TITLE 17

ZONING ORDINANCE

City of Hazel Park
Michigan

Planning Commission Public Hearing: May 21, 2002

City Council Adoption: June 11, 2002

Effective Date: June 26, 2002

Number	Chapter and Section	Pages
17.01	**PURPOSE**	**17.01-1**
17.01.010	PURPOSE	17.01-1
17.01.020	PREAMBLE	17.01-1
17.01.030	SHORT TITLE	17.01-1
17.01.040	CONSTRUCTION OF LANGUAGE	17.01-2
17.02	**DEFINITIONS**	**17.02-1**
17.04	**GENERAL PROVISIONS**	**17.04-1**
17.04.010	ARCHITECTURAL FEATURES	17.04-1
17.04.020	BUILDING GRADES	17.04-1
17.04.030	BUILDINGS TO BE MOVED	17.04-1
17.04.040	CONSTRUCTION BEGUN PRIOR TO ADOPTION OF TITLE	17.04-1
17.04.050	ESSENTIAL SERVICES	17.04-1
17.04.060	HEIGHT EXCEPTION	17.04-2
17.04.070	HOME OCCUPATIONS	17.04-2
17.04.080	LOT AREA, YARDS AND OPEN SPACE REQUIREMENTS	17.04-2
17.04.090	ONE SINGLE-FAMILY HOUSE PER LOT	17.04-2
17.04.100	PERFORMANCE GUARANTEE	17.04-3
17.04.110	PORCHES AND DECKS	17.04-3
17.04.120	REPAIRS TO VEHICLES IN RESIDENTIAL DISTRICTS	17.04-3
17.04.130	RESTORING UNSAFE BUILDINGS	17.04-4
17.04.140	SIDEWALKS AND PEDESTRIAN FACILITIES	17.04-4
17.04.150	STREET ACCESS	17.04-4
17.04.160	VOTING PLACE	17.04-4
17.04.170	ORDINANCE APPLICABILITY	17.04-4
17.04.180	AMPLIFIED SOUND	17.04-4
17.06	**ACCESSORY BUILDINGS AND STRUCTURES**	**17.06-1**
17.06.010	GENERAL	17.06-1
17.06.020	ATTACHED TO MAIN BUILDING	17.06-1
17.06.030	LOCATION	17.06-1
17.06.040	SETBACKS	17.06-1
17.06.050	HEIGHT	17.06-1
17.06.060	LOT COVERAGE	17.06-1
17.06.070	CORNER LOTS	17.06-2
17.06.080	KENNELS	17.06-2
17.06.090	ANTENNAE STRUCTURES	17.06-2
17.06.100	MECHANICAL APPURTENANCES	17.06-3
17.06.110	SWIMMING POOLS	17.06-3
17.06.120	PONDS	17.06-3
17.06.130	EXCEPTIONS	17.06-3
17.08	**FENCES AND SCREEN WALLS**	**17.08-1**
17.08.010	RESIDENTIAL DISTRICTS	17.08-1
17.08.020	NONRESIDENTIAL DISTRICTS	17.08-1

17.10 SITE LIGHTING 17.10-1
17.10.010 SHIELDING 17.10-1
17.10.020 HEIGHT OF FIXTURES 17.10-1
17.10.030 BUILDING ILLUMINATION 17.10-1
17.10.040 LIGHTING ATTACHED TO A BUILDING OR STRUCTURE 17.10-1
17.10.050 RESTRICTIONS 17.10-1

17.12 LANDSCAPING REQUIREMENTS 17.12-1
17.12.010 INTENT 17.12-1
17.12.020 REQUIREMENTS AND TIMING OF LANDSCAPING 17.12-1
17.12.030 INTERIOR LANDSCAPING 17.12-2
17.12.040 PARKING LOT LANDSCAPING 17.12-2
17.12.050 PLANT MATERIALS AND MINIMUM SPACING 17.12-2
17.12.060 GENERAL LAYOUT AND DESIGN STANDARDS 17.12-5
17.12.070 INCENTIVES TO PRESERVE EXISTING TREES 17.12-5
17.12.080 WAIVER OR MODIFICATION OF STANDARDS FOR EXISTING SITES 17.12-6

17.14 WASTE RECEPTACLES 17.14-1
17.14.010 GENERAL 17.14-1
17.14.020 LOCATION 17.14-1
17.14.030 ACCESS 17.14-1
17.14.040 DESIGN 17.14-1
17.14.050 OTHER REGULATIONS 17.14-2

17.16 TEMPORARY USES 17.16-1
17.16.010 GENERAL REQUIREMENTS 17.16-1
17.16.020 EXEMPT TEMPORARY USES 17.16-1
17.16.030 ADMINISTRATIVE APPROVAL REQUIRED 17.16-1
17.16.040 CITY COUNCIL APPROVAL REQUIRED 17.16-2

17.18 PERFORMANCE STANDARDS 17.18-1
17.18.010 GENERALLY 17.18-1
17.18.020 SMOKE 17.18-1
17.18.030 DUST, DIRT, AND FLY ASH 17.18-1
17.18.040 OUTDOOR STORAGE 17.18-2
17.18.050 GLARE AND RADIOACTIVE MATERIALS 17.18-2
17.18.060 FIRE AND EXPLOSIVE HAZARDS 17.18-2

17.20 WIRELESS COMMUNICATION 17.20-1
17.20.010 PURPOSE 17.20-1
17.20.020 COLOCATION 17.20-2
17.20.030 MONOPOLES 17.20-3
17.20.040 SITE REQUIREMENTS 17.20-3
17.20.050 APPLICATION REQUIREMENTS 17.20-5
17.20.060 REMOVAL 17.20-6
17.20.070 VIOLATIONS 17.20-7

17.24 NONCONFORMING USES AND STRUCTURES 17.24-1
17.24.010 NONCONFORMANCE REGULATED 17.24-1
17.24.020 NONCONFORMING USES 17.24-1
17.24.030 NONCONFORMING STRUCTURES BY CLASS 17.24-2
17.24.040 NONCONFORMING LOTS OF RECORD 17.24-3
17.24.050 REPAIRS AND MAINTENANCE 17.24-3
17.24.060 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES 17.24-3
17.24.070 MOVING 17.24-4
17.24.080 NOTIFICATION OF NONCONFORMING STATUS 17.24-4
17.24.090 PLANS ALREADY FILED 17.24-4

17.28 OFF-STREET PARKING REQUIREMENTS 17.28-1
17.28.010 PURPOSE 17.28-1
17.28.020 UNITS OF MEASUREMENT 17.28-1
17.28.030 SHARED PARKING / PARKING WAIVERS 17.28-1
17.28.040 PARKING SPACE REQUIREMENTS BY USE 17.28-2
17.28.050 PARKING DIMENSIONS 17.28-8
17.28.060 BARRIER FREE PARKING REQUIREMENTS 17.28-9
17.28.070 PARKING LOT LOCATION AND RESTRICTIONS 17.28-9
17.28.080 PARKING LOT LAYOUT AND CONSTRUCTION 17.28-11
17.28.090 LIGHTING AND SIGNAGE 17.28-12
17.28.100 LANDSCAPING 17.28-13
17.28.110 MAINTENANCE AND ADMINISTRATION 17.28-13

17.30 OFF-STREET LOADING REQUIREMENTS 17.30-1
17.30.010 GENERAL REQUIREMENTS 17.30-1
17.30.020 SPECIFIC REQUIREMENTS 17.30-1

17.34 ZONING DISTRICTS AND MAP 17.34-1
17.34.010 DISTRICTS ESTABLISHED 17.34-1
17.34.020 MAP 17.34-1

17.36 SINGLE FAMILY RESIDENTIAL DISTRICTS 17.36-1
17.36.010 STATEMENT OF PURPOSE 17.36-1
17.36.020 PRINCIPAL PERMITTED USES 17.36-1
17.36.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.36-1
17.36.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.36-2
17.36.050 RESIDENTIAL DESIGN STANDARDS 17.36-4
17.36.060 SITE PLAN REVIEW 17.36-4

17.38 ATTACHED SINGLE FAMILY RESIDENTIAL DISTRICT 17.38-1
17.38.010 STATEMENT OF PURPOSE 17.38-1
17.38.020 PRINCIPAL PERMITTED USES 17.38-1
17.38.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.38-1
17.38.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.38-2
17.38.050 RESIDENTIAL DESIGN STANDARDS 17.38-4
17.38.060 SITE PLAN REVIEW 17.38-4

17.40 MULTIPLE FAMILY RESIDENTIAL DISTRICT 17.40-1
17.40.010 STATEMENT OF PURPOSE 17.40-1
17.40.020 PRINCIPAL PERMITTED USES 17.40-1
17.40.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.40-1
17.40.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.40-2
17.40.050 SITE PLAN REVIEW 17.40-3

17.42 HIGH RISE MULTIPLE FAMILY RESIDENTIAL DISTRICT 17.42-1
17.42.010 STATEMENT OF PURPOSE 17.42-1
17.42.020 PRINCIPAL PERMITTED USES 17.42-1
17.42.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.42-1
17.42.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.42-2
17.42.050 SITE PLAN REVIEW 17.42-3

17.44 LOCAL BUSINESS DISTRICT 17.44-1
17.44.010 STATEMENT OF PURPOSE 17.44-1
17.44.020 PRINCIPAL PERMITTED USES 17.44-1
17.44.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.44-2
17.44.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.44-3
17.44.050 REQUIRED CONDITIONS 17.44-6
17.44.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.44-8
17.44.070 DESIGN STANDARDS 17.44-9
17.44.090 SITE PLAN REVIEW 17.44-10

17.45 LOCAL BUSINESS MANUFACTURING DISTRICT 17.45-1
17.45.010 STATEMENT OF PURPOSE 17.45-1
17.45.020 PRINCIPAL PERMITTED USES 17.45-1
17.45.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.45-2
17.45.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.45-3
17.45.050 REQUIRED CONDITIONS 17.45-7
17.45.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.45-8
17.45.070 DESIGN STANDARDS 17.45-9
17.45.090 SITE PLAN REVIEW 17.45-9

17.46 CENTRAL BUSINESS DISTRICT 17.46-1
17.46.010 STATEMENT OF PURPOSE 17.46-1
17.46.020 PRINCIPAL PERMITTED USES 17.46-1
17.46.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.46-2
17.46.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.46-3
17.46.050 REQUIRED CONDITIONS 17.46-4
17.46.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.46-5
17.46.070 DESIGN STANDARDS 17.46-6
17.46.080 SITE PLAN REVIEW 17.46-6

17.48 CHRYSLER BUSINESS DISTRICT 17.48-1
17.48.010 STATEMENT OF PURPOSE 17.48-1
17.48.020 PRINCIPAL PERMITTED USES 17.48-1
17.48.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.48-1
17.48.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.48-2
17.48.050 REQUIRED CONDITIONS 17.48-3

17.48.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.48-4
17.48.070 DESIGN STANDARDS 17.48-5
17.48.080 SITE PLAN REVIEW 17.48-5

17.50 EIGHT MILE BUSINESS DISTRICT 17.50-1
17.50.010 STATEMENT OF PURPOSE 17.50-1
17.50.020 PRINCIPAL PERMITTED USES 17.50-1
17.50.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.50-1
17.50.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.50-2
17.50.050 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.50-5
17.50.060 DESIGN STANDARDS 17.50-6
17.50.070 SITE PLAN REVIEW 17.50-6

17.52 MANUFACTURING DISTRICT 17.52-1
17.52.010 STATEMENT OF PURPOSE 17.52-1
17.52.020 PRINCIPAL PERMITTED USES 17.52-1
17.52.030 PERMITTED USES AFTER SITE PLAN APPROVAL 17.52-2
17.52.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL 17.52-2
17.52.050 OUTDOOR STORAGE 17.52-3
17.52.060 REQUIRED CONDITIONS 17.52-4
17.52.070 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 17.52-5
17.52.080 DESIGN STANDARDS 17.52-6
17.52.090 SITE PLAN REVIEW 17.52-6

17.54 PARKING DISTRICT 17.54-1
17.54.010 STATEMENT OF PURPOSE 17.54-1
17.54.020 PRINCIPAL PERMITTED USES 17.54-1
17.54.030 LIMITATION OF THE USE 17.54-1
17.54.040 ADDITIONAL REQUIREMENTS 17.54-1
17.54.050 LOCATION 17.54-2
17.54.060 PROTECTIVE WALL 17.54-2
17.54.070 LANDSCAPING 17.54-2
17.54.080 SURFACE 17.54-2
17.54.090 SITE PLAN REVIEW 17.54-2

17.56 MIXED USE/ENTERTAINMENT DISTRICT 17.56-1
17.56.010 INTENT 17.56-1
17.56.020 PRINCIPAL PERMITTED USES 17.56-2
17.56.030 PROHIBITED USES 17.56-3
17.56.040 APPROVAL PROCESS 17.56-3
17.56.050 DEVELOPMENT AGREEMENT 17.56-6
17.56.060 APPEALS AND VIOLATIONS 17.56-6

17.58 PLANNED UNIT DEVELOPMENT 17.58-1

17.58.010	STATEMENT OF PURPOSE	17.58-1
17.58.020	REGULATIONS	17.58-1
17.58.030	RECOGNIZABLE BENEFIT	17.58-1
17.58.040	APPROVAL PROCEDURE	17.58-2
17.58.050	APPLICATION	17.58-3
17.58.060	CONDITIONS	17.58-4
17.58.070	STANDARDS FOR APPROVAL	17.58-4
17.58.080	FEES	17.58-4
17.58.090	PHASING	17.58-5
17.58.100	COMMENCEMENT OF CONSTRUCTION	17.58-5
17.58.110	EFFECT OF APPROVAL	17.58-5
17.58.120	AMENDMENTS	17.58-5

17.60 ADMINISTRATION & ENFORCEMENT 17.60-1
17.60.010 ENFORCEMENT 17.60-1
17.60.020 DUTIES OF BUILDING OFFICIAL 17.60-1
17.60.030 PERMITS 17.60-2
17.60.040 CERTIFICATES OF OCCUPANCY 17.60-2
17.60.050 FEES 17.60-3
17.60.060 AMENDMENTS 17.60-3
17.60.070 SPECIAL LAND USE APPROVAL 17.60-6
17.60.080 SITE PLAN REVIEW 17.60-9
17.60.090 SITE CONDOMINIUM PROJECTS 17.60-14

17.62 ZONING BOARD OF APPEALS 17.62-1
17.62.010 ESTABLISHMENT 17.62-1
17.62.020 MEMBERSHIP 17.62-1
17.62.030 OFFICERS 17.62-1
17.62.040 RECORD KEEPING 17.62-2
17.62.050 NOTICES 17.62-2
17.62.060 FEES 17.62-2
17.62.070 APPEALS 17.62-3
17.62.080 VARIANCES 17.62-3
17.62.090 APPLICATION 17.62-4
17.62.100 CONDITIONS 17.62-5
17.62.110 LIMITATION OF POWER 17.62-5
17.62.120 PERIOD OF VALIDITY 17.62-5
17.62.130 CIRCUIT COURT APPEAL 17.62-5

17.64 INTERPRETATION, APPLICATION, VIOLATIONS, PENALTIES . 17.64-1
17.64.010 INTERPRETATION AND APPLICATION 17.64-1
17.64.020 VIOLATIONS AND PENALTIES 17.64-1
17.64.030 INJUNCTIVE RELIEF 17.64-1
17.64.040 VALIDITY 17.64-2
17.64.050 CONFLICTING PROVISIONS REPEALED 17.64-2
17.64.060 ENACTMENT AND EFFECTIVE DATE 17.64-2

CHAPTER 17.01
PURPOSE

17.01.010 PURPOSE

The purpose of this title is to regulate and restrict the use of land and buildings by dividing the City of Hazel Park into districts; defining certain terms used therein; imposing regulations, prohibitions and special use restrictions governing the erection, construction, reconstruction of structures and buildings and lands to be used for business, industry, residence, social and other specified purposes; regulating and limiting the height and bulk of buildings and other structures and regulating and limiting lot occupancy and the size of yards and other open spaces; regulating and limiting the density of population; establishing floor space requirements to assure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings and structures through purchase, condemnation or otherwise; creating a Board of Zoning Appeals, defining and limiting the powers and duties of said board, and setting standards to guide actions of said board; providing for administration of this title and for amendments, supplements or changes thereto; providing for the resolution of conflicts with the State Housing Code or other acts, ordinances or regulations; and providing penalties for violation of this title.

17.01.20 PREAMBLE

In accordance with the authority and intent of Act 110, of Public Acts of 2006, as amended, the city desires to provide for the orderly development of the city, consistent with the City's Master Plan, which is essential to the well being of the City, and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to meet the needs of the City's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility needs; and to promote public health, safety and welfare of the residents, shoppers and workers in the city.

17.01.030 SHORT TITLE

This title shall be known and may be cited as the “Zoning Ordinance of the City of Hazel Park.”

17.01.040 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this title:

A. The particular shall control the general.

B. In the case of any difference of meaning or implication between the text of this title and any caption or illustration, the text shall control.

C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.

D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A “building” or “structure” includes any part thereof.

F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

G. The word “person” includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

H. The word “he” includes “she.”

I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or,” or “either.... or,” the conjunction shall be interpreted as follows:

1. “And” indicates that all the connected items, conditions, provisions or events shall apply.

2. “Or” indicates that the connected items, conditions or provisions, or events may apply singly or in any combination.

3. “Either. . .or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

J. Terms not defined in Chapter 17.02, *Definitions*, or elsewhere in this title shall have the meaning customarily assigned to them.

K. The phrase “such as” shall mean “such as, but not limited to.”

L. The word “including” shall mean “including, but not limited to.”

CHAPTER 17.02
DEFINITIONS

For the purpose of enforcing the provisions of this title, certain terms and words used herein are defined as follows:

Access Aisle. An accessible pedestrian space between elements, such as parking spaces, seating, and desks that provides clearances appropriate for use of the elements.

Accessible / Barrier-free. A site, building, facility, or portion thereof that complies with the Uniform Federal Accessibility Standards (UFAS) and the Americans with Disabilities Acts, and that can be approached, entered, and used by persons with disabilities.

Accessible Route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Accessory Building or Structure. A supplementary building or structure, or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same parcel of property as the main building.

Accessory Use. A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building. An accessory use shall not exceed 15 percent of the land or building.

Adult Bookstore. An establishment having 15 percent or more of its stock in trade, books, video tapes, magazines, and other periodicals and/or photographs, drawings, slides, films, recording tapes, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material which exceeds 15 percent of the gross floor area of the establishment.

Adult Business. An adult bookstore, adult motion picture theater, adult personal service business, adult novelty business, cabaret, massage parlor, or nude modeling studio as defined in this section.

Adult Day Care Facility. A facility which provides daytime care for any part of a day but less than 24 hour care for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed, however those receiving funds through an Area Agency on Aging shall comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Foster Care Facility. A government or nongovernmental establishment that provides foster care including supervision, personal care, and protection in addition to room and board, to adults over 18 years of age for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq., MSA 16.610 (61), et. seq., as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services.

The following additional definitions are provided:

1. Adult Foster Care Family Home. A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day for 5 or more days a week and for 2 or more consecutive weeks. Adult foster care facility homes shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential districts. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

2. Adult Foster Care Small Group Home. An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

3. Adult Foster Care Large Group Home. An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

4. Adult Foster Care Congregate Facility. An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult Motion Picture Theater or Adult Live Stage Performing Theater. An enclosed building or room used for presenting motion picture films, video cassettes, cable television or any other visual media, having as a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons therein. Such an establishment is customarily open to the public, but only to one or more classes of the public, excluding any minor by reason of age.

Adult Motion Picture Arcade or Miniature-Motion Picture Theater. Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein this section).

Adult Novelty Business. An establishment which offers more than 15 percent of its stock-in-trade devoted to the distribution, display, storage or sale devices which stimulate human genitals or devices designed for sexual stimulation, or instruments, devices, or paraphernalia designed for uses related to "specified anatomical areas" or as part of, in connection with, or related to "specified sexual activities" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Personal Service Business. A business having as its principal activity a person, while nude or while displaying "specified anatomical areas" as defined herein this section, providing personal services for another person. Such businesses include but are not limited to: modeling studios; body painting studios; wrestling studios; conversation parlors; theatrical performances or entertainment; establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, or steam baths; or any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person.

The following uses shall not be included within the definition of an adult personal service establishment:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical professionals;

2. Gymnasiums, fitness centers and health clubs;

3. Electrolysis treatment by a licensed operator of electrolysis equipment;

4. Continuing instruction in martial or performing arts, or in organized athletic activities;

5. Hospitals, nursing homes, medical clinics, or medical offices;

6. Barber shops, beauty parlors, hair stylists, salons, and other establishments which offer massages by certified massage therapists; and

7. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein this section.

Adult Video Store. An establishment having 15 percent or more of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

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

Alterations. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to hereafter as "altered" or "reconstructed."

Antenna Structure. An accessory use that is a radio or television receiving antenna, satellite dish antenna or amateur ham radio antenna located outside of a building.

Apartment. A dwelling unit consisting of a suite of rooms or a room in a multiple family or commercial building arranged and intended as a place of residence of a single family or group of individuals living together as a single housekeeping unit.

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

Automobile Repair. The general repair and service of automobiles and motor vehicles. Automobile repair is classified as either major, minor, or specialty repair of automobiles as follows:

1. **Minor Repair**: Engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement, wheel balancing and alignment, but not recapping or retreading; installation or replacement of mufflers and tail pipes, water hoses, fan belts, brake-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises for more than 24 hours.

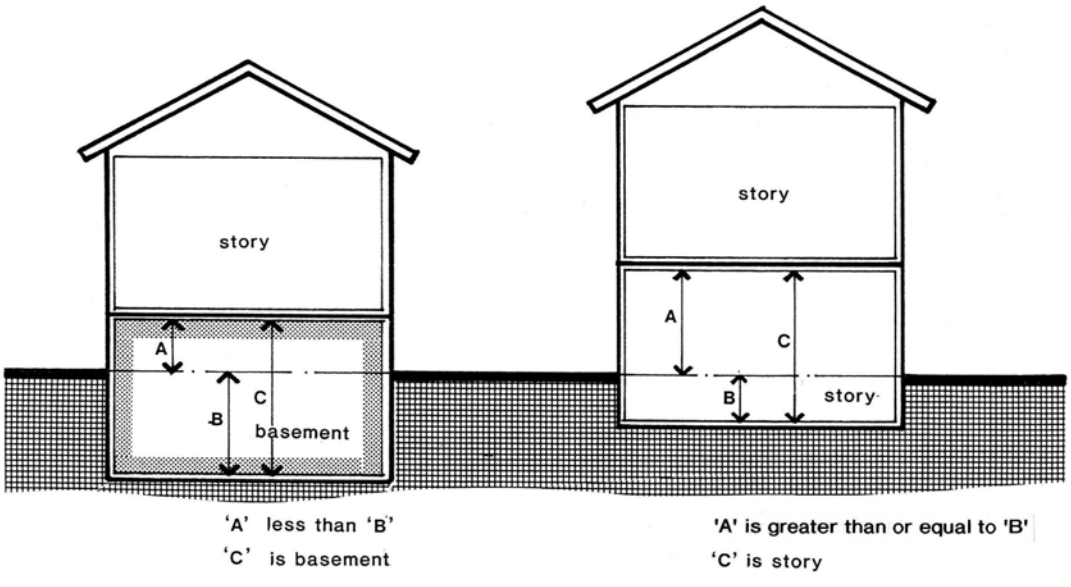
2. **Major Repair**: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises for longer than 24 hours.

Automobile Repair Shop, Major. A building or structure designed and used for major automobile repair, as defined herein this section.

Automobile Repair Shop, Minor. A building or structure designed and used for minor automobile repair, as defined herein this section.

Automobile Wash Establishment. A building or portion thereof, where automobiles or other vehicles are washed commercially.

Basement. That portion of a building wholly or partly, below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.



Basement and Story

Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Billboard or Off-premises Advertising Sign. A non-accessory sign, other than an on-premises sign, used for outdoor advertising purposes directing attention to a use, activity, business, establishment, message, merchandise, commodity, product, or service which is not necessarily conducted produced, manufactured, furnished, sold or offered upon the premises where the sign is located nor related to the premises upon which the sign is located.

Billiard or Pool Hall. Any establishment having 3 or more billiard or pool tables.

Body Piercing Studio. Any establishment having as its principal activity the piercing or puncturing of body parts with the object of displaying jewelry. A jewelry store or doctor's office that pierces ear lobes as part of its business shall not be considered a body-piercing studio.

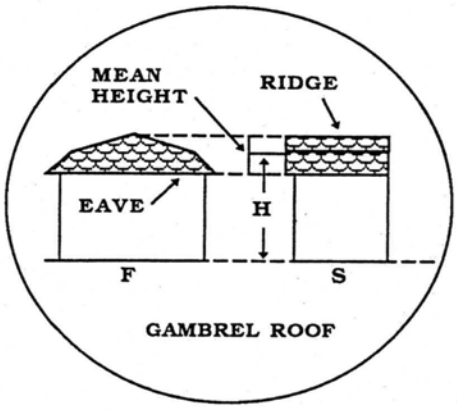
Brewpub. A restaurant, tavern, or pub, as defined herein this section, licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

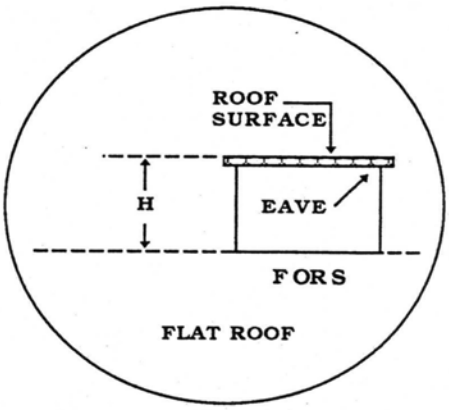
Buildable Area. The space of a lot or parcel remaining after the minimum open space requirements of this title have been met.

