

CITY OF HARPER WOODS
19617 HARPER AVENUE
HARPER WOODS, MICHIGAN 48225

ZONING ORDINANCE NO. 265

(AMENDED: 268, 295, 298,
302, 304, 308,
325, 87-13)

CITY OF HARPER WOODS, MICHIGAN

ORDINANCE NO. 265
TITLE 10

CHAPTER 1 - ZONING

TABLE OF CONTENTS

<u>Section Number</u>	<u>Subject</u>	<u>Page Number</u>
	PREAMBLE.	
	ARTICLE 1	
	ARTICLE 2	
10-101	Definitions	1 - 18
	ARTICLE 3. MAPPED DISTRICTS	
10-102	Districts	19
	Map	19
	ARTICLE 4. GENERAL PROVISIONS	
10-104	Conflicting Regulations	20
10-105	Scope	20
10-106	Street and Alley Rights-of-Way	20
10-107	Permitted Uses	20
10-108	Permitted Areas	20
10-109	Permitted Height	20
10-110	Zoning Lot	21
10-111	Lot, Yards and Open Spaces	21
10-112	Use of Yard Spaces and Other Open Areas for Storage	21
10-113	Street Access	21
10-114	Visibility	22
10-115	Dwellings In Non-Residential Districts.	22
10-116	Dwellings In Other Than Main Structures	22
10-117	Number of Buildings on Lot: Restrictions	22
10-118	Accessory Buildings	22-23
10-119	Parking and Storage of Mobile Homes, Travel Homes, Motor Homes, Boats, Trucks and Other Items	24
10-120	Automobile Service Stations and Public Garages	24-25
10-121	Drive-In Establishments	26
10-122	Grade Requirements	26
10-125	Buildings To Be Moved	27
10-124	Excavations Or Holes	27
10-125	Excavation, Removal And Filling Of Land	27
10-126	Restoring Unsafe Building	27
	TABLE OF CONTENTS (Continued)	
10-127	Construction Begun Prior To Adoption Of Chapter	27
10-128	Voting Place	28

10-129	Approval of Plats	28
10-130	Essential Services	28
10-131	Signs	28
10-132	Protective Screening of Non-Residential Areas From Residential Areas	28-29
10-133	Lot Splits	29-30
10-134	Site Plan Review	31-34
10-135	Fences, Walls, Height Restrictions	34
10-136	Churches, Places of Assembly	35

ARTICLE 5. NON-CONFORMING USES, BUILDINGS AND LOTS

10-137	Non-Conforming Uses	36
10-138	Forfeiture Of Right To Continue	36
10-139	Reconstruction Of Damaged Non-Conforming Buildings And Structures	36
10-140	Non-Conforming Lots Of Record	36-37
10-141	Non-Conforming Structures	37
10-142	Non-Conforming Uses Of Land	38
10-143	Non-Conforming Uses Of Structures	38-39
10-144	Repairs And Maintenance	39
10-145	Change Of Tenancy Of Ownership	39
10-146	Acquisition Of Non-Conforming Uses Or Structures	39-40

ARTICLE 6. OFF-STREET PARKING AND LOADING
REQUIREMENTS

10-147	Parking Requirements	41-42
10-148	Table Of Off-Street Parking Requirements	42-46
10-149	Off-Street Parking Development Regulations	47-49
10-150	Off-Street Loading Requirements	49-50

ARTICLE 7. R-1A, R-1B, R-1C, ONE FAMILY RESIDENTIAL
DISTRICTS

10-151	Statement of Purpose	51
10-152	Principal Permitted Uses	51
10-153	Site Plan Review	51
	Area, Height, Bulk And Placement Requirements	51

ARTICLE 8. R-2, TWO FAMILY RESIDENTIAL DISTRICT

10-154	Statement of Purpose	52
10-155	Principal Permitted Uses	52
10-156	Site Plan Review	52
10-157	Area, Height, Bulk And Placement Requirements	52

Revised 5/3/77; 4/29/92

ARTICLE 9. RO-1, Restricted Office District

10-158	Statement Of Purpose	53
10-159	Principal Permitted Uses	53
10-160	Site Plan Review	54
10-161	Area, Height, Bulk And Placement Requirement	54

ARTICLE 10. C-1, GENERAL BUSINESS DISTRICT

10-162	Statement Of Purpose	55
10-163	Principal Permitted Uses	55-56
10-164	Uses Permitted After Special Approval . .	56-58
10-165	Site Plan Review	58
10-166	Area, Height, Bulk And Placement Requirements	58

ARTICLE 11. RS-1, REGIONAL SHOPPING DISTRICT

10-167	Statement Of Purpose	59
10-168	Principal Permitted Uses	59
10-169	Site Plan Review	59
10-170	Area, Height, Bulk And Placement Requirements	59

ARTICLE 12. O-1, ORGANIZATIONAL DISTRICT

10-171	Statement Of Purpose	60
10-172	Principal Permitted Uses	60
10-173	Site Plan Review	60
10-174	Area, Height, Bulk And Placement Requirements	60

ARTICLE 1. M-1, LIGHT INDUSTRIAL DISTRICT

10-175	Statement Of Purpose	61
10-176	Principal Permitted Uses	61
10-177	Performance Standards	61-63
10-178	Site Plan Review	63
10-179	Area, Height, Bulk And Placement Requirements	63

ARTICLE 14. SCHEDULE OF REGULATIONS

10-180	Footnotes To Schedule Of Regulations . .	63-65
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ARTICLE 15. ZONING ADMINISTRATION

10-181	Zoning Compliance Permit	66
10-182	Application For Zoning Compliance Permit	66-67
10-183	Certificate Of Occupancy	67
10-184	Temporary Certificate Of Occupancy . . .	68
10-185	Records	68
10-186	Fees	68
10-187	Amendments	68-70

Table Of Contents (Continued)

10-187A	Performance Guarantees	70
10-187B	Procedures For Granting Special Approval Of Designated Land Uses	71-73
ARTICLE 16. BOARD OF ZONING APPEALS		
10-188	Creation Of Board Of Zoning Appeals	74
10-189	Composition, Term Of Office, Removal, And Compensation Of Members	74
10-190	Officers, Meetings, Quorum, Records, Power Of Subpoena And Production	74
10-191	Procedure: To Determine And Notify Interested Parties	74
10-192	Variances	74-76
10-193	Standards	76
10-194	Procedure For Appeals	77
10-194A	Circuit Court Appeals	78
ARTICLE 17. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT AND EFFECTIVE DATE		
10-195	Interpretation	79
10-196	Violations And Penalties	79
10-197	Validity	79
	Zoning Map Amendments	80

Revised: 5/3/77; 4/29/92

CHARTS

Basement and Story Definition	3
Non Conforming Use	6
Floor Area Terminology	9
Building Height Requirements	10
Lot Terms	13
Corner, Interior and Double Frontage Lots	13
Basic Structural Terms	16
Parking Layouts	51
Schedule of Regulations	66
Zoning Map	81

PREAMBLE

Preamble. In accordance with the authority and intent of Act 207, of the Public Acts of 1921, as amended, the City of Harper Woods desires to provide for the orderly development of the City, which is essential to the well being of the community, and which will place no undue burden upon developers, commerce or residents. The City further desires to assure the provision of adequate sites for commerce and residence; to provide for the free movement of vehicles upon the proper streets and highways of the City and to facilitate adequate and efficient provision of transportation systems; to protect commerce and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well being of the City as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial and retail areas; to meet the needs of the City's residents for food, fiber, and energy; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and public facilities; to further adequate provision of sewage disposal, water supply, energy, education, recreation and other public service and facility needs; and that all uses of land and buildings within the City of Harper Woods be so related as to provide for economy in government and mutual support. The result of such purposes of this Chapter, which relates to the City's Comprehensive Development Plan, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, shoppers, and workers in the City of Harper Woods.

ARTICLE 1 - SHORT TITLE

Short Title. This Chapter shall be known and may be cited as the Zoning Ordinance of the City of Harper Woods.

ARTICLE 2

DEFINITIONS

Section 10-101. For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

1. ACCESSORY BUILDING. A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.
2. ADULT BOOK STORE. An adult book store is an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or Anatomical Areas" (as described in definition for Adult Motion Picture Theater), or an establishment with a segment or section devoted to the sale or display of such material.
3. ADULT MOTION PICTURE THEATER: An adult motion picture theater is an enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" (as defined below), for observation by patrons therein. "Specified Sexual Activities" for the purpose of this Section are defined as follows:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And "Anatomical Areas" are defined as follows:

- a. Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, and (iii) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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4. ALLEY: a public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
5. ALTERATIONS: Any change in the location or use of a building, or any change or modification in the supporting members of a building, such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".
6. APPEAL: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.
7. ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.
8. AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
9. AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, where automobiles or other vehicles are washed with the use of a chain conveyor and blower and having, as optional equipment, steam cleaning devices.

10. BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "Basement and Story Definitions".)
11. BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.
12. BILLBOARD: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public offer notices.
13. BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating; or between the nearest such street, unsubdivided acreage, or between any of the foregoing and any other barrier to the continuity of the development.
14. BOARD OF ZONING APPEALS: The term "Board of Zoning Appeals" shall mean the City of Harper Woods, Board of Zoning Appeals.
15. BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.
16. BUILDING INSPECTOR: This term shall refer to the Building Inspector of the City of Harper Woods, or his authorized representative.
17. BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback line which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be

located, except as otherwise provided in this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

18. BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.
19. BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration, or use of a building in conformity with the provision of this Ordinance.
20. CABARET: A cabaret is an establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

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21. CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.
22. COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.
23. COMMERCIAL VEHICLE: 'Commercial vehicle' includes all motor vehicles used for the transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
24. COMMISSION: This term, and the term "Planning Commission", shall mean the City of Harper Woods Planning Commission.
25. CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under applicable State laws (even though State law may provide for different size regulations).

26. COUNCIL: The word "Council" shall mean the City Council of the City of Harper Woods.
27. DISTRICT: A portion of the City within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.
28. DRIVE-IN ESTABLISHMENTS: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).
- a. DRIVE-IN RESTAURANT: A drive-in restaurant is any 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, method of operation, or any portion of whose business includes one or both of the following characteristics:

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- (1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by others means which eliminates the need for the customer to exit the motor vehicle.
 - (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, is allowed, encouraged, or permitted.
- b. FAST-FOOD RESTAURANT: A fast-food restaurant is any 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, and whose design or principal method of operation includes both the following characteristics:
- (1) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other 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, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

c. CARRY-OUT RESTAURANTS: A carry-out restaurant is any 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 containers, or in paper, plastic, or other 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.

d. STANDARD RESTAURANT (FOR COMPARISON): A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages as 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, normally provided with an individual menu, are served their 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.

29. DWELLING: A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent or portable building be considered as a

dwelling.

In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed as part of a dwelling for area requirements.

- a. DWELLING, MULTIPLE: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.
- b. DWELLING, ONE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.
- c. DWELLING, TWO-FAMILY: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

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- d. DWELLING UNIT: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
- e. EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting on one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off

the principal room providing not less than three hundred and fifty (350) square feet of floor area.

30. ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.
31. ESSENTIAL SERVICES: Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Same shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.
32. FAMILY: One or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or a part of a dwelling unit as a single nonprofit housekeeping unit, or a group of not more than three (3) persons who need not be related by bonds of consanguinity, marriage, or legal adoption living together as a single housekeeping unit and occupying a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boarding house, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuitous guests, and not more than three (3) foster or boarded children who are sponsored or whose room and board is paid by a recognized child care agency or organization.

