Secs. 61-16-135–61-16-140. Reserved.</b></p>	
<p style="text-align: center;"><b>Subdivision M. Letters “N” Through “O”</b></p>	
<p><b>Sec. 61-16-141. Words and terms (Na-Nm).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
<p>Neighborhood Center (Nonprofit)</p>	<p>A center that is recognized by the United States Internal Revenue Service as holding a non-profit tax-exempt status, and whose primary purpose is to provide recreational amenities, craft areas, meeting space, community kitchen facilities, cultural, and/or leisure activities, other similar space, and related administrative offices for the use of the residents of the immediate neighborhood and their guests. Examples include facilities such as senior citizen centers, youth activity centers, and community centers.</p>
<p>Nightclub</p>	<p>For zoning purposes, a use commonly known as a nightclub, shall be classified either as a “cabaret” if liquor is served, or a “concert café” if liquor is not served.</p>
<p><b>Sec. 61-16-142. Words and terms (Nn-Nz).</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)</p>	
<p>Non-instrument Approach Surface Having a Runway with a Length of two thousand (2,000) Feet or More up To, but Not Including, five thousand (5,000) Feet in Length</p>	<p>A plane longitudinally centered on the extended runway centerline beginning at each end of the runway and extending five hundred (500) feet outward at the elevation of the approach end of the runway and then sloping upward at a slope ratio of one (1) to forty (40) to an altitude of one hundred fifty (150) feet above the established airport elevation. The non-instrument approach area surface is five hundred (500) feet wide for the first five hundred (500) feet and then expands uniformly to a width of 2,600 feet at a distance of six thousand five hundred (6,500) feet from the end of the runway.</p>

Sec. 61-16-143 | Words and terms (Oa-Os).  
(Ord. No. 10-13, §1, 04-16-13)

Term	Definition
Nonconforming Lots	Lots or land parcels that were legally created but which no longer comply with the minimum area or width standards of the underlying zoning district (See <u>ARTICLE XIII</u> ).
Nonconforming Structure	Structures that were legally established but which no longer comply with the Intensity and Dimensional Standards in <u>ARTICLE XIII</u> of this Chapter.
Nonconforming Use	Uses that were legally established but which do not appear in, or are specifically excluded from, the listings of uses permitted by right or conditionally in the zoning district where they are located. Also, uses that were legally established but were subsequently prohibited through the provisions of an overlay area as indicated in Article XI, <u>DIVISION 14</u> of this Chapter shall be considered nonconforming uses
Nonconformity	A “nonconforming use,” nonconforming structure,” or “nonconforming lot.”
Non-profit	See “Not-for-Profit”
Non-Profit Neighborhood Center	See “Neighborhood Center (Non-Profit)”
Not-For-Profit	An organization recognized by the United States Internal Revenue Service as holding a non-profit tax-exempt status.
Nudity (Ord. No. 01-10, §1, 04-01-10)	The showing of the human male or female genitals, pubic area, vulva, anus, or anal area with less than a fully opaque covering.
Nursing Home	See “Convalescent, Nursing or Rest Home.”
<b>Sec. 61-16-143. Words and terms (Oa-Os).</b> (Ord. No. 10-13, §1, 04-16-13)	
Office (Use Category)  (Ord. No. 34-05, §1, 12-06-05)	<p>Uses characterized by activities conducted in an office setting and generally focusing on business, government/public, professional, or health care, services.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Massage therapy clinic</li> <li>•Medical, dental or physical therapy clinic</li> <li>•Office, business or professional</li> <li>•Plasma donation center</li> <li>•Radio or television station</li> <li>•Recording studio or photo studio or video studio, no assembly hall</li> </ul> <p>Offices that are part of and located with a principal use in another category are considered accessory to the firm’s primary activity. Headquarters offices, when in conjunction with, or adjacent to, a principal use in another category, are considered part of the other category.</p>
Open Space	An area on a zoning lot not covered by a principal or accessory building.
Orchard (Ord. No. 10-13, §1, 04-16-13)	The establishment, care, and harvesting of more than ten (10) fruit or nut bearing trees. The products of an orchard may or may not be for commercial purposes. An orchard as a principal use is considered an urban farm.
Ordinance No. 390-G	The Official Zoning Ordinance of the City of Detroit, adopted December 22, 1968, which this Chapter replaces.

Term	Definition
<p><b>Sec. 61-16-144. Words and terms (Ot-Oz).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
Outdoor entertainment facility	An unenclosed facility, sometimes referred to as an amphitheater, having fixed seating at which public entertainments such as concerts and theatrical performances are presented.
Outdoor recreation facility	The use of land for the purposes of a golf course; skating rink (ice skating, roller skating, roller blading, skate boarding, and similar activities), park, playfield, playground, parklot, parkway, playlot; swimming pool; and/or tennis court.
Outdoor Storage Yard	The use of land for the principal purpose of outdoor storage of equipment, supplies, or other items or goods, but excluding uses more specifically defined in this article. On-site outdoor storage of materials by a principal land use shall be considered an accessory use, subject to the accessory use provisions in Article XII, DIVISION 5.
Owner	The person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land. For the purpose of providing notices required by this zoning ordinance, the owner is the person who last paid taxes on any parcel as identified by property tax records.
<p><b>Secs. 61-16-145–61-16-150. Reserved.</b></p>	
<p style="text-align: center;"><b>Subdivision N. Letter “P”</b></p>	
<p><b>Sec. 61-16-151. Words and terms (Pa-Ph).</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 44-06, §1, 12-21-06) (Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11)</p>	
Park and Open Space (Use Category)	<p>Uses of land involving natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or public squares. Lands tend to have few structures.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>• Cemeteries (including mausoleums, crematories, or columbaria)</li> <li>• Golf course</li> <li>• Skating rink</li> <li>• Park, playfield, playground, parklot, parkway and playlot</li> <li>• Swimming pool</li> <li>• Tennis court</li> </ul>
Parking	The temporary standing or placement of operable motor vehicles, bearing valid and current license plate or registration sticker as required by the Secretary of State, that are currently used to transport people, goods, or materials in the conduct of normal daily activities.
Parking, accessory	A parking lot or parking area shall be deemed “accessory” where: such lot is operated in conjunction with a specific land use; and no fee is charged for parking in the lot or area; and it is located no farther than the maximum distance specified in Article XIV, Division 1, <u>Subdivision B</u> and Article XIV, Division 1, <u>Subdivision C</u> of this Chapter for said land use.

ARTICLE XVI DEFINITIONS AND RULES OF CONSTRUCTION

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 44-06, §1, 12-21-06) (Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11)

Term	Definition
	<p>A parking lot or parking area shall likewise be deemed “accessory” where: such lot is operated in conjunction with a specific land use; and a fee is charged for parking in the lot or area; and not more than one hundred fifty percent (150%) of parking spaces required for that land use in Article XIV, Division 1, <u>Subdivision B</u> and Article XIV, Division 1, <u>Subdivision C</u> of this Chapter is actually provided; and it is located no farther than the maximum distance specified in Article XIV, Division 1, <u>Subdivision B</u> and Article XIV, Division 1, <u>Subdivision C</u> for said land use.</p>
<p>Parking, Commercial (Use Category)</p>	<p>For purposes of this Zoning Ordinance commercial parking may operate in three different manners:            Facilities providing off-street parking that are not accessory to a specific use, and which do charge a fee, shall be deemed “commercial” parking.</p> <p>Paid accessory parking. A parking facility shall likewise be deemed “commercial” when: a fee is charged; and the parking facility is operated in conjunction with a specific land use; and when the accessory parking lot provides more than one hundred fifty (150%) of the off-street parking spaces required for that land use in Article XIV, Division 1, <u>Subdivision B</u> and Article XIV, Division 1, <u>Subdivision C</u> of this Chapter.</p> <p>Remote accessory parking. Where a parking lot or parking area is operated in conjunction with a specific land use but is located farther than the maximum distance specified for said land use in Article XIV, Division 1, <u>Subdivision B</u> and Article XIV, Division 1, <u>Subdivision C</u>, it shall likewise be deemed “commercial.”</p> <p>Examples include the following uses:            -Parking lots or parking areas for operable private passenger vehicles            -Park-and-ride facilities (transit-based)            -Parking structure</p>
<p>Parking Garage, private  (Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)</p>	<p>A structure or part thereof, designed, used or intended to be used for the parking and storage of fewer than six (6) private passenger vehicles or recreational equipment items, as defined in <u>Sec. 61-16-161</u> of this Code.</p>
<p>Parking Structure</p>	<p>A structure, typically having at least two levels of parking, for the storage of more than five (5) operable, licensed private passenger vehicles.</p>
<p>Parking, valet</p>	<p>Parking where the vehicle is parked and retrieved by an attendant.</p>
<p>Passenger Vehicle, Private</p>	<p>See “Vehicle, private passenger.</p>
<p>Pawnshop</p>	<p>The premises at which a pawnbroker purchases personal property or other valuable thing on condition of selling the same back again at a stipulated price; also, the premises at which a pawnbroker loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness. (Pawnbrokers are licensed as provided for in Chapter 49, Article V of this Code, as amended.)</p>
<p>PBB</p>	<p>Polybrominated biphenyl.</p>
<p>PCB</p>	<p>The class of Chlorinated Biphenyl, Terphenyl, Higher Polyphenyl, or mixtures of these compounds produced by replacing two (2) or more Hydrogen Atoms on the biphenyl, Terphenyl, or Higher polyphenyl Molecule with Chlorine Atoms, “PCB” shall not include Chlorinated Biphenyls, Terphenyls, Higher Polyphenyls, or mixtures of these compounds that have functional groups attached other than Chlorine unless that functional group on the chlorinated Biphenyls, Terphenyls,</p>

<b>Term</b>	<b>Definition</b>
(Ord. No. 24-08, §1, 11-01-08)	Higher Polyphenyls, or mixtures thereof is determined to be dangerous to the public health, safety and welfare under MCL 324.14701 <i>et seq.</i>
[Repealed] (Ord. No. 20-05, §1, 5-29-05)	
Personal Service Establishment	Includes barber shops, beauty shops, dry cleaning or laundry pick-up stations, nail salons, shoe repair shops, shoeshine stand or parlor.
<b>Sec. 61-16-152. Words and terms (Ph-Pm).</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11)	
Photocopying or Computing Self-Service Establishment	This use is permitted as a retail store, but separately regulated for off-street parking as provided for in <u>Sec. 61-14-49</u> of this Code.
Pickup Truck	A four-wheel motor vehicle, usually having an enclosed front cab and an open body with low sides and a tailgate. A pickup truck may have an enclosure, cap, cover, or box over the rear exterior bed.
Piercing Parlor	A personal service establishment at which body piercing is provided as the principal use of the land; for zoning purposes, jewelry stores, other retail stores, or clinics that provide this service as an incidental and accessory use of the land shall not be classified as piercing parlors.
Planning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801 <i>et seq.</i>
Plasma donation center	A facility at which individuals donate plasma or other blood products in return for monetary or other consideration.
<b>Sec. 61-16-153. Words and terms (Pn-Ps).</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11; Ord. No. 04-12, §1, 3-30-12; Ord. No. 31-15, §1, 3-01-2016)	
Police Department Authorized Abandoned Vehicle Yards  (Ord. No. 13-11, §1, 8-23-11; Ord. No. 04-12, §1, 3-30-12)	[See: Towing service storage yard]
Porch	A covered or uncovered entrance to a building or a roofed structure projecting from the exterior wall or walls of a principal structure and supported by piers, posts or columns and commonly open to weather.
Porch, Enclosed	An enclosed porch shall be a porch enclosed with screen panels or storm windows; opaque materials used in such enclosed shall be limited to a maximum height of 42 inches above the floor of the porch.
Porch, Unenclosed	An unenclosed porch shall be a porch that is not closed in any way by glass, opaque panel, or any other material, and has no enclosing features higher than 42 inches above the floor of the porch except the roof, roof supports, and railing.
Pre-release Adjustment Center  (Ord. No. 24-08, §1, 11-01-08)	An establishment that provides shelter, supervisory and social services to convicts in a pre-release parole preparation program, as authorized by the Michigan Corrections Commission under authority of P.A. 232 of 1953, as amended, or by the Federal Bureau of Prisons under authority of P.L. 91:492, as amended.



Term	Definition
Primary Caregiver (Ord. No. 31-15, §1, 3-01-2016)	An individual registered with the State of Michigan in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Initiated Law I of 2008, MCL 333.26421, et seq.
Principal Building	The building occupied or designed for the principal use.
Principal Use	The main use to which a premises is devoted.
Private Club	An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; said private club is characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. The facilities or clubhouse owned or used by such organizations may be referred to in this Chapter as a “club”.
<p><b>Sec. 61-16-154. Words and terms (Pt-Pz).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
Public Accommodation (Use Category)	<p>Uses involving the provision of overnight lodging (rooms), with or without meal service.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Bed and breakfast inn</li> <li>•Hotel</li> <li>•Lodging house, public</li> <li>•Motel</li> </ul> <p>Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as an Industrial Service use.</p>
Public Center Open Use	Open (unenclosed) land uses normally associated with public centers.
<p><b>Secs. 61-16-155–61-16-160. Reserved.</b></p>	
<p><b>Subdivision O. Letters “Q” Through “R”</b></p>	
<p><b>Sec. 61-16-161. Words and terms (Qa-Qz and Ra-Rec).</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)</p>	
Race track, motor vehicle	An unenclosed facility, having a permanent track or course or oval for the racing of motor vehicles. The term, “motor vehicle race track,” does not include go-cart tracks.
Radial measurement	<p>Radial measurement between two points is a straight line connecting two points, drawn irrespective of intervening property lines, rights-of-way or natural or built environment.</p> <p>When notification is required to be given within a three hundred (300) foot radius of a rectangular zoning lot, for example, all points three hundred (300) feet distant from the lot lines are connected to create an oval-like shape. Similarly when a land use is prohibited within a specified distance from a given point all points at the specified distance are connected to create an oval-like shape, as</p>

Term	Definition
	illustrated in Figure 61-12-87.
Railroad Facility (Use Category)	Facilities owned or operated by railroad companies or rail companies. Examples include the following uses: •Railroad right-of-way, not including storage tracks, yards, or buildings
Rainwater Catchment System	A method of catching rainwater runoff from the roof of a structure into rain gutters that channel into a rain barrel, drum, or cistern.
Reception Window	That area within the direct line between a land-based antenna and an orbiting satellite; that area within the direct line between a microwave-receiving antenna and a terrestrial transmitter.
Recreation, Indoor Commercial	Indoor commercial uses such as bowling centers, basketball courts, archery ranges, golf domes and ranges, tennis facilities, ice/roller skating rinks, laser tag facilities, paint ball facilities, and the like. Although part of the use category, indoor recreation and entertainment, indoor firearms target practice ranges shall not be regulated as the land use known as indoor commercial recreation.
Recreation and Entertainment, Indoor (Use Category)	Commercial uses that provide continuous recreation or entertainment-oriented activities in an enclosed setting. Such uses are distinguished from “assembly” uses by the fact that they are operated on a continuous basis, rather than for specific events. Examples include the following uses: •Arcade •Cabaret •Casinos •Casino complex •Commercial recreation (Indoor) •Firearms target practice range, indoor •Health club •Pool or billiard hall •Theater and concert café, excluding drive-in theaters
Recreation and Entertainment, Outdoor (Use Category)	Large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Examples include the following uses: •Amusement park •Baseball/softball/soccer or other athletic complexes that include outdoor lighting of playing or activity areas •Drive-in theater •Go-cart track •Golf course, miniature •Rebound tumbling center •Golf driving range  Golf courses are classified as Parks and Open Space. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Entertainment Events (See “Auditorium or Stadium” use category).
Recreational Equipment	Items such as boats, snowmobiles, off-road vehicles, dune buggies, jet skis, or other similar items.
Recreational Space Ratio	The total recreational space on a zoning lot divided by the gross floor area of all

Term	Definition
Recreational Vehicle	<p>structures on the zoning lot. (See also Sec. 61-13-159.)</p> <p>Includes motor homes, pickup campers, and trailer coaches.</p> <p>Motor home means a motor vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities, and is used for recreation, camping, or other noncommercial use.</p> <p>Pickup camper means a nonself-propelled recreational vehicle, without wheels for road use, that is designed to rest all of its weight upon, and be attached to, a motor vehicle, and is primarily intended for use as temporary living quarters in connection with recreational, camping, or travel purposes. A pickup camper does not include truck covers or caps consisting of walls and a roof but that do not have floors and facilities for using the camper as a dwelling.</p> <p>Trailer coach means every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.</p>
Recycling center	<p>A lot or parcel of land, with or without buildings, upon which wastes are recovered in a process designed to provide an acceptable reuse of all or part of the waste. This use includes, but is not limited to, facilities for processing or recycling metal, wire, concrete, roofing materials, drywall, asphalt, siding, insulation, wood, demolition debris, paper, and glass.</p> <p>A recycling center does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use that are used solely for the recycling of material generated by that property, business or manufacturer.</p>
<p><b>Sec. 61-16-162. Words and terms (Red-Rm).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)</p>	
Refuse	<p>Putrescible and nonputrescible solid waste, except body wastes, including garbage, rubbish, ash, incinerator ash, incinerator residue, and solid market, industrial and construction refuse.</p>
Regulated Use	<p>Any of the following: [1] Brewpub outside the Central Business District and SD2 District and microbrewery outside the Central Business District and SD2 District and small distillery outside the Central Business District and SD2 District that serves alcohol for consumption on the premises; however, any brewpub, microbrewery, or small distillery that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a Regulated Use; [2] cabaret; [3] dance hall, public outside the Central Business District; [4] establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and the SD1, SD2 and SD5 Districts; however, any establishment for the sale of beer or intoxicating liquor for consumption on the premises that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a Regulated Use; [5] (Repealed); [6] lodging house, public; [7] motel; [8] pawnshop; [9] plasma donation center; [10] Secondhand store and secondhand jewelry store, outside the M1, M2, M3, and M4 Districts.</p> <p>(Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015)</p>

ARTICLE XVI DEFINITIONS AND RULES OF CONSTRUCTION

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)

Term	Definition
Religious institutions (Use Category)	Uses primarily engaged in providing meeting areas for religious activities. Typical examples include churches, chapels, mosques, temples, and synagogues. Affiliated preschools are classified as Day Care uses. Affiliated schools are classified as Schools.
Religious residential facilities	Rectories, parsonages, monasteries, convents, seminaries, religious retreats and the like.
Rental Hall	Any enclosed hall, building or portion of any building regularly available for rental, lease or loan for the purpose of public assembly, banquets, luncheons, entertainment or sports events, whether such assemblies are public or private or subject to an admission fee. The term “rental hall” does not include “public dance halls.”
Rental merchandise store  (Ord. No. 13-11, §1, 8-23-11)	A store whose primary business is the rental of household or personal merchandise originally stocked as new merchandise, such as videocassette and/or DVD recordings, household appliances, formal attire, and other articles stored and displayed within the store or showroom. For zoning purposes, a rental merchandise store shall be regulated the same as a “Store of a generally recognized retail nature whose primary business is the sale of new merchandise.” A car rental facility, however, shall be regulated in the same manner as a sales room or sales lot for new or used operable motor vehicles.”
Repeat Offense	A second, or any subsequent, determination regarding a blight violation notice that is made within a one (1) calendar year period for the same blight violation, except for a determination by an administrative hearings officer that a person is not responsible for a blight violation.
Research Facility	See <u>Sec. 61-11-203</u> .
Residential Substance Abuse Service Facility	An establishment in a residential setting used for the treatment of persons having drug or alcohol abuse problems. The establishment may or may not dispense compounds or prescription medicines to individuals depending upon the severity of their drug or alcohol abuse problems.
Residential use combined in structures with permitted commercial uses.	This land use allows for one or two residential apartments in a commercial building occupied by a use permitted in the given zoning district as indicated in the Use Table in Article XII, Division 1, <u>Subdivision D</u> . For example, a doctor’s office in an R5 or R6 District may also include a residential unit on a by-right basis; a hardware store in a B2, B3, B4, B5 or B6 District may rent out two apartments on its second floor. Three or more residential units in a single building, however, constitute a multiple-family dwelling.
Rest Home	See “Convalescent, Nursing or Rest Home.”
Restaurant, carry-out	An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics: [1] foods, frozen desserts, or beverages are usually served in edible or disposable containers. [2] the consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, Fast-food	An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, whose delivery of food to the customer may include service via a drive-up or outdoor walk-up pass-through window, and whose design or principal method of operation includes both of the following characteristics. [1] Foods, frozen

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0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015)

Term	Definition
	desserts, or beverages are usually served in edible containers or disposable containers. [2] The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building other than designated and approved outdoor eating areas, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, Standard	An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics: [1] Customers are normally provided with an individual menu, are served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed. [2] A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building
Retail Sales and Service, Occupant-oriented (Use Category)	<p>Ancillary and accessory uses to principal multi-family, office or employment uses. They are involved in providing goods and services to residents or employees of the principal use and to visitors to site.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Retail sales and personal service in multiple-residential structures</li> <li>•Retail sales and personal service in business and professional offices</li> </ul>
Retail Sales and Service, Sales Oriented (Use Category)	<p>Uses involved in the sale, lease or rent of new or used products to the general public.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Stores of a generally recognized retail nature whose primary business is the sale of new merchandise</li> <li>•Bake shop, retail</li> <li>•Firearms dealership</li> <li>•Garden center</li> <li>•Kennel, commercial</li> <li>•Motor vehicles, new or used, salesroom or sales lot</li> <li>•Motorcycles, retail sales, rental or service</li> <li>•Pawnshop</li> <li>•Pet shop</li> <li>•Poultry or small game (storage or killing for direct, retail sale on the premises or for wholesale trade)</li> <li>•Produce or food markets, wholesale</li> <li>•Secondhand stores and secondhand jewelry stores</li> <li>•Specially designated distributor's (SDD) establishment</li> <li>•Specially designated merchant's (SDM) establishment</li> <li>•Trailer coaches or boat sale or rental, open air display</li> <li>•Trailers, pneumatic-tired utility type, cement mixers: sales, rental, or service (outdoor)</li> </ul> <p>Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.</p> <p>(Ord. No. 10-13, §1, 04-16-13)</p>
Retail Sales and Service, Service- Oriented (Use Category)	<p>Uses providing retail consumer services to the general public.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Animal-grooming shop</li> <li>•Automated teller machine (without drive-through facilities)</li> <li>•Automated teller machine (with drive-through facilities)</li> <li>•Bank (without drive-through facilities)</li> <li>•Bank (with drive-through facilities)</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>•Barber or beauty shop</li> <li>•Business college or commercial trade school</li> <li>•Customer service center</li> <li>•Dry cleaning, laundry, or laundromat</li> <li>•Employee recruitment center</li> <li>•Financial services center</li> <li>•Food stamp distribution center (no drive-through window)</li> <li>•Food stamp distribution center (with drive-through window)</li> <li>•Mortuary or funeral home</li> <li>•Nail salon</li> <li>•Piercing parlor</li> <li>•Printing or engraving shops</li> <li>•School or studio of dance, gymnastics, music, or art</li> <li>•Shoe repair shop</li> <li>•Tattoo parlor</li> <li>•Veterinary clinic for small animals</li> </ul>
Review Body	The entity that is authorized to recommend approval or denial of an application or permit required under this zoning ordinance.
Right-of-way	A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline or for any other similar use as may be designated.
<p><b>Sec. 61-16-163. Words and terms (Rn-Rz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05)</p>	
Rooming House	A dwelling, occupied by the owner or his or her agent, consisting of: (1) not more than two dwelling units; and (2) not more than ten rooming units without cooking or kitchen accommodations for individuals leasing or renting rooms.
Rooming Unit	A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for purposes of this Zoning Ordinance.
Rubbish	Nonputrescible solid waste, excluding ash, consisting of both combustible and noncombustible waste such as paper, cardboard, cans, yard clippings and leaves, wood, glass, bedding, crockery, rubber, rags, leather, straw, scrap tires, auto parts, furniture and appliances.
<p><b>Secs. 61-16-164–61-16-170. Reserved.</b></p>	
<p><b>Subdivision P. Letter “S”</b></p>	
<p><b>Sec. 61-16-171. Words and terms (Sa-Sd).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05) (Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)</p>	
Satellite Television Antenna	A device incorporating a reflective surface that is solid open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such

0 | (Ord. No. 11-05, §1, 5-28-05) (Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 21-12, §1, 11-2-12)

Term	Definition
	<p>device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.</p>
<p>School Building Adaptive Reuses</p> <p>(Ord. No. 21-12, §1, 11-2-12)</p>	<p>Any of nineteen (19) uses listed below and located within a building originally constructed as a school that is otherwise not permitted as a by-right or conditional use on land zoned R1 and/or R2 and/or R3 and/or R4 and/or R5 and/or R6.</p> <p>School building adaptive reuses—residential:</p> <ol style="list-style-type: none"> <li>(1) Assisted living facility, where located on a major thoroughfare</li> <li>(2) Boarding school and dormitory, where located on a major thoroughfare</li> <li>(3) Convalescent, nursing, or rest home, where located on a major thoroughfare</li> <li>(4) Loft</li> <li>(5) Multiple-family dwelling</li> </ol> <p>School building adaptive reuses—public, civic, and institutional:</p> <ol style="list-style-type: none"> <li>(6) Adult day care center</li> <li>(7) Child care center</li> <li>(8) Educational institution</li> <li>(9) Governmental service agency</li> <li>(10) Library</li> <li>(11) Museum</li> </ol> <p>School building adaptive reuses—retail, service, and commercial:</p> <ol style="list-style-type: none"> <li>(12) Business college or commercial trade school</li> <li>(13) Medical or dental clinic, physical therapy clinic, or massage therapy clinic</li> <li>(14) Office, business or professional</li> <li>(15) Radio or television station</li> <li>(16) Recording studio or photo studio or video studio, no assembly hall</li> <li>(17) Recreation, indoor commercial and health club</li> <li>(18) School or studio of dance, gymnastics, music, art, or cooking</li> <li>(19) Youth hostel/hostel, where located on a major thoroughfare</li> </ol>
<p>Schools (Use Category)</p> <p>(Ord. No. 44-06, §1, 12-21-06)</p>	<p>Public or private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. Examples include public and private daytime (elementary, junior high and senior high) schools, and military academies.</p> <p>Charter schools are public schools. Preschools are classified as Day Care uses; however, a preschool “Head Start” program shall be considered as an accessory use where located on the premises of an operating school (<i>See also Sec. 61-12-402</i>). Business and trade schools are classified as Retail Sales and Service. Boarding schools are classified as Institutional Living uses.</p>
<p>Scrap Tire Processing or Recycling Facility</p>	<p>The storing, buying, or otherwise acquiring scrap tires, and reducing their volume by shredding or otherwise facilitating recycling or resource recovery techniques</p>

Term	Definition
	for scrap tires.
Scrap Tire Storage Facility	A premises used for the storage of scrap tires, whether indoors or outdoors, provided that duly authorized retail tire dealerships may temporarily store only those scrap tires, that are incidental and accessory to normal retail operations and are awaiting removal for disposal or processing.
Scrap Tires	Scrap tires are continuous solid or pneumatic rubber coverings that were manufactured to encircle a wheel for use in the operation of any motorized vehicle and are no longer being used for their original intended purpose.
Screening	A method of reducing the impact of noise and/or unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, opaque fences, walls, or any appropriate combination.
<p><b>Sec. 61-16-172. Words and terms (Se-Sh).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No.01-10, §1, 04-01-2010; Ord. No. 13-11, §1, 8-23-2011)</p>	
<p>Secondhand stores and Secondhand jewelry stores</p> <p>(Ord. No. 34-05, § 1, 12-06-05; Ord. No. 13-11, §1, 8-23-11)</p>	<p>A building, structure, premises, or part thereof, used solely or partially for the buying and/or selling of secondhand clothing, furniture, jewelry, or household goods, except books, magazines, records, CDs, videos, or DVDs, or used solely or primarily for the sale of secondhand household appliances. <i>See also</i> “Used auto parts sales” and “Tires, used: sales and/or service” which are regulated as land uses distinct from “Secondhand stores.” For zoning and licensing purposes:</p> <p>(1) a “flea market” shall be considered a secondhand store; and</p> <p>(2) used books, magazines, records, CDs, videos, and DVDs should be considered as if the items were new merchandise.</p>
<p>Semi-nude or Semi-nudity</p> <p>(Ord. No. 01-10, §1, 04-01-10)</p>	<p>The showing of the male or female buttocks, or the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, but does not mean the showing of any portion of the cleavage of female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel.</p>
<p>Semi-nude Model Studio</p> <p>(Ord. No. 01-10, §1, 04-01-10)</p>	<p>A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:</p> <p>(1) By a college, junior college, or university supported entirely or partly by taxation;</p> <p>(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or</p> <p>(3) In a structure:</p> <p>a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and</p> <p>b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.</p>
<p>Semi-trailer</p>	<p>Every vehicle without motive power, other than a pole-trailer, which is designed for carrying persons or property and for being drawn by a motor vehicle and which is so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.</p>
<p>Setback</p>	<p>The required minimum horizontal distance between the nearest part of the structure or the building line and the related front, side, or rear lot lines. Setbacks are open from the ground to the sky, except as otherwise expressly allowed by this Zoning Ordinance.</p>



Term	Definition
Setback, Front	A setback that is required from the front lot line, extending the full width of the lot.
Setback, Rear	A setback that is required from the rear lot line (extending the full width of the lot). On a corner lot, the rear setback shall extend only to the side setback abutting the street.
Setback, Side	A setback that is required from the side lot lines (extending from the front building line of the principal building to the rear building line of the principal building).
Sexually Oriented Business (Ord. No. 01-10, §1, 04-01-10)	An “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” or a “semi-nude model studio.”
Shade Tree	A deciduous tree--rarely an evergreen--planted primarily for its high crown of foliage.
Shelter for Victims of Domestic Violence	A residential facility providing temporary accommodation and support to victims of domestic violence with or without their minor children. Such shelter shall be operated by a non-profit, charitable, or religious agency that meets the pre-contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board. Such shelter shall be considered a different land use than an “adult foster care facility,” a “pre-release adjustment center” and a “substance abuse service facility.” For confidentiality and security of their locations, such shelters shall be permitted on a matter of right basis in certain zoning districts. Shelters for victims of domestic violence are subject to licensing by the Business License Center.
Show-cause Hearings	A hearing before a designated hearing officer to show cause why a specific action should not be taken. (See also Sec. 61-5-53.)
Shrub	A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
<p><b>Sec. 61-16-173. Words and terms (Si-Sm).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-13, §1, 8-28-13)</p>	
<p>Sign</p> <p>(Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11)</p>	<p>Sign means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminated service that shall be constructed, placed, attached, painted, erected, fastened, or manufactured, <u>or projected</u> in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, Article, machine, or merchandise, whatsoever, that is displayed in any manner whatsoever outdoors. Every sign shall be classified and conform to the requirements of such classification as set forth in the Stille-Derossett-Hale Single State Construction Code Act, including Appendix H, Public Act 230 of 1972, as amended, being MCL 125.1501, <i>et seq.</i>, and as set forth in this Code. However, a “sign” shall not include any display of official court or public agency notices, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. The term “sign” also does not include any non-illuminated, non-commercial, painted art mural.</p>
Sign, Advertising	A sign, whether billboard or painted wall graphic, which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered elsewhere than on the premises on which the sign is located or painted or to which it is affixed, or only incidentally sold or offered on the premises.
<p>Sign, Animated</p> <p>(Ord. No. 34-05, §1, 12-06-05)</p>	Any sign, which uses movement or change of lighting to depict action or to create a special effect or scene, including signs displaying moving images or videos. For regulatory purposes, animated signs are flashing signs.
Sign, Area of	The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semicircle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding

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0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-13, §1, 8-28-13)

<b>Term</b>	<b>Definition</b>
(Ord. No. 13-11, §1, 8-23-11)	display areas. The blank areas between letters, words, illustrations, graphics, and the like are integral to understanding the message or display of a sign and shall be included in the computation of the area of a sign or the area of a message or word or letter or graphic that is part of a sign.
Sign, Billboard (Ord. No. 13-11, §1, 8-23-11)	A large outdoor board for advertisements; billboards most commonly serve as “advertising signs,” as defined in this section, except when identifying the business or profession conducted on the same zoning lot on which the billboard is located, in which case the billboard serves as a “business sign,” as defined in this section.
Sign, Business Ord. No. 13-11, §1, 8-23-11	A sign, not less than seventy-five percent (75%) of the area of which is devoted to directing attention to the principal business or profession conducted, or to the principal type of commodity, service, or entertainment sold or offered on the premises on which the sign is located or to which it is affixed.
Sign, Directional	A sign directing and guiding traffic or parking but bearing no advertising matter.
Sign, Double-face	A sign, both sides of which are visible and used as signs. A “V” type sign shall be considered a double-face sign provided the least angle of intersection does not exceed ninety (90) degrees. A multi-face sign has more than two display areas, all of which are visible and used as signs.
Sign, Electronic Message Board Ord. No. 13-11, §1, 8-23-11	A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. For regulatory purposes, electronic message board signs are flashing signs. Electronic message boards and animated signs shall be considered flashing signs.
Sign Face	The area or display surface used for the message.
Sign, Flashing (Ord. No. 13-11, §1, 8-23-11)	An illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when in use. Electronic message boards and animated signs shall be considered flashing signs.
Sign, Freeway Advertising (Ord. No. 13-11, §1, 8-23-11)	Any advertising sign located in an adjacent area where the facing of the sign is visible from a freeway. For zoning purposes: “Freeway” means a divided highway of not less than two (2) lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor; and “Adjacent area” means the area measured from the nearest edge of the right of way of a freeway and extending three thousand (3,000) feet perpendicularly and then along a line parallel to the right-of-way line. Freeway advertising signs, as well as advertising signs along other state trunk lines, are additionally regulated by the Michigan Department of Transportation (MDOT) and require a permit from MDOT prior to issuance of a permit by the City of Detroit, as provided for in <u>Sec. 61-6-61</u> of this Code.
Sign, Ground	A sign, including a ground-mounted billboard, that is supported by one or more uprights, poles, or braces in or upon the ground.
Sign, Identification (Ord. No. 13-11, §1, 8-23-11)	A business sign, not less than seventy-five percent (75%) of the area of which identifies the name of the individual, profession, occupation, organization, hotel, or motel occupying the premises, or the name or street number of the building. Information directly related to principal or accessory uses of the property may also be included, provided, that not more than twenty-five percent (25%) of the area of the sign is devoted to such information.
Sign, Illuminated (Ord. No. 24-08, §1, 11-01-08)	A sign designed to give forth any artificial light, or designed to reflect such light deriving from any source that is intended to cause such light or reflection.
Sign, monument	A freestanding sign attached to a permanent foundation or decorative base and

Term	Definition
(Ord. No. 23-13, §1, 8-28-13)	not attached or dependent for support from any building, pole, posts, or similar uprights.
Sign, Painted Wall Graphic	A sign, exceeding ten (10) square feet in area, which is painted upon a wall.
Sign, Political	An advertising sign announcing or supporting political candidates or issues in connection with any national, state or local election or referendum.
Sign, Projecting	A sign constructed or erected so as to be attached at one end to a building or other structure and projecting out therefrom. In addition, any sign projecting into the right-of-way shall be considered a projecting sign.
Sign, pylon (Ord. No. 23-13, §1, 8-28-13)	A permanent freestanding sign that is mounted on a pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.
Sign, Real Estate	A sign advertising that the premises on which it is located is for sale, lease, or rent.
Sign, Roof	A sign that is erected upon or above a roof or parapet of a building or structure.
Sign, Temporary	A sign, including any banner constructed of cloth, fabric, poster board, corrugated plastic or corrugated cardboard, or other lightweight temporary material, with or without a structural frame, that is intended for a limited period of display on a building, including decoration displays for holidays or public demonstrations.
Sign, Wall	A sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall
Single-family Detached Dwelling	A detached dwelling unit, located on a single lot with no other dwelling units, designed for or occupied by one (1) family only.
Single-room-occupancy Housing, Nonprofit	Service-enhanced, single-room housing, provided by an entity recognized by the Internal Revenue Service as holding non-profit, tax-exempt status, which housing is primarily for individuals residing without children, such individuals being capable of independent living; SRO dwelling units may or may not provide separate sanitary and food-preparation facilities; non-profit SRO housing sometimes operates as a hotel although permanent residency is an anticipated feature of the housing. For zoning purposes, non-profit SRO housing is not: adult foster care, a community mental health facility or “Fairweather lodge” or other similar semi-independent living facility, a pre-release adjustment center, a residential substance abuse service facility, a rooming house, public lodging house, or emergency shelter for the homeless.
Site Plan	One or more maps and drawings or reports containing all of the information required to be shown for such property as part of the Site Plan Review process in Article III, <u>DIVISION 5</u> .
Slope Ratio	A numerical expression of a stated relationship of height to horizontal distance.
[Repealed] (Ord. No. 13-11, §1, 8-23-11)	
[Repealed] (Ord. No. 13-11, §1, 8-23-11)	
<p><b>Sec. 61-16-174. Words and terms (Sn-Ss).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 08-12, §1, 6-05-12; (Ord. No. 13-16, §1, 5-20-2016)</p>	
Small Distillery	A facility operated by a manufacturer of spirits licensed by the Michigan Liquor Control Commission as a small distiller, annually manufacturing in Michigan not

<b>Term</b>	<b>Definition</b>
(Ord. No. 13-11, §1, 8-23-11)	more than 60,000 gallons of spirits, of all brands combined.
Small Lot (Ord. No. 13-11, §1, 8-23-11)	Any residential lot less than fifty (50) feet in width and five thousand (5,000) square feet in area.
Snack Food (Ord. No. 08-12, §1, 6-05-12)	Prepared and commercially prepackaged non-potentially hazardous food.
Solar generation station (Ord. No. 13-16, §1, 5-20-2016)	An energy generation facility in excess of one (1) acre comprised of one or more freestanding, ground mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. (Also known as “solar farm.”)
Solid Waste  (Ord. No. 13-11, §1, 8-23-11)	Includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.
Specially Designated Distributor’s (SDD) Establishment  (Ord. No. 34-05, §1, 12-06-05)	A retail establishment, consisting of less than fifteen thousand (15,000) square feet of gross floor area, licensed by the State Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises, which alcoholic liquor is other than beer and other than wine under twenty percent (20%) alcohol by volume; an SDD is also any retail establishment, regardless of size, where more than ten percent (10%) of the usable retail space is utilized for the display or distribution of alcoholic liquor other than beer and other than wine under twenty percent (20%) alcohol by volume, for consumption off the premises.
Specially Designated Merchant’s (SDM) Establishment  (Ord. No. 34-05, §1, 12-06-05)	A retail establishment, consisting of less than fifteen thousand (15,000) square feet of gross floor area, utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to sell beer and or wine for consumption off the premises; an SDM is also any retail establishment, regardless of size, where more than ten percent (10%) of the usable retail space is utilized for the display or distribution of alcoholic liquor and is licensed to sell beer and/or wine for consumption off the premises.
Specified Anatomical Areas  (Ord. No. 01-10, §1, 04-01-10)	Specified anatomical areas means and includes less than completely and opaquely covered: [1] female breast below a point immediately above the top of the areola; [2] male or female buttocks; [3] male or female genitals and pubic area; and [4] a penis in a discernibly erect state, even if completely and opaquely covered.
Specified Sexual Activity  (Ord. No. 01-10, §1, 04-01-10)	Specified sexual activity means any of the following: (1) intercourse, oral copulation, masturbation or sodomy; or  (2) excretory functions as a part of or in connection with any of the activities described in (1) above.
<b>Sec. 61-16-175. Words and terms (St-Sz).</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 10-13, §1, 04-16-13)	
Stadium	Any structure with tiers of seats rising around a sports field, playing court, or public exhibition area. Stadiums are primarily used for sports and athletic events. Entertainment and other public gathering purposes, such as concerts and

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 24-08, §1, 11-01-08; Ord. No. 10-13, §1, 04-16-13)

Term	Definition
(Ord. No. 24-08, §1, 11-01-08)	conferences may be permitted as an incidental use of a stadium. The term, “stadium,” does not include “Motor vehicle race tracks” or “Outdoor entertainment facilities.”
State-licensed residential facility  (Ord. No. 01-10, §1, 04-01-10)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to MCL 400.701 to 400.737 or MCL 722.111 to 722.128, which provides resident services for six (6) or fewer persons under 24-hour supervision or care for persons in need of that supervision or care. Adult foster care homes for six (6) or fewer adults and child caring institutions for six (6) or fewer minors shall be considered State-licensed residential facilities.
Stores of a Generally Recognized Retail Nature Whose Primary Business Is the Sale of New Merchandise  (Ord. No. 34-05, §1, 12-06-05; Ord. No. 10-13, §1, 04-16-13)	Includes but is not limited to: commercial art galleries; retail stores; garden centers; stores, other than secondhand stores, for the rental of household or personal merchandise originally stocked as new merchandise, such as videocassette recordings, household appliances, formal attire, and other articles stored and displayed within the store or showroom; establishments for self-service photocopying and related services. For zoning and licensing purposes, used books, magazines, records, CDs, videos, or DVDs should be regulated as if the items were new merchandise.
Story	That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the vertical distance from the established grade at the center of the front of the building to the ceiling of a story partially below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.
Story, Half	A story that is situated within a sloping roof, the area of which at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it.
Street	A thoroughfare that affords a principal means of access to abutting property.
Street, principal	The busier of two streets abutting a zoning lot.
Street Tree	A species of tree particularly suited to the requirements of the street environment.
Structural alterations  (Ord. No. 01-10, §1, 04-01-10)	Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the height or footprint of the structure, the roof, and/or exterior walls, including reconstruction or replacement. <i>See also</i> “Alterations”
Structure	Anything constructed, erected, placed or otherwise composed of parts; joined together in some definite manner; any construction.
Structure, Accessory	See “Accessory Structure”
Structure, Principal (Ord. No. 20-05, §1, 5-29-05)	The structure occupied or designed for the principal use.
Substance Abuse Service Facility	An establishment used for the treatment of persons having drug or alcohol abuse problems on an outpatient basis. The establishment may or may not dispense compounds or prescription medicines to individuals depending upon the severity of their drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse service facility.
<b>Secs. 61-16-176–61-16-180. Reserved.</b>	

Term	Definition
<b>Subdivision Q. Letter “T”</b>	
<b>Sec. 61-16-181. Words and terms (Ta-Tm).</b>	
(Ord. No. 11-05, §1, 5-28-05)	
Tattoo Parlor	A personal service establishment at which tattooing is provided, subject to regulations of the Health and Wellness Promotion Department, and licensing by the Business License Center.
Taxicab	A chauffeur-driven motor vehicle that is equipped with a taximeter, a roof light, and a partition between the front and back seats, and is designed to have seating capacity for six (6) persons including the driver, and is operated at timed rates established in accordance with Section 58-2-6 of this Code.
Telecommunications Facility (Use Category)	All devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system. Examples include category A,B, C and D antennas. “Private telecommunications buildings,” or “telecom hotel” are also included in this use category. Radio and television broadcast facilities for public/government utilities or public safety facilities are classified as Basic Utilities.
Theater	A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances. A theater typically has fixed seating.
Tires, used: sales and/or service	A tire sales and/or service facility shall be deemed a “Used tire sales and/or service” facility, and not a retail store, when used tires comprise more than ten percent (10%) of the facility’s inventory.
<b>Sec. 61-16-182. Words and terms (Tn-Tz).</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13)	
Towing Service Storage Yard	Any private storage lot or yard of a towing enterprise where inoperable or distressed motor vehicles are temporarily held for retrieval or redemption by their owner, whether such enterprise is a contractor for a Police Department precinct or not. Such storage yards shall not function as a junkyard; no stripping or dismantling or outdoor storage of parts is permitted; no sale of used auto parts is permitted; no stacking of vehicles is permitted. Towing service storage yards shall be considered a principal use of the land except when same vehicles are awaiting repairs or service at a facility located on the same zoning lot, in which case they operate as an accessory use of the land. Any land use previously classified as a “Police Department authorized abandoned vehicle storage yard” shall now be considered a “Towing service storage yard” without need for issuance of any additional permit or change of use.
(Ord. No. 04-12, §1, 3-30-12)	
Town house	One of three or more attached single-family dwelling units, each having its own entrance, and each extending from the basement to the roof and having no side yards except end units which have one (1) side yard.