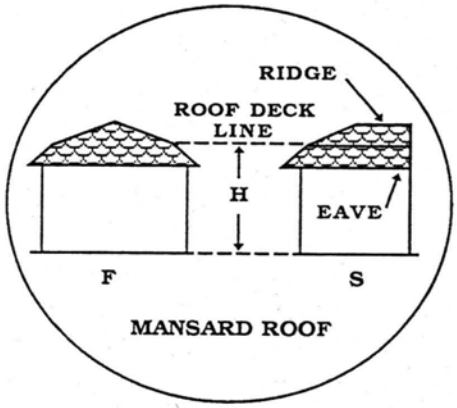
Building. An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses or other accessory building.

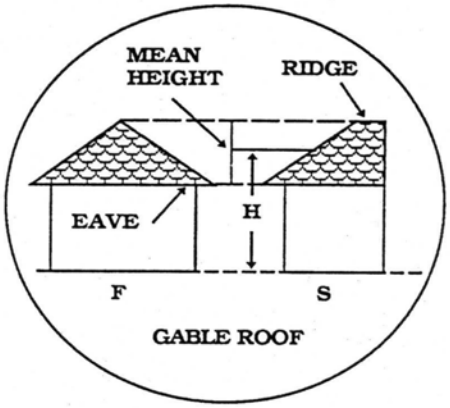
Building Height. The vertical distance measured from the established grade of the building to the top of the highest roof beams of a flat roof; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

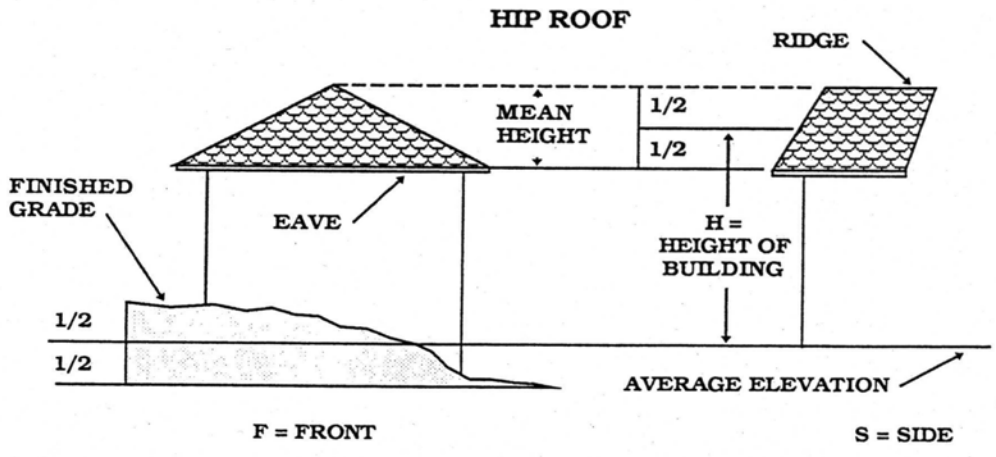
BUILDING HEIGHT











Building Official. The Building Official of the City of Hazel Park, or his authorized representative.

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

Business Recreation Establishment. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities; operated as a business; and open for use by the public for a fee. Fitness centers, bowling alleys, racquetball clubs, firearms ranges, golf courses, water slides, and batting cages and machines.

Cabaret. An establishment having as an activity the presentation or display of male or female impersonator, dancer, entertainer, waiter, or employee, who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.

1. Group "A" Cabaret. An establishment which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" (as defined herein this section) for observation by patrons therein.

2. Group "D" Cabaret. An establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

Carport. A roof projecting from the side of a building, used as a shelter for an automobile.

Certificate of Compliance. A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.

Check Cashing Establishment. Any establishment other than a bank, savings and loan, or credit union that cashes patrons' checks for a fee. Check Casing Establishment shall also include but not be limited to deferred presentments or cash advance.

Child Care Center. A facility other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while parents or guardians are attending religious services.

These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, as amended, and Act No. 218 of the Public Acts of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services.

Child Care Institution. A facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, as amended, and Act No. 218 of the Public Acts of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, as amended, and Act No. 218 of the Public Acts of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

1. State Licensed Residential Facility. State Licensed Residential Facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, M.C.L. 400.701 to 400.737, or M.C.L. 722.111 to M.C.L. 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

2. Foster Family Group Home. A private home or residence, other than a hospital, hotel, or motel, in which more than 4 but less than 7 children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian but are under the supervision of the licensee under said State law, who is a resident of the facility.

3. Family Day Care Home. A private home or residence, other than a hospital, hotel, or motel, in which one but less than 7 minor children are received for care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

4. Group Day Care Home. A private home or residence, other than a hospital, hotel, or motel, in which more than 6 but not more than 12 children are given care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

Clinic. A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one professional such as a physician, dentist or the like.

Co-location. The use of a wireless telecommunications facility and/or site by more than one wireless telecommunications provider, or the location by more than one wireless telecommunications provider on a common support structure, tower, building, or other structure.

Commercial Use. Use of property where goods, wares, merchandise or personal services are purchased, sold, bartered, displayed, or exchanged, for more than 6 calendar days during a given one year period.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 10,000 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

1. Semi trailer. A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. "Semitrailer" shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds 12 feet in height.

2. Truck Tractor. A commercial vehicle which is capable of attaching to and propelling semitrailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

3. Other Commercial Vehicles. Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than 8 inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of 9 feet. "Commercial vehicle" does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Condominium. Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee or a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in the Condominium Act, MCL 559.101, et. seq., as amended.

Convalescent or Nursing Home. A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein 3 or more persons are provided cared. Said home shall also conform to and qualify for license under applicable state laws.

Drive-in Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily out of their motor vehicle, rather than within a building or structure, so that consumption or provision of service within motor vehicles may be facilitated.

Drive-through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Dwelling, Efficiency. A dwelling unit consisting of one room, exclusive of bathrooms, kitchens, hallways, closets or dining alcoves directly off the principal room.

Dwelling, Manufactured or Mobile Home. A dwelling, 8 or more feet in width and 32 or more feet in length and transportable in one or more sections, which is built on a chassis and designed to be used as a single family dwelling, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning and electrical systems contained in the structure. A “manufactured dwelling” or “mobile home” does not include a modular dwelling, recreational vehicle, motor home, house trailer, trailer coach, or travel trailer.

Dwelling, Modular. A structure constructed in accordance with Michigan State Construction Code, as promulgated by the Michigan State Construction Code Commission under the provisions of the State Construction Code Act, MCL 125.1501, et. seq., as amended, in which individual components, none of which in and of itself is suitable for occupancy, are preconstructed and transported to the building site where they are in need of further assembly in order to constitute a complete dwelling ready for occupancy upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a manufactured dwelling or mobile home.

Dwelling, Multiple. A building or portion thereof used for and as a residence for 3 or more families living independently of each other and each having their own cooking facilities therein.

Dwelling, Single-family. A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only; also known as a single-family dwelling.

Dwelling, Site Built. A dwelling unit that is substantially built, constructed, assembled, and finished on the premises that are intended to serve as its final location. Site-built dwellings shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as it final location.

Dwelling, Two-family. A freestanding building designed exclusively for, and containing 2 dwelling units.

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

Dwelling Unit, Attached. A freestanding building designed exclusively for, and containing 3 or more dwelling units arranged laterally and attached by common major structural elements, each with its own front and rear entrances; commonly referred to as terrace dwellings, row dwellings, or townhouses.

Dwelling Unit, Detached. A dwelling unit that is not attached to any other dwelling unit by any means.

Erected. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

Essential Services. Includes the erection, construction, alteration or maintenance, by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, for the public health, safety or general welfare. Buildings are not included as essential services, other than those that are primarily enclosures or shelters of the above essential service equipment.

Excavation of Land. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, sand, garbage, rubbish or other wastes or byproducts.

Family.

1. An individual or group of 2 or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuous, nontransient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature of for an anticipated limited duration of a school term or terms of other similar determinable periods.

Fence. A structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

First Floor Elevation. The portion of an exterior wall computed from the ground level to a height of 10 feet or to the ceiling height, whichever is less.

Floor Area, Total. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. (See also “Basement.”). Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), the attic space having headroom of 7 feet – 10 inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in the floor area.

Floor Area, Usable. That portion of the total floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the employees or the public including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, The calculation shall exclude furnace and utility rooms, parking space located within a building, other mechanical equipment, unenclosed porches, public corridors and public toilets, whether located in a principal or an accessory building. In those cases where usable floor area cannot be determined by

a detailed floor plan, usable floor area shall be assumed to be equal to 70% of the total floor area of the building.

Garden Center. A space, building or structure, or combination thereof, for the storage of live trees, shrubs and plants offered for retail sale on the premises including seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment. The definition of a garden center may include "nursery." A garden center shall not include any space, building or structure used for the temporary sale of fruits, vegetables or Christmas trees.

Garage, Private. An accessory building greater than 200 square feet in area, typically used for the storage of motor vehicles for the use of the occupants of the property on which such building is located.

Garage, Public. A building or structure other than a private garage or garage for the storage or parking of more than 4 passenger motor vehicles or recreational vehicles, or more than one commercial motor vehicle.

Gas Station. A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile fueling stations may also incorporate a convenience store, a restaurant, an automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. For building purposes, the grade line at the building shall not be less than 12 inches or more than 18 inches above the permanent sidewalk grade as established by the City Engineer.

Grade, Average. The arithmetic average of the lowest and highest grade elevations in an area within 5 feet of the foundation line of a building or structure.

Grade, Finished. The lowest point of elevation between the exterior wall of the structure and a line 5 feet from the exterior wall of the structure.

Grade, Natural. The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land with a given minimum width that is planted with trees or shrubs acceptable in species and caliper to and in compliance with the requirements of this title.

Home Occupation. The use of a single-family residence by an occupant of that residence to provide any of the following services:

a) Give Instruction in a craft or fine art within the residence.
b) Secretarial, phone order business, computer/internet services or sales.
c) Mail order business.
d) Accounting services, which provides for the drop off or pick up documents.

Hospital. A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

Hotel. Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy (dwelling units shall not exceed 10 percent), and in which one or more of the following services are offered: maid service; furnishing of linen; telephone, secretarial, or desk service; bellboy service. A hotel may include a restaurant, tavern, pub, or brewpub; a cocktail lounge or nightclub; public banquet halls; ballrooms; or meeting rooms.

Junk. Any motor vehicle, machinery, appliance, product or merchandise with any part missing or scrap metal or other scrap material that is damaged, deteriorated, or in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard. An automobile wrecking yard, salvage area or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

Kennel, Commercial. Any lot or premises on which 3 or more dogs, cats or other household pets, each 6 or more months old, are kept either permanently or temporarily boarded for sale, breeding, boarding, or training purposes. Kennels shall also include any lot or premises where household pets are bred or sold.

Lattice Tower. A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top, used primarily for radio and television antennae and wireless telecommunication facilities.

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

Lot. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by one principal building or use together with any accessory buildings, or by any other use or activity permitted thereon, and including the open spaces and yards required under this title, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. (See the illustrations “Lot Terms” and “Corner, Interior and Double Frontage Lots.”)

Lot, Corner. A lot having at least 2 adjacent sides abutting for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees.

Lot, Double Frontage. A lot having a frontage on 2 more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.

Lot, Interior. A lot other than a corner lot with one lot line fronting on a street.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot Coverage. The part or percent of the lot occupied by buildings or structures including accessory buildings and permanent swimming pools.

Lot Depth. The mean horizontal distance from the front lot line to the rear lot line.

Lot Line. Any line dividing one lot from another or from a street right-of-way or any public place.

Lot Line, Front. In the case of an interior lot, the line separating the lot from the street right-of-way. In the case of a corner or double frontage lot, the line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building permit.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side. Any lot lines other than a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. The horizontal distance between the side lot lines, measured at the 2 points where the required front setback line, intersects the side lot lines.

Lot of Record. A lot, which is not necessarily a buildable lot, for which the dimension and configuration is shown on a map recorded in the office of the Register of Deeds for Oakland County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the Oakland County Register of Deeds.

Maintenance. Act of preserving from decline. Property and all structures on the property shall be kept in good working order, structurally sound, weather proofed, clean, sanitary, and not a detriment to the surrounding neighborhood. Repairs, replacement, alterations, and additions that require a permit shall not be considered maintenance.

Major Thoroughfare. A main traffic artery or a street defined in the Master Plan as “major traffic routes” and/or as an arterial or major street by the Michigan Department of Transportation. The following streets are designated as major thoroughfares: Eight Mile Road, Nine Mile Road, Ten Mile Road, Dequindre Road, John R Road, Woodward Heights Avenue, and the Chrysler Service Drives.

Manufacturing. The use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing for sale of any goods, substance, article, or service.

Massage. The manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.

Massage Parlor. An establishment wherein private massage is practiced, used or made available as a principal use of the premises.

Massage Therapist, Certified. An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organizations.

Master Plan. The comprehensive plan including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the City of Hazel

Park, as well as the general location for streets, parks, schools, public buildings, and all physical development of the City of Hazel Park, and includes any unit or part of such plan, and any amendment to such plan or part thereof. Such plan shall be adopted by the Planning Commission and may or may not be adopted by City Council.

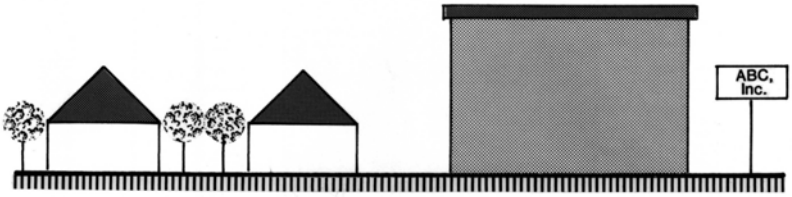
Mobile Home Park. A parcel or tract of land under the control of a person upon which 3 or more manufactured dwellings or mobile homes are located on a continual nonrecreational basis and which is offered to the public for the purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation, primarily used for wireless telecommunication facilities.

Motel. A building or a group of buildings with the majority of the rooms having direct access to the outside of the building or buildings, and occupied or used as a more or less temporary abiding place for individuals and in which no provision is made for cooking in individual rooms.

Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this title, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nonconforming Building or Structure. A building or portion thereof, lawfully existing at the effective date of this title, or amendments thereto, and which does not conform to the provisions of this title in the zoning district in which it is located.



Nonconforming Building and Use

Nonconforming Use
(Residence converted to commercial use in residential district)

Nonconforming Use

Nude Modeling Studio. A building, structure, premises or a part thereof, used primarily as a place that offers as its principal activity the providing of models to display “specified anatomical areas” (as defined herein this section) for artists and photographers for a fee. This definition shall not apply to any accredited art school or similar educational institution.

Off-street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than 2 automobiles.

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Party Store. A retail establishment that sells convenience store items and has more than 10 percent of its gross floor area in packaged beer, wine or liquor, or an establishment holding or required to hold an SDM (specially designated merchant) license from the Michigan Liquor Control Commission (MLCC) for the sale of beer, wine or liquor for consumption off the licensed premises.

Place of Worship. A building, the primary use of which is regular assembly of persons for religious worship or services, including churches, temples, synagogues, mosques, convents, monasteries, and others, together with accessory uses, such as reception halls, schools, cafeterias, and gymnasiums.

Pond. Any structure or container intended to be a decorative water feature holding less than 24 inches of water.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

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

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public: transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal.

Recreational Vehicle. The following vehicles shall be considered “recreational vehicles”: travel trailers; pick-up campers; motor homes; folding tent trailers; boats and personal watercraft with associated trailers; snowmobiles; and all-terrain or special terrain vehicles. It shall not include motorcycles, motor bikes, and bicycles.

Restaurant, Carry-out. Any establishment whose principal use is the sale of food and beverages to the customer in a ready to consume state.

Restaurant, Fast-food. Any establishment whose principal business is the sale of food and beverages to the customer in a ready to consume state for consumption either within the restaurant building or for carry-out with consumption off the premises.

Restaurant, Standard. Any establishment whose principal business is the sale of food and beverages to customers in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed.

2. Customers are served by a cafeteria-type operation, where food and beverages generally are consumed within the restaurant building.

Rooming House. Any dwelling occupied in such a manner that certain rooms, in excess of

those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family.

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes “satellite earth stations”, “television reception only satellite antennas (TVRO)”, and “satellite microwave antennas”.

Scrap Metal Dealer. Means any person, corporation, partnership, limited liability company, or association, which in whole or in part engages in transactions of buying or receiving scrap metal from the public.

Self-storage Warehouse. A building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer’s goods or wares.

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

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines.

Shopping Center. A group of commercial establishments, planned and developed as a unit, with off-street parking provided on the property.

Specified Anatomical Areas.

1. Less than completely and opaquely covered:
   a. Human genitals, pubic region;
   b. Buttock and anus; and
   c. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, actual or simulated, of human masturbation, oral copulation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.
4. Human excretory functions as part of, or as related to, any of the activities described herein.
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described herein.

Story. That portion of a building, other than a mezzanine or basement, included between the surface of a floor and upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

1. **Basement.** A "basement" shall be considered as a story if over 50 percent of its height is above the level from which the height of the building is measured.

2. **Half Story.** A "half story" is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half of the floor area of said full story.

3. **Mezzanine.** A "mezzanine" floor shall be considered as a story when it covers more than 50 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Street. A thoroughfare or way, other than an alley, dedicated to the use of the public, and which affords traffic circulation and principal means of access to abutting property. Avenue, place, way, drive, lane, boulevard, thoroughfare, highway and road are synonymous terms for street.

Structure. Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. This includes buildings, decks, ponds, and swimming pools.

Swimming Pool. Any structure or container intended for swimming or bathing, located either above or below grade, and designed to hold water to a depth of greater than 24 inches. A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. A hot tub or Jacuzzi shall be considered a swimming pool.

Tattoo Parlor. An establishment having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Tobacco Shop. Any establishment having 30 percent or more of its gross floor area devoted to selling of cigarette, cigars, or smoking paraphernalia.

Temporary Building, Structure or Use. A structure or use permitted during periods of construction of the main use or for special events, for a specified period, but not to exceed one year, upon approval of the Building Official.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and does not include those types of tents used solely for children's recreational purposes.

Travel Trailer. A portable nonmotorized vehicular unit primarily designed for travel or recreational usage, which may contain facilities for overnight lodging, and which does not exceed 8 feet in width or 32 feet in length. This term shall also include folding campers and truck-mounted campers, but not mobile homes.

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

Use, Principal. The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the "principal use," except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Variance. A modification of the literal provisions of this title as approved by the Board of Zoning Appeals.

Video Game Arcade. Any establishment having 3 or more video games, pinball machines, or other similar mechanical or electronic amusement devices.

Video Store. An establishment having more than 15 percent of its stock in trade devoted to the distribution, display, or storage of video cassettes, DVD's, or other visual representations of movies, concerts, or documentaries.

Wall, Screen. A permanent solid barrier of brick, stone, or other opaque material meeting the requirements of this title, intended to screen a use, storage, or dumpster.

Window. One or more panes of glass where both sides of the glass are readily made transparent. A door shall not be considered a window.

Wireless Telecommunication Antenna. The physical apparatus affixed to support structures, towers, buildings, or other structures through which telecommunications authorized by the Federal Communications Commission are transmitted or received. Antenna types include, but are not limited to: omni-directional whip antennae; directional panel antennae; ancillary antennae; and microwave dishes. A wireless telecommunication support structure proposed to be newly established shall not be included within this definition.

Wireless Telecommunications Equipment Shelter. The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for processing wireless telecommunications is housed together with necessary related equipment.

Wireless Telecommunications Facility. All structures and accessory facilities, including wireless telecommunications support structures or towers, wireless telecommunications equipment shelters, wireless telecommunications antennae, and related equipment involved in the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. A wireless telecommunication facility shall be considered neither an essential service nor a public utility.

Wireless Telecommunications Support Structure or Tower. Any structure designed and constructed or modified to support one or more telecommunication antennae. Support structure and tower types include, but are not limited to, monopoles, guyed towers, lattice towers, utility poles and towers, light poles, and wooden poles.

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

Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, Side. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the main building.

CHAPTER 17.04
GENERAL PROVISIONS

17.04.005 DESIGN COMPATIBILITY

The following natural colors shall be used for the main portions of building facades and roof forms: neutral earth tones (sand to brown); shades of gray; traditional colors (e.g. brick red, forest green, navy blue); light subdued hues (e.g. salmon); or white. Contrasting, accent colors, which are compatible with the primary colors listed above, are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g. purple, orange, pink, lime, yellow) is prohibited for the main portions of building facades and roof forms. Colors must be natural to the material or pigmented, and not painted on the material whenever possible. Colors must be noted in the site plan or building application for approval and for future reference.

17.04.010 ARCHITECTURAL FEATURES

Architectural features, such as eaves, overhangs, awnings, chimneys and window bays, may extend or project into a required side yard not more than 2 feet for each required side yard, and may extend or project into a required front yard or rear yard not more than 3 feet. Architectural features shall not include those details that are nominally demountable.

17.04.020 BUILDING GRADES

A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the premises.

B. When a new building is constructed on a vacant lot between 2 existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.

17.04.030 BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises within or outside the city shall not be moved to and/or placed upon any premises in the city unless a building permit for such building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this title in the same manner as a new building or structure. (See Chapter 15.28, Moving Buildings, of the Hazel Park Municipal Code for additional requirements.)

17.04.040 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF TITLE

Nothing in this title shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this title.

17.04.050 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the city in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this title.

If a public service corporation or a public utility proposes to construct a building or an addition, the Planning Commission shall have the power to approve such development.

17.04.060 HEIGHT EXCEPTION

No building shall be erected, converted, enlarged, or reconstructed to exceed the height limit established in this title for the district in which the building is located, roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits prescribed in this title. No such structure may be erected to exceed by more than 20 feet the height limits of the district in which is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

17.04.070 HOME OCCUPATIONS

Home occupations may be permitted provided that the occupation is clearly accessory to the principal permitted use. See Chapter 15.44 for sign regulations. The following standards shall also apply:

A. No employees who do not reside at the home.
B. No outdoor storage or occupancy of any accessory buildings.
C. Home occupation shall not result in the exterior of the house having other than a residential appearance.
D. No storage of potentially hazardous or flammable materials having the characteristics of ignitability, corrosivity, reactivity, or toxicity.
E. Building contractors, retail trade, hair salons, animal hospitals or commercial kennels are not permitted as home occupations.

17.04.080 LOT AREA, YARDS AND OPEN SPACE REQUIREMENTS

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this title for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building.

17.04.090 ONE SINGLE-FAMILY HOUSE PER LOT

No single-family residential house shall be erected upon a lot with another single-family residential house.

17.04.100 PERFORMANCE GUARANTEE

To ensure compliance with a zoning ordinance and any conditions the City Council, Zoning Board of Appeals, or Planning Commission may require as a condition of their respective approvals, the furnishing of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the City Clerk. The respective body shall take into account the size and scope of the proposed improvement project, prevailing costs, and estimated expenses. The minimum performance guarantee to be required shall be deposited at the time of the issuance of the permit. The City shall not require the deposit before the date on which the City is prepared to issue the permit. The City shall not require the deposit before the date on which the City is prepared to issue the permit. This Section shall not be applicable to the improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to M.C.L. 560. 101 to 560.293, Land Division Act. The Planning Department Administrator shall rebate to the Applicant a percentage of the cash deposit in proportion to the ratio of work completed not less than quarterly after certification of the work has been performed by the building inspector.

17.04.110 PORCHES AND DECKS

Structures, such as open porches, terraces, decks, and light control fixtures, may project into a front or rear yard up to a distance of 10 feet, but shall in no case project nearer than 12 feet to any front or rear lot line. The space below the surface of the porch shall be concealed from view in accordance with prescribed standards.

17.04.120 REPAIRS TO VEHICLES IN RESIDENTIAL DISTRICTS

A. No person as owner or tenant shall perform mechanical or body work on any truck, automobile, camper, travel trailer, boat or other motor vehicle outside in a residential district, except under the following conditions:

1. Work may be done only on a vehicle owned by the property owner or tenant, or his immediate family, as family transportation.

2. The property owner or tenant shall have proof of ownership available for inspection.

3. The vehicle being repaired shall be currently licensed by the state.

4. No work shall be done between the hours of 9 p.m. and 9 a.m.

5. Work performed outdoors shall be limited to minor auto repairs, as defined in Chapter 17.02.

B. No person shall store, place or permit to be stored or placed, or allowed to remain on any lot for a period of more than 48 hours a dismantled, partially dismantled or inoperable motor vehicle.

C. No person shall park or store upon any lot within the city an unlicensed motor vehicle in operating condition.

17.04.130 RESTORING UNSAFE BUILDINGS

Nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official or required compliance with his lawful order, except as specified in Section 17.24.060, *Reconstruction of Damaged Nonconforming Buildings and Structures.*

17.04.140 SIDEWALKS AND PEDESTRIAN FACILITIES

Pedestrian facilities shall also be provided within the site to connect public sidewalks with building entrances, to protect pedestrians in parking lots and to connect developments with adjacent developments where pedestrian travel is reasonably expected.