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33. FILLING STATION: A building designed or used for the retail sale of fuel (stored in underground tanks), lubricants, air, water, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles.
34. FLOOR AREA:
 - a. FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls

separating two (2) buildings. The "floor area" of a building, which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

b. FLOOR AREA, USABLE: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustration entitled "Floor Area Terminology".)

c. GROSS LEASABLE AREA (GLA): The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

35. FOOD: For purposes of this Ordinance, the word "food" used in connection with restaurant facilities shall include frozen desserts and non-alcoholic beverages.

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36. GARAGE:

a. GARAGE, COMMUNITY: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more

owners or occupants of property in the vicinity.

- b. GARAGE, PRIVATE: An accessory building designed or used for the storage of motor vehicles, including commercial type vehicles used for personal or recreational purposes and commercial vehicles having no more than one (1) front and one (1) rear axle (tractor-trailer vehicles being considered as one vehicle), which are owned and operated by a member of the family who resides in the dwelling unit on said lot.
 - c. GARAGE, PUBLIC: A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this Ordinance.
37. GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
38. GREENBELT: A strip of land not less than five (5) feet in width which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission and Building Inspector.
39. HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements".)
40. HOME OCCUPATION: Any use customarily conducted entirely

within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; the such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.

41. HOSPITAL: A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.
42. HOTEL: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.
43. JUNK: For the purpose of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.
44. LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
45. LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designed on a recorded subdivision.

Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he elects, and in such case the outside perimeter of said group of lots shall

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constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot".

- a. LOT, DEPTH: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line.
 - b. LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where the majority of the buildings presently front.
 - c. LOT, INTERIOR: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
 - d. LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.
46. LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, and permanent swimming pools.
47. LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.
- a. LOT LINE, FRONT: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.
 - b. LOT LINE, REAR: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the

front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.

Revised: 5/3/77; 8/26/77

- c. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior lot line.
- 48. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Wayne County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.
- 49. LOT AREA, NET: The total horizontal area within the lot lines of a lot.
- 50. LOT AREA, GROSS: The net lot area plus one-half (1/2) the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Planning Commission.
- 51. LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See illustration entitled "Corner, Interior and Double Frontage Lots".)
- 52. MESSAGE PARLOR: Any place of establishment where a massage is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument, or by the application of air, liquid, or vapor baths of any kind whatever.
- 53. MOBILE HOME: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equals or

exceeds eight (8) feet in width and thirty-two (32) feet in length, and not motorized or self-propelled. Also known as a trailer coach or house trailer. A unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, shall not be considered a mobile home.

Revised: 5/3/77; 8/26/77

54. MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.
55. MOTOR COURTS - MOTELS: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.
56. MUNICIPAL PARK: A parcel of land that is used as a park and is operated under the supervision of the City of Harper Woods.
57. NON-CONFORMING USE OR BUILDING: Non-Conforming Use: A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Non-Conforming Building: A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located. (See illustration entitled "Non-Conforming Use".)
58. NURSERY SCHOOL, DAY NURSERY, OR CHILD CARE CENTER: An establishment wherein three (3) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.
59. OCCUPANCY LOAD: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.
60. OCCUPIED: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or

intended to be inhabited; not necessarily for dwelling purposes.

61. OFF-STREET-PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two (2) vehicles.

Revised: 4/27/76; 5/3/77; 8/26/77

62. OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:
- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - b. Retail sale of fruit and vegetables.
 - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
 - d. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale, rental or repair services.
 - e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.
63. OUTLOT: An outlot is a parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.
64. PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.
65. PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

66. PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
67. PUBLIC NOTICE: A notice of the time, place and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having circulation in the City not less than fifteen (15) days prior to the date of such hearing.

Revised: 4/27/77; 5/3/77; 8/26/77

68. PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.
69. RETAINING WALL: A permanent solid barrier of brick, stone, wood or other opaque material approved by the Building Inspector intended to enclose an area. For the purpose of this Ordinance all supporting members, posts, stringers, braces, pilasters or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed and/or painted, tinted or colored in one (1) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted or designed thereon.
70. SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.
71. SETBACK: The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line.

The required setback area is that area encompassed by the respective lot lines and setback lines. (See illustration "Lot Terms".)

72. SIGN: Any device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located. Signs shall be regulated in accordance with the Sign Ordinance of the City of Harper Woods.
73. SNOWMOBILE: Any motorized vehicle designed for travel primarily on snow or ice, steered by means of wheels, skis or runners.
74. "STATE LICENSED RESIDENTIAL FACILITY: As used in this section, 'State Licensed Residential Facility' means a structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of the Public Acts of 1972, as amended, being Section 331.681 to 331.694 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under 24 hour supervision or care for persons in need of that supervision or care." (Amended, Ord. 295)

Revised 5/3/77; 8/26/77

75. STORY: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- a. MEZZANINE: A "Mezzanine" floor may be used in this definition of a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- b. BASEMENT: For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) per cent of its height is above the level from which the height of the building is measured, or, if it is used for dwellings purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- c. HALF: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6)

inches. (See illustration entitled "Basic Structural Terms".)

76. STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except an alley.
77. SWIMMING POOL: The term "swimming pool" shall mean any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
78. TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Revised: 5/3/77; 8/26/77; 6/2/80

79. TRAVEL TRAILER: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or thirty-two (32) feet in length. This term also includes folding campers and truck-mounted campers but not mobile homes.
80. USE: The purpose of which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.
- a. ACCESSORY: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- b. LEGAL NON-CONFORMING: An existing use of land and/or structures as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district, but which is not construed by this Ordinance as a nuisance, or damaging to abutting property, or hazardous to persons.

- c. ILLEGAL NON-CONFORMING: An existing use of land and structures as of the effective date of this Ordinance as a nuisance, or damaging to abutting property or hazardous to persons; such uses to be discontinued and abated. (See illustration entitled "Non-Conforming Use".)
- 81. UTILITY ROOM: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.
- 82. VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.
- 83. YARD, REQUIRED SIDE-REAR-FRONT: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled "Lot Terms".)

Revised: 5/3/77; 8/26/77

- a. FRONT: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
 - b. REAR: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
 - c. SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.
84. YARD, SIDE-REAR-FRONT: A general term applied to the space on a lot or parcel containing a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

(See illustration entitled "Lot Terms".)

Revised: 5/3/77; 8/26/77

ARTICLE 3

MAPPED DISTRICTS

Section 10-102. DISTRICTS. The City of Harper Woods is hereby divided into nine districts known as follows:

R-1A	One Family Residential District
R-1B	One Family Residential District
R-1C	One Family Residential District
R-2	Two Family Residential District
RO-1	Restricted Office District
C-1	General Business District

RS-1 Regional Shopping District
O-1 Organizational District
M-1 Light Industrial District

Section 10-103. MAP. The boundaries of these districts are shown upon the map attached hereto and made a part of this Chapter which map is designated as the Zoning Map of the City of Harper Woods. The Zoning Map attached hereto and on file in the office of the Clerk of the City of Harper Woods and all notations, references, and other information shown thereon are a part of this Chapter and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

Except where reference on said Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys or such lines extended and the corporate limits of the City of Harper Woods, as they existed as the time of the adoption of this Code.

Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this Code, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Code, shall be considered as extending to the entire lot, provided that the more restricted portion of such lots is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals after recommendation from the City Planning Commission, according to rules and regulations which may be adopted by it.

ARTICLE 4

GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

Section 10-104. CONFLICTING REGULATIONS. Whenever any provision

of this Chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Chapter shall govern.

Section 10-105. SCOPE. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Chapter.

Section 10-106. STREET AND ALLEY RIGHTS-OF-WAY. All street and alley rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street and alley rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 10-107. PERMITTED USES. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

Section 10-108. PERMITTED AREAS. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

Section 10-109. PERMITTED HEIGHT. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five (25) per cent of the roof area of the building, nor shall such structure be used for any residential purpose of any commercial purpose other than a use incidental to the main use of the building.

Section 10-110. ZONING LOT. Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than

one such building on one lot unless otherwise provided in this Chapter.

Section 10-111. LOTS, YARDS AND OPEN SPACES. No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Chapter, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building. In any residential district, the front and rear yard requirements of a double frontage lot shall be the same as prescribed for any single lot in the zone wherein the double frontage lot is located.

Section 10-112. USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE.

No front or other yard or other open space, whether or not required by the Zoning Ordinance in the Schedule of Regulations, Section 10-180, shall be used for the storage of new or used material or equipment.

All fireplace fuel stored outside shall be stacked in a safe and orderly arrangement in the rear yard at least eighteen (18) inches above the ground in such a manner as to prevent the nesting of rodents and not constitute a fire hazard.

No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without current license, shall be stored, parked, abandoned or junked in any open space that is visible from the street, public place or adjoining residential property; and should such use of land occur, it shall be declared to be a nuisance. If such nuisance is not abated within ten (10) days after the owner of such land is notified by the City Manager, then the City may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the City within thirty (30) days after receiving notice of the amount due from the City Treasurer, then the amount shall become a lien upon said property.

Section 10-113. STREET ACCESS. No dwelling shall be built, moved or converted upon a lot having a frontage of less than twenty (20) feet upon a public street, or upon a private street or other permanent easement giving access to a public street. No building permit shall be issued for any construction located on any lot or parcel of land in the City of Harper Woods that does not abut on a public street or highway; provided that this Chapter shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this Chapter upon a lot or

parcel of land that does not so abut such a street or highway.

Section 10-114 VISIBILITY. No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two and one-half (2 1/2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points thirty (30) feet from the intersection of said curb lines.

Section 10-115. DWELLINGS IN NON-RESIDENTIAL DISTRICTS. No dwelling unit shall be erected in the C-1, RS-1, O-1, RO-1 and M-1 Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

Section 10-116. DWELLINGS IN OTHER THAN MAIN STRUCTURES. No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

Section 10-117. NUMBER OF BUILDINGS ON LOT: RESTRICTION. Each dwelling hereafter erected or structurally altered shall be located on a lot and, except in the case of a multiple dwelling residential development, there shall be not more than one (1) main building and an accessory building on any single lot. In order to permit the assembly of two or more adjoining lots by the owner of said lots for the purpose of erecting or constructing a principal building on said lots, there shall be required a declaration of restrictions running with the land executed by the owner and recorded with the Wayne County Register of Deeds, consolidating the lots into one single parcel which shall henceforth be deemed by the Building Inspector as a single lot and subject to all of the provisions contained in this Section. The location of said dwelling and its accessory building on said lot shall conform with the general plan and scheme of the subdivision in which the lot is located.

Section 10-118 ACCESSORY BUILDINGS. Accessory buildings, except as otherwise permitted in this Section, shall be subject to the following regulations:

Accessory buildings, except as otherwise permitted in this section, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Section applicable to main or principal buildings.

- (2) Only one garage and one additional accessory building may be erected on any single lot, subject to setback, lot coverage, and other standards of this Section. Accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than three (3) feet to any adjoining lot line except that on a corner lot the entrance to a garage shall not be less than fifteen (15) feet from the lot line adjacent to the side street, and except as provided in paragraphs (7) and (8) below.
- (3) An accessory building, not exceeding fifteen (15) feet in height, may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard; provided, that in no instance shall the accessory building exceed the ground floor area of the main building.
- (4) An accessory building shall be located in the rear yard except when structurally attached to the main building.
- (5) No detached accessory building shall be located closer than ten (10) feet to any main or principal building.
- (6) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- (7) When an accessory building is located in the rear yard area on a corner lot, the side lot line of which is substantially a continuation of the required front yard setback of the lot to its rear, said accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
- (8) Garages. In any residence zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling unless the garage shall be completely to the rear of the dwelling in which event the garage may be erected three (3) feet from the side lot line. No garage or portion thereof shall extend into the required front yard area.

Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garage shall not encroach in or upon the minimum

front yard area as required by this Chapter, and provided, the cornice, eaves or overhand shall not extend more than six (6) inches into the required side yard area.

Revised: 9/27/76; 5/3/77; 8/26/77; 7/29/80

- (9) No garage, utility or accessory building shall be constructed upon or moved to any parcel of property until the principal building on, or intended to be placed thereon, is at least two-thirds completed.
- (10) The total area occupied by a detached accessory building, other than a garage on the lot, shall not exceed one hundred and fifty (150) square feet on said lot. No accessory building may be closer than four (4) feet to any other accessory building.

Section 10-119. PARKING AND STORAGE OF MOBILE HOMES, TRAVEL TRAILERS, MOTOR HOMES, BOATS, TRUCKS AND OTHER ITEMS. Mobile homes, travel trailers, motor homes, boats, trucks, and other items shall be subject to the following requirements: (See also Section 10-112, USE OF YARD SPACE AND OTHER OPEN AREAS FOR STORAGE.)

Mobile homes, travel trailers, boats, trucks and other items shall be subject to the following requirements: (See also Section 10-112, Use of Yard Space and Other Open Areas for Storage.)

- (1) On lots zoned for residential use, the maximum permitted lot coverage of all buildings, including travel trailer or boat storage space, shall not be exceeded.
- (2) It shall be a prohibited use in all residentially zoned districts to park or store power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material.
- (3) It shall be a prohibited use in all residentially zoned districts to park or store wrecked or junked motor vehicles, boats, travel trailers, or any part or parts thereof.

Section 10-120 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations, and to regulate and control the adverse effects which these and other

problems incidental to the automobile service station may exercise upon adjacent and surrounding areas, the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this code shall comply with all requirements of this section. No automobile service station existing on the effective date of this Code shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Code.

Revised: 9/27/76; 5/3/77; 8/26/77; 2/21/79; 7/29/82

- (1) An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
- (2) An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
- (3) All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
- (4) A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- (5) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
- (6) An automobile service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than eight (8) gasoline pumps and three (3) enclosed stalls for servicing, lubricating, greasing and/or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square

feet of lot area.

- (7) Where an automobile service station adjoins property located in any residential zone, a masonry wall five (5) feet in height shall be erected and maintained between the station and required yard space, or if separated from the residential zone by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- (8) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

Revised: 9/27/76; 5/3/77; 8/26/77; 2/21/79; 7/29/82
Section 10-121 DRIVE-IN ESTABLISHMENTS.

- (1) When a drive-in establishment adjoins property located in any residential district, a masonry wall, ornamental on both sides, five (5) feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, there along the alley lot line. In addition, all outside trash areas shall be enclosed by said five (5) foot masonry wall. Said wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards not attached to the wall, or by other suitable barriers.
- (2) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with Section 5-1302 and 5-1303 of Chapter 13, Title 2 of the City Code of Ordinances. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.
- (3) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.
- (4) Adequate ingress and egress shall be provided in accordance with Section 5-1305 of Chapter 13, Title 2 of the City Code of Ordinances.
- (5) Before approval is given for any use, a site plan shall

first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting and other design features.

Section 10-122. GRADE REQUIREMENTS. A sloping grade of one foot above the street level or other grade established by the department of engineering shall be required of all buildings having a front yard space, except where front yard space is provided in excess of twenty-five (25) feet where the grade may be increased an additional one quarter inch for each foot or additional front yard space to fifty (50) feet. In no case shall the grade exceed eighteen (18) inches above the street.

All rear yards shall be graded so as to provide a gradual sloping grade from the rear wall of the building to the rear lot line. The grade at the rear wall shall be substantially the same as that established at the front wall. The grade at the rear lot line shall be that as established by the Building Inspector.

Section 10-123. BUILDINGS TO BE MOVED. Any building or structure which has been wholly or partially erected on any premises shall not be moved to and be placed upon any premises in the City.

Section 10-124. EXCAVATIONS OR HOLES. The construction, maintenance or existence within the City of Harper Woods of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this Chapter or the Building Code of the City of Harper Woods, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Department.

Section 10-125. EXCAVATION, REMOVAL AND FILLING OF LAND. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Building Department in accordance with a topographic plan, approved by the City Engineer, submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than fifty (50) feet equals one (1) inch and shall show existing and proposed grades and topographic features and such data as may from time to time be required by the City Engineer. Such certificate may be issued in appropriate cases upon the filing with the application of a cash bond or Surety Bond by a surety company authorized to do business in the State of Michigan

running to the City in an amount as established by the City Engineer which will be sufficient in amount to rehabilitate the property upon default of the operator of such other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Department.

Section 10-126. RESTORING UNSAFE BUILDINGS. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the required compliance with his lawful order.

Section 10-127. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF CHAPTER. Nothing in this Chapter shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this Chapter, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one (1) year from the date of passage of this Chapter.

Section 10-128. VOTING PLACE. The provisions of this Chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 10-129. APPROVAL OF PLATS. No proposed plat of a new subdivision shall hereafter be approved by the City Council unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Chapter, and unless such plat fully conforms with the statutes of the State of Michigan and the Harper Woods City Code.

Section 10-130. ESSENTIAL SERVICES. Essential services as defined in ARTICLE 2 shall be permitted as authorized and regulated by law and other provisions of the Code of the City of Harper Woods, it being the intention hereof to exempt such essential services from the application of this Chapter.

The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirement herein established, and permit the location in any use district of a public utility building, structure or use, if the Board shall find such use,

height, area, building or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 10-131. SIGNS. The erection, construction or alteration of all outdoor advertising structures, billboards, signs, and other notices which advertise a business, billboards, signs, and other notices which advertise a business, commercial venture or name of a person or persons shall be approved by the Building Inspector as to compliance with all applicable City sign regulations and ordinances and all requirements of this Chapter.

Section 10-132. PROTECTIVE SCREENING OF NON-RESIDENTIAL AREAS FROM RESIDENTIAL AREAS. In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply:

- a. Where a C-1, O-1, RO-1 or M-1 District abuts directly upon an R-1 or R-2 District, a landscaped greenbelt shall be provided and maintained along its entire length by the users of the C-1, O-1, RO-1 or M-1 zoned property. In addition, those districts shall be screened from such contiguous, residentially zoned district by either a building housing a permitted use or else by a solid, ornamental masonry wall five (5) feet in height above grade between the required greenbelt area and the commercial or industrial use in the C-1, O-1, RO-1 or M-1 District. Such greenbelt shall be a strip of land not less than fifteen (15) feet in width which is planted and maintained with evergreens, such as spruce, pines or first at least five (5) feet in height so as to create a permanent buffer within one year following approval of the development by the City.

If, in the opinion of the City Planning Commission, the greenbelt would serve no good purpose, the Board of Zoning Appeals may waive such requirement and provide only the wall between the residential and C-1, O-1, RO-1 or M-1 District.

The remainder of the landscaped area which is not planted with evergreens as provided in the preceding sub-section shall be in well kept lawns. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All planting plans shall be first submitted to the City Planning Commission for approval as to suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding sub-section.

When vehicles or open air display generally exceed a five (5) foot height, the wall shall be increased to a height not exceeding the (10) feet. All such walls shall be of uniform height around the premises and the design of such wall is first approved by the City Planning Commission.

- b. Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas; provided, that approval is secured from the Board of Zoning Appeals as to the suitability of the width and location of such openings in the wall.

Section 10-133. LOT SPLITS.

- (1) The developer or petitioner shall submit to the City Clerk:
 - a. Ten (10) copies of application and drawing for lot split at least thirty (30) days prior to the public hearing to be held by the City Council.
 - b. The drawing of the proposed lot split shall be prepared by a registered civil engineer or surveyor and drawn to a reasonable and legible scale.
 - c. The lot split drawing shall contain the following information:
 - 1) Names and addresses of owner, subdivider or petitioner, engineer or surveyor.
 - 2) Date, north arrow and scale, written and graphic.
 - 3) Names of abutting subdivisions and names and addresses of the owners of the abutting property.
 - 4) Street names, right-of-way and roadway widths of all existing and proposed streets within and adjacent to the proposed lot split.
 - 5) Proposed and existing storm and sanitary sewers and water mains including location and size.
 - 6) All existing structures and other physical features which would influence the layout and design of the lot split.

- 7) Location, width and purpose of easements.
 - 8) Lot lines and lot numbers.
- (2) The Planning Commission shall transmit a copy of the proposed lot split to the City Engineer, Department of Public Works, Building Inspector and the City Assessor for review and recommendation.
 - (3) The Planning Commission shall review the proposed lot split for conformance with all ordinances, administrative rules and regulations and the Master Plan for the City, and shall prepare recommendations to be submitted to the City Council prior to the public hearing.
 - (4) The City Clerk shall notify all property owners with three hundred (300) feet of the proposed lot split, as found in the records of the City Assessor, of the public hearing to be held.

A notice of hearing and drawing of the proposed lot split shall be sent to the County Drain Commission, Michigan Bell Telephone Company, Detroit Edison Company and the Michigan Consolidated Gas Company.

All notices shall be sent at least fifteen (15) days prior to the public hearing to be set by the City Council.

- (5) On receipt of the recommendation of the Planning Commission, the City Council shall set a date for a public hearing to give consideration of the proposed lot split.

If the City Council approve the lot split, it shall adopt a resolution effectuating the lot split, and shall transmit the resolution to the City Clerk for recording.

Section 10-134 SITE PLAN REVIEW. The purpose of site plan and architectural review is to determine compliance with the provisions set forth herein and to promote the orderly development of the City, the stability of land values and investments and the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without attention to siting and appearance. Prior to the erection of any building or structure in any zoning district in the City and any land use requiring special approval or any planned high rise multi-purpose building or planned multiple project, other than single-family detached residences and accessory

buildings, structures and uses thereto, site plan and architectural review is required. To further clarify the intent of this Section, site plan and architectural review shall be required for designated uses whenever said uses involve:

- 1) The (10) copies of the site plan, including all items required together therewith, shall be submitted to the Building Inspector, not less than fifteen (15) days prior to the next regular or special City Planning Commission meeting, at a scale not less than one (1) inch equals fifty (50) feet. The City Planning Commission may prepare forms and require the use of such forms in site plan preparation.
- 2) The following information shall accompany all plans submitted for review.
 - a. A legal description of the property under consideration
 - b. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 - c. A fully dimensioned map of the land showing existing topographic information at a contour interval of two (2) feet or less, if requested by the Building Inspector.
 - d. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites, and other significant features of the City where appropriate.
 - e. A general development plan with at least the following details shown to scale and dimensioned:
 1. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular ingress, egress and loading points.
 2. All streets driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces.
 3. All pedestrian walks, malls and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by the developer, and manager or an acceptable property owners

association.

4. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping concept. Existing trees shall be preserved wherever possible. (Amended, Ord 302)
5. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
6. A grading plan of the area, including necessary data for a grading permit relating to grading and soil erosion control.
7. Existing and proposed utilities.
8. Any new detached building or structure. A structure also is interpreted to include freestanding towers, smoke stacks, radio antennae, billboards, or any other structure having permanent footings.
9. Any addition to an existing building or structure which increases the floor space, cubical content, building height or bulk.
10. Any structural alterations in a building or structure which change the exterior appearance of said building or structure (e.g., relocation of doors, windows; change of roof line or style; reconstruction of elevation(s) such as bricking over existing facade.
11. New or expanded off-street vehicular parking and loading spaces.
12. Substantial change in curb cut or locations serving site.

