

all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described in this section, provided:

- (1) Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads, or such lines extended; and the corporate limits of the city.
- (2) Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the board of appeals.

(Ord. No. 200, § 301(3.01), 10-29-1986)

Sec. 138-208. Zoning of vacated areas.

Whenever any street, alley or other public way within the city shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the land to which it shall attach, and it shall be used for that same use as is permitted under this chapter for such adjoining lands.

(Ord. No. 200, § 302(3.02), 10-29-1986)

Sec. 138-209. District requirements.

All buildings and uses in any district shall be subject to the provisions of sections 138-2, 138-3, 138-141—138-144, 138-1067—138-1076; article V; divisions 3, 4 and 5 of article VIII; article IX; and division 2 of article X of this chapter and the general exceptions in sections 138-1077 through 138-1081.

(Ord. No. 200, § 303(3.03), 10-29-1986)

Secs. 138-210—138-255. Reserved.

DIVISION 2. R-1, R-2, R-3 AND R-4 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 138-256. Intent.

The R-1, R-2, R-3 and R-4 one-family residential districts are designed to provide for one-family, low density dwelling sites and residentially related uses in keeping with the master plan of residential development in the city. The uses permitted by right and on special condition as conditional uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.

(Ord. No. 200, art. 4, preamble, 10-29-1986)

Sec. 138-257. Principal uses permitted.

In the R-1, R-2, R-3 and R-4 one-family residential districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings.
- (2) Agriculture, but not including apiaries, rhubarb growing and mushroom growing, on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five acres, all subject to the city health and sanitation provisions. Agriculture may be conducted on parcels of less than five acres but there shall be no keeping or raising of livestock, except as otherwise provided in this chapter.
- (3) Publicly owned and operated parks, parkways and recreational facilities.
- (4) Municipal buildings and uses.
- (5) Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and meeting the requirements of Public Act No. 302 of 1921 (MCL 388.551 et seq., MSA 15.1921 et seq.). Public, parochial and other private intermediate and/or high schools and parochial and other private elementary schools shall be located on a

major thoroughfare of at least 120 feet of right-of-way width as indicated in the city's master right-of-way plan.

- (6) Wireless telecommunication facilities, on a limited basis, as provided in section 138-1075.
- (7) Accessory buildings and accessory uses customarily incidental to any of the permitted uses in this section.

(Ord. No. 200, § 400(4.00), 10-29-1986; Ord. No. 200-34; Ord. No. 200-97, § 1)

Sec. 138-258. Conditional uses.

The following uses may be permitted in the R-1, R-2, R-3 and R-4 one-family residential districts, unless otherwise provided, by the city council after the review and recommendation of the planning commission and after a site plan review and subject, further, to such other reasonable conditions which, in the opinion of the planning commission and city council, are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Cemeteries, when developed on sites of five acres or more, after a public hearing.
- (2) Golf courses and ski areas which may or may not be operated for profit, but specifically excluding miniature golf courses, so called, providing the following conditions are met:
 - a. Any such use developed and requiring a structure shall have such structure so located on the site as not to be closer than 200 feet from the lot line of any adjacent residential land.
 - b. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or proposed right-of-way at least 86 feet as shown on the city's master right-of-way plan.
 - c. Parking areas, and ingress and egress, shall be so located so as to not become a nuisance to any adjacent residential area.

- (3) Nursery schools, day nurseries and child care centers, provided the following conditions are met:

- a. Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of 120 feet. Additionally, the facility shall be on a corner lot or shall directly abut nonresidential zoning on at least one side, and such zoning shall be on the same side of the major thoroughfare.
- b. Hours of operation shall not exceed 15 hours a day with closing time of not later than 9:00 p.m.
- c. All parking areas shall be in the side or rear yard only.
- d. All child dropoff areas shall be in the side or rear yard.
- e. The front yard shall be kept in lawn, and landscaped in accordance with division 4 of article VIII of this chapter.
- f. Outdoor play areas shall be in the side or rear yard in the amount of 100 square feet for each child cared for, but at least a minimum of 1,200 square feet.
- g. Parking, dropoff, and play areas shall be screened with an obscuring six-foot fence or wall, four-foot, six-inch-high berm with landscaping in accordance with division 4 of article VIII of this chapter, a 20-foot wide greenbelt landscaped in accordance with division 4 of article VIII of this chapter, or a combination of such, whichever in the opinion of the planning commission and city council achieves the objective of screening and controlling noise levels.
- h. Any trash receptacle shall be screened with a six-foot-high obscuring fence or wall.
- i. Lighting shall be shielded downward so as not to become a nuisance to abutting property.

