

CHAPTER 1268
Specific Use Provisions

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1268.01 INTENT.

The intent of this chapter is to provide for those regulations that are applied to special land uses as identified in Chapter 1264.

1268.02 CHILD AND ADULT DAY-CARE FACILITIES.

(a) Family day-care homes servicing six (6) or fewer children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

(b) Child group day-care homes with greater than six (6) children are subject to the following:

- (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
- (2) There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard.

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- (3) This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
- (4) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- (5) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
- (6) Appropriate licenses with the State of Michigan shall be maintained.
- (7) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.

(c) Child day-care centers, when located within a church or school are subject to the following conditions:

- (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
- (2) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
- (3) Appropriate licenses with the State of Michigan shall be maintained.

(d) Adult day-care home with greater than six (6) adults are subject to the following:

- (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential areas, and shall not create a nuisance in fact or law relating to vehicular parking, noise or additional congestion in excess of residential uses in the district.
- (2) Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
- (3) The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
- (4) Appropriate licenses with the State of Michigan shall be maintained.

(e) Adult day-care centers are subject to the following conditions:

- (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
- (2) Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than

six (6) feet.
(Ord. 275. Passed 9-23-03.)

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1268.03 HOUSING FOR THE ELDERLY AND NURSING HOMES/CONVALESCENT CENTERS.

(a) Housing for the elderly shall comply with the following conditions:

(1) All housing for elderly shall provide for the following:

A. Independent living for the elderly. Dwellings may be provided for as one family detached, two-family or multiple family units. The minimum site area requirements for purpose of calculating density shall be as follows:

<u>Dwelling Unit Size</u>	<u>Site Area/Unit (sq. ft.)</u>
Efficiency/One Bedroom	2,000
Two Bedroom	4,000
Each additional bedroom	500

B. Assisted living for the elderly. Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth above shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.

C. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

D. Building setbacks shall comply with the following:

1. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
2. Internal setbacks for one and two-family dwellings located on an individual lot shall be as follows:

Front	25 feet
Rear	33 feet
Least side	7.5 feet
Total side/between buildings	20 feet

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3. Internal setbacks for one and two-family dwellings not located on an individual lot shall be as follows:

	<u>Multiple Family</u>	<u>One/Two Family</u>
Internal Drives/Streets	25	25
Side/Side Orientation	30	20
Side/Front, Side/Rear	30	35
Front/Front, Front Rear, Rear/Rear	50	50

- E. Minimum floor area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Dwelling Type	Floor Area (sq. ft.)	
	<u>Assisted Living Unit</u>	<u>Independent Living Unit</u>
Efficiency	400	500
One-Bedroom	550	650
Two Bedroom	700	800
Additional Bedroom	150 per	150 per

- F. Building height. The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
1. The site contains significant natural resources such as slopes or wetlands.
 2. No increase in density shall be allowed.
 3. Approval by the Fire Department is required.
 4. An increased front, rear and side yard setback distance and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval of the Planning Commission.
 5. In no event shall the maximum height of any such building exceed thirty-five (35) feet as calculated in accordance with the terms of this chapter.

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- G. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:
 - 1. Total open space required shall be a minimum of fifteen (15) percent of the site.
 - 2. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
- H. **Accessory uses.** Support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include: congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.

(b) Nursing homes and convalescent centers shall comply with the following conditions:

- (1) Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.
- (2) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the nursing homes/convalescent centers there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage area requirement.
- (3) No building shall be closer than forty (40) feet from a property line.
- (4) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or primary thoroughfare. More than one (1) point of vehicle ingress and egress shall be provided directly from said thoroughfare.
- (5) Area for access of emergency vehicles shall be provided for each primary building entrance.
(Ord. 275. Passed 9-23-03.)

1268.04 CHILD AND ADULT FOSTER CARE FACILITIES.

(a) **Intent.** It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) **Child foster care facilities.**

- (1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty

(40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable state standards.