Revised: 6/2/80; 4/6/81

13. Change in location of principal freestanding signs, lighting standards, etc.

Procedures to be followed are:"

- f. Plans and elevations of one or more structures indicating proposed architecture and type and color or exterior

materials to be used.

- g. Proposed protective covenants if property is to be subdivided or if requested by Building Inspector.
 - h. Such other information as may be required by the City to assist in the consideration of the proposed development.
3. In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the City Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable:
- a. The building design should be in conformance with established aesthetic appearance within the City.
 - b. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 - c. Pedestrian walkways shall be provided as deemed necessary by the City Planning Commission for separating pedestrian and vehicular traffic.
 - d. Recreation and open space areas shall be provided in all multiple-family residential developments.
 - e. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in Section 10-180, Schedule of Regulations.
 - f. The requirements for greenbelt, fencing, walls and other protective barriers shall be complied with as provided in this title.
 - g. The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.
 - h. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this Chapter.

Revised: 4/6/81

4. The site plan shall be reviewed by the City Planning Commission and shall be approved, disapproved or approved with

conditions the City Planning Commission feels should be imposed. If the City Planning Commission finds a site plan not in conformance with the provisions set forth in this Section, it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to obtain approval.

5. Following approval of the site plan by the City Planning Commission, the Building Inspector shall issue a building permit upon submission of proper construction plans, and shall insure that the development is undertaken and completed in accordance with the approved plans. For any approved site plan building permits must be obtained encompassing a minimum of twenty-five (25) percent of the gross floor area shown on the site plan within six (6) months of the date of site plan approval or the site plan shall be deemed null and void without any further actions by the City.
6. The building permit may be revoked by the Building Inspector in any case where the conditions of the site plan as approved by the City Planning Commission have not been complied with.
7. The site plan, if approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this section receives the mutual agreement of the landowner and the City Planning Commission. Incidental and minor variations of the approved site plan with written approval of the Building Inspector shall not invalidate prior site plan approval.
8. In instances where specific requirements of this Chapter are not satisfied on the site plan, requests for variance(s) may be initiated by the petitioner to the Board of Zoning Appeals, subject to City Planning Commission recommendation on the proposed variance(s).

Section 10-135 FENCES, WALLS, HEIGHT RESTRICTIONS. No fence shall be constructed in front of a building more than 36 inches high, which must also be ornamental in design. Fences in the rear or side yards, back of the front building line, shall be not more than six (6) feet high. On corner lots fences may not be higher than four (6) feet on the outside (street) side lot line, back of front building line.

No fence or wall in a front yard on a corner lot, within a triangular section of land formed by the two (2) street curb lines shall exceed thirty (30) inches in height above the curb level. (See also Section 10-114. VISIBILITY.)

Revised: 7/21/80

Section 10-136 CHURCHES, PLACES OF ASSEMBLY. As such land uses may be permitted in the various zoning districts, the following regulations shall apply to churches, places of assembly, and similar uses having a capacity in excess of twenty-five (25) persons.

- 1) Minimum side yard and rear yard width shall be not less than twenty-five (25) feet.
- 2) Minimum lot width shall be one hundred and fifty (150) feet.
- 3) For every foot of height by which the building, exclusive of spire, exceed the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- 4) The lot location shall be such that at least one (1) property line abuts a regional or major thoroughfare as defined on the City's Comprehensive Development Plan.
- 5) The main and accessory buildings shall not be located nearer than one hundred (100) feet to any adjacent dwelling.
- 6) There must be compliance with off-street parking requirements as specified under Section 10-146, B, 1.
- 7) Off-street parking shall be prohibited within the required front yard setback area.

Revised: 5/3/77; 6/2/80; 4/6/81; 7/29/82

ARTICLE 5

NON-CONFORMING USES, BUILDINGS, AND LOTS

Section 10-137 NON-CONFORMING USES. Any lawful non-conforming use existing at the time of passage of this Ordinance may be continued, provided, however, that except in the case of dwellings or farm buildings, the building or the lot or land involved shall neither be structurally altered, repaired nor enlarged unless such revised structure shall conform to the provisions of this Ordinance for the district in which it is located. Provided further, that this Section shall not prohibit structural alterations required by law.

Section 10-138 FORFEITURE OF RIGHT TO CONTINUE NON-CONFORMING USE. When non-conforming use of property is discontinued through vacancy, lack of operation, or other similar condition, for a period of twelve (12) months or more, thereafter no right shall exist to maintain on said property a non-conforming use unless the Board of Zoning Appeals grants such privilege within six (6) months after such discontinuance. No non-conforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a non-conforming use.

Section 10-139 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES. Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, Acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed thirty (30) percent of the State Equalized Valuation of the entire building or structure at the time such damage occurred; provided that such violation shall be subject to the approval of the Building Inspector whose decision shall be subject to the Board of Zoning Appeals, and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with the non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

Section 10-140 NON-CONFORMING LOTS OF RECORD. In any district

which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided such lot is located in a block on which fifty-one (51) per cent or more of the lots on both sides of the street are occupied by single family dwellings. Where fifty-one (51) per cent or more of the existing homes are built
Revised: 5/3/77

upon a larger lot or combination of lots, a building permit will not be granted for a lot of less area or width than the size of the lots of the majority of the dwellings existing at the time of passage of this Ordinance. In those areas where less than fifty-one (51) per cent of the lots are built upon in a one (1) block area, the provisions regarding the use of combined lots shall apply. Permission to use a single non-conforming lot as herein provided shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which lot is located. Provided, however, lots of forty-five (45) feet or less width of a plat officially approved and recorded prior to the adoption of this Code shall have two side yards each having a width of not less than four (4) feet and an aggregate width of not less than twelve (12) feet.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be in undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 10-141 NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- 1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

- 2) Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 3) If any such non-conforming structure ceases being used for any reason for a period of more than twelve (12) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

Revised: 5/3/77

Section 10-142 NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with an assessed value exceeding Five Hundred (500) Dollars, the use may be continued so long as it remains otherwise lawful provided:

- 1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment to this Ordinance.
- 2) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment to this Ordinance.
- 3) If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land or parcel shall conform to the regulations specified by this Ordinance for the district in which such use is located.
- 4) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 10-143 NON-CONFORMING USE OF STRUCTURES. If lawful use involving individual structures with an assessed value of Five Hundred (500) Dollars or more or of structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed,

moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- 2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside the building.
- 3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a

Revised: 5/3/77

conforming use, or to a use permitted in a district of greater restrictions, it shall no thereafter be changed to a non-conforming use.

- 4) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the non-conforming status of land.
- 5) If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.
- 6) A zoning compliance permit and, as may be required in the particular zoning district involved, site plan review shall be required before any existing non-conforming use is changed to a use permitted in the district in which it is located.

Section 10-144 REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty (20) per cent of the current assessed value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building

Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, or rebuilt except in conformity with the regulations of this Ordinance or other applicable laws.

Section 10-145 CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

Section 10-146 ACQUISITION OF NON-CONFORMING USES OR STRUCTURES. The City Planning Commission may from time to time recommend to the City Council the acquisition by purchase, condemnation, or otherwise private property or an interest in private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this Chapter and the removal of such use or structure.

Revised: 5/3/77

The City Planning Commission shall submit its reasons and estimates of cost and expenses of such acquisition and removal of the non-conformity and probable resale price of the property to be acquired after removal of the non-conformity as obtained from the appropriate City department, board or commission. The City Planning Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the non-conformity and the probable resale price which in their opinion should be assessed against a benefitted district.

Whenever the City Council has under advisement the acquisition by purchase, condemnation, or otherwise as provided by law of any non-conforming building, structure or use, a preliminary public hearing thereon shall be held before the City Council. Not less than fifteen (15) days before the hearing of a notice of time, place and purpose of such public hearing shall be published in a paper circulating in the city and the City Clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of time, place and purpose of such hearing. If the cost and expense or any portion thereof is to be assessed to a special district, the City Assessor shall be directed to furnish the City Council with a tentative special assessment district and the tentative plan of assessment, the names of the respective owners of the property in such district and addresses of such owners in the last assessment roll. The City Clerk shall also send the notice to the respective owners in the tentative assessment district.

Whenever the City Council, after a public hearing as required in the preceding section, shall declare by resolution that proceedings

be instituted for the acquisition of any property on which is located a non-conforming building, structure or use in accordance with the laws of the State, the Charter, this Code and other applicable ordinances of the City, the City Clerk shall send by registered mail a certified copy of such resolution to the respective owners of the properties and to the owners of the properties in any special assessment district, at the address given in the last assessment roll.

Upon the passing of title to the private property so acquired as provided in the preceding section to the City, the City Council shall cause the discontinuance or removal of the non-conforming use or the removal, demolition or remodeling of the non-conforming structure. The City Council shall thereafter order such property sold or otherwise disposed of, but only for a conforming use. The City Council shall confirm the cost and the expense of such project and report any assessable cost to the City Assessor who shall then prepare an assessment roll in the manner provided for in the Charter, Code and other applicable ordinance of the City. Such an assessment roll may, in the discretion of the City Council, be in one (1) or more but not to exceed five (5) annual installments"

Revised: 5/3/77; 6/2/80; 5/3/77; 6/2/80

ARTICLE 6

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 10-147 PARKING REQUIREMENTS. In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended hereafter, shall be provided as prescribed in this Article. Such space shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Article. The determination of the required spaces and the regulation thereof shall be governed by the following regulations:

1. Area for Parking Space. For the purpose of this section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. In computing units or measurements to determine the number of required spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require

one (1) space.

3. Loading spaces shall not be construed as supplying off-street parking space.
4. The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron or garage.
5. The off-street parking facilities required for all other uses shall be located on the lot or on property within three hundred (300) feet of the permitted use requiring such off-street parking within the City. Such distance shall be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served; provided, that the off-street parking facility shall not be separated from the building to be served by a major thoroughfare as designated in the comprehensive development plan.
6. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and is similar shall apply.
7. Off-street parking existing on the effective date of this Ordinance, which serves an existing building or use, shall not be reduced in size less than required under the terms of this Chapter.

Revised: 5/2/77

8. Nothing in this chapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided, that collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the Table of Off-Street Parking Requirements.
9. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments lying within five hundred feet of a church measured along lines of public access that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and are made available for other parking may be used to meet not more than fifty (50) per cent of the off-street parking requirements of a church. There shall be a written agreement between all parties concerned where this arrangement is permitted.
10. All required off-street parking spaces shall be stated in an application for a building permit and shall be reserved

irrevocably for such a use.

11. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified in this chapter shall be determined in accordance with the following table:

Section 10-148 TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the provisions of Section 10-149.

<u>USE</u>	<u>Number of Minimum Parking Spaces Per Units of Measure</u>
A. <u>Residential</u>	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit
2. Residential, Multiple Family	Two (2) for each dwelling unit
3. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. High-Rise Multiple	One and one half (1-1/2) for each unit.
B. <u>Institutional</u>	
1. Churches, Temples or Synagogs	One (1) for each three (3) seats in the main unit of worship.
2. Hospitals	One (1) per six hundred (600) square feet of gross floor area.
3. Homes for the Aged and Convalescent	One (1) per six hundred (600) square feet of gross floor area.