- j. Front, side and rear elevations of the building shall be provided to ensure that the use will have the appearance and character of residences in the vicinity. If there are no residences within 200 feet, in making a determination on the compatibility of such uses, the following architectural features shall be reviewed:
1. Roof pitch, overhang, and drainage.
 2. Window sills and other window features.
 3. Facade treatment (both material and appearance).
 4. Entrance features.
 5. Heating exhaust devices.
- k. Penthouses or similar mechanical rooftop features shall be prohibited.
- l. Signs shall meet the requirements of section 138-1069.
- m. The facility shall comply with applicable state licensing requirements and regulations.
- n. Any other conditions which the planning commission and city council deem necessary to ensure that the residential character of the neighborhood shall be maintained.
- (4) Private recreational areas, institutional recreation centers, swimming pool clubs, and outdoor tennis courts, provided the following conditions are met:
- a. The organization proposing any use permitted in this subsection shall have at least two-thirds of its membership composed of city residents.
 - b. When the proposed site is not to be situated on a lot of record, the proposed site shall have one property line abutting a major thoroughfare of at least 120 feet as shown on the current master right-of-way plan of the county road commission, and the site shall be so planned as to provide ingress and egress directly onto such major thoroughfare.
- c. Front, side and rear yards shall, respectively, be at least 50 feet wide and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition.
- d. All lighting used to light the grounds shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
- e. Off-street parking shall be provided so as to accommodate at least one-fourth of the member family and/or individual members. Bylaws and membership lists of the organization shall be annually provided to the planning commission in order to establish the membership involved in computing parking requirements.
- f. All parking shall be surfaced as required in article IX of this chapter for off-street parking requirements.
- g. Whenever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence or an obscuring coniferous planting six feet in height shall be provided along that entire side of the parking area.
- h. Whenever a swimming pool is involved, such pool shall be provided with a protective fence six feet in height, and entry shall be provided by means of a controlled gate or turnstile.
- (5) Plant material nurseries, subject to the following conditions:
- a. The property shall contain at least five acres and shall be located so as to provide all ingress and egress directly from and onto a major thoroughfare.

- b. All required yards shall not be less than 50 feet wide when abutting an R residential district.
 - c. Sales from the area in the residential district shall be limited to plants grown on that property.
- (6) Funeral homes providing mortuary services, subject to the following conditions:
- a. The funeral home site shall be located on a separately owned parcel surrounded by an existing cemetery consisting of at least 50 acres, and which cemetery is a conforming use under this chapter.
 - b. Ingress and egress to and from the funeral home parcel shall be gained through the internal drive system of the cemetery, meeting the requirements for drives stated in section 138-1267, in order to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the cemetery and the funeral home.
 - c. The funeral home parcel shall not be located within 200 feet of a major thoroughfare or any residential zoning district.
 - d. The minimum lot area for the funeral home parcel shall be 25,000 square feet and shall be so arranged that an adequate off-street assembly area is provided for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area. Required off-street parking shall be provided as required for mortuary establishments in subsection 138-1266(m)(3)l.
 - e. Wherever the parking area is designed so that automobile headlights will be directed toward any nearby residences, type B screening shall be provided in accordance with the requirements of division 5 of article VIII of this chapter pertaining to screening and buffer zones.
 - f. Loading and unloading areas used by ambulance, hearse, or other such service vehicles shall also be obscured from view from residences, and shall further be subject to the requirements of sections 138-2, 138-3, 138-141—138-144, 138-1067—138-1076; article V; divisions 3, 4 and 5 of article VIII; article IX; and division 2 of article X of this chapter.
 - g. All structures on the funeral home parcel shall have a residential appearance compatible with residences in the general area.
- (7) Accessory buildings and accessory uses customarily incidental to the conditional uses in this section.
 - (8) Other uses similar to the conditional uses in this section.
- (Ord. No. 200, § 401(4.01), 10-29-1986; Ord. No. 200-52, § 1; Ord. No. 200-92, § 2, 6-6-1997)
- Sec. 138-259. Ancillary uses.**
- (a) Home occupations, as defined in this chapter, on a limited basis, will be allowed in R-1, R-2, R-3 and R-4 one-family residential districts, provided any such activity:
 - (1) Does not create a nuisance to the surrounding neighborhood.
 - (2) Does not become more than an incidental function of the use of the dwelling for residential purposes.
 - (3) Does not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week or by trucks or vehicles allowed under subsection 138-1143(b).
 - (4) Does not employ paid assistants or employees other than those living at the premises.
 - (5) Does not cause more than a nominal increase of traffic.

- (6) Does not cause the erection or maintenance of any signs other than signs allowed on vehicles under subsection 138-1143(b)(5).
- (7) Does not take place outside of the dwelling and/or accessory buildings, so as to be a nuisance or not be in keeping with the residential nature of the surrounding residential area.
- (8) In addition to meeting subsections (a)(1) through (a)(7) of this section, child day care centers shall not care for more than six children.
- (9) In addition to meeting subsections (a)(1) through (a)(7) of this section, bed and breakfast operations shall conform to the following additional requirements:
 - a. No more than four sleeping rooms, and no more than 25 percent of the total floor area of the dwelling unit, shall be available for rent to transient guests.
 - b. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector, and each floor of the premises shall have a fire extinguisher. All are to be kept in proper working order, in compliance with applicable state law.
 - c. Adequate off-street parking shall be provided on site.
 - d. The maximum stay for any transient guest shall be 14 consecutive days.

Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this chapter in a residential district is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined in this chapter, may be prosecuted in the district court, or may be enjoined in the circuit court.

As an alternative, the mayor may refer the matter first to the zoning board of appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from

a neighbor, the mayor shall make an investigation and either take action against the violator, refer the matter to the zoning board of appeals or advise the complainant there is no violation and the reason for that determination.