17.04.150 STREET ACCESS

No building permit shall be issued for any construction located on any lot or parcel of land in the city that does not abut on a public street or highway; provided, that this title shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected before the date of the adoption of this title.

17.04.160 VOTING PLACE

The provisions of this title shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with municipal or other public elections.

17.04.170 ORDINANCE APPLICABILITY

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this title.

17.04.180 AMPLIFIED SOUND

Devices for outdoor broadcasting of voice, telephone monitoring, music, or other amplified sound shall be prohibited in all zoning districts.

CHAPTER 17.06
ACCESSORY BUILDINGS AND STRUCTURES

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

17.06.010 GENERAL

Accessory uses and buildings are permitted only in connection with, incidental to and on the same parcel with a principal use or building that is permitted in the particular zoning district. Such buildings or structures shall therefore not be permitted as the only building or structure on a parcel of land. All accessory uses and buildings shall comply with the use regulations applicable to the zoning district in which they are located.

17.06.020 ATTACHED TO MAIN BUILDING

Where the accessory building is structurally attached to a main building it shall be subject to and shall conform to all regulations of this title applicable to main or principal buildings.

17.06.030 LOCATION

No accessory structure or use shall be erected in any yard, except a rear yard.

17.06.040 SETBACKS

No detached accessory building or use shall be located closer than 10 feet to any main building or other accessory building or structure. No accessory structure or use (except swimming pools and kennels which have their own setback requirements) shall be located closer than 3 feet from any side lot line or 5 feet from any rear lot line. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.

17.06.050 HEIGHT

No accessory building in any zoning district shall exceed one story or 14 feet in height. Pole or mast type antennas shall adhere to Section 17.06.090.

17.06.060 LOT COVERAGE

A. All accessory buildings and swimming pools in total shall not occupy more than 30 percent of any rear yard. The total ground floor area of all accessory buildings shall not exceed 625 square feet or half the ground floor area of the principal building, whichever is greater.

B. In single-family residential districts, no more than one accessory building or garage may be erected, except that a second accessory building not to exceed 80 square feet of ground floor area may be erected provided it meets all other requirements of this title for height, setbacks and shall be properly anchored.

17.06.070 CORNER LOTS

Accessory structures or buildings on corner lots shall adhere to the same side yard setback as required of principal structures. See *Area, Height, Bulk, and Placement Requirements* for applicable zoning district.

17.06.080 KENNELS

Private kennels to house only the animals owned by the occupant of a dwelling unit shall be permitted subject to the following:

A. No more than 3 dogs, 3 cats, or a combination of 3 dogs and cats, over the age of 6 months shall be housed on the premises.

B. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 30 feet from any dwellings on adjacent property.

17.06.090 ANTENNAE STRUCTURES

A. GROUND MOUNTED ANTENNAE

1. One satellite dish antenna up to 10 feet in diameter shall be permitted per lot of record. The maximum height shall be 20 feet measured from grade.
2. The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.
3. No signage shall be placed on the antenna structure.
4. A building permit shall be required.

B. ROOF MOUNTED ANTENNAE

1. One satellite dish antenna up to 10 feet in diameter shall be permitted per lot of record. The maximum height shall be 35 feet measured from grade.
2. The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.
3. A building permit shall be required.

C. EXCEPTIONS

A satellite dish up to 24 inches in diameter or a conventional VHF/UHF antenna not more than 11.25 feet wide and 10 feet tall that are placed on the house at the rear portion of the building shall not require a permit. The antennae or dishes shall adhere to the maximum height for the district in which the building is located.

17.06.100 MECHANICAL APPURTENANCES

A. FREESTANDING

Freestanding industrial and commercial mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, are permitted in a rear yard, provided that they are located no closer than 20 feet to surrounding properties. All ground mounted mechanical equipment shall be screened with plant materials or a wall.

B. ROOF TOP

Where rooftop appurtenances are within 15 feet of the rooftop edge, or extend more than 5 feet above the roof grade, the Planning Commission may require screening in the form of a parapet wall, siding, or decorative fencing compatible with the design and materials of the building. In determining the need for screening, the Commission shall consider the aesthetic quality of the appurtenances and the degree to which such appurtenances are within public view

17.06.110 SWIMMING POOLS

See Title 15, *Building and Construction*, Chapter 15.48 *Swimming Pools* of the *Hazel Park Municipal Code*, for requirements.

17.06.120 PONDS

Ponds shall be permitted in any residential district, subject to the setback and location requirements pertaining to accessory buildings and structures. In addition, the following regulations shall apply:

A. A pond shall hold less than 24 inches of water. If a pond holds more than 24 inches of water, the pond shall be considered a swimming pool and shall be subject to the requirements of Title 15, *Building and Construction*, Chapter 15.48 *Swimming Pools* of the Hazel Park Municipal Code.

B. A pond shall be provided with a system to move water to prevent stagnant water from forming.

C. An electrical permit is required for outlets for water system devices.

17.06.130 EXCEPTIONS

Accessory buildings of 36 square feet or less shall not require a zoning certificate, but shall comply with all other standards within this title for accessory buildings.

CHAPTER 17.08
FENCES AND WALLS

17.08.010 RESIDENTIAL DISTRICTS

See Title 15, *Buildings and Construction*, Chapter 15.12, *Fences* of the *Hazel Park Municipal Code*, for requirements.

17.08.020 NONRESIDENTIAL DISTRICTS

A. PLACEMENT

1. **Where nonresidential property and residential property abut.** Screen walls are required on or adjacent to all property lines separating non-residential property from residential property and shall not be less than 8 feet in height.

2. **Where an alley separates the nonresidential property from the residential property.** In instances where the Building Official determines that the placement of the screenwall on the residential side of the alley would provide additional protection, the wall may be placed on the residential property provided that an easement is received from those residential property owners abutting the wall.

3. **Where a street separates nonresidential property from residential property.** No screening is necessary except as provided in Parking Requirements.

4. **Where nonresidential property abuts nonresidential property.** No screening is required except as provided for outdoor storage. A fence or wall shall not be erected in excess of 8 feet high as measured from the lowest existing adjacent grade.

5. **Near driveways or intersections.** Where a screen wall is erected within a 12 foot radius of a driveway/sidewalk intersection, whether within the property or not, the wall height within that radius shall be 30 inches.

B. CONSTRUCTION

1. Screen walls shall be capped and constructed of decorative materials (e.g., brick, brick facia, stone, split face block), with the decorative surface facing the residentially zoned district.

2. Screen walls shall be of masonry construction. A maintenance agreement shall be required for any masonry screen wall receiving paint or other impermeable coating. The following natural colors should be used for screen walls or fences: neutral earth tones (sand to brown); shades of gray, traditional colors (e.g. brick red, forest green, navy blue); light, subdued hues (e.g. salmon); or white. Contrasting, accent colors, which are compatible with the primary colors listed above, are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g. purple, orange, pink, lime, yellow) is prohibited. Colors must be natural to the material or

pigmented, and not painted whenever possible. Colors must be noted in the site plan or fence application for approval and for future reference.

3. Screen wall shall be of masonry construction. A maintenance agreement shall be required for any masonry screen wall receiving paint or other impermeable coating.

4. Masonry screen walls in excess of 30 inches in height require a building permit.

5. Screen walls shall be constructed as shown in figures 17-01 and 17-02.

6. The property owner shall maintain landscaping areas between screen walls and property lines.

C. EXCEPTIONS

The Planning Commission may alter or revise the minimum screen wall height requirements if the Commission finds that strict application of said requirements would endanger pedestrians or vehicular traffic.

Figure 17-01

Figure 17-02

CHAPTER 17.10
SITE LIGHTING

17.10.010 SHIELDING

Only non-glare, color corrected lighting shall be permitted. All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent properties and streets. The lighting source shall not be visible from adjoining properties, and illumination shall not extend beyond the property line.

17.10.020 HEIGHT OF FIXTURES

The maximum height of light fixtures in parking lots shall be 30 feet for the BC-1, BC-2, and M-1 Districts, and 15 feet for all other districts. Height shall be measured from the parking lot surface to the centerline of the lighting source.

17.10.030 BUILDING ILLUMINATION

All external lighting shall be placed and shielded downward to prevent interference with the vision of motorists or nearby residents. Where light fixtures are 15 feet in height or less, light wattage shall not exceed 250 watts. Where light fixtures are greater that 15 feet in height, light wattage shall not exceed 400 watts. Illumination levels shall be no greater than one foot-candle along any property line, and no greater than 10 foot candles at any other point within the site.

17.10.040 LIGHTING ATTACHED TO A BUILDING OR STRUCTURE

All fixtures placed on a commercial or industrial building shall be within a hooded or “shoe box” type fixture to prevent glare.

17.10.050 RESTRICTIONS

All illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. Illumination of any outdoor feature shall be directed or shaded to not interfere with the vision of motorists or to occupants of adjacent property.

CHAPTER 17.12
LANDSCAPING STANDARDS

17.12.010 INTENT

The intent of this chapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of sites, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character of the City of Hazel Park. The standards of this chapter are also intended to provide incentives to preserve quality mature trees, screen headlights of motor vehicles to reduce glare, integrate various elements of sites, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The standards of this chapter are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage variety and creative design. Additional landscaping above and beyond these standards is encouraged to improve the function, appearance and value of properties within the city.

17.12.020 REQUIREMENTS AND TIMING OF LANDSCAPING

A. PLAN REQUIRED. Landscaping shall be included with any site plan or plot plan application. The location, type, size, and spacing of all plant materials shall be indicated. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

B. PERFORMANCE GUARANTEE. The City may require as a condition of approval, the furnishing of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the City Clerk. The minimum performance guarantee to be required shall be deposited at the time of the issuance of the permit. The City shall not require the deposit before the date on which the City is prepared to issue the permit.

C. INSTALLATION AND INSPECTION. Landscaping or plant materials shall be planted within 6 months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings.

Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described in this title. Landscaped areas shall be protected from vehicular encroachment by use of concrete curbing. Landscaped areas shall be elevated above the pavement to a minimum height of 6 inches to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after a performance bond is provided to ensure installation of required landscaping in the next planting season.

An inspection of plant materials shall be conducted by the Building Official within 3 months of written notification of installation to release any performance guarantee.

D. PLANT MATERIAL STANDARDS. It is the intent of this chapter that an interesting and thoughtful mixture of plantings shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this chapter.

E. PLANT QUALITY. Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

17.12.030 INTERIOR LANDSCAPING

For every activity requiring site plan review, there shall be interior landscaping areas grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas.

17.12.040 PARKING LOT LANDSCAPING

A. Within every off-street parking lot containing 10 or more proposed spaces, at least one deciduous tree or ornamental tree with at least 100 square feet of planting area shall be used for every 10 parking spaces, in addition to any other landscaping requirements of this chapter.

B. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct vehicular traffic flow within the lot.

C. All landscaped areas, when adjacent to streets, driveway aisles, or parking areas, shall be curbed with concrete curb and gutters. The length of these areas shall be 2 feet shorter than adjacent parking space to improve maneuvering. A parking space overhang of 2 feet may be used to widen a landscaped area and reduce the length of a parking space by 2 feet less than required by this title.

17.12.050 PLANT MATERIALS AND MINIMUM SPACING

The overall landscape plan shall not contain more than one-third (1/3) of any single plant species. The use of trees native to the area and southeast Michigan, and a mixture of trees from the same species association, is encouraged.

A. PERMITTED SPECIES

1. Trees and Shrubs for Parking Areas (or comparable species).

London Plane Tree	Snowdrift Crabapple	Honey Locust (Thornless)
Sweetgum	Marshal Seedless Green Ash	Hawthorns
Linden Tree	Spiraea	Dwarf Callery Pear
Junipers (Spreading)		

2. Trees and Shrubs for Greenbelt and Interior Landscape Areas (or comparable species).

Amur Maple	Sweetgum	Goldenrain Tree
Hawthorns	London Plane Tree	Scarlet Oak
White Ash (seedless)	Pin Oak	European Linden
Honey Locust (thornless)	Little Leaf Linden	Zelkova
Junipers	Border Privet	Gingko
Mugo Pine	Serbian Spruce	Mockorange
Euonymus	Cotoneaster	Snowdrift Crabapple
Hedge Maple	Bayberry	European Hornbean
Viburnum	Dense Yew	Hicks Yew
Sugar Maple	Red Maple	Dwarf Callery Pear (Bradford)

3. Salt Resistant Trees and Shrubs (or comparable species).

Pinus Nigra	Sweetgum	Black Locust
Juniper (sp.)	Honey Locust (thornless)	Bayberry

4. Trees and Shrubs for Shady Areas (or comparable species).

Euonymus	Viburnum	Arborvitae (sp.)
Mahonia Aquifolium	Alpine Currant	Dogwood
Amelanchier	Mountain Laurel	Cotoneasters

B. PROHIBITED TREES

The following trees shall be prohibited, except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures.

Box Elder	Soft Maples (Silver)	European Alder
Poplars	Willows	Buckthorn
Horse Chestnut (nut bearing)	Tree of Heaven	Catalpa
Cotton Wood		

C. PLANT SIZE

Type	Caliper	Height	Spread	Miscellaneous
Deciduous Trees	2 ½ inches (at 4 feet above grade)	8 feet	--	--
Coniferous Trees	--	8 feet	3 feet	Root ball shall be 10 times the diameter of the trunk
Deciduous Ornamental Trees	One inch (at 3 feet above grade)	6 feet	--	--
Shrubs	--	2 feet	--	--
Hedges	--	2 feet	--	--
Vines	--	--	--	30 inches long after one growing season
Ground Cover	--	--	--	Complete coverage after one growing season

D. PLANT SPACING

Plant materials shall not be placed closer than 4 feet from a fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

Type of Plant (X) and Spacing Next to Respective Plant (Y) (in feet)	Coniferous Tree	Narrow Coniferous Tree	Deciduous Tree	Ornamental Deciduous Tree	Shrub
Coniferous Tree	10 to 20	12	20	12	5 to 6
Narrow Coniferous Tree	12	5 to 10	15	10	4 to 5
Deciduous Tree	20	15	20 to 30	15	3 to 5
Ornamental Deciduous Tree	12	10	15	8 to 15	3 to 6
Shrub	5 to 6	4 to 5	3 to 5	3 to 6	4 to 6

E. GRASS

Planted in species normally grown as permanent lawns in southeast Michigan. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease.

F. MULCH MATERIALS

The interior landscaping area shall contain grass, vegetation ground cover, shredded bark mulch, or crushed stone as a weed barrier, excluding marble chips or lava rock. Steel, aluminum, or black plastic edging shall be used for any planting beds. Mulch, shredded bark, or crushed stone shall have a minimum of depth of 6 inches in a manner as to present a finished appearance.

17.12.060 GENERAL LAYOUT AND DESIGN STANDARDS

A. CONDITIONS OF LANDSCAPING

Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant dies or becomes diseased, it shall be removed within 5 days of written notice from the city and replaced within 30 days or within an extended time period as specified in said notice.

B. SUPPORTS. Tree stakes, guy wires and tree wrap shall be removed after one year.

C. IRRIGATION

All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one outlet located within 100 feet of all planted material to be maintained. The Planning Commission may require frontage landscaping, boulevard medians, interior parking lot landscaping, and other curbed landscaped areas to be irrigated via an underground sprinkler system where deemed necessary.

D. VISIBILITY AND OBSTRUCTIONS

In order to provide an unobstructed view of an intersection to a motorist, there shall be a triangular area of clear vision formed by two intersecting streets or by a driveway/sidewalk intersection. In the case of two intersecting streets, this unobstructed area shall be the triangular section of land formed by the two streets and a line connecting them at points 25 feet from the intersection of said streets. In the case of the driveway/sidewalk intersection, this unobstructed area shall be the triangular section of land formed by the edge of the driveway and the interior edge of the sidewalk and a line connecting them 25 feet from the intersection. No tree or shrub shall be planted or maintained in such a manner as to impede or obstruct vision between a height of 30 inches and 10 feet above the ground within this area.

E. ROADSIDE TOLERANCE

Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species resistant to salt and tolerant of roadside conditions in southeast Michigan.

F. HEIGHT AT FIRE HYDRANTS. Plantings within 15 feet of a fire hydrant shall be no taller than 6 inches at maturity.

17.12.070 INCENTIVES TO PRESERVE EXISTING TREES

The preservation of quality and mature trees is encouraged by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on a landscape plan. The species, locations, calipers and tree protection measures shall also be noted on the landscape plan. Trees intended to be preserved shall be protected during construction through use of a fence around the drip line.

To obtain credit, the preserved trees shall be of high-quality and at least two and one-half (2 ½) inches in caliper. Trees to be preserved shall be counted for credit only if they are located on

the developed portion of the site as determined by the Planning Commission. Trees over 12 inches in caliper to be removed shall be noted on a landscape plan.

The credit for preserved trees shall be as follows.

Caliper of Preserved Tree (in inches)	Numbers of Trees Credited
over 12	3
8 to 12	2
2 ½ to 8	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade.

Any preserved trees receiving credit which are lost within 2 years after construction shall replaced by with trees otherwise required. The following trees are not eligible for preservation credits:

Box Elder	Apple	Siberian Elm
Willows	Hawthorn	Norway Maple
Poplars	Malus (sp.)	European Alder
Hackberry	Silver Maple	Red Pine
Locust (sp.)	Autumn Olive	Buckthorn
Scotch Pine		

17.12.080 WAIVER OR MODIFICATION OF STANDARDS FOR EXISTING SITES

Special provision is made for applying the standards of this chapter to developed sites which existed prior to the adoption of this chapter. Therefore, when an existing site is any activity requiring site plan review according to Section 17.60.080 of this title, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this chapter in relation to the extent of expansion or change on a site.

When reviewing plans for an existing building or site which requires site plan review, the Planning Commission shall require, at they determine necessary, an upgrade in landscaping to comply with the standards of this chapter to the greatest extent possible. Landscaping along the street and as a buffer between adjacent uses shall take priority over parking lot and interior landscaping. Where parking lot landscaping cannot be provided, additional landscaping along the street or in the buffer areas shall be considered. In determining whether or not an existing site can comply, the Planning Commission shall consider the following:

A. Existing and proposed building placement.
B. The abutting or adjacent land is developed or planned by the city for other than residential uses.
C. Building heights and views.
D. No residential district is within 200 feet of the subject site.

CHAPTER 17.14
WASTE RECEPTACLES

17.14.010 GENERAL

Waste receptacles, including dumpsters, waste compactors, waste oil containers, grease traps, and recycling bins shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown for each receptacle location on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

17.14.020 LOCATION

Waste receptacles shall be located in the rear yard or non-required side yard. Waste receptacles shall be placed in an accessible location, but shall be placed as far as practical from any adjacent residential zoning district. Waste receptacles shall be placed in such a way that they are not easily damaged by the refuse device. The location and orientation of a waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential district.

17.14.030 ACCESS

Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.

17.14.040 DESIGN

A. CONCRETE PAD. The receptacle base shall be at least 10 feet by 6 feet, constructed of 6 inches of reinforced concrete pavement. The base shall extend 6 feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

B. ENCLOSURE. Waste receptacles shall meet the following standards:

1. Each waste receptacle shall have an enclosing lid or cover.

2. Waste receptacles shall be enclosed on 3 sides with a wall and an opaque gate on the fourth side. The enclosure shall be a continuous, solid, decorative masonry wall with a maximum height of 6 feet or at least one foot higher than the receptacle, whichever is higher, and spaced at least 3 feet from the receptacle. Such enclosures shall be capped and constructed of decorative materials that are compatible with the site's principal building, and durable and suitable for outdoor use. See Chapter 17.08 for further requirements. The gate shall be maintained in operable and sanitary condition.

C. Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.

17.14.050 OTHER REGULATIONS

See Chapter 8.29, *Solid Waste Regulation and Disposal*, of the *Hazel Park Municipal Code* for additional requirements.

CHAPTER 17.16
TEMPORARY USES

17.16.010 GENERAL REQUIREMENTS

The intent of the Temporary Use ordinance is to permit permanent businesses within the City of Hazel Park to occasionally have outside events or extra signage that would be prohibited on a permanent basis. A Temporary Use shall be permitted only upon the approval of a proper temporary use permit application. Temporary buildings, structures and uses shall comply with all other applicable municipal codes, ordinances and licenses. For those uses not specifically mentioned, the requirements for a temporary use permit shall be in accord with a use that the Building Official considers similar in type.

17.16.020 EXEMPT TEMPORARY USES

The following events and signs are permitted in all districts and are generally exempt from the regulations of the Hazel Park City Code, except Sections 15.44.120 and 15.44.130 shall apply.

Type	District	Time Limit on Event	Number of Events per Year	Other Stipulations
Signs	All Districts	2 weeks	3	6 square feet or less in size
Outdoor sales or promotional event	LB, CB, BC-1, BC-2	3 days	3	Shall be on private property

17.16.030 ADMINISTRATIVE APPROVAL REQUIRED

The following events and signs are permitted only upon the approval by the Building Official of a temporary use permit application. The Building Official shall not issue a temporary use permit to any business that does have a valid business license with the City of Hazel Park.

Type	District	Time Limit on Event	Number of Events per Year	Other Stipulations
Temporary Buildings	All Districts	During Construction	--	Approval shall be subject to valid building permit
Signs	RC, RC-1, LB, CB, BC-1, BC-2, M-1	2 weeks	3	Applicable for signs greater than 6 square feet in size
Outdoor sales or promotional event	LB, CB, BC-1, BC-2, M-1	30 days	3	Shall be on private property
Outdoor sales or promotional event	LB, CB, BC-1, BC-2, M-1	3 days	3	On public sidewalk or property

17.16.040 CITY COUNCIL APPROVAL REQUIRED

Haunted houses, carnivals, events on private property that will last more than 30 days, or events on public property that will last more than 3 days are permitted only upon the approval of a special use approval application by the City Council. See Section 17.60.070 for procedure.

CHAPTER 17.18
PERFORMANCE STANDARDS

17.18.010 GENERALLY

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area.

17.18.020 SMOKE

It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 on the Ringelmann Chart; provided that the following exceptions shall be permitted: Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating 4 minutes in any 30 minutes.

Method measurement: For the purpose or grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.

17.18.030 DUST, DIRT, AND FLY ASH

No person shall operate any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels without maintaining and operating, while using such process, furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air. The approved equipment shall result in the quantity of gas-borne or air-borne solids not exceeding 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of measurement: For the purpose of determining the adequacy of such devices these conditions shall be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for dust-separating apparatus.

All other forms of dust and dirt shall be completely eliminated, insofar as escape or emission into the open air is concerned. The Building Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust and dirt have been made.

17.18.040 OUTDOOR STORAGE

The open storage for junk, scrap, salvage, waste products or construction materials, where the operations are for the conversion to salable materials, shall be screened from a public street, and from adjoining properties by an enclosure consisting of an obscuring masonry wall not less than 8 feet in height.

17.18.050 GLARE AND RADIOACTIVE MATERIALS

Glare from any process (such as arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot line. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

17.18.060 FIRE AND EXPLOSIVE HAZARDS

A. In the M-1 District, the storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Fire Marshal, shall be permitted, subject to compliance with all other performance standards mentioned in this chapter.

The storage, utilization, or manufacturing of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Marshal, shall be permitted subject to compliance with all setback requirements, see *Area, Height, Bulk, and Placement Requirements* for applicable zoning district, and performance standards previously mentioned and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized or produced within a completely enclosed building or structure having incombustible exterior walls, which meet the requirements of Title 15 Buildings and Construction.

2. All such buildings or structures shall be setback at least 40 feet from lot lines, or lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.

B. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941.

CHAPTER 17.20
WIRELESS TELECOMMUNICATION FACILITIES

17.20.010 PURPOSE

It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing telecommunication facilities needed to operate wireless telecommunication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless telecommunication services and coverage, it is the further purpose and intent of this section to:

A. Facilitate adequate and efficient provision of sites for wireless telecommunication facilities and ensure that wireless telecommunication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

B. Establish predetermined zoning districts of the number, shape, and in the location, considered best for the establishment of wireless telecommunication facilities, subject to applicable standards and conditions.

C. Recognize that operation of a wireless telecommunication system may require the establishment of facilities in locations not within the predetermined zoning districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the city. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

D. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

E. Minimize the adverse impacts of technological obsolescence of such facilities, including possible removal of unused and/or unnecessary facilities in a timely manner.

F. Minimize the negative visual impact of wireless telecommunication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice tower structures that are unnecessary, taking into consideration the purposes and intent of this section.

G. The City finds that the presence of numerous tower structures, would decrease the attractiveness and destroy the character and integrity of the city. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

17.20.020 COLOCATION

Colocation of attached wireless telecommunication facilities on any existing buildings or structures, where the existing building or structure is not, at the discretion of the Building Official, proposed to be either materially altered or materially changed appearance, shall be permitted.

A. STANDARDS FOR COLOCATION

Colocation shall be deemed to be feasible for purposes of this section where all of the following are met:

1. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

2. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennae.

3. The height of the structure necessary for colocation shall not be increased beyond a point deemed to be permissible by the city, taking into consideration the standards contained in Section 17.20.040.

B. REQUIREMENTS FOR COLOCATION

1. All new and modified wireless telecommunication facilities shall be designed and constructed so as to accommodate colocation.