Revised: 5/3/77

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| 4. Elementary and Junior High Schools | One (1) for each (1) teacher and administrator, in addition to the requirements of the auditorium. |
| 5. Senior High Schools | One (1) for each one (1) teacher, administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |

Use

Number of Minimum Parking Spaces Per Unit of Measure

- | | |
|--|---|
| 6. Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes. |
| 7. Tennis Clubs, or Other Similar Uses | Six (6) for each court, plus one (1) for each employee. Should spectator area be provided, one (1) space for each three (3) seat shall be required. |
| 8. Places of Outdoor Assembly | One (1) for every three (3) or six (6) feet of benches. |

Revised: 5/3/77

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| 9. Theaters and Auditoriums (Indoor) | One (1) for each four (4) seats plus one (1) for each two (2) employees. |
| 10. Theaters (Drive-In) | One (1) per each vehicle plus a ten (10) per cent reservoir of the total vehicle capacity. |

C. Business and Commercial

- | | |
|-----------------------|---------------------------|
| 1. Shopping Center or | Five and a half (5.5) for |
|-----------------------|---------------------------|

Clustered Commercial	each one thousand (1,000) square feet of gross leasable floor area.
2. Amusement Establishments	One (1) per each fifty (50) square foot of gross floor area.
3. Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
<u>Uses</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
4. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
5. Bowling Alleys	Five (5) for each one (1) bowling lane.
6. Dance Halls, Pool or Billiard Parlors, Roller (100) square feet or Ice Skating Rinks, floor area. Exhibition Halls and Assembly Halls without Fixed Seats	One (1) for each one hundred of gross
7. Drive-In Establishments	One (1) for each forty (40) square feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
8. Establishments for Sale and Consumption on the square feet Premises of Beverages, area. Food or Refreshments	One (1) for each one hundred (100) of gross floor
9. Carry-out Restaurant	One (1) for each one

hundred and fifty (150) square feet of gross floor area, with a minimum of eight (8) spaces.

10. Fast Food Restaurant

One (1) for each one hundred (100) square feet of gross floor area, with a minimum of twenty-five (25) spaces.

11. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, floor area used in pro-Electrician or Similar Trade, Shoe Repair and Other Similar Uses

One (1) for each one thousand (1,000) sq.feet of floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).

Uses

Number of Minimum Parking Spaces Per Unit of Measure

12. Automobile Service Stations

Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.

13. Laundromats and Coin Operated Dry Cleaners

One (1) for each two (2) washing or dry cleaning machines.

14. Miniature Golf Courses

Three (3) for each one (1) hole plus one (1) for each one (1) employee.

15. Mortuary Establishments

One (1) for each one hundred (100) square feet of gross floor area.

16. Motel, Hotel, Or Other Commercial Lodging Establishments

One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee plus extra spaces for dining rooms ballrooms or meeting rooms.

17. Motor Vehicle Sales and Service Establishments,

One (1) for each four hundred (400) square feet

	Trailer Sales and Rental, Boat Showrooms	of gross floor area of sales room.
18.	Open Air Business	One (1) for each six hundred (600) square feet of lot area.
19.	Retail Stores Except as Otherwise Specified Herein	One (1) for each two hundred (200) square feet of gross floor area.
D.	<u>Offices</u>	
1.	Banks	One (1) for each two hundred (200) square feet of gross floor area.
2.	Drive-in Banks	Waiting space equivalent to six (6) spaces for each drive-in window.
	<u>Uses</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
3.	Business Offices or Professional Offices Except as Indicated in the Following Item (4)	One (1) for each four hundred (400) square feet of gross area.
4.	Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions.	One (1) for each two hundred (200) sq feet of gross floor area.
E.	<u>Industrial</u>	
1.	Industrial or Research Establishments	One (1) for every six hundred (600) square feet of gross floor area or one (1) per every three (3) employees, whichever is greater.
2.	Wholesale Establishments	One (1) for every two thousand (2,000) square feet of gross floor area.
3.	Collision Shop	One (1) for every five hundred (500) square feet of gross floor area. (Does not include storage

of wrecked or repaired vehicles).

Section 10-149 OFF-STREET PARKING DEVELOPMENT REGULATIONS. All lands and areas now or hereafter used for the parking of more than three (3) vehicles shall be developed and constructed in accordance with the following general requirements:

1. The parking surface shall be covered with a pavement having an asphalt or cement binder and shall be graded and drained to the storm sewer so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property.
2. When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent residential areas. The source of illumination shall not be more than thirteen (13) feet above parking lot surface.
3. Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area. It shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, that the barrier specified in the next succeeding subsection shall be located in the setback line as required in this subsection.
4. Whenever a parking area adjoins residential property or a residential street or alley an ornamental masonry wall four (4) feet in height shall be erected and maintained between the required yard space and area to be used for parking. On such other locations where a protective barrier is required, the use of an ornamental masonry wall, cyclone fence or dense shrubbery may be permitted by the Council after recommendation by the City Planning Commission. All required walls, fences, or other barriers shall be properly maintained and kept free of debris, signs or any advertising whatsoever. Bumper guards, comprising either a curb at least six (6) inches high or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart set three (3) feet in concrete, shall be provided to prevent vehicles from striking such wall or shrubbery.
5. Entrance to such off-street parking area shall be only from adjoining principal use or adjoining alley.
6. Plans for the development of any parking lot shall be submitted in triplicate to the Building Inspector. The design

and approval of construction shall be in accordance with the requirements of Sections 5-1302, 5-1303, 5-1304, 5-1305, 5-1306, 5-1307 and 5-1308 of Chapter 13 of the Code of Ordinances. Such construction shall be completed and approved by all involved City departments and officials prior to actual use of the property as a parking lot.

Revised: 5/3/77

7. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked or stored in a parking lot permitted in this section for a period of longer than eighteen (18) hours. It is the purpose and intent of this provision that the requirement is to provide for keeping parking motor vehicles off the streets, but such requirement is not designed to permit the storage of wrecks or junked cars or vehicles. It shall be unlawful to park or permit to be parked any motor vehicle in such parking area between the hours of 12:00 midnight and 6:00 a.m. the following morning, unless the adjacent business maintaining such parking area remains open after midnight, in which case the lot shall be closed and all parked cars removed within thirty minutes after the business has closed.
8. During the time the parking lot is closed and not available for the parking thereon of motor vehicles, a suitable chain or gate shall be placed across every exit and entrance for motor vehicles. Such chain or gate shall be securely locked and access to the lot effectively barred.
9. No charge for parking shall be made in a off-street parking area permitted under this section.
10. The use of any loud noise producing device or public address system shall be prohibited upon off-street parking lots permitted by this section.
11. Off-street parking lots may be permitted in all residential districts by the Council after receipt from the City Planning Commission of a written recommendation and after public hearing, when it is reasonably indicated that business or industrial property in adjoining or adjacent areas is unavailable or impractical for the development of an off-street parking facility.

An approved off-street parking area as permitted under this section shall be considered a conditional accessory use to adjoining business property and as such is to be used for customer vehicle parking of such adjoining business only including passenger vehicles and trucks up to one-half ton capacity. Penetration of residential property for the establishment of an off-street parking area shall not exceed one hundred and twenty (120) feet measured at right angles

from the residential property line adjoining such business district and shall utilize vacant lots nearest the public alley. All off-street parking lots in residential districts shall be subject to the following requirements:

- a. No repairs, service to vehicles or display of vehicles for the purpose of sale shall be carried on or permitted upon such premises.
- b. No advertising signs shall be erected on the premises, but one sign may be erected at each of the points of ingress or egress and such sign may bear the name of the operator of the lot and the enterprise it is intended to serve. Such sign shall not exceed twenty (20) square feet in area and an overall height of fifteen (15) feet above the ground and shall not project beyond the property line of the premises.
- c. The City Council may attach such conditions and safeguards as may be required before any such accessory off-street parking lot is permitted.

12. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements: (See attached diagram)

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces Plus Maneuvering Lane</u>	<u>Total Width Two Tiers of Spaces Plus Maneuvering Lane</u>
0 (parallel parking)	15 ft.	8 ft.	23 ft.	23 ft.	31 ft.
30 to 53	15 ft.	9 ft.	21 ft.	36 ft.	57 ft.
54 to 74	18 ft.	9 ft.	21 ft.	37 ft.	60 ft.
75 to 90	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

Section 10-150 OFF-STREET LOADING REQUIREMENTS. On the same premises with every building, structure or part thereof, erected, and occupied for storage, goods display, department store, market, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by fifty (50) feet,

according to the following schedule:

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</u>
0 - 2,000	None
2,000 - 5,000	One (1) space
5,000 - 20,000	One (1) space plus one (1) space for each 5,000 square feet in excess of 5,000 square feet.
20,000 - 100,000	Four (4) spaces plus one (1) space for each 20,000 square feet in excess of 20,000 square feet.

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</u>
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet

No loading space shall be located closer than fifty (50) feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Board of Zoning Appeals for less than six (6) feet in height.

Revised: 5/3/77

ARTICLE 7

R-1A, R-1B, R-1C, ONE FAMILY RESIDENTIAL DISTRICTS

Section 10-151 STATEMENT OF PURPOSE. The One Family Residential Districts are established primarily to promote a harmonious mixture of single family houses, and related educational, cultural and religious land uses in a basically residential environment.

Section 10-152 PRINCIPAL PERMITTED USES.

1. Single family residences.
2. Churches, public schools, public libraries, private schools and educational institutions, public parks, playfields and playgrounds.
3. Off-street parking in accordance with the requirements of Article 6.
4. Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One (1) private garage for each principal or residential building, not exceeding seven hundred (700) square feet in area, in which there are housed motor vehicles, provided, that all accessory buildings shall conform to and be located as required in Section 10-118, Accessory Buildings. (See also Section 10-112, Use of Yard Spaces and Other Open Areas for Storage, and Section 10-119, Parking and Storage of Mobile Homes, Travel Homes, Boats, Trucks, and Other Items.)

Section 10-153 SITE PLAN REVIEW. For the following uses, permitted in R-1A, R-1B, and R-1C District, a site plan must be submitted in accordance with Section 10-134.

1. Churches (See also design standards under Section 10-136).
2. Public and private schools and other educational institutions.

AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Revised: 9/27/76; 5/3/77; 8/26/77; 6/2/80; 7/29/82

ARTICLE 8

R-2, TWO FAMILY RESIDENTIAL DISTRICT

Section 10-154 STATEMENT OF PURPOSE. The R-2 District is designed to permit residential use of land with duplexes and multiple family dwellings. The areas should be located near major streets for good accessibility and designed to complement adjacent single family areas.

Section 10-155 PRINCIPLE PERMITTED USES.

1. All uses permitted in the R-1A, R-1B and R-1C Districts.
2. Two family dwellings.
3. Multiple family dwellings.
4. Hospitals and nursing homes, provided that the proposed site for a hospital or nursing home is not less than five (5) acres and that the site is adjacent to a major thoroughfare as defined on the City's Comprehensive Development Plan.
5. Off-street parking in accordance with the requirements of Article 6.
6. Accessory buildings or uses customarily incidental to any other permitted use when located on the same or adjoining lot.

Section 10-156 SITE PLAN REVIEW. For all uses permitted in an R-2 District, a site plan must be submitted in accordance with Section 10-134.

Section 10-157 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule or Regulations".

ARTICLE 9

RO-1, RESTRICTED OFFICE DISTRICT

Section 10-158 STATEMENT OF PURPOSE. The RO-1, Restricted Office District, is intended to permit those office and restricted business uses which will provide appropriate land uses adjacent to residential areas and which to not generate large volumes of traffic or promote traffic congestion.