If a question concerning a home occupation is referred to the zoning board of appeals, that board shall hold a public hearing with notice to all property owners within 300 feet of the property and shall determine whether there is, in fact, a home occupation and, if so, whether there are any violations of the limitations in this subsection. The board of appeals may take no further action or may issue a permit, renewable yearly, for the continuation of such use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

(b) A private stable may be permitted by the planning commission as an ancillary use when it is ancillary to a private residence in a single-family district. A private stable shall be subject to the following:

- (1) In the first instance, prior to granting a permit, the planning commission shall hold a public hearing to receive public comment regarding the effect that establishment of a private stable will have on the surrounding neighborhood. The notice requirements of subsection 138-1306(b) shall be followed.
- (2) A year-to-year permit granted by the planning commission shall be required for the continuation of a private stable.
- (3) Two acres of land shall be provided for one horse, and for each additional horse stabled thereon one additional acre of land shall be provided. The property shall be under control or use of the permit holder with either title or lease.
- (4) Confinement areas and/or stables shall, in all instances, be located in the rear and/or side yard. No horse shall be allowed to run at large.
- (5) Buildings or areas designated for the purpose of feeding and/or sheltering horses,

excluding grazing areas, shall be located no less than 100 feet from the perimeter of the site. This 100-foot requirement may be waived by the planning commission if it determines the location of the building is not likely to create a sanitary or noise problem for adjacent residents.

- (6) No storage of manure or odor-producing or dust-producing substances or any activity producing odor or dust shall be permitted within 100 feet of any property line.

In each instance when the planning commission issues a permit for a private stable, the commission shall find that there has been compliance with the conditions of this subsection, that the activity will not or has not been a nuisance to residents in the area, is compatible with adjacent land uses and is consistent with the public health, safety and welfare of the city.

(Ord. No. 200, § 402(4.02), 10-29-1986; Ord. No. 200-54, § 2; Ord. No. 200-102, § 1, 4-8-1998)

Sec. 138-260. Area, building and bulk requirements regulations.

In the R-1, R-2, R-3 and R-4 one-family residential districts, there shall be compliance with sections 138-1111 and 138-1112 and article VII of this chapter pertaining to the schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted, and section 138-1066 pertaining to one-family dwelling regulations.

(Ord. No. 200, § 403(4.03), 10-29-1986)

Secs. 138-261—138-310. Reserved.

**DIVISION 3. RCD ONE-FAMILY
RESIDENTIAL CLUSTER DISTRICTS**

Sec. 138-311. Purpose.

The intent of the RCD one-family residential cluster district is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site

plans in situations where the normal subdivision approach would otherwise be unnecessarily restrictive.

(Ord. No. 200, art. V(art. 5), preamble, 10-29-1986)

Sec. 138-312. Intent.

RCD one-family residential cluster districts are intended for those areas having at least one of the following characteristics:

- (1) An area generally parallel to, and generally not to exceed, 360 feet in depth on those unsubdivided parcels of land abutting a major thoroughfare or freeway of at least 120 feet of right-of-way width as indicated on the current city master right-of-way plan, so as to provide transition between such major thoroughfare and adjacent one-family detached housing on platted lots. The density in the cluster area shall not exceed 3.9 dwelling units per acre, including all residential roads, except as provided in section 138-320 pertaining to floodplains, subaqueous areas, or wetlands.
- (2) An area generally parallel to, and generally not to exceed, 360 feet in depth on those unsubdivided parcels of land being so located as to provide transition between nonresidential or multiple-family districts and one-family development. The density in the cluster area shall not exceed 3.0 dwelling units per acre, including all residential roads, except as provided in section 138-320 pertaining to floodplains, subaqueous areas, or wetlands.
- (3) An unsubdivided area which is found to be of such an unusual shape or which is found to contain unstable or generally unbuildable soil conditions or which is characterized by some other unusual physical or development factor which would make sound physical development under the normal residential subdivision approach, including lot size variation and subdivision open space plan, impractical. The following conditions shall exist:
 - a. The natural land forms are so arranged that the change of elevation

within the site includes slopes in excess of 15 percent between these elevations. These elevation changes and slopes shall appear on at least 35 percent of the site rather than as exceptional or infrequent features of the site.

- b. The achieving of road grades of less than six percent is impossible unless the site were mass graded. The providing of one-family clusters will allow a greater preservation of the natural setting.
- c. The area in open space, including recreation areas and water, accomplished through the use of one-family clusters shall represent at least 25 percent of the horizontal development area of a one-family cluster development. This entire area may be used in computing density when preserved as open space.
- d. The overall permitted density within an unsubdivided parcel not located in relation to a major thoroughfare, as described in subsections (1) and (2) of this section shall not exceed 3.0 dwelling units per acre, averaged over the entire area included within the general comprehensive plan, except as defined in section 138-320 pertaining to floodplains, subaqueous areas, or wetlands.

(Ord. No. 200, § 500(5.00), 10-29-1986)

Sec. 138-313. Permitted development.