2. If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to alter a support structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

C. OFFER OF COLOCATION REQUIRED

An application for a new wireless telecommunication support structure shall include a letter from the applicant to all potential providers and users offering an opportunity for colocation. The list of potential users shall be based on current Federal Communications Commission license holders. If a user requests, in writing, to colocate on the new support structure, the applicant shall accommodate the request, unless colocation is not feasible based on the criteria of this section.

17.20.030 MONOPOLES

A. Within the nonresidential zoning districts, monopoles shall be authorized as special land uses in the following circumstances.

1. At the time of the submittal, the applicant shall demonstrate to the satisfaction of the city that a location within a permitted zoning district cannot reasonably meet the coverage or capacity needs of the provider.

2. Wireless telecommunication facilities shall be of a design such as a steeple, bell tower, or other form that is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.

B. In residential zoning districts, monopoles shall be authorized as special land uses, subject to application of all other standards contained in this section and the location criteria outlined below:

1. Municipally owned sites
2. Other governmentally owned sites
3. Religious or other institutional sites
4. Public parks and other large permanent open space areas when compatible
5. Public or private school sites

17.20.040 SITE REQUIREMENTS

All applications for monopoles shall be reviewed in accordance with the standards and conditions of this section and Section 17.60.070 *Special Land Use Approval*, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission or City Council at their discretion.

A. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

B. Facilities shall be located and designed to be harmonious with the surrounding areas.

C. Wireless telecommunication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

D. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

E. The maximum height shall not exceed 100 feet, including antennae and all apparatus measured from the grade at the base of the support structure when occupied by one telecommunications provider. In the event the support structure provides antennae for more than one provider, the maximum height may increased to not more than 125 feet measured from the grade at the base of the support structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

F. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

G. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

H. Where an attached wireless telecommunication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.

I. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless telecommunication facility in a neat and orderly condition.

J. The support system shall be constructed in accordance with Chapter 15.04, Building Code, of the Hazel Park Municipal Code. The requirements of the Federal Aviation Administration, Federal Telecommunication Commission, and Michigan Aeronautics Commission shall be noted within the application.

K. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

L. The City may require as a condition of approval, the furnishing of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the City Clerk. The minimum performance guarantee to be required shall be deposited at the time of the issuance of the permit. The City shall not require the deposit before the date on which the City is prepared to issue the permit.

M. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per 4 linear feet of perimeter planted around the exterior of the fence.

N. If equipment buildings are to be located on the site, the exterior of the structures shall he constructed of brick or brick like material on all sides and shall have a 6:12 pitched roof and be shingled.

O. Equipment buildings or shelters shall not be used for offices, long term vehicle storage, broadcast studios or other uses that are not needed to send or receive transmissions.

P. Equipment at transmission facilities shall be automated to the greatest extent possible to reduce traffic and congestion. As part of the application process, the applicant shall describe anticipated site and building maintenance needs including the frequency of service, personnel needs, equipment needs, and the traffic, noise, or safety impacts of such maintenance.

Q. The site shall be landscaped in accordance with Chapter 17.12, *Landscaping Standards,* and all other requirements of the zoning district where it is located.

R. All building and tower lighting shall conform to the standards contained in the district in which it is located. When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, it shall be oriented inward so as to not to project onto surrounding property.

S. Vehicular access to the tower sited facility shall consist of a paved, 12 foot wide driveway.

T. The tower or monopole shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.

U. No advertising is permitted at the wireless telecommunications facility. Any signage shall conform to 15.44, *Sign Code*, of the Hazel Park Municipal Code.

17.20.050 APPLICATION REQUIREMENTS

A. A site plan prepared in accordance with Section 17.60.080, *Site Plan Review*, shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

B. The site plan shall also include a detailed landscaping plan where a support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

C. The application shall include a map showing existing and known proposed wireless telecommunication facilities within the city, and further showing existing and known proposed wireless telecommunication facilities within areas surrounding the borders of the city in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility.

D. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCLA 15.243(l)(g)). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality shall be prominently stated in order to bring it to the attention of the city.

E. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

F. The application shall include a description of security to be posted at the time of receiving a building permit for a support structure to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 17.20.060. In this regard, the security shall, at the election of the applicant, be in the form of: cash; a surety bond; a letter of credit; or an agreement in a form approved by the City Attorney and recordable at the office of the Oakland County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the city in securing removal.

17.20.060 REMOVAL

A. A condition of every approval of a wireless communication support structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

1. When the facility has not been used for 6 months or more. For purposes of this section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use.

2. Six months after new technology is available at reasonable cost that permits the operation of the communication system without the requirement of the support structure.

B. The situations in which removal of a facility is required, as set forth in subsection A, above may be applied and limited to portions of a facility.

C. Upon the occurrence of one or more of the events requiring removal, specified in subsection A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.

D. If the required removal of a facility or a portion thereof has not been lawfully completed within 3 months of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

17.20.070 VIOLATIONS

If a party who owns or otherwise controls a support structure shall fail or refuse to permit a feasible colocation, and this requires the construction or use of a new support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless telecommunication support structure within the city for a period of 5 years from the date of the failure or refusal to permit the colocation.

CHAPTER 17.24
NONCONFORMING USES AND STRUCTURES

17.24.010 NONCONFORMANCE REGULATED

The purpose of this chapter is to provide for the gradual elimination of nonconforming uses and structures. The lawful use of land or a structure exactly as the land or structure existed at the time of enactment of the ordinance may be continued except as otherwise provided herein although the use or structure does not conform with the ordinance. However, a nonconforming use shall be subject to, and the owner shall comply with, the regulations of this chapter. A change in tenancy, ownership or management does not change the status of a nonconforming use.

17.24.020 NONCONFORMING USES

If lawful use involving individual structures exists at the effective date of adoption of this title that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, resumed, or restored, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. If any such nonconforming use of a structure ceases for any reason for a period of more than 6 months, such use shall conform to the regulations specified by this title for the district in which such use is located.

C. A structure devoted to a nonconforming use may be maintained but not structurally altered so that the life of the structure is extended.

D. If no structural alterations are made, any nonconforming use of a structure, or if the same is more restricted classification provided that the Zoning Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such changes the Board may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use, a structure, land or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a more nonconforming use.

E. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.

17.24.030 NONCONFORMING STRUCTURES BY CLASS

Generally, nonconforming structures are declared by this title to be incompatible with permitted structures in the district involved. However, in pursuit of the public interest, a distinction is made between nonconforming structures that should be eliminated as rapidly as possible and nonconforming structures that may be given separate treatment.

To this end, there are established 2 classes of nonconforming structures: 1) Class A, those that could be altered to extend their usefulness and longevity; and 2) Class B, those that are not desirable and useful and will only be allowed to be continued until they are removed or voluntarily discontinued.

A. CLASS A NONCONFORMITIES. The following nonconformities shall be classified as Class A nonconformities and may be enlarged, extended, constructed, resumed, or restored, reconstructed, moved or structurally altered as provided here in this subsection.

1. Detached single-family residential dwellings that contain a conforming use that are nonconforming due to side yard setbacks or front yard setbacks may have a second story addition constructed provided that the addition adheres to the same setbacks as the existing dwelling.

2. Detached single-family residential dwellings that contain a conforming use that are nonconforming due to side yard setbacks may have a first floor addition added to them provided that the addition, complies with all current setback and height requirements.

B. CLASS B NONCONFORMITIES. The following nonconformities shall be classified as Class B nonconformities:

1. Detached single-family dwellings that contain a conforming use that are nonconforming due to rear yard setbacks or minimum floor area.

2. Buildings that contain a nonconforming use.

3. Detached single-family dwellings that are on a single lot with another detached single-family dwelling.

4. Conforming structures that contain nonconforming uses.

5. Uses that do not have required off-street parking.

Class B nonconformities shall not be enlarged, extended, constructed, resumed, or restored, reconstructed, moved or structurally altered. They shall not be changed to another nonconforming use or rebuilt except in conformance with the provisions of this chapter. They shall not be repaired if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the State Equalized Value (SEV).

17.24.040 NONCONFORMING LOTS OF RECORD

In any district in which single family dwelling units are permitted, notwithstanding limitations imposed by other provisions of this subsection, a single family dwelling and customary accessory buildings may be erected or any lot of record at the effective date of adoption or amendment of this subsection. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, however that setbacks and other requirements not involving area or width or both conform to the regulations for the district in which such lot is located. If 2 or more lots or a combination of lots or portions of lots with a continuous frontage and single ownership are of record at the effective date of adoption or amendment of this subsection, or at any time thereafter; and if all or part of the lots do not meet the requirements for lot area or width as established by this chapter, the lands involved shall be considered an undivided parcel or zoning lot for the purpose of this chapter, and no portion of such undivided parcel or zoning lot shall be used or occupied which does not meet lot area or width requirements as established by this chapter, nor shall any division of the parcel or zoning lot be made which leaves remaining on any lot with area or width below the requirements stated in this chapter.

17.24.050 REPAIRS AND MAINTENANCE

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

17.24.060 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in this title shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this title, wherein the sum total of the expense including labor, materials and other charges of such reconstruction does not exceed 50 percent of the State Equalized Value (SEV) of the entire building or structure at the time such damage occurred; provided, that such restoration and resumption shall take place within 3 months of the time of such damage and that it be completed within one year from time of such damage; and provided further, that said use shall be identical with nonconforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Official may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access.

17.24.070 MOVING

No nonconforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and setbacks, and other requirements of this title are made to conform to all the regulations of the district in which such structure is to be located.

17.24.080 NOTIFICATION OF NONCONFORMING STATUS

A. After the adoption of this title, or any amendments thereto, the City shall prepare a record of all known nonconforming uses existing at the time of such title or amendment. Such record shall contain the names and addresses of the owners of record as provided in the City's tax rolls, the legal description, the nature of use, and a description of the nonconformity. Each owner and occupant shall be notified by mail of the nonconforming character of the structures and uses thereof. Such record shall remain on file at the City shall be periodically revised to reflect those nonconforming uses which have ceased to exist and any new nonconforming uses discovered by the City.

B. Should the City become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the City in writing of the provisions of this title and that his property constitutes a nonconforming use.

C. Should the City become aware that the nonconforming use of a structure has ceased for a period of more than 6 months, the City shall notify the owner of the structure that future uses shall conform to the regulations specified by this title for the district in which such use is located.

17.24.090 PLANS ALREADY FILED

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this title, and where a building permit for such building or structure has been issued and construction work started at the effective date of this title, such work may proceed provided it is completed within one year of said date.

CHAPTER 17.28
OFF-STREET PARKING REQUIREMENTS

17.28.010 PURPOSE

In all zoning districts, space shall be provided as specified in this chapter for the parking and storage of self-propelled motor vehicles for the use of occupants, employees and patrons of buildings hereafter erected, altered or extended after the effective date of this chapter.

17.28.020 UNITS OF MEASUREMENT

A. PARKING SPACE CALCULATIONS. When determining parking requirements, any fraction equal to or greater than one-half shall go to the next higher number.

B. BENCH SEATING. Where patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this chapter.

C. EMPLOYEE CALCULATIONS. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

17.28.030 SHARED PARKING / PARKING WAIVERS

A. COLLECTIVE OR JOINT USE OF PARKING AREAS

The joint use of parking facilities by 2 or more uses is permitted whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied. A copy of any agreement between joint users shall be filed with the application for a business license or site plan approval whichever is filed first. The agreement shall include a guarantee for continued joint use, a joint Site Maintenance Agreement, and shall be recorded at Oakland County. The City Attorney shall review all joint parking agreements.

In computing capacities for any joint use, the off-street parking requirement is the sum of the individual requirements that will occur at the same time. In computing the required parking spaces for the total of joint off-street parking, the total spaces required may be reduced by the zoning officer whenever the facilities served do not operate during the same hours of the day or night and it can be clearly established that a simultaneous need for joint use parking will not occur.

B. REDUCTIONS IN EXISTING OFF-STREET PARKING. Effective with the date of this chapter, off-street parking existing in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.

C. MUNICIPAL PARKING. Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

17.28.040 PARKING SPACE REQUIREMENTS BY USE

Minimum number of off-street parking spaces by type and use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Building Official considers similar in type.

	USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
(A) RESIDENTIAL		
	Single-family residential detached or attached	Two (2) per dwelling unit
	Two-family residential	Two (2) per dwelling unit
	Multiple-family residential	Two (2) per dwelling unit
	Independent elderly housing, where residents live in their own independent apartment or other housing unit	One and one half (1.5) per resident dwelling unit
	Assisted Living, where residents occupy a private or shared residence, and have meals, medical, laundry, and other services available or provide daily	Two (2) per resident dwelling unit

	USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
(B) INSTITUTIONAL		
	Place of worship	One (1) per 3 seats *or* one (1) per 5 feet of pew, whichever is greater
	Community center	One (1) per 250 square feet of usable floor area
	Commuter college, university, business, vocational, religious schools and similar institutions enrolling students seventeen (17) years of age or older	One (1) per employee and student
	Convent	One (1) per 1000 square feet of usable floor area

	USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE

Fraternity or sorority	One (1) per 100 square feet of usable floor area
Gymnasium	One (1) per 3 seats *or* 5 feet of bench, whichever is greater *plus* one (1) per 100 square feet of usable floor area
Nursing homes, children's homes, and orphanages	One (1) per bed
Hospitals and sanitariums	Two (2) per bed
Libraries, museums or post offices	One (1) per 200 square feet of usable floor area
Child care centers (Principal Use)	One (1) per 300 square feet of usable floor area
Park (Playfield with active sports facilities)	Thirty-four (34) per diamond or marked field of play
Park (Passive)	Space equivalent to 5% of the total land area
Private and public elementary and junior high schools and similar institutions	One (1) per employee *plus* the requirements of the auditorium or multipurpose room or gymnasium
Private clubs or lodges	One (1) per 50 square feet of usable floor area
Private swimming pool clubs or other similar uses	One (1) per 100 square feet of water area *plus* one (1) per 30 square feet used for spectator seating
Public and private high schools and similar institutions	One (1) per employee *plus* one (1) per 8 students *plus* the requirements of the auditorium, multipurpose room or gymnasium
Public and private schools converted for adult education classes	One (1) per employee and student
Stadia, sports arenas, or other places of outdoor assembly	One (1) per 3 seats *or* 5 feet of bench, whichever is greater
Theaters and auditoriums, public assembly halls	(a) With fixed seating - One (1) per 3 seats (b) Without fixed seating - One (1) per 3 persons who may legally be admitted therein at one time under the occupancy load as established by local, adopted building code

	USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
(C) COMMERCIAL		
	Adult bookstore, nude, photographic studio, massage establishment	Three (3) per 100 square feet of usable floor area
	Adult theater	see Theater
	Auction house	One (1) per 2 seats *or* two (2) per 50 square feet of usable floor area, whichever is greater
	Auto parts store, Auto rental	One (1) per 300 square feet of usable floor area
	Automobile repair shop	One (1) per 200 square feet of sales area *plus* three (3) screened storage spaces per service bay
	Automobile sales	Land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking, plus a minimum of 2 employee parking spaces per each display of 20 vehicles of a fraction thereof, plus 1 per 350 square feet of service bay.
	Bakery shop	One (1) per 150 square feet of usable floor area
	Banks, financial institutions	One (1) per 200 square feet of usable floor area *plus* eight (8) stacking spaces for the first drive-in window *and* six (6) stacking spaces per each additional window *plus* two (2) per Automatic Teller Machine (ATM)
	Banquet halls, dance halls, assembly or rental hall without fixed seats	One (1) per 3 persons who may legally be admitted therein at one time under the occupancy load as established by the local, adopted building code
	Bar / Lounge / Tavern / Night Club with or without a restaurant	One (1) per 60 square feet of usable floor area
	Beauty and barber shops, tanning or nail salon	Three (3) per service chair or station
	Bowling alley	Four (4) per alley
	Business recreation	One per 4 persons who may legally be admitted therein at one time under the occupancy load as established by the local, adopted building code, *or* one per 100 square feet of total floor area, whichever is greater

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Car Wash, full service	Four (4) per wash/drying/detailing bay/stall *plus* 10 stacking spaces *plus* six (6)
Car Wash, self service	Four (4) stacking spaces *plus* two (2) drying spaces per stall
Convenience store	Six (6) per 1000 square feet of usable floor area.
Dry cleaning	One (1) per 300 square feet of usable floor area
Exterminator	Three (3) per 1000 square feet of usable floor area
Funeral Home or mortuary establishment	One (1) per 75 square feet of assembly room used for services, parlors and slumber rooms
Furniture and appliance, household equipment, decorator, office supply, showrooms	One (1) per 400 square feet of usable floor area
Garden center	One (1) per 300 square feet of usable floor area *plus* one (1) per 300 square feet of outdoor space
Gas station, full serve	Two (2) per service rack *plus* one (1) per pump mechanism *plus* four (4)
Gas station, self serve	One (1) per pump mechanism *plus* two (2)
Gas station, with convenience shop.	Six (6) per 1000 square feet of usable floor area *plus* one (1) per pump *plus* two (2)
Grocery store	Nine (9) per 1000 square feet of usable floor area
Gunsmith/Shop	One (1) per 250 square feet of usable floor area *or* four (4), whichever is greater
Health club	One (1) per 150 square feet of usable floor area designated for machines and free-weights *plus* one (1) per 50 square feet of usable floor area designated for aerobics classes
Hotels, motels	One and a half (1.5) per room

USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Indoor racquet facility	Four (4) per court
Laundromat and coin operated dry cleaners	One (1) per 4 washers and drying machines
Locksmith	Three (3) per 1000 square feet of usable floor area *plus* one (1) per service vehicle
Massage parlor	One (1) per 100 square feet of usable floor area
Miniature golf course	Three (3) per hole of play
Motorcycle service and sales.	One (1) per 200 feet of usable floor area *or* two (2), whichever is greater
Oil change shop	Three (3) per service bay *plus* two (2) stacking spaces per service bay
Outdoor dining or sales	Same as related interior uses
Photography studio	One (1) per 225 square feet of usable floor area *or* four (4), whichever is greater
Planned commercial or shopping center	One (1) per 100 square feet of usable floor area. In addition, the parking requirements for restaurants located in shopping centers shall be calculated separately, based upon the restaurant requirements in this Chapter
Printing and publishing	One (1) per 300 square feet of usable floor area *or* four (4), whichever is greater
Radio or television station or production facility	One (1) per 300 square feet of usable floor area
Repair shop (appliance, furniture, shoe, non-vehicle)	One (1) per 250 square feet of usable floor area
Resale shop	One (1) per 300 square feet of usable floor area
Restaurants, carry out	One (1) per 75 square feet of usable floor area
Restaurants, fast-food, drive-in, drive-through	One (1) per 75 square feet of usable floor area *plus* ten (10) stacking spaces for the first drive-through lane *and* five (5) stacking spaces per additional lane
Restaurants, other	One (1) per 60 square feet of usable floor area
USE	**NUMBER OF PARKING SPACES PER UNIT OF MEASURE**

	Retail store	One (1) per 225 square feet of usable floor area
	Rifle range	One (1) per target area *plus* five (5)
	School, Beauty	Two (2) per operator station *plus* three (3)
	School, Dance	One (1) per 150 square feet of dance floor area *plus* five (5)
	Tattoo/body piercing studio	One (1) per 100 square feet of usable floor area
	Taxi Stand	One (1) per taxi
	Telemarketing	One (1) per 25 square feet of usable floor area *or* ten (10), whichever is greater
	Travel Agency	One (1) per 250 square feet of usable floor area
	Veterinarian clinic	One (1) per 100 square feet of usable floor area
	USE	**NUMBER OF PARKING SPACES PER UNIT OF MEASURE**
(D) OFFICE		
	Business and professional offices of architects, engineers, landscape architects, lawyers or similar allied professions	One (1) per 225 square feet of usable floor area
	Office, Dental	Two (2) per examination or treatment room *plus* three (3)
	Office, Medical	One (1) per 100 square feet of usable floor area *or* ten (10), whichever is greater
	Office, Psychologist	Two (2) per examination or treatment room *plus* three (3)
	Blood and Plasma Office	One (1) per 75 square feet of usable floor area *or* eight (8), whichever is greater

	USE	NUMBER OF PARKING SPACES PER UNIT OF MEASURE
(E) INDUSTRIAL		
	Industrial establishments, research and testing laboratories	One (1) per 250 square feet of usable floor area *plus* one (1) per company vehicle, *or* ten (10), whichever is greater
	Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, or storage of materials, goods, or products, and business offices accessory there-	One (1) per 250 square feet of usable floor area *plus* one (1) space per company vehicle and piece of mobile equipment *or* ten (10), whichever is greater
	Wholesale and warehouse establishments	One (1) per 250 square feet of usable floor area
	Heavy equipment storage yard, lumber and building materials yard	One (1) per 250 square feet of usable show room or sales area *plus* one (1) per company vehicle
	Self-storage warehouse	Six (6)
	Cellular Tower	Two (2)

17.28.050 PARKING DIMENSIONS

A. STANDARD. A basic residential or commercial parking space shall be an accessible rectangle having a width of 9 feet and a length of 20 feet.

B. COMPACT. Compact car spaces shall be an accessible rectangle of having a width of 8 feet and a length of 16 feet. Compact car spaces shall account for no more than 30 percent of the total parking requirement and be clearly signed for “small cars only”.

C. ADJACENT TO WALLS AND OTHER STRUCTURES. When a parking space is located adjacent to a fixed object, such as a wall, fence, or support post, which interferes with the opening of any vehicle door, the width of the space shall be increased by one foot. Such parking spaces shall be located on the premises they are intended to serve.

17.28.060 BARRIER FREE PARKING REQUIREMENTS

Each parking lot that serves a building, except single and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign placed 6 feet above grade which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1996, as amended, and the adopted City Building Code.

17.28.070 PARKING LOT LOCATION AND RESTRICTIONS

A. SINGLE AND TWO-FAMILY RESIDENTIAL USES

1. **Location.** The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the buildings they are intended to serve.

2. **Commercial vehicles.** A commercial vehicle shall not be parked for more than 48 hours in any residential district. Commercial vehicles shall be currently licensed and operative. Vehicles shall be limited to those used by current residents.

3. **Residential driveways**

   a. *General.* Parking areas for single-family residential dwellings shall consist of a driveway area or paving strip of concrete, asphalt, or masonry pavers. No such materials shall be permitted for parking purposes in the front yard of any residential structure except for a single driveway area or parking strip. No driveway area or parking strip shall consist of gravel, soil, or other unpaved surfaces.

   b. *Parking in the Front Yard.* No parking shall be permitted on any residential lot or combination of residential lots, in any portion of the area extending between the residential structure and the public street or road, except upon a driveway area, parking strip or garage existing to the side of the residential structure.

   c. *Parking in the Side and Rear Yards.* No parking shall be permitted on any residential lot or combination of residential lots, in the side or rear yards except upon a hard surface material.

   d. *Interior Lots*. The width of the driveway area or parking strip shall not exceed 16 feet between the front building line and the front lot line.

   e. *Interior Lots with Attached Garages*. The width of a driveway area or parking strip shall not exceed the width of the garage and shall taper uniformly to a width of 16 feet at the front lot line.

f. *Corner Lots.* Garages on corner lots shall be rotated so the driveway accesses the side street. See Chapter 17.06 *Accessory Buildings and Structures* for setback requirements. The width of a driveway area or parking strip shall not exceed the width of the garage. The width of the driveway may be maintained to the side lot line.

B. MULTIPLE FAMILY USES

1. Location. The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the buildings they are intended to serve.

2. Commercial vehicles. A commercial vehicle shall not be parked for more than 48 hours in any residential district. Commercial vehicles shall be currently licensed and operative. Vehicles shall be limited to those used by current residents.

C. NON-RESIDENTIAL USES

1. Required off-street for non-residential uses shall be on the same lot or within 500 feet of the building or use it is intended to serve, measured without crossing a major thoroughfare from the nearest point of the required off-street parking facility.

2. No parking lots shall be permitted as a principal use in a zoning district other than the Parking District (P-1).

D. RECREATIONAL VEHICLES

1. No recreational vehicle shall be stored or parked anywhere on the public street or utility right-of-way or easements. These provisions shall also apply to utility trailers or trailers used for display or demonstration purposes.

2. No recreational vehicle shall be kept or stored outside on any property, unless such property is licensed as a recreational vehicle storage yard by the City of Hazel Park, for a period of longer than one week except in compliance with all of the following conditions:

a. The recreational vehicle shall be owned, rented or leased by the owners or occupants of the property on which the same is stored and shall be currently State of Michigan licensed.

b. Not more than one recreation vehicle shall be kept or stored outdoors at one time. Recreation vehicles kept or stored outdoors shall not exceed 8 feet in width or 32 feet in length.

c. Storage of recreational vehicles shall be in the rear yard only. In instances where the code officer determines that there is no access available to the rear yard, they may be located in the side yard.

d. All recreational vehicles so kept or stored shall be in good repair. Open storage of partially or disassembled component parts of said uses is prohibited.

3. Recreational vehicles shall not be used for living, lodging or housekeeping purposes.

4. See Chapter 8.28, Vehicle Storage, of the Hazel Park Municipal Code for additional requirements.

E. RESTRICTIONS. Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients, and patrons. Under no circumstances shall it be used for other than parking purposes, or allowed to become unusable (except for temporary repairs). Use of parking space for vehicles for sale, trucks, wrecked or junked vehicles or the repair or storage of vehicles is prohibited. No vehicle shall be parked in a required off-street parking area for a period longer than 48 hours. Loading spaces as required in this title shall not be construed as supplying off-street parking space.