Section 1. That the following described property now zoned under Ordinance No. 265 of the City of Harper Woods as R-1C, One Family residential is hereby rezoned to RO-1, Restricted Office District. The Zoning Map attached to Ordinance No. 265 is hereby amended to confirm with the change of zoning.

Approximately 2.24 net acres of land, being 375 ft. x 260 ft., located at NE corner of Vernier Road and Beaconsfield between Vernier Road and Anita, being described as the Westerly 375 ft. of Lot 62, Assessor's Plat of Harper Woods No. 1, Pt. of P.C. 249, Liber 78, Page 82, Wayne County Records. (Amended, Ord No. 298)

Being known as 19670 Anita, rectory and surrounding property at St. Peter's Catholic Church on Vernier Road and Beaconsfield.

Section 10-159 PRINCIPAL PERMITTED USES.

1. Churches, public schools, public libraries, private schools, and educational institutions.
2. Nursery schools, day nurseries or day care centers.
3. Uses resulting from any of the following occupations: Executive, administrative, professional, accounting, banking, writing, clerical, stenographic and drafting. This shall not be construed to eliminate offices of recognized manufacturers' agents provided that no display will be in an exterior show window and the total area devoted to such display, including both the objects displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure. There shall be no outdoor storage of goods or material irrespective of whether or not they are for sale. There shall be no warehousing or the indoor storage of goods or material beyond that normally incidental to the above permitted office type uses.
4. Medical or dental clinics, not including veterinarian hospitals or any type of medical facility permitting overnight patients.
5. Photography studios.
6. Furriers, dressmaking and tailoring establishments.

Revised: 5/3/77

7. Stores selling prescription drugs only.
8. Off-street parking in accordance with Article 6.
9. Accessory buildings or structures shall be prohibited.

Section 10-160 SITE PLAN REVIEW. For all uses permitted in the RO-1, Restricted Office District, a site plan shall be submitted in accordance with Section 10-134.

Section 10-161 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Revised: 5/3/77

ARTICLE 10

C-1, GENERAL BUSINESS DISTRICT

Section 10-162 STATEMENT OF PURPOSE. The C-1 General Business District is designed to promote viable commercial land uses along the major thoroughfares in the City. It is intended to integrate local and community business uses in one district and designed to reduce residential-commercial conflict.

Section 10-163 PRINCIPAL PERMITTED USES.

1. All uses permitted in the RO-1 Restricted Office District.
2. Stores and shops for the conducting of retail or retail and wholesale business.
3. Personal service shops, such as barbershops, beauty parlors,

shoe repair shops, tire repair shops, laundry pickup shops, dry cleaning pickup shops, messenger or telegraph service station and any similar service or use.

4. Banks, restaurants, catering establishments, conservatories, millinery shops, sales showrooms, studios, undertaking establishments, theaters and publicly owned buildings.
5. Establishments within a building or structure for the repair, alteration, finishing, assembling, fabrication or storage of goods or for sale at retail on the premises; provided, that there is not in connection therewith an operation of any activity or the storage or display of goods in such a manner as to be obnoxious or offensive by reason of the omission of odors, fumes, dust, smoke, waste, noise or vibration. No commercial enterprise shall employ more than ten (10) mechanics or workers on the repair, conversion, finishing or fabrication of goods.
6. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations with service yards, but without storage yards.
7. Building material storage provided, that such use is entirely enclosed within a building.
8. Lumber supply; provided, that such use is entirely enclosed within a building.
9. Advertising signs when pertaining to the sale, rental or use of the premises on which it is located or to goods sold or activities conducted therein or when serving primarily as a directional sign or legal notice. Only one such sign is permitted on a lot when not attached to a building.

Revised: 5/3/77

10. Any other use similar in character to the other permitted uses which is not obnoxious or offensive to the locality.
11. New and used car sales and showrooms totally enclosed within a building upon approval of the Board of Zoning Appeals.
12. Automobile car wash establishments when completely enclosed within a building, including steam cleaning, but not undercoating; provided, that off-street parking space for at least fifteen (15) automobiles is provided and developed in accordance with the City's parking lot laws. All entrances and exits to the lot on which the establishment is located shall be approved by the City Planning Commission.

13. Off-street parking and loading in accordance with Article 6.
14. Accessory buildings or structures shall be prohibited.

Section 10-164 USES PERMITTED AFTER SPECIAL APPROVAL. The following uses hereinafter stated shall be permitted by the City Council, after it has conducted a public hearing and after review of the proposed site plan by the City Planning Commission pursuant to procedures and general standards established in Section 10-187B, subject to the specific standards for each particular land use hereinafter itemized and subject to site plan review required under Sections 10-165 and 10-134.

1. Automobile service stations subject to the standards set forth in Section 10-120.
2. Motels, hotels, and drive-in theaters; provided that the entrance and exit driveways to and from any such use are located at least one hundred (100) feet from the intersection of any two streets and that all such uses shall have direct access to a major thoroughfare as defined in the City's Comprehensive Development Plan and that all lighting or illuminated display shall not reflect onto any adjacent residential zone and that consideration is given to the proximity of existing places of congregation of children and their relationship to safety from traffic hazards and sanitation.
3. Drive-in restaurants subject to the standards set forth in Section 10-121.
4. Open air businesses; provided that:
 - a. The minimum area of the site shall be ten thousand (10,000) square feet.
 - b. The minimum street frontage shall be one hundred (100) feet.

Revised: 5/3/77; 6/2/80

- c. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided in accordance with Section 10-121, 1.
 - d. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. Planned high-rise multi purpose buildings. The regulations

for planned high rise buildings in a C-1 district are intended to provide a degree of flexibility in regard to the area, height, bulk, and placement of buildings in such districts. The permitting of these planned projects upon special approval of the city council can, in certain cases, increase the desirability and convenience to the users without causing adverse effect on adjoining properties. Subject to the above intent, the city council may approve such planned high rise multi-purpose building only after an advisory recommendation has been received from the city planning commission, providing that the following conditions are met:

- a. Minimum side, front and rear yard requirements shall be twenty (20) feet. For every five (5) feet the building exceeds thirty (30) feet in height, the yard shall be increased by one (1) foot. Where two (2) or more buildings are to be located on a single lot, the yard spaces between such buildings shall be at least forty (40) feet.
- b. Maximum height shall not exceed eighty-five (85) feet or seven (7) stories.
- c. Total floor space of the building, or buildings, shall not exceed the net site land area. (Floor area ratio of 1.0)
- d. Any proposed site for such high-rise structure must front on a major or regional thoroughfare which, for the purposes of this subsection of the Ordinance, shall be construed to be Vernier Road, East Eight Mile Road west of Beaconsfield Avenue, Kelly Road, and Harper Avenue north of Vernier Road, as is shown on the City's Comprehensive Development Plan, dated September 1964. The site of the principal building or buildings must not adjoin any residentially zoned or used area nor shall the principal building or buildings unreasonably restrict the light or air of any residential property owner in nearby residential areas.
- e. Off-street parking requirements shall be in accordance with Article 6.

In the case of a planned high-rise multi-purpose buildings, the City Planning Commission shall submit copies of such plans to other governmental agencies, such as the Michigan Department of State Highways and Transportation, Wayne County Road Commission, Harper Woods Police Department and Harper Woods Fire Department, when the proposed site plan affects their respective jurisdiction, in order that their comments may be incorporated into the City Planning Commission's findings

and advisory recommendation in the matter. If The City Planning Commission disapproves of the proposed site plan, its reasons for disapproval shall be clearly stated together with recommendations for improving layout so that approval would be merited.

6. Planned multiple projects, subject to the following conditions:
 - a. Minimum net lot area shall be two and one-half acres.
 - b. Total floor space of all buildings may not exceed 1.0 times the total net lot area.
 - c. In addition to the specific requirements for side, front and rear yards as required in this chapter, each side and front yard shall be increased beyond the required yard spaces five (5) feet for every story in the building the major portion of which is above height of seventy (70) feet. Where two or more buildings are to be located on a single lot, the yard spaces between such buildings shall be at least forty (40) feet plus five (5) feet for each story by which the higher building exceeds seven (7) stories.
7. Adult book stores, adult motion picture theaters, cabarets, or massage parlors, provided that not more than two (2) of the above named uses are permitted within one thousand (1,000) feet of each other in order to prevent the concentration of these uses in any one area and discourage the development of a skid row area, and provided that none of the above named uses shall be permitted within five hundred (500) feet of any residentially zoned district except that this provision may be waived if the person applying for the waiver shall file with the City Planning Commission a petition which indicates approval of proposed regulated use by at least fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made.

Section 10-165 SITE PLAN REVIEW. For all uses permitted in the C-1, General Business District, a site plan shall be submitted in accordance with Section 10-134.

Section 10-166 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Revised: 5/3/77

RS-1, REGIONAL SHOPPING DISTRICT

Section 10-167 STATEMENT OF PURPOSE. The RS-1 Regional Shopping District is intended to provide for large scale clustered commercial development serving residents in adjacent communities. It is intended to encourage a compatible mixture of commercial and office uses into well-designed and controlled environment.

Section 10-169 PRINCIPAL PERMITTED USES.

1. All uses permitted in C-1, General Business District.
2. Buildings and facilities for furnishing utility services including heat, light, water and power.
3. Any other use related to and reasonably necessary for the satisfactory operation of a complete and integrated regional shopping center. Such use shall not be obnoxious or offensive to the locality by reason of emission of odors, fumes, dust, smoke, waste, vibration or noise.
4. Advertising signs in accordance with the City's Sign Ordinance. All signs when not attached to a building, shall be subject to the review and approval of the City Planning Commission.
5. Off-street parking and loading in accordance with the requirements of Article 6.

Section 10-170 SITE PLAN REVIEW. For all uses permitted in the RS-1 District, a site plan shall be submitted in accordance with Section 10-134.

Section 10-171 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Revised: 5/3/77

ARTICLE 12

O-1, ORGANIZATIONAL DISTRICT

Section 10-172 STATEMENT OF PURPOSE. The O-1 District is intended to provide suitable areas for buildings which sustain large gatherings of people. Although used sporadically, these uses generate large volumes of traffic and demand large areas for off-street parking. The intent of this district is to permit such uses where they are not injurious to the surrounding neighborhood.

Section 10-173 PRINCIPAL PERMITTED USES.

1. Churches, public hospitals, public schools, public libraries, private schools and educational institutions.
2. Lodges, fraternal organizational and veterans' organizations.
3. Convalescent nursing homes, except those for the care of contagious, mental drug or liquor addict cases, when licensed by the State Health Department.
4. Off-street parking in accordance with the requirements of Article 6.

Section 10-174 SITE PLAN REVIEW. For all uses permitted in the O-1, Organizational District, a site plan shall be submitted in accordance with Section 10-134.

Section 10-175 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Revised: 5/3/77

ARTICLE 13

M-1, LIGHT INDUSTRIAL DISTRICT

Section 10-176 STATEMENT OF PURPOSE. The M-1, Light Industrial District is designed to provide areas for manufacturing, or assembling establishments of small or limited nature. These establishments should be low-key in nature, blend in architecturally with the residential-commercial character of the City and have minimal adverse effects on adjacent land uses.

Section 10-177 PRINCIPAL PERMITTED USES.

1. Small shops which are operated and used for fabricating, assembling and developing activities and processes of such a character as not to become obnoxious, or offensive by reason of the omission or odor, fumes, dust, smoke, noise or vibration or by reason of the accumulation of unsightly waste material on private or public property in connection with the work; provided that such activities and uses shall be permitted only upon the conditions prescribed in this Article.
2. Restaurants.
3. Punch presses, steam hammers, drop hammers, stamping machines and forging equipment shall be prohibited.
4. Off-street parking and loading in accordance with the requirements of Article 6.