At the property owner's option, development in the RCD one-family residential cluster district may be according to the provisions and requirements of the R-3 residential district, or according to the provisions and requirements in sections 138-314—138-321 of this division. If part or all of the property is developed according to the R-3 residential district requirements, the density of limitations and the other provisions of the R-3 residential requirements shall apply for that part of the property so developed.

(Ord. No. 200, § 501(5.01), 10-29-1986)

Sec. 138-314. Common wall.

The attaching of one-family homes shall be permitted in the RCD one-family residential cluster district when such homes are attached through a common party wall which does not have over 30 percent of its area in common wall with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.

(Ord. No. 200, § 502(5.02), 10-29-1986)

Sec. 138-315. Attachment.

In the RCD one-family residential cluster district, the maximum number of units attached in the manner prescribed in section 138-314 shall not exceed four.

(Ord. No. 200, § 503(5.03), 10-29-1986)

Sec. 138-316. Yards.

Yard requirements in the RCD one-family residential cluster district shall be as follows:

- (1) Front yards shall not be less than 25 feet.
- (2) At least 20 feet of combined side yards shall be provided between one-family detached groupings.
- (3) Rear yards to one-family attached units shall be at least 35 feet.

(Ord. No. 200, § 504(5.04), 10-29-1986)

Sec. 138-317. General requirements.

A site plan submitted under the RCD one-family residential cluster district shall comply with the following:

- (1) All units that abut major thoroughfares of 120-foot right-of-way, or greater, shall have a rear yard or side yard relationship to such thoroughfares of at least 50 feet.
- (2) A landscaped berm, at least five feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard, and the slopes of

- (5) Banks, with drive-in facilities may be permitted when such drive-in facilities are incidental to the principal function.
- (6) Instruction centers for music, art, dance crafts, karate, etc.
- (7) Nursery schools, day nurseries, and child care centers.
- (8) Wireless telecommunication facilities.
- (9) Accessory buildings and accessory uses customarily incidental to the permitted uses in this section.
- (10) Other uses similar to the uses in this section.

(Ord. No. 200, § 800(8.00), 10-29-1986; Ord. No. 200-53, § 2; Ord. No. 200-66, § 4; Ord. No. 200-97, § 3)

Sec. 138-478. Required conditions.

In B-1 local business districts, all uses shall be subject to the following conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing, storage and processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(Ord. No. 200, § 801(8.01), 10-29-1986)

Sec. 138-479. Area and bulk requirements.

For the area and bulk requirements in B-1 local business districts, see sections 138-1111 and 138-1112 and article VII of this chapter pertaining to the schedule of regulations, limiting the height and bulk of buildings and minimum size of lots by permitted land use.

(Ord. No. 200, § 802(8.02), 10-29-1986)

Secs. 138-480—138-520. Reserved.

DIVISION 7. B-2 GENERAL BUSINESS DISTRICTS*

Sec. 138-521. Intent.

The B-2 general business districts are designed to cater to the needs of the larger consumer population than serviced by the B-1 local business district.

(Ord. No. 200, art. IX(art. 9), preamble, 10-29-1986)

Sec. 138-522. Principal uses permitted.

In the B-2 general business districts, no building, structure or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in the B-1 districts, subject to the regulations applicable in sections 138-523, 138-524 and 138-525 of this division.
- (2) All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of new merchandise in any enclosed building.
 - b. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and no more objectionable character than such, subject to the provision that no more than five persons shall be employed at any time in the fabrication, repair and other processing of goods. The uses allowed in this subsection shall not include establishments such as muffler, shock absorber or brake replacement businesses.

*Cross reference—Businesses, ch. 22.

- c. Restaurants or other places serving food or beverage, except those having the character of a drive-in as defined in this chapter.
- d. Private clubs, fraternal organizations and lodge halls.

- (3) Office buildings of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic and sales.
- (4) Indoor theaters.
- (5) Banquet halls and/or conference centers.
- (6) Health or exercise clubs.
- (7) Wireless telecommunication facilities.
- (8) Accessory buildings and accessory uses customarily incidental to the permitted uses in this section.
- (9) Other uses similar to the uses in this section.

(Ord. No. 200, § 900(9.00), 10-29-1986; Ord. No. 200-66, § 5; Ord. No. 200-93, § 1; Ord. No. 200-97, § 4; Ord. No. 200-98, § 1)

Sec. 138-523. Conditional uses.

The following uses may be permitted by the city council in B-2 general business districts after the review and recommendation of the planning commission and after a site plan review and subject, further, to such other reasonable conditions which, in the opinion of the planning commission and city council, are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Open air business uses when developed in a planned relationship with the B-2 district as follows: retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and other garden supplies, provided further that such uses shall be located at the exterior of the B-2 district.
- (2) Bowling alleys, when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district.

- (3) Temporary buildings during construction of permanent buildings for a period not to exceed one year.

- (4) Outdoor sales space for exclusive sale of secondhand automobiles, travel trailers, recreational vehicle sales, or mobile homes subject to the following:

- a. All lighting shall be shielded from adjacent residential districts.
- b. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
- c. An obscuring wall or fence four feet six inches in height must be provided when abutting or adjacent districts are zoned for residential use.
- d. No major repair or major refinishing shall be done on the lot.