17.28.080 PARKING LOT LAYOUT AND CONSTRUCTION

Whenever a parking lot is built, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements.

A. INGRESS AND EGRESS. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

B. BACKING ONTO PUBLIC RIGHT-OF-WAY. Backing a vehicle onto or from public rights-of-way (public alley excepted) is prohibited in all areas except residential areas. Parking spaces shall be designed and arranged so that it is more convenient for the parking space user to accomplish the necessary backing movements on the private property than it is to work onto or from the public rights-of-way.

C. SCREENWALLS. Where parking areas for business, office or industry are abutting a residential district, an 8 foot obscuring masonry wall shall be constructed on the property line of such abutting districts. See Chapter 17.08 for further screenwall requirements. Ownership shall be shown of all lots or parcels intended for use as parking by an applicant when an application for a building permit or certificate of occupancy is filed.

D. ATTENDANT SHELTERS. Not more than one building for shelter of attendants shall be erected upon any given parking area and each such building shall not be more than 50 square feet in area nor more than 10 feet in height.

E. HARDTOP SURFACING AND DRAINAGE. All parking areas and drives shall be provided with paving having an asphaltic or portland cement binder so as to provide a permanent, durable, and dustless surface. Single family residential driveways may be constructed of masonic pavers.

F. CURBING. Off-street parking lots shall be curbed with concrete curbs and gutters. Necessary curbs or other protection for the public and for the protection of required landscaping, adjoining properties, streets and sidewalks shall be provided and maintained.

G. GRADING AND DRAINAGE. All parking lots shall be graded and provided with proper internal drainage facilities to dispose of all surface water, in a manner to be approved by the City Engineer and according to the requirements of Oakland County prior to the issuance of an occupancy permit. No surface water from such parking area shall be permitted to drain onto adjoining property.

H. BUMPER STOPS / WHEEL CHOCKS. Bumper stops or wheel chocks shall be provided where deemed necessary by the city to prevent any vehicle from projecting over the lot line or from damaging any wall, fence or other structure.

I. MAXIMUM PARKING. An applicant shall not exceed the minimum parking space requirements by greater than 25 percent.

J. LAYOUT REQUIREMENTS. Plans for the layout and dimensions of off-street parking facilities shall be in accordance with the following minimum requirements. The Planning Commission may alter or revise the required maneuvering aisle widths if the Commission finds that strict application of said required widths would endanger pedestrian or vehicular traffic.

Parking Pattern	Maneuvering Lane Width	Standard Parking Space Width	Standard Parking Space Length	Total Width of One Tier of Parking Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0' (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30' to 53'	12 ft.	9 ft.	20 ft.	30 ft.	48 ft.
54' to 74'	15 ft.	9 ft.	20 ft.	33 ft.	51 ft.
75' to 90'	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

17.28.090 LIGHTING AND SIGNAGE

A. MARKING OF PARKING LOTS. All parking spaces shall be clearly marked to facilitate movement and to help maintain an orderly parking arrangement.

B. DIRECTIONAL SIGNS. Directional signs and arrows and appropriate paving marking shall be installed and maintained by the owner or applicant to control the direction of traffic flows, as deemed necessary by the planning commission. All signs shall conform to the provisions in Chapter 15.44 of the Hazel Park City Code.

C. LIGHTING. See Chapter 17.10, *Site Lighting*.

17.28.100 LANDSCAPING

A. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct vehicular traffic flow within the lot. See Chapter 17.12 for additional requirements.

17.28.110 MAINTENANCE AND ADMINISTRATION

A. CERTIFICATE OF OCCUPANCY. No certificate of occupancy shall be issued upon completion of any building or extension or addition thereto unless and until all off-street parking and loading space requirements shown on the plans, or made a part of the building permit, shall be in place and ready for use.

B. MAINTENANCE. All paving, directional devices and protective equipment, landscaping and other equipment furnished or required on the parking facility shall be maintained by the owner or tenant to insure safe pedestrian movement, vehicular operation, adequate protection of adjoining properties and to present a neat and attractive appearance.

CHAPTER 17.30
OFF-STREET LOADING REQUIREMENTS

17.30.010 GENERAL REQUIREMENTS

A. LOCATION AND SCREENING. All required loading spaces shall be located on the same lot as the use served. Where parking areas for business, office or industry are abutting a residential district, an 8 foot obscuring masonry wall shall be constructed on the property line of such abutting districts. See Chapter 17.08 for further screenwall requirements. No loading space shall be located in a front yard.

B. SIZE. A required off-street loading space shall be at least 12 feet in width by 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of 15 feet.

C. ACCESS. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement.

D. SURFACING. All open off-street loading spaces shall be provided with pavement having asphaltic or Portland cement binder so as to provide a permanent, durable, dustless surface. All loading spaces shall be graded and drained so as to dispose of all surface water accumulated within the area prior to the issuance of an occupancy permit.

E. REPAIR AND SERVICE. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

17.30.020 SPECIFIC REQUIREMENTS

A. INSTITUTIONAL USES. Any institutional use, as described in Chapter 17.28 Parking, where the building floor area exceeds 10,000 square feet in area, shall provide a single off-street loading space.

B. COMMERCIAL USES. Any commercial use, as described in Chapter 17.28 Parking, where the building floor area exceeds 10,000 square feet in area, shall provide a single off-street loading space. In the floor area exceeds 20,000 square feet, 2 off-street loading spaces shall be required.

C. OFFICE USES. Any office use, as described in Chapter 17.28 Parking, where the building floor area exceeds 15,000 square feet in area, shall provide a single off-street loading space.

D. INDUSTRIAL USES. Any industrial use, as described in Chapter 17.28 Parking, where the building floor area exceeds 10,000 square feet in area, shall provide a single off-street loading space. If the floor area exceeds 20,000 square feet, 2 off-street loading spaces shall be required.

CHAPTER 17.34
ZONING MAP AND DISTRICTS

17.34.010 DISTRICTS ESTABLISHED

For the purposes of this title, the City of Hazel Park is divided into the following districts:

RA-1	Single-Family Residential District
RA-2	Single-Family Residential District
RA-3	Single-Family Residential District
RB	Single-Family Attached Residential District
RC	Multiple-Family Residential District
RC-1	Multiple-Family High Rise Residential District
LB	Local Business District
CB	Central Business District
BC-1	Chrysler Business District
BC-2	Eight Mile Business District
M-1	Industrial District
P-I	Parking District
MD	Mixed Use / Entertainment District

17.34.020 MAP

A. The location and boundaries of these districts are established as shown on a map entitled "Zoning Map, City of Hazel Park," which is adopted and made a part of this title. Regardless of the existence of copies of the Zoning Map, which may be made or published, the official Zoning Map shall be located in the office of the City Clerk and shall be the final authority as to current zoning of property in the city. The Zoning Map and all notations, references and other information shown thereon are a part of this title and have the same force and effect as if said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described in this title.

B. Unless otherwise provided on the map, the district boundary lines shall follow lot lines or the centerlines of the streets or alleys.

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

D. Disagreement concerning the exact location of district boundary lines shall be resolved by the Zoning Board of Appeals.

E. A distance not specifically indicated on the official Zoning Map shall be determined by the scaling of the map.

CHAPTER 17.36
RA-1, RA-2, AND RA-3
SINGLE-FAMILY RESIDENTIAL DISTRICTS

17.36.010 STATEMENT OF PURPOSE

The RA-1, RA-2, and RA-3 Single-Family Residential Districts are established as districts in which the principal use of land is for single-family detached dwellings, but with each district having different minimum lot sizes to encourage differing development character and densities. For the RA-1, RA-2, and RA-3 Single Family Residential Districts, in promoting the general purpose of this chapter, the specific intent of this section is:

A. To encourage the construction of, and the continued use of the land for single-family dwellings;

B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;

C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter; and

D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

17.36.020 PRINCIPAL PERMITTED USES

In the RA-1, RA-2, and RA-3 Districts, no use shall be permitted unless otherwise provided in this chapter, except the following:

A. Single-family detached dwellings, including manufactured dwellings (mobile homes) when located outside of mobile home parks.

B. Publicly owned and operated parks, playfields, other recreation facilities, museums and libraries.

C. Accessory buildings, structures and uses customarily incidental to the above principal permitted uses of this chapter.

D. State Licensed Residential Facility

17.36.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses shall be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval Review*, and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations.

1. Such uses shall be subject to requirements of the Planning Commission based upon an analysis of any potential effect on surrounding properties.

2. No storage yards shall be permitted.

3. Applicants shall provide evidence of necessity for a proposed location.

4. Electric or gas regulator equipment and apparatus shall be set back a minimum of 30 feet from all lot lines.

B. Places of worship and other facilities normally incidental thereto.

C. Childcare centers.

1. Outdoor play area of 150 square feet per child, with a minimum of 1200 square feet. Centers adjacent to another center, park, or other outdoor facility easily accessible by walking or by transportation may utilize the park or center as its outdoor space requirement provided it meets the minimum size requirements.

2. Outdoor play area shall be screened by obscuring fence or wall from adjacent residential districts or uses and parking areas.

3. An on-site drive shall be provided for drop-offs, pick-ups, and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on a public street.

4. Business shall comply with the requirements set forth in the current Building Code on file at the City. The Planning Commission shall require a report from the Fire Department regarding surrounding properties within 100 feet of the site.

D. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities*.

17.36.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements for the RA-1, RA-2, and RA-3 Districts shall be as follows. For lots platted and recorded prior to the effective date of this title that do not meet one or more of the requirements of this section, refer to Section 17.04.090, *One Single Family House Per Lot* and Section 17.24.040, *Nonconforming Lots of Record.*

Area, height, bulk and placement requirements for the RA-1, RA-2, and RA-3 Districts may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development*.

Zoning District	Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)				Minimum Floor Area (D) (in square feet)	
					Front	Side (Least One) (B)	Side (Total for Both) (C)	Rear	With Basement	Without Basement
RA-1 (A)	*60*	*6,000*	*35*	*25*	*20*	*6*	*16*	*35*	*1,400*	*1,500*
RA-2 (A)	*50*	*5,000*	*35*	*25*	*20*	*4*	*12*	*35*	*1,200*	*1,300*
RA-3 (A, E)	*40*	*4,000*	*40*	*25*	*20*	*4*	*12*	*35*	*1,200*	*1,300*

(A) For legal nonconforming lots, not meeting the minimum lot area or lot width or both, the minimum total side yard setback shall be decreased by 4 feet. The minimum ground floor area shall be decreased by 200 square feet.

(B) Corner Lots: When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than 8 feet. When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 20 feet.

(C) There shall be a distance of at least 12 feet between dwellings.

(D) The minimum floor area shall not include area of basements, porches, garages, breezeways, or accessory buildings.

(E) Lots smaller than 4,000 square feet in area and 40 feet in width may be divided if the lots are in a plat recorded with the Oakland County Register of Deeds Office at the effective date of this ordinance and are at least 3,900 square feet in area and 37 feet wide, provided that all setback requirements shall be met.

17.36.050 RESIDENTIAL DESIGN STANDARDS

In order to preserve the substantial investment of property owners in single-family neighborhoods, any single-family home, erected in a residential zoning district shall not be grossly dissimilar to the exterior design and appearance of existing single-family homes in the surrounding area. The term “grossly dissimilar” as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents. The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area; adversely affect the desirability of an area to existing or prospective homeowners; impair the stability of the environment; prevent the most appropriate use of real estate; and lessen the opportunity to realize the development pattern envisioned in the Master Plan.

A. ROOF PITCH. The pitch of the main roof shall have a minimum vertical rise of one foot for each 4 feet of horizontal run. The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

B. EXTERIOR MATERIALS. The exterior siding of any single family residential house shall consist of materials that are generally acceptable for site-built housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in the City of Hazel Park.

C. STORAGE AREA. Each single-family residential house shall contain a storage area equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever is less. This storage area shall consist of a basement, attic (where the ceiling height is 7 feet or more), garage, or in a separate detached accessory structure that complies with the standards of this title regarding accessory buildings and structures.

D. EXCEPTIONS. The standards of this section shall not apply to a manufactured dwelling located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this title and pertaining to such parks. Manufactured dwellings that do not conform to the standards of this section shall not be used for dwelling purposes within the city unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this title.

17.36.060 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review*. Site plan review shall not be required for the construction of single family detached dwellings.

CHAPTER 17.38
RB SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICTS

17.38.010 STATEMENT OF PURPOSE

The RB Single-Family Attached Residential District is established as a district in which the principal use of land is for attached single-family dwellings. For the RB Single-Family Attached Residential District, in promoting the general purpose of this chapter, the specific intent of this section is:

A. To encourage the construction of, and the continued use of the land for attached single-family dwellings;

B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;

C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter; and

D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

17.38.020 PRINCIPAL PERMITTED USES

In the RB District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. Attached or detached single-family dwellings.

B. Publicly owned and operated parks, playfields, other recreation facilities, museums and libraries.

C. Accessory buildings, structures and uses customarily incidental to the above principal permitted uses of this chapter.

D. State Licensed Residential Facility.

17.38.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses shall be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval Review*, and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. All uses permitted after special approval within the RA-1, RA-2, and RA-3 Single Family Residential Districts.

17.38.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements for uses other than attached single-family dwellings in the RB District shall be as required in Section 17.36.040, *Area, Height, Bulk and Placement Requirements*, for the RA-3 District. Area, height, bulk and placement requirements for attached single-family dwellings in the RB District shall be as follows.

Area, height, bulk and placement requirements for the RB District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)			Minimum Floor Area per Dwelling (A) (in square feet)		
				Front	Side	Rear	One-Bedroom	Two-Bedroom	Three-Bedroom
--	--	--	*35*	--	--	*20*	*800*	*1,000*	*1,200 (+100 square feet for every bedroom over 3 bedrooms)*

(A) The minimum floor area shall not include area of basements, porches, garages, breezeways, or accessory buildings.

17.38.050 RESIDENTIAL DESIGN STANDARDS

In order to preserve the substantial investment of property owners in single-family neighborhoods, any single-family home, whether detached or attached, erected in a residential zoning district shall not be grossly dissimilar to the exterior design and appearance of existing detached single-family homes in the surrounding area. The term "grossly dissimilar" as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents. The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area; adversely affect the desirability of an area to existing or prospective homeowners; impair the stability of the environment; prevent the most appropriate use of real estate; and lessen the opportunity to realize the development pattern envisioned in the Master Plan.

A. ROOF PITCH. The pitch of the main roof shall have a minimum vertical rise of one foot for each 4 feet of horizontal run. The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

B. EXTERIOR MATERIALS. The exterior siding of any single family residential house shall consist of materials that are generally acceptable for site-built housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in the City of Hazel Park.

C. STORAGE AREA. Each dwelling unit shall contain a storage area equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever is less. This storage area shall consist of a basement, attic (where the ceiling height is 7 feet or more), garage, or in a separate detached accessory structure that complies with the standards of this title regarding accessory buildings and structures.

17.38.060 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review*. Site plan review shall not be required for the construction of single-family detached dwellings.

CHAPTER 17.40
RC MULTIPLE FAMILY RESIDENTIAL DISTRICT

17.40.010 STATEMENT OF PURPOSE

The RC Multiple-Family Residential District is designed primarily for multiple-family dwellings not to exceed 3 stories in height. It is designed to promote a harmonious mixture of multiple-family and group housing and related educational and cultural land uses in a basically residential environment.

17.40.020 PRINCIPAL PERMITTED USES

In the RC District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. All principal permitted uses in the RA-1, RA-2, RA-3, and RB Districts, subject to the terms and conditions therein.

B. All permitted uses after special approval in the RA-1, RA-2, RA-3, and RB Districts, subject to the terms and conditions therein.

C. Two-family dwellings.

D. Multiple-family dwellings, including apartments, provided that all such properties shall have at least one property line abutting a major thoroughfare.

E. Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities.*

F. Accessory buildings and uses customarily incidental to the principal permitted uses of this chapter.

17.40.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval Review* and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Wireless telecommunication facilities, subject further to the requirements and conditions of Section 17.20, *Wireless Telecommunication Facilities.*

17.40.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements for the RC District shall be as follows:

A. MINIMUM LOT WIDTH. Not applicable.

B. MINIMUM LOT AREA. Detached single-family dwellings in the RC District shall conform to all lot and area requirements of the RA-2 District, and attached single-family dwellings in the RC District shall conform to all lot and area requirements of the RB District. For all other dwelling units and other permitted uses in the RC District, minimum land area for each dwelling unit shall be as follows:

Dwelling Unit Size	Land Area Per Dwelling Unit
Efficiency unit	2,800 square feet
One-bedroom unit	3,000 square feet
Two-bedroom unit	3,350 square feet
Three-bedroom unit	3,850 square feet
Four or more bedroom units	4,350 square feet

C. MAXIMUM LOT COVERAGE. 40 percent

D. MAXIMUM HEIGHT OF BUILDING. 3 stories or 35 feet.

E. MINIMUM YARD SETBACKS.

Required Setback	In Feet
Front	25
Side (At least one)	10
Side (Total for both)	20
Rear	35

F. MINIMUM FLOOR AREA PER DWELLING UNIT FOR APARTMENTS

Dwelling Unit Size	Floor Area Per Unit
Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit or more	1,000 square feet (plus 100 square feet for each bedroom over 3 bedrooms in a dwelling unit)

Not more than 10 percent of the dwelling units in any building shall be of efficiency type.

The required floor space per each attached single-family dwelling townhouse or condominium in the RC District shall be as required in the RB District. The required floor

space per each detached single-family dwelling unit in the RC District shall be as required in the RA-2 District.

The minimum floor area per dwelling unit for any dwelling unit in the RC District shall not include areas of basements, open porches, garages, breezeways or accessory buildings.

G. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the RC District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.40.050 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.42
RC-1 HIGH RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.42.010 STATEMENT OF PURPOSE

The RC-1 High Rise Multiple-Family Residential District is designed primarily to permit high-rise apartment residential development. Due to the large traffic volumes generated by such development, the district is intended to be located adjoining major streets. For its potential benefits of walk-in trade, it should ideally be near shopping concentrations. For the purposes of this chapter, a high-rise structure shall be any structure four or more stories in height.

17.42.020 PRINCIPAL PERMITTED USES

In the RC-1 District no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. All principal permitted uses in the RC District, subject to the terms and conditions therein.

B. High-rise multiple-family residential structures, provided that all such properties shall have at least one property line abutting a major thoroughfare or have vehicular access to a major thoroughfare through property zoned RC or RC-1. All ingress and egress shall be directed onto said major thoroughfare.

C. Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities.*

D. Accessory buildings and uses customarily incidental to the principal permitted uses of this chapter.

17.42.030 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070 Special Land Use Approval, and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Retail and service uses, when located entirely within high-rise multiple-family structures.

B. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities.*

17.42.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements for the RC-1 District shall be as follows:

A. MINIMUM LOT WIDTH. Not applicable.

B. MINIMUM LOT AREA. Minimum land area required for each dwelling unit in the RC-1 District shall be the same as required in the RC District for buildings between one and 3 stories in height. Where building height exceeds 3 stories, minimum land area per dwelling unit shall be based upon dwelling unit size and building height as follows:

Height of Building (In Residential Stories)	Land Area in Square Feet Per Habitable Room*
4	600 square feet
5	550 square feet
6	500 square feet
7	450 square feet
8	400 square feet
9	350 square feet
10	300 square feet

* "Habitable room" excludes kitchens, bathrooms, closets, utility rooms and rooms for common use of building occupants.

Where building height exceeds 3 stories, an "amenity area" shall be provided at a ratio of 200 square feet per dwelling unit. An "amenity area" shall be used for recreational purposes, including parks, patios, balconies, communal lounges, and swimming pools.

C. MAXIMUM LOT COVERAGE. 40 percent.

D. MAXIMUM HEIGHT OF BUILDING. 10 stories or 120 feet.

E. MINIMUM YARD SETBACKS.

Required Setback	In Feet
Front	25
Side (At least One)	10
Side (Total for Both)	20
Rear	35

F. MINIMUM FLOOR AREA PER DWELLING UNIT. The required floor space per each multiple family dwelling unit in the RC-1 District shall be as follows:

Dwelling Unit Size	Floor Area Per Unit
Efficiency unit	350 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit or more	1,000 square feet (plus 100 square feet for each bedroom over 3 bedrooms in a dwelling unit)

Not more than 10 percent of the dwelling units in any building may be of efficiency type.

The required floor space per each attached single-family dwelling unit in the RC District shall be as required in the RB District. The required floor space per each detached single-family dwelling unit in the RC District shall be as required in the RA-2 District.

The minimum floor area per dwelling unit for any dwelling unit in the RC-1 District shall not include areas of basements, open porches, garages, breezeways or accessory buildings.

G. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the RC District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.42.050 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.44
LB LOCAL BUSINESS DISTRICT

17.44.010 STATEMENT OF PURPOSE

The LB Local Business District is intended to permit retail business and service uses dealing in goods, wares and merchandise which are needed to serve the adjacent residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, loud noises, vibration, smoke, glare or heavy truck traffic. The intent of this district is also to encourage a pedestrian retail shopping environment along Hazel Park's main streets.

17.44.020 PRINCIPAL PERMITTED USES

In the LB District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. Banks or other financial institutions, excluding check cashing establishments.

B. Bus passenger stations.

C. Business schools or private schools operated for profit, including art and dance studios and music and vocal schools.

D. Business service establishments, such as office machine repair, printing, copying, and blueprinting.

E. Clothing service, including the following:
- **1.** Laundromats
- **2.** Dry cleaning establishments, without on site dry cleaning facilities.
- **3.** Tailor and pressing shops.
- **4.** Shoe repair shops.

F. Department stores, variety stores, and general merchandise retail stores, excluding party stores, tobacco shops, and adult businesses, whose principal activity is the sale of merchandise entirely within a completely enclosed building, including the following:

- **1.** Apparel shops.
- **2.** Automobile parts, excluding facilities for repair and servicing.
- **3.** Book stores and newsdealers.
- **4.** Drugstores and pharmacies.
- **5.** Flower and plant shops, excluding greenhouses.
- **6.** Gift shops.
- **7.** Grocery stores, including beer, wine and liquor, fruit, vegetables, meat, dairy products, baked goods, and other foods, but not including a party store. No more than 10 percent of the gross floor area may be used for the storage and/or display of beer, wine or liquor.

Food products may be prepared on the premises as an accessory use if such products are sold at retail prices on the premises.

8. Hardware, paint and wallpaper stores.
9. Household appliance shops.
10. Office supplies and stationery shops.
11. Recorded music shops.

G. Equipment service, including watch, jewelry, radio, television, or other electronic appliance repair.

H. Government buildings and uses

I. Offices, showrooms, or workshops for a decorator, upholster, plumber, caterer, exterminator, heating contractor, building contractor, or similar establishments that require retail outlet.

J. Photographic studios and film processing.

K. Offices for any of the following occupations: executive, administrative, professional, business, accounting, writing, insurance, real estate, travel, clerical, stenographic, drafting, engineering, sales, and similar occupations.

L. Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities.*

17.44.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 and approval by the Planning Commission.

A. Assembly halls, private clubs, lodges or fraternal organizations.

B. Colleges and universities.

C. Funeral homes and mortuaries.

D. Hair, nail, tanning salons, and other personal service uses, excluding adult business uses,

E. Health clubs, including gymnasiums, and reducing salons.

F. Offices for any of the following occupations: medical, dental, and similar occupations.

G. Outdoor sales and outdoor cafés, as accessory uses to a permitted use.

H. Residential uses when located above a first floor permitted or special business use, shall comply with minimum floor area standards set forth in Chapter 17.40 *RC Multiple Family Residential District.*

I. Restaurants, delicatessens, coffee houses, or bars, except those defined as drive-in or drive-through.

J. Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens and other similar uses.

K. Accessory buildings, structures, and uses customarily incidental to the principal permitted use.

17.44.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval*, and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Body piercing studios.
- **1.** Any establishment shall be located at least 1000 feet from any other body piercing studio or tattoo parlor.
- **2.** Any establishment shall be located at least 500 feet from all places of worship.
- **3.** Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
- **4.** Any establishment shall be located at least 1,000 feet from any business recreation establishment.
- **5.** Any establishment shall be located at least 1,000 feet from any adult business.
- **6.** See Chapter 5.46, Body Art Licensing and Regulations, of the Hazel Park Municipal Code for additional requirements.

B. Business recreation uses.
- **1.** Any establishment shall be located at least 500 feet from any other business recreation establishment.
- **2.** Any establishment shall be located at least 1,000 feet from any party store, tobacco shop, cocktail lounge, night club, or adult business.
- **3.** Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
- **4.** See Chapter 5.60, Poolrooms and Pool Tables, of the Hazel Park Municipal Code for additional requirements.

C. Check cashing establishments.

D. Childcare centers.

1. Outdoor play area of 150 square feet per child, with a minimum of 1200 square feet. Centers adjacent to another center, park, or other outdoor facility easily accessible by walking or by transportation may utilize the park or center as its outdoor space requirement provided it meets the minimum size requirements.

2. Outdoor play area shall be screened by obscuring fence or wall from adjacent residential districts or uses and parking areas.

3. An on-site drive shall be provided for drop-offs, pick-ups, and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on a public street.

4. Business shall comply with the requirements set forth in the current Building Code on file at the City. The Planning Commission shall require a report from the Fire Department regarding fire hazards or storage of flammable material at properties within 100 feet of the site.