Section 10-178 PERFORMANCE STANDARDS.

1. Noise: Industrial operations shall not exceed the decibel level emitted at the property line by the adjacent uses and shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. In no case shall the decibel level exceed sixty (60) decibels with a center frequency of one hundred and twenty-five (125) cycles per second.
2. Vibration: Vibrations from industrial operations and vehicular traffic generated by a use permitted in an M-1 District shall not cause an impact vibration or ground displacement exceeding .003 inch amplitude of vibration at the property line at 960 cycles per minute as measured at the

property boundary line.

3. Smoke: A person or industry shall not discharge into the atmosphere from any single source of omission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke describe herein. At no time may smoke emissions be darker than Ringelmann No. 2.
4. Drifting and Airborne Matter: The drifting or airborne transmission of matter beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful.
5. Noxious Gases: No noxious gases or odors shall be allowed to escape into the atmosphere in concentrations detrimental for human, plant or animal life.
6. Glare, Heat and Light: All operations which produce glare, such as welding and acetylene torch cutting, must be performed in such a manner that the glare cannot be seen from any property line. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature near any property line at any time. Lights for parking lots and buildings shall be so oriented and shielded that they do not shine directly onto an abutting property. Exterior spotlighting or other illumination shall be so installed as to eliminate any nuisance to adjoining residential districts or other properties or to traffic on public highways.
7. Radio Transmission and Explosives and Radioactive Material: For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment. All explosives and radioactive materials stored and/or used shall be in a manner which does not endanger abutting properties. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby made a part of this Ordinance.
8. Fire and Safety Hazards: The storage and handling of flammable liquids and liquefied petroleum gases shall comply with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P. A. 1941, as amended, and Act 154, P. A. 1974, as amended, including Section 1910.106, Federal Register.
9. Sewage Wastes: No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe

or other structure construction to impair the strength or durability of sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

Revised: 5/3/77; 5/10/77

Specific conditions controlling sewage wastes are regulated under City of Detroit Ordinance No. 129-H, Chapter 56, Article 6, entitled "Regulate Discharge of Industrial or Commercial Waste into Wastewater Treatment System of City of Detroit"; the Federal Water Pollution Control Act of 1972 and Public Law 92.500; and State Act 245, P. A. 1929, as amended, and all requirements of the Department of Public Health and the Department of Natural Resources, including the National Pollution Discharge Elimination System Permit No. MI 0022802.

10. Compliance with State and County Regulations: Any use permitted in a M-1 District shall comply with all applicable State and County health, pollution and environmental control laws and regulations.

Section 10-178 SITE PLAN REVIEW. For all uses permitted in the M-1, Light Industrial District, a site plan shall be submitted in accordance with Section 10-134.

Section 10-179 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Section 10-180, "Schedule of Regulations".

Section 10-180 (continued): FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. The minimum floor area per dwelling unit shall not include area of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.
- b. Minimum land area required for each multiple dwelling unit in the R-2 District shall be:

<u>Dwelling Unit Type</u>	<u>Area in Sq. Feet</u>	
	<u>Apartment</u>	<u>Townhouse</u>

Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom unit	7,200	7,200

No multiple dwelling shall be erected on a lot or parcel which has a width of less than eighty (80) feet or an area of less than eight thousand (8,000) square feet.

- c. For planned multiple projects exceeding two (2) stores, density and yard requirements shall be in accordance with Section 10-164,5.
- d. For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot. Each side yard shall be increased beyond the yard spaces indicated by one foot for each ten feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds forty feet in overall dimension along the adjoining side lot line.

Revised: 5/3/77; 5/10/77 Section 10-165, 5.

- e. Minimum floor area for each multiple dwelling permitted in the R-2 District shall be:

Dwelling Unit Type	Area in Sq. Feet	
	Apartment	Townhouse
Efficiency unit	400	
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom unit	950	1,000
Four or more bedroom unit	1,000	1,100

- f. Where any C-1 district borders on a side street having a residential zone district on part of its length, there shall be provided a setback of all structures permitted in a C-1 district of not less than twenty (20) feet on the residential street. The setback requirement may be waived or reduced by the City Planning Commission if, in the opinion of the Commission, no useful purpose would be served.
- g. Where motels are permitted in a C-1 district, a minimum of two hundred fifty (250) square feet of floor area per motel unit shall be provided. Where kitchen or cooking facilities are permitted by the City Planning Commission in a motel unit the minimum floor space for such unit shall be three hundred fifty (350) square feet.

- h. For high-rise multi-purpose buildings permitted in the C-1 and RS-1 Districts, permitted height may be seven (7) stories or eighty-five (85) feet subject to the approval of the City Council and Planning Commission.
- i. No off-street parking is permitted in the required twenty (20) foot front or the required twenty (20) foot rear yard when abutting a residentially zoned area.
- j. No principal building shall be constructed closer than ten (10) feet to any existing building upon an adjoining lot. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than twenty-five (25) feet.
- k. No commercial building shall be erected or altered in a C-1 district having a first floor area of less than eight hundred square feet or as otherwise approved by the Board of Zoning Appeals. All commercial buildings shall have a minimum width of twenty (20) feet and minimum depth of forty (40) feet.
- l. No building used for industrial purposes shall exceed twenty thousand (20,000) square feet of floor area.

Revised: 5/3/77

- m. No district shall be zoned as a RS-1 district unless such district is at least twenty-five (25) acres in size so as to permit an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic.
- n. No building or structure may extend in width along a front property line, paralleling the street, greater than the depth of the lot on which the building or structure is located.

Revised: 5/3/77

ARTICLE 15

ZONING ADMINISTRATION

Section 10-181 ZONING COMPLIANCE PERMIT. It shall be unlawful for any person to commence excavation for or construction of any building structure or moving of an existing building without first obtaining a zoning compliance permit and building permit from the Building Department. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Chapter, showing that the construction proposed is in compliance with the provisions of this Chapter and with the Building Code.

"Alterations" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the Building Code, the housing law of the State, the City's Housing Code or this Chapter, except for minor repairs or

changes not involving any of such changes.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Chapter.

A zoning compliance permit shall be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type of use.

Section 10-182 APPLICATION FOR ZONING COMPLIANCE PERMIT. The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Chapter. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Chapter. To this end, the Building Inspector shall require that every application for a zoning compliance permit for excavation, construction, moving, alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate, showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Chapter:

Revised: 5/3/77

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- c. The existing and intended use of the lot and all such structures upon it including in the residential area, the number of dwelling units the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.

If the proposed excavation, construction, moving, alteration or use of land as set forth in the application

are in conformance with the provisions of this Chapter, the Building Inspector shall issue a zoning compliance permit. If any application for such permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions in this Chapter.

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

Section 10-183 CERTIFICATE OF OCCUPANCY. It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required or to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved until the Building Inspector shall have issued a certificate of occupancy as required by this Chapter have been complied with.

The certificate of occupancy as required for new construction or of renovations to existing buildings and structures in the Building Code shall also constitute certificates of occupancy as required by this Chapter.

Certificates of occupancy shall be applied for in writing to the Building Inspector on forms provided by the Building Inspector. They shall be issued within ten (10) days after the receipt of such application if it is found that the building or structure or part thereof or the use of land is in accordance with the provisions of this Chapter and the Building Code. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause within the ten (10) day period. A record of all such refusals shall be kept on file in the Building Inspector's Office.

Revised: 5/3/77

Certificates of occupancy shall be issued for change in use of existing buildings, structures or parts thereof or existing uses of land if after inspection it is found that such buildings, structures or parts thereof or such uses of land are in conformity with the provisions of this Chapter.

Section 10-184 TEMPORARY CERTIFICATE OF OCCUPANCY. Temporary certificates of occupancy may be issued for a part of a building or structure prior to occupation of the entire building or structure; provided, that such temporary certificate of occupancy shall not remain in force for more than thirty (30) days or more than five (5) days after the building or structure is fully completed and ready for occupancy. Such temporarily approved portions of the

building or structure shall be in conformity with the provisions of this Chapter.

Section 10-185 RECORDS. A record of all certificates of occupancy shall be kept in the office of the Building Inspector. Copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.

Section 10-186 FEES. Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Chapter shall be collected by the Building Inspector in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the City Council, and shall cover the cost of inspection and supervision resulting from the enforcement of this Chapter. The fees shall be deposited in the general fund of the City.

No fees shall be charged for an original certificate of occupancy applied for coincident with the application for a building permit. For all other certificates or for copies of an original certificates, there shall be a charge of one dollar each.

Section 10-187 AMENDMENTS. The City Council may, upon recommendation or from the City Planning Commission may amend, supplement or change the regulations or the district boundaries of this Chapter as established herein pursuant to the authority and procedure set forth in Act 207 of the Public Acts of 1921, as amended. The City Planning Commission, as established by Section 4.12 of the Charter, and by Section 2-310 of the Code of Ordinances, in accordance with Michigan Statutes Annotated, Sections 5-2991 to 5.3006, is hereby designated as the commission specified in Section 4 of the Act 207 of the Public Acts of 1921, as amended, and shall perform the duties of such commission as provided in the statute in connection with amendments to this Chapter. (Amended Ord. No. 295)

Revised: 5/3/77; 2/15/78

1. Any applicant desiring to have any change made in this Chapter shall submit a petition to the City Clerk who shall officially refer same to the City Planning Commission for study and the statutory public hearing. Also, applicant shall deposit a fee as established by the City Council with the City Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said proposed change. If applicant is not the property owner, the property owner shall also endorse the petition.

2. At least one (1) public hearing shall be held by the City Planning Commission before an amendment becomes effective. Not less than fifteen (15) days notice of the time and place of the public hearing shall first be published in an official paper or a paper of general circulation in the City, and not less than fifteen (15) days notice of the time and place of the public hearing shall first be given by mail to each public utility company owning or operating any public utility within the districts or zones affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice.
3. After the public hearing, the City Planning Commission shall make a final report to the City Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Commission to the City Council. The City Council may hold additional public hearings if it considers it necessary, or as may be required by charter. (Amended, Ord. No. 295)
4. The City Council may then adopt the amendatory ordinance after receipt of the City Planning Commission's report, or refer the ordinance and maps again to the City Planning Commission for a further study and report. (Amended, Ord. No. 295)
5. Upon presentation of a protest petition, an amendment to this Chapter which is the object of the petition shall be passed only by a two-third (2/3) vote of the City Council, unless a larger vote, but not to exceed three-quarter (3/4) vote, is required by ordinance or charter. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one (1) of the following:
 - a. The owners of at least twenty (20) percent of the area of land included in the proposed change.
 - b. The owners of a least twenty (20) percent 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.

Revised: 5/3/77; 2/15/78; 6/2/80

- c. For purposes of subsection 5, publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.
6. Following adoption of an amendment to this Chapter by the City Council, one (1) notice of adoption shall be published in a

newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include:

- a. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- b. The effective date of the amendment.
- c. The place and time where a copy of the amendment may be purchased or inspected." (Amended, Ord. 295)

Section 10-187A. PERFORMANCE GUARANTEES. Where in this Chapter there is delegated to the City Council, Board of Zoning Appeals or the City Planning Commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval, or variance, the City Council, Board of Zoning Appeals or the City Planning Commission may, to insure strict compliance with any regulation contained or required as a condition of the issuance of a permit, require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the City Clerk in an amount determined by the City Council, Board of Zoning Appeals or the City Planning Commission to be reasonably necessary to insure compliance hereunder; provided, however, that in fixing the amount of such cash deposit, certified check, irrevocable bank letter of credit, or surety bond the City Council, Board of Zoning Appeals or the City Planning Commission shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses including legal fees to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City may not require the deposit of the performance guarantee before the date on which the City is prepared to issue the permit. The city shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967 as amended, being Sections 560.101 to 560.293 of the Michigan Compiled Laws." (Amended, Ord. 295)

Revised: 6/2/80

Section 10-187B. PROCEDURES FOR GRANTING SPECIAL APPROVAL OF DESIGNATED LAND USES. The City Council, as herein created, shall

have the following specific powers and duties concerning special approvals.