ARTICLE XVI DEFINITIONS AND RULES OF CONSTRUCTION

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13)

Term	Definition
Toxic Substance Disposal Facility (Ord. No. 20-05, §1, 5-29-05)	A facility that disposes of, destroys, or incinerates “PCB,” or “PBB” substances, as defined in the Toxic Substances Control Act (TSCA) and applicable Michigan law.
Trade Services, General	Offices or shops for plumbing, electrical, heating or air conditioning, furniture repair or upholstery, cabinet making, carpenter’s shops, furniture and/or carpet and/or rug cleaning establishments, and similar uses.
Traditional Main Street Overlay Area (Ord. No. 20-05, §1, 5-29-05)	An area, designated by ordinance, as being or having the potential to be, a high quality, pedestrian-scale, walkable area with a traditional urban atmosphere.
Transfer station	An intermediate destination for nonhazardous solid waste materials where refuse awaiting transportation to a disposal site is transferred from one type of vehicle to another. May include the separation of different types of waste and aggregation of smaller shipments with larger ones, and compaction to reduce the bulk of the waste.”
Trailer	Every vehicle, without motive power, other than a pole-trailer, which is designed for carrying property or persons and for being drawn by a motor vehicle, and is so constructed that no part of its weight rests upon the towing vehicle.
Transitional housing	<p>Transitional housing typically refers to rental housing for persons whose most recent address has been a homeless shelter and who anticipate finding a permanent residence after leaving the transitional housing facility and after accumulating funds for a rental security deposit. Unlike residents of emergency shelters who may move after thirty days, transitional housing residents may spend many months before relocating.</p> <p>Transitional housing may differ from typical apartment house living insofar as the residents may be expected or may be able to avail themselves of counseling or life skills training or job training on the premises.</p> <p>When transitional housing offers space for three or more families and provides separate housekeeping and cooking facilities for each, it should be regulated as any other multiple-family dwelling.</p> <p>However, when residents are not free to come and go because the program is part of a correctional program, the facility should be regulated as a pre-release adjustment center.</p> <p>When residents require supervision, assistance, protection or personal care, the facility should be regulated as an adult foster care facility.</p> <p>When the facility offers congregate style temporary lodging primarily to the homeless, it should be regulated as an emergency shelter.</p> <p>When the facility offers sleeping quarters in the form of cots or beds in the same room, it should be regulated as a public lodging house.</p> <p>When the transitional housing facility includes a residential substance abuse treatment program, it shall be regulated as a “residential substance abuse service facility.”</p> <p>When the facility provides sleeping accommodations in ten or fewer rooms or dwelling units that lack separate housekeeping and cooking facilities in each unit, it should be regulated as a rooming house.</p>
Transitional Surfaces	Transitional surfaces exist adjacent to each runway as indicated on the Flight Obstruction Area Map on file at the Buildings, Safety Engineering and

Term	Definition
(Ord. No. 10-13, §1, 04-16-13)	Environmental Department. These surfaces begin at the centerline of the runways and extend outward, at the elevation of the runway, for five hundred (500) feet in the case of instrument runways, and for two hundred fifty (250) feet in the case of non-instrument runways, and then slope upward and outward one foot vertically for each seven (7) feet horizontally to the point where they intersect horizontal surface "A". Further, transitional surfaces exist adjacent to all approach surfaces and extend the entire length of the approach surfaces, beginning at the edges and extending upward and outward at the same one to seven slope ratio to the point where they intersect horizontal surface "A".
Tree	A large woody plant having one or several self supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.
(Ord. No. 10-13, §1, 04-16-13)	Any parcel of land used to raise or harvest more than ten (10) trees for wood products, Christmas trees, or for transplant, where forest products are sold on-site or transported to market. A tree farm as a principal use is considered an urban farm.
Tunnel plaza and terminal, vehicular	That property immediately contiguous to a vehicular tunnel where motor vehicles enter and exit the tunnel. Certain uses and activities, if oriented and available exclusively to tunnel traffic, shall be considered incidental and accessory to the vehicular bridge plaza and terminal: toll booths, inspection and weigh stations, customs and immigration facilities, duty-free retail stores, motor vehicle filling stations, and uses similar to the preceding. Advertising signs that are visible to traffic outside the plaza and terminal property shall not be considered as incidental and accessory.
<b>Secs. 61-16-183–61-16-190. Reserved.</b>	
<b>Subdivision R. Letter "U"</b>	
<b>Sec. 61-16-191. Words and terms (Ua-Us).</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 10-13, §1, 04-16-13)	
Underground Storage Tank	A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.
(Ord. No. 10-13, §1, 04-16-13)	A zoning lot, as defined in this article, over one acre, used to grow and harvest food crops and/or non-food crops for personal or group use. An orchard or tree farm that is a principal use is considered an urban farm. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.
(Ord. No. 10-13, §1, 04-16-13)	A zoning lot as defined in this article, up to one acre of land, used to grow and harvest food or non-food crops for personal or group use. The products of an urban garden may or may not be for commercial purposes.
Use	The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.
Use, Accessory	See "Accessory Use"



Term	Definition
Use, Principal	See “Principal Use”
Used auto parts sales	An auto parts sales facility shall be deemed a “Used auto parts sales” facility, and not a retail store, when used auto parts comprise more than ten percent (10%) of the facility’s inventory.
<p><b>Sec. 61-16-192. Words and terms (Ut-Uz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 13-16, §, 5-20-2016)</p>	
Utilities, Basic (Use Category) (Ord. No. 13-16, §1, 5-20-2016)	<p>Infrastructure services that need to be located in or near the area where the service is provided. Basic Utilities uses generally do not regularly have employees at the site. Services may be public or privately provided.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Electric transformer station</li> <li>•Gas regulator station</li> <li>•Residential-area utility facilities, public</li> <li>•Solar generation station</li> <li>•Telephone exchange building</li> </ul> <p>Services where people are generally present are classified as Community Service, Offices, or Safety Services. Utility offices where employees or customers are generally present are classified as Offices. Bus barns are classified as Warehouse and Freight Movement. Wireless communications facilities and other similar installations not regulated by the Michigan Public Service Commission are not considered basic utilities for zoning purposes.</p>
Utilities, Major (Use Category)	<p>Major, areawide infrastructure services that typically have employees at the site. Services may be public or privately provided.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Water works, reservoir, pumping station, or filtration plant</li> <li>•Power or heating plant with fuel storage on site</li> <li>•Steam generating plant</li> </ul>
Utility, Government	A government-operated enterprise for providing an essential public service, including the Detroit Water and Sewerage Department and the Public Lighting Department of the City.
Utility, Public (Ord. No. 13-11, §1, 8-23-11)	A private enterprise regulated by the state public service commission, with an exclusive franchise for providing an essential public service, including DTE Energy and AT&T (land line service, not wireless). Wireless telecommunications carriers are not public utilities.
<p><b>Secs. 61-16-193–61-16-200. Reserved.</b></p>	
<p><b>Subdivision S. Letter “V”</b></p>	
<p><b>Sec. 61-16-201. Words and terms (Va-Vg).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 26-12, §1, 11-21-12)</p>	
Van	A multipurpose enclosed motor vehicle having a box-like shape, rear and/or side

Term	Definition
	doors, and side panels often with windows, used for the transportation of property or persons.
Vehicle	A device in, upon, or by which any person or property is, or may be, transported, or drawn, upon a public highway except devices used exclusively upon stationary rails or tracks or exclusively moved by human power.
Vehicle, Commercial	A motor vehicle that is used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise and/or a motor vehicle that is designed or constructed and used primarily for pulling other vehicles and does not carry any part of the weight of the vehicle which is being pulled.
Vehicle, private passenger	Every motor vehicle, other than a bus, commercial vehicle, or taxicab that is designed, used, or maintained primarily for the transportation of people on ordinary roads and that has a valid and current license plate. For purposes of this Zoning Ordinance, pick-up trucks and vans shall be considered private passenger vehicles.
Vehicle preparation (Ord. No. 26-12, §1, 11-21-12)	Consists of quick lube service, light bulb replacement, fuse replacement and tire rotation. All other functions constitute either “motor vehicle services, minor” or “motor vehicle services, major” as defined in <a href="#">Sec. 61-16-133</a> of this Code.
Vehicle, Recreational	Includes motor homes, pickup campers, and trailer coaches.
Vehicle Repair and Service (Use Category)	<p>Uses servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Motor vehicle services, major</li> <li>•Motor vehicle services, minor</li> <li>•Motor vehicle filling station</li> <li>•Motor vehicle washing and steam cleaning</li> <li>•Motor vehicles, new or used: storage lots accessory to salesroom or sales lot for new or used motor vehicles</li> </ul> <p>Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.</p>
Very High-impact Manufacturing or Processing	<p>Examples include:</p> <ul style="list-style-type: none"> <li>•abattoirs (slaughter houses)</li> <li>•acid manufacture</li> <li>•acoustical material manufacture</li> <li>•airplane manufacture</li> <li>•alkali manufacture</li> <li>•asphalt manufacture</li> <li>•automobile body plant</li> <li>•beryllium storage, handling, or processing</li> <li>•bituminous concrete manufacture</li> <li>•carbide manufacture</li> <li>•cement, lime, gypsum, or plaster of Paris manufacture</li> <li>•ceramic glaze or porcelain enamel frit manufacture</li> <li>•charcoal or fuel briquette manufacture</li> <li>•chemical manufacture (from raw substances)</li> <li>•coal or coke yard</li> <li>•coke oven</li> <li>•crushing, grading, and screening of rock, stone, slag, clay, or concrete</li> <li>•distillation of coal, petroleum, bones, tar, or refuse</li> <li>•dog or cat food cannery or manufacture</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>•drop forge plants</li> <li>•fertilizer manufacture</li> <li>•fish oil or meal manufacture</li> <li>•fish smoking, curing, canning, or cleaning</li> <li>•foundry, ferrous or non-ferrous</li> <li>•glue manufacture (using animal products)</li> <li>•insulation manufacture</li> <li>•lampblack manufacturing</li> <li>•linoleum manufacture</li> <li>•paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture</li> <li>•paper manufacturing or reclaiming</li> <li>•petroleum refining or processing</li> <li>•radio isotope fabrication or use</li> <li>•smelting or refining of metals or ores</li> <li>•stamping or pressing plants</li> <li>•steel barrel, drum, or pail renovation or reclaiming</li> <li>•steel mills</li> <li>•tanning, curing, or storage of raw hides or skins</li> <li>•tar products manufacture</li> <li>•wool pulling</li> </ul>
<p><b>Sec. 61-16-202. Words and terms (Vh-Vz).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
Vicinity	Surrounding area.
Violation	Any act which is made or declared to be unlawful by the City of Detroit in accordance with this Chapter and Chapter 8.5 of this Code, or any omission or failure to act where the act is required by the City of Detroit in accordance with this Chapter and Chapter 8.5 of this Code.
Violator	A person who is responsible for a blight violation.
<p><b>Secs. 61-16-203–61-16-210. Reserved.</b></p>	
<p><b>Subdivision T. Letters “W” Through “Z”</b></p>	
<p><b>Sec. 61-16-211. Words and terms (Wa-Wz).</b> (Ord. No. 11-05, §1, 5-28-05)</p>	
Warehouse and Freight Movement (Use Category)	<p>Uses involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Cold storage plant</li> <li>•Containerized freight yard</li> <li>•Elevators, grain</li> <li>•Explosives storage</li> <li>•Feed or grain mill</li> <li>•Fuel dock</li> <li>•Intermodal freight terminal</li> </ul>

Sec. 61-16-212 | Words and terms (Xa-Xz and Ya-Yz and Za-Zz).

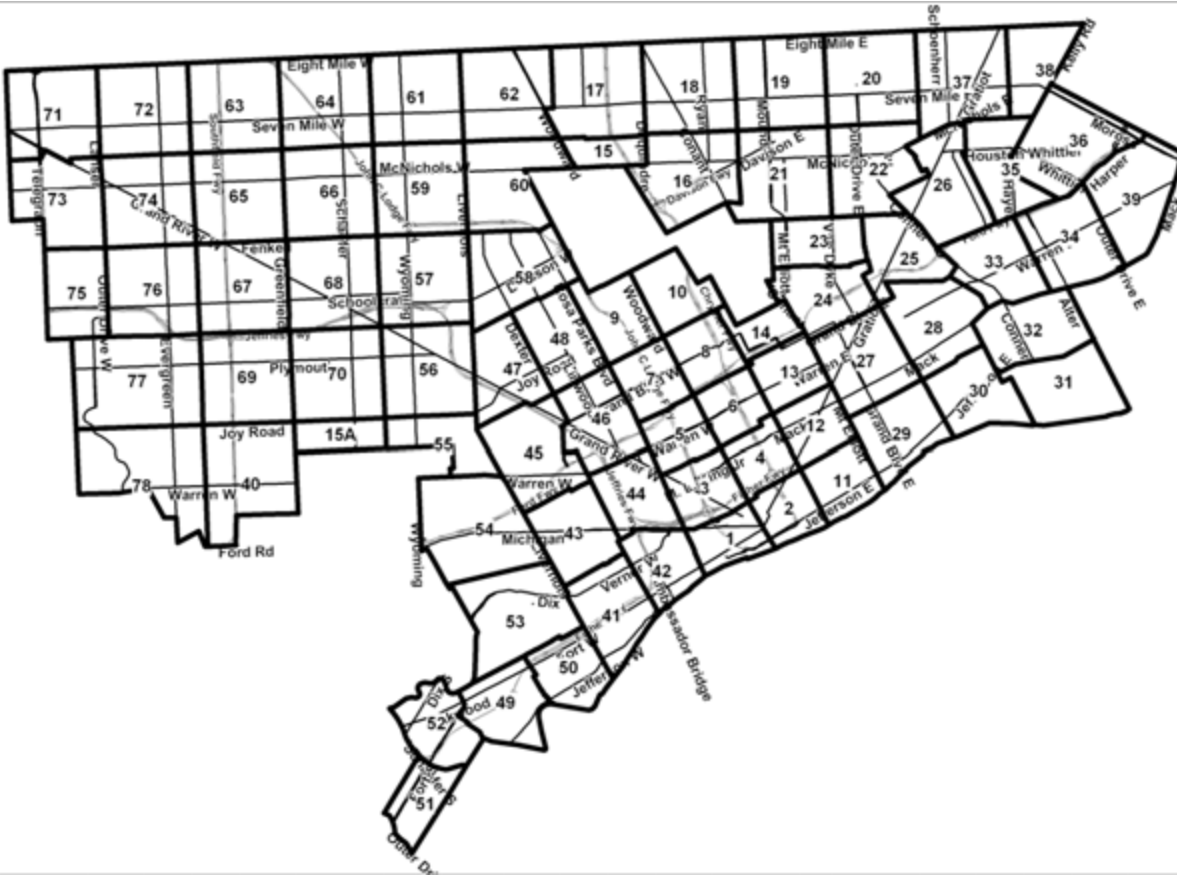
Term	Definition
	<ul style="list-style-type: none"> <li>•Railroad transfer or storage tracks</li> <li>•Steel warehousing</li> <li>•Tank storage of bulk oil or gasoline</li> <li>•Trucking terminals, transfer buildings, truck garages, recreational vehicle storage yards, and open areas for the parking of operable trucks</li> <li>•Vending machine commissary</li> <li>•Wholesaling, warehousing, storage buildings, or public storage houses</li> </ul> <p>Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses. Mini-warehouses and Self-Service Storage facilities shall be considered a “storage building” use.</p>
Waste-related Use (Use Category)	<p>Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Garbage, offal, or dead animal reduction</li> <li>•Hazardous waste facility</li> <li>•Incinerator plant</li> <li>•Radioactive waste handling</li> <li>•Recycling center</li> <li>•Rendering plant</li> <li>•Scrap tire processing or recycling facility</li> <li>•Scrap tire storage facility</li> <li>•Sewage disposal</li> <li>•Transfer station for garbage, refuse, or rubbish</li> <li>•Waste/scrap materials: indoor storage, handling, and/or transfer</li> </ul>
Water-related Facility (Use Category)	<p>Uses that must be located on or near water in order to operate.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> <li>•Boat terminal (passenger and common carrier)</li> <li>•Docks (waterway shipping, freight)</li> <li>•Marinas (for privately owned pleasure craft)</li> <li>•Ferry terminal</li> </ul>
<p><b>Sec. 61-16-212. Words and terms (Xa-Xz and Ya-Yz and Za-Zz).</b></p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)</p>	
Yard	The <i>actual</i> (as opposed to <i>required</i> ) open area that exists between a lot line and a building or structure. See also “Setback”
Yard, front	Yard, front. A yard extending across the full width of the lot between the front lot line and the nearest part of the principal building or structure.
Yard, rear	Yard, rear. A yard extending across the full width of the lot between the rear lot line and the nearest part of the principal building or structure.
Yard, side	Yard, side. A yard extending from the front yard to the rear yard between the side lot line and the nearest part of the principal building or structure, excepting permitted encroachments.
Youth activity center	Youth activity center means a type of nonprofit neighborhood center whose primary purpose is to provide education, recreational, cultural, and/or leisure activities for minors, but excludes: [1] an arcade, as defined in <a href="#">Sec. 61-16-33</a> of this Code; [2] a health club; [3] a medical facility; [4] a public dance hall, as defined in <a href="#">Sec. 61-16-61</a> of this Code; [5] a rehabilitation facility; [6] a rental

0 | (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)

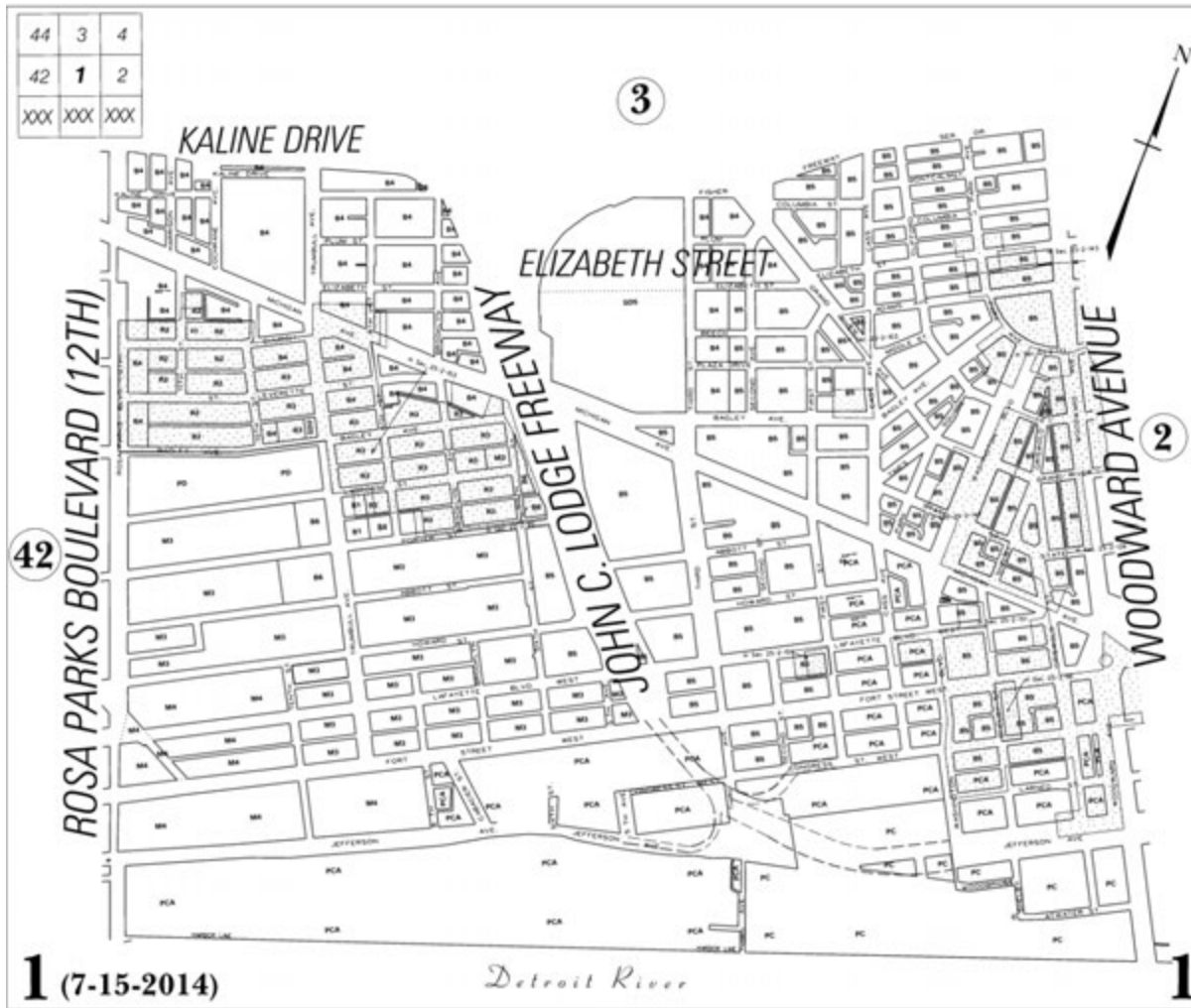
Term	Definition
(Ord. No. 01-10, §1, 04-01-10)	hall, as defined in <u>Sec. 61-16-162</u> of this Code; [7] a residential facility; [8] a restaurant, as defined in <u>Sec. 61-16-162</u> of this Code; and [9] a school.
Youth hostel/hostel  (Ord. No. 13-11, §1, 8-23-11)	An overnight lodging facility, in a building originally constructed for other than use as a single-family dwelling or two-family dwelling, offering temporary lodging and services related to hostelling that is operated, managed, or maintained under sponsorship of a non profit or for-profit organization. Such uses provide beds for rent on a daily basis as in individual rooms or dormitories. Such uses are typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms, and bathroom facilities. This type does not include emergency shelters, rooming houses, single-room-occupancy housing, pre-release adjustment centers, or “halfway houses”.
Zoning Enabling Act (Ord. No. 13-11, §1, 8-23-11)	The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101 <i>et seq.</i>
Zoning Grant  (Ord. No. 13-11, §1, 8-23-11)	A written decision and order of the Buildings, Safety Engineering and Environmental Department or the Board of Zoning Appeals approving a use or other requested action.

## ARTICLE XVII. ZONING MAPS

This article consists of Zoning District Maps Nos. 1 through 78, which, with all conditions, regulations, controls and requirements associated with special purpose zoning districts, were incorporated unaltered from Ordinance No. 390-G, as amended. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 19-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

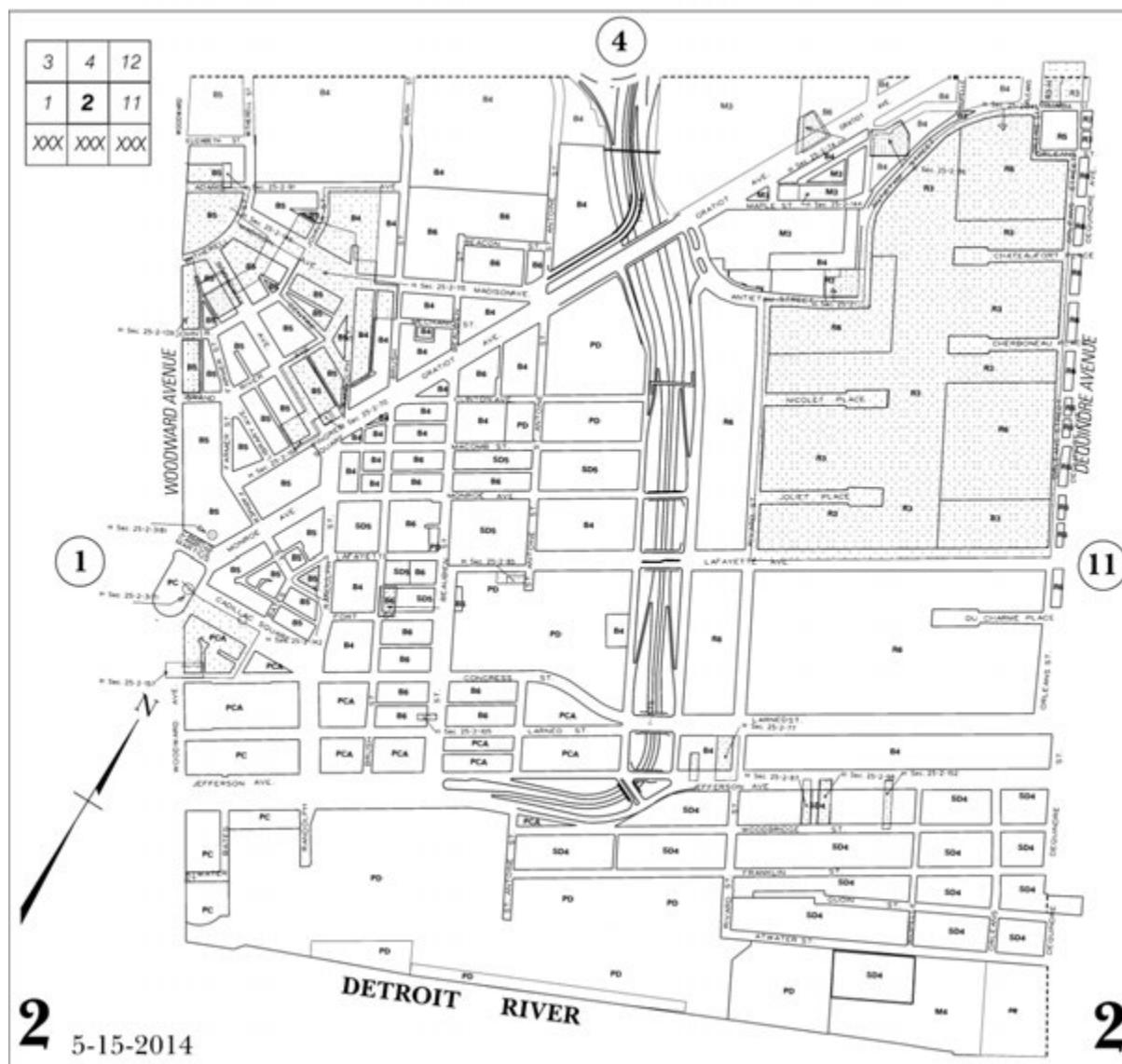






Map 1. (Ord. No. 394-G, § 1, 11-26-68; Ord. No. 419-G, § 1, 4-1-69; Ord. No. 453-G, § 1, 7-8-69; Ord. No. 673-G, § 1, 3-21-72; Ord. No. 152-H, § 1, 9-29-76; Ord. No. 596-H, § 1, 10-17-84; Ord. No. 605-H, § 1, 12-12-84; Ord. No. 24-98, § 1, 7-31-98; Ord. No. 32-98, § 1, 10-15-98; Ord. No. 35-98, § 1, 10-15-98; Ord. No. 28-02, § 1, 11-27-02; Ord. No. 43-04, § 1, 11-17-04; Ord. No. 14-10, § 1, 8-17-2010; Ord. No. 24-14, § 1, 9-4-2014)





Map 2. (Ord. No. 621-G, § 1, 9-21-71; Ord. No. 685-G, § 1, 5-2-72; Ord. No. 732-G, § 1, 9-26-72; Ord. No. 17-H, § 1, 1-10-75; Ord. No. 197-H, § 1, 7-27-77; Ord. No. 249-H, § 1, 5-22-78; Ord. No. 446-H, § 1, 5-27-81; Ord. No. 29-86, § 1, 12-10-86; Ord. No. 21-89, § 1, 11-8-89; Ord. No. 20-90, § 1, 11-14-90; Ord. No. 42-95, § 1, 12-6-95; Ord. No. 3-96, § 1, 3-13-96; Ord. No. 19-98, § 1, 7-15-98; Ord. No. 21-98, § 1, 7-29-98; Ord. No. 23-98, § 1, 7-31-98; Ord. No. 33-98, § 1, 10-15-98; Ord. No. 3-99, § 1, 2-24-99; Ord. No. 6-99, § 2, 5-3-99; Ord. No. 35-99, § 1, 11-19-99; Ord. No. 17-00, § 7-26-00; Ord. No. 18-02, § 1, 10-2-02; Ord. No. 25-03, § 1, 7-9-03; Ord. No. 6-04, § 1, 2-6-04; Ord. No. 28-04, § 1, 7-28-04; Ord. No. 43-04, § 1, 11-17-04; Reso., JCC 2/23/2005, Pgs. 635-637; Ord. No. 17-05, § 1, 4-25-05; Ord. No. 24-06, § 1, 8-11-2006; Ord. No. 26-06, § 1, 8-16-06; Ord. No. 21-07, § 1, 7-2-2007; Ord. No. 31-07, § 1, 11-26-2007; Ord. No. 5-10, § 1, 4-27-10; Ord. No. 30-11, § 1, 12-14-2011; Ord. No. 31-11, § 1, 12-22-2011; Ord. No. 32-11, § 1, 12-22-2011; Ord. No. 28-14, § 1, 9-5-2014; Ord. No. 44-16, § 1, 3-2-2017)



Map 3. (Ord. No. 462-G, § 1, 9-9-69; Ord. No. 473-G, § 1, 11-5-69; Ord. No. 653-G, § 1, 2-1-72; Ord. No. 697-G, § 1, 6-13-72; Ord. No. 850-G, § 1, 9-4-73; Ord. No. 58-H, § 1, 9-10-75; Ord. No. 152-H, § 1, 9-26-76; Ord. No. 520-H, § 1, 10-20-82; Ord. No. 565-H, § 1, 9-28-83; Ord. No. 21-96, § 1, 9-11-96; Ord. No. 34-97, § 1, 10-1-97; Ord. No. 22-98, § 1, 7-31-98; Ord. No. 34-98, § 1, 10-15-98; Ord. No. 28-00, § 1, 11-29-00; Ord. No. 5-01, § 1, 5-9-01; Ord. No. 7-02, § 1, 7-10-02; Ord. No. 28-02, § 1, 11-27-02; Ord. No. 17-05, § 1, 4-29-05; Ord. No. 35-05, § 1, 12-13-2005; Ord. No. 04-06, § 1, 2-27-06; Ord. No. 41-06, § 1, 12-6-06; Ord. 19-08, § 1, 9-11-2008; Ord. 21-09, § 1, 10-29-2009; Ord. No. 05-13, § 1, 3-27-2013; Ord. No. 07-13, § 1, 03-27-2013; Ord. No. 30-13, § 1, 12-24-2013; Ord. No. 2-14, § 1, 4-23-2014; Ord. No. 10-15, § 1, 04-12-2015; Ord. No. 8-16, §1, 4-23-2016; Ord. No. 16-16, §1, 5-28-2016)



Map 4. (Ord. No. 439-G, § 1, 6-10-69; Ord. No. 481-G, § 1, 12-16-69; Ord. No. 711-G, § 1, 7-18-72; Ord. No. 804-G, § 1, 3-6-73; Ord. No. 13-H, § 1, 12-9-74; Ord. No. 457-H, § 1, 7-15-81; Ord. No. 463-H, § 1, 8-5-81; Ord. No. 526-H, § 1, 10-20-82; Ord. No. 20-89, § 1, 10-27-89; Ord. No. 26-93, § 1, 11-17-93; Ord. No. 1-96, § 1, 2-14-96; Ord. No. 25-96, § 1, 10-11-96; Ord. No. 37-98, § 1, 10-22-98; Reso., JCC, 6/17/2005, Pgs. 1910-1912; Ord. No. 39-07, § 1, 12-5-2008; Ord. No. 25-09, § 1, 11-27-2009; Ord. No. 26-09, § 1, 11-27-2009; Ord. No. 28-10, § 1, 12-15-2010; Ord. No. 35-11, § 1, 12-22-2011; Ord. No. 03-12, § 1, 3-8-2012; Ord. No. 24-13, § 1, 8-20-2013, Ord. No. 29-14, § 1, 9-5-2014; Ord. No. 07-16, §1, 4-23-2016; Ord. No. 29-16, §1, 8-23-2016)

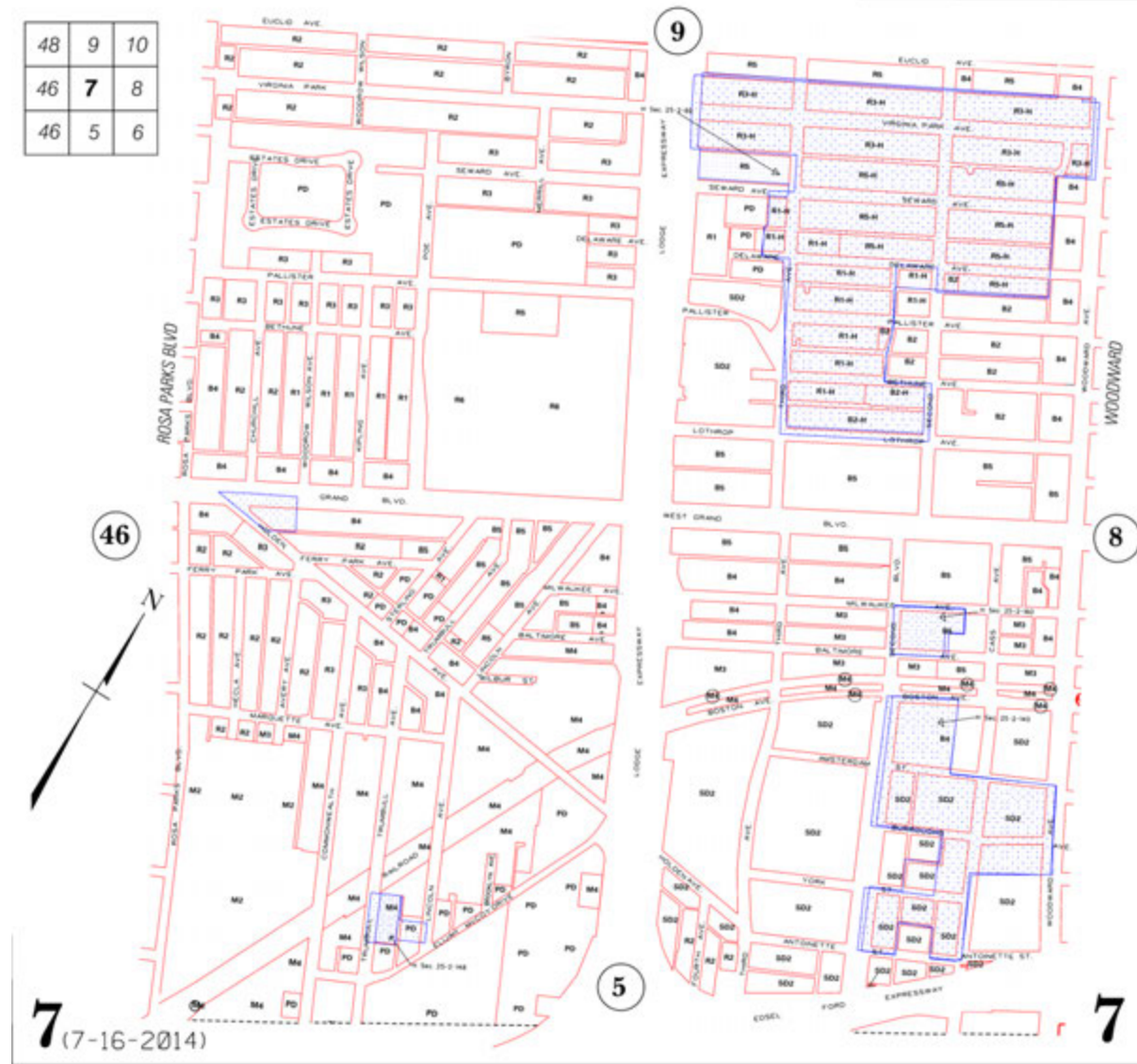


Map 5. (Ord. No. 479-G, § 1, 12-16-69; Ord. No. 606-G, § 1, 8-10-71; Ord. No. 693-G, § 1, 5-30-72; Ord. No. 770-G, §1, 11-8-72; Ord. No. 833-G, § 1, 6-26-73; Ord. No. 34-97, § 1, 10-1-97; Ord. No. 5-01, § 1, 5-9-01; Ord. No. 39-06, §1, 12-6-2006; Ord. No. 08-09, § 1, 8-10-2009; Ord. No. 17-09, §1, 10-30-2009; Ord. No. 19-11, § 1, 8-31-2011; Ord. No. 41-14, §1, 12-18-2014; Ord. No. 16-16, §1, 5-28-2016)

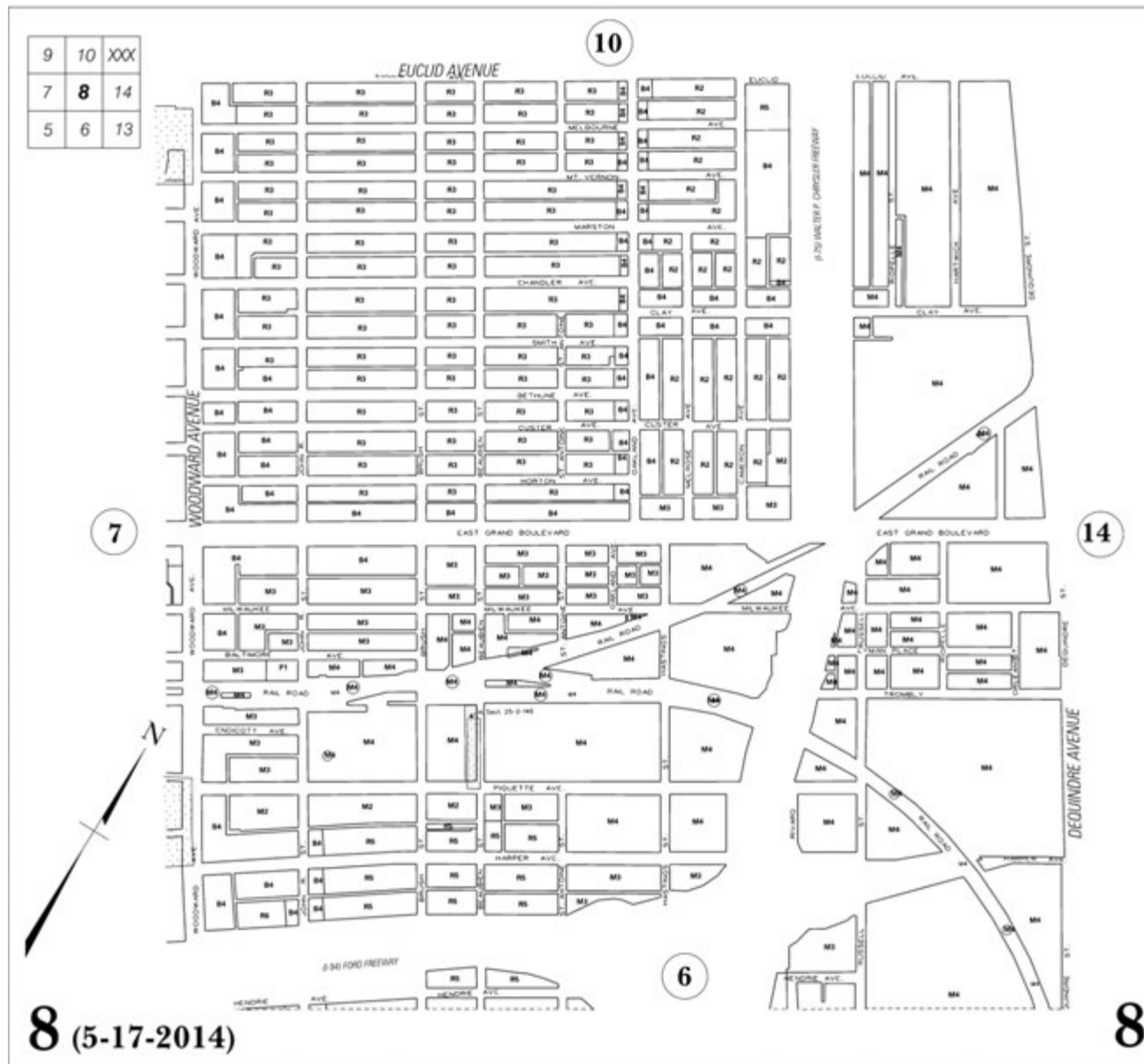
Assignment of Specific Use Types to General Use Categories



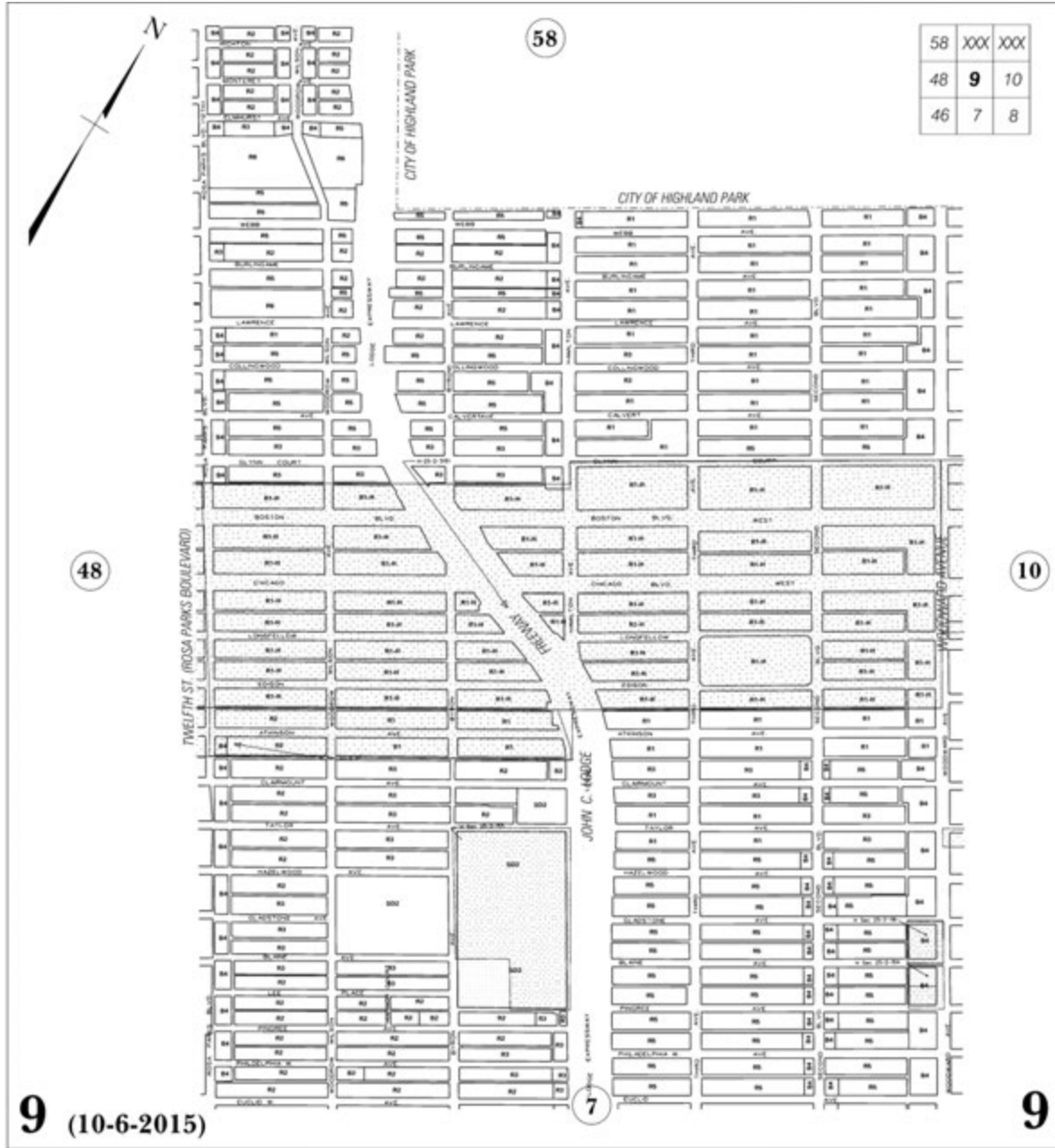
Map 6. (Ord. No. 422-G, § 1, 4-8-69; Ord. No. 585-G, § 1, 4-27-71; Ord. No. 650-G, § 1, 1-25-72; Ord. No. 771-G, § 1, 11-8-72; Ord. No. 845-G, § 1, 8-21-73; Ord. No. 902-G, § 1, 5-21-74; Ord. No. 463-H, § 1, 8-5-81; Ord. No. 24-90, § 1, 11-21-90; Ord. No. 26-91, § 1, 9-11-91; Ord. No. 29-91, § 1, 11-20-91; Ord. No. 38-97, § 1, 11-5-97; Ord. No. 7-99, § 1, 5-5-99; Ord. No. 15-11, § 1, 8-12-2011)