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- (2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section 1262.03 and the following standards:
 - A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential use in the district.
 - B. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
 - C. Appropriate licenses with the State of Michigan shall be maintained.
- (c) Adult foster care facilities.
 - (1) Application of Regulations.
 - A. A state licensed adult foster care small group home serving six (6) persons or less and adult foster care family home shall be considered a residential use of property and a permitted use in all residential districts.
 - B. The city may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
 - C. The city may, by issuance of a special use permit, authorize the establishment of a adult foster care congregate facility.
 - (2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 1262.03 and the following additional standards:
 - A. The subject parcel shall meet the minimum lot area requirements for the (3) zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
 - B. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - C. Appropriate licenses with the State of Michigan shall be maintained.
 - (3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 1262.03 and the following standards:
 - A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five

hundred (1,500) square feet per adult, excluding employees and/or care givers.

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- B. Appropriate licenses with the State of Michigan shall be maintained.
(Ord. 275. Passed 9-23-03.)

1268.05 SELF-STORAGE FACILITIES.

Self-storage facilities are subject to the following conditions:

- (a) No commercial, retail, industrial or other business use shall be operated from the rental units. Examples of prohibited activities (commercial or personal) include but are not limited to:
- (1) Auctions, retail sales and/or miscellaneous or garage sales.
 - (2) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, furniture, machinery or other similar property.
 - (3) The operation of power tools, painting equipment, compressors, welding equipment or similar tools and equipment.
 - (4) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower, or similar property will be drained or removed prior to storage. Batteries will be removed from vehicles before storage and shall not be stored within units under any circumstances.
 - (5) The storage of goods needed or used on a regular basis as part of a business and/or the storage of perishable materials, unless otherwise permitted by the Planning Commission as a special land use subject to the standards of this division and Section 1262.03.
- (b) All storage not contained within a building shall be adequately screened from public view.
- (c) No structure may exceed one (1) story in height.
- (d) Exterior walls of all storage units that abut a residentially zoned area shall be of masonry construction.
- (e) The total lot coverage by structures shall be limited to fifty (50) percent of the total lot area.
- (f) Drives and loading areas shall be designed as follows:
- (1) The distance between storage unit buildings shall be a minimum of twenty-four (24) feet.
 - (2) All storage units must be accessible by a safe circular drive clearly marked to distinguish direction. Furthermore, the applicant must demonstrate that fire and emergency vehicles and other vehicles that would typically utilize such a facility can access and circulate through the site adequately. Sufficient area shall be provided between and at the end of storage units to accommodate large fire vehicles and trucks requiring access to and circulation within the site.
- (g) Where a self-storage facility abuts a residentially zoned or used property, all buildings and drives for ingress to and egress from the facility shall have a setback of a minimum of fifty (50) feet from the property line.
(Ord. 275. Passed 9-23-03.)

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1268.06 BED AND BREAKFAST ACCOMMODATIONS.

Bed and breakfast accommodations are subject to the following conditions:

- (a) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (b) No bed and breakfast sleeping room shall be permitted that does not comply with the building code.
- (c) There shall be no separate cooking facilities used for bed and breakfast stay.
- (d) Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- (e) The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar years.
- (f) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- (g) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (h) The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

(Ord. 275. Passed 9-23-03.)

1268.07 MOTELS AND HOTELS.

Motels and hotels are subject to the following conditions:

- (a) A site shall contain no less than two (2) acres of land, and no less than one thousand (1,000) square feet of lot area shall be available per guest unit.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air conditioned floor area per guest unit.
- (c) All buildings shall be setback no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to a residential zoning district.
- (d) Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.
- (e) Cooking and/or kitchen facilities may be provided in new motels upon demonstration by the applicant that the provisions of all applicable fire prevention and building code requirements have been satisfied.
- (f) No existing motel units shall be converted for use of cooking and/or a kitchen facilities unless the owner first obtains a building permit, complies with all applicable fire prevention and building codes and obtains a certificate of occupancy for each unit prior to renting it.