E. Party stores.

1. Any establishment shall be located at least 2,000 feet from any other retail establishments that sell packaged beer, wine and liquor, party store, or tobacco shop.

2. Any establishment shall be located at least 1,000 feet from all places of worship, as defined by the Michigan Liquor Control Commission (MLCC).

3. Any establishment shall be located at least 1,000 feet from all public, private or parochial day care facilities, primary or secondary schools, public parks and hospitals.

4. Any establishment shall be located at least 1,000 feet from any pool or billiard hall, video game arcade, amusement center, public or private indoor and outdoor recreation establishment, dance club catering primarily to teenagers, motion picture theaters, and similar uses frequented by children and teenagers.

5. Any establishment shall be located at least 2,000 feet from any adult business.

6. See Chapter 5.06, Alcoholic Beverages, of the Hazel Park Municipal Code for additional requirements.

F. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and other essential public services.

1. Such uses shall be subject to requirements of the Planning Commission based upon an analysis of any potential effect on surrounding properties.

2. No storage yards shall be permitted.

3. Applicants shall provide evidence of necessity for a proposed location.

4. Electric or gas regulator equipment and apparatus shall be set back a minimum of 30 feet from all lot lines.

G. Radio and television towers.

1. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

2. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per every 4 linear feet of perimeter planted around the exterior of the fence.

3. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

4. Special consideration shall be given to any safety hazards.

H. Retail establishments dealing in second hand, used, or damaged goods, wares or merchandise, including used books, clothing, furniture, household wares and appliances, and junk, excluding junk yards.

1. Any establishment shall be located at least 750 feet from another second hand store.

2. All loading and unloading shall be from the side or rear of the lot.

3. All business shall be conducted wholly within a completely enclosed building.

4. See Chapters 5.39, *Junk Dealers and Collectors*, and 5.54, *Pawnbrokers*, of the *Hazel Park Municipal Code* for additional requirements.

I. Sale of new or used motor vehicles or recreational vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, sales or rental, excluding outside display or sales of product.

J. Tattoo parlors.

1. Any establishment shall be located at least 2,000 feet from any other tattoo parlor or body piercing studio.

2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.

3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.

4. Any establishment shall be located at least 2,000 feet from any adult business.

5. See Chapter 5.46, *Body Art Licensing and Regulations*, of the *Hazel Park Municipal Code* for additional regulations.

K. Tobacco shops.

1. Any establishment shall be located at least 2,000 feet from any other party store or tobacco shop.

2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.

3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.

4. Any establishment shall be located at least 2,000 feet from any adult business.

L. Video store.

1. Any establishment shall be located at least 500 feet from any other video store.

2. The display of video tapes having as a dominant theme specified sexual activity or specified anatomical areas, as defined herein this title, shall be accessory to the principal use and shall be physically separated from all other video tapes and materials in a completely enclosed room with the following conditions:

a. The room shall have only one door for ingress and egress by patrons.
b. Signage outside of the room shall indicate that adult videotapes are displayed and state that no one under the age of 18 years is permitted.

3. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented videotapes for rental or sale may be used for over the counter purchases by patrons. This requires that all videotapes be stored behind the sales counter or in a separate, enclosed storage area until purchased.

M. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities*.

17.44.050 REQUIRED CONDITIONS

The following conditions are required for all uses in the LB District:

A. All business shall be conducted wholly within a completely enclosed building (unless permitted as a special use.

B. No business shall sell live animals.

C. Parking or storage of unlicensed or inoperable vehicles shall be prohibited.

D. Vehicles parked on a site shall not be used for storage, sales or advertising.

17.44.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the LB District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)		
						Front	Side	Rear
--	--	--	*600*	*30,000*	*40*	*(A)*	*(A)*	*20(B)*

(A) No setback is required unless that property line abuts a residential district, in which case a 10 foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

B. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the LB District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.44.070 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewscapes of the city, while providing for architectural creativity.

A. BUILDING MATERIALS. Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drivet, or beveled wood siding.

B. WINDOWS. 30 to 80 percent of the first floor elevation shall consist of windows. There shall be a maximum sill height of 36 inches.

C. ENTRANCES. Main entrances shall be emphasized prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.

D. EXCEPTIONS. The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.44.090 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.45
LB- M LOCAL BUSINESS MANUFACTURING

17.45.010 STATEMENT OF PURPOSE

The LB-M Local Business Manufacturing district is intended to permit a wide variety of uses with an emphasis on those orientated toward serving the local community through retail business, entertainment, commercial, and service related uses. Due to the area's close proximity to the Eight Mile Road Corridor, light manufacturing and other uses that serve the consumer population beyond the corporate boundaries of the city are also permitted. Multiple use buildings that include retail, service, office and residential uses, are consistent with the intent of the LB-M District. In order to promote such developments so far as possible and appropriate in each area, uses that would create hazards, loud noises, vibration, smoke, glare or heavy truck traffic, will be regulated to minimize these affects on the surrounding area.

17.45.020 PRINCIPAL PERMITTED USES

In the LB-M District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. Banks or other financial institutions, excluding check cashing establishments.

B. Bus passenger stations.

C. Business schools or private schools operated for profit, including art and dance studios and music and vocal schools.

D. Business service establishments, such as office machine repair, printing, copying, and blueprinting.

E. Clothing service, including the following:
- **1.** Laundromats
- **2.** Dry cleaning establishments, without on site dry cleaning facilities.
- **3.** Tailor and pressing shops.
- **4.** Shoe repair shops.

F. Department stores, variety stores, and general merchandise retail stores, excluding party stores, tobacco shops, and adult businesses, whose principal activity is the sale of merchandise entirely within a completely enclosed building, including the following:

- **1.** Apparel shops.
- **2.** Automobile parts, excluding facilities for repair and servicing.
- **3.** Book stores and newsdealers.
- **4.** Drugstores and pharmacies.
- **5.** Flower and plant shops, excluding greenhouses.
  - **a.** Gift shops.

6. Grocery stores, including beer, wine and liquor, fruit, vegetables, meat, dairy products, baked goods, and other foods, but not including a party store. No more than 10 percent of the gross floor area may be used for the storage and/or display of beer, wine or liquor. Food products may be prepared on the premises as an accessory use if such products are sold at retail prices on the premises.
7. Hardware, paint and wallpaper stores.
8. Household appliance shops.
9. Office supplies and stationary shops.
10. Recorded music shops.

G. Equipment service, including watch, jewelry, radio, television, or other electronic appliance repair.

H. Government buildings and uses

I. Offices, showrooms, or workshops for a decorator, upholster, plumber, caterer, exterminator, heating contractor, building contractor, or similar establishments that require retail outlet.

J. Photographic studios and film processing.

K. Offices for any of the following occupations: executive, administrative, professional, business, accounting, writing, insurance, real estate, travel, clerical, stenographic, drafting, engineering, sales, and similar occupations.

L. Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities.*

17.45.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 and approval by the Planning Commission.

A. Assembly halls, private clubs, lodges or fraternal organizations.

B. Colleges and universities.

C. Hair, nail, tanning salons, and other personal service uses, excluding adult business uses,

D. Health clubs, including gymnasiums, and reducing salons.

E. Offices for any of the following occupations: medical, dental, and similar occupations.

F. Outdoor sales and outdoor cafés, as accessory uses to a permitted use.

G. Residential uses when located above a first floor permitted or special business use, shall comply with minimum floor area standards set forth in Chapter 17.40 *RC Multiple Family Residential District.*

H. Restaurants, delicatessens, coffee houses, or bars, except those defined as drive-in or drive-through.

I. Accessory buildings, structures, and uses customarily incidental to the principal permitted use.

17.45.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval*, and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Body piercing studios.
- **1.** Any establishment shall be located at least 1000 feet from any other body piercing studio or tattoo parlor.
- **2.** Any establishment shall be located at least 500 feet from all places of worship.
- **3.** Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
- **4.** Any establishment shall be located at least 1,000 feet from any business recreation establishment.
- **5.** Any establishment shall be located at least 1,000 feet from any adult business.
- **6.** See Chapter 5.46, Body Art Licensing and Regulations, of the Hazel Park Municipal Code for additional requirements.

B. Business recreation uses.
- **1.** Any establishment shall be located at least 500 feet from any other business recreation establishment.
- **2.** Any establishment shall be located at least 1,000 feet from any party store, tobacco shop, cocktail lounge, nightclub, or adult business.
- **3.** Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
- **4.** See Chapter 5.60, Poolrooms and Pool Tables, of the Hazel Park Municipal Code for additional requirements.

C. Childcare centers.

- **A.** Outdoor play area of 150 square feet per child, with a minimum of 1200 square feet. Centers adjacent to another center, park, or other outdoor facility easily accessible by walking or by transportation may utilize the park or center as its outdoor space requirement provided it meets the minimum size requirements.

B. Outdoor play area shall be screened by obscuring fence or wall from adjacent residential districts or uses and parking areas.

C. An on-site drive shall be provided for drop-offs, pick-ups, and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on a public street.

D. Business shall comply with the requirements set forth in the current Building Code on file at the City. The Planning Commission shall require a report from the Fire Department regarding fire hazards or storage of flammable material at properties within 100 feet of the site.

D. Party stores.

1. Any establishment shall be located at least 2,000 feet from any other retail establishments that sell packaged beer, wine and liquor, party store, or tobacco shop.

2. Any establishment shall be located at least 1,000 feet from all places of worship, as defined by the Michigan Liquor Control Commission (MLCC).

3. Any establishment shall be located at least 1,000 feet from all public, private or parochial day care facilities, primary or secondary schools, public parks and hospitals.

4. Any establishment shall be located at least 1,000 feet from any pool or billiard hall, video game arcade, amusement center, public or private indoor and outdoor recreation establishment, dance club catering primarily to teenagers, motion picture theaters, and similar uses frequented by children and teenagers.

5. Any establishment shall be located at least 2,000 feet from any adult business.

6. See Chapter 5.06, Alcoholic Beverages, of the Hazel Park Municipal Code for additional requirements.

E. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and other essential public services.

1. Such uses shall be subject to requirements of the Planning Commission based upon an analysis of any potential effect on surrounding properties.

2. No storage yards shall be permitted.

3. Applicants shall provide evidence of necessity for a proposed location.

4. Electric or gas regulator equipment and apparatus shall be set back a minimum of 30 feet from all lot lines.

F. Radio and television towers.

1. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

2. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per every 4 linear feet of perimeter planted around the exterior of the fence.

3. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

4. Special consideration shall be given to any safety hazards.

G. Retail establishments dealing in second hand, used, or damaged goods, wares or merchandise, including used books, clothing, furniture, household wares and appliances, and junk, excluding junkyards.

1. Any establishment shall be located at least 750 feet from another second hand store.

2. All loading and unloading shall be from the side or rear of the lot.

3. All business shall be conducted wholly within a completely enclosed building.

4. See Chapters 5.39, *Junk Dealers and Collectors*, and 5.54, *Pawnbrokers*, of the *Hazel Park Municipal Code* for additional requirements.

H. Sale of new or used motor vehicles or recreational vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, sales or rental, excluding outside display or sales of product.

I. Tattoo parlors.

1. Any establishment shall be located at least 2,000 feet from any other tattoo parlor or body piercing studio.

2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.

3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.

4. Any establishment shall be located at least 2,000 feet from any adult business.

5. See Chapter 5.46, *Body Art Licensing and Regulations*, of the *Hazel Park Municipal Code* for additional regulations.

J. Tobacco shops.

1. Any establishment shall be located at least 2,000 feet from any other party store or tobacco shop.

2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.

3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.

4. Any establishment shall be located at least 2,000 feet from any adult business.

K. Video store.

1. Any establishment shall be located at least 500 feet from any other video store.

2. The display of video tapes having as a dominant theme specified sexual activity or specified anatomical areas, as defined herein this title, shall be accessory to the principal use and shall be physically separated from all other video tapes and materials in a completely enclosed room with the following conditions:

a. The room shall have only one door for ingress and egress by patrons.
b. Signage outside of the room shall indicate that adult videotapes are displayed and state that no one under the age of 18 years is permitted.

3. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented videotapes for rental or sale may be used for over the counter purchases by patrons. This requires that all videotapes be stored behind the sales counter or in a separate, enclosed storage area until purchased.

L. Manufacturing and Industrial Establishments.

1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.

2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planning mills) and yarns.

3. Tool and die shops; metal-working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or folding of box, carton and cardboard products.

M. Laboratories, research or testing.

N. Public utility buildings, telephone exchange buildings, electric transformers.

O. Wholesale and Warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products;

furniture and home furnishings, and any commodity the manufacture of which is permitted in this district.

P. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities*.

17.45.050 REQUIRED CONDITIONS

The following conditions are required for all uses in the LB District:

A. All business shall be conducted wholly within a completely enclosed building (unless permitted as a special use).

B. No business shall sell live animals.

C. Parking or storage of unlicensed or inoperable vehicles shall be prohibited.

D. Vehicles parked on a site shall not be used for storage, sales or advertising.

17.45.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the LB-M District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Required Building Setbacks (in feet)			
						Front Min	Front Max	Side	Rear
--	--	--	*600*	*30,000*	*40*	*0*	*10*	*(A)(C)*	*20(B)*

(A) No setback is required unless that property line abuts a residential district, in which case a 10-foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

(C) In cases of corner lots, the required side building setback fronting on the road shall be a minimum of zero (0) feet, and a maximum of ten (10) feet.

B. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the LB District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.45.070 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewscapes of the city, while providing for architectural creativity.

A. BUILDING MATERIALS. Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drive, or beveled wood siding.

B. WINDOWS. 30 to 80 percent of the first floor elevation shall consist of windows. There shall be a maximum sill height of 36 inches.

C. ENTRANCES. Main entrances shall be emphasized with prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.

D. PEDESTRIAN ACCESSIBILITY. In order to promote a pedestrian oriented environment, all new development proposals shall provide a bicycle rack in a safe and secure location.

E. EXCEPTIONS. The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.45.090 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.46
CB CENTRAL BUSINESS DISTRICT

17.46.010 STATEMENT OF PURPOSE

The CB Central Business District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments which occupy the prime frontages in the downtown; and which serve the consumer population beyond the corporate boundaries of the city. The district regulations are designed to promote a convenient pedestrian shopping environment and stable office and retail development by prohibiting automotive-related services, repetition of similar uses, and land-extensive uses which break up such continuity. This district shall include institutional and cultural services essential to the enhancement of the city as an urban central space. Multiple use buildings which include retail, service, office and residential uses are consistent with the role of the CB District.

17.46.020 PRINCIPAL PERMITTED USES

No single principal permitted use shall exceed a maximum of 60,000 square feet.

In the CB District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

A. Banks or other financial institutions, excluding check cashing establishments.

B. Bus passenger stations.

C. Business schools or private schools, excluding K-12 schools, operated for profit, including art and dance studios and music and vocal schools.

D. Business service establishments, such as office machine repair, printing, copying, and blueprinting.

E. Clothing service, including the following:

1. Laundromats
2. Dry cleaning establishments, excluding on-site dry cleaning facilities.
3. Tailor and pressing shops.

4. Shoe repair shops.

F. Retail stores, excluding party stores, dollar stores, drug stores/pharmacies, tobacco shops, and adult businesses, whose principal activity is the sale of merchandise entirely within a completely enclosed building, including the following:

1. Apparel shops.
2. Automobile parts, excluding facilities for repair and servicing.
3. Book stores and news dealers.
4. Flower and plant shops, excluding greenhouses.
5. Gift shops
6. Grocery stores, including beer, wine and liquor, fruit, vegetables, meat, dairy products, baked goods, and other foods, but not including a party store. No more than 10 percent of the gross floor area may be used for the storage and/or display of beer, wine or liquor. Food products may be prepared on the premises as an accessory use if such products are sold at retail prices on the premises.
7. Hardware, paint and wallpaper stores.
8. Household appliance shops.
9. Office supplies and stationary shops.
10. Recorded music shops.

G. Equipment service, including watch, jewelry, radio, television, or other electronic appliance repair.

H. Government buildings and uses.

I. Offices, showrooms, or workshops for a decorator, upholster, caterer, or similar establishments that require a retail outlet subject to the following:

1. For uses including a workshop, the workshop shall not comprise more than 40% of the total floor area of the building.

J. Photographic studios and film processing.

K. Offices for the following occupations: executive, administrative, professional, business, accounting, writing, insurance, real estate, travel, clerical, stenographic, drafting, engineering, sales, and similar occupations.

L. Wireless telecommunication facilities, limited to attached antennae co-located upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities.*

CHAPTER 17.48
BC-1 CHRYSLER BUSINESS DISTRICT

17.48.010 STATEMENT OF PURPOSE

The BC-1 Chrysler Business District is intended to permit a wider range of business activities along the interstate corridor, entrance ramps, and exit ramps than those permitted in other business districts within the City. The BC-1 Chrysler Business District is intended to permit uses that are not only conductive to vehicular traffic but provide a transition to the more pedestrian oriented business districts along John R and Nine Mile Roads. The intended potential customer base for these uses is the entire municipality along with the surrounding communities throughout the southeastern Michigan region.

17.48.020 PRINCIPAL PERMITTED USES

In the BC-1 District, no use shall be permitted, unless otherwise provided in this chapter, except the following:

A. All principal permitted uses within the LB District and CB District.

B. Automobile, truck, motorcycle, trailer, recreation vehicle, or boat showrooms, excluding outdoor storage or display of sales products.

C. Essential public services and buildings.

17.48.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 *Site Plan Approval* and approval by the Planning Commission.

A. All principal permitted uses within the LB District and CB District, with drive through service windows.

B. All uses permitted within the LB District and CB District after site plan approval.

C. All uses permitted within the LB District and CB District after site plan approval, with drive through service windows.

D. Automobile wash establishments

E. Building and lumber supply or contracting firms, excluding outside storage.

F. Garden centers.

G. Contractor’s offices and storage facilities, without outdoor storage.

H. Multiple-family dwellings, including apartments, provided that all such properties shall have at least one property line abutting a major thoroughfare.

17.48.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval*, and subject further to a public hearing by the Planning Commission and approval by the City Council.

A. Any permitted uses after special approval in the LB District and CB District.

B. Building and lumber supply or contracting firms, including landscape construction services, with accessory outside storage of equipment and materials on the same lot.

1. An 8 foot masonry wall shall be required to screen the storage area from the street and other properties.

2. No materials shall be stored above the height of the required wall.

3. Outdoor storage shall not be permitted unless sufficient off-street parking is provided.

4. No junk or inoperative or unlicensed vehicles shall be stored.

5. All storage areas shall be paved and drained.

6. No trailer, mobile home, or truck trailer shall be stored or used for storage.

7. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.

8. The storage yard shall be located on a site occupied by a building where personnel are present during normal business hours to supervise and maintain the storage yard and operate the business.

C. Contractor equipment sales or rental establishments, including accessory and outdoor storage, provided a contractor equipment storage yard shall not be created as the principal use of a site.

1. An 8 foot masonry wall shall be required to screen the storage area from the street and other properties.

2. No materials shall be stored above the height of the required wall.

3. Outdoor storage shall not be permitted unless sufficient off-street parking is provided.

4. No junk or unlicensed or inoperative vehicles shall be stored.

5. All storage areas shall be paved and drained.

6. No trailer, mobile home, or truck trailer shall be stored or used for storage.

7. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.

8. The storage yard shall be located on a site occupied by a building where personnel are present during normal business hours to supervise and maintain the storage yard and operate the business.

D. Outside display of new or used motor vehicle or recreational vehicle sales or rentals, including boats, snowmobiles, travel trailers, campers, motor homes, mobile homes, tents and accessory equipment.

1. Land space of no less than 1,800 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. The display and customer parking areas must be adequately surfaced and well lit during customer business hours.

2. The vehicle display space shall be pavement-marked with a minimum width of 9 feet and a minimum length of 20 feet.

3. All area of display of vehicles shall be paved.

4. The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into written serving agreement with a registered repair facility at a location not to exceed 10 miles distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office.

5. All servicing and repair of vehicles, where permitted, shall be subject to the following requirements:

a. Service and repair activities shall be clearly incidental to the vehicle sales operation.
b. Vehicle service and repair activities shall occur within a completely enclosed building.
c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

6. An exterior sign displaying the name of the dealership, that is permanently affixed to the building of land, with letters visible from a highway, identifies the premises.

7. Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

8. See Chapters 5.09, Automobile and Trailer Dealers, and 5.48, Motorcycle Renting and Leasing, of the Hazel Park Municipal Code for additional requirements.

E. Recreational vehicle storage yards

1. Storage areas shall be enclosed by a fence 8 feet in height.

17.48.050 REQUIRED CONDITIONS

The following conditions are required for all uses in the BC-1 District:

A. All business shall be for the purpose of dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

B. No business shall sell live animals.

C. Parking or storage of unlicensed or inoperable vehicles shall be prohibited.

D. Vehicles parked on a site shall not be used for storage, sales or advertising.

17.48.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the BC-1 District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)		
						Front	Side	Rear
--	--	--	*600*	*100,000*	*45*	*(A)*	*(A)*	*20(B)*

(A) No setback is required unless that property line abuts a residential district, in which case a 10 foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

B. PLANNED UNIT DEVELOPMENTS. Area, height, bulk, and placement requirements for the BC-1 District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.48.070 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewscapes of the city, while providing for architectural creativity.

A. BUILDING MATERIALS. Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drivet, or beveled wood siding.

B. WINDOWS. 30 to 80 percent of the first floor elevation shall consist of windows.

C. ENTRANCES. Main entrances shall be emphasized prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.

D. EXCEPTIONS. The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.48.080 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.50
BC-2 EIGHT MILE BUSINESS DISTRICT

17.50.010 STATEMENT OF PURPOSE

The BC-2 Eight Mile Business District is intended to permit a wider range of business and entertainment activities than those permitted in any other business district within the city. The BC-2 District is intended to permit uses of a larger size and scale than those found in any other business districts. The intended potential customer base for these uses is the entire municipality along with the surrounding communities throughout the southeastern Michigan region.

17.50.020 PRINCIPAL PERMITTED USES

In the BC-2 District, no use shall be permitted, unless otherwise provided in this chapter, except the following:

A. All principal permitted uses in the BC-1 District.

B. Building and lumber supply or contracting firms, excluding outside storage.

C. Contractor's offices and storage facilities, without outdoor storage.

D. Wholesale businesses and warehouses.

17.50.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 *Site Plan Approval* and approval by the Planning Commission.

A. All principal permitted uses within the LB District, with drive through service windows.

B. All uses permitted in the LB district after site plan approval, excluding residential use.

C. All uses permitted in the LB District after site plan approval, with drive through service windows.

D. Automobile wash establishments.

E. Building and lumber supply or contracting firms, including landscape construction services, with accessory outside storage of equipment and materials on the same lot.

F. Contractor equipment sales or rental establishments, including accessory and outdoor storage, provided a contractor equipment storage yard shall not be created as the principal use of a site.

G. Garden centers.

17.50.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval*, and subject further to a public hearing by the Planning Commission and approval by the City Council.

A. Adult businesses

1. In the development and execution of this title, it is recognized that there are some uses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within 1,000 feet of each other which would create such adverse effects).

2. A continuous solid masonry wall, 8 feet in height above the surface of the ground shall be required on all side or rear lot lines.

3. Shall not be located within 1,000 feet of an existing school, library, park, or place of worship.

4. Shall not be located within 1,000 feet of an existing adult business.

5. See Chapters 5.45, Massage Licensing and Regulations, and 5.46, Body Art Licensing and Regulations, of the Hazel Park Municipal Code for further regulations.

B. Automobile repair, entirely within an enclosed building, limited to minor repair only.

1. All service and repair bays shall be entirely within an enclosed building. All apparatus for servicing and repairing vehicles shall be placed so that vehicles can be serviced and repaired without any part of the vehicle projecting over a sidewalk or other right-of-way.

2. No work shall be done between the hours of 9:00 p.m. and 7:00 a.m.

3. The sale of automobiles shall be prohibited except when in conjunction with new automobile sales or rental.

4. Any accessory outdoor storage shall be screened in accordance with Section 17.18 *Performance Standards.*

5. Special consideration of potential noise and pollution nuisances is required.

6. See Chapters 5.33, *Gasoline Service Stations*, and 8.28, *Vehicle Storage*, of the *Hazel Park Municipal Code* for additional requirements.

C. Gas stations.

1. The minimum lot area 10,000 square feet.

2. Sites shall be a corner lot abutting at least one major thoroughfare.

3. Fuel pumps shall be located so that vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

4. No drive or curb opening shall be located nearer than 20 feet to any street right-of-way intersection or interior lot line. Drives and curb openings shall be a minimum of 30 feet and a maximum of 40 feet in width. No more than one such drive or curb opening shall be permitted along any street. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

5. A concrete curb of at least 6 inches in height shall be installed to prevent vehicles from being driven onto or parked on any landscaped areas, sidewalks, streets, buildings, or adjoining property.

6. All equipment and service bays shall be entirely within an enclosed building.

7. Any accessory outdoor storage shall be screened in accordance with Section 17.18 *Performance Standards.*

8. See Chapters 5.33, *Gasoline Service Stations*, and 8.28, *Vehicle Storage,* of the *Hazel Park Municipal Code* for additional requirements.

D. Outside display of new or used motor vehicle or recreation vehicle sales or rentals, including boats, snowmobiles, travel trailers, campers, motor homes, mobile homes, tents and accessory equipment.