Map 7. (Ord. No. 693-G, § 1, 5-30-72; Ord. No. 713-G, § 1, 7-21-72; Ord. No. 775-G, § 1, 11-21-72; Ord. No. 837-G, § 1, 7-3-73; Ord. No. 261-H, § 1, 6-7-78; Ord. No. 358-H, § 1, 12-5-79; Ord. No. 366-H, § 1, 12-12-79; Ord. No. 498-H, § 1, 4-28-82; Ord. No. 24-85, § 1, 6-12-85; Ord. No. 37-92, § 1, 12-14-92; Ord. No. 3-03, § 1, 3-19-03; Ord. No. 37-07, § 1, 12-21-2007; Ord. No. 28-12, § 1, 12-28-12; Ord. No. 26-14, § 1, 9-4-2014; Ord. No. 27-14, §1, 9-4-2014)

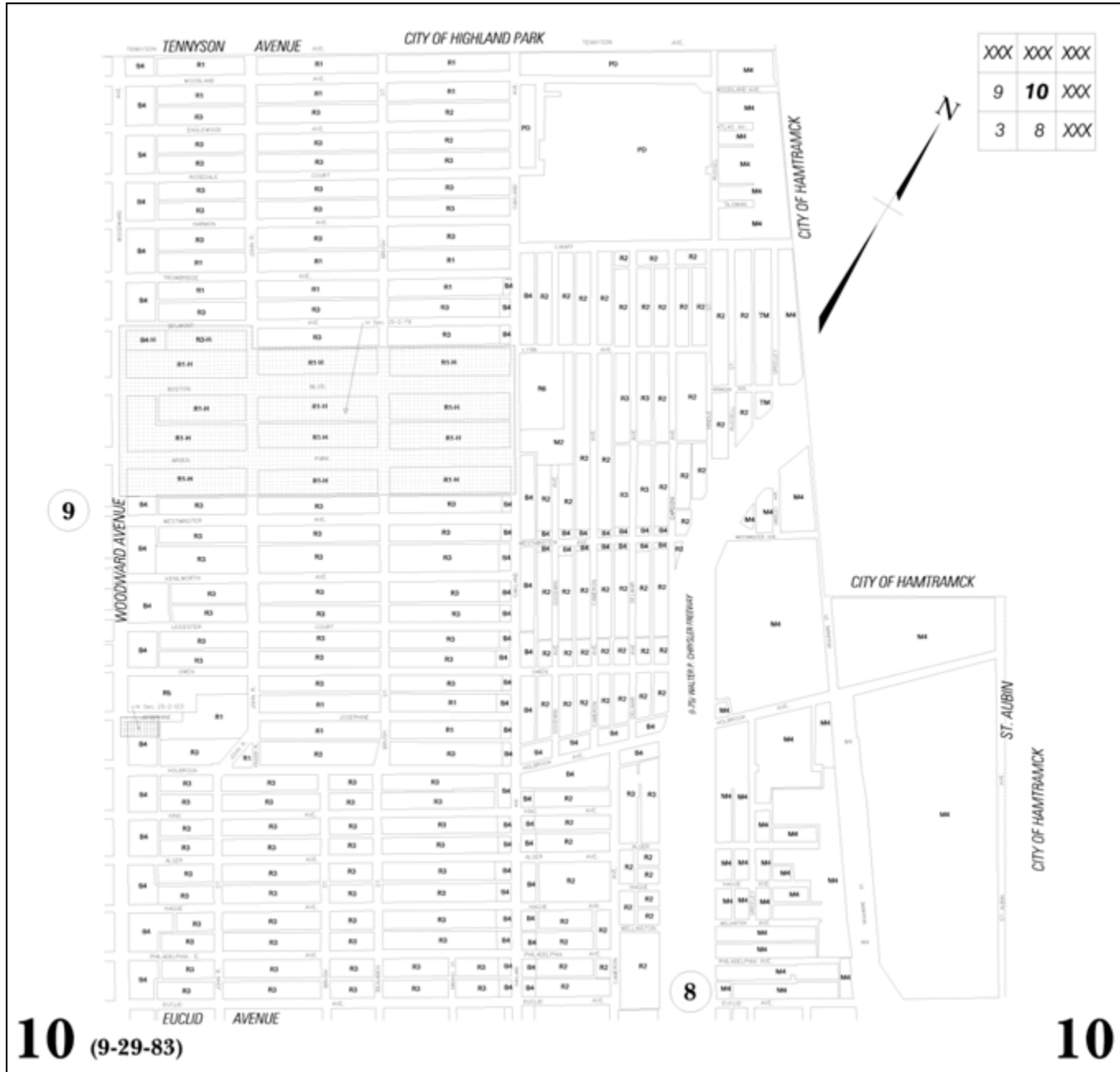


Map 8. (Ord. No. 576-G, § 1, 3-30-71; Ord. No. 717-G, § 1, 8-8-72; Ord. No. 3-03, § 1, 3-19-03; Ord. No. 18-11, §1 8-4-2011; Ord. No. 44-14, §1 12-20-2014)

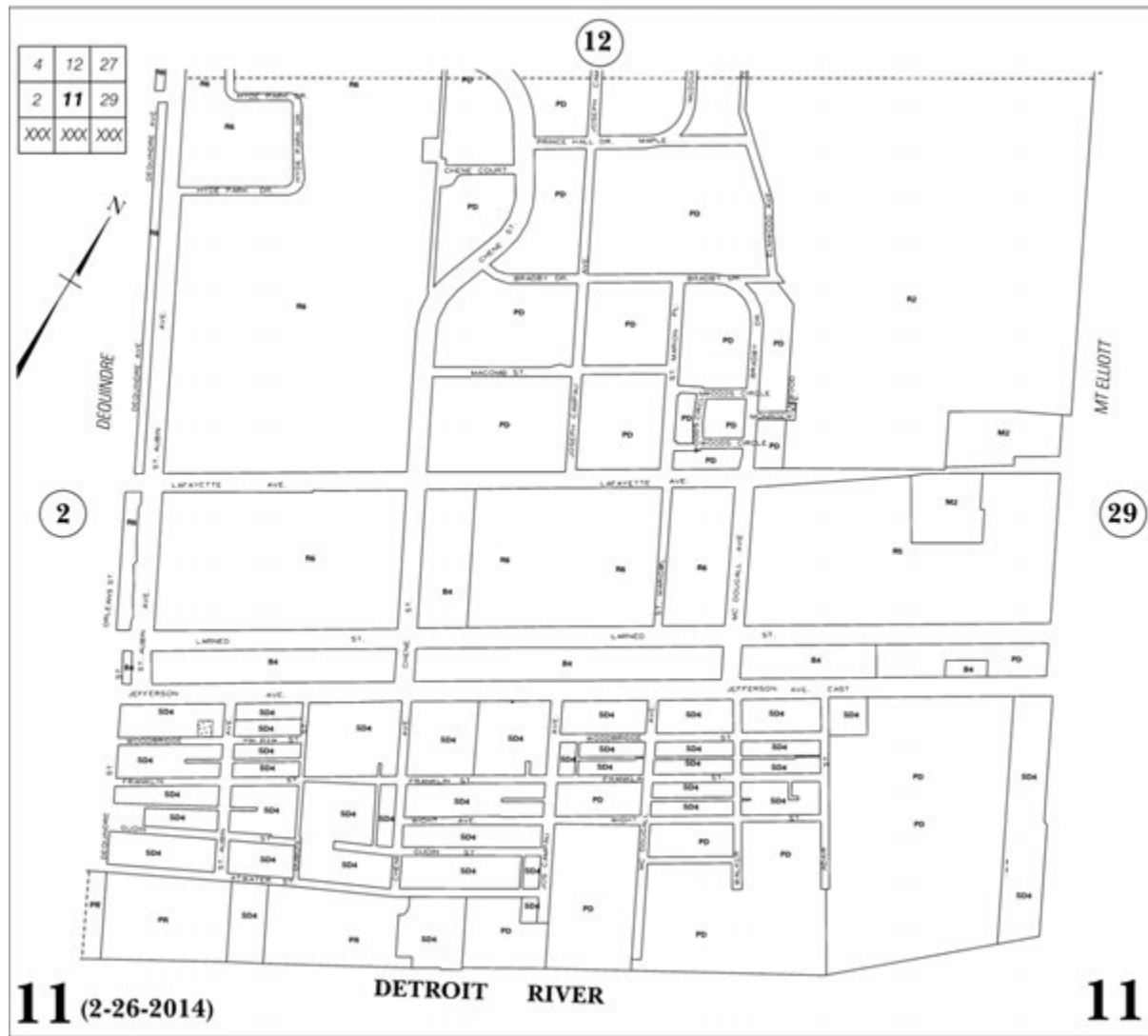


Map 9. (Ord. No. 837-G, § 1, 7-3-73; Ord. No. 582-H, § 1, 3-7-84; Ord. No. 20-15, §1, 10-07-2015)

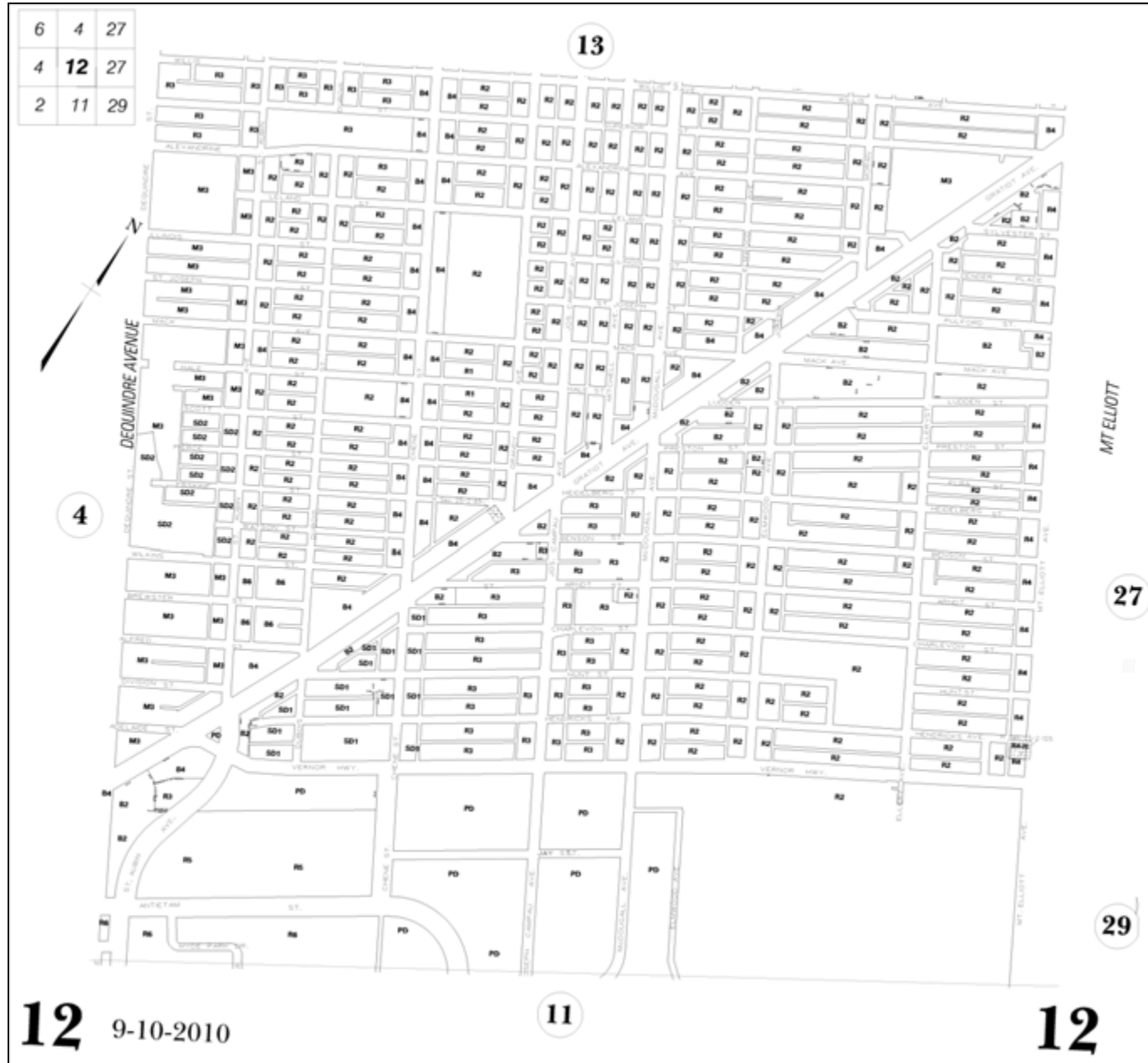




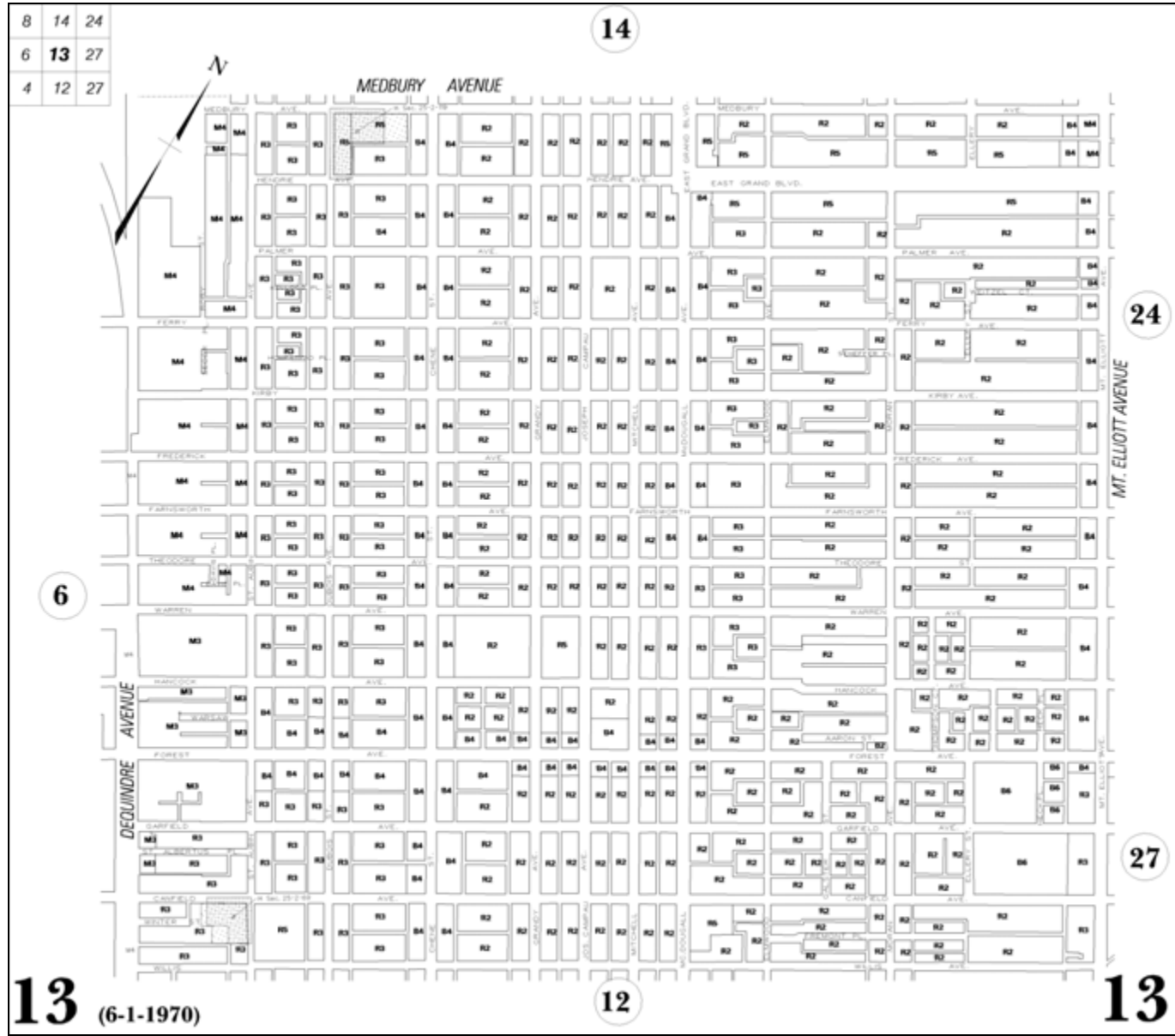
Map 10. (Ord. No. 661-G, § 1, 2-22-72; Ord. No. 599-H, § 1, 10-31-84)



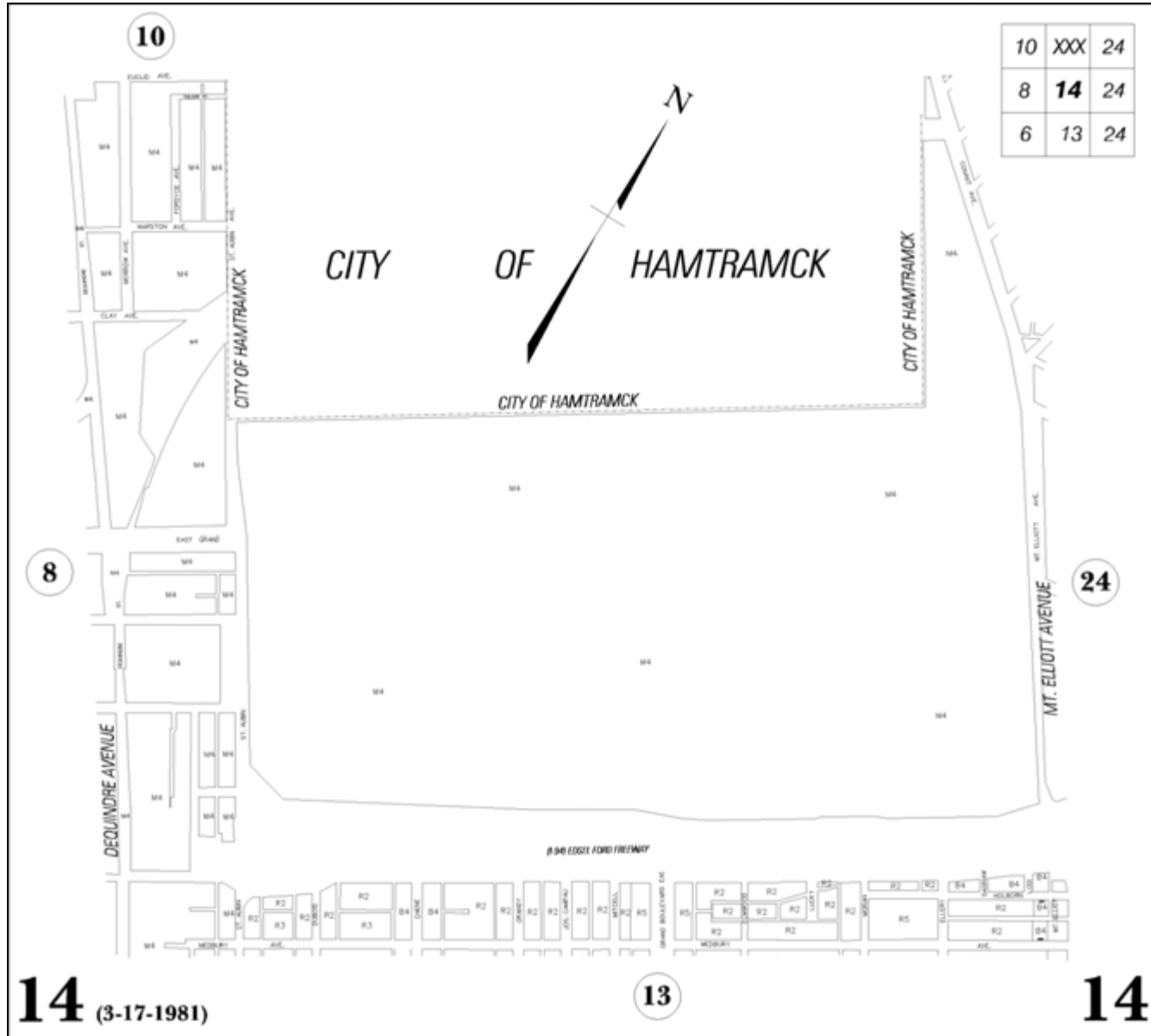
Map 11. (Ord. No. 735-G, § 1, 10-3-72; Ord. No. 22-H, § 1, 2-5-75; Ord. No. 61-H, § 1, 10-1-75; Ord. No. 508-H, § 1, 6-23-82; Ord. No. 512-H, § 1, 9-15-82; Ord. No. 15-86, § 1, 7-16-86; Ord. No. 20-87, § 1, 7-1-87; Ord. No. 15-95, § 1, 6-21-95; Ord. No. 31-97, § 1, 9-10-97; Ord. No. 19-98, § 1, 7-15-98; Ord. No. 18-02, § 1, 10-2-02, Ord. No. 21-07, § 1, 7-2-2007; Ord. No. 03-13, § 1, 6-13-2013; Ord. No. 05-14, § 1, 5-10-2014; Ord. No. 04-15, § 1, 3-20-2015)



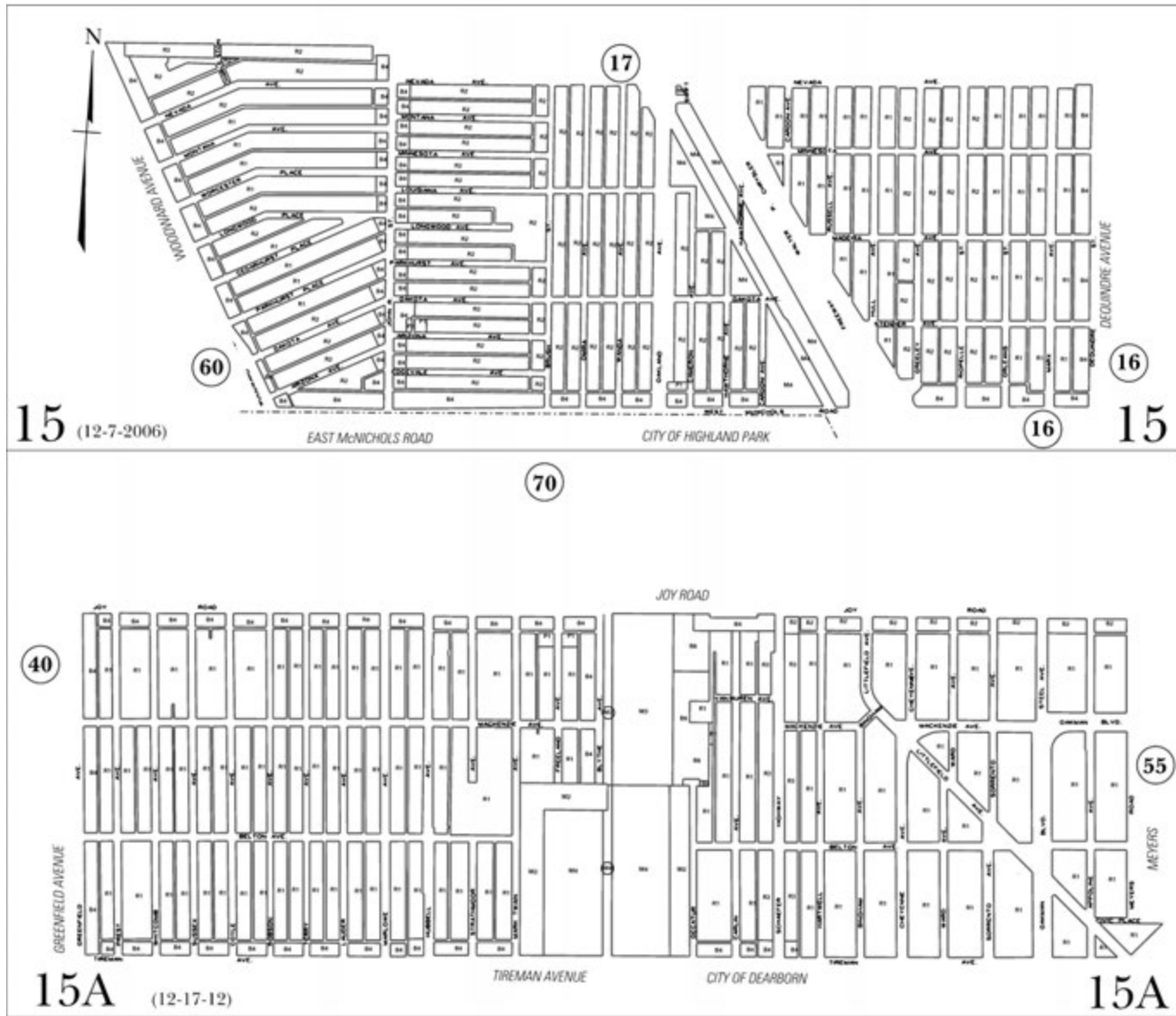
Map 12. (Ord. No. 427-G, § 1, 4-29-69; Ord. No. 517-G, § 1, 6-23-70; Ord. No. 570-G, § 1, 2-16-71; Ord. No. 657-G, § 1; Ord. No. 22-H, § 1, 2-15-75; Ord. No. 18-90, § 1, 10-31-90, Ord. No. 34-04, § 1, 11-19-2004, Ord. No. 22-10, §1, 11/26/2010)



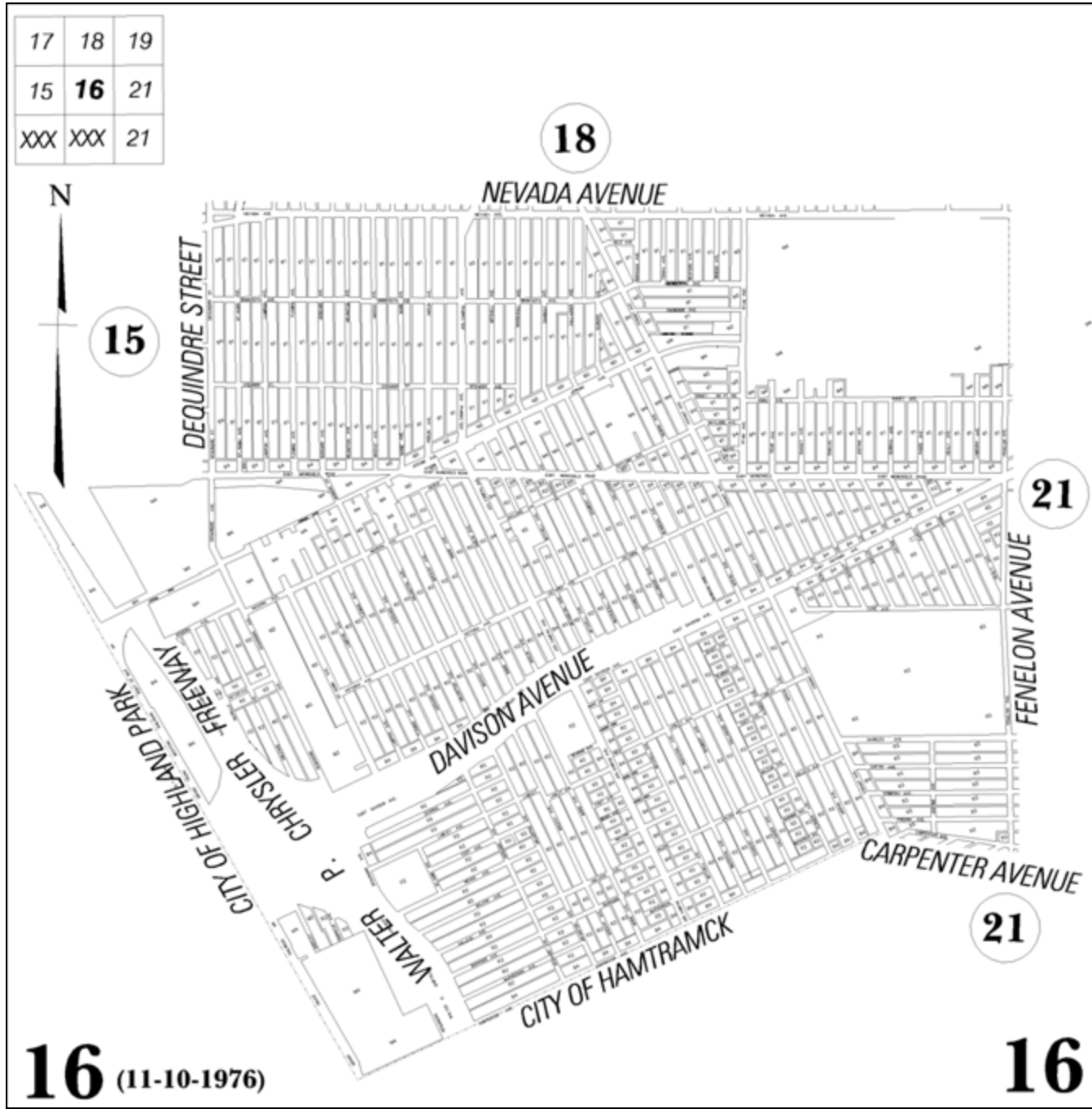
Map 13. (Ord. No. 516-G, § 1, 6-23-70)



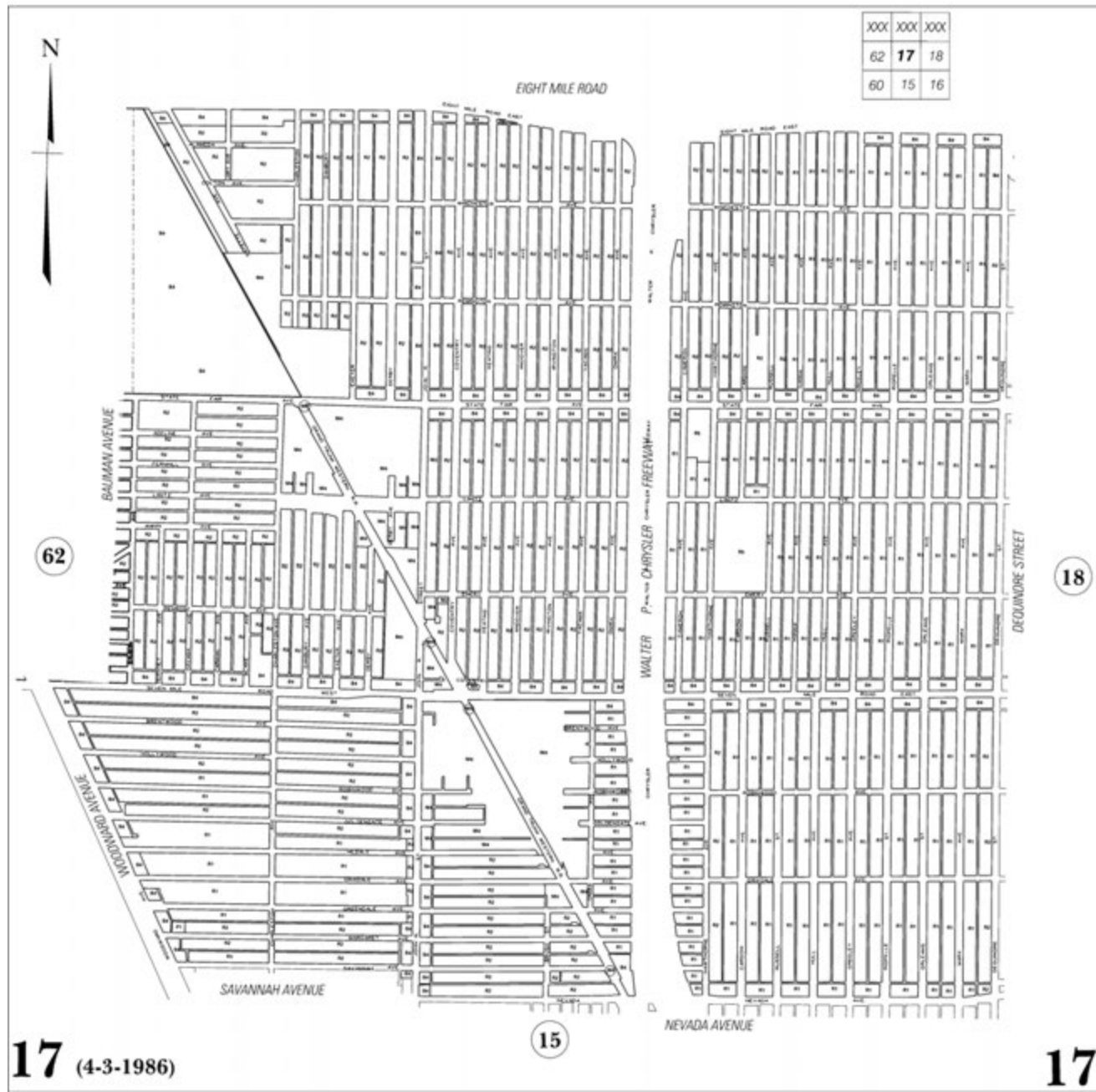
Map 14. (Ord. No. 434-H, § 1, 4-15-81; Ord. No. 16-85, § 1, 5-15-85)



Map 15. (Ord. No. 543-G, § 1, 10-20-70; Ord. No. 865-G, § 1, 11-27-73; Ord. No. 17-91, § 1, 5-29-91, Ord. No. 5-07, § 1, 5-8-2007; Ord. No. 12-13, § 1, 5-31-2013)

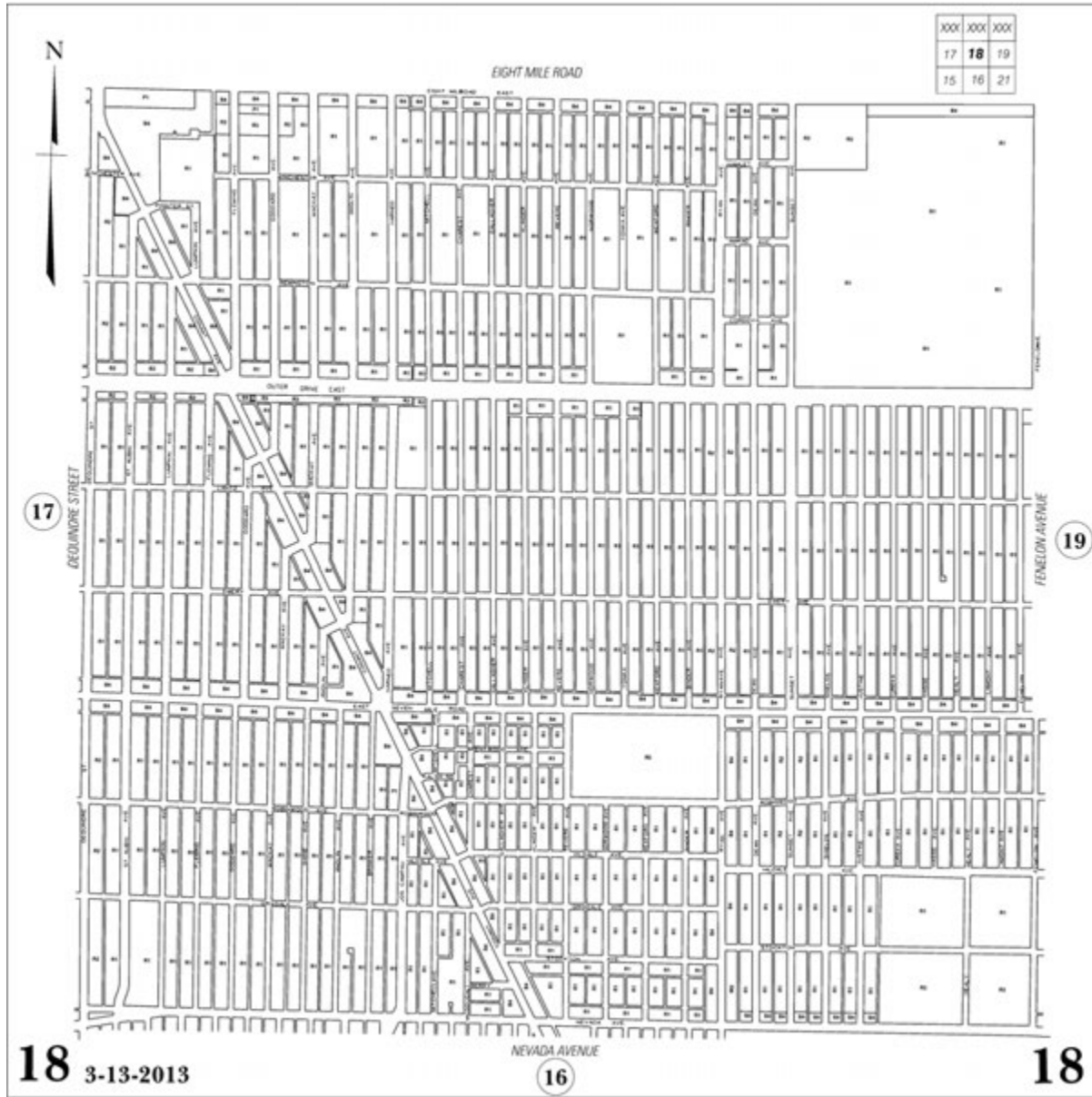


Map 16. (Ord. No. 164-H, § 1, 11-10-76)

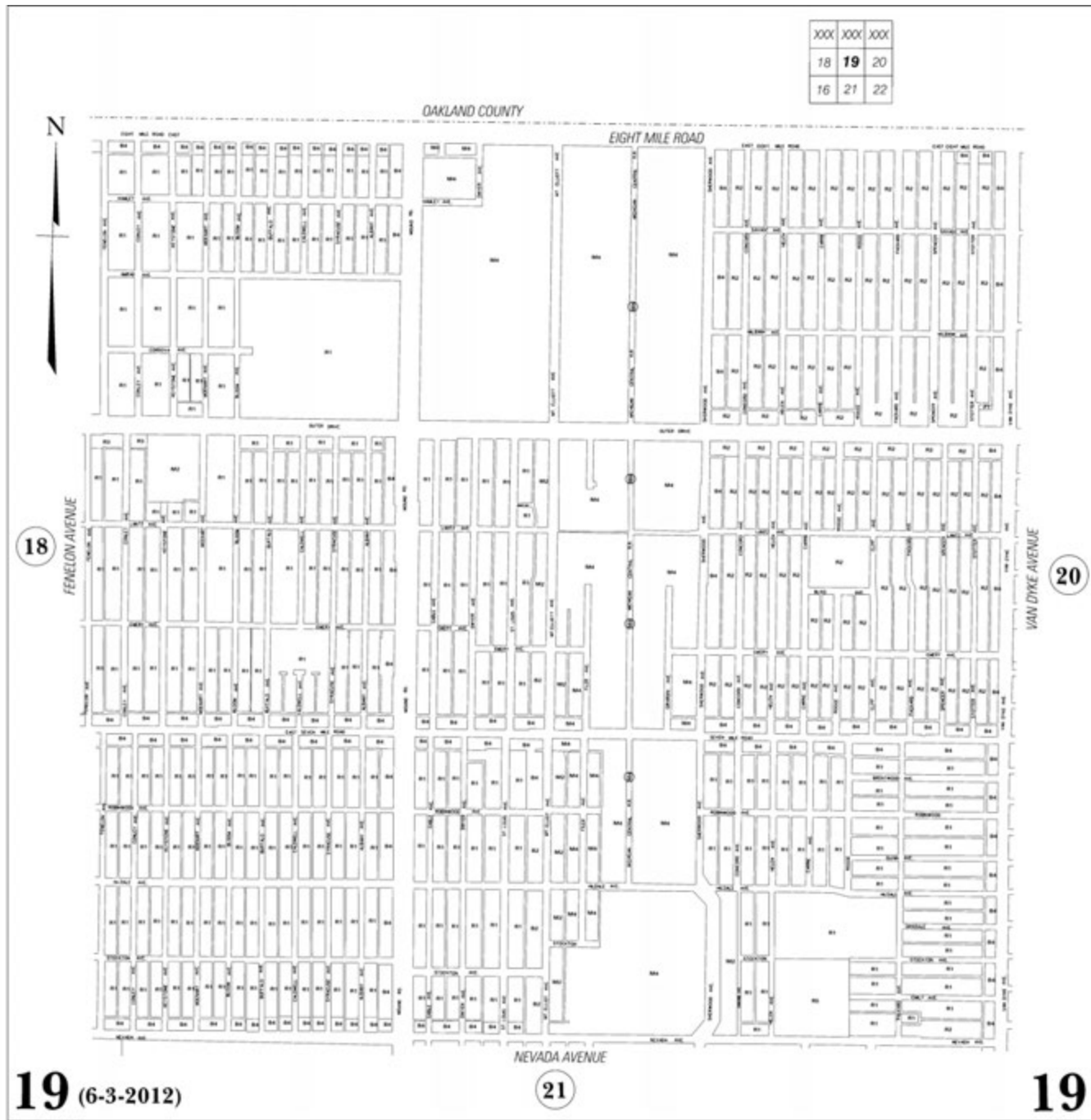


Map 17. (Ord. No. 460-G, § 1, 9-9-69; Ord. No. 12-86, § 1, 7-2-86)