(Ord. 275. Passed 9-23-03.)

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1268.08 AUTOMOBILE FILLING STATIONS, AUTOMOBILE REPAIR GARAGES, AUTOMOBILE SERVICE STATIONS, AUTOMOBILE WASHES AND AUTOMOBILE DEALERSHIPS.

Automobile filling stations, repair garages, service stations, and washes shall comply with the following conditions:

- (a) The curb cuts for ingress and egress from a filling or service station are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. 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 ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.
- (b) The minimum lot area shall be ten thousand (10,000) square feet, so arranged that ample space is available for motor vehicles which are required to wait.
- (c) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (d) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.
- (e) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (f) Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the building front line.
- (g) Vehicle sales shall not be permitted on the premises of any automobile filling station, automobile repair garage, automobile service station and automobile wash.
- (h) All coverings of the service or filling station gasoline pumps shall be no taller than the principal structure and constructed of compatible materials. Such canopies shall not be lit internally for signage purposes. All proposed lighting shall be fully recessed.
- (i) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (j) A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one enclosed stall may be included for each additional two

thousand (2,000) square feet of lot area above the minimum area set forth in division (b).

(Ord. 275. Passed 9-23-03.)

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1268.09 MIXED USE DEVELOPMENT REGULATIONS.

Uses located within the MXD, Mixed Use District are subject to the following development procedures and regulations, in addition to standards set forth above, and shall be applicable to all uses within the District.

- (a) Review procedures. All developments within the MXD District shall consist of no less than ten (10) acres unless located within the Central Business District, and shall be subject to all applicable preliminary site plan, final site plan and special land use review procedures.
 - (1) Preliminary. As part of the preliminary site plan review phase, the applicant shall submit a concept plan for comment from the Planning Commission. The concept plan shall include the following information:
 - A. Evidence of ownership; location and description of site; dimensions and area;
 - B. General topography and natural features;
 - C. Scale, north arrow, date of plan;
 - D. Existing zoning and land use of the site and adjacent parcels; locations of existing building, drives and streets on the site;
 - E. Location, type and land area of each proposed land use; dwelling unit density per net acre;
 - F. Estimated location, size and uses of open space;
 - G. General form of ownership and maintenance;
 - H. General landscape concept, including existing features to be maintained.
 - I. General description of existing and proposed utilities;
 - J. Conceptual road layout;
 - K. Development phases, if applicable; and
 - L. Examples of typical building materials and styles.
 - (2) Final. Following concept plan review by the Planning Commission, all developments shall be subject to the site plan review requirements outlined in Section 1262.04, Site Plan Review. Non one-family and two-family uses shall also be subject to the requirements outlined in Section 1262.03, Special Land Uses.
- (b) Building dimensions, area requirements, density, and setbacks. Requirements of MXD District relating to the height and bulk of buildings,, the minimum size of a lot permitted by land use, the maximum density permitted and minimum yard setbacks, are contained in Section 1260.07, and detailed below:
 - (1) One-family uses.
 - A. Lot area and width. The intent of the District is to provide a variety of housing styles on a variety of parcel sizes, not just within the development, but on a per block basis as well. Therefore, the lots shall range in size between 5,500 and 7,700 square feet, and between fifty (50) and seventy (70) feet in width. The actual mix shall be approved by the Planning Commission. Additionally, the area and width of

irregular shaped lots as a result of site limitations, shall be approved by the Planning Commission.