- (5) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building, and provided further that no abutting property shall be zoned for any R, RCD, RM, or MH district.

- (6) Publicly owned buildings and public utility buildings.

- (7) Restaurants or other establishments serving food or beverage and having a drive-up or drive-through service facility where patrons are served in their vehicles subject to the following requirements:

- a. Minimum lot area of one acre, exclusive of existing public road right-of-way, and minimum lot width of 150 feet at a required building setback line shall be provided. When the restaurant or other establishment is not on a separately owned lot, but is part of a larger development, such as but not limited to a shopping center, the area to be developed for the restaurant or other establishment shall meet these requirements.

- b. The site shall directly abut a major thoroughfare of 120 feet or greater as indicated on the city master thoroughfare plan.
- c. The location and design of driveways providing vehicular ingress to and egress from the site shall promote safety and convenience of vehicular and pedestrian traffic both within the site and on adjoining streets.
- d. On-site vehicle and pedestrian traffic circulation shall be provided in a manner that ensures safety and efficiency.
- e. Vehicle queuing spaces 18 feet long and ten feet wide for drive-up facilities shall be provided as follows:
 - 1. A minimum of ten spaces shall be provided for the order station and service station queuing lane.
 - 2. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten feet and shall be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five feet wide with raised curbs on all sides.

- (8) Home improvement stores for the retail sale of building or deck materials and supplies, subject to the following:
 - a. No fabrication, processing or manufacturing shall occur on site.
 - b. There shall be no outside display or storage of building or deck materials or supplies or any finished buildings or parts of buildings or decks displayed as models.

- (9) Accessory buildings and accessory uses customarily incidental to the conditional uses in this section.

(10) Other uses similar to the uses in this section.

(11) Sale and service of food outdoors, provided such use is incidental to a similar principal use indoors and adjacent and adjoining to the principal use.
(Ord. No. 200, § 901(9.01), 10-29-1986; Ord. No. 200-29; Ord. No. 200-32; Ord. No. 200-75, § 1)

Sec. 138-524. Required conditions.

All uses in B-2 general business districts shall be subject to the following conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail prices on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking and loading and outdoor dining, shall be conducted within a completely enclosed building.
- (3) Outdoor storage according to the requirements of subsection 138-1068(3) pertaining to performance standards for open storage.

(Ord. No. 200, § 902(9.02), 10-29-1986; Ord. No. 200-75, § 2)

Sec. 138-525. Area and bulk requirements.

For area and bulk requirements in B-2 general business districts see sections 138-1111 and 138-1112 and article VII of this chapter pertaining to the schedule of regulations, limiting the height and bulk of buildings and minimum size of lots by permitted land use.

(Ord. No. 200, § 903(9.03), 10-29-1986)

Secs. 138-526—138-565. Reserved.

DIVISION 8. B-3 SHOPPING CENTER BUSINESS DISTRICTS*

Sec. 138-566. Intent.

The B-3 shopping center business districts are designed to cater to the needs of the larger con-

*Cross reference—Businesses, ch. 22.

sumer population than served by the B-1 local business district and the B-2 general business district and so are mapped typically in shopping center locations characterized by establishments so grouped as to generate larger volumes of vehicular and pedestrian traffic.

(Ord. No. 200, art. IXA(art. 10), preamble, 10-29-1986)

Sec. 138-567. Principal uses permitted.

In the B-3 shopping center business districts, no building, structure or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in B-1 and B-2 districts, except nursery schools, day nurseries, and child care centers, if any of the three uses includes an outdoor play area, subject to the regulations applicable in sections 138-568, 138-569 and 138-570 of this division.
- (2) All retail businesses, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of new merchandise in any enclosed building.
 - b. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and no more objectionable character than such, subject to the provision that no more than five persons shall be employed at any time in the fabrication, repair and other processing of goods. The uses allowed in this subsection shall not include establishments such as muffler, shock absorber or brake replacement businesses.
- (3) Restaurants or other places serving food or beverage, except those having the character of a drive-in as defined in this chapter.
- (4) Office buildings of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic and sales.
- (5) Bus passenger stations.
- (6) New car office, sales or showroom, including customer service center. Any bump shop operation shall be subject to planning commission approval and must be incidental to the main business and must be screened.
- (7) Commercially used outdoor recreational space for adults' or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to the following:
 - a. All lighting shall be shielded from adjacent residential districts.
 - b. Parking areas shall be provided off the road right-of-way and shall be fenced with a four-foot, six-inch wall or fence where adjacent to the use.
 - c. Children's amusement parks must be fenced on all sides with a four-foot, six-inch wall or fence.
 - d. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Such fence shall be no less than six feet high. Pits shall not exceed four feet in depth, shall be drained at all times and shall be filled with earth to grade when the use is discontinued. All manufacturer's specifications for spacing, safety and construction shall be complied with.
 - e. No loudspeaker or public address system shall be used except by the written consent of the city council where it is deemed that no public nuisance or disturbance will be established.

a residential nonconforming use in a business or industrial district shall not also be used for a business or industrial use.
(Ord. No. 200, § 1904(22.04), 10-29-1986)

Secs. 138-1082—138-1110. Reserved.