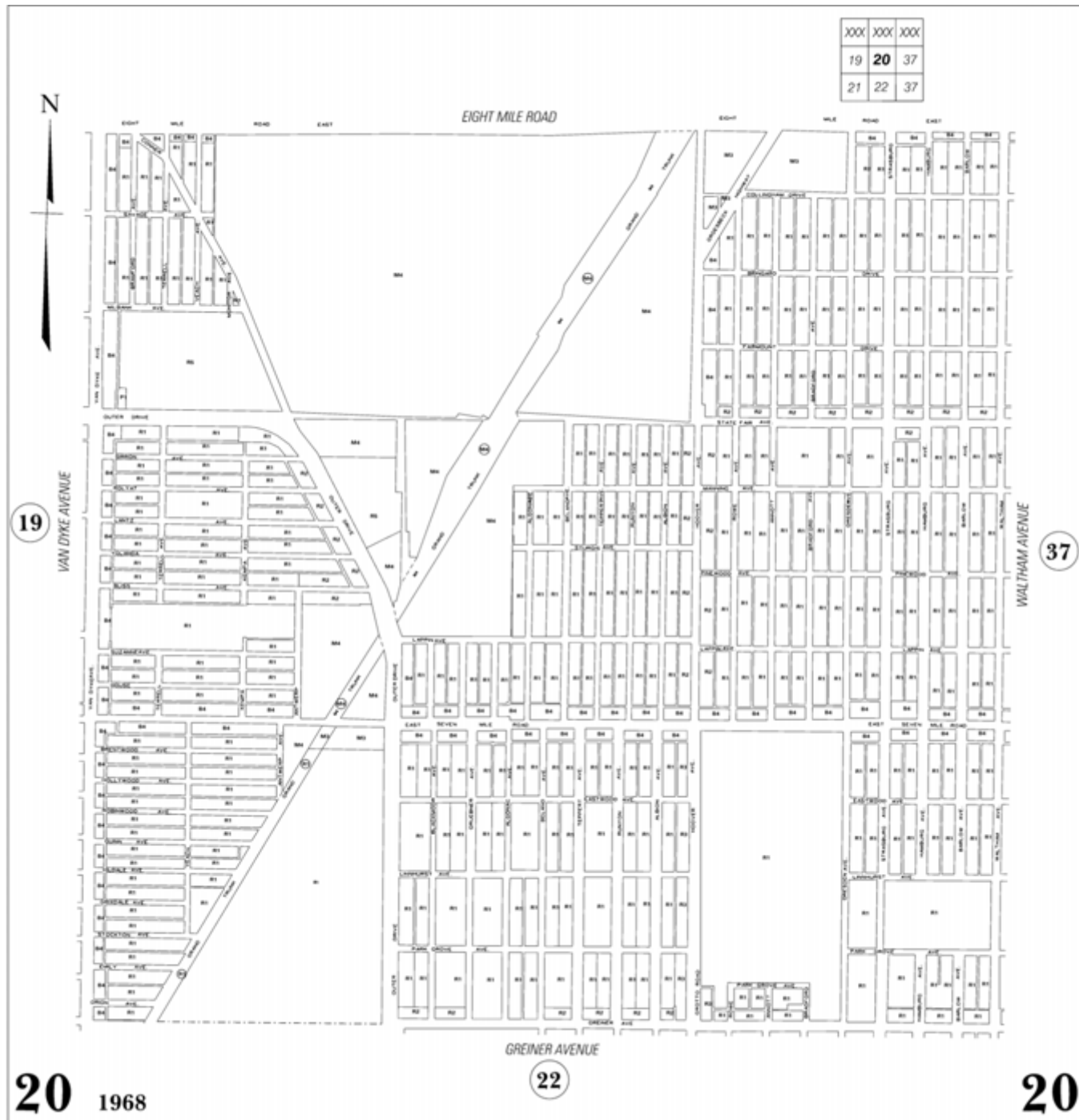




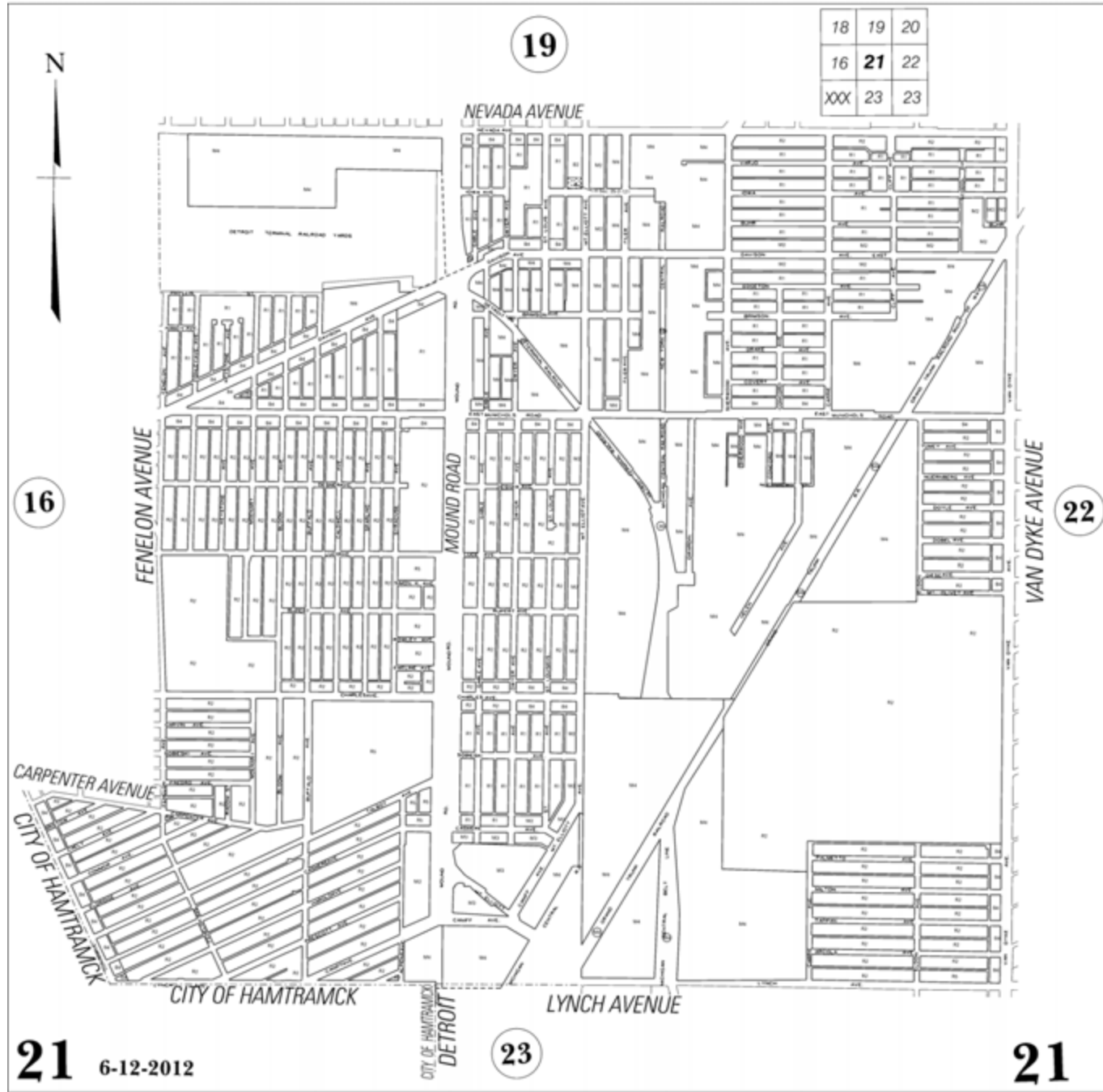
Map 18. (Ord. No. 476-G, § 1, 11-25-69; Ord. No. 6-86, § 1, 6-4-86, Ord. No. 35-06, § 1, 12-1-2006; Ord. No. 13-13, § 1, 11-7-13)



Map 19. (Ord. No. 477-G, § 1, 11-25-69; Ord. No. 431-H, § 1, 3-18-81; Ord. No. 16-12, § 1, 8-11-12)



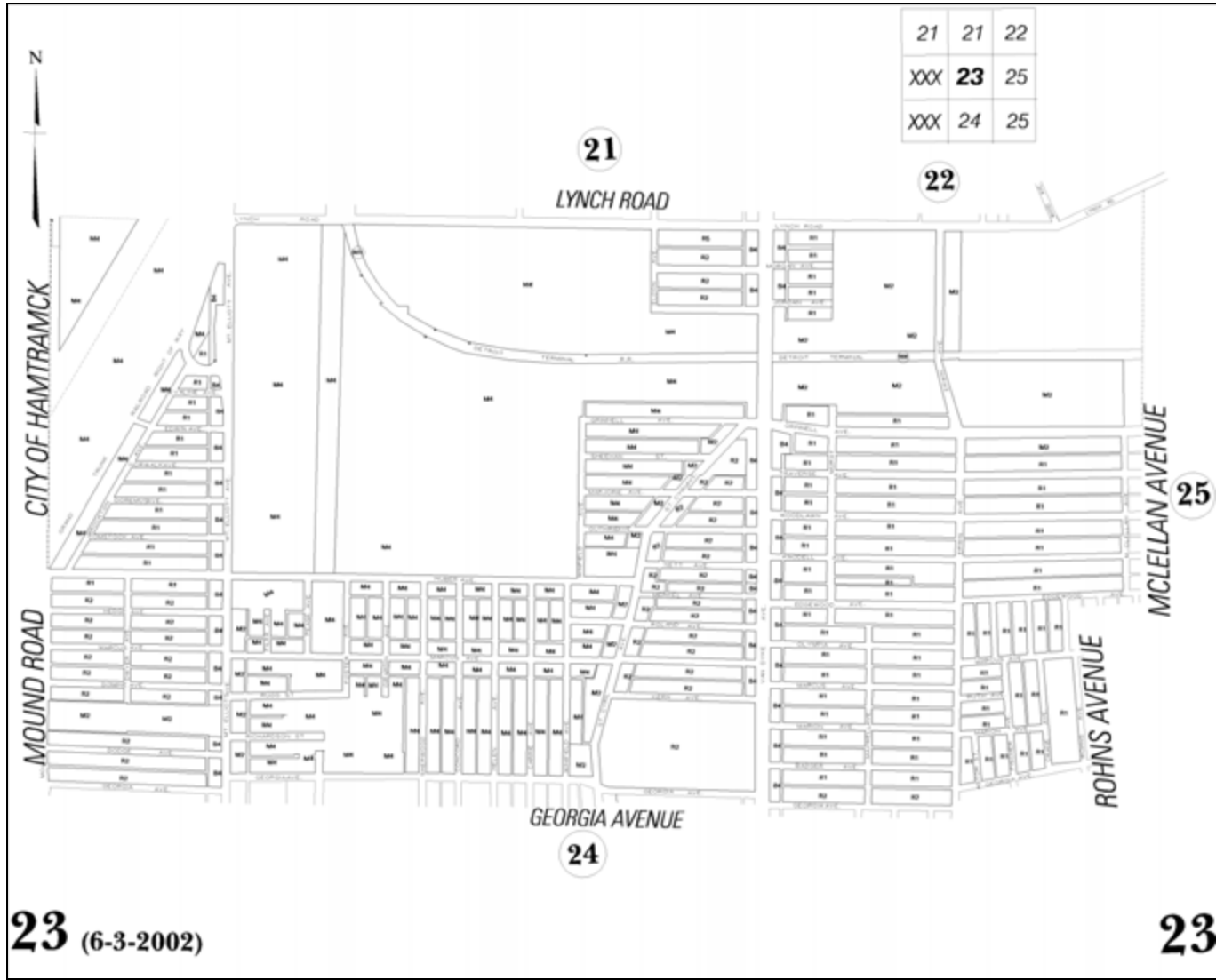
Map 20.



Map 21. (Ord. No. 1-87, § 1, 1-21-87, Ord. No. 16-12, § 1, 8-11-12)



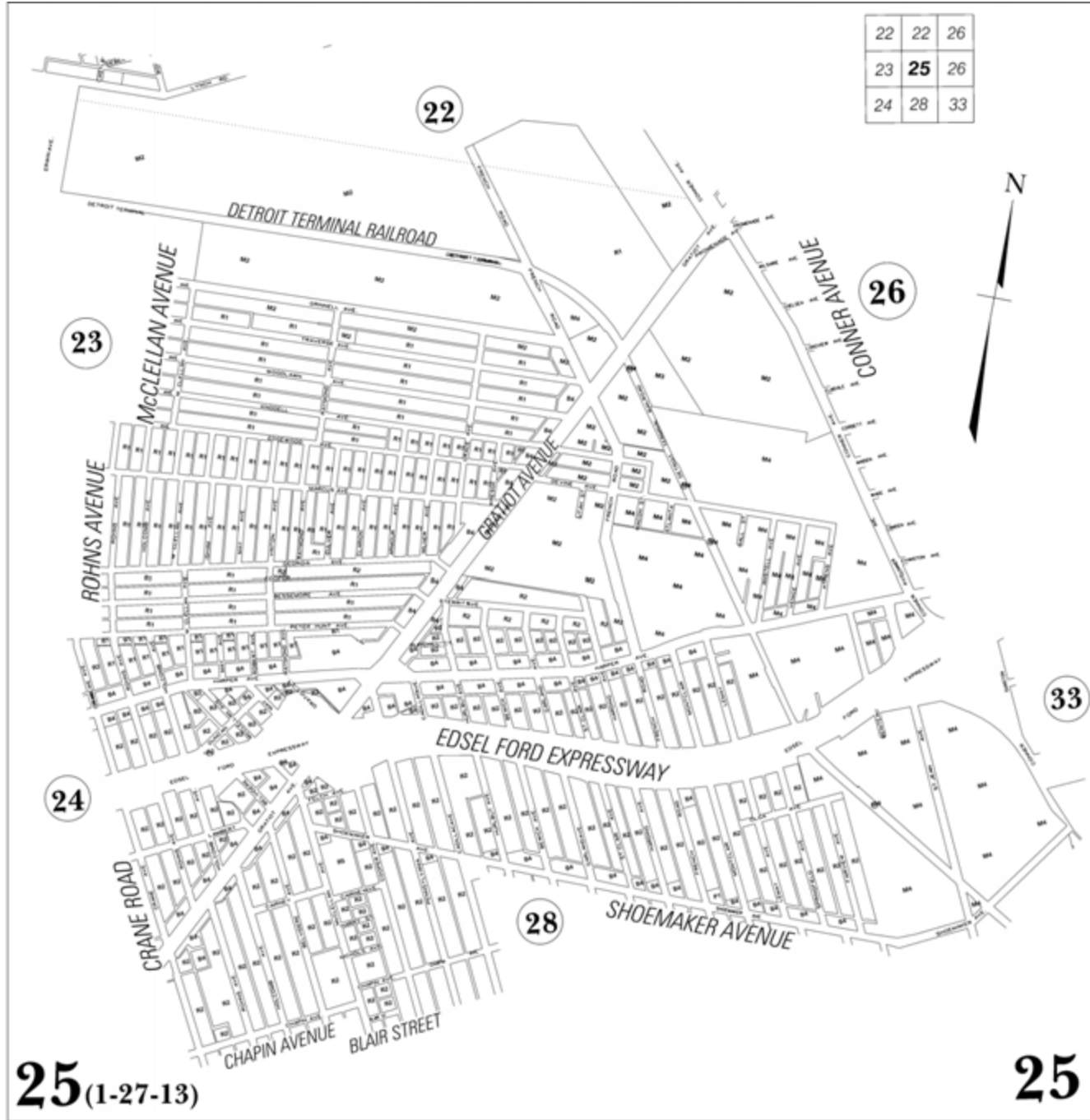
Map 22.



Map 23. (Ord. No. 620-G, § 1, 9-21-71; Ord. No. 4-88, § 1, 2-17-88; Ord. No. 11-02, § 1, 8-2-02)

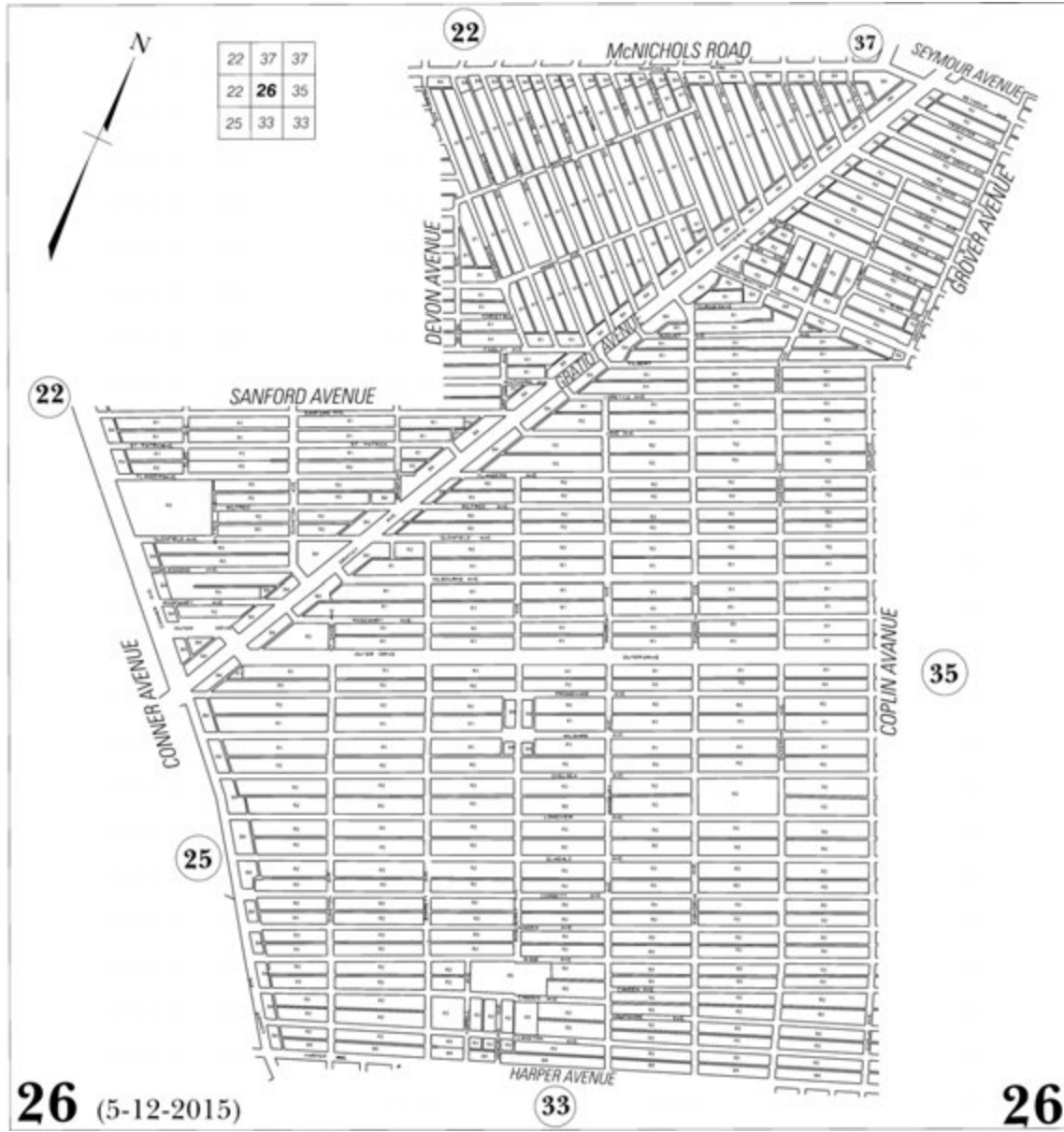


Map 24. (Ord. No. 5-91, § 1, 3-13-91; Ord. No. 11-02, § 1, 8-2-02; Ord. No. 02-12, § 1, 3-15-2012)



Map 25. (Ord. No. 395-G, § 1, 11-26-68; Ord. No. 423-G, § 1, 4-15-69; Ord. No. 885-G, § 1, 2-12-74; Ord. No. 586-H, § 1, 4-11-84; Ord. No. 19-07, § 1, 7-2-2007; Ord. No. 25-12, § 1, 11-27-12; Ord. No. 09-13, § 1, 4-6-13)



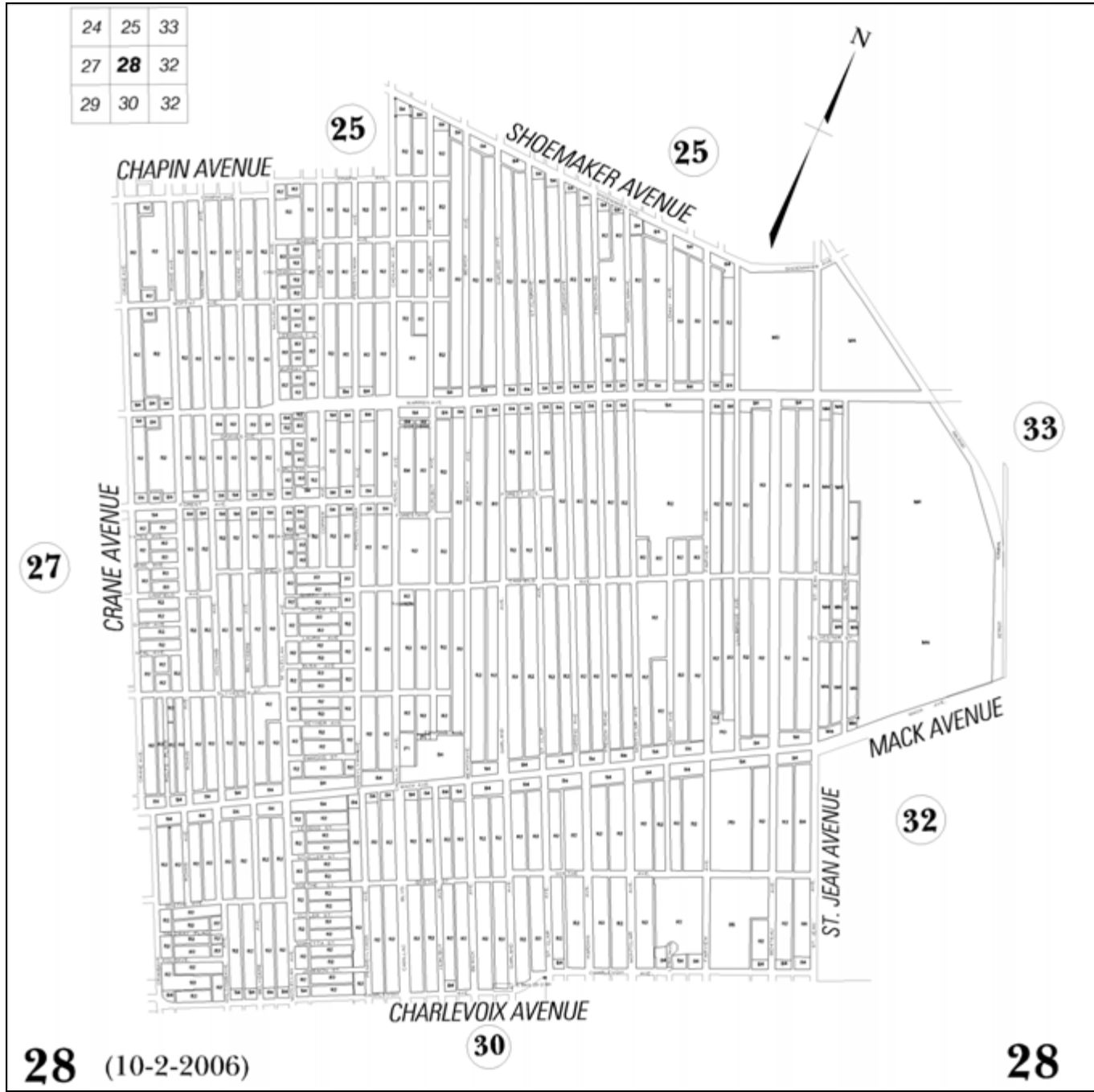


Ord. No. 11-15, §1, 5-16-2015)

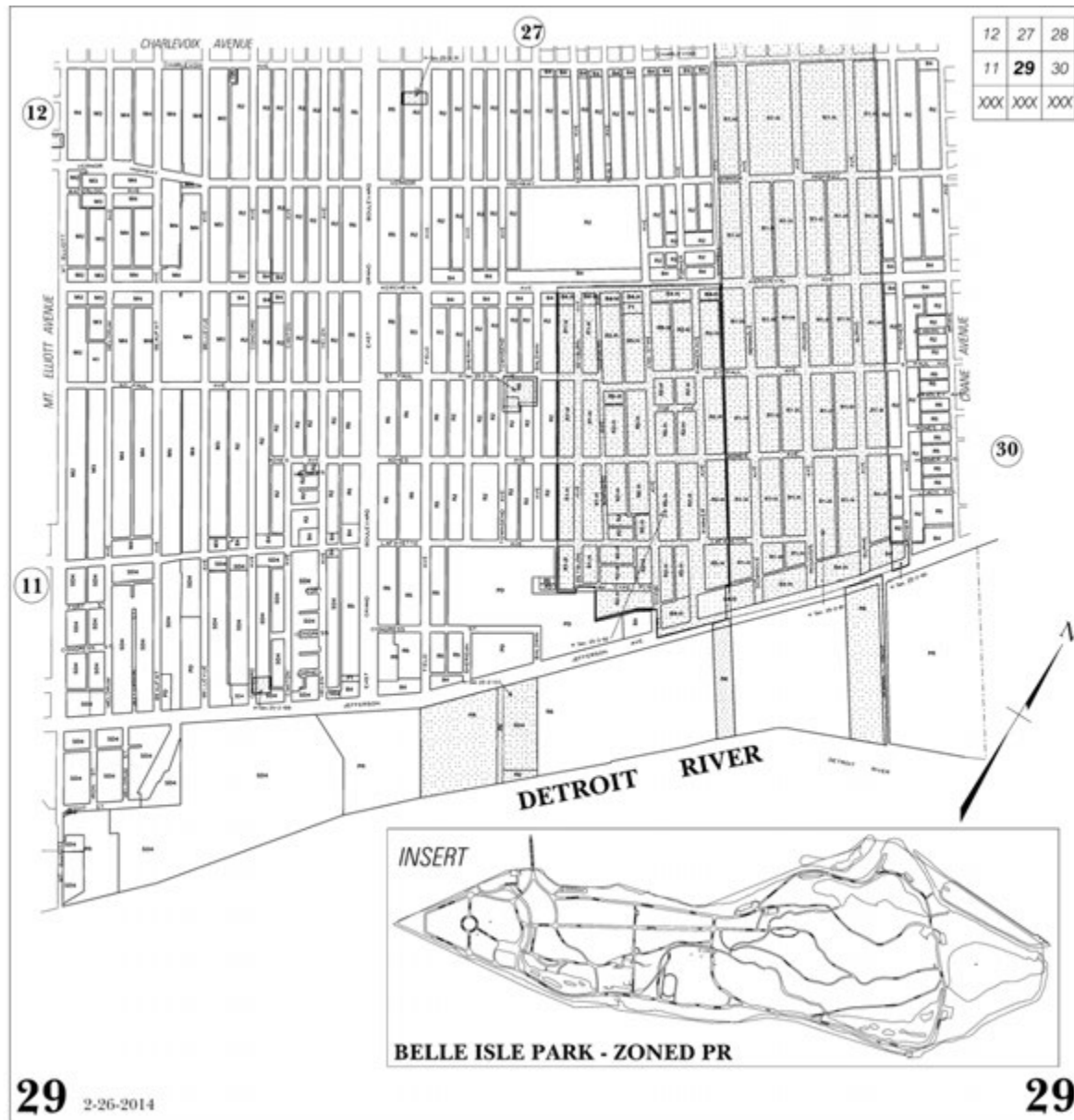
Map 26. (Ord. No. 4-07, § 1, 3-2-2007;



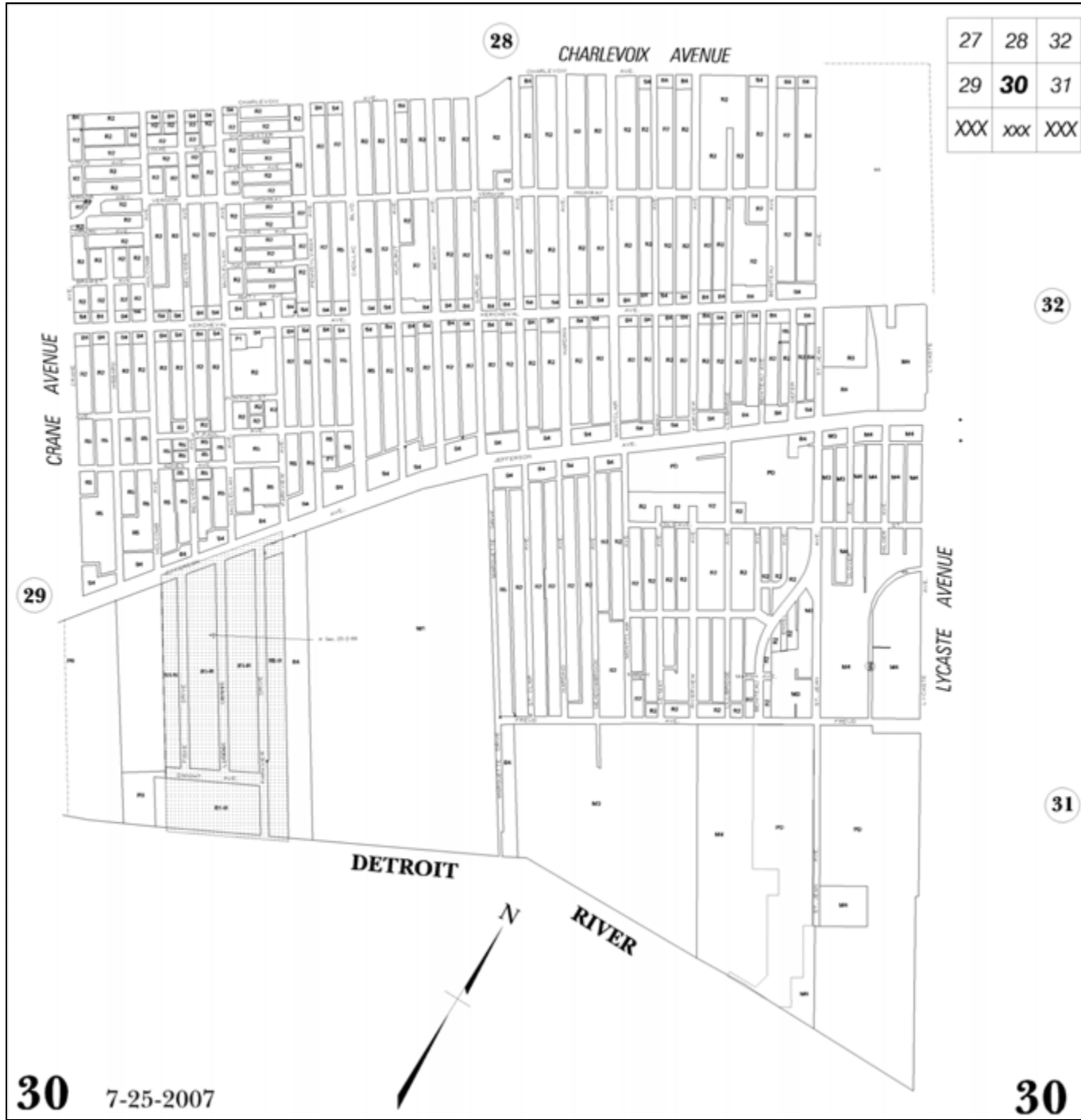
Map 27. (Ord. No. 842-G, § 1, 8-7-73; Ord. No. 889-G, § 1, 4-10-74; Ord. No. 345-H, § 1, 9-27-79; Ord. No. 6-97, § 1, 3-12-97; Ord. No. 34-04, § 1, 10-27-04; Ord. No. 36-05, § 1, 12-13-2005)



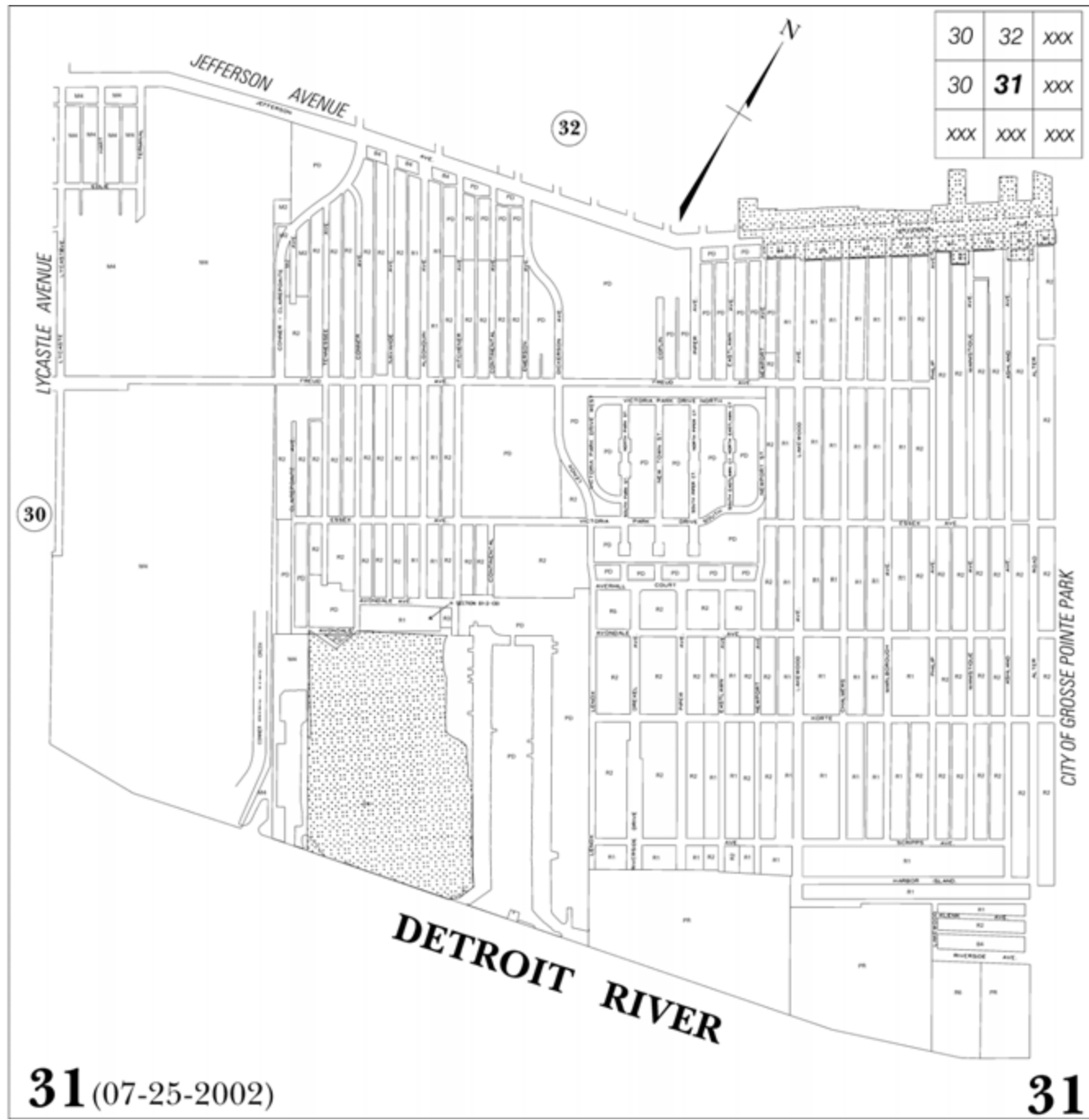
Map 28. (Ord. No. 440-G, § 1, 6-17-69; Ord. No. 651-G, § 1, 1-25-72; Ord. No. 18-88, § 1, 6-22-88; Ord. No. 8-93, § 1, 6-23-93; Ord. No. 7-98, § 1, 3-18-99, Ord. No. 40-06, § 1, 12-13-2006)



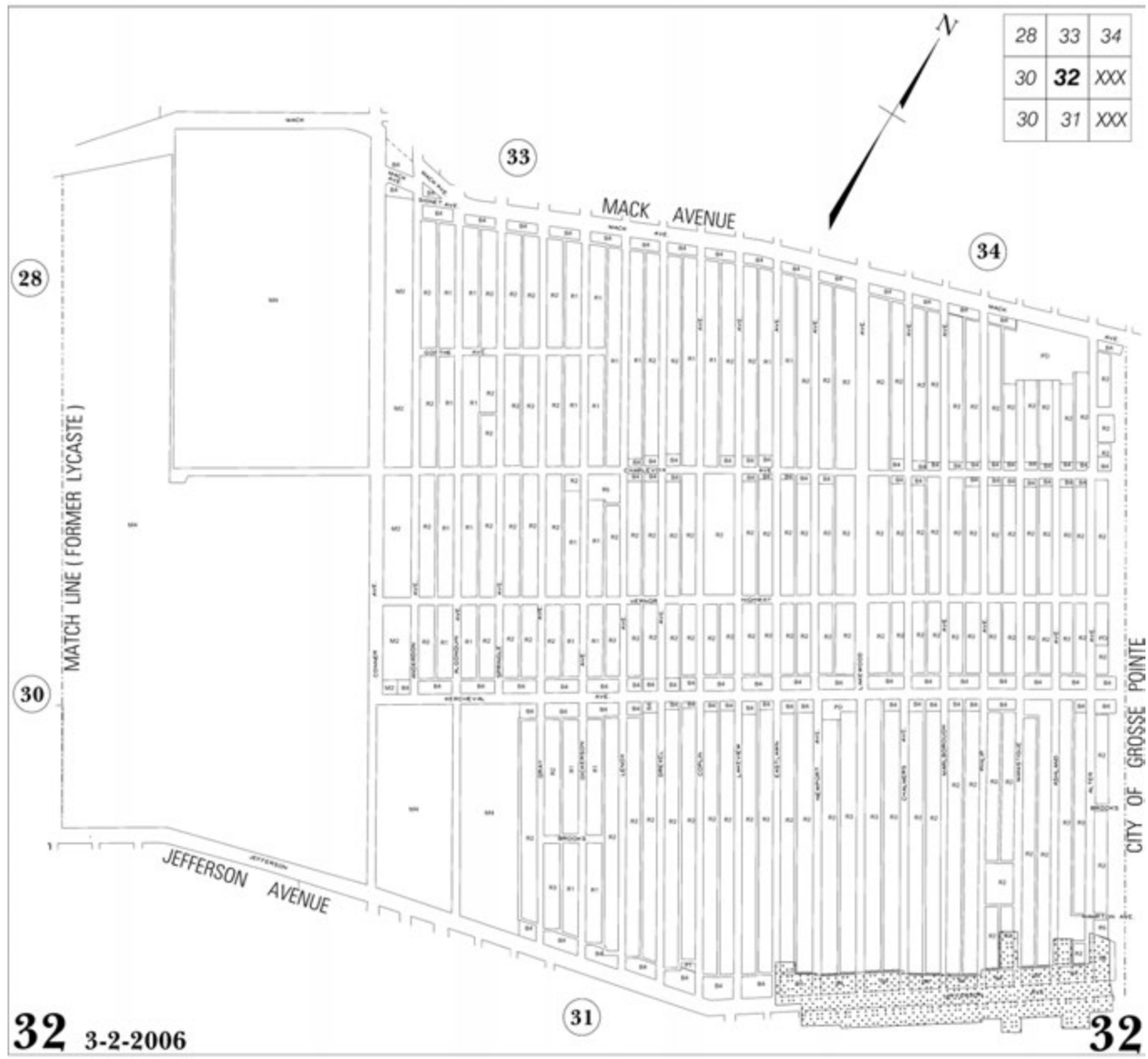
Map 29. (Ord. No. 465-G, § 1, 9-23-69; Ord. No. 603-G, § 1, 8-3-71; Ord. No. 333-H, § 1, 7-11-79; Ord. No. 351-H, § 1, 10-17-79; Ord. No. 394-H, § 1, 6-4-80; Ord. No. 5MH, § 1, 5-24-84; Ord. No. 547-H, § 1, 2-18-83; Ord. No. 28-87, § 1, 11-16-87; Ord. No. 3-90, § 1, 2-7-90; Ord. No. 18-91, § 1, 6-5-91; Ord. No. 19-98, § 1, 7-15-98; Ord. No. 20-99, § 1, 7-21-99; 34-04, § 1, 10-27-04; Ord. No. 12-05, § 1, 4-4-2005; Ord. No. 13-08, § 1, 8-22-2008; Ord. No. 2-11, § 1, 2-15-2011; Ord. No. 29-12, § 1, 12-19-12; Ord. No. 05-14, § 1, 5-10-2014)



Map 30. (Ord. No. 564-G, § 1, 1-19-71; Ord. No. 651-G, § 1, 1-25-72; Ord. No. 789-G, § 1, 1-16-73; Ord. No. 167-H, § 1, 11-24-76; Ord. No. 334-H, § 1, 7-11-79; Ord. No. 18-88, § 1, 6-22-88; Ord. No. 2-01, § 1, 3-7-01; Ord. No. 23-05, § 1, 7-11-2005, Ord. No. 26-07, § 1, 8-3-2007; Ord. No. 27-07, § 1, 8-3-07)



Map 31. (Ord. No. 416-G, § 1, 3-26-69; Ord. No. 696-G, § 1, 6-13-72; Ord. No. 739-G, § 1, 10-12-72; Ord. No. 907-G, § 1, 6-18-74; Ord. No. 313-H, § 1, 2-28-79; Ord. No. 430-H, § 1, 3-11-81; Ord. No. 587-H, § 1, 5-9-84; Ord. No. 25-87, § 1, 9-30-87; Ord. No. 8-88, § 1, 3-9-88; Ord. No. 18-88, § 1, 6-22-88; Ord. No. 24-91, § 1, 8-1-91; Ord. No. 9-95, § 1, 4-28-95; Ord. No. 6-96, § 1, 3-27-96; Ord. No. 10-97, § 1, 4-18-97; Ord. No. 11-97, § 1, 4-18-97; Ord. No. 12-97, § 1, 4-18-97; Ord. No. 13-97, § 1, 4-18-97; Ord. No. 5-98, § 1, 3-11-98; Ord. No. 6-98, § 1, 3-11-98; Ord. No. 10-01, § 1, 8-3-01; Ord. No. 24-02, § 1, 11-20-02)