1. Land space of no less than 1,800 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. plus an additional minimum of 2 employee parking spaces per 30 square feet of service bay. The display and customer parking areas must be adequately surfaced and well lit during business hours.

2. The vehicle display space shall be pavement-marked with a minimum width of 9 feet and a minimum length of 20 feet.

3. All area of display of vehicles shall be paved.

4. The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into written agreement with a registered repair facility at a location not to exceed 10 miles distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office.

5. All servicing and repair of vehicles, where permitted, shall be subject to the following requirements:

a. Service and repair activities shall be clearly incidental to the vehicle sales operation.
b. Vehicle service and repair activities shall occur within a completely enclosed building.
c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

6. An exterior sign displaying the name of the dealership, that is permanently affixed to the building of land, with letters visible from a highway, identifies the premises.

7. Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

8. See Chapters 5.09, Automobile and Trailer Dealers, and 5.48, Motorcycle Renting and Leasing, of the Hazel Park Municipal Code for additional requirements.

E. Recreational vehicle storage yards

1. Storage areas shall be enclosed by a fence 8 feet in height.

F. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities*.

17.50.050 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the BC-2 District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)		
						Front	Side	Rear
--	--	--	*1,200*	*100,000*	*45*	*20*	*(A)*	*20 (B)*

(A) No setback is required unless that property line abuts a residential district, in which case a 10 foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

B. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the BC-2 District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58*, Planned Unit Development.*

17.50.060 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewscapes of the city, while providing for architectural creativity.

A. BUILDING MATERIALS. Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drivet, or beveled wood siding.

B. WINDOWS. 20 to 80 percent of the first floor elevation shall consist of windows.

C. ENTRANCES. Main entrances shall be emphasized prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.

D. EXCEPTIONS. The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.50.070 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.52
M-1 INDUSTRIAL DISTRICT

17.52.010 STATEMENT OF PURPOSE

The M-1 Industrial District is intended to permit certain industries which are of a light manufacturing, wholesaling and warehousing character to locate in planned areas of the city. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects.

17.52.020 PRINCIPAL PERMITTED USES

In the M-1 District, no uses shall be permitted unless otherwise provided in this chapter, except any of for the following uses:

A. Excavation equipment and machinery sales.

B. Manufacturing and Industrial Establishments.

1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.

2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planning mills) and yarns.

3. Tool and die shops; metal-working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or folding of box, carton and cardboard products.

C. Laboratories, research or testing.

D. Central dry-cleaning plants and laundries.

E. Public utility buildings, telephone exchange buildings, electric transformers.

F. Wholesale and Warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district.

G. Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities.*

17.52.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 *Site Plan Approval* and approval by the Planning Commission.

A. Automobile repair shops, limited to minor repair

B. Automobile wash establishments.

C. Gas stations, including accessory minor auto repair.

D. Accessory buildings, structures, and uses customarily incidental to the principal use.

17.52.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval,* and subject further to a public hearing by the Planning Commission and approval by the City Council:

A. Automobile repair shops, including major repair.

1. All service and repair bays shall be entirely within an enclosed building. All apparatus for servicing and repairing vehicles shall be placed so that vehicles can be serviced and repaired without any part of the vehicle projecting over a sidewalk or other right-of-way.

2. No work shall be done between the hours of 9:00 p.m. and 7:00 a.m.

3. The sale of automobiles shall be prohibited except when in conjunction with new automobile sales or rental.

4. Any accessory outdoor storage shall be screened in accordance with Section 17.18 *Performance Standards.*

5. Special consideration of potential noise and pollution nuisances is required.

6. See Chapters 5.33, *Gasoline Service Stations*, and 8.28, *Vehicle Storage*, of the *Hazel Park Municipal Code* for additional requirements.

B. Metal plating, buffing and polishing.

C. Painting and varnishing.

D. Junk yards.

1. Outdoor storage shall be screened in accordance with Section 17.18 *Performance Standards.*

2. No materials shall be stored above the height of the required wall.

3. All storage areas shall be paved and drained.

E. Radio and television towers.

1. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

2. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per every 4 linear feet of perimeter planted around the exterior of the fence.

3. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

4. Special consideration shall be given to any safety hazards.

F. Wireless telecommunication facilities, subject to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities.*

G. Scrap Metal Dealers

1. Any accessory outdoor storage shall be screened in accordance with section 17.18 Performance Standards

2. No materials shall be stored above the height of the required walls.

3. All storage areas shall be paved and drained.

4. All gates shall remain closed unless receiving or transporting metal or other materials as allowed.

5. See Chapter 5.55 Scrap Metal Dealers, of the Hazel Park Municipal Code for additional requirements.

17.52.050 OUTDOOR STORAGE

All manufacturing activities shall be conducted within an enclosed building, except that external storage of materials may be permitted, provided that the storage area shall be visually screened from all streets and adjoining commercial and residential properties with a continuous solid masonry wall, 8 feet in height above the surface of the ground. Such walls shall be capped and constructed of decorative materials (brick, brick facia, stone, split face block, etc.), with the decorative surface facing towards the adjoining commercial and residential properties. The Planning Commission may also require the use of landscaping as stipulated in Chapter 17.12 *Landscaping Standards*, in conjunction with the required masonry wall, if it determines a buffer strip is needed to further screen such external storage from residentially zoned properties.

17.52.060 REQUIRED CONDITIONS

Within the M-1 District there shall be no dwellings, except existing dwellings, so used; schools, other than trade or industrial schools, hospitals or other institutions for human habitation or care unless accessory and incidental to a principal permitted use; or all classes of business uses except when such uses are for the convenience shopping of persons in the M-1 District, subject to the regulations applicable to such uses.

17.52.070 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the M-1 District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)		
						Front	Side	Rear
--	--	--	*1,200*	*100,000*	*30*	*(A)*	*(A)*	*20 (B)*

(A) No setback is required unless that property line abuts a residential district, in which case a 10 foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

B. PLANNED UNIT DEVELOPMENTS. Area, height, bulk and placement requirements for the M-1 District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development.*

17.52.080 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewscapes of the city, while providing for architectural creativity.

A. BUILDING MATERIALS. Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drivet, or beveled wood siding.

B. WINDOWS. 20 to 80 percent of the first floor elevation shall consist of windows.

C. ENTRANCES. Main entrances shall be emphasized prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.

D. EXCEPTIONS. The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.52.090 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.54
P-1 PARKING DISTRICT

17.54.010 STATEMENT OF PURPOSE

The P-1 Parking District is intended to permit the establishment of areas to be used solely for off-street vehicular parking of private passenger cars only, so as to benefit and serve business or industrial areas. This district is also designed to afford maximum protection to adjacent residential areas by providing appropriate screening and well-designed parking lot facilities. It is also intended that this district act as a transitional area between business or industrial areas and residential areas.

17.54.020 PRINCIPAL PERMITTED USES

In all P-1 Districts no land shall be used, and no building shall be hereafter erected or structurally altered for any use other than vehicular parking of private passenger cars, unless otherwise provided for in this chapter.

17.54.030 LIMITATION OF THE USE

A. Parking areas shall be used for parking of private passenger vehicles only, for periods of less than 24 consecutive hours, and shall contain a minimum of 4,000 square feet of area.

B. Parking may be with or without charge.

C. No business involving the repair or service of vehicles permitted thereon, or sale or display thereof, or other storage, shall be permitted.

D. Except for parking garages, no buildings other than those for shelter of attendants shall be erected upon the premises. There shall be not more than one attendant shelter building for each contiguous parking area, and such building shall be not more than 50 square feet in area, nor shall it exceed 15 feet in height.

E. Signs are permitted in accordance with the requirements of Chapter 15.44, *Sign Code*, of the Hazel Park Municipal Code.

17.54.040 ADDITIONAL REQUIREMENTS

The provisions of Chapter 17.28 *Off-Street Parking Requirements*, shall also apply to this district, except that where any provisions in the two chapters conflict, the more stringent shall apply.

17.54.050 LOCATION

All P-1 Districts shall be contiguous to or across the street from a business or industrial district. In all cases, lots which are used for parking shall be the adjacent successive lots or across a public street from the business or industrial block or lot to be served.

17.54.060 PROTECTIVE WALL

A. Where a P-1 District adjoins a residentially zoned district, a continuous solid masonry wall, 8 feet in height above the surface of the ground, shall be required along the lot line separating the districts. Such walls shall be capped and constructed of decorative materials (e.g. brick, brick facia, stone, split face block), with the decorative surface facing the residentially zoned district.

B. Where a P-1 District is located on a street opposite a residentially zoned district, a continuous solid masonry wall, 30 inches in height above the surface of the ground, shall be required parallel to the lot line adjacent to the street. Such walls shall be capped and constructed of decorative materials (brick, brick facia, stone, split face block, etc.), with the decorative surface facing the residentially zoned district.

C. See Chapter 17.08 for additional screening requirements.

17.54.070 LANDSCAPING

All land within a required setback area shall be landscaped and maintained with groundcover, deciduous shrubs, evergreen material and ornamental trees in accordance with the requirements of Chapter 17.12, *Landscaping Standards.*

17.54.080 SURFACE

The parking area shall be provided with pavement in accordance with requirements of Chapter 17.28, *Off-street Parking Requirements.*

17.54.090 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review.*

CHAPTER 17.56
MD MIXED USE ENTERTAINMENT DISTRICT

17.56.010 INTENT

The MD Mixed Use Entertainment District is established to encourage diversity of compatible land uses, and may include a mixture of uses, such as residential, office, commercial, recreational, and other similar uses within an aesthetically attractive environment conducive to the development and protection against nuisance-type uses and combinations.

Development shall be guided by an approved project development plan that conforms with goals, objectives and policies of the city's Master Plan, and any subsequent amendments thereto, and is implemented through the use of the site plan review and special use approval processes. The MD development is intended to accomplish the following:

A. Help create major new multiple-use developments in planned locations with appropriate densities, heights and mixtures of uses.

B. Encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of an approved project development plan.

C. Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design, in a manner compatible and harmonious with adjoining development and within the district as a whole.

D. Make recreational and open space more accessible to the district's residents, visitors, and nearby residential and commercial uses.

E. Create environments conducive to a higher quality of life and surroundings for residents, businesses, employees and institutions.

F. Encourage successful reuse of underutilized or contaminated parcels.

G. Allow flexibility in design and relief from regulations enforced in other zoning districts related to such restrictions as building height, building bulk, lot coverage setback, parking and loading requirements, and standards applicable to specific uses.

H. The MD District is not a development option or an overlay district. However, all development with a MD District shall be by planned unit development, and is subject to the requirements and standards of Chapter 17.58, *Planned Unit Development*. Development of all parcels in the MD District shall comply with the requirements and approval procedures outlined within this chapter.

I. Development in the MD District is intended to conform to the intent and standards of the city's Master Plan, specifically the design and use criteria established in planned locations.

17.56.020 PRINCIPAL PERMITTED USES

The following uses may be permitted in the MD District in a development proposal, provided that development shall be in complete conformity with a project development plan approved by the city:

A. Indoor and outdoor business recreation uses, including the following:

1. Theaters, auditoriums, concert halls, cinemas, and similar places of assembly.
2. Bowling alleys.
3. Racetracks for parimutuel harness or thoroughbred racing.
4. Billiard halls.
5. Dance halls.
6. Skating rinks.
7. Uses similar to the above.

B. Libraries and museums.

C. Community centers and municipal buildings.

D. Business and technical schools.

E. Health and athletic clubs.

F. Artists' studios and galleries.

G. Restaurants, provided that a drive-in or drive-through restaurant shall not be individually freestanding. Outdoor seating areas may be provided.

H. Cocktail lounges, nightclubs, taverns, pubs, and brewpubs.

I. Hotels and motels

J. Drive-in and drive-through facilities for financial institutions, automatic teller machines, dry-cleaning establishments, and similar uses.

K. Common open space, including pedestrian plazas, greens and courts.

L. Attached single-family dwellings, subject to the following conditions:

1. Each dwelling unit shall have a minimum floor area of 2,000 square feet, and shall have at least one separate living room and one separate bedroom.

2. The maximum permitted density is 14 units per acre for attached single-family dwellings.

3. Where building height is 4 stories or greater, an "amenity area" shall be provided at a standard of 200 square feet per dwelling unit. An "amenity area" is an area or areas intended for use for recreational purposes, including landscaped site areas, patios, balconies, communal lounges, swimming pools and any other areas of the site which may be used for recreational purposes but not including any driveway or parking area.

M. Supermarkets, hypermarkets, multiple-unit shopping centers, and other retail uses.

N. Wholesale stores.

O. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities.*

P. All other uses listed as principal permitted uses in the LB and CB Districts, subject to the terms and conditions imposed therein, not expressly prohibited by within this chapter.

Q. Accessory buildings and uses customarily incidental to the principal permitted uses of this chapter

17.56.030 PROHIBITED USES

The following uses shall be prohibited within the MD District, as these are considered incompatible with the overall intent of this chapter:

A. Outdoor storage and display of merchandise or equipment.
B. Animal hospitals, veterinarians or kennels, except as associated with a racetracks for parimutuel harness or thoroughbred racing.
C. Automobile wash establishments.
D. Automotive service centers or repair facilities as a principal use.
E. Automobile, truck, tractor and trailer sales, rental and repair.
F. Gas stations.
G. Manufacturing, storage or distribution.
H. Outdoor storage.
I. Commercial parking lots as a principal use.
J. Convenience or party stores.
K. All adult business uses.
L. Tattoo parlors and body piercing studios.
M. Tobacco shops.
N. Video sales or rental stores.
O. Check cashing establishments.
P. Second hand stores.
Q. Billboards as a principal use.
R. Funeral homes, mortuaries, crematoria, or columbaria.

17.56.040 APPROVAL PROCESS

A. OPTIONAL PRE-APPLICATION MEETING
An optional pre-application meeting with the Planning Commission may be requested by the applicant to discuss whether a development proposal is likely to meet the standards for the MD District and to discuss application requirements.

B. MD PROJECT DEVELOPMENT PLAN REVIEW

1. MD project development plan review shall be initiated by submittal of an application for MD development. That application shall include the following:

a. A completed application form and an application fee.
b. A written statement indicating how the project meets the standards for approval of the MD District.
c. Proof of current ownership of the land or evidence of a contractual ability to acquire such land, such as a purchase option or agreement.

2. An MD project development plan which shall provide sufficient detail to permit review of major features of the development and identification of issues that shall be addressed in the final MD project development plan submittal. The project development plan shall be drawn to scale on sheets measuring at least 24 inches by 36 inches, and shall include:

a. All site plan descriptive and identification data listed in Section 17.60.080, *Site Plan Review.*
b. Identification of each phase if a multiple-phase development is proposed.

3. The application for an MD project development plan shall include a development agreement, which shall include terms and conditions of MD project development plan approval and any of the following required by the City Council:

a. The agreement shall set forth the permitted uses.
b. The agreement shall set forth the conditions upon which the approval is based, including phasing requirements, requirements for on-site improvements and contributions to required improvements to public facilities.
c. The agreement shall set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting and landscaping.
d. The agreement shall establish architectural standards and requirements for building elevations and building materials.
e. The agreement shall assure the construction and maintenance of all streets and utilities. Such assurance may include bonds or other financial guarantees and the establishment of a condominium or property owner's association with appropriate assessments to ensure the ongoing maintenance of all roads, storm drainage improvements, landscaping and all other common areas.
f. The agreement shall address any other concerns of the city regarding construction and maintenance of roads and common area improvements.
g. The agreement shall state that the it shall not be effective until it is recorded in the office of the Oakland County Register of Deeds and a certified copy of the recorded agreement has been delivered to the city.

4. A public hearing shall be held by the Planning Commission with notification to property owners within 300 feet of the boundary of the proposed MD project development plan site not less than 5 days nor more than 15 days before the meeting at which the Planning Commission will review the MD project development plan.

5. Following the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the MD project development plan application to the City Council based upon the standards for MD development approval listed herein this chapter.

6. The Planning Commission can request a joint Planning Commission / City Council meeting before providing the City Council with a final recommendation on site plan and development plan approval.

7. Based upon the findings and recommendations made by the Planning Commission, and the standards for approval of an MD project development plan listed herein this chapter, the City Council shall approve, approve with conditions, or deny the preliminary MD project development plan application.

8. When all required revisions are made on a final MD project development plan, all conditions are met, and a final development agreement is accepted and signed by both the applicant and the City Council, the project development plan and development agreement shall be placed on file with the City Clerk's office and the development agreement shall be registered at the Oakland County Register of Deeds at the applicant's expense.

C. SITE PLAN, SUBDIVISION OR CONDOMINIUM APPROVAL REQUIRED.

1. A site plan, subdivision or condominium approval shall be required following approval of an MD project development plan and filing of necessary documents with the City as required under Section 17.56.040 of this chapter.

2. Site plan, subdivision plat, and condominium plan submittals shall be consistent with conditions of the project development plan and development agreement. Final site plan approval may be granted by the Planning Commission if all conditions of MD project development plan approval are complied with and there are no major differences between the site plan and the project development plan.

3. Substantial changes to the proposal when the site plan is submitted, as determined by the Planning Commission, shall require resubmittal and approval of a revised MD project development plan as provided for in Section 17.56.040 of this chapter.

D. STANDARDS FOR APPROVAL OF MD PROPOSAL.

The Planning Commission shall consider the following standards and City Council when evaluating and acting upon a MD project development plan application:

1. All information required under Section 17.56.040 of this chapter shall be provided.

2. The MD project development plan proposal shall conform to the spirit and intent of the Master Plan, specifically as it relates to the entertainment plan district.

3. The MD project development plan shall be designed to create no unacceptable adverse impact on public utility and circulation systems, surrounding properties, or the environment, unless such impacts are mitigated by improvements to public facilities.

4. Safe, convenient, and well-defined vehicular and pedestrian circulation within and to the site shall be provided.

5. The building design, architecture, orientation and materials shall be consistent with the objective of creating an identifiable, signature development for the city.

6. Preference shall be shown for multiple and mixed-use developments with integrated design and shared facilities such as parking, utilities and roadways.

7. Landscape, lighting, and infrastructure improvements of exceptional quality shall be provided, as determined by the Planning Commission and City Council.

8. All setbacks, building bulk (height and floor area ratios), other dimensional requirements of the zoning districts wherein the uses proposed are permitted, and standards applicable to specific uses shall be used as a guide, however, the Planning Commission and City Council may approve any deviations from these standard requirements where appropriate and where the proposal is otherwise in conformance with the intent of this section.

9. The parking requirements of Chapter 17.28, *Off-street Parking Requirements*, of this title shall apply, however shared parking facilities shall be encouraged. Such facilities collectively shall provide not less than the sum of the requirements for the various individual uses computed separately. The Planning Commission and City Council may grant exceptions to this clause in instances where they determine that operating hours of uses do not overlap.

10. The approval may include reasonable conditions to achieve the following objectives:

a. Ensure that public services and facilities affected by an MD project development plan will be capable of accommodating increased service and facility loads for which it may cause.
b. Protect the natural environment and conserve natural resources and energy.
c. Ensure compatibility between adjacent uses of land.
d. Promote the use of land in a socially and economically desirable manner.
e. Achieve the objectives of the city's Master Plan.

11. Performance guarantees may be required pursuant to Section 17.04.100 of this title.

17.56.050 DEVELOPMENT AGREEMENT

The development agreement shall address all of the requirements specified in this chapter.

17.56.060 APPEALS AND VIOLATIONS

A. The Zoning Board of Appeals shall not have the authority to change conditions, or make interpretations to an MD project development plan, site plan or written conditions, or development agreement, which right is reserved to the City Council.

B. Any violation or deviation from the approved MD project development plan, site plan or written conditions, or development agreement, except as authorized in this chapter, shall be considered a violation and treated as a violation of this title.

CHAPTER 17.58
PLANNED UNIT DEVELOPMENT

17.58.010 STATEMENT OF PURPOSE

Planned unit development (PUD) is intended to offer an alternative to traditional development by permitting flexibility in the regulations for development. The PUD standards are provided to allow a combination of uses, while maintaining a consistent implementation of the goals and objectives of the city's Master Plan.

17.58.020 REGULATIONS

A. ZONING. A PUD may be permitted in all zoning districts.

B. LAND AREA. A PUD shall contain a minimum land area of one acre.

C. USAGE.
Any land use authorized in this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

D. DENSITY.
Project density shall be based on the density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district, then combined for a maximum permitted dwelling unit density for the overall project.

17.58.030 RECOGNIZABLE BENEFIT

The applicant shall demonstrate to the City that the PUD provides at least three of the following site design elements that could not be attained through a project designed under conventional zoning.

A. High quality architectural design, beyond the site plan requirements of this title.
B. Extensive landscaping, beyond the site plan requirements of this title.
C. Preservation or enhancement of historic resources.
D. Provision of open space or public plazas.
E. Efficient consolidation of poorly dimensioned parcels.
F. Shared vehicular access between properties or uses.
G. A complementary mix of uses or a variety of housing types.

In granting the relaxation of any district requirements, the City may require the applicant to demonstrate through documentation that the project will not be detrimental to the public health, safety, welfare of the future occupants, the surrounding neighborhood, or the City as a whole. Such documentation may include, but is not limited to, traffic impact studies, environmental

impact studies, market needs assessments, infrastructure impact studies and any other reports or studies.

17.58.040 APPROVAL PROCEDURE

The approval of a planned unit development application shall require rezoning of the property in accordance with Section 17.60.060 *Amendments,* based upon a recommendation of the Planning Commission and approval of the City Council.

A. PRE-APPLICATION CONFERENCE. Prior to the submission of an application for PUD approval, the applicant shall meet with the Building Official. The applicant shall present the following:

1. A sketch plan illustrating a development using conventional zoning permitted under the Hazel Park City Code.

2. A sketch plan illustrating the development proposed under the PUD.

3. Each sketch plan shall include the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.

4. Documentation indicating how the proposed development represents a Recognizable Benefit, Section 17.58.030.

If the Building Official agrees that the PUD proposal has merit and has potential to meet the Standards for Approval, an application may be filed for plan review in conformance with the requirements in Section 17.58.050. If the Building Official does not agree that the proposed PUD meets the Standards for Approval, he shall deny the proposal and provide reasons in writing to the applicant.

B. PLAN REVIEW. Following the preapplication conference, the applicant shall submit a site plan of the proposed PUD and all other necessary documents stipulated in Section 17.58.050. The site plan shall be prepared in accordance with the standards set forth in Section 17.60.080, *Site Plan Review.*

1. Planning Commission Action. The site plan shall be noticed for public hearing as a rezoning before the Planning Commission and otherwise acted upon by the Planning Commission and the City Council, as provided by law. Following the hearing, the Planning Commission shall review the site plan and shall take one of the following actions:

a. Approval. Upon finding that the site plan meets the criteria and standards set forth herein, the Planning Commission shall recommend approval. Approval shall constitute approval of the uses and design concept as shown on the site plan. Recommendation of the site plan by the Planning Commission shall not bind the City Council to approve the site plan.

b. Postponement. Upon finding that the site plan does not meet the criteria and standards set forth herein, but could meet such criteria if revised, the Planning Commission may postpone action until a revised plan is resubmitted.

c. Denial. Upon finding that the site plan does not meet the criteria and standards set forth herein the Planning Commission shall recommend denial.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Commission shall exercise discretion.

2. City Council Action. Upon receiving a recommendation from the Planning Commission, the City Council shall review the site plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, postpone, or deny the site plan.

Prior to approval of a site plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The City Council may cause to have legal documents, covenants, or contracts prepared and may require the execution thereof by the applicant, which documents involve the City and are required as a result of the conditions contained in the PUD approval.

17.58.050 APPLICATION

A. A site plan in accordance with Section 17.60.080.
B. A narrative report prepared by the applicant shall accompany the site plan providing the following
  1. A description of the project, including all proposed uses
  2. A discussion of the market concept and feasibility of the project,
  3. An explanation of the manner in which the Standards for Approval have been met.
  4. A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD Article.
  5. Hours of operation of the proposed uses
  6. A specific schedule of the intended development and construction details, including phasing or timing.
  7. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
  8. A specification of the exterior building materials with respect to the structures proposed in the project.
  9. Signatures of all parties having an interest in the property at the time of submission.
  10. Identify the person or entity that will have control over the project.

17.58.060 CONDITIONS

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

17.58.070 STANDARDS FOR APPROVAL

The City shall consider the following standards when determining whether to approve, approve with conditions or deny a proposed PUD:

A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.

B. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.

C. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.

D. The proposed development shall be consistent with the public health, safety and welfare of the City.

E. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

F. The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with this Ordinance.

G. The proposed development shall be consistent with the Goals and Policies of the Master Plan.

H. The proposed development shall be compatible with adjacent uses of land.

17.58.080 FEES

Any application for a PUD shall be accompanied by a fee as determined by the City Council. It is the intention of this chapter that the fee schedule shall incorporate all fees necessary to completely pay the cost for professional planning, engineering, and legal reviews of the PUD proposal as may be required by the Planning Commission and the City Council.

17.58.090 PHASING

Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Plan Commission.

17.58.100 COMMENCEMENT OF CONSTRUCTION

To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 17.04.100. Substantial construction shall be commenced within one year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 17.58.050. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. In the event approval of the PUD has expired, the City Council shall require a new application that shall be reviewed in light of then existing and applicable law and ordinance provisions.

17.58.110 EFFECT OF APPROVAL

When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Oakland County Register of Deeds.