DIVISION 2. HEIGHT, BULK, DENSITY AND AREA REQUIREMENTS

Sec. 138-1111. Schedule of regulations limiting height, bulk, density and area by land use.

The schedule of regulations limiting height, bulk, density and area by land use used throughout this chapter shall be as follows:

PART A. RESIDENTIAL DISTRICTS

Use Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet)				Minimum Floor Area per Unit (in square feet)	Maximum Percent of Lot Area Covered by All Buildings
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Sides		Rear		
						Least One	Total of Two			
R-1 one-family residential	20,000(a)	100	2	35	40(b)(cc)	15(c)	30	35(x)	1,500(d)	25
R-2 one-family residential	15,000(a)	100	2	35	40(b)(cc)	15(c)	30	35(x)	1,400(d)	25
R-3 one-family residential	12,000(a)	90	2	25(z)	30(b)(cc)	10(c)	20	35(x)	1,200(d)	30
R-4 one-family residential	9,600(a)	80	2	25(z)	25(b)(cc)	10(c)	20	35(x)	912(d)	30
RCD one-family residential cluster	See division 3 of article VI for regulations regarding one-family residential cluster districts									
RM-1 multiple-family residential	(e)	(e)	2½	30	30(f)	30(f)	60(f)	30(f)	(g)	30
MH mobile home park	See division 5 of article VI for regulations regarding mobile home park districts									

Notes: See pages following part B of this schedule.

PART B. NONRESIDENTIAL DISTRICTS

Use Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet)				Minimum Floor Area per Unit (in square feet)	Maximum Percent of Lot Area Covered by All Buildings
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Sides		Rear		
						Least One	Total of Two			
B-1 local business	(h)	(h)	2	30	25 (j), (n), (s)	25 (k), (n), (s)	50(s)	50 (m), (n), (s)	(o)	(o)
B-2 general business	(h)	(h)	2	30	50 (j), (n), (s)	25 (k), (n), (s)	50(s)	50 (m), (n), (s)	(o)	(o)
B-3 shopping center business	5 acres	400	2(i)	30(i)	75 (j), (n), (s)	25 (k), (n), (s)	50(s)	75 (m), (n), (s)	(o)	(o)

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Use Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet)				Minimum Floor Area per Unit (in square feet)	Maximum Percent of Lot Area Covered by All Buildings
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Sides		Rear		
						Least One	Total of Two			
B-4 freeway service business	(h)	(h)	2	30	75 (j), (n), (s), (v)	25 (j), (n), (s), (v)	50(s)	50 (m), (n), (s)	(o)	(o)
B-5 automotive service business	(h)	(h)	2	30	75 (j), (n), (s), (v)	25 (j), (n), (s), (v)	50(s)	50 (m), (n), (s)	(o)	(o)
O-1 office business	(h)	(h)	3	42(aa) (bb)	35 (j), (n)	25 (k), (n)	50	35 (m), (n)	(o)	(o)
I-1 light industrial	(h)	(h)	2	30	75 (p), (s), (t)	50 (q), (r), (s), (t)	100 (s), (t)	50 (r), (n), (s), (t)	(o)	(o)
I-2 heavy industrial	(h)	(h)	3	40	100 (p), (s), (t)	50 (q), (r), (s), (t)	100 (s), (t)	75 (r), (n), (s), (t)	(o)	(o)
R-O research office	10 acres	500	3	40(aa) (bb)	200(w)	200(w)	400(w)	200(w)	none	35
SP special purpose	(b)	(h)	2(l)	30(l)	50 (j), (n)	50(n)	100	50(n)	(o)	(o)
ORT office research technology	(h)	(h)	3(y)	40(y)	30(y)	(r), (y)	(r), (y)	30 (r), (y)	(o)	(o)

Footnotes to Schedule of Regulations

(a) See section 138-1112 pertaining to lot size variations for the method of averaging lot sizes or applying the subdivision open space plan approach.

(b) Where a front yard of greater or less depth than specified exists in the front of a dwelling or dwellings on one side of a street in any block, the depth of the front yard of any building subsequently erected on that side of the street shall not be less and need not be greater than the average depths of the front yards of such existing dwellings, less ten feet, but this shall not be deemed to require a front yard of greater depth than 50 feet, or permit a depth less than the minimum depth required in this section for the zoning district in which the proposed dwelling is to be located.

(c) The side yard abutting upon a street shall not be less than 25 feet when there is a common rear yard relationship in such block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot or when such side yard abuts on frontage across a common street, the side yard abutting a street shall not be less than the required front yard of the district. If the lot or parcel is less than

60 feet in width, one side yard may be reduced to five feet providing the total of the two side yards shall be a minimum of 15 feet.

(d) Site plan review and approval in accordance with section 138-141 must be obtained relative to any proposed development of one-family detached dwellings that is not otherwise regulated under article III of chapter 122 or article IV of chapter 122 of this Code. All other applicable city ordinances, including but not limited to this section and sections 138-1066 and 138-1112 and article VII of this chapter shall be applied to any resulting building sites in the same manner as they would be applied to lots developed under the land division act.