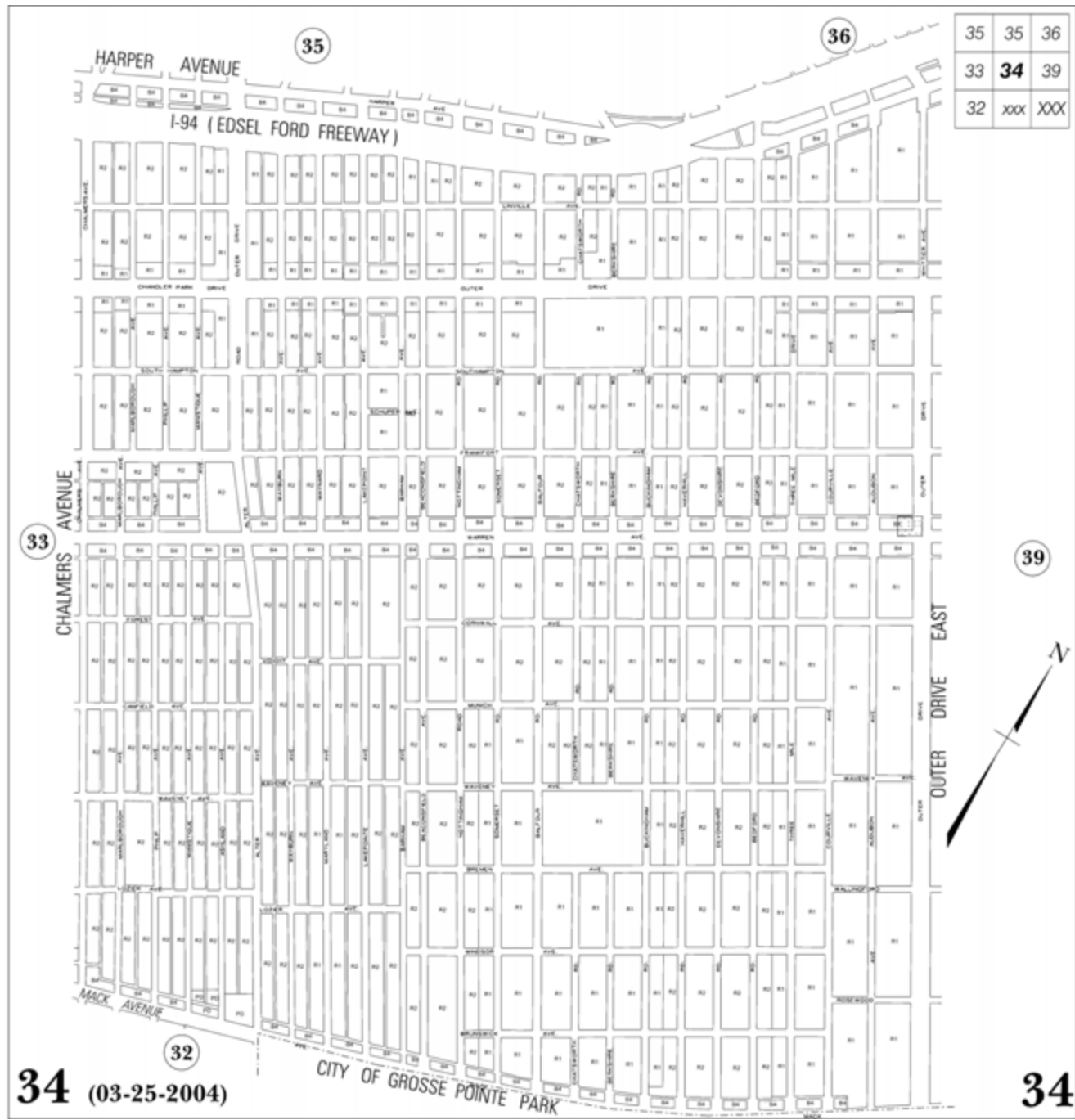


Map 32. (Ord. No. 18-88, § 1, 6-22-88; Ord. No. 22-88, § 1, 8-3-88; Ord. No. 15-89, § 1, 9-20-89; Ord. No. 27-92, § 1, 9-23-92; Ord. No. 24-95, § 1, 8-4-95; Ord. No. 29-97, § 1, 7-30-97; Ord. No. 16-04, § 1, 5-5-04; Ord. No. 9-06, § 1, 4-21-2006; Ord. No. 10-06, § 1, 4-20-2006)

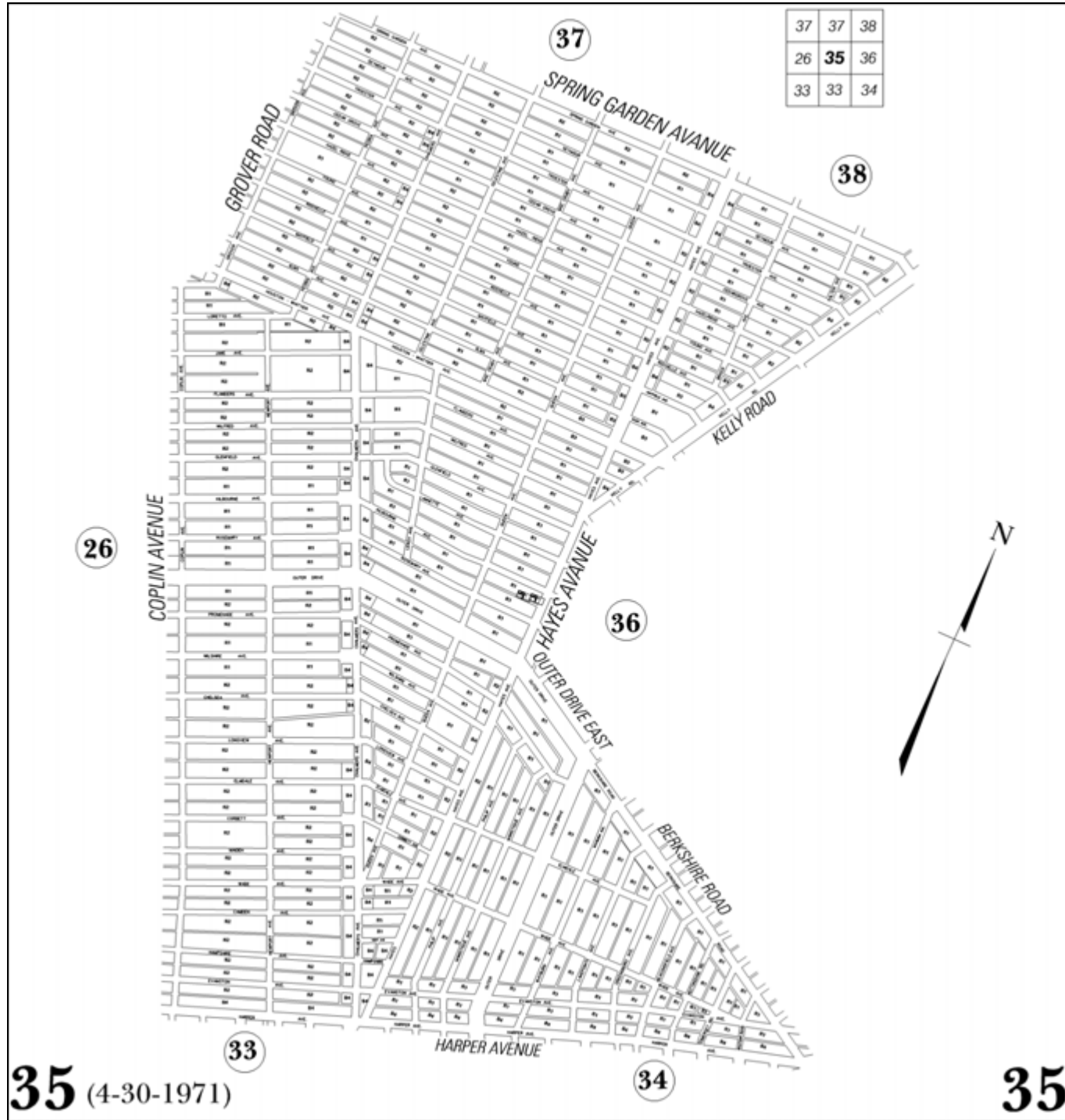


Map 33. (Ord. No. 604-G, § 1, 8-3-71; Ord. No. 474-H, § 1, 10-21-81, Ord. No. 17-12, § 1, 8-16-12)

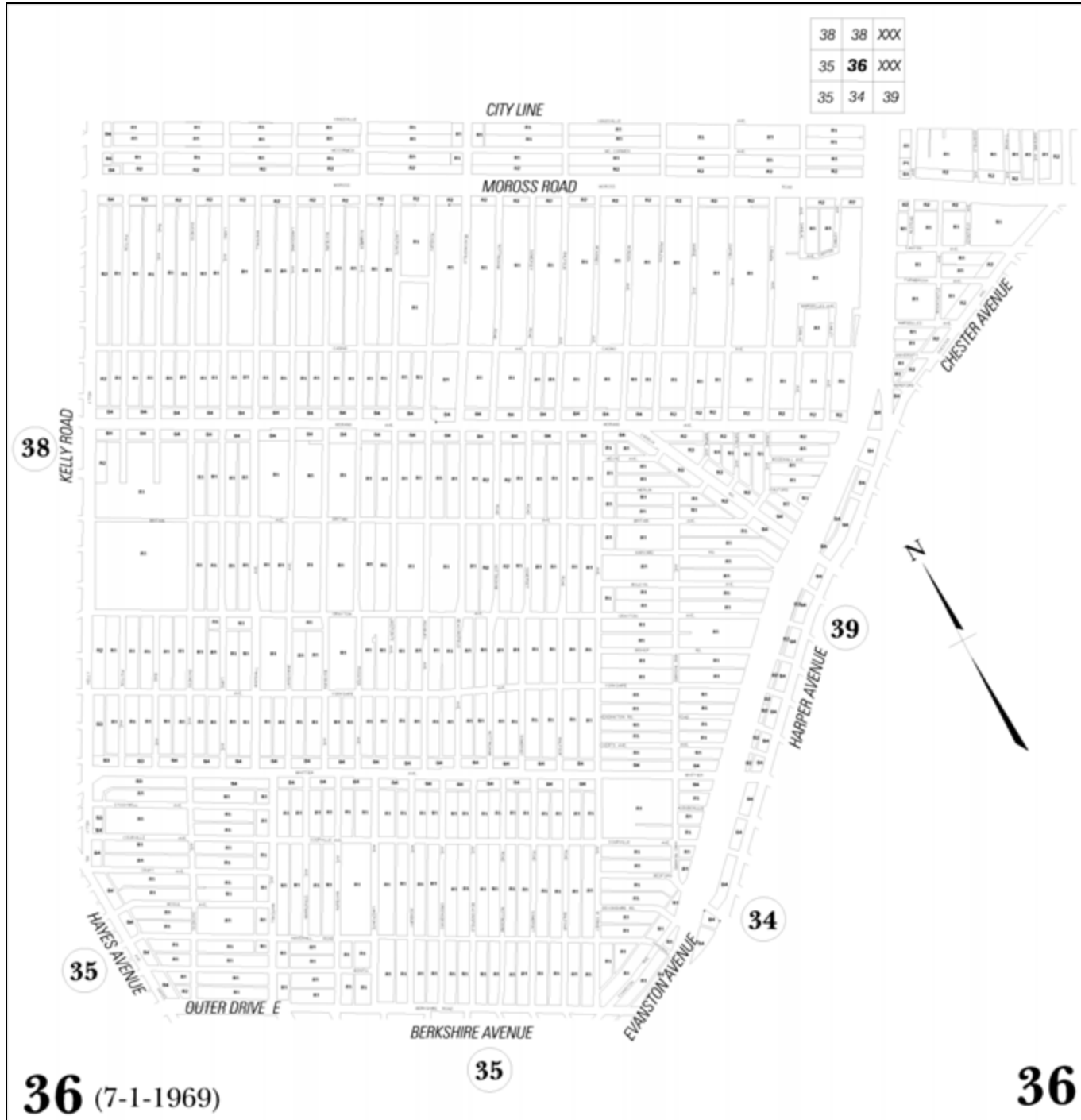




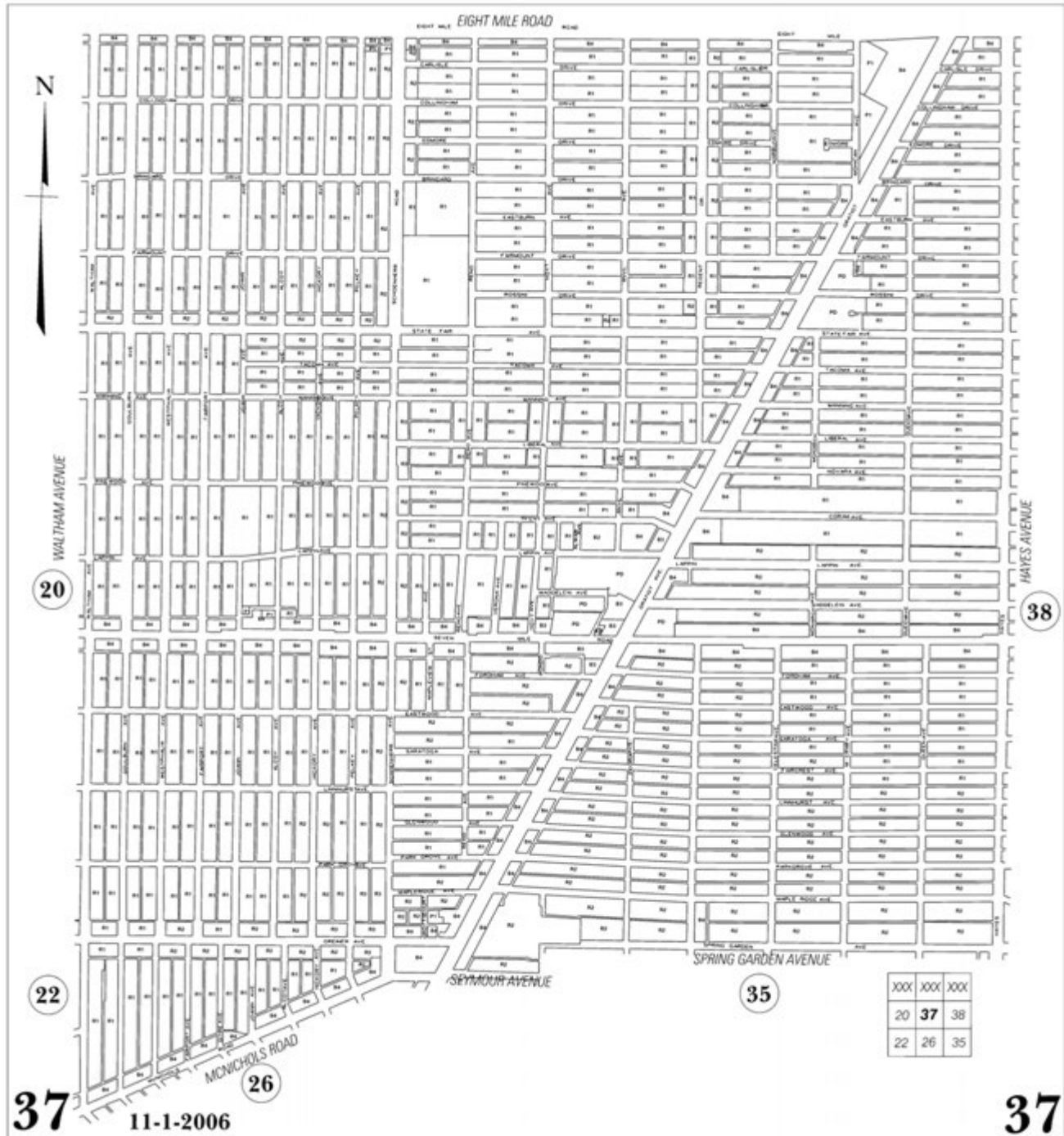
Map 34. (Ord. No. 28-88, § 1, 8-3-88; Ord. No. 16-00, § 1, 7-11-00; Ord. No. 9-03, § 1, 4-1-03; Ord. No. 16-04, § 1, 5-5-04; Ord. No. 9-12, § 1, 6-27-12)



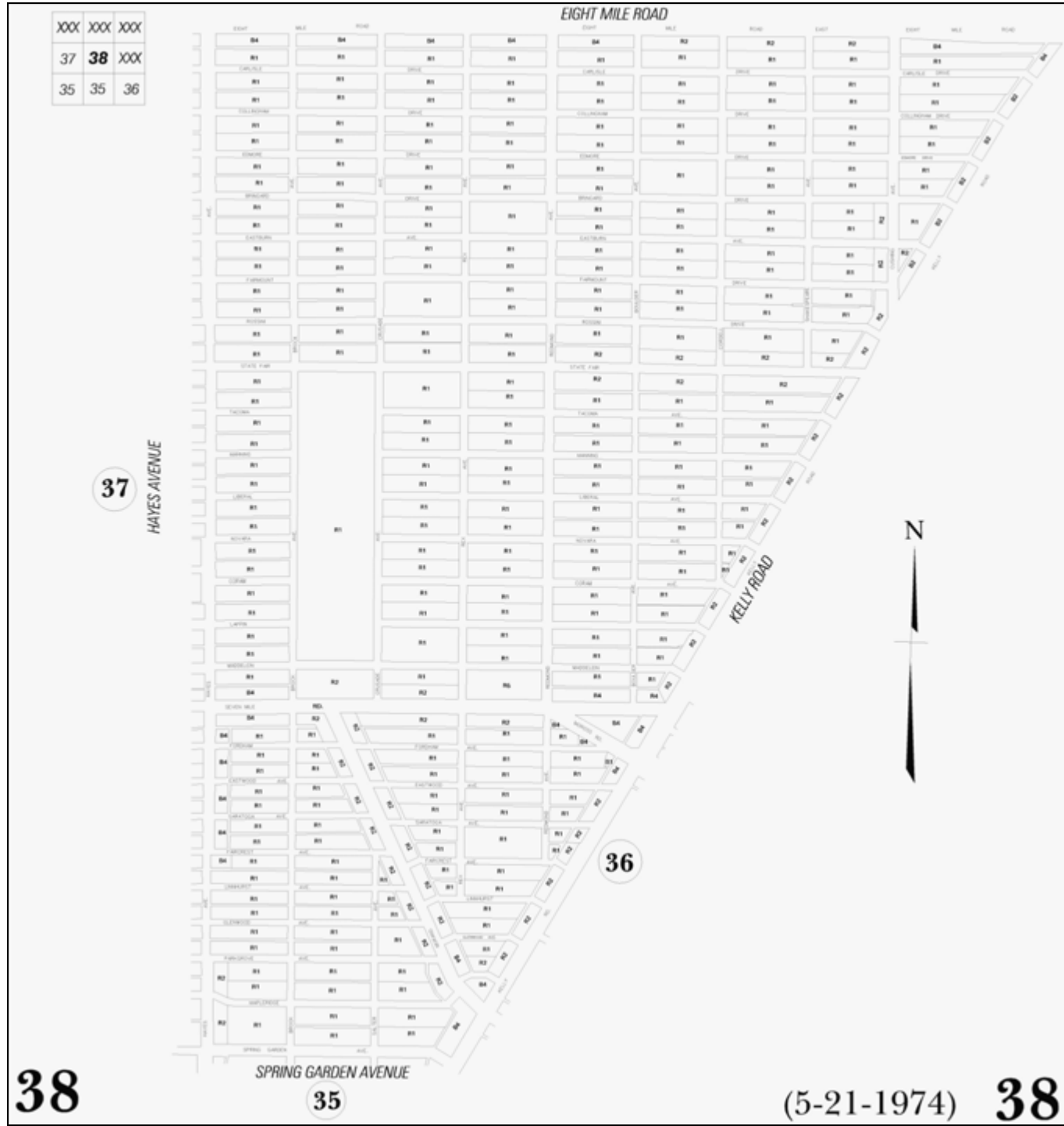
Map 35. (Ord. No. 670-G, § 1, 3-14-72)



Map 36. (Ord. No. 475-G, § 1, 11-25-69)



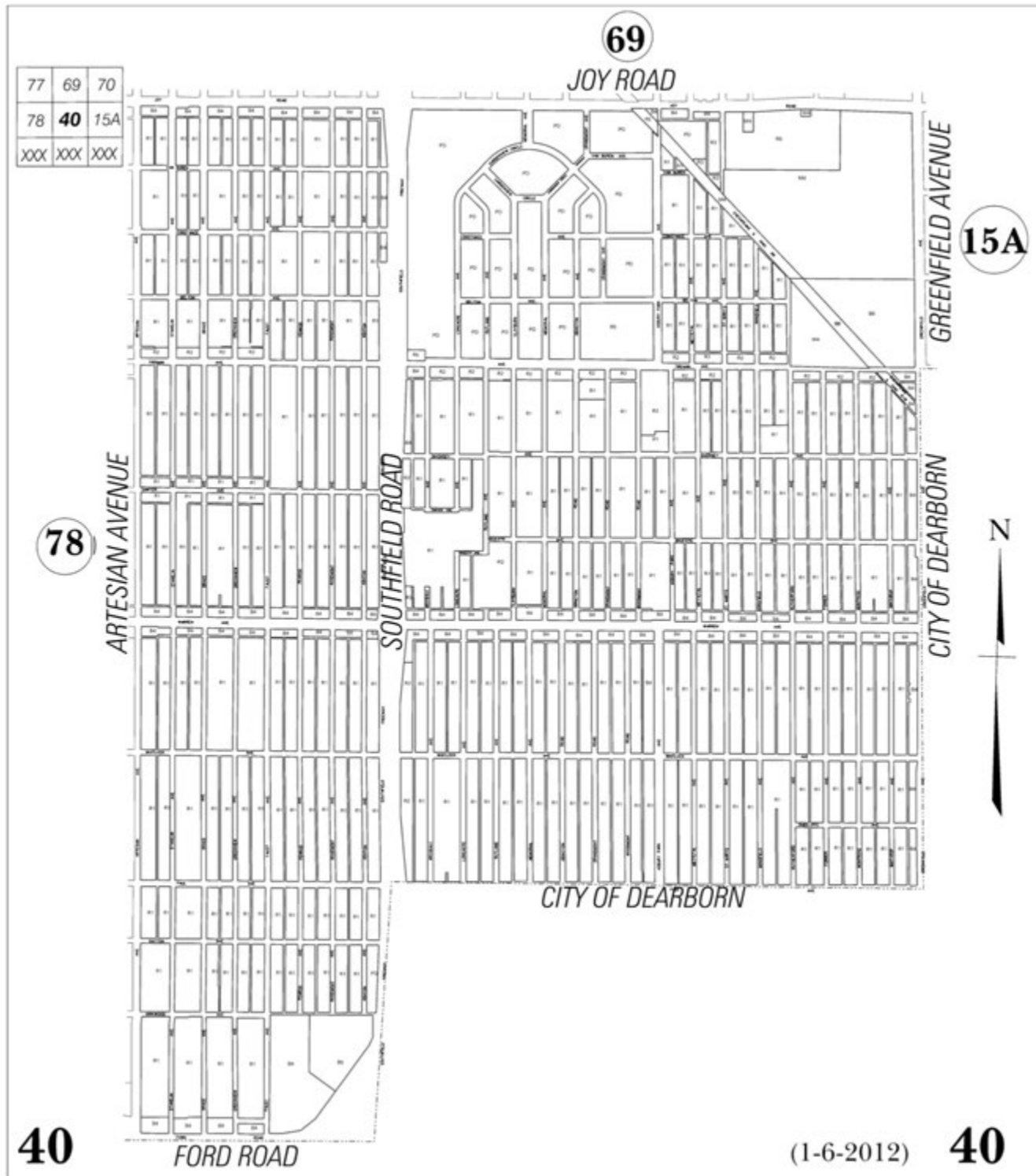
Map 37. (Ord. No. 537-G, § 1, 10-13-70; Ord. No. 344-H, § 1, 9-26-79; Ord. No. 5-89, § 1, 4-12-89; 29-98, § 1, 10-7-98; Ord. No. 13-99, § 1, 7-12-99; Ord. No. 14-99, § 1, 7-12-99; Ord. No. 18-00, § 1, 8-2-00; Ord. No. 20-00, § 1, 8-2-00; Ord. No. 5-04, § 1, 2-11-04; Ord. No. 03-06, § 1, 3-22-06; Ord. No. 18-07, § 1, 7-9-2007; Ord. No. 21-14, § 1, 7-11-2014)



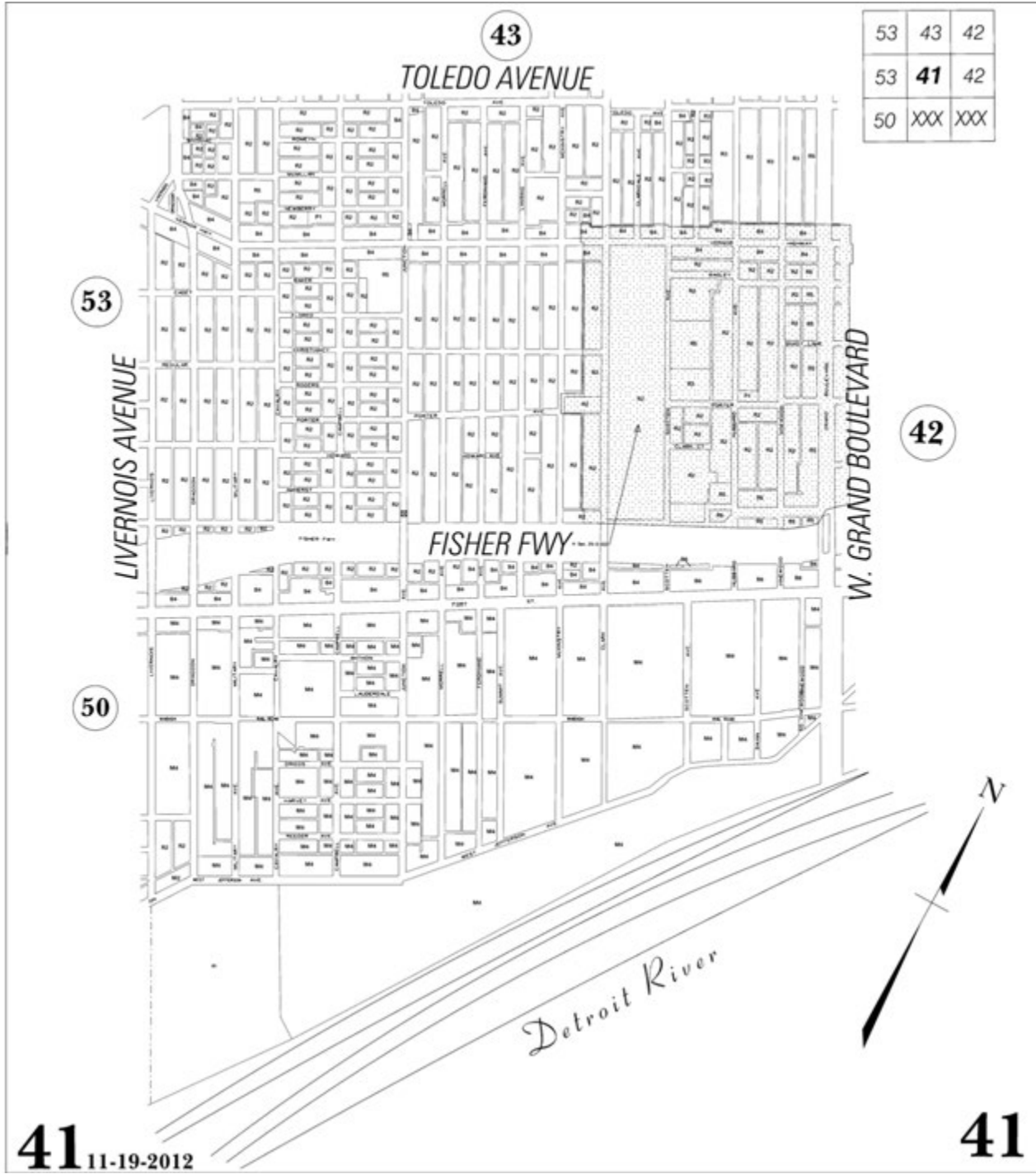
Map 38. (Ord. No. 1-H, § 1, 7-24-74)



Map 39. (Ord. No. 441-G, § 1, 6-17-69; Ord. No. 557-G, § 1, 12-22-70; Ord. No. 692-G, § 1, 5-30-72; Ord. No. 725-G, § 1, 8-29-72; Ord. No. 399-H, § 1, 7-23-80; Ord. No. 403-H, § 1, 9-17-80; Ord. No. 43-88, § 1, 11-16-88; Ord. No. 19-04, § 1, 6-23-04; Ord. No. 06-07, § 1, 2-28-07; Ord. No. 05-08, § 1, 3-26-08; Ord. 5-11, § 1, 3-29-11; Ord. No. 30-14, § 1, 9-5-2014)

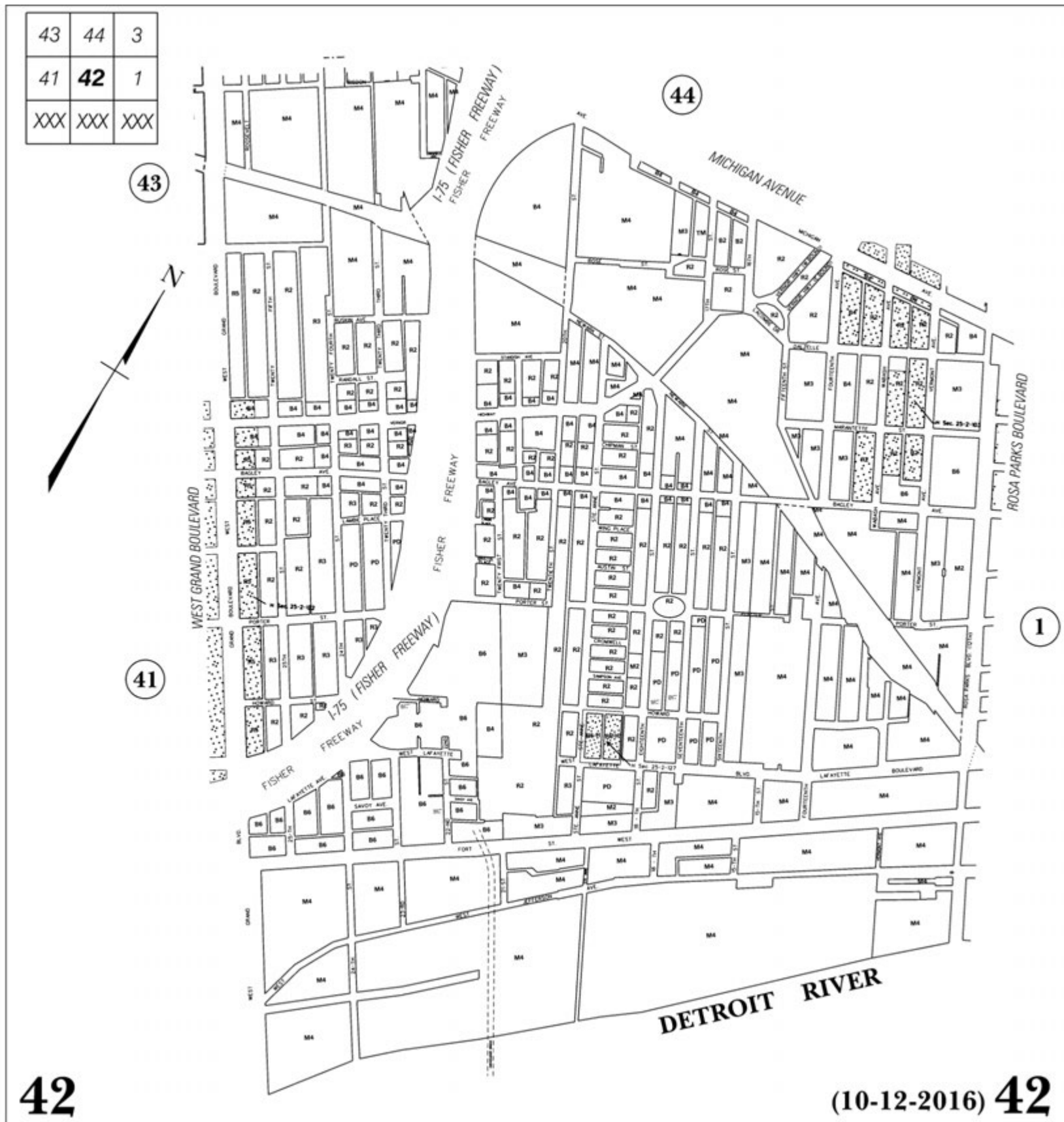


Map 40. (Ord. No. 426-G, § 1, 4-22-69; Ord. No. 14-H, § 1, 12-18-74; Ord. No. 564-H, § 1, 9-7-83; Ord. No. 9-07, § 1, 5-2-2007; Ord. No. 25-07, § 1, 8-3-2007; Ord. No. 15-10, § 1, 7-24-2010; Ord. No. 5-12, § 1, 4-18-12; Ord. No. 22-14, § 1, 7-11-2014; Ord. No. 14-16, §1, 5-17-2016)

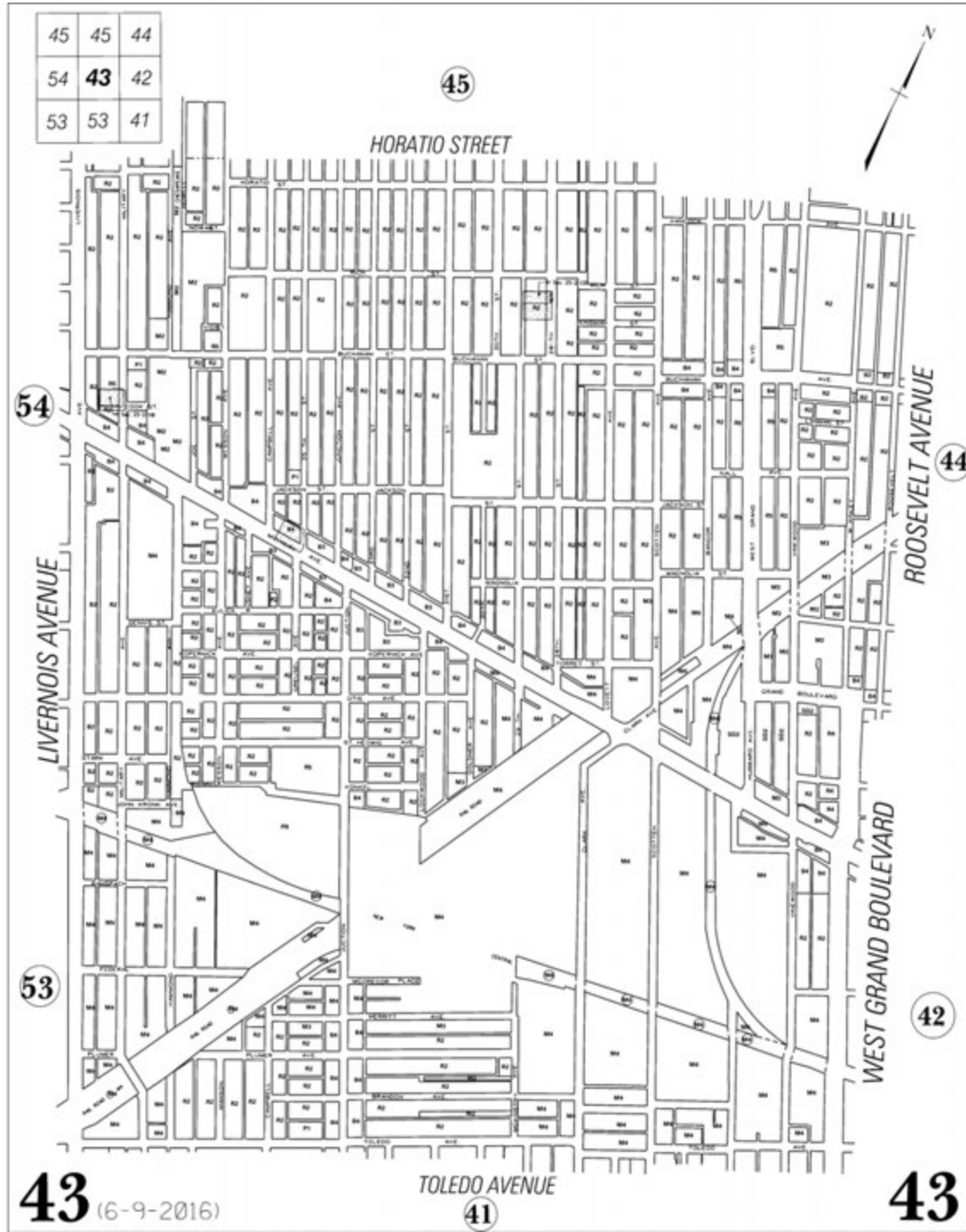


Map 41. (Ord. No. 444-H, § 1, 5-27-81; Ord. No. 589-H, § 1, 6-20-84; Ord. No. 5-90, § 1, 4-25-90; Ord. No. 14-98, § 1, 6-17-98; Ord. No. 40-03, § 1, 11-21-03; Ord. No. 14-13, § 1, 5-8-2013)

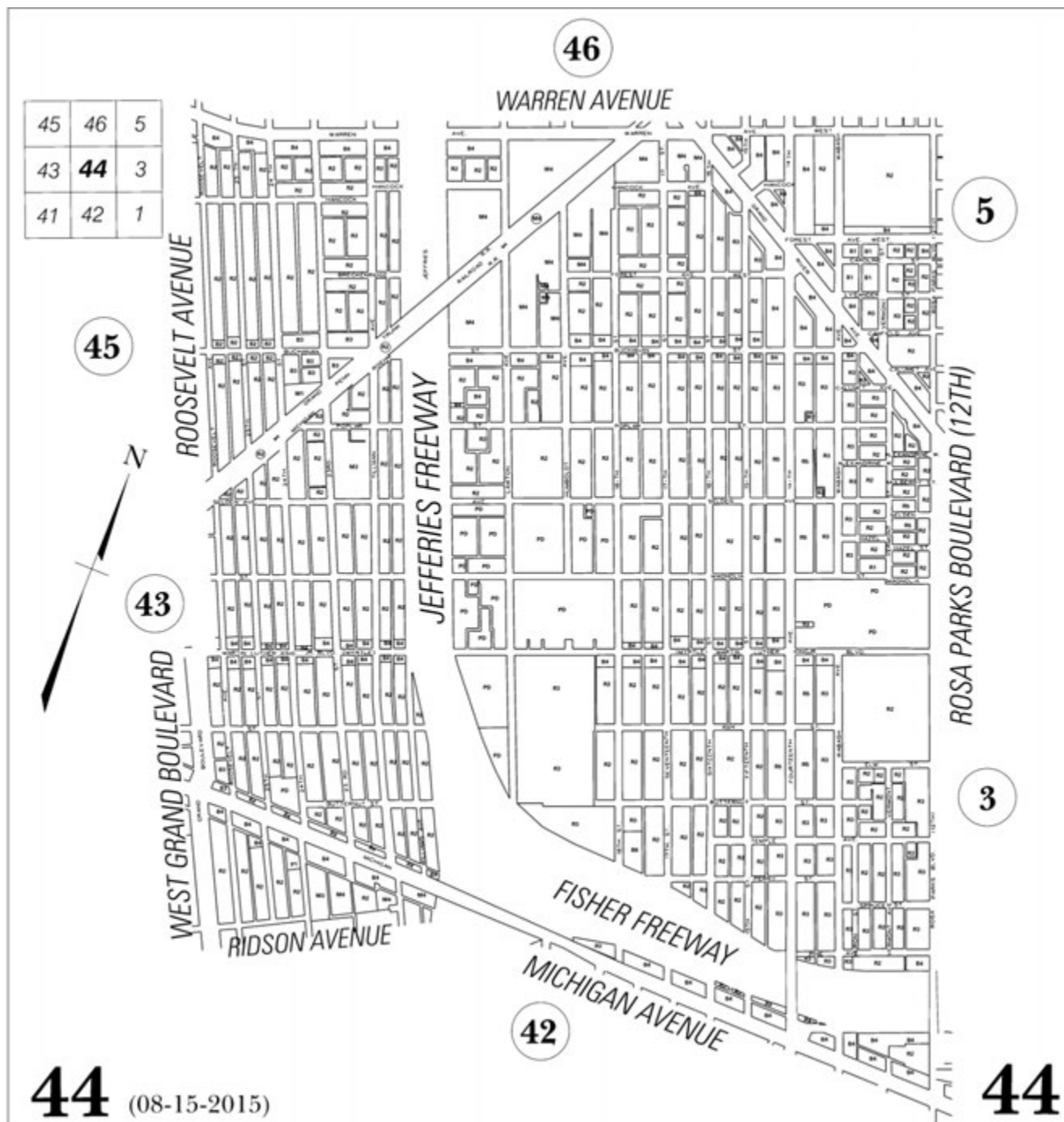




Map 42. (Ord. No. 483 G, § 1, 12-30-69; Ord. No. 558-G, § 1, 12-22-70; Ord. No. 584-G, § 1, 4-20-71; Ord. No. 529-H, § 1, 11-10-82; Ord. No. 4-91, § 1, 3-6-91; Ord. No. 10-91, § 1, 4-17-91; Ord. No. 28-93, § 1, 12-1-93; Ord. No. 2-99, § 1, 2-24-99; Ord. No. 34-06, § 1, 11-28-2006; Ord. No. 20-07, § 1, 7-2-2007; Ord. No. 07-10, § 1, 6-18-2010; Ord. No. 30-12, § 1, 1-2-13; Ord. No. 38-16, §1, 10-20-2016)



Map 43. (Ord. No. 612-G, 1, 8-24-71; Ord. No. 655-G, 1, 2-1-72; Ord. No. 899-G, § 1, 5-7-74; Ord. No. 86-H, 11, 2-25-76; Ord. No. 14-04, § 1, 3-31-04; Ord. No. 10-11, §1, 6-14-2011; Ord. No. 04-13, § 1, 3-1-13; Ord. No. 25-14, §1, 9-4-2014; Ord. No. 28-16, §1, 8-20-2016)



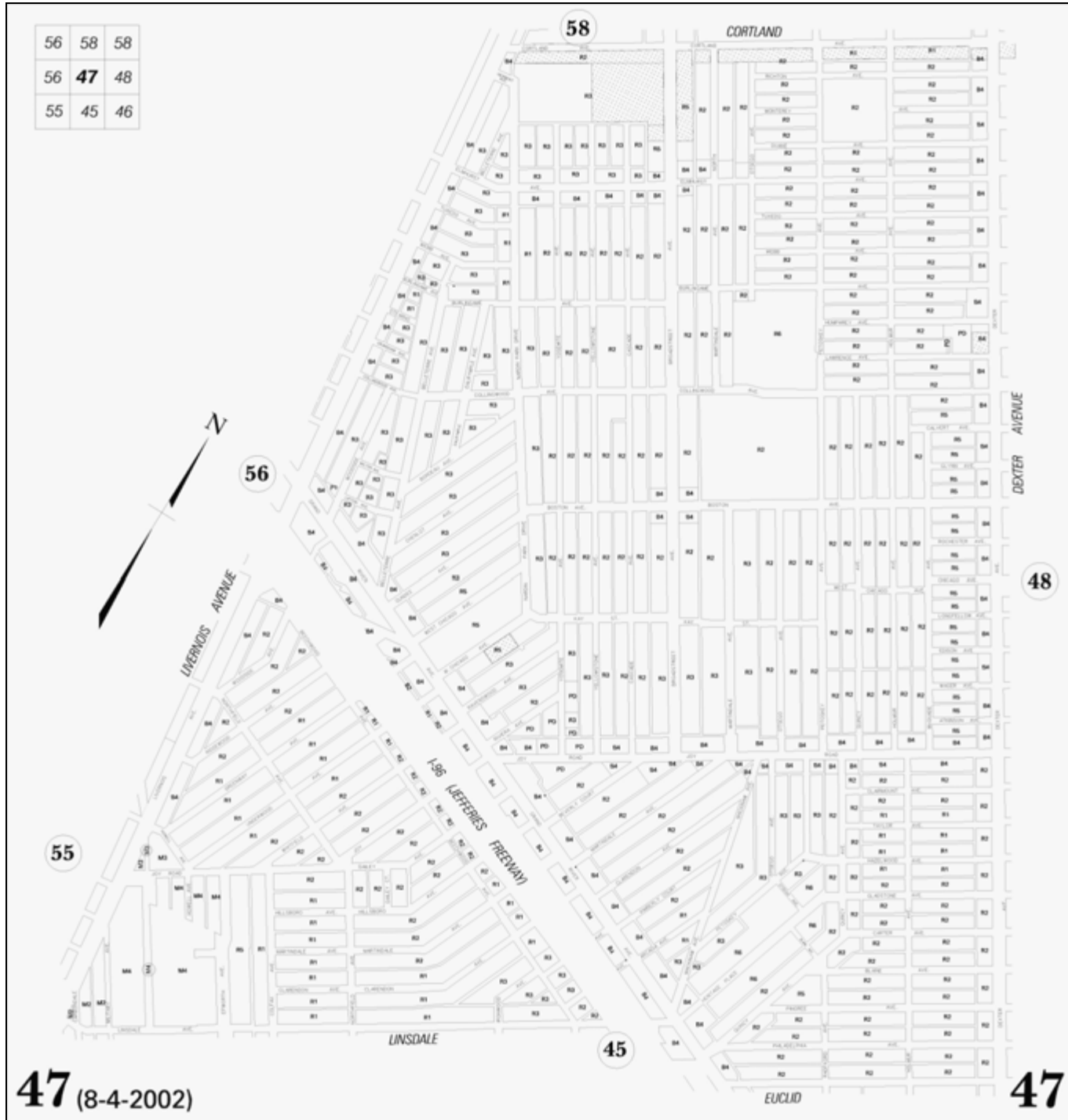
Map 44. (Ord. No. 595-G, § 1, 6-8-71; Ord. No. 611-G, § 1, 8-24-71; Ord. No. 734-G, § 1, 10-3-72; Ord. No. 778-G, § 1, 12-5-72; Ord. No. 900-G, § 1, 5-7-74; Ord. No. 355-H, § 1, 11-14-79; Ord. No. 409-H, § 1, 11-5-80; Ord. No. 22-87, § 1, 7-7-87; Ord. No. 8-97, § 1, 3-12-97; Ord. No. 1-99, § 1, 2-17-99; Ord. No. 3-00, § 1, 3-22-00, Ord. No. 16-10, §1, 9-2-2010; Ord. No. 14-11, §1, 8-9-2011; Ord. No. 01-16, §1, 2-02-2016)