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- B. Front yard. There shall be a front yard of not less than twenty-five (25) feet as measured from the front lot line, but porches may encroach up to eight (8) feet inside of the required front setback. However, the Planning Commission may consider a modified setback through the special land use procedures outlined in Section 1262.03, and providing the modification does not result in an increased density.
 - C. Side yard. The side yard shall be a minimum of four (4) feet on one side, with a total of twenty (20) feet for both sides. There shall also be no less than twenty (20) feet between homes on abutting parcels, unless the building code requires a greater setback for fire separation.
 - D. Rear yards. There shall be a rear yard setback of not less than thirty (30) feet, but a garage may encroach fifteen (15) feet inside of the required setback.
 - E. Height regulations. No building or structure shall exceed two (2) stories or thirty-five (35) feet.
- (2) Two-family uses.
- A. Lot area and width. No lot shall have a minimum area of less than 6,600 square feet and a minimum width of no less than sixty (60) feet.
 - B. Front, side and rear yards.
 - 1. Individual lots. All setback shall comply with those for one-family uses.
 - 2. Regular condominiums.
 - (i) Front yards. Twenty-five (25) feet as measured from the front lot line, but porches may encroach up to eight (8) feet inside of the required front setback. However, the Planning Commission may consider a modified setback through the special land use procedures outlined in Section 1262.03 and providing the modification does not result in an increased density.
 - (ii) Minimum distance between buildings. Twenty (20) feet when side to side, forty (40) feet in all other cases, unless the building code requires a greater setback for fire separation.
 - 3. Height regulations. No building or structure shall exceed two (2) stories or thirty-five (35) feet.
- (3) Multiple family uses.
- A. Maximum density. The intent of the District, is to provide a variety of housing unit sizes within each development. Therefore, the maximum density shall be computed as follows, and shall be calculated exclusive of any dedicated public right-of-way of either an interior or adjacent street:
 - 1. Efficiency or one (1) bedroom units shall not exceed ten

(10) dwelling units per net acre or 4,356 square feet of site area for each dwelling unit.

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2. Two (2) bedroom units shall not exceed eight (8) dwelling unit per net acre or 5,445 square feet of site area for each dwelling unit.
 3. Three (3) bedroom units shall not exceed six (6) dwelling units per net acre or 7,260 square feet of site area for each dwelling unit. The actual mix shall be approved by the Planning Commission.
- B. Front yard. There shall be a front yard of not less than ten (10) feet as measured from the front lot line. However, the Planning Commission may consider a modified setback providing the modification does not result in an increased density.
- C. Side yard. The side yard shall be a minimum of eight (8) feet unless adjacent to a one (1) or two (2) family residential use for which a minimum of a sixteen (16) foot setback is required.
- D. Distance between buildings. The minimum distance between two (2) multiple family dwelling buildings shall be twenty-five (25) feet for a two (2) story building and thirty (30) feet for a three story building, unless the building code requires a greater setback for fire separation.
- E. Perimeter setback. Up to a one hundred (100) foot setback shall be required along the perimeter of the development, unless modified or waived by Planning Commission.
- F. Height regulations. No building or structure shall exceed two (2) stories or thirty-five (35) feet.
- (4) Mixed use, commercial (excluding retail), office, other non-commercial uses.
- A. Front yard. There shall be a front yard of not less than ten (10) feet as measured from the front lot line. However, the Planning Commission may consider a modified setback providing the modification does not result in an increased density.
- B. Side yard. The side yard shall be a minimum of five (5) unless adjacent to a one (1) or two (2) family residential use for which a minimum of a twenty (20) foot setback is required.
- C. Distance between buildings. The minimum distance between two (2) mixed use buildings that include multiple family dwellings shall be twenty-five (25) feet for a two (2) story building and thirty (30) feet for a three (3) story building, unless the building code requires a greater setback for fire separation.
- D. Rear yards. There shall be a rear yard setback of not less than twenty (20) feet, but a garage with access off a rear alley may be setback a minimum of five (5) feet.
- E. Perimeter setback. A one hundred (100) foot setback shall be required along the perimeter of the development, unless

- modified or waived by Planning Commission.
- F. Height regulations. No building or structure shall exceed two (2) stories or thirty-five (35) feet for a single tenant use, or three (3) stories or thirty-five (35) feet for a multi-tenant use.