(e) Where development is exclusively of a two-family residential structure, there shall be provided a minimum lot area of at least 6,000 square feet of gross area for each unit (or 12,000 square feet per two-family residential structure), and a minimum lot width of 50 feet for each unit (or 100 feet per two-family residential structure). Where two-family units are constructed within an RM-1 district the minimum floor area requirements of the R-4 one-family residential district shall be adhered to for each unit of the two-family structure. No multiple-family structure (three or more dwelling units) shall be erected on a lot or parcel

of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities.

- (4) Three or more bedroom unit: The term "three or more bedroom unit" shall mean a dwelling unit wherein for each room, in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum floor area of 700 square feet.

(h) Minimum size of lot and minimum width in feet shall be determined by the use meeting all minimum yard requirements and all other requirements of this chapter.

(i) For planned developments of five acres or more under one ownership, there may be a modification of the maximum height requirement subject to planning commission review, and city council approval, after public hearing, pursuant to section 138-1306, but the maximum height of hospitals shall not exceed eight stories, and the maximum height of any other structures shall not exceed five stories. Before approving an increase in height, the city council shall require that each front, side and rear yard setback shall be at least equal in its depth to the height of the structure and shall find the increased height would not be incompatible with the surrounding and nearby topography and existing and reasonably expected development, the zoning plan for the area and the health, safety and welfare of the city.

(j) Off-street parking may be permitted to occupy a required front yard after approval of the parking plan layout, provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of driveways, and the nearest existing or proposed right-of-way line.

(k) Side yards shall comply with the following:

- (1) In B-1, B-2, and O-1 districts, side yards shall not be required, except as prescribed in this footnote.

- (2) If walls of structures facing interior side lot lines contain windows or other openings, the minimum yard requirements in the schedule of regulations shall be met.
- (3) Where B-1 and B-2 districts abut R, RCD, RM-1 and MH districts, the minimum side yard requirement shall be 50 feet, which shall include within it a buffer yard width in accordance with the table of screening requirements in sections 138-1216 and 138-1217. This requirement shall not apply to the CI district.
- (4) Where a B-3 district abuts R, RCD, RM-1, MH, SP and CI districts, the minimum side yard shall be 75 feet, which shall include within it a buffer yard width in accordance with the table of screening requirements in sections 138-1216 and 138-1217.
- (5) Where an O-1 district abuts an R, RCD, RM-1 or MH district, the minimum side yard requirement shall be 30 feet, which shall include within it a buffer yard width in accordance with the table of screening requirements in sections 138-1216 and 138-1217.
- (6) In B-1, B-2 and O-1 districts, the minimum side yard requirement shall be met for the exterior side of a corner lot and for the exterior side of parcel or lot on the exterior of the district.
- (7) In the B-3 district, the minimum front yard requirement shall be met for the exterior side of a corner lot and for the exterior side of parcel or lot on the exterior of the district.
- (8) Where an interior side lot line abuts a nonresidential district, off-street parking may be located in a required side yard in B-1, B-2, B-3, B-4, B-5, O-1, and SP districts after approval of the parking plan, provided that there shall be an unobstructed and landscaped setback of at least ten feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the interior side lot line. Such unobstructed and land-

scaped setback shall extend continuously and uninterrupted along the side lot line from the nearest existing or proposed right-of-way line or private road easement to the rear yard. The unobstructed and landscaped setback of at least ten feet may be reduced or waived by the planning commission or director of planning (relative to site plans not submitted to the planning commission) upon determining that such reduction or waiver is compatible with and/or part of a comprehensive plan with the adjacent properties. Type C screening shall be required in accordance with division 5 of this article where an interior side lot line in B-1, B-2, B-3, B-4, B-5 and O-1 districts abuts an SP district. (See illustration 1 at end of subsection (k)(10) of this section.)

- (9) Along the entire exterior side of a corner lot, off-street parking may be located in B-1, B-2, O-1 and SP districts after approval of the parking plan, provided that there shall be an unobstructed and landscaped setback of at least ten feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the nearest existing or proposed right-of-way line or private road easement. Except for access driveways and permitted signs, off-street parking shall not be permitted within a buffer required under division 5 of this article. (See illustration 2 at end of subsection (k)(10)).
- (10) Where an interior side lot line abuts a residential district, off-street parking may be located in a required side yard in SP districts after approval of the parking plan, provided a type B screening is provided as required under division 5 of this article between the nearest point of the off-street parking lot, exclusive of driveways, and the interior side lot line. (See illustration 3 at end of section this subsection (k)(10)).