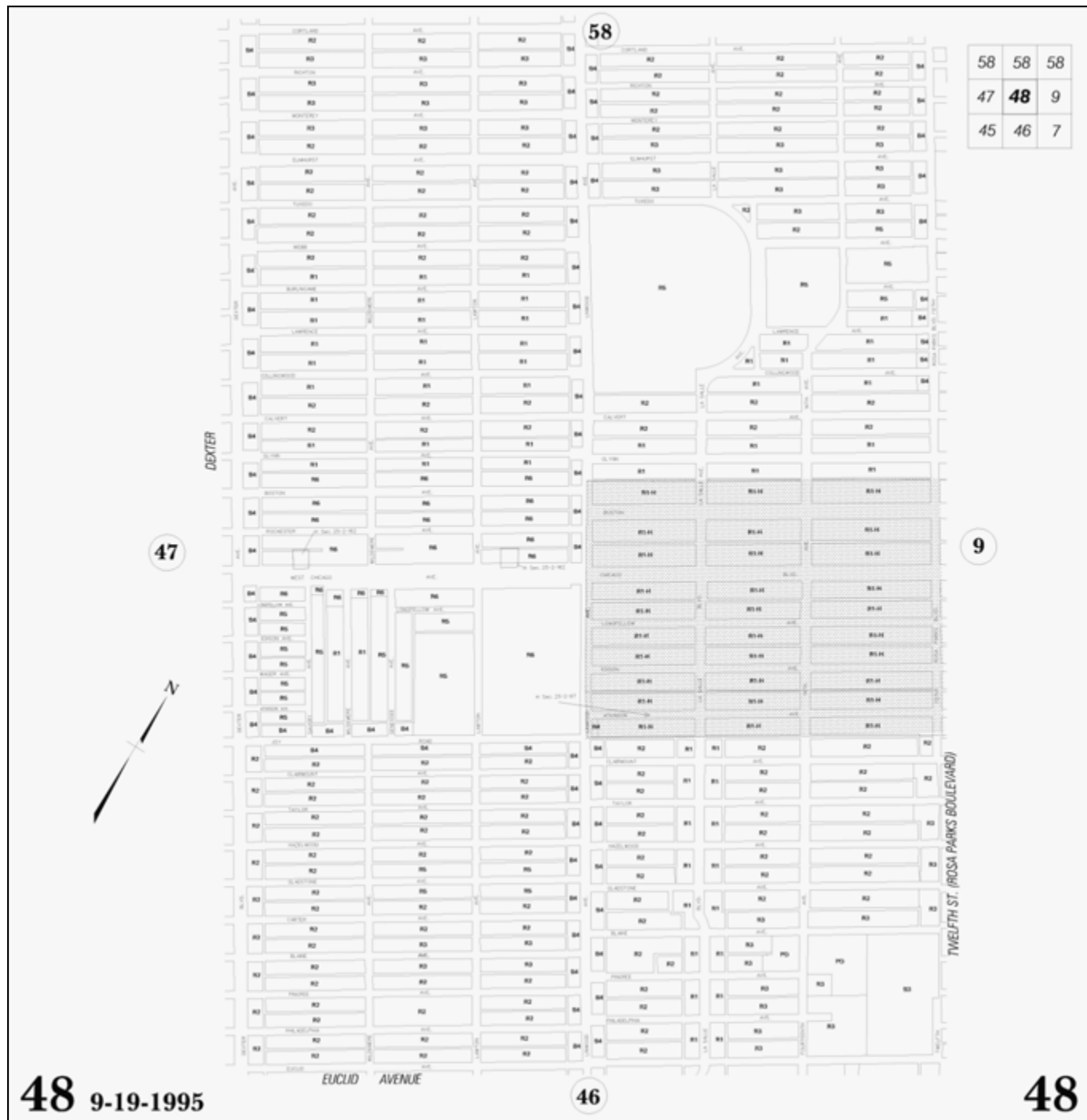
Map 45. (Ord. No. 485-G, § 1, 1-30-70; Ord. No. 598-G, § 1, 6-22-71; Ord. No. 612-G, § 1, 8-24-71; Ord. No. 898-G, § 1, 5-7-74; Ord. No. 21-94, § 1, 11-4-94; Ord. No. 25-95, § 1, 9-27-95; Ord. No. 26-95, § 1, 9-27-95; Ord. No. 8-96, § 1, 4-17-96; Ord. No. 14-04, § 1, 3-31-04)



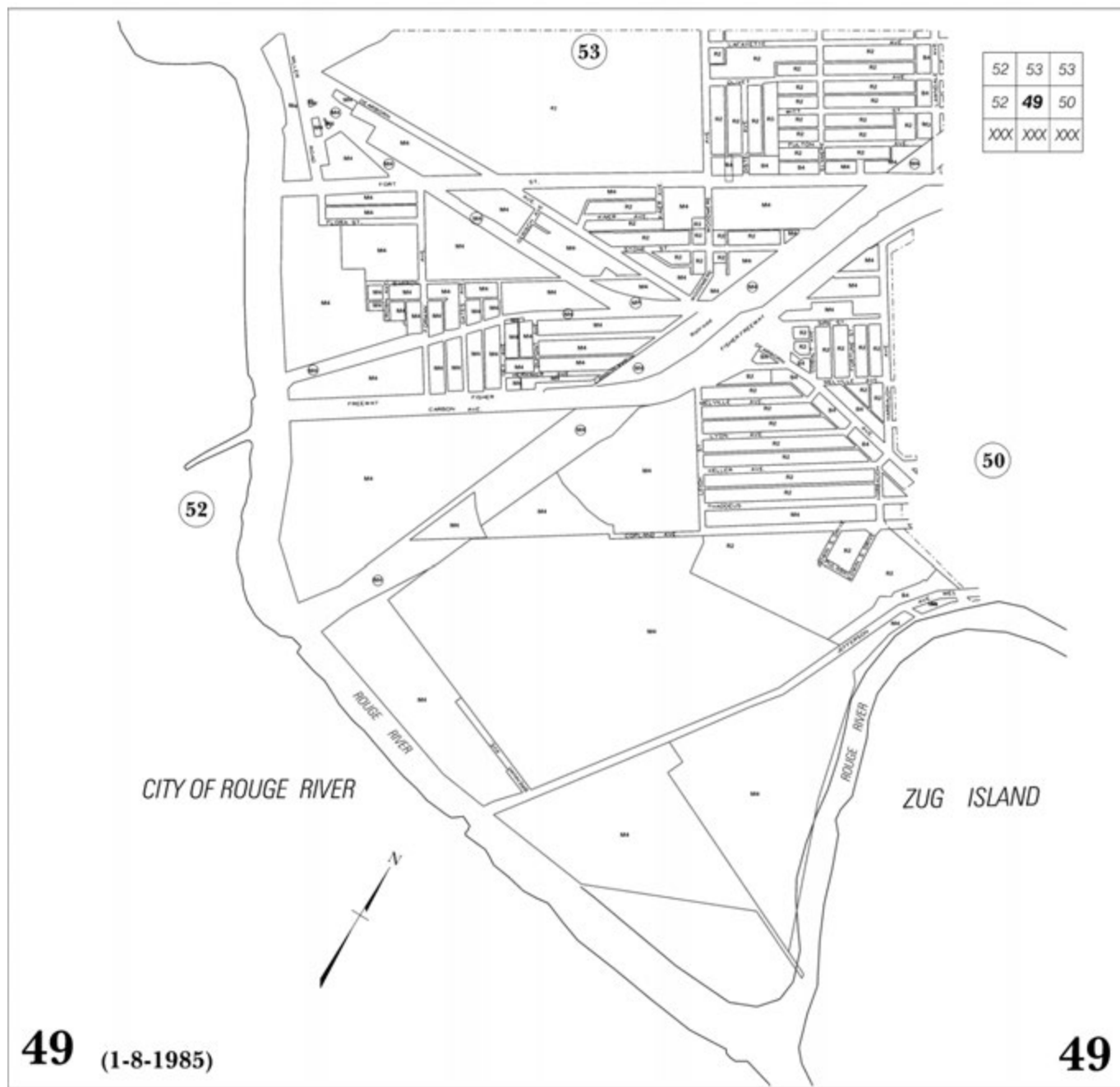
Map 46. (Ord. No. 486-G, § 1, 1-13-70; Ord. No. 563-G, § 1, 1-19-71; Ord. No. 574-G, § 1, 3-2-71; Ord. No. 578-G, § 1, 3-30-71; Ord. No. 787-G, § 1, 1-5-73; Ord. No. 837, § 1, 7-3-73; Ord. No. 922-G, § 1, 7-2-74; Ord. No. 358-H, § 1, 12-5-79)



Map 47. (Ord. No. 550-G, § 1, 11-4-70; Ord. No. 763-G, § 1, 10-31-72; Ord. No. 27-02, § 1, 11-27-02)



Map 48. (Ord. No. 837-G, § 1, 7-3-73; Ord. No. 243-H, § 1, 4-12-78; Ord. No. 562-H, § 1, 3-7-84; Ord. No. 4-90, § 1, 3-7-90; Ord. No. 28-95, § 1, 10-6-95)

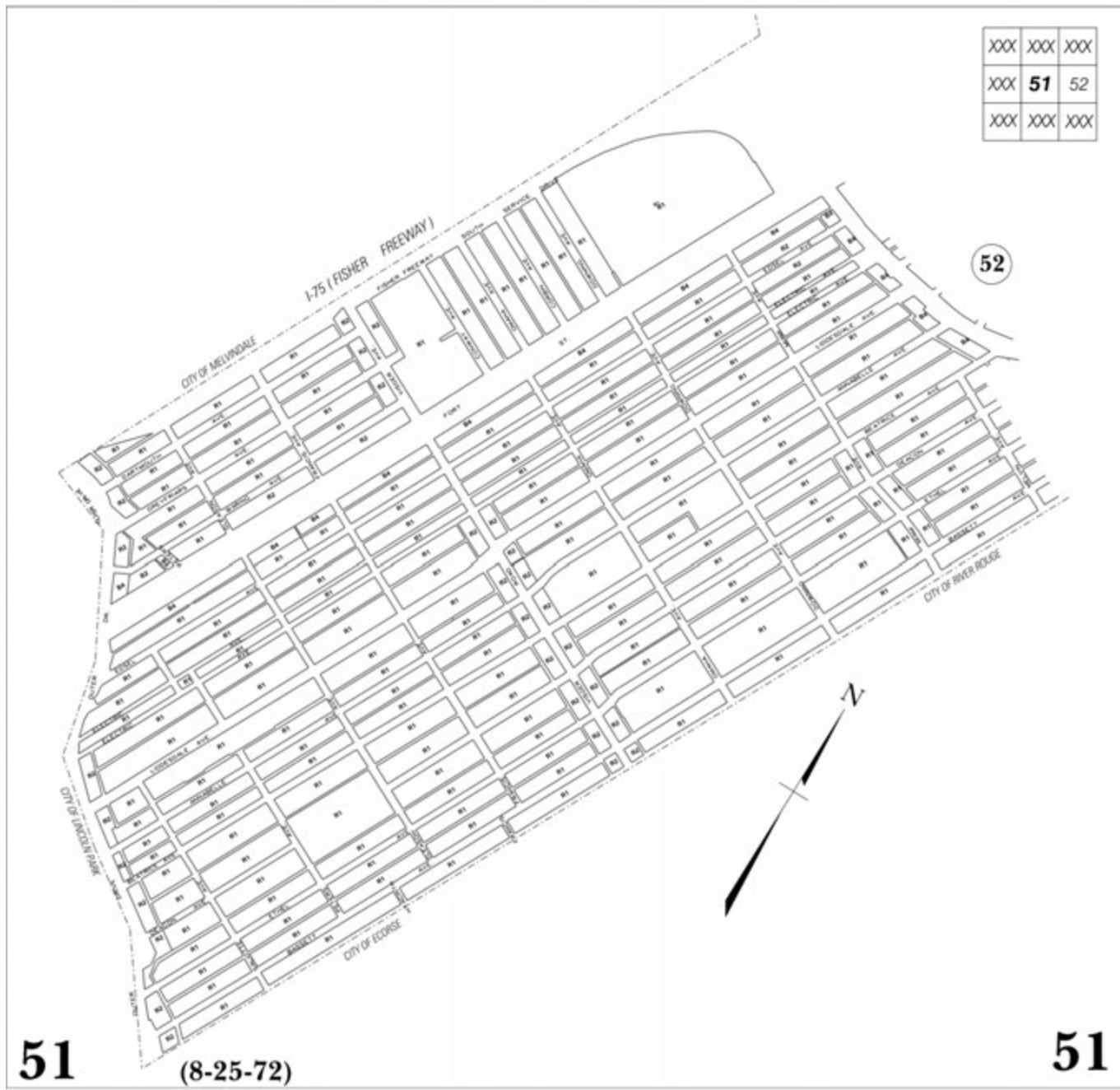


Map 49. (Ord. No. 455-G, § 1, 7-29-69; Ord. No. 458-G, § 1, 8-26-69; Ord. No. 11-85, § 1, 2-20-85)

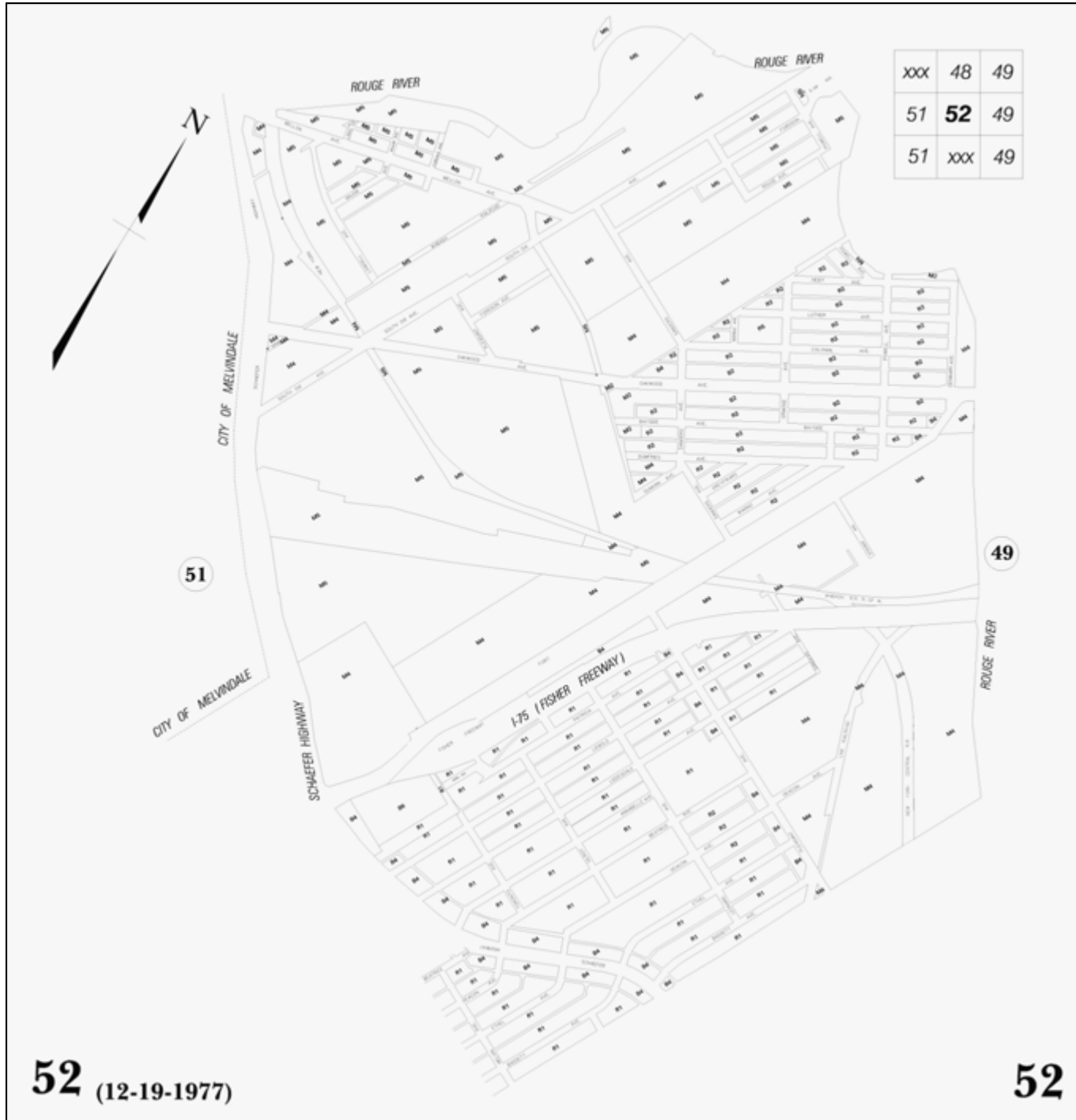




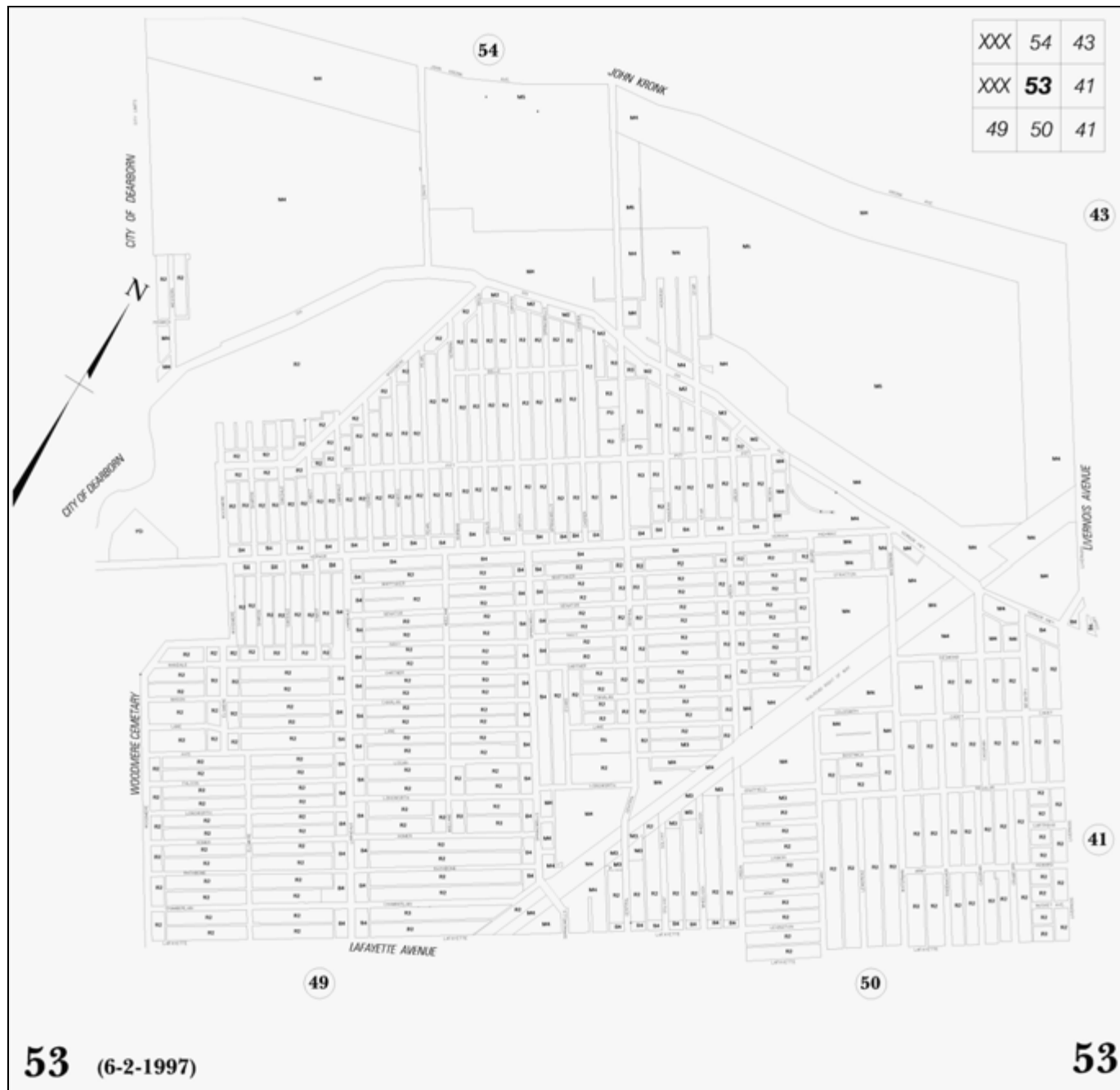
Map 50. (Ord. No. 420-G, § 1, 4-1-69; Ord. No. 468-G, § 1, 10-14-69; Ord. No. 649-G, § 1, 1-18-72; Ord. No. 854-G, § 1, 10-2-73; Ord. No. 422-H, § 1, 1-14-81; Ord. No. 518-H, § 1, 10-13-82; Ord. No. 12-02, § 1, 8-2-02; Ord. No. 27-15, §1, 11-28-2015)



Map 51. (Ord. No. 731-G, § 1, 9-26-72)



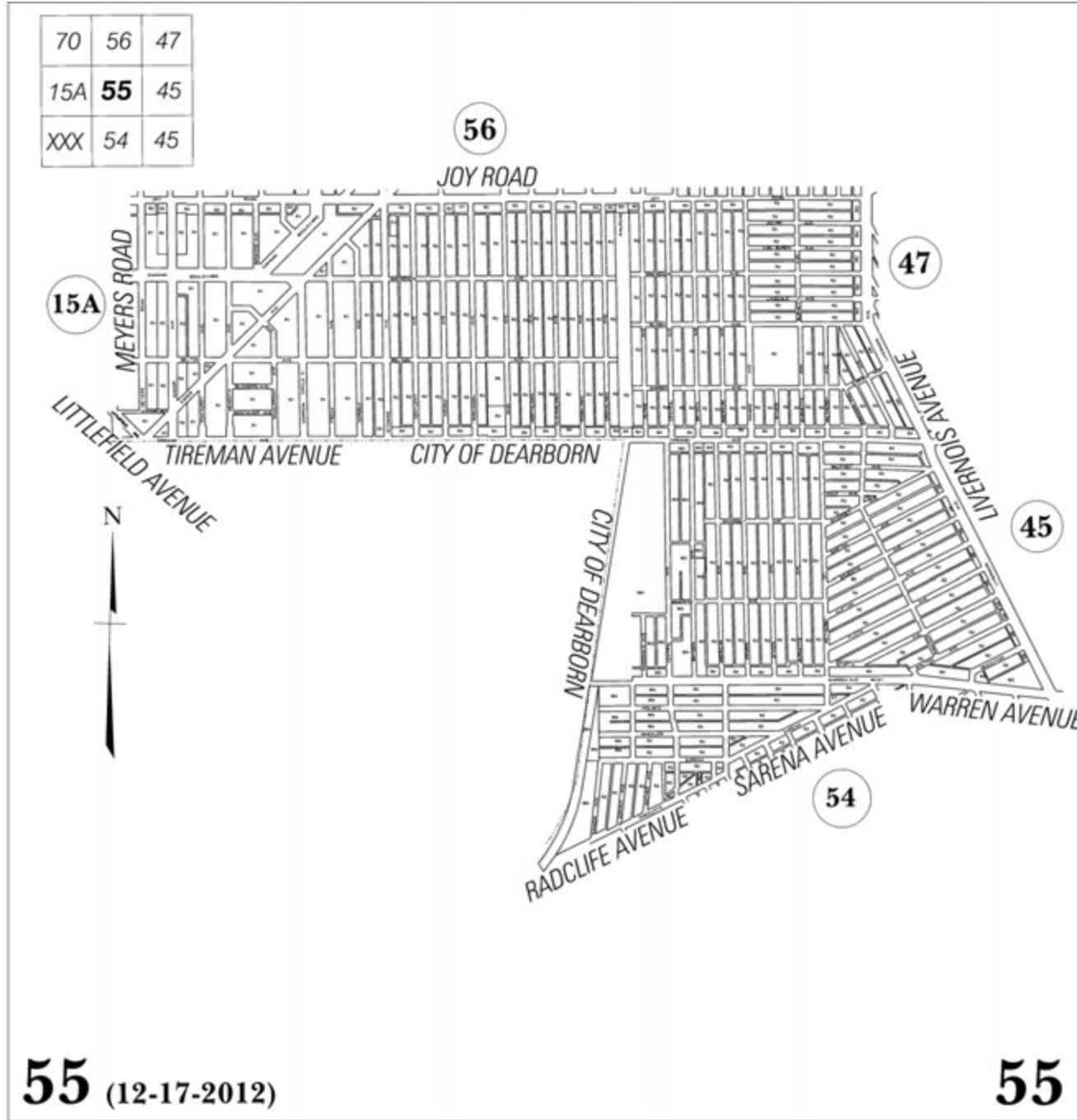
Map 52. (Ord. No. 456-G, § 1, 8-5-69; Ord. No. 729-G, § 1, 9-19-72; Ord. No. 737-G, § 1, 10-10-72; Ord. No. 221-H, § 1, 12-14-77)



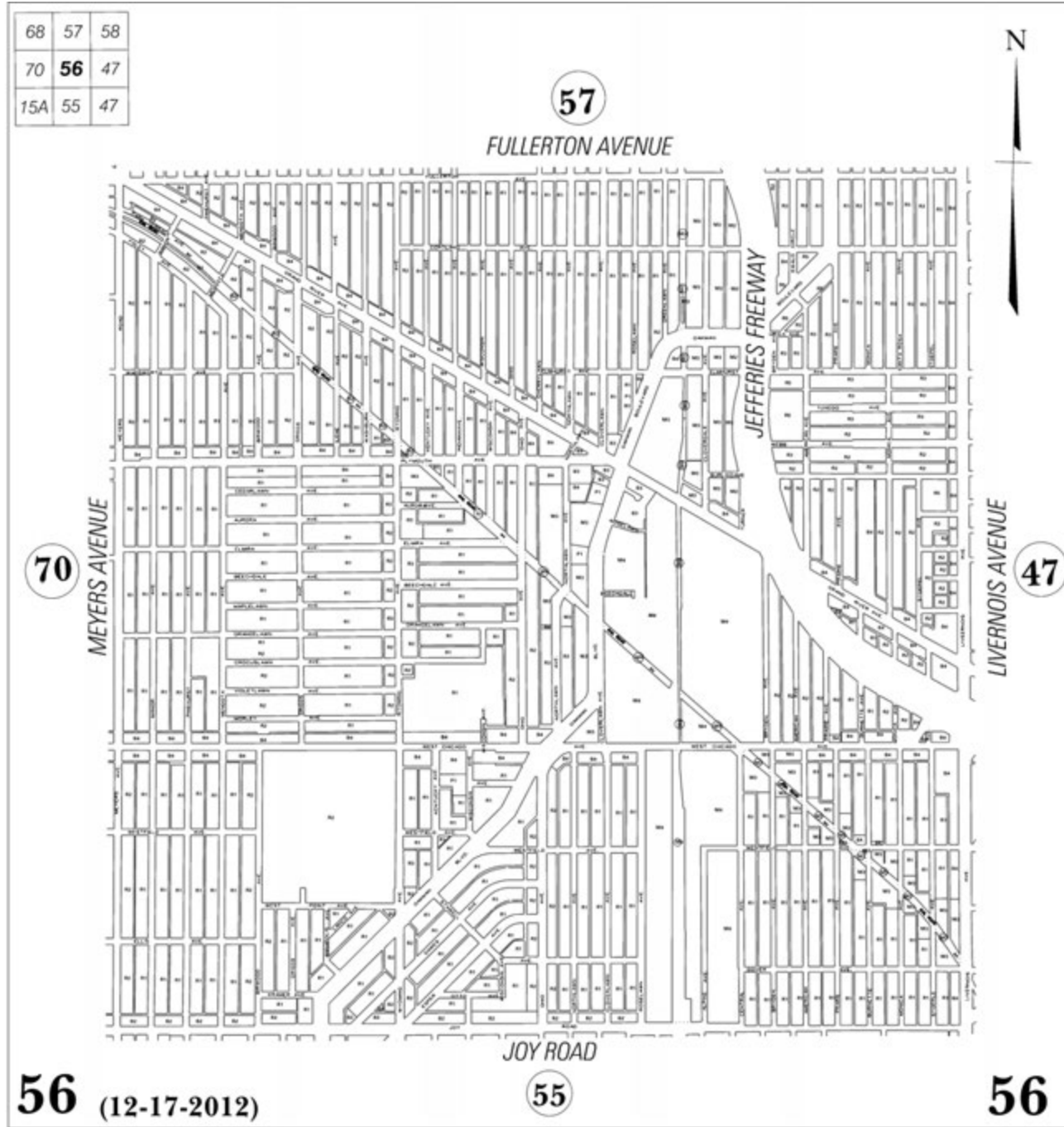
Map 53. (Ord. No. 645-G, § 1, 1-11-72; Ord. No. 714-G, § 1, 7-28-72; Ord. No. 25-97, § 1, 7-10-97)



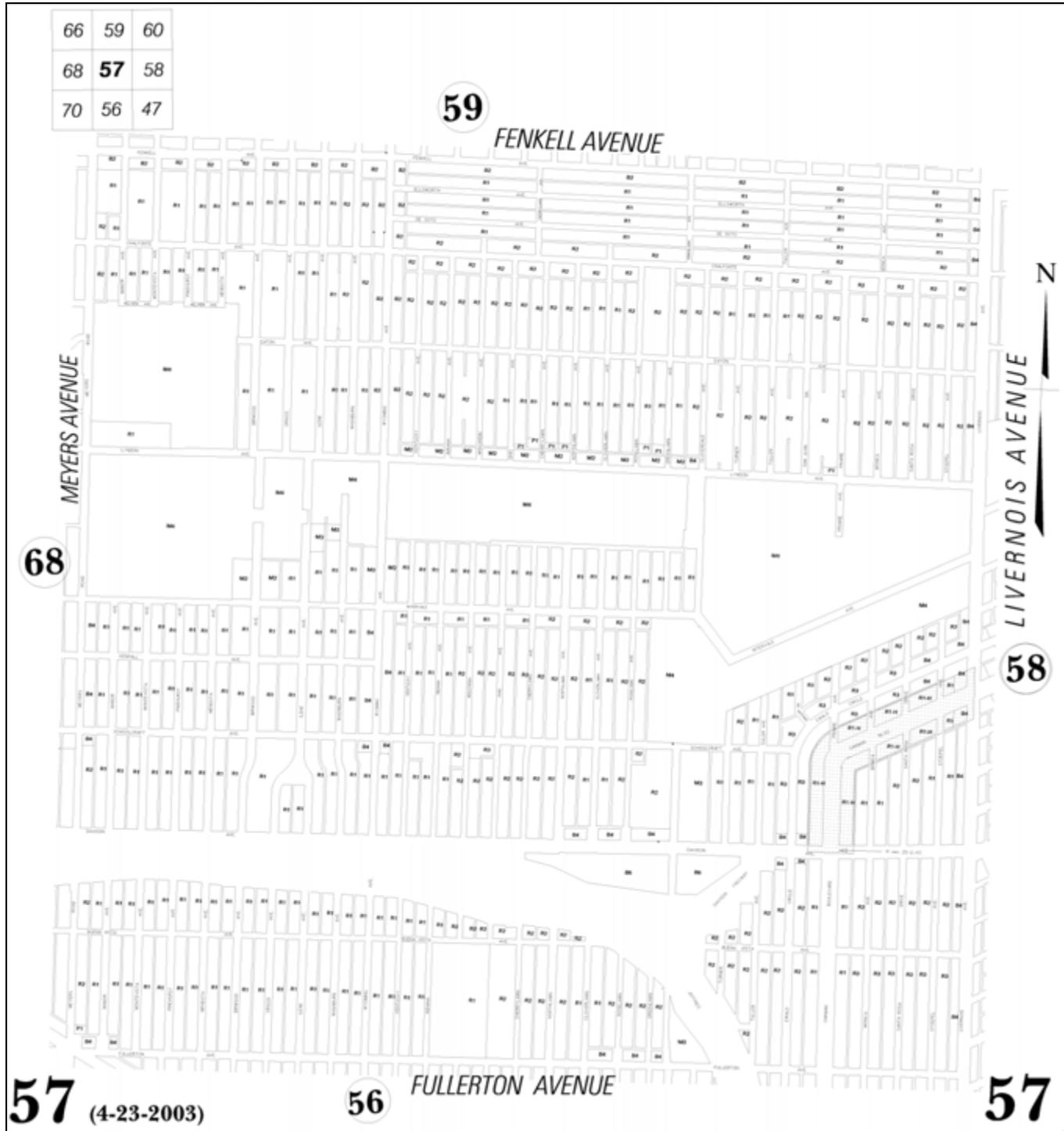
Map 54. (Ord. No. 464-G, § 1, 9-23-69; Ord. No. 581-G, § 1, 4-6-71; Ord. No. 691-G, § 1, 5-30-72; Ord. No. 4-02, § 1, 4-24-02; Ord. No. 14-04, § 1, 3-31-04, Ord. No. 03-08, § 1, 2-28-2008)



Map 55. (Ord. No. 413-G, § 1, 3-4-69; Ord. No. 12-13, § 1, 5-31-2013)

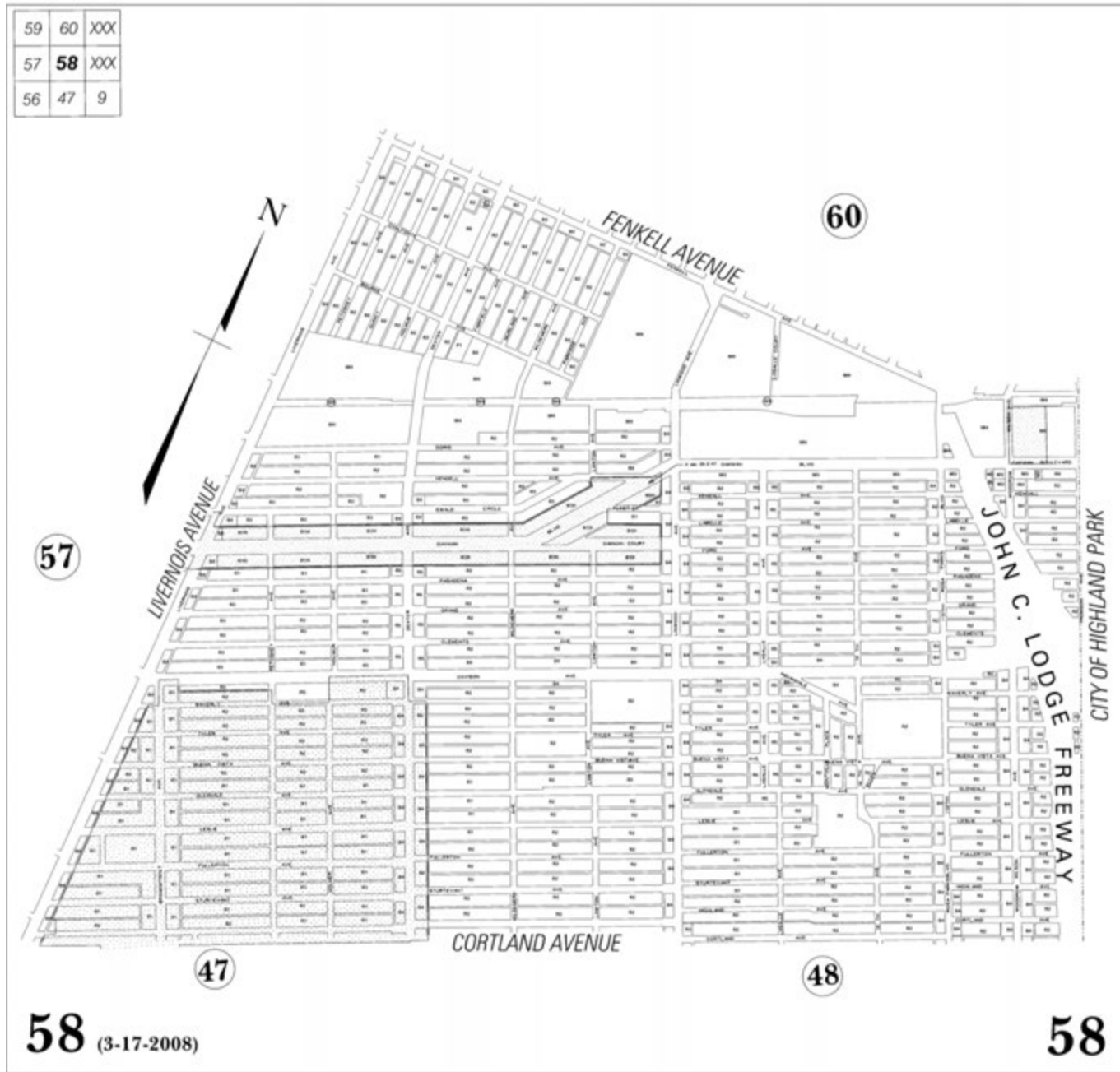


Map 56. (Ord. No. 457-G, § 1, 8-12-69; Ord. No. 522-G, § 1, 8-18-70; Ord. No. 613-G, § 1, 9-7-71; Ord. No. 762-G, § 1, 10-31-72; Ord. No. 451-H, § 1, 7-8-81; Ord. No. 22-91, § 1, 8-1-91; Ord. No. 12-13, § 1, 5-21-2013)



Map 57. (Ord. No. 470-G, § 1, 10-21-69; Ord. No. 566-G, § 1, 1-26-71; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 769-G, § 1, 11-8-72; Ord. No. 13-03, § 1, 6-18-03)

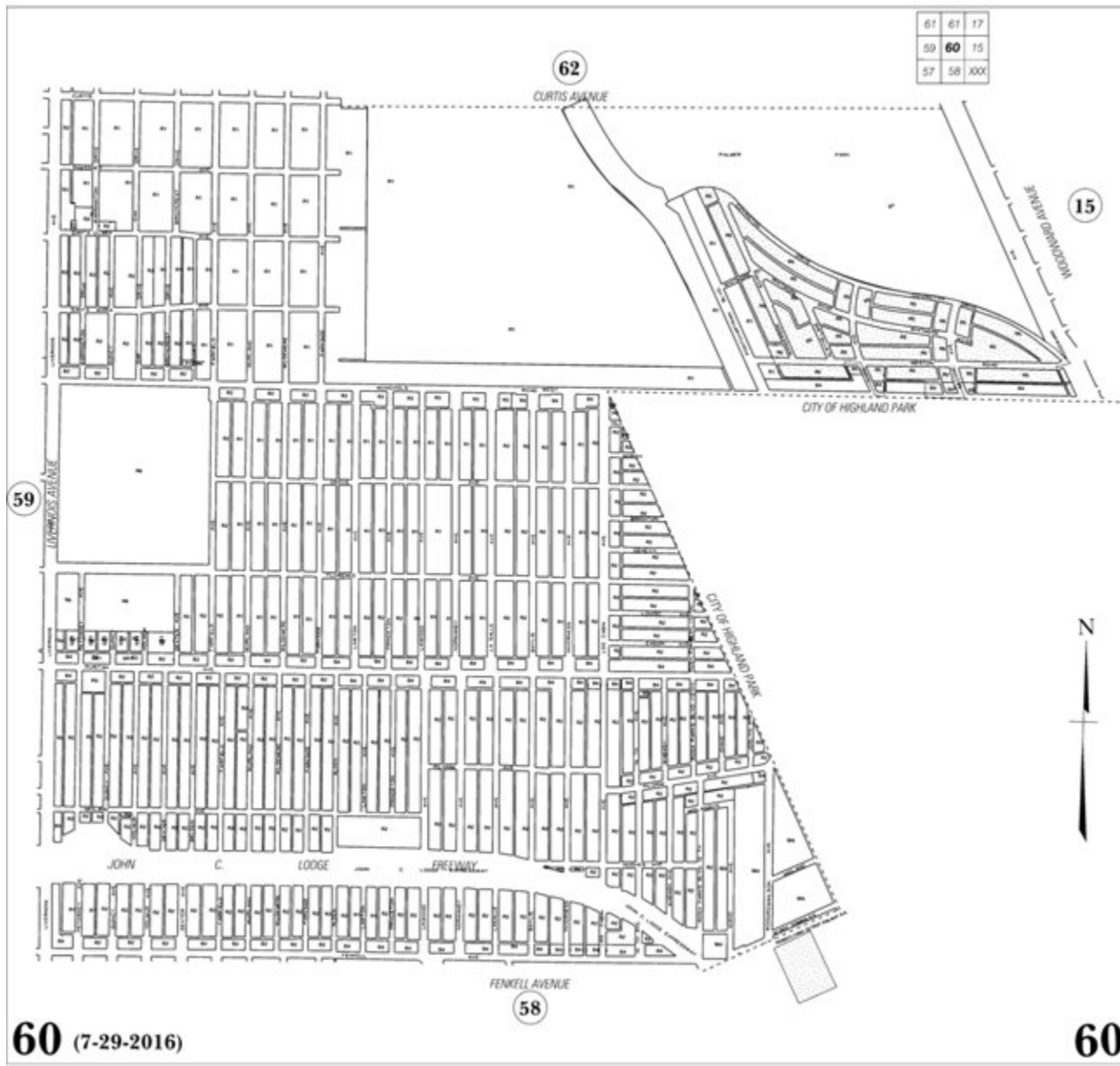




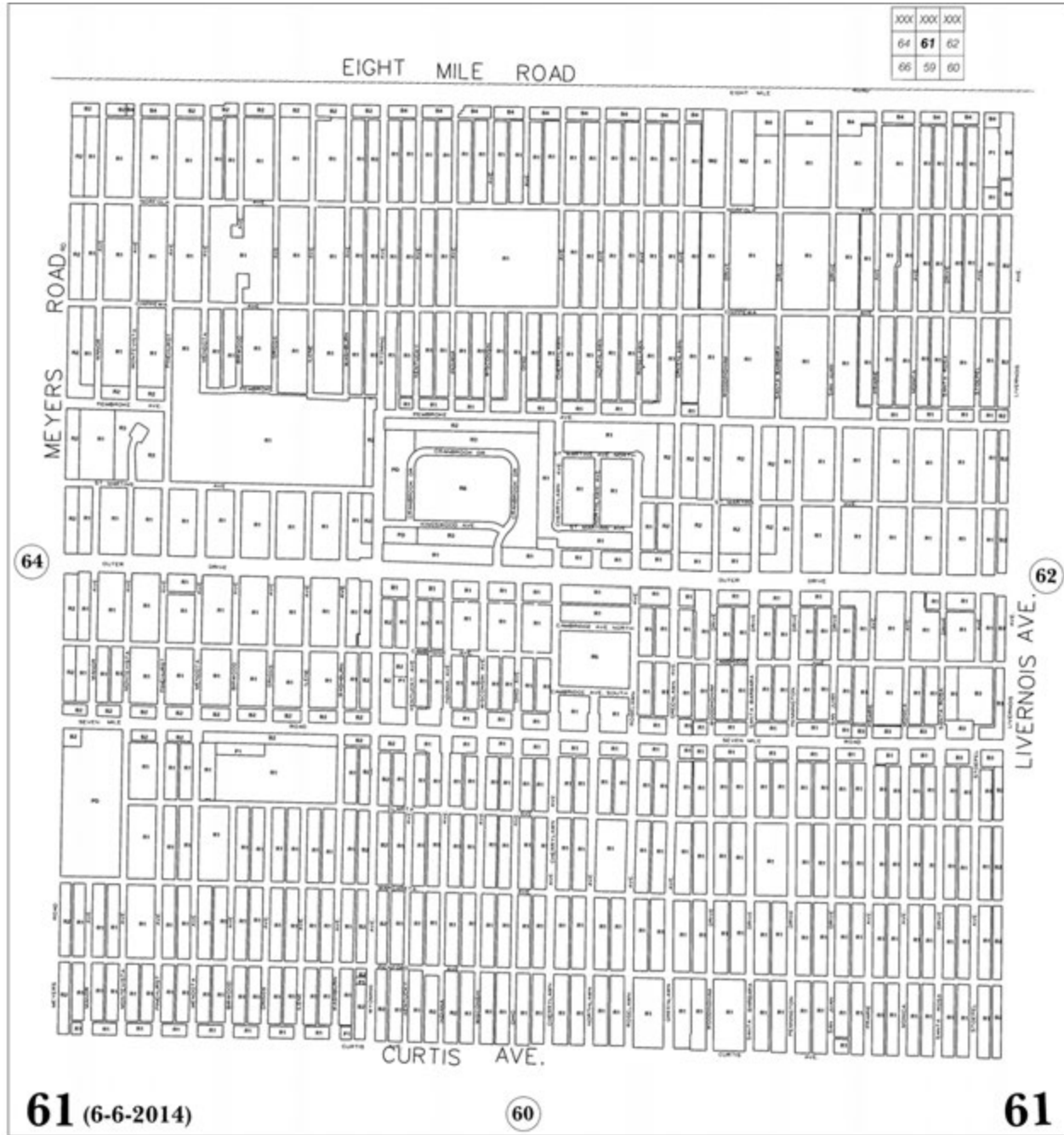
Map 58. (Ord. No. 593-G, § 1, 5-25-71; Ord. No. 629-G, § 1, 10-19-71; Ord. No. 326-H, § 1, 5-23-79; Ord. No. 3-88, § 1, 2-3-88; Ord. No. 14-92, § 1, 7-22-92; Ord. No. 9-94, § 1, 3-30-94; Ord. No. 39-98, § 1, 10-18-98; Ord. No. 10-08, § 1, 5-28-2008)