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(5) Retail uses. No larger than twenty-five thousand (25,000) square feet; however, the Planning Commission, at their sole discretion, may consider retail buildings greater in size, providing the following criteria are satisfied:

- A. No more than twenty (20) percent of the parking is provided within the front yard, the remaining eighty (80) percent may be divided between the rear and side yards.
- B. The construction treatment shall be consistent with the adjacent structures (including residences) and shall not vary between the front, rear and side facades, with the exception of the loading/unloading areas.
- C. Horizontal masses shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in height and a projecting or recessed elements.
- D. No more than two (2) direct access drives shall be provided from the adjacent arterial or collector street. Access to other portions of the building shall be provided via internal and/or service drives.
- E. All buildings shall have a roof pitch of no less than two (2) feet of rise (vertical) over twelve (12) feet of run (horizontal).

(c) Minimum floor area. The minimum floor area of dwelling units shall be as follows:

<u>Type of Dwelling</u>	<u>Total Usable Floor Area</u> (sq. ft.)
One Family	900
Two Family, per dwelling unit	800
Multiple Family:	
Efficiency unit	250
One-bedroom unit	450
Two-bedroom unit	600
Three bedroom unit	750

(d) Open space requirement and computation.

(1) Residential uses. An active and passive recreation/open space plan shall be submitted to Planning Commission for consideration. The plan shall demonstrate that at least fifteen (15) percent of the gross land area is maintained for recreation/open space amenities that accurately reflect the intended demographics of the development.

(2) All non-residential uses. Each non-residential establishment shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the city, adequately enhances such community and public spaces. Any such areas shall have direct

access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

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- (e) Site access. Access to public roads for both pedestrians and vehicles shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:
- (1) Provisions for circulation between adjacent parcels are required through coordinated or joint parking systems.
 - (2) Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress.
 - (3) When applicable, the primary access point into a site may be permitted to be via a rear access drive/alley to be shared by all adjoining uses. The drive shall be no less than twenty (20) feet wide within a forty (40) foot easement.
- (f) Parking/loading. All off-street parking areas shall conform to Chapter 1274.
- (1) Off-street parking for non-residential uses shall be located predominantly within the side or rear yard areas. Up to twenty (20) percent of the off-street parking may be permitted within the front yards when abutting a public right-of-way. All parking areas shall be setback a minimum of ten (10) feet from any roadway, a minimum of fifteen (15) feet from the property line of any residential use, and a minimum of five (5) feet from the property line of any nonresidential use, unless the lots contain shared parking areas.
 - (2) All loading areas for non-residential uses shall be located within rear yard areas.
- (g) Pedestrian pathways and sidewalks. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall site design concept. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems shall be planned and installed wherever feasible. All paths and sidewalks shall be a minimum of five (5) feet in width, and paved. Sidewalks are required along all roadways.
- (h) Lighting.
- (1) All street lighting shall be installed in accordance with city standards.
 - (2) Architectural lighting, where used, shall articulate the particular building design, as well as provide the required functional lighting for safety of pedestrian movement.
 - (3) Pedestrian walk lighting shall clearly identify the pedestrian walkway and direction of travel.
- (i) General site design/architectural guidelines for non-residential uses. It is the intent of the District to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon methods that tend to reduce the large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual building, and

to create a complex of buildings compatible with the streetscape.

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- (1) Miscellaneous design criteria. Building entries shall be readily identifiable and accessible, with at least one (1) main entrance facing and open directly onto a connecting walkway with pedestrian frontage.
- (2) Building massing and form.
 - A. Building facades greater than one hundred (100) feet in length shall incorporate recesses, projections, or spandrel windows along at least twenty (20) percent of the length of the facade. Windows, awnings, and arcades must total at least sixty (60) percent of a facade length abutting a public street or connecting pedestrian frontage.
 - B. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- (3) Building roofs. In instances where flat roof areas can be viewed from below, all roof vents, roof-mounted mechanical equipment, pipes, etc., shall be screened from view.
- (j) Screening of exterior electrical equipment and transformers.
 - (1) Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable non combustible enclosure that are unified and harmonious with the overall architectural theme.
 - (2) Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.
- (k) Utilities and communication devices.
 - (1) All exterior on-site utilities, including but not limited to drainage systems, sewers, gas lines, water lines, and electrical, telephone and communication wires and equipment, shall be installed and maintained underground whenever possible.
 - (2) On-site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving, and landscape during construction and maintenance.
- (l) Cross-parcel coordination. The intent of the MXD District is to provide a continuous development pattern that flows between uses and developments. Therefore, a developer shall show proof that an attempt has been made to coordinate all elements of a development with existing adjacent developments and property owners to ensure a coordinated development pattern within the area.
(Ord. 275. Passed 9-23-03.)