ILLUSTRATION 1

Street

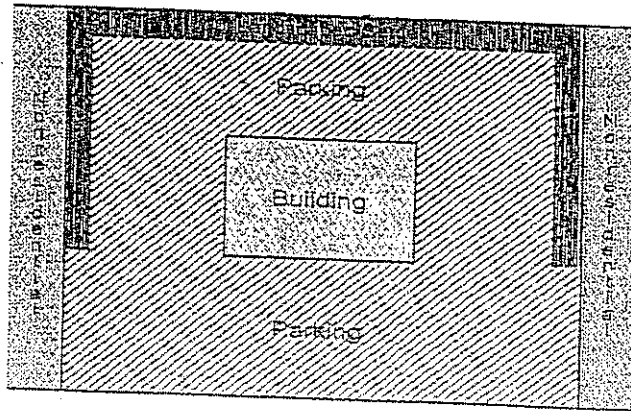


ILLUSTRATION 2

Street

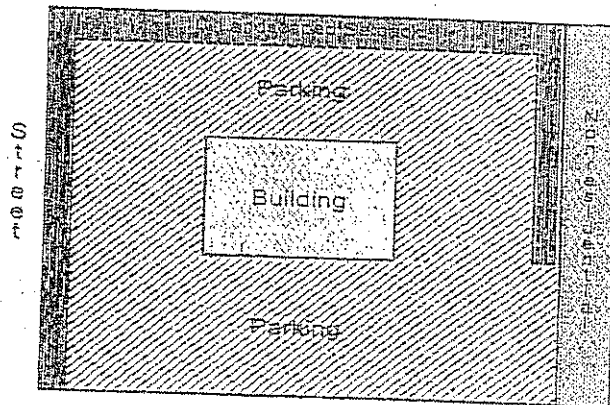
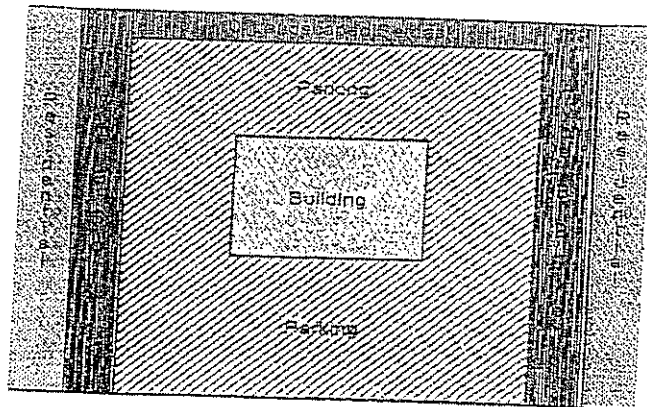


ILLUSTRATION 3

Street



(l) Where a B-4 or B-5 district abuts R, RCD, RM-1 or MH districts, the minimum side yard requirement shall be 50 feet, which shall include within it a buffer yard width in accordance with the table of screening requirements in sections 138-1216 and 138-1217.

(m) Where a B-3 district abuts an R, RCD, RM-1 or MH district, the minimum rear yard shall be 100 feet, which shall include within it a buffer yard width in accordance with the table of screening requirements in sections 138-1216 and 138-1217. The rear yard may be reduced to 50 feet with the approval of the planning commission after a public hearing and submittal of a plan which ensures there will be no significant negative impacts on the adjacent property as a result of the rear yard reduction. Where a B-1, B-2, B-3, B-4 or B-5 district abuts B, O-1, R-O, I-1, I-2, SP or CI districts, the rear yard may be reduced to 40 feet with the approval of the planning commission, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties.

In all B districts, except the B-5 automotive service district, off-street loading shall be provided in the rear yard at the ratio of at least one space per establishment and shall be provided in addition to any required off-street parking area. Alternatively, off-street loading may be provided in the side yard upon planning commission review and approval of a plan depicting the method of screening or obscuring the loading area.

Any trash receptacle or storage area in any B or O-1 district shall be obscured with a screen of at least six feet in height, or the minimum height of the trash collection or storage receptacle, and the location shall be approved by the planning commission, in reviewing a site plan; otherwise, the building department may approve.

(n) Any portion of a front, side or rear yard not utilized for storage, parking, loading or unloading shall be planted in berm or landscaping and shall be maintained in a neat condition.

(o) The minimum floor area unit and maximum percentage of lot coverage by all buildings shall be determined by the use of the lot, the provision of off-street parking, loading and storage areas, and required yards.

(p) The required front yard setback may be reduced to 50 feet on internal streets in industrial subdivisions, provided there is no front yard parking. Otherwise, off-street parking may be permitted in a portion of the required front yard provided that such off-street parking, including maneuvering lane, is not located within 50 feet of the proposed or existing right-of-way, whichever is closer. The front yard, except for areas approved for parking as provided for in this chapter, shall be landscaped or planted in lawn, and the entire front yard shall be kept in a neat condition.

(q) The side yard in the interior of an industrial district may be reduced for 15 feet where there are no openings or windows, except for means of egress required by the building code, in the wall paralleling the side lot line, but where there are other openings or windows, the side yard shall not be reduced to less than 25 feet.

(r) In I and R-O and ORT districts, required side or rear yards may be utilized for parking and loading and unloading provided that in such instances the planning commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare of employees in the building. All off-street loading and unloading and trash and storage areas shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.

(s) When there is more than one principal commercial or industrial building on a lot or parcel, or a combination of parcels under one development, the minimum between buildings shall be 25 feet unless otherwise provided for in this chapter. On all distance corner lots in I industrial districts, the setbacks from the proposed or existing right-of-way lines, whichever is closer, shall be 75 feet, except as allowed in footnote (p) with both frontages to be considered as the front yard setback. On corner lots in the B-4 and B-5 districts, the setback from the proposed right-of-way line shall be 75 feet, with both frontages to be considered as the front yard setback.