- 1) Purpose. In hearing and deciding upon special approvals, the City Council shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the City into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, 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 land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
 - (a) Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and,
 - (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- 2) Authorization. The special approval of specific land uses and activities, as required under Section 10-164, may be authorized by the City Council provided that no application for special approval shall be acted upon by the City Council until after (1) a written recommendation is prepared and filed with the City Council by the City Planning Commission, which report shall become a part of the record, and (2) a public hearing is held by the Council.
- 3) Application. An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in Section 10-134 and shall be in such form and accompanied by such information as shall be established from time to time by the City Council. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use.
- (4) Notice of Request for Special Approval. Notice of a request for special approval of a land use shall be in the form of one (1) notice published in a newspaper or general circulation in the City, plus a notice sent by mail or by personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in questions, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not

Revised: 6/2/80

less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (a) Describe the nature of the special land use request.
 - (b) Indicate the property which is the subject of the special land use request.
 - (c) State when and where the special land use request will be considered.
 - (d) Indicate when and where written comments will be received concerning the request.
 - (e) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special use.
- 5) Hearing. At the initiative of the City Council, or upon the request of the applicant for special approval of a land use, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in subsection (4) of this section shall be held before a decision on the special approval request which is based on discretionary grounds. If the applicant or the City Council requests a public hearing, only notification of the public hearing need be made. A decision on a special approval request which is based on discretionary grounds shall not be made unless notification or the request for special approval, or notification of a public hearing on a special approval request is given as required by this section.
- 6) Standards. No special approval shall be granted by the City Council unless the special use:

Revised: 6/2/89

- (a) Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those land-owners and residents who are adjacent; and for the City as a whole.
 - (b) Is necessary for the public convenience at the location.
 - (c) Is compatible with adjacent uses of land.
 - (d) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 - (e) Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.
 - (f) Will not cause injury to the value of other property in the neighborhood in which it is to be located.
 - (g) Will protect the natural environment and help conserve natural resources and energy.
 - (h) Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for each use specified in Section 10-164.
 - (i) Is related to the valid exercise of the City's police power and purposes which are affected by the proposed use or activity.
- 7) Approval. City Council may deny, approve, or approve with conditions, request for special approval of a land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed. Any approval given by the City Council under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in affect.
- (8) Record. The conditions imposed with respect to the special

approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the City Council and the landowner. The City Council shall maintain a record of charges granted in conditions. (Amended, Ord. 295)

Revised: 6/2/80

ARTICLE 16

BOARD OF ZONING APPEALS

Section 10-188 CREATION OF BOARD OF ZONING APPEALS. There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by law in such a way that the objectives of this Chapter shall be observed, public safety secured and substantial justice done.

Section 10-189 COMPOSITION, TERM OF OFFICE, REMOVAL, AND COMPENSATION OF MEMBERS. The Board of Zoning Appeals shall consist of seven (7) members appointed by the City Council. Appointments shall be for a period of one, two and three years so as nearly as may be possible to provide for the appointment of an equal number each year. Thereafter each member shall be appointed and hold office for the full three year term. The members shall be citizens of the United States and residents of the City. Members may be removed for cause by the Council only after consideration of written charges and a public hearing. Any vacancies on the Board shall be filled by the Council for the remainder of the unexpired term. The compensation, if any, of the members of the Board shall be fixed by the Council.

Section 10-190 OFFICERS, MEETINGS, QUORUM, RECORDS, POWER OF SUBPOENA AND PRODUCTION. The Board of Zoning Appeals shall annually elect its own chairmen, vice-chairman and secretary. All meetings shall be open to the public. Regular meetings shall be held at least once a month and special meetings shall be held at the call of the Chairman, as the Board may determine or upon written request of three members provided twenty-four hours notice has been given to each member before the time set for such meetings. Four members of the Board shall constitute a quorum for the conduct of its business. Records shall be kept of all proceedings before the Board and minutes shall be kept of its official acts. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Section 10-191 PROCEDURE; TO DETERMINE AND NOTIFY INTERESTED PARTIES. The Board of Zoning Appeals shall adopt general rules and regulations relating to its procedure. It shall by general rules

or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it and shall prescribe the means by which such interested parties shall be notified as to the time and place of hearing on such matters. The Board may require any party applying to the Board for relief to give such notice to interested parties as it shall prescribe.

Section 10-192 VARIANCES. The Board of Zoning Appeals may, in specific cases and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose and intent as follows:

- a. The Board of Zoning Appeals shall interpret the provisions of this Chapter in such a way as to enforce the intent and purpose of the plan, as shown upon the map fixing the several zoning districts, in those cases where the street layout actually on the ground varies from the street layout as shown on the aforesaid map.
- b. In those cases where a district boundary line divides a lot of record, the Board of Zoning Appeals shall have power to permit the extension of a use permitted on the less restricted portion of such a lot to that portion which lies in the more restricted district; provided, that such extension shall be made for a distance not exceeding fifty (50) feet beyond the district boundary line in any case.
- c. The Board of Zoning appeals shall have the power to permit variations in the requirements for outer courts in dwellings and to permit such variation or modification of yard, lot area, percentage of lot coverage and floor area requirements as may be necessary to secure the appropriate improvement of a parcel of land which was of such size, shape or dimension or which has such peculiar or exceptional geographical or topographical conditions that it cannot be appropriately improved without such variation or modification; provided, that the purpose and spirit of this Chapter shall be observed, the public safety secured and substantial justice done.
- d. The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation to be used for public utility purposes in any permitted district to a larger area than the district requirements established in this Chapter and permit the location in any district of a public utility building, structure or use provided that the Board of Zoning Appeals shall find such use, area, building or structure reasonably

necessary for the public convenience and service and that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

- e. The Board of Zoning Appeals shall have the power to permit in any zone the erection of bulletins, memorial markers or signs identifying a multiple dwelling area known by name, other signs not used for purposes of commercial advertising or a sign for a transient multiple dwelling structure, such as motels containing not less than forty (40) dwelling units, up to and in excess of thirty-five (35) square feet in surface area, under a temporary permit or permanent conditions as will prevent them from becoming dilapidated, unsightly or a menace to the public health, safety or general welfare, after recommendation from the Planning Commission.
- f. The Board of Zoning Appeals shall have the power to permit variation in location of a side drive, where side drives have been constructed in any block in a manner not in conformity with the provisions of this Chapter where an unnecessary hardship is inflicted.
- g. The Board of Zoning Appeals shall have the power to permit a variation or modification in the required location of off-street parking facilities or in the amount of off-street parking facilities required or both, if after investigation by the Board of Zoning Appeals it is found that such variation is necessary to secure an appropriate development of a specific parcel of land which has such peculiar or exceptional geographical or topographical conditions or is of a size, shape or dimension that it cannot be reasonably developed in accordance with the provisions of this Chapter and that any variation will not be inconsistent with the spirit and purpose of this Chapter, with public safety and substantial justice.
- h. Where there are practical difficulties or unnecessary hardships in complying strictly with this Chapter, the Board of Zoning Appeals may in specific cases, adjust any such condition in harmony with the general purpose and intent of this Chapter so that the public health, safety, and general welfare may be secured and substantial justice done.

Section 10-193 STANDARDS. In consideration of all appeals for variances the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance:

- a. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and the applicable regulations of the zoning district in which it is to be located.
- b. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- c. Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- d. Will be such that the proposed location, height of buildings or structures, location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- e. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development and need for particular services and facilities in specific areas of the City.
- f. Is necessary for the public convenience at that location.
- g. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- h. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Section 10-194 PROCEDURE FOR APPEAL. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Chapter. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Chapter. The concurring vote of four members of the Board shall be necessary to reverse any order,

requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Chapter or to effect any variation from this Chapter. Such appeal shall be taken by any person aggrieved or by any officer, department, board or bureau of the City. Such appeal shall be taken within such time as shall be prescribed by the Board by the filing in writing, with the officer from whom the appeal is taken and with the Board of a notice specifying the grounds thereof.

The office from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. Such order may be granted by the Board or by any competent jurisdiction on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, subject to conditions and limitations of this section. To that end the Board shall have all the powers of the officer from whom the appeal is taken. The decision of the Board in those and all other matters heard by it shall be final after five days insofar as it involves discretion of the finding of facts.

Any applicant making an appeal before the Board of Zoning Appeals shall pay a fee of twenty dollars (\$20.00) to the City Treasurer at the time notice of appeal is filed, unless payment of such fee is waived by the general rules adopted by the Board. (Amended, Ord. No. 87-13)

Section 10-194A. CIRCUIT COURT APPEAL.

- 1) The decision of the Board of Zoning Appeals shall be final. However, a person having an interest affected by this title may appeal to the circuit court. Upon appeal, the court shall

review the record and decision of the Board of Zoning Appeals to insure that the decision:

- a. Complies with the constitution and laws of the State.
 - b. Is based upon proper procedure.
 - c. Is supported by competent, material, and substantial evidence on the record.
 - d. Represents the reasonable exercise of discretion granted by law to the Board of Zoning Appeals.
- 2) If the court finds the record of the Board of Zoning Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board of Zoning Appeals, the court shall further proceedings before the Board of Zoning Appeals on conditions which the court considers proper. The Board of Zoning Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the court.
- 3) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the Board of Zoning Appeals." (Amended, Ord. 295)

Revised: 6/2/80

ARTICLE 17

INTERPRETATION, APPLICATION, VIOLATIONS VALIDITY, CONFLICT AND EFFECTIVE DATE

Section 10-195. INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Chapter, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this Chapter to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction or requires larger open

spaces, or larger lot areas then are imposed or required by such Chapter or agreements, the provisions of this Chapter shall control.

Section 10-196. VIOLATIONS AND PENALTIES. Any person violating or neglecting or refusing to comply with any of the provisions of this Chapter, upon conviction thereof, shall be punished by imposition of a fine not to exceed one hundred (\$100.00) dollars or by imprisonment for a period not to exceed ninety (90) days, or by imposition of both fine and imprisonment in the discretion of the court. Each day that a violation exists shall constitute a separate offense.

Section 10-197. VALIDITY. This Chapter and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Chapter shall not be affected thereby.

Effective Date. This Ordinance shall take effect ten (10) days after enactment as provided by the City Charter.

Introduced	April 3, 1978
First Reading	April 3, 1978
Second Reading	April 17, 1978
Enactment	April 17, 1978
Published	April 27, 1978

ZONING MAP AMENDMENTS

1. Delete the "R-1D" zoning district classification from the Zoning Map legend wherever it appears.
2. Delete the "Ground Floor Area in Square Feet Schedule" on the Zoning Map in its entirety.
3. Revise the Zoning Map to redesignate all R-1D zoned property in the City as R-1C zoned area (that being the R-1D zoned area bounded generally by Vernier Road on the south, Beaconsfield Road on the west, East Eight Mile Road on the north, and the City limits on the east).

REVISED: March 7, 2008