Map 59. (Ord. No. 502-G, § 1, 5-5-70; Ord. No. 566-G, § 1, 1-26-71; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 11-96, § 1, 5-29-96; Ord. No. 07-15, § 1, 5-15-2015; Ord. No. 11-16, §1, 5-05-2016)



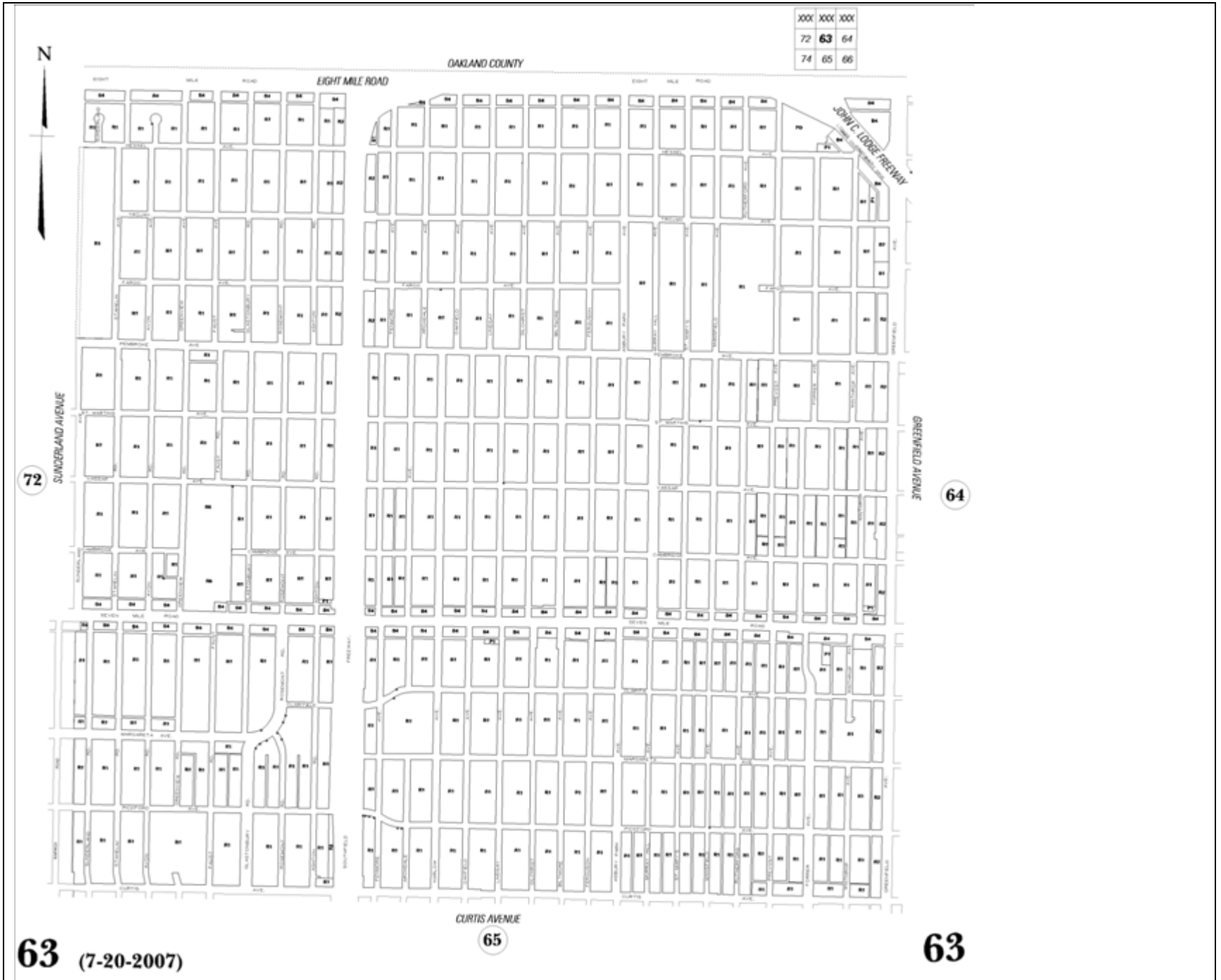
Map 60. (Ord. No. 597-G, § 1, 6-8-71; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 728-G, § 1, 9-12-72; Ord. No. 20-92, § 1, 8-7-92; Ord. No. 21-92, § 1, 8-7-92; Ord. No. 27-16, §1, 8-12-2016)



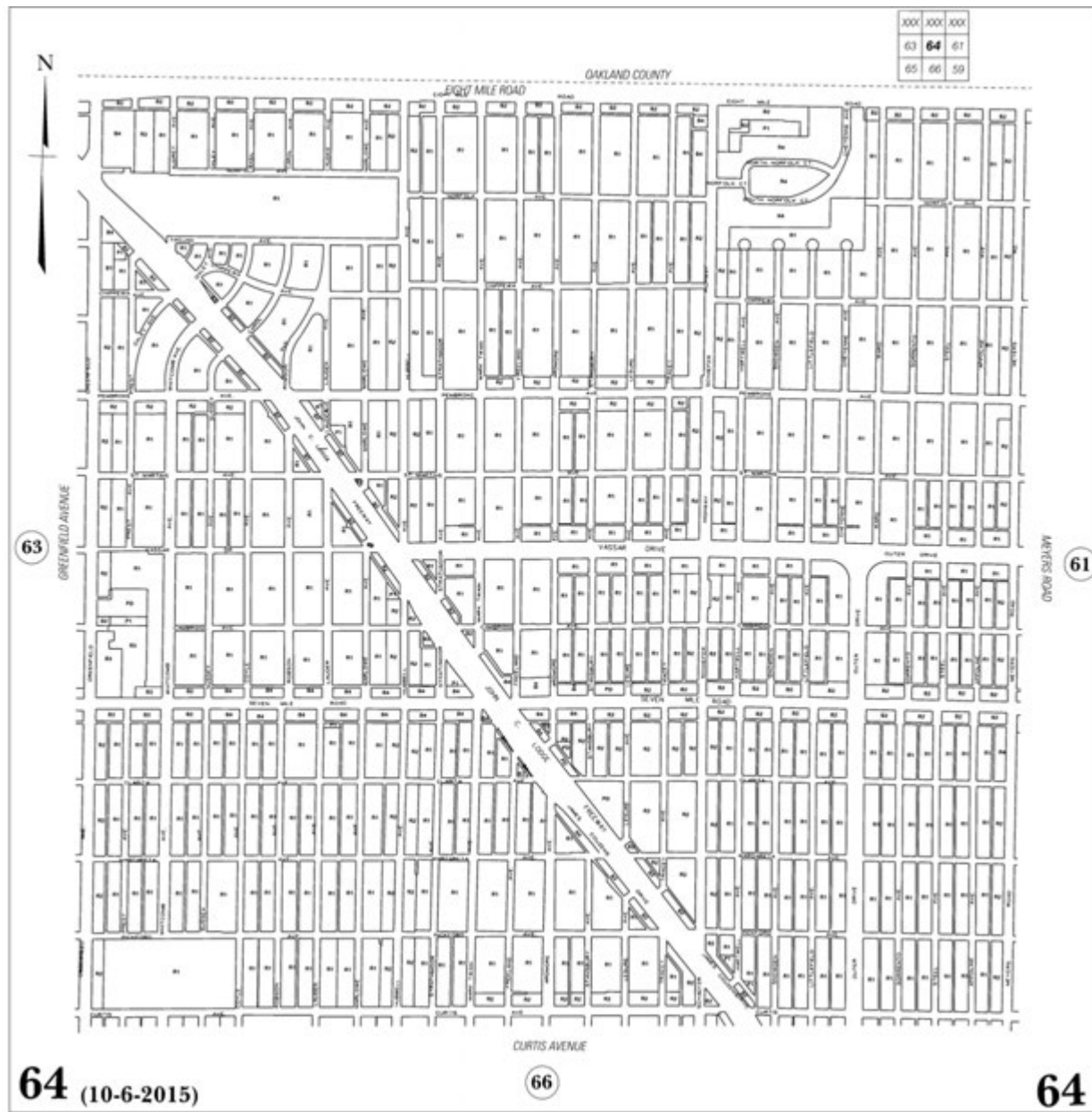
Map 61. (Ord. No. 503-G, § 1, 5-5-70; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 8-H, § 1, 10-9-74; Ord. No. 15-97, § 1, 5-16-97; Reso., JCC 10/26/2005, Pgs. 3116-3119; Ord. No. 28-07, § 1, 8-10-2007; Ord. No. 08-14, §1, 6-5-2014; Reso., JCC 6/17/2014, Pgs. 1142-1143)



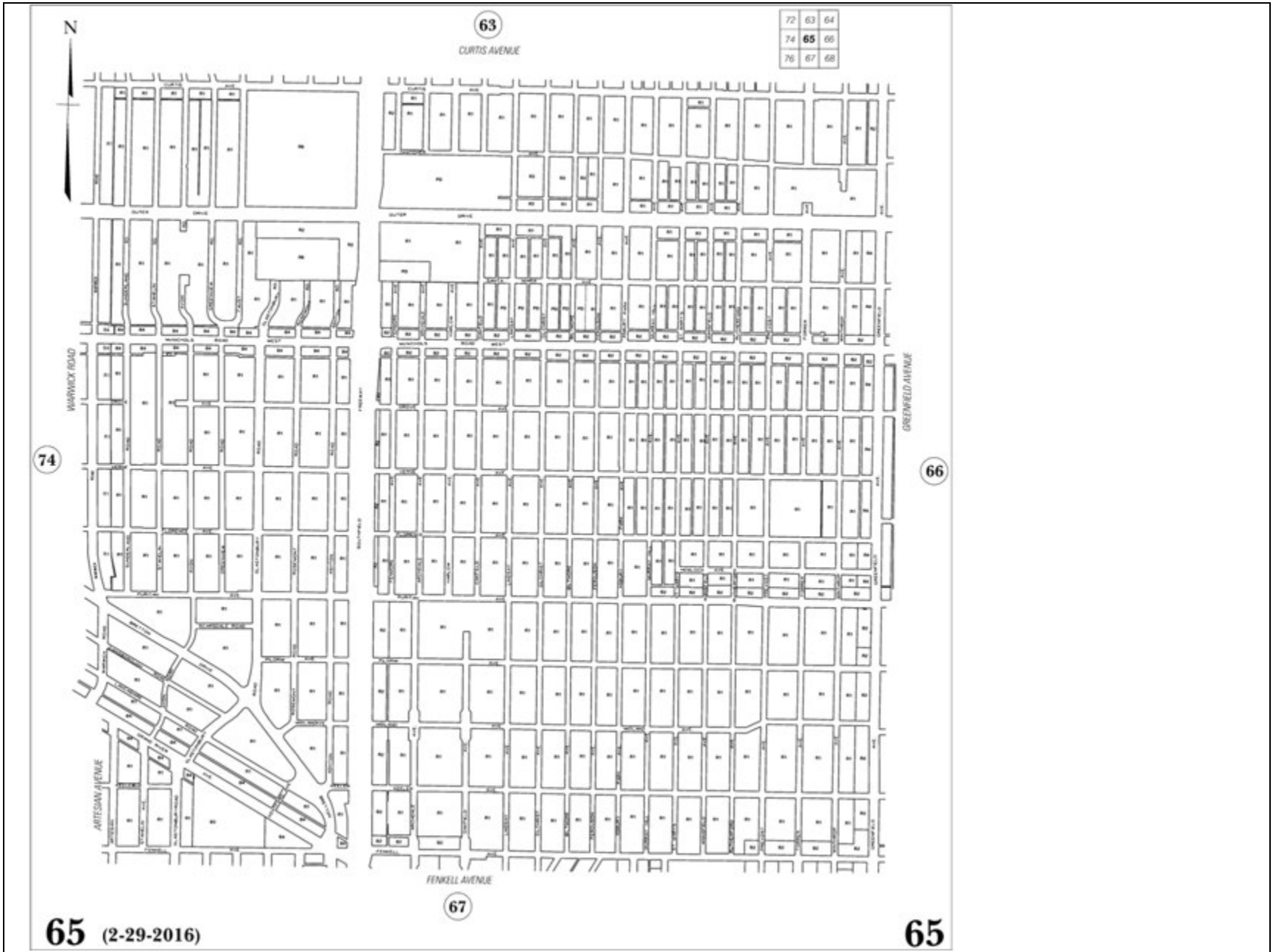
Map 62. (Ord. No. 628-G, § 1, 10-19-71; Ord. No. 27-04, § 1, 7-28-04; Ord. No. 40-04, § 1, 11-10-04)



Map 63. (Ord. No. 30-07, § 1, 10-24-2007)

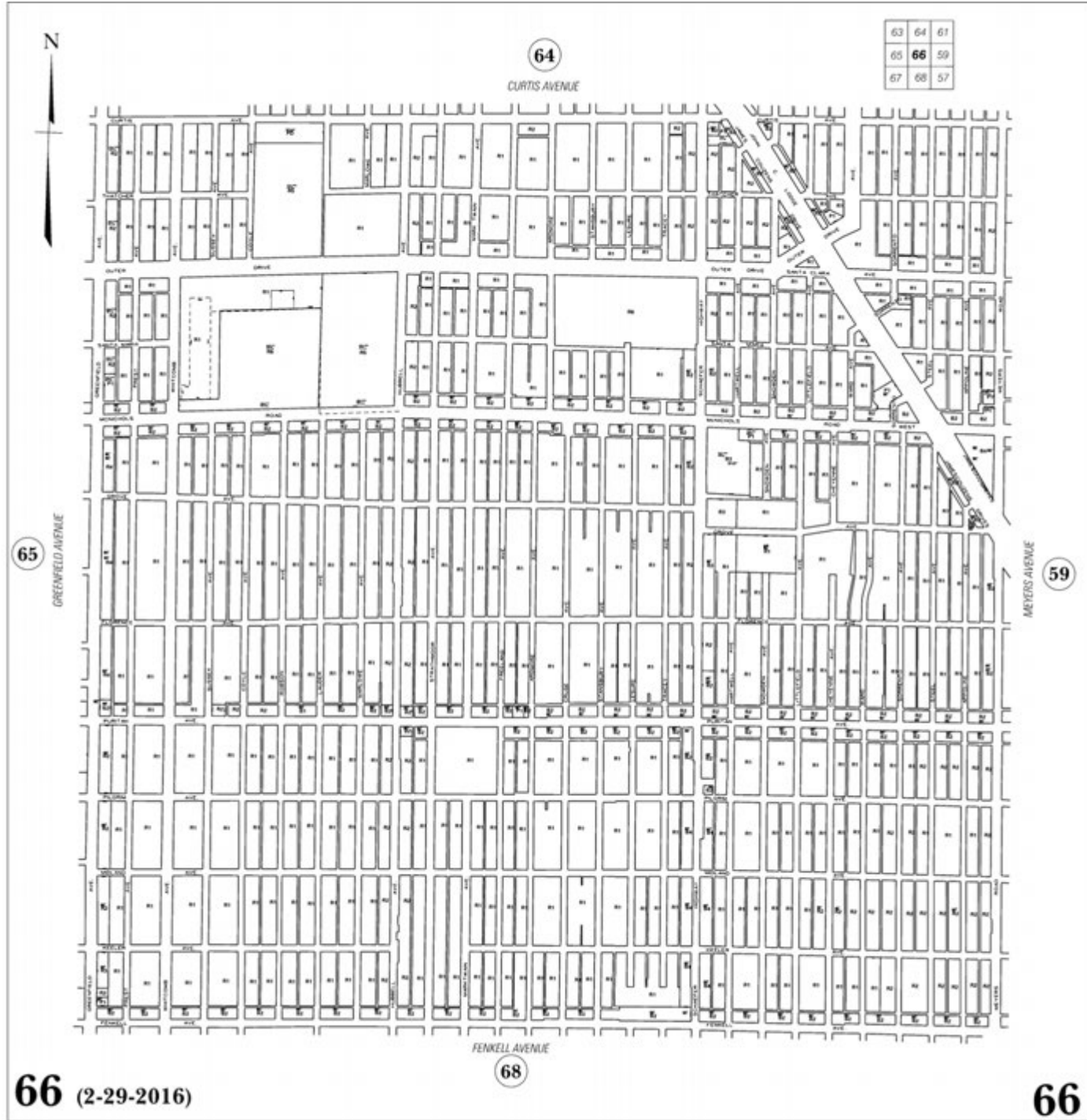


Map 64. (Ord. No. 504-G, § 1, 5-5-70; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 727-G, § 1, 9-5-72; Ord. No. 8-H, § 1, 10-9-74; Ord. No. 70-H, § 1, 10-15-75; Ord. No. 566-H, § 1, 9-28-83, Ord. No. 11-09, § 1, 8-14-2009; Ord. No. 31-13, § 1, 12-21-2013; Ord. No. 19-15, § 1, 10-07-2015)

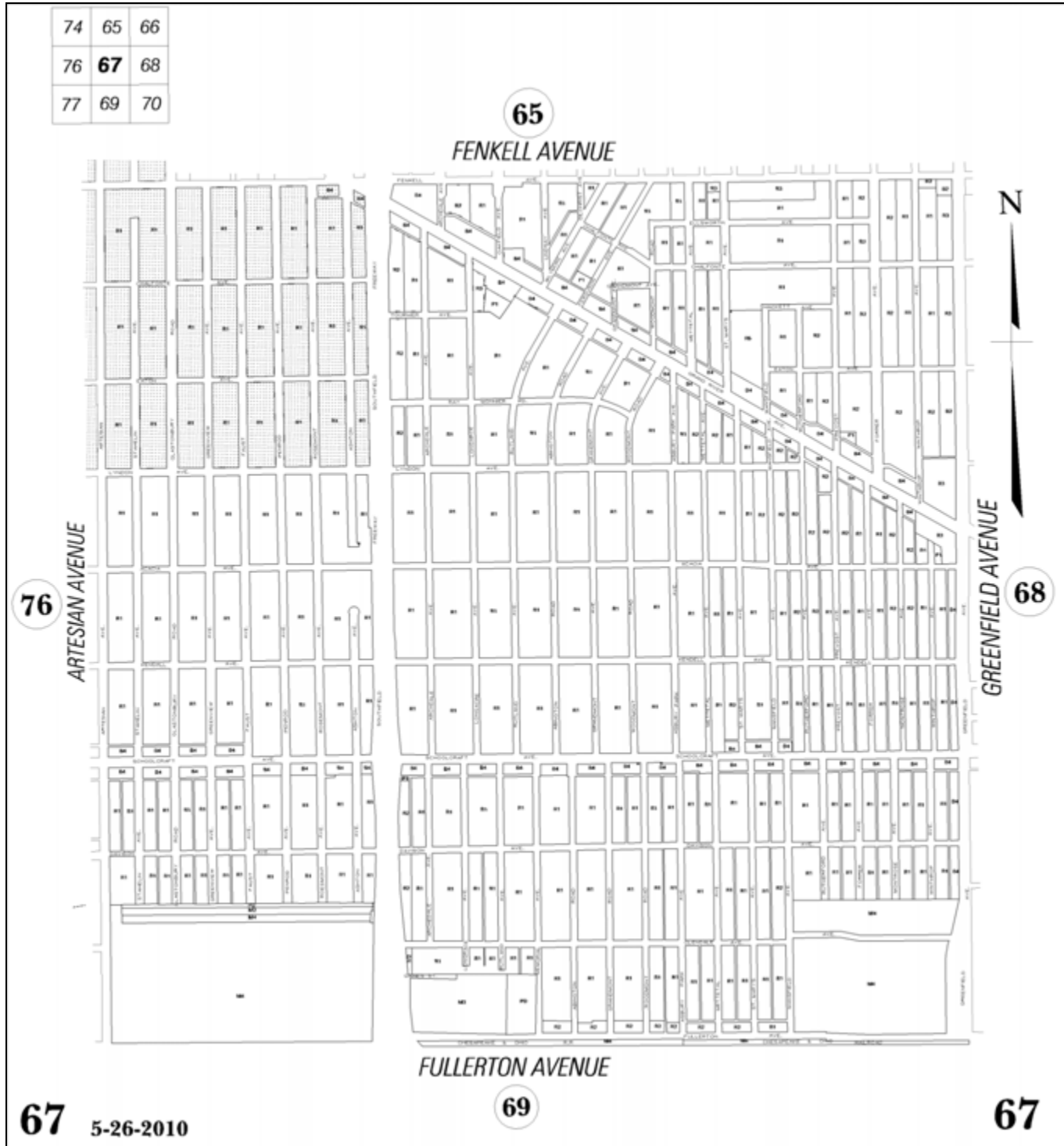


Map 65. (Ord. No. 628-G, § 1, 10-19-71; Ord. No. 652-G, § 1, 1-25-72; Ord. No. 113-H, § 1, 5-5-76; Ord. No. 149-H, § 1, 9-22-76; Ord. No. 274-H, § 1, 8-2-78; Ord. No. 274-H, § 1, 8-2-78; Ord. No. 456-H, § 1, 7-15-81; Ord. No. 4-94, § 1, 1-19-94; Ord. No. 2-95, § 1, 1-27-95; Ord. No. 40-98, § 1, 11-18-98; Ord. No. 30-03, § 1, 8-1-03; Map 1. (Ord. No. 628-G, § 1, 10-19-71; Ord. No. 27-04, § 1, 7-28-04; Ord. No. 29-06, § 1, 9-26-2006; Ord. No. 06-16, §1, 4-20-2016; Ord. No. 15-16, §1, 5-18-2016)

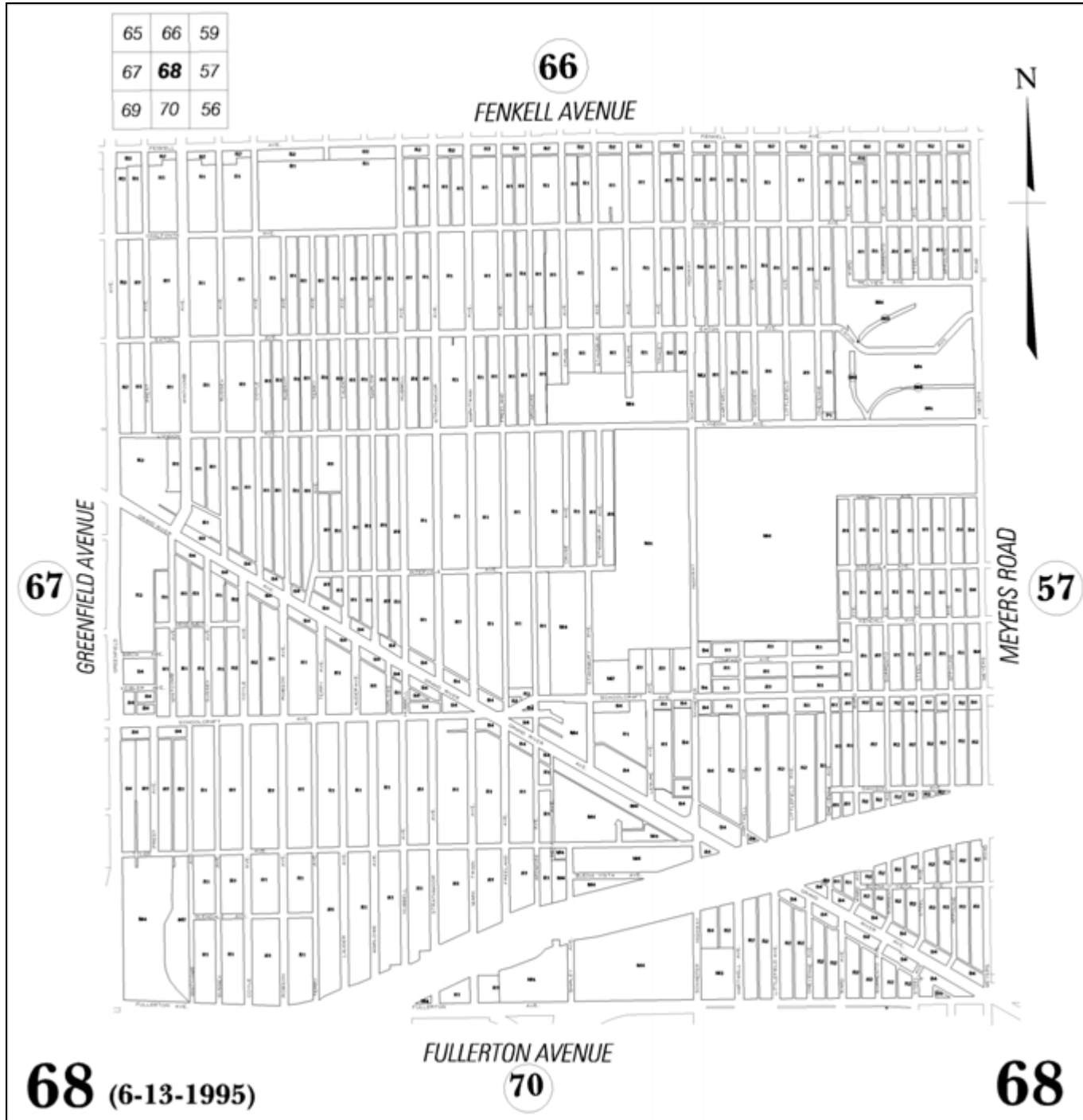




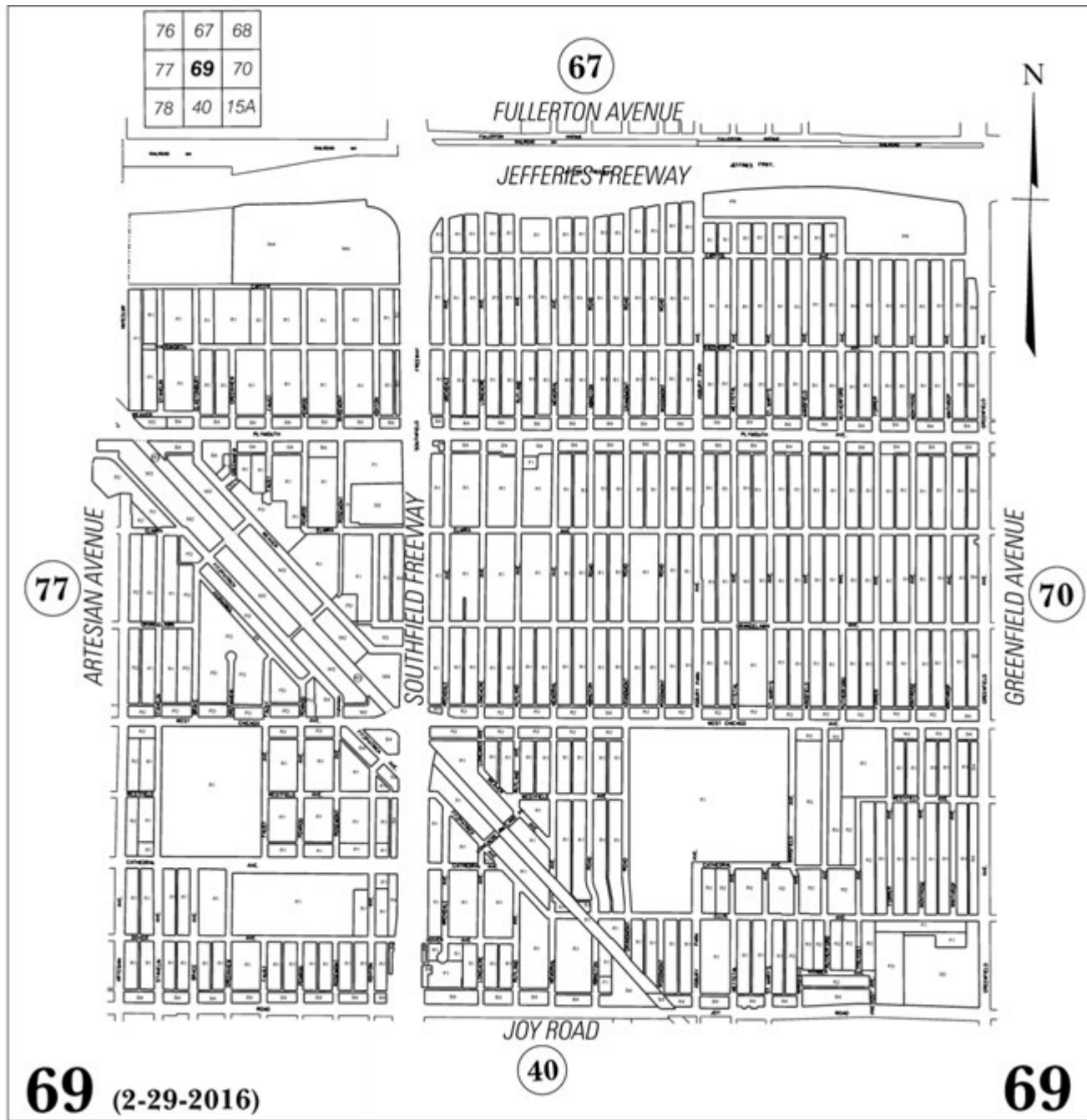
Map 66. (Ord. No. 505-G, § 1, 5-5-70; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 433-H, § 1, 4-1-81; Ord. No. 13-95, § 1, 6-14-95; Ord. No. 35-95, § 1, 11-3-95; Ord. No. 11-16, §1, 5-05-2016)



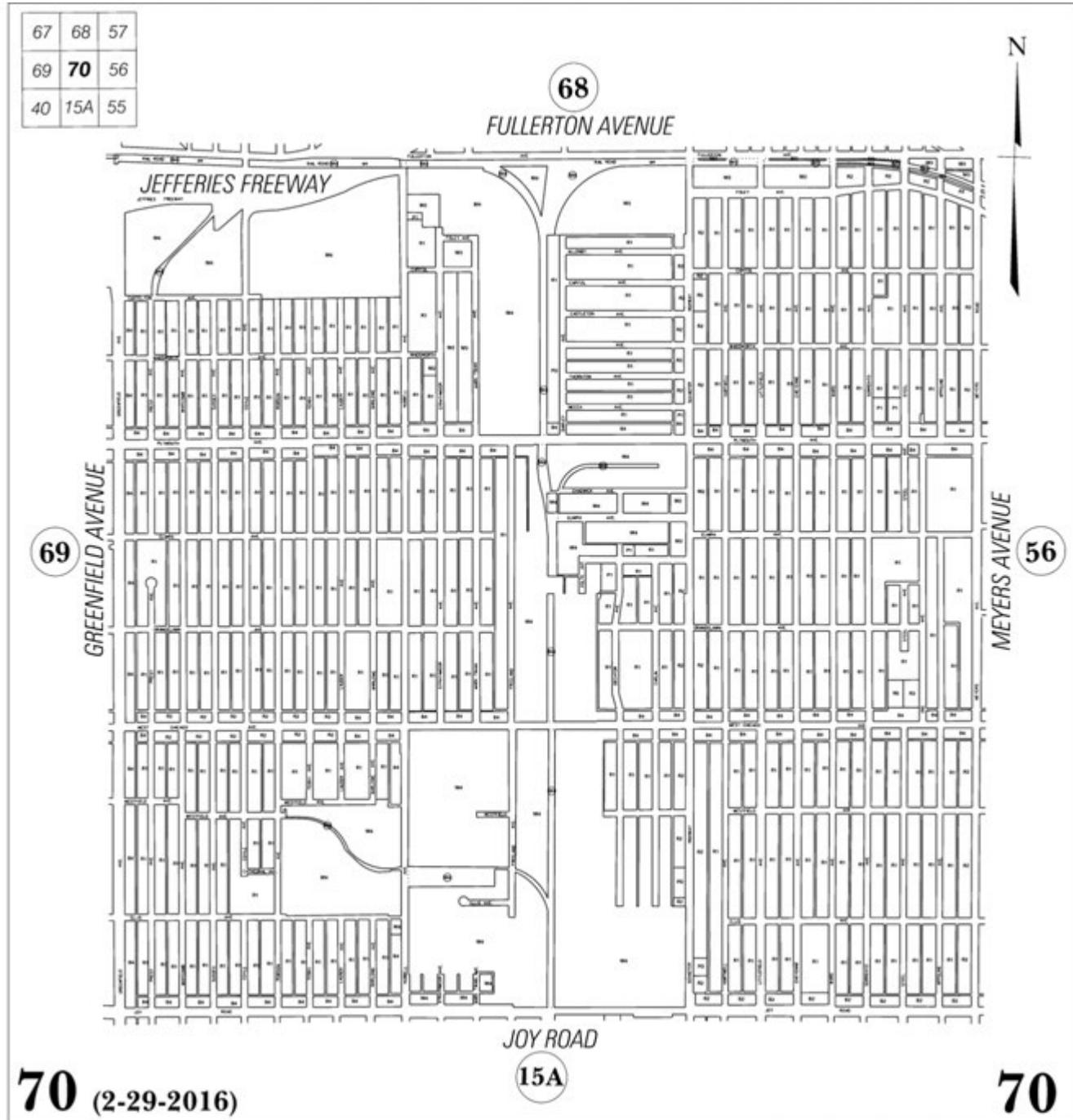
Map 67. (Ord. No. 607-G, § 1, 8-10-71; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 113-H, § 1, 5-5-76; Ord. No. 6-90, § 1, 6-6-90; Ord. No. 12-10, § 1, 8/17/2010; Ord. No. 13-10, § 1, 8/17/2010)



Map 68. (Ord. No. 614-G, § 1, 9-7-71; Ord. No. 628-G, § 1, 10-19-71; Ord. No. 461-H, § 1, 8-5-81; Ord. No. 533-H, § 1, 12-15-82; Ord. No. 20-95, § 1, 7-24-95)



Map 69. (Ord. No. 404-G, § 1, 2-11-69; Ord. No. 677-G, § 1, 4-4-71; Ord. No. 10-98, § 1, 3-30-98; Ord. No. 12-16, §1, 5-14-2016)



Map 70. (Ord. No. 151-H, § 1, 9-24-76; Ord. No. 37-97, § 1, 10-15-97; Ord. No. 12-13, § 1, 5-31-2013; Ord. No. 6-14, § 1, 5-6-2014; Ord. No.10-16, §1, 5-5-2016; Ord. No. 43-16, §1, 3-3-2017)



Map 71. (Ord. No. 478-G, § 1, 12-9-69; Ord. No. 490-G, § 1, 2-3-70; Ord. No. 509-G, § 1, 5-19-70; Ord. No. 560-G, § 1, 1-5-71; Ord. No. 656-G, § 1, 2-8-72; Ord. No. 8-89, § 1, 4-26-89; Ord. No. 27-90, § 1, 12-5-90; Ord. No. 5-93, § 1, 2-3-93; Ord. No. 20-96, § 1, 7-31-96; Ord. No. 43-97, § 1, 12-10-97; Ord. No. 27-98, § 1, 9-23-98; Ord. No. 21-99, § 1, 7-21-99; Ord. No. 27-99, § 1, 8-4-99; Ord. No. 27-00, § 1, 11-22-00; Ord. No. 44-04, § 1, 11-22-04; Ord. No. 08-07, § 1, 4-17-2007; Ord. No. 07-09, § 1, 6-15-2009; Ord. No. 32-15, §1, 1-28-2016)

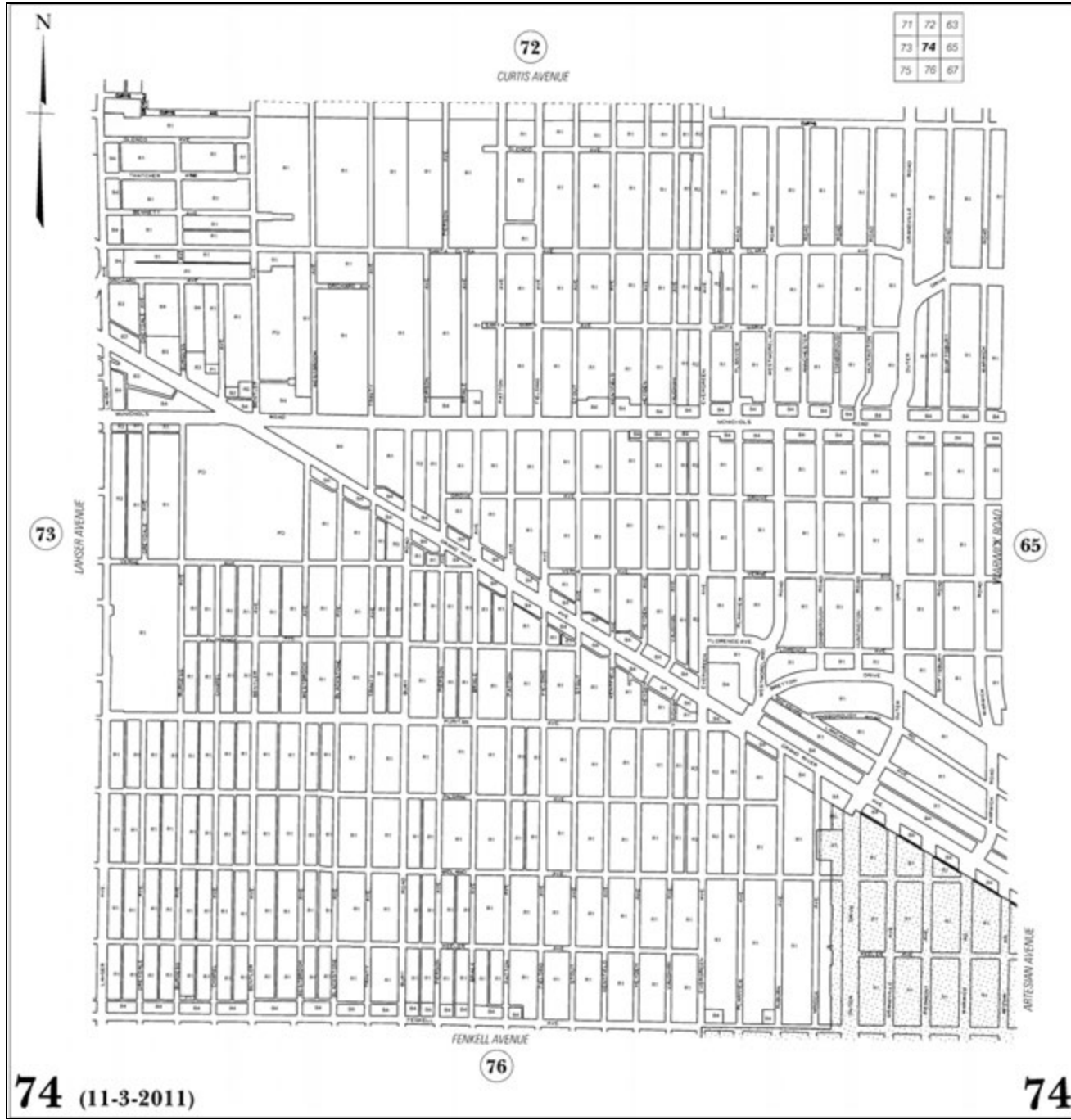


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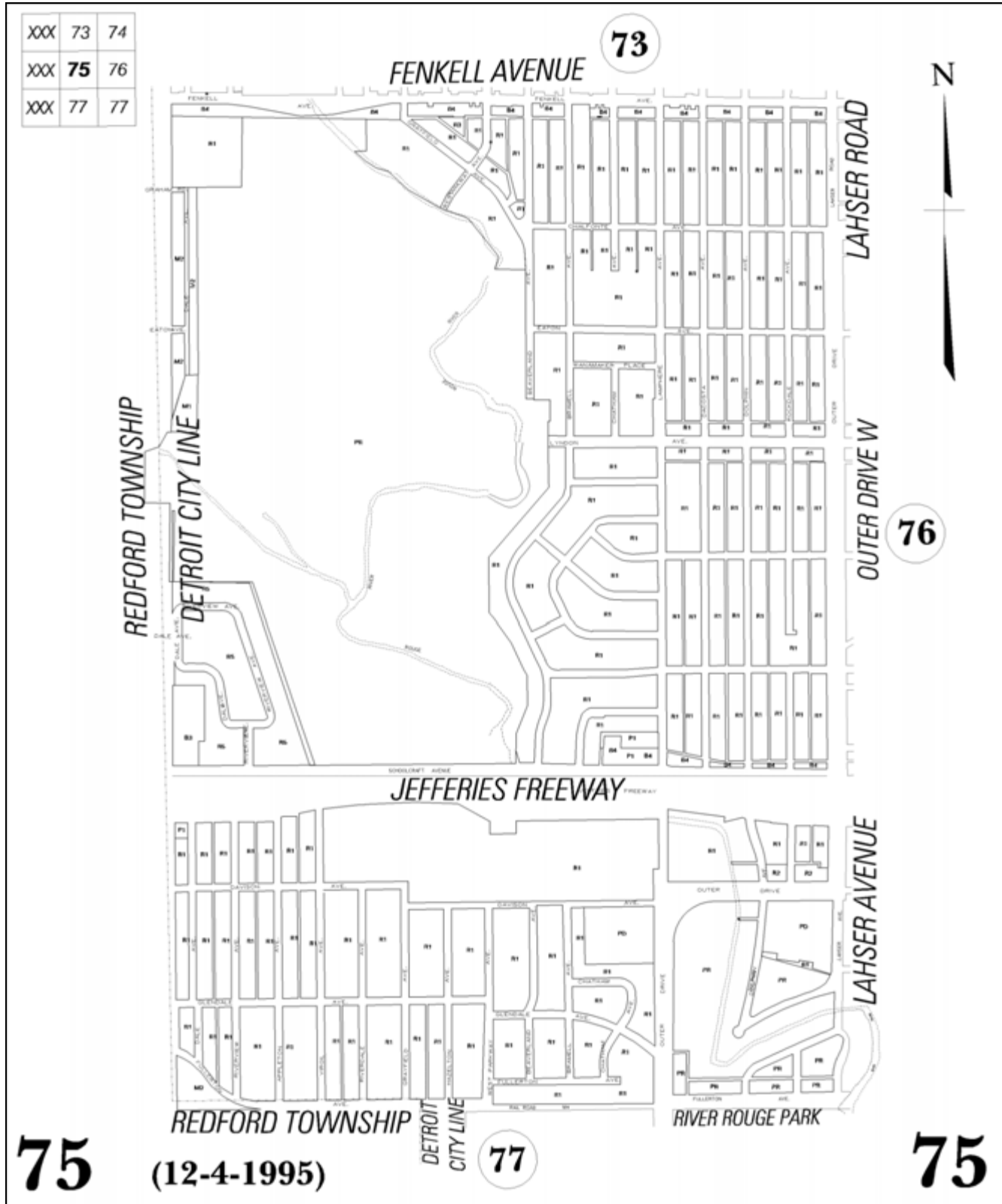