1268.10 MOBILE HOME PARK REQUIREMENTS.

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Environmental Quality Rules under the authority of Act 96 of the Public Acts of 1987, as amended, regulates development of

mobile

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home parks. All mobile home parks must be constructed according to the standards of the Code. In addition to the rules and standards of the State of Michigan, the city imposes the following conditions:

- (a) Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of the Public Acts of 1987, as amended, and subsequently adopted rules and regulations governing mobile home parks.
- (b) Mobile home parks shall not be permitted on parcels less than ten (10) acres in size.
- (c) Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
- (d) The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment. Any outdoor storage area must be adequately screened from public view.
- (e) The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way. Mobile home parks shall be landscaped as follows:
 - (1) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - (2) If the park abuts a non-residential development, the park need not provide screening.
 - (3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- (f) The landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height that is spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.
- (g) Mobile home parks shall be subject to preliminary plan review requirements in accordance with Act 96 of the Public Acts of 1987, as amended.
- (h) A permit shall not be required for the construction or erection of canopies or awnings that are open on three (3) sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.
(Ord. 275. Passed 9-23-03.)

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1268.11 ADULT BUSINESSES.

(a) Purpose. It is recognized that there are some uses that, because of their very nature, have serious operational characteristics that have a deleterious effect upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the city's residential neighborhoods and commercial centers. The regulations in this ordinance are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one another and places of public congregation.

(b) Location. Adult business uses, as defined herein, shall be permitted only within the B-3 (General Business) Districts, and subject to the following conditions:

- (1) No adult business as defined herein shall be permitted within a one thousand-five hundred (1,500) foot radius of an existing adult business. Measurement of the 1,500 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.
- (2) No adult business as defined herein shall be permitted within a one thousand (1000) foot radius of a residentially zoned parcel, school, library, park, playground, licensed group day-care home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the 1000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

(c) Miscellaneous requirements.

- (1) No person shall reside in or permit any person to reside in the premises of an adult business.
- (2) The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist clinical social workers and family counselors, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of an American Massage and Therapy Association and certified members of the International Myomassethics Federation.

(Ord. 275. Passed 9-23-03.)

1268.12 PRIVATE CLUBS, LODGES AND RECEPTION HALLS.

(a) Private club or lodge. A private club or lodge includes buildings and grounds used for and operated by a non-profit organization, whose membership is by invitation and election according to qualifications in the club's charter or bylaws. The use of the facilities is primarily restricted to members and their guests. Private clubs and lodges may be allowed subject to the following:

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- (1) A minimum lot area of sixteen thousand (16,000) square feet;
- (2) A minimum front, rear and side yard of twenty-five (25) feet;
- (3) No person shall reside in or permit any person to reside in the premises.

(b) Reception hall. A reception hall is used for and operated by a for profit organization, and is not associated with a motel, hotel, school, private club or lodge. All such facilities may be allowed subject to the following:

- (1) A minimum lot area of sixteen thousand (16,000) square feet.
 - (2) A minimum front, rear and side yard of twenty-five (25) feet.
- (Ord. 275. Passed 9-23-03.)

1268.13 FARM ANIMALS AND LIVESTOCK.

Farm animals and livestock shall only be kept on farms as defined in this chapter. No farm animals or livestock may be kept in R-1, R-2, R-T, R-M or MHP designated districts.
(Ord. 275. Passed 9-23-03.)

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