Map 73. (Ord. No. 596-G, § 1, 6-8-71; Ord. No. 122-H, § 1, 6-9-76; Ord. No. 331-H, § 1, 6-27-79; Ord. No. 370-H, § 1, 1-30-80; Ord. No. 10-90, § 1, 7-18-90; Ord. No. 29-00, § 1, 11-29-00; Ord. No. 29-07, § 1, 10-24-07)

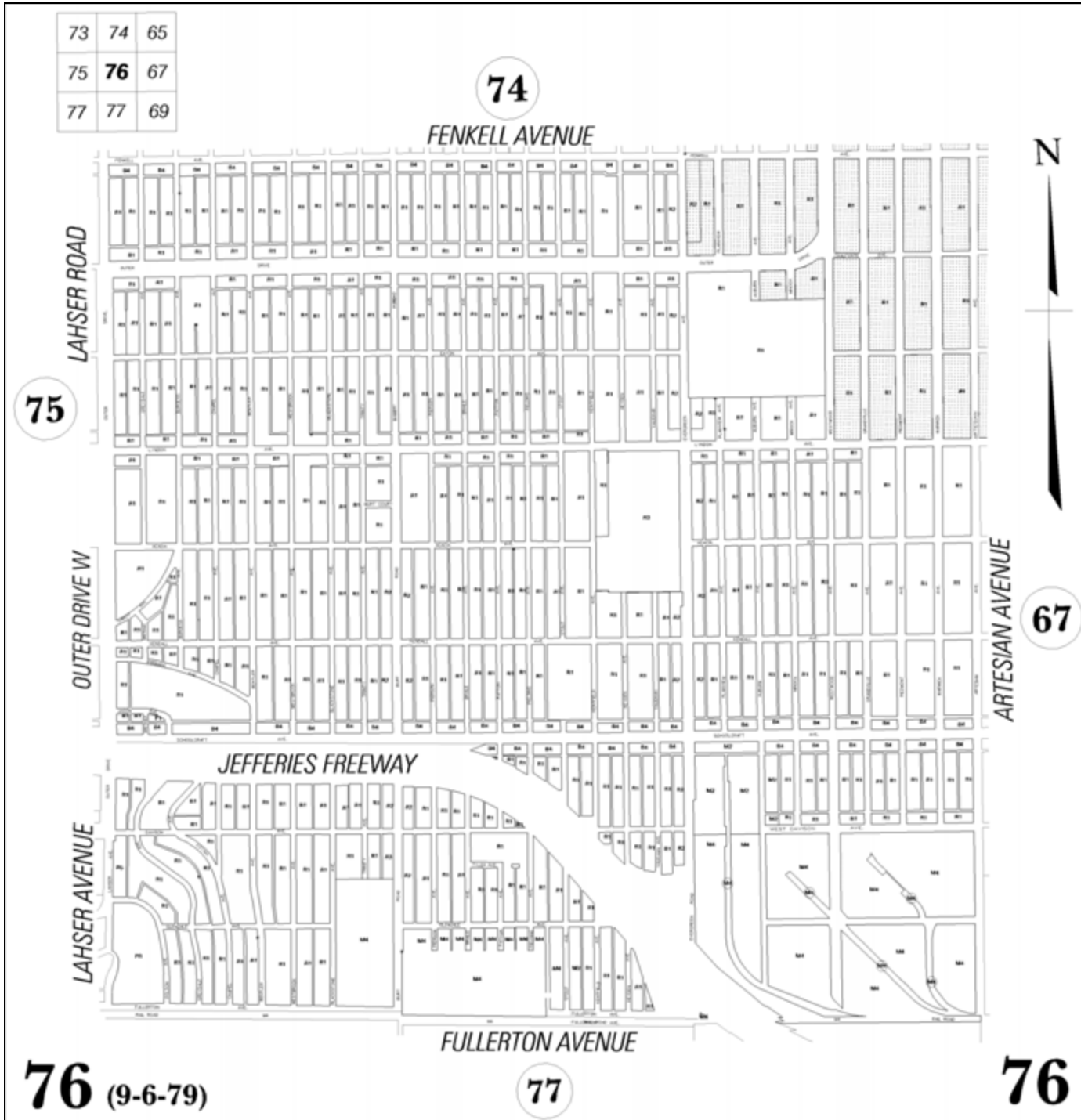




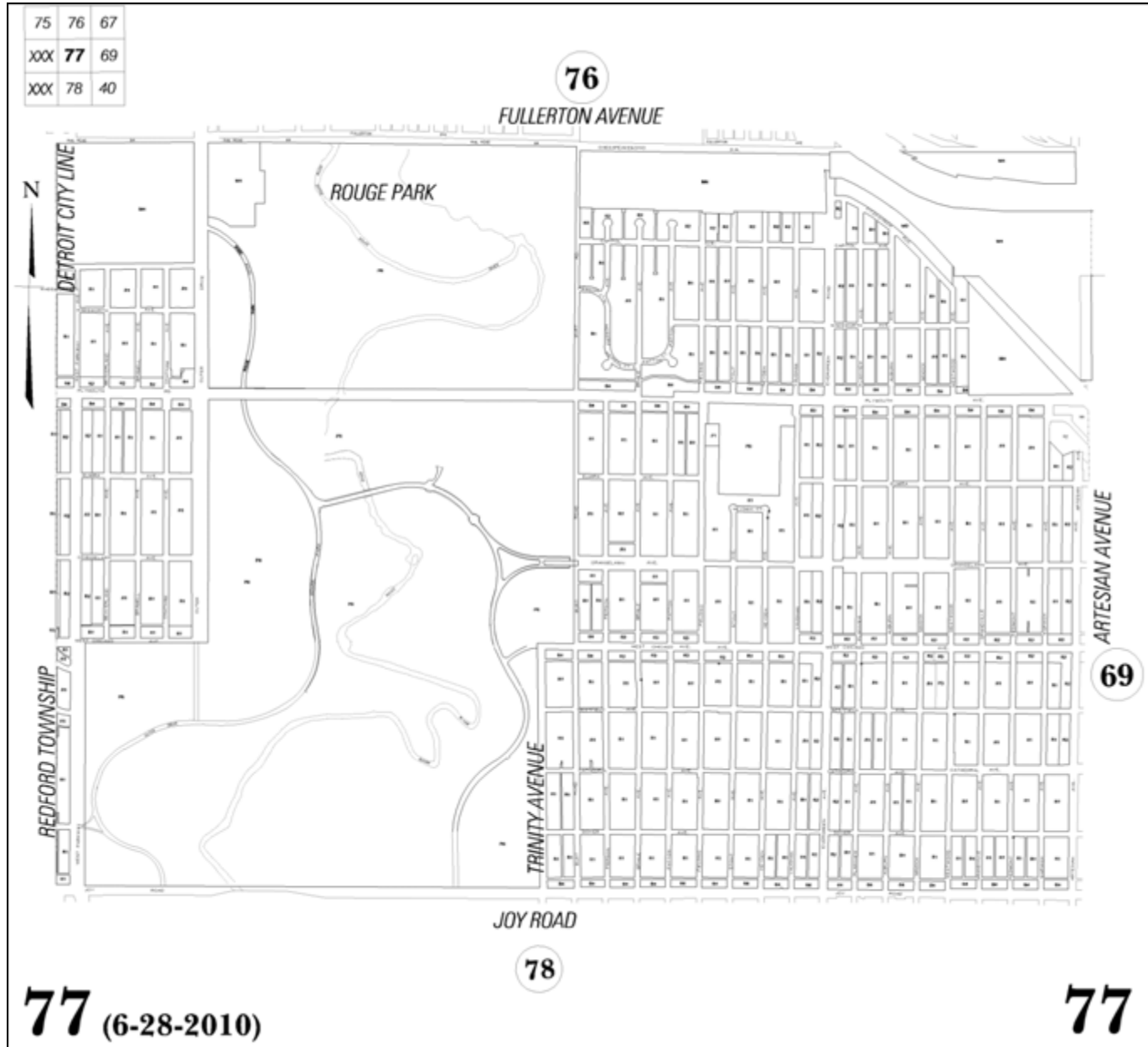
Map 74. (Ord. No. 567-G, § 1, 2-2-71; Ord. No. 635-G, § 1, 12-7-71; Ord. No. 660-G, § 1, 2-22-71; Ord. No. 700-G, § 1, 6-22-72; Ord. No. 19-00, § 1, 8-2-00; Ord. No 33-11, § 1, 12-22-11)



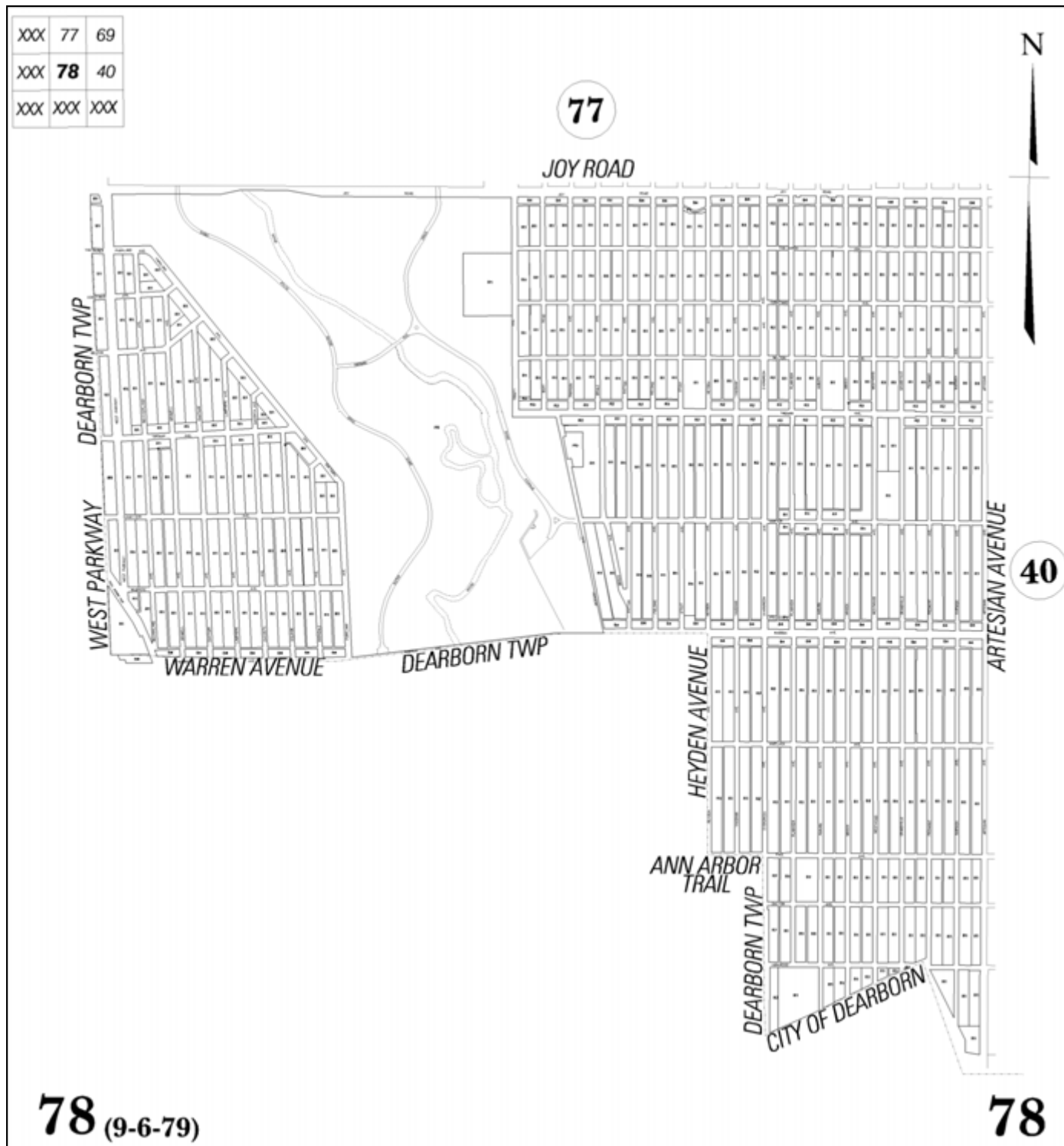
Map 75. (Ord. No. 525-G, § 1, 8-25-70; Ord. No. 371-H, § 1, 1-30-80; Ord. No. 372-H, § 1, 1-30-80; Ord. No. 2-96, § 1, 2-14-96)



Map 76. (Ord. No. 74-H, § 1, 12-12-75; Ord. No. 371-H, § 1, 1-30-80)



Map 77. (Ord. No. 159-H, § 1, 10-18-76; Ord. No. 189-H, § 1, 6-2-77; Ord. No. 375-H, § 1, 1-30-80; Ord. No. 443-H, § 1, 5-20-81; Ord. No. 448-H, § 1, 6-24-81; Ord. No. 484-H, § 1, 2-10-82; Ord. No. 546-H, § 1, 2-16-83; Ord. No. 30-97, § 1, 7-30-97; Ord. No. 3-01, § 1, 3-14-01; Ord. No. 18-10, §1, 10-27-2010)



Map 78. (Ord. No. 472-G, § 1, 11-5-69; Ord. No. 777-G, § 1, 12-1-72; Ord. No. 159-H, § 1, 10-18-76; Ord. No. 189-H, § 1, 6-2-77; Ord. No. 375-H, § 1, 1-30-80)

**APPENDIX A**

**Assignment of Specific Use Types to General Use Categories**

Specific Land Use	Use Category
<b>Division 1. Letter "A."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10)	
Abattoirs (slaughter houses)	Manufacturing and Production
Abrasives manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Acetylene manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Acid manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Acoustical material manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Adult bookstore or adult video store (Ord. No. 01-10, §1, 04-01-10)	Adult Use/Sexually Oriented Business
Adult day care center	Day Care
Adult cabaret (Ord. No. 01-10, §1, 04-01-10)	Adult Use/Sexually Oriented Business
Adult foster care facility	Group Living
Adult motion picture theater (Ord. No. 01-10, §1, 04-01-10)	Adult Use/ Sexually Oriented Business
Air conditioning (contractor) shop	Industrial Service (Trade services, general)
Aircraft landing areas for winged aircraft	Aviation and Surface Transportation Facilities
Airplane manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Alkali manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Amusement park	Recreation/Entertainment, Outdoor
Animal-grooming shop	Retail Sales and Service (Service-Oriented)

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Annealing or heat treating plants	Manufacturing and Production (High-impact Manufacturing or Processing)
Antennas - Categories A, B, C, D or others	Telecommunications Facilities
Apartment building (See Multiple-family dwelling)	Household Living
Arcade	Recreation/Entertainment, Indoor
Arena, sports	Auditorium or Stadium
Armory	Auditorium or Stadium
Art gallery	Retail sales and service (Sales-oriented)
Art needlework (factory)	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Asphalt manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Assembly of small parts	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Assembly hall	Auditorium or Stadium
Assisted living facility	Group Living
Auditoriums, public	Auditorium or Stadium
Auto (See "automobile" or "motor vehicle") (Ord. No. 44-06, §1, 12-21-06)	
Automated teller machine	Retail Sales and Service (Service-Oriented)
Automatic screw machine operations	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Automobile (See also "motor vehicle") (Ord. No. 44-06, §1, 12-21-06)	
Automobile accessory manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Automobile body plant	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Automobile dismantling yard (Junkyard)	Industrial service
Automotive, agricultural or other heavy machinery manufacturing	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Automotive Services (See "Motor vehicle services")	Vehicle Repair and Service
Awnings, cloth, custom manufacture or assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
<b>Division 2. Letter "B."</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)	
Bailing of waste paper or rags	Manufacturing and Production
Bake shop, retail	Retail Sales and Service (Sales-Oriented)
Bakeries	Manufacturing and Production (Low-impact Manufacturing or Processing)
Balls or bearings manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Bank	Retail Sales and Service (Service-Oriented)
Bar (Establishment for the sale of beer or intoxicating liquor for consumption on the premises)	Food and Beverage Service.
Barber or beauty shop	Retail Sales and Service (Service-Oriented)
Bathhouse (See Recreation, indoor commercial and health club) (Ord. No. 01-10, §1, 04-01-10)	Recreation/Entertainment, Indoor
Battery rebuilding	Manufacturing and Production (High-impact Manufacturing or Processing)
Bed and breakfast inn	Public Accommodation
Bed spring manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Beryllium storage, handling, or processing	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Billiard hall	Recreation/Entertainment, Indoor.
Bituminous concrete manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Bleaching powder compounding	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Bleaching powder manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Blueprinting shop	Industrial Service
Boarding school and dormitory	Institutional Living
Boat terminal	Water-Related Facilities
Boatyard or shipyard: construction, repair, maintenance, dry dock	Water-Related Facilities.
Boiler manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Boiler repairing	Industrial Service
	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Bolt or nut manufacture (not including heat treating)	Manufacturing and Production (High-impact Manufacturing or Processing)
Bolts or nuts manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Bookbinding	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Book publishing, printing or engraving	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Bottling of alcoholic products	Manufacturing and Production (Low-impact Manufacturing or Processing)
	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Braces, orthopedic manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Brake debonding	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Brewing or distilling of liquors (other than microbrewery and small distillery) (Ord. No. 13-11, §1, 8-23-11)	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Brewing of twenty thousand (20,000) or more barrels of beer or malt beverage per year	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Brewpub or microbrewery or small distillery (Ord. No. 13-11, §1, 8-23-11)	Food and Beverage Service
Brick or building block manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Bridge plaza and terminal, vehicular	Aviation and Surface Transportation Facilities
Broom manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Buffing shop	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Business college or commercial trade school	Retail Sales and Service (Service-Oriented)
Business machines or equipment manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
<b>Division 3. Letter "C."</b>	
(Ord. No. 11-05, §1, 5-28-05) (Ord. No. 34-05, §1, 12-06-05) (Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014)	
Cabaret	Recreation/Entertainment, Indoor
Cabinet-making shop	Industrial Service (Trade services, general)
Can, barrel, drum or pail manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Candle manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Canning factories, excluding fish products	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Canvas goods manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Car wash (Motor vehicle washing and steam cleaning)	Vehicle Repair and Service
Carbide manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Carbonic gas manufacture or storage	Manufacturing and Production (High-impact Manufacturing or Processing)
Carbonic ice manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Carpenter's shop	Industrial Service (Trade services, general)
Casinos and casino complexes	Recreation/Entertainment, Indoor
Catering establishment (Food catering establishment)	Manufacturing and Production
Cattle or sheep dip manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Cellophane or celluloid manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Cement, lime, gypsum, or plaster of Paris manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Cemeteries (including mausoleums, crematories, or columbaria)	Park and Open Space
Ceramic glaze or porcelain enamel frit manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Ceramic products manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Charcoal or fuel briquette manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Check advance center (See "Financial services center") (Ord. No. 44-06, §1, 12-21-06)	Retail Sales and Service (Service-Oriented)
Check cashing store (See "Financial services center") (Ord. No. 34-05, §1, 12-06-05)	Retail Sales and Service (Service-Oriented)
Chemical manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Chemical materials blending or compounding, but not involving chemicals manufacturing	Manufacturing and Production
Child care center	Day Care
Child caring institution	Institutional Living
Chlorine gas manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Cigar or cigarette manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Cinema production or development	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Clay products manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Clock or watch manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Coal or coke yard	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Coffee house (See: Restaurant) (Ord. No. 13-11, §1, 8-23-11)	Food and Beverage Service
Coffee roasting	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Coke oven	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Cold storage plant	Warehouse and Freight Movement

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Concert café (See: Theater) (Ord. No. 13-11, §1, 8-23-11)	Recreation/Entertainment, Indoor
Concert hall (See: Theater) (Ord. No. 13-11, §1, 8-23-11)	Recreation/Entertainment, Indoor
Concrete batching plants	Manufacturing and Production (High-impact Manufacturing or Processing)
Concrete pipe or concrete pipe products manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Confection manufacture	Manufacturing and Production
Construction equipment, agricultural implements and other heavy equipment repair or service	Industrial Service
Containerized freight yard	Warehouse and Freight Movement
Convalescent, nursing, or rest home	Group Living
Contractor's shop (See "Trade services, general" for the shops of the following contractors: air conditioning, cabinet-making, carpenter, electrical, furniture cleaning, furniture repair, heating, plumbing, rug cleaning, upholstery repair).	Industrial service
Contractor yard, landscape or construction (Ord. No. 10-13, §1, 04-16-13)	Industrial service
Convenience store (See Stores of a generally recognized retail nature for the sale of new merchandise)	Retail Sales and Service (Sales-Oriented)
Convention or exhibit building; office, public only	Auditorium or Stadium
Correctional institution	Institutional Living
Cosmetic manufacturing	Manufacturing and Production
Creameries	Manufacturing and Production (Low-impact Manufacturing or Processing)
Credit union (See Bank) (Ord. No. 34-05, §1, 12-06-05)	Retail Sales and Service (Service-Oriented)
Crematory (See: Cemetery) Crematory (See: Mortuary or Funeral Home) (Ord. No. 38-14, §1, 10-16-2014)	Retail Sales and Service (Service-Oriented)
Crushing, grading, and screening of rock, stone, slag, clay, or concrete	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Customer service center	Retail Sales and Service (Service-Oriented)
Customs office	Community Service
<b>Division 4. Letter "D."</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)	
Dance hall, public	Assembly
Dental clinic	Office
Dental products, surgical, or optical goods manufacture	Manufacturing and Production
Detailing shop, auto (See "Motor vehicle services, minor") (Ord. No. 44-06, §1, 12-21-06)	Vehicle Repair and Service
Detention facility	Institutional Living
Dextrine manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Die casting	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Disinfectant or insecticide manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Display designer's or builder's shops	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Distillation of coal, petroleum, bones, tar, or refuse	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Distillery, small See "Small Distillery." (Ord. No. 13-11, §1, 8-23-11)	Food and Beverage Service
Distilling of alcoholic products	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Docks, waterway shipping/freighters	Water-Related Facilities
Dog or cat food cannery or manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Dog or cat food cannery or manufacture, excluding rendering or the use of fish products	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Door, sash, or trim manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Dormitory	Institutional living
Draperies manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Drive-in theater	Recreation/Entertainment, Outdoor
Drop forge plants	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Dry cleaning, laundry, or laundromat	Retail Sales and Service (Service-Oriented)
Dyestuffs manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
<b>Division 5. Letter "E."</b>	
(Ord. No. 11-05, §1, 5-28-05)	
Educational institution	Schools
Electric contractor's shop (See "Trade services, general")	Industrial Service
Electric equipment assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Electric fixtures, batteries, or other electrical apparatus manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Electric transformer station	Utility, Basic
Elevators, grain	Warehouse and Freight Movement



## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Emergency shelter	Group Living
Emery cloth or sandpaper manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Employee recruitment center	Retail Sales and Service (Service-Oriented)
Engine manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Engraving shop	Retail Sales and Service (Service-Oriented)
Establishment for the sale of beer or intoxicating liquor for consumption on the premises	Food and Beverage Service
Explosives storage	Warehouse and Freight Movement
<b>Division 6. Letter "F."</b> (Ord. No. 11-05, §1, 5-28-05)	
Family day care home	Day Care
Feed or grain mill	Warehouse and Freight Movement
Felt manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Ferry terminal	Water-related Facilities
Fertilizer manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Filtration plant	Utility, Major
Financial services center	Retail Sales and Service (Service-Oriented)
Fire or police station, post office, court house and similar public building	Community Service
Firearms dealership	Retail Sales and Service (Sales-Oriented)
Firearms target practice range, indoor	Recreation/Entertainment, Indoor
Fireworks sales	Retail Sales and Service (Sales-Oriented)
Fish oil or meal manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Fish smoking, curing, canning, or cleaning	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Flag or banner manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Flea market (See Secondhand Store)	Retail Sales and Service (Sales-Oriented)
Food catering establishment	Manufacturing and Production
Food or produce market, wholesale	Retail Sales and Service (Sales-Oriented)
Food products manufacturing or processing	Manufacturing and Production (Low-impact Manufacturing or Processing)
Food stamp distribution center	Retail Sales and Service (Service-Oriented)
Foundry, ferrous or non-ferrous	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Fraternity or sorority house	Group Living
Freight yard (Containerized or Non-Containerized)	Warehouse and Freight Movement
Fuel dock	Warehouse and Freight Movement
Funeral home (See "Mortuary")	Retail Sales and Service (Service-Oriented)
Furniture and rug cleaning establishment	Industrial Service (Trade services, general)
Furniture and upholstery repair	Industrial Service (Trade services, general)
Furniture manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Furs: manufacture, cutting, or assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
<b>Division 7. Letter "G."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 10-13, §1, 04-16-13)	
Garbage, offal, or dead animal reduction	Waste-Related Use
Garden center (See Stores of a generally recognized retail nature for the sale of new merchandise) (Ord. No. 10-13, §1, 04-16-13)	Retail Sales and Service (Sales-Oriented)
Gas regulator station	Utility, Basic
Gas station (See "Motor vehicle filling station")	Vehicle Repair and Service
Glass blowing	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Glass laminating	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Glass manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Glucose manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Glue manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Go-cart track	Recreation/Entertainment, Outdoor
Golf course	Park and Open Space
Golf course, miniature	Recreation/Entertainment, Outdoor
Governmental service agency	Community Service
Graphite manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Group day care home	Day Care
Group home (See "Adult foster care facility" or "Emergency shelter" or "Residential substance abuse service facility" or "Shelter for victims of domestic violence"; See also "Pre-release adjustment center.") (Ord. No. 34-05, §1, 12-06-05)	Group living Institutional living
<b>Division 8. Letter "H."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10)	

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Hazardous waste facility	Waste-Related Use
Health club (See "Recreation, indoor commercial") (Ord. No. 01-10, §1, 04-01-10)	Recreation/Entertainment, Indoor
Heating (contractor) shop	Industrial Service (Trade services, general)
Heating or ventilating apparatus assembly (not including fabrication or sheet metal ductwork)	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Heating or ventilating apparatus manufacture or assembly	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Heating plant with fuel storage on site	Utility, major
Heliports	Aviation and Surface Transportation Facilities
High/medium-impact manufacturing or processing	Manufacturing and Production
High-impact manufacturing or processing	Manufacturing and Production
Hospice	Hospital
Hospital	Hospital
Hotel	Public Accommodation
Household appliance repair shop	Retail Sales and Service (Service-oriented)
<b>Division 9. Letter "I."</b> (Ord. No. 11-05, §1, 5-28-05)	
Ice manufacture	Manufacturing and Production
Ice skating rink	Park and Open Space
Incinerator plant	Waste-Related Use
Industrial laundry	Industrial Service
Ink manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Ink or paint products compounding	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Insulation manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Intermodal freight terminal	Warehouse and Freight Movement
<b>Division 10. Letter "J."</b> (Ord. No. 11-05, §1, 5-28-05)	
Jewelry manufacture	Manufacturing and Production
Junkyard	Industrial Service
Jute fabrication	Manufacturing and Production (High-impact Manufacturing or Processing)
<b>Division 11. Letter "K."</b> (Ord. No. 11-05, §1, 5-28-05)	
Kennel, commercial	Retail Sales and Service (Sales-Oriented)
Knit goods manufacture	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
<b>Division 12. Letter "L."</b> (Ord. No. 11-05, §1, 5-28-05)	
Lampblack manufacturing	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Laundry	Retail Sales and Service (Service-Oriented)
Laundry, industrial	Industrial Service
Leather goods manufacture or fabrication	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Library	Library
Linoleum manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Lithographing and sign shops	Manufacturing and Production
Lodging house, public	Public Accommodation
Loft	Household Living
Low/medium-impact manufacturing or processing	Manufacturing and Production
Low-impact manufacturing or processing	Manufacturing and Production
Lumber yard	Industrial Service
<b>Division 13. Letter "M."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 38-14, §1, 10-16-2014)	
Machine shop	Industrial Service
Marinas	Water-Related Facilities
Massage therapy clinic	Office
Mattress manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Mattress manufacturing , assembly of new materials only	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Meat products manufacturing or processing	Manufacturing and Production (High-impact Manufacturing or Processing)
Medical or dental clinic, physical therapy clinic, or massage therapy clinic	Office
Mercado (See Stores of a generally recognized retail nature)	Retail Sales and Service (Sales-Oriented)
Millwork, lumber or planing mills	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Mobile home park	Household Living
Monument works	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Mortuary or funeral home, including those containing a crematory (Ord. No. 38-14, §1, 10-16-2014)	Retail Sales and Service (Service-Oriented)

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Motel	Public Accommodation
Motor vehicle detailing shop (See "Motor vehicle services, minor") (Ord. No. 44-06, §1, 12-21-06)	Vehicle Repair and Service
Motor vehicle filling station	Vehicle Repair and Service
Motor vehicle services, major	Vehicle Repair and Service
Motor vehicle services, minor	Vehicle Repair and Service
Motor vehicle washing and steam cleaning	Vehicle Repair and Service
Motor vehicles, new, Salesroom or sales lot	Retail Sales and Service (Sales-Oriented)
Motor vehicles, new, storage lot accessory to a salesroom or sales lot for new motor vehicles	Vehicle Repair and Service
Motor vehicles, used, Salesroom or sales lot	Retail Sales and Service (Sales-Oriented)
Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles	Vehicle Repair and Service
Motorcycles, retail sales, rental or service	Retail Sales and Service (Sales-Oriented)
Moving truck/trailer rental lots (See "Trailers, utility, or cement mixers, pneumatic-tired, sales, rental, or service")	Retail Sales and Service (Sales-Oriented)
Multiple-family dwelling	Household Living
Museum	Museum
<b>Division 14. Letter "N."</b> (Ord. No. 11-05, §1, 5-28-05)	
Nail salon	Retail Sales and Service (Service-Oriented)
Neighborhood center, nonprofit	Community Service
Newspaper, daily, publishing or printing	Manufacturing and Production
Nursery with stock for retail sales	Retail Sales and Service (Sales-Oriented)
Nursery, wholesale sales only, including landscape contractors	Industrial Service.
Nursing home	Group living
<b>Division 15. Letter "O."</b> (Ord. No. 11-05, §1, 5-28-05)	
Office, business or professional	Office
Optical goods manufacture	Manufacturing and Production.
Outdoor art exhibition grounds; sculpture gardens	Museum
Outdoor commercial recreation not otherwise specified	Recreation/Entertainment, outdoor
Outdoor entertainment facility	Auditorium or Stadium
Outdoor recreation facility	Park and Open Space
Outdoor Storage Yard	Industrial Service
<b>Division 16. Letter "P."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 44-06, §1, 12-21-06; Ord. No. 01-10, §1, 04-01-10; Ord. No. 04-12, §1, 03-30-12)	
Paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Painting or varnishing shops	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Paper box or cardboard products manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Paper manufacturing or reclaiming	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Paper or cardboard box forming or assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Park, parklot, parkway, playlot, playfield and playground (See "Outdoor recreation facility")	Park and Open Space
Parking lots or parking areas for operable private passenger vehicles	Parking, Commercial
Parking structure	Parking, Commercial
Party store (Where liquor sales are involved, See "Specially designated merchant's (SDM) establishment" or "Specially designated distributor's (SDD) establishment" for retail establishments consisting of less than 15,000 square feet of gross floor area; see "Stores of a generally recognized retail nature whose primary business is the sale of new merchandise" for retail establishments consisting of 15,000 square feet or more of usable retail space.) (Ord. No. 34-05, §1, 12-06-05)	Retail Sales and Service (Sales-Oriented)
Passenger transportation terminal	Aviation and Surface Transportation Facilities
Pattern shop	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Pawnshop	Retail Sales and Service (Sales-Oriented)
Payday lending center (See "Financial services center") (Ord. No. 44-06, §1, 12-21-06)	Retail Sales and Service (Service-Oriented)
Peep show (See "Adult bookstore or adult video store") (Ord. No. 01-10, §1, 04-01-10)	Adult Use/Sexually Oriented Business
Penal or correctional institution; detention facility	Institutional Living
Pet shop	Retail Sales and Service (Sales-Oriented)
Petroleum refining or processing	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Pharmaceutical products manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Phenol manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Physical therapy clinic	Office
Photo studio (See Recording studio) (Ord. No. 34-05, §1, 12-06-05)	Office
Photocopying or computing, Self-service	Retail Sales and Service (Service-Oriented)
Piercing and/or tattoo parlor	Retail Sales and Service (Service-Oriented)
Plasma donation center	Office

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Plastic products forming or molding	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Plastic products manufacture	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Plating or anodizing	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Playground (See "Outdoor Recreation Facility")	Park and Open Space
Plumbing (contractor) shop	Industrial Service (Trade services, general)
Police department authorized abandoned vehicle [storage] yards (Repealed; Now See: Towing service storage yard)	Industrial Service
Police station (See Fire station)	Community service
Pool or billiard hall	Recreation/Entertainment, Indoor
Poultry or small game—storage or killing for direct, retail sale on the premises or for wholesale trade	Retail Sales and Service (Sales-Oriented)
Power or heating plant with fuel storage on site	Utility, Major
Pre-release adjustment center	Institutional Living
Printing or engraving shops, or sign shops	Retail Sales and Service (Service-Oriented)
Private club, lodge, or similar use	Assembly
Produce or food markets, wholesale	Retail Sales and Service (Sales-Oriented)
Public aquarium	Museum
Public center limited sales and service	Retail Sales and Service (Service-Oriented)
Public storage house	Warehouse and Freight Movement
Pumping station	Utility, Major
Pyroxylin plastic manufacture or processing	Manufacturing and Production (High-impact Manufacturing or Processing)
<b>Division 17. Letter "Q."</b> (Ord. No. 11-05, §1, 5-28-05)	
<b>Division 18. Letter "R."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)	
Race track, motor vehicle	Auditorium or Stadium
Radio isotope fabrication or use	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Radio or television station	Office
Radio, television, or household appliance repair shop	Retail Sales and Service (Service-Oriented)
Radioactive waste handling	Waste-Related Use
Railroad right-of-way, not including storage tracks, yards, or buildings	Railroad Facilities
Railroad transfer or storage tracks	Warehouse and Freight Movement
Rebound tumbling center	Recreation/Entertainment, Outdoor
Recording studio or photo studio or video studio, no assembly hall	Office
Recreation, indoor commercial and health club	Recreation/Entertainment, Indoor
Recreational vehicle storage lot (See Trucking terminal, etc.)	Warehouse and Freight Movement
Recycling center	Waste-Related Use
Religious institution	Religious institution
Religious residential facility	Group Living
Rendering plant	Waste-Related Use
Rental hall	Assembly
Replating	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Research facilities	Industrial Service
Research or testing laboratory	Manufacturing and Production
Reservoir	Utility, Major
Residential substance abuse service facility	Group Living
Residential use (combined in structures with permitted commercial use)	Household Living
Residential-area utility facilities, public	Utility, Basic
Rest home	Group Living
Restaurant, carry-out or fast-food	Food and Beverage Service
Restaurant, standard	Food and Beverage Service
Retail sales and service in business and professional offices	Retail Sales (Occupant-Oriented)
Retail sales and service in multiple-residential structures	Retail Sales (Occupant-Oriented)
Retail store (See "Stores of a generally recognized retail nature") (Ord. No. 34-05, §1, 12-06-05)	Retail Sales and Service (Sales-Oriented)
Roofing materials manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Rooming house	Group Living
Rope manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Rug cleaning establishment (See "Trade services, general")	Industrial Service
Rug manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
<b>Division 19. Letter "S."</b> (Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 13-16, §1, 5-20-2016)	
Salt works	Manufacturing and Production
School, elementary, middle/junior high, or high	Schools
School or studio of dance, gymnastics, music, or art.	Retail Sales and Service (Service-Oriented)
Scrap iron and metal processor (Junkyard)	Industrial service
Scrap tire storage, processing, or recycling facility	Waste-Related Use
Secondhand stores and secondhand jewelry stores	Retail Sales and Service (Sales-Oriented)
Semi-nude model studio (Ord. No. 01-10, §1, 04-01-10)	Adult Use/Sexually Oriented Business

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Sewage disposal plant	Waste-Related Use
Sexually oriented business (Ord. No. 01-10, §1, 04-01-10)	Adult Use/Sexually Oriented Business
Sheet metal works	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Shelter for victims of domestic violence	Group Living
Shoe polish manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Shoe repair shop	Retail Sales and Service (Service-Oriented)
Sign shop	(See Lithographing) Manufacturing and Production
Silk screening (See Lithographing)	Manufacturing and Production
Single-family detached dwelling	Household Living
Single-room-occupancy (SRO) housing, nonprofit	Household Living
Small distillery (Ord. No. 13-11, §1, 8-23-11)	Food and Beverage Service
Smelting or refining of metals or ores	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Soap manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Soda water or soft drink manufacturing or bottling establishments	Manufacturing and Production (Low-impact Manufacturing or Processing)
Solar generation station	Utility, Basic
Sorority house	Group Living
Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment	Retail Sales and Service (Sales-Oriented)
Stadium or sports arena	Auditorium or Stadium
Stamping or pressing plants	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Starch manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Steam generating plant	Utility, Major
Steel barrel, drum, or pail renovation or reclaiming	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Steel mills	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Steel warehousing	Warehouse and Freight Movement
Storage building	Warehouse and Freight Movement
Storage or killing of poultry or small game for direct retail sale on the premises or for wholesale trade	Retail Sales and Service (Sales-Oriented)
Stores of a generally recognized retail nature whose primary business is the sale of new merchandise	Retail Sales and Service (Sales-Oriented)
Substance abuse service facility	Community Service
Sugar refining	Manufacturing and Production (High-impact Manufacturing or Processing)
Surgical goods manufacture	Manufacturing and Production
Swimming pool	Park and Open Space
<b>Division 20. Letter "T."</b>	
(Ord. No. 11-05, §1, 5-28-05)	
Tank storage of bulk oil or gasoline	Warehouse and Freight Movement
Tanning, curing, or storage of raw hides or skins	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Tar products manufacture	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Tattoo and/or Piercing Parlor	Retail Sales and Service (Service-Oriented)
Tavern (Establishment for the sale of beer or intoxicating liquor for consumption on the premises)	Food and Beverage Service
Taxicab dispatch and/or storage facility.	Vehicle Repair and Service
Telecommunications building, private	Telecommunications Facilities
Telephone exchange building	Utility, Basic
Television or radio station	Office
Television repair shop	Retail Sales and Service (Service-Oriented)
Tennis court	Park and Open Space
Terra cotta manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Testing laboratory	Manufacturing and Production
Theater and Concert café, excluding drive-in theaters	Recreation/Entertainment, Indoor
Tire manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Tire recapping and welding shops	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Tires, used: sales and/or service	Industrial Service
Toiletries or cosmetic manufacturing	Manufacturing and Production
Tool, die, and gauge manufacturing, small items	Manufacturing and Production
Tool sharpening or grinding	Industrial Service
Towing service storage yard	Industrial Service
Town house	Household Living
Trade services, general	Industrial service
Trailer coaches or boat sale or rental, open air display	Retail Sales and Service (Sales-Oriented)
Trailers, utility, or cement mixers, pneumatic-tired, sales, rental, or service, moving truck/trailer rental lots	Retail Sales and Service (Sales-Oriented)
Transfer building	Warehouse and Freight Movement
Transfer station for garbage, refuse, or rubbish	Waste-Related Use
Truck garage	Warehouse and Freight Movement
Truck stops	Industrial Service

## Assignment of Specific Use Types to General Use Categories

Specific Land Use	Use Category
Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks	Warehouse and Freight Movement
Tunnel plaza and terminal, vehicular	Aviation and Surface Transportation Facilities
Turpentine manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Two-family dwelling	Household Living
<b>Division 21. Letter "U."</b>	
(Ord. No. 11-05, §1, 5-28-05)	
Used auto parts sales	Industrial Service
Utilities	Utility, Basic or Utility, Major
<b>Division 22. Letter "V."</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 34-05, §1, 12-06-05)	
Vehicle ferry terminal	Water-Related Facilities
Vehicle Services (See "Motor Vehicle Services")	Vehicle Repair and Service
Vending machine assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Vending machine commissary	Warehouse and Freight Movement
Very high-impact manufacturing or processing	Manufacturing and Production
Veterinary clinic for small animals	Retail Sales and Service (Service-Oriented)
Video studio (See "Recording studio") (Ord. No. 34-05, §1, 12-06-05)	Office
<b>Division 23. Letter "W."</b>	
(Ord. No. 11-05, §1, 5-28-05)	
Wall board manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Warehousing	Warehouse and Freight Movement
Water works, reservoir, pumping station, or filtration plant	Utility, Major
Waste, scrap materials: indoor storage, handling and/or transfer	Waste-Related Use
Wearing apparel manufacturing	Manufacturing and Production
Welding shops	Industrial Service
Wholesaling, warehousing, storage buildings, or public storage houses	Warehouse and Freight Movement
Wire manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Wire rope assembly	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
Wool pulling	Manufacturing and Production (Very High-impact Manufacturing or Processing)
Wrought iron, custom decorative shops	Manufacturing and Production (High/medium-impact Manufacturing or Processing)
Wrought iron, custom decorative shops (excluding mechanical forging)	Manufacturing and Production (Low/medium-impact Manufacturing or Processing)
<b>Division 24. Letter "X."</b>	
(Ord. No. 11-05, §1, 5-28-05)	
<b>Division 25. Letter "Y."</b>	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11)	
Yeast manufacture	Manufacturing and Production (High-impact Manufacturing or Processing)
Youth activity center (See "Neighborhood center, nonprofit") (Ord. No. 01-10, §1, 04-01-10)	Community Service
Youth hostel/hostel (Ord. No. 13-11, §1, 8-23-11)	Public accommodation
<b>Division 26. Letter "Z."</b>	
(Ord. No. 11-05, §1, 5-28-05)	