17.58.120 AMENDMENTS

An approved PUD may be amended at the discretion of the City consistent with the procedures for original approval. Further the Zoning Board of Appeals shall not have the authority to grant variances for the standards contained in this Chapter for any duly approved PUD, such authority being specifically reserved to the City Council.

CHAPTER 17.60
ADMINISTRATION AND ENFORCEMENT

17.60.010 ENFORCEMENT

The provisions of this title shall be administered and enforced by the Building Official, and other duly authorized employees, inspectors and officials.

17.60.020 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant building permits, certificates of occupancy and other related permits, to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this title. It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with this title. To this end, the Building Official shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate, and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed work or use in conformance with this title:

A. The actual shape, location and dimension of the lot;

B. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot;

C. The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate; and

D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this title are being observed.

E. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application are in conformity with the provisions of this title, the Building Official shall issue a permit. If any application for such permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this title.

F. The Building Official is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order or regulations contained in this title to any person making application to excavate, construct, move, alter or use either buildings, structures or land within the city.

G. The Building Official is under no circumstances permitted to make changes to this title nor to vary the terms of this title in carrying out the duties as Building Official.

17.60.030 PERMITS

A. PERMITS REQUIRED

1. It shall be unlawful for any person to commence excavation for, or construction of any building or structure, moving of an existing building, or structural changes or repairs in any existing building or structure without first obtaining a building permit from the city. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this title, showing that the construction proposed is in compliance with the provisions of this title and with Chapter 15.04, *Building Code*, of the *Hazel Park Municipal Code.*

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

3. "Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by Chapter 15.04, *Building Code*, of the *Hazel Park Municipal Code*, the housing law of the State of Michigan, or this title, except for minor repairs or changes not involving any of the aforesaid provisions.

B. PERMITS FOR NEW USE OF LAND. With the exception of owner occupied dwelling units, a license is required prior to utilizing any property within the City. See Title 5, *Business Licenses and Regulations.* At the time of license application, the Building Official shall determine whether the proposed use complies with the use regulations in this title.

17.60.040 CERTIFICATES OF COMPLIANCE

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Official shall have issued a certificate of compliance stating that the provisions of this title have been complied with.

A. CERTIFICATE VALIDITY. The certificate of compliance as required for new construction of or renovations to existing buildings and structures in Chapters 15.04, *Building Code*, and 15.09, *Property Maintenance Code*, of the *Hazel Park Municipal Code* shall also constitute certificates of compliance as required by this title.

B. CERTIFICATES FOR EXISTING BUILDINGS. Certificates of compliance shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this title.

C. TEMPORARY CERTIFICATES. Temporary certificates of compliance may be issued for a part of a building or structure prior to the occupation of the entire building or structure; provided, that such temporary certificate of compliance shall not remain in force more than 6 months, nor more than 5 days after the building or structure is fully completed and ready for

occupancy; and provided further, that such portion of the building or structure is in conformity with the provisions of this title.

D. RECORDS OF CERTIFICATES. A record of all certificates of compliance shall be kept in the office of the Building Official, and copies of such certificates of compliance shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

E. APPLICATION FOR CERTIFICATE. Certificates of compliance shall be applied for in writing to the Building Official on forms provided by the Building Official, and shall be issued within 5 days after the receipt of such application if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this title, and Chapters 15.04, *Building Code*, and 15.09, *Property Maintenance Code*, of the *Hazel Park Municipal Code*. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

17.60.050 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this title shall be collected by the Building Official in advance of the issuance of such permits or certificates. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this title.

17.60.060 AMENDMENTS

The City Council may, after recommendation from the Planning Commission, amend the regulations or the district boundaries of this title pursuant to the authority and procedure set forth in Act 207 of the Public Acts of 1921, as amended. Any applicant desiring to have any change made in this title shall, with his petition for such change, deposit such fee as established by resolution of the City Council, with the City at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No fee shall be charged for amendments initiated by the City Council, Planning Commission, or Building Official.

A. APPLICATION. An amendment to this title, except those initiated by the City Council, Planning Commission, or Building Official, shall be initiated by submission of a completed application on a form supplied by the City, including an application. In the case of an amendment to the official Zoning Map, the following information shall accompany the application form:

1. A completed application form and fee.

2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

3. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.

4. The existing and proposed zoning district designation of the subject property; or in the case of a text amendment to this title, a general description of the proposed amendment shall accompany the application form.

5. A written description of how the requested amendment meets the criteria stated in this section.

6. A traffic, environmental, or public service impact study if required by the Planning Commission or City Council.

B. AMENDMENT PROCEDURE

1. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be published in a local newspaper not less than 15 days prior to the public hearing. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property regardless of whether the property of occupant is located in the zoning jurisdiction. If the name of the occupant is unknown, the term "occupant" may be used in making notification.

A. The notice shall do all of the following:
   a. Describe the nature of the request.
   b. Indicate the property that is the subject of the request. The notice shall include a listing of all exiting street addresses within the property. If there are not street addresses, other means of identification may be used.
   c. State when and where the request will be considered.
   d. Indicate when and where written comments will be received concerning the request.

B. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning in the same manner as provided in Sub-Section 1 and 1A above.

C. If 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning the same manner as required in Sub-Section 1 and 1A above except for the requirement of notice to be sent to the owners of property for which approval is being considered and all persons or occupants within 300 feet of the property. Further, no individual address of properties are required to be listed as required under Sub-Section 1A above.

D. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company and each telecommunication service provider operating within the district or zone affected, that registers its name and mailing address with the City Clerk for the purpose of receiving the notice of public hearing. The notices required under this section shall include the places and times which the proposed text and any maps of the zoning ordinance may be examined.

2. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the City Council.

3. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment. In the case of an amendment to the text of this title, the City Council may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this section.

4. If no construction has commenced and been diligently pursued within one year from the effective date of any rezoning, the Planning Commission may initiate action to rezone such land back to the designation which existed prior to such rezoning in the manner provided herein for amending this title.

5. Amendment to a zoning ordinance by the City is subject to a protest petition as provided in Section 17.60.060 F.

6. After receiving a zoning ordinance or an amendment the City Council may hold a public hearing if it considers it necessary. The City Council shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the City Clerk

7. The City Council may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the City Council.

8. An approved zoning ordinance shall take effect upon the expiration of 10 days after publication and shall be published in a newspaper of general circulation the city within the 15 days after adoption.

C. AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other commission, board or agency.

D. CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP. An amendment to the zoning district boundaries contained on the official Zoning Map may be initiated by the City Council, the Planning Commission, the Building Official, or by the owner or owners of property which is the subject of the proposed amendment. In considering any petition for an amendment to the official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

1. The consistency with the goals, policies and future land use map of the Master Plan, including any sub area or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

2. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one or more of the uses permitted under the current zoning.

3. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

4. The capacity of city's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.

5. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A traffic impact study shall be provided if the proposed rezoning district permits uses that could generate 50 or more directional trips during the peak hour, or at least 1,000 more trips per day than the majority of the uses that could be developed under current zoning.

6. The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the City currently zoned and available to accommodate the demand.

7. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

8. If a rezoning were appropriate, would another zoning district be more appropriate.

9. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

10. The requested rezoning will not create an isolated and unplanned spot zone.

11. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

12. Other factors deemed appropriate by the Planning Commission and City Council.

E. CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT. Amendments to the provisions of this title may be initiated by the City Council, the Planning Commission, or the Building Official. The Planning Commission and City Council shall consider the following criteria for initiating amendments to the text of this title or responding to a petitioner's request to amend the text of this title.

1. The proposed amendment would correct an error in this title.

2. The proposed amendment would clarify the intent of this title.

3. Documentation has been provided by the Building Official, or the Board of Zoning Appeals indicating problems and conflicts in implementation or interpretation of specific sections of this title.

4. The proposed amendment would address changes to state or federal legislation.

5. The proposed amendment would address potential legal issues or administrative problems with the this title based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

6. The proposed amendment would promote compliance with changes in other city ordinances and county, state or federal regulations.

7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

8. Other criteria as determined by the Planning Commission or the City Council which would protect the health and safety of the public, protect public and private investment in the city, promote implementation of the goals and policies of the Master Plan and any amendments thereto, and enhance the overall quality of life in the city.

F. PROTEST PETITIONS

1. An amendment to a zoning ordinance by the City is subject to a protest petition. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require 2/3 vote of the City Council. The protest petition shall be presented to the City Council before final legislative action and shall be signed by 1 or more of the following:

a) The owners of at least 20% of the area of land included in the proposed change.
b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

2. Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1).

17.60.070 SPECIAL LAND USE APPROVAL

A. PURPOSE. It is deemed necessary for the preservation of health, safety and welfare that certain uses set forth in this title be specially controlled because they serve an area, interest or purpose considerably beyond the borders of the city, or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics or effects upon public health, safety and welfare are deemed to be impractical to be permitted without special use approval, and then only as specifically allowed.

B. AUTHORIZATION. The special approval of specific land uses and activities, as listed in this title may be authorized by the City Council after Planning Commission public hearing and recommendation to City Council, provided that the Council deems that the requirements of this section and other applicable sections of this title have been satisfied.

C. APPLICABILITY. Where a use is classified as a special use under this title and exists as a special use or permitted use at the date the ordinance from which this chapter is derived, it shall be considered to be a legal special use for as long as the recorded reason of condition or permit exists.

D. STANDARDS. The Planning Commission and City Council shall review each case individually as to its applicability and shall find affirmatively to each of the following standards for the proposed use if it is to be approved. The findings of the Commission and Council as to each standard shall be stated in the motion either approving or disapproving the application.

1. The proposed use will promote the use of land in a socially and economically desirable manner.

2. The proposed use is necessary for the public convenience at that location.

3. The proposed use is compatible with adjacent land uses.

4. The proposed use is designed so that the public health, safety, and welfare shall be protected.

5. The proposed use will not cause injury to other property in the neighborhood.

E. REVIEW PROCESS

1. An application for special use shall be submitted to the City on such forms and containing such information that the City shall prescribe.

2. No special use application shall be accepted unless a complete site plan approval application has also been submitted. See Section 17.60.080.

3. The application shall be placed on the next available Planning Commission meeting for a public hearing.

4. Notice of hearing shall be published in a local newspaper not less than 15 days prior to the public hearing. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.

A. If the special use involves less than 11 adjacent properties notice shall also be sent by mail or personal delivery to all person to whom real property is assessed within 300 feet of the property(ies) which is the subject of the special land use request regardless of whether the owner and property is located in the zoning jurisdiction or not.

B. If the special use involves 11 or more adjacent properties than subsection a, above shall not apply.

C. If the name of the occupant is unknown the term “occupant” may be used in making notification.

D. If the special land use request involves less than 11 adjacent properties then a listing of all existing street addresses within the property(ies) which is(are) subject of the special land use request. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identifying the property(ies) shall be used.

5. The notice shall do all of the following:

a) Describe the nature of the request.
b) Indicate the property that is the subject of the request. The notice shall include a listing of all exciting street addresses within the property. If there are include a listing of all exiting street addresses within the property. If there are not street addresses, other means of identification may be used.
c) State when and where the request will be considered.
d) Indicate when and where written comments will be received concerning the request.
e) The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property or occupant is located in the zoning jurisdiction.

6. Following the hearing, or public hearing, if requested, the Planning Commission shall review the request and make a recommendation to the City Council incorporating a statement of findings and conclusions relative to the special land use which specifies the basis for the recommendation and any conditions imposed.

7. If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.

8. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the recommendation of the Planning Commission and approve, approve with conditions, or deny the application. The City Council shall incorporate into its decision a statement of findings and conclusions relative to the special use which specifies the basis for the decision and any conditions imposed.

9. Each action taken with reference to special use approval shall be duly recorded in the minutes of the Planning Commission and City Council.

10. Special use approval and any performance guarantee required shall be provided prior to issuance of a building permit or business license.

F. CONDITIONS.

The City Council may impose such conditions or limitations in granting approval as may be permitted by state law and this title which it deems necessary to fulfill the spirit and purpose of the law. The City Council further, may specify the hours of operation of the business or land use which may become a condition of approval so as to afford a limiting impact upon abutting and other residential uses in the vicinity that could arise by virtue of the nature of the operation of the special approval use. The conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, to insure safe and efficient circulation of vehicles and pedestrians, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall be recorded in the record of the approval action. The City shall maintain a record of changes of conditions granted.

G. VARIANCES. Once a special use has been approved, no Zoning Board of Appeals variance requests shall be permitted.

H. CONFORMITY

1. When an applicant receives special use approval, the site shall be developed in complete conformity with the application and the conditions placed upon it. The special use approval shall be valid for a period of one year. If no building permit is issued or no business license is issued regarding the request, the approval shall expire. No time extension to special use approval shall be granted.

2. In approving a special use, the City Council may require that a cash deposit, letter of credit, or other financial guarantee acceptable to the City be furnished by the applicant, to ensure compliance with such requirements.

3. Conditions and requirements stated as part of the special use approval authorization shall be a continuing obligation of the property owner. Continuance of a special use approval shall be withheld only upon a determination by the Building Official that violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued.

4. Should a special use cease to operate for a period of 6 months, the special use approval shall expire.

17.60.080 SITE PLAN REVIEW

A. PURPOSE. The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development and redevelopment plans, to ensure full compliance with the standards contained in this title and other applicable local ordinances and state and federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the city and the applicant to facilitate development in accordance with the city's land use objectives, as stated in the Master Plan.

B. SITE PLAN REQUIRED. Submission of a site plan shall be required in conjunction with any of the following:

1. Any proposal to construct a new building, or move, relocate, convert, or structurally alter an existing building that would create additional floor area.

2. Any proposal to change to a use that requires site plan approval.

3. Any proposal to construct, expand, decrease, or pave off-street parking, or a change in circulation or access.

4. Any proposal to fill, excavate, or grade land.

5. All nonresidential uses permitted in single-family districts such as, places of worship, schools, and public facilities.

6. Any use requiring special use approval, in accordance with Section 17.60.070, *Special Land Use Approval Review.*

7. Development of any condominium project, including any site condominium development.

8. Any proposal to construct, move, or make modifications to a building or site, subject to the requirements of Section 17.60.080, *Administrative Review*, of this chapter.

C. SITE PLAN NOT REQUIRED. Submission of a site plan shall not be required for any proposal to construct, move, relocate, convert, or structurally alter a single-family detached dwelling in an RA-1, RA-2, RA-3, RB, RC, or RC-1 district, or a two-family dwelling in an RC or RC-1 district, including customarily incidental accessory structures.

D. PROCEDURES AND REQUIREMENTS. Site plans shall be submitted in accordance with the following procedures and requirements:

1. **APPLICANT.** The application shall be submitted by the owner of an interest in land in which site plan approval is sought, or by the owner's designated agent. The applicant or a designated agent shall be present at all scheduled review meetings, or consideration of the plan may be postponed due to lack of representation.

2. **APPLICATION FORMS AND DOCUMENTATION.** The application for site plan review shall be made on the forms and according to the guidelines provided by the City.

3. **SITE PLAN PREPARATION.** The site plan shall be prepared in the manner specified in this section and on the site plan application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review.

4. **SUBMISSION OF COMPLETED PLAN.** The application materials, required fees, and sufficient copies of the completed site plan (as specified on the application form) shall be submitted to the City no less than 30 days prior to the Planning Commission meeting at which review is desired. The site plan shall be placed on the Planning Commission agenda for review, except where Planning Commission review is not required as described in subsection K of this section, and except where the Building Official determines a site plan application is incomplete and not eligible for formal review.

5. **DISTRIBUTION OF PLANS.** The site plan and application shall also be distributed to appropriate city officials for review.

6. **REVIEW BY CITY**. The city administration shall review the site and application materials, if requested, and prepare written reviews which shall specify any deficiencies in the site plan and make recommendations as appropriate.

7. **PLANNING COMMISSION CONSIDERATION.** The Planning Commission shall review the site plan in relation to applicable standards and regulations and in relation to the intent and purpose of this section. The Commission shall consider the comments and recommendations from City Administration. If the Planning Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards

and regulations, the applicant shall be given the opportunity to submit a revised site plan.

8. **SITE PLAN REVISION AND SUBMISSION OF REVISED PLAN.** The applicant shall revise the site plan based on the requirements and recommendations set forth in the written review. The applicant shall then submit sufficient copies of the revised plan (as specified on the application form) for further review. If the applicant does not submit revised plans to the City within 6 months of receiving the written review, the City may forward the application onto the Planning Commission for formal denial.

   When Planning Commission review is required, the revised site plan and application materials shall be submitted at least 15 days prior to the Planning Commission meeting which review is desired. If the site plan is in compliance with required revisions, as determined by the Building Official, the revised site plan shall be placed on the Planning Commission agenda for further review and possible action.

E. DETERMINATION. The Planning Commission shall make a determination on a final plan based on the requirements and standards in this section. The Planning Commission is authorized to grant approval, grant approval subject to conditions, reject a site plan, or postpone a site plan as follows:

1. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this section and title, and other applicable ordinances and laws, the Planning Commission shall approve the plan.

2. **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain approvals from other agencies.

3. **Denial or Postponement.** Upon determination that a site plan does not comply with the standards and regulations set forth in this section title, or requires extensive revisions in order to comply with said standards and regulations, the Planning Commission may postpone or deny the site plan.

F. RECORDING OF SITE PLAN REVIEW ACTION. Each action take with reference to site plan review and approval shall be duly recorded in the Planning Commission minutes and shall state the grounds for the action taken upon each site plan submitted for its approval.

G. APPLICATION FOR BUILDING PERMIT. Prior to issuance of a building permit, the applicant shall submit proof of the following:

Final approval of the site plan.
Final approval of the engineering plan.
Acquisition of all other applicable city, county, state or federal permits.

A building permit shall not be issued until a site plan has been approved.

H. EXPIRATION OF SITE PLAN. If a building permit has not been issued within 12 months of final approval of a site plan, the site plan approval becomes null and void and a new application for site plan approval shall be required.

I. PERFORMANCE GUARANTEES. The Planning Commission or Building Official may require that a performance guarantee be deposited with the city as a condition of site plan approval to assure faithful completion of improvements in accordance with the requirements of Section 17.04.100, *Performance Guarantee.*

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

K. ADMINISTRATIVE REVIEW

1. **Applicability.** Administrative review may be required instead of Planning Commission review for site plans that involve only minor modifications to a building or site. Proposals involving minor modifications may be reviewed and approved by the Building Official. Minor modifications are proposed alterations to a building or site that do not substantially affect the character or intensity of the building or site, including:

   a. An addition to an existing building that does not increase or decrease the total floor area by more than 10 percent or 1,000 square feet, whichever is less.
   b. Changes to building height that do not add an additional floor area.
   c. Additions or alterations to the landscape plan or landscape materials that are in conformance with Chapter 17.48, *Landscaping Standards*, of this title.
   d. An increase or decrease in the amount of paving on a site.

2. **Determination.** The Building Official shall determine if the proposed modifications deemed minor are minor in accordance with the guidelines of this section. If the modifications are not deemed minor by the Building Official, then site plan review and approval by the Planning Commission shall be required.

3. **Application Requirements and Procedures.** The application requirements and procedures for administrative review of site plans shall be the same as for Planning Commission site plan review, as outlined in subsection D, *Procedures and Requirements*, of this chapter; except that the Building Official is authorized to grant approval, grant approval subject to conditions, or deny a site plan in accordance with subsection E, *Determination*, of this Section.

4. **Report to Planning Commission.** The Building Official shall make a report of all administratively approved site plans and minor revisions made to site plans approved by the Planning Commission on a regular basis.

L. REVISIONS TO APPROVED PLANS. A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:

1. **Revisions Initiated by the Developer.** Revisions to an approved site plan that are initiated by the developer and other revisions which are not considered minor in nature, based on criteria cited in this section, shall be reviewed by the Planning Commission in accordance with the site plan review procedures set forth in subsection D, *Procedures and Requirements*, of this chapter.

2. **Minor Revisions.** Minor revisions to an approved site plan may be reviewed by the Building Official. Minor revisions are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards and may include the following:

   a. Revisions made necessary by unusual conditions on a site uncovered during the course of construction.
   b. Revisions made necessary by agencies or professionals (such as by county agencies) who are required to review site plans after they have received approval by the city.

3. **Review of Minor Revisions.** The review of minor revisions shall follow the procedures for administrative review in subsection K, *Administrative Review*, of this Section.

M. APPLICATION DATA REQUIREMENTS. The following information shall be included with all site plan applications:

1. **Application Form.** The application form shall contain the following information:

   a. Applicant's name, address, telephone and facsimile numbers.
   b. Name and address of property owner, if different from applicant.
   c. Common description of property and complete legal description.
   d. Dimensions of land and total acreage.
   e. Existing zoning.
   f. Proposed use of land and name of proposed development, if applicable.
   g. Proposed buildings to be constructed including square feet of gross and usable floor area.
   h. Proof of property ownership or option to purchase.

2. **Site Plan Descriptive and Identification Data.** Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch equals 20 feet of property less than one acre, and one inch equals 100 feet for property one acre or more in size. Sheet size shall be at least 24 inches by 36 inches. The following information shall be included on all site plans:

   a. Applicant's name, address, and telephone number.
   b. Name of the development.
   c. Scale and north arrow.
   d. Dates of preparation and revisions (month, day, year).
   e. General location map.
   f. Legal and common description of the property.
   g. Area and dimensions of site.
   h. Name, address, telephone number and seal of architect, engineer

i. Written description of proposed land use(s).
j. Existing zoning and the surrounding zoning designations
k. Proximity to driveways serving adjacent parcels.
l. Total acreage (less any rights-of-way), to the nearest one-tenth (1/10) acre.

3. Site Data.
a. All existing and proposed buildings, structures, and any other improvements on the site and within 100 feet of the site.
b. Setback dimensions and the dimensions of all proposed buildings
c. Name and dimensions of all streets and alleys
d. Location and dimensions of all driveways, parking areas, parking spaces, aisles, loading zones, and fire lanes
e. Location and dimensions of all existing and proposed sidewalks and walkways
f. Type and location of all exterior lighting
g. Location of proposed trash receptacles and transformer pads
h. Total number of parking spaces required and
i. Type of pavement proposed, including a cross section
j. Landscaping Plan: type, number, and location of plants, shrubs, and trees.
k. Site maintenance plan and agreement in written form separate from the site plan drawing, in sufficient detail acceptable to the Planning Commission and a form recordable with the Oakland County Register of Deeds, to assure long term maintenance by owner and occupant.
l. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
m. The location of any outdoor storage materials and the manner by which it will be screened.

4. Building and Structure Details.
a. Location, height, number of stories, outside dimensions, and gross floor area for all proposed buildings
b. Building floor plans.
c. Location, size, height, and lighting of all proposed signs.
d. Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.
e. Elevations of the proposed building
f. Type, material and color of all building materials and architectural features

5. Utilities, Drainage, and Related Issues.
a. Topography of the site at 2 foot intervals
b. Schematic layout of existing and proposed sanitary sewers; water mains and water service leads; hydrants for public safety personnel to service the site; storm sewers and drainage facilities; and the location of gas, electric, and telephone lines.
c. Site grading and drainage patterns, including proposed finished grades on the site of all buildings, driveways, walkways, and parking lots.
d. Soil erosion and sedimentation control measure.
e. Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.

6. Other Required Data. Other data may be required if deemed necessary by the Building Official or the Planning Commission to determine compliance with the provisions in this

section. Such information may include traffic studies, market analysis, environmental assessments, and evaluation of the demand on public facilities and services.

N. STANDARDS FOR SITE PLAN APPROVAL. The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. Site design, architecture, signs, orientation, and materials are consistent with the City's Master Plan objectives and the design of the neighboring sites and buildings.

2. Lighting, landscaping, and other site amenities are present and will benefit not only the proposed site, but the neighboring properties as well.

3. The proposed development meets the requirements of the City Code of Ordinances.

4. The proposed development does not create adverse effects on public utilities, roads, or sidewalks.

5. The proposed development properly provides for pedestrian and vehicular activity with roads, sidewalks, and the like.

17.60.090 SITE CONDOMINIUM PROJECTS

Pursuant to the authority conferred by the Condominium Act, MCL 559.101, et. seq., site plans shall be regulated by the provisions of this title and approved by the Planning Commission for site condominium projects.

A. GENERAL REQUIREMENTS

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

2. Each condominium lot shall front on and have direct access to a public street approved by the city.

3. For the purpose of this title, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.

4. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.

B. SITE PLAN APPROVAL REQUIREMENTS. Approval of the site plan and approval of condominium documents and engineering plans by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until approval of the condominium documents and engineering plans has been

granted by the Planning Commission and is in effect. Site plan and approval of the condominium documents and engineering plans shall not be combined.

C. SITE PLAN APPROVAL. A site plan pursuant to the standards and procedures set forth in Section 17.60.080, *Site Plan Review*, of this chapter shall be submitted to the Planning Commission for review and action.

D. APPROVAL OF CONDOMINIUM DOCUMENTS AND ENGINEERING PLANS.

1. Following site plan approval, the applicant shall submit condominium documents to the city for the review by the City Attorney and other appropriate staff. The condominium documents shall be reviewed with respect to all matters subject to regulation by the city.

2. The applicant shall also submit engineering plans in sufficient detail for the city to determine compliance with applicable laws, ordinances and design standards for construction of the project.

3. Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the applicable departments of the city, the engineering plan and associated documents shall be submitted to the Planning Commission for final review.

4. If the condominium documents and engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Planning Commission.

5. If the condominium documents and engineering plans fail to conform, final approval shall be denied by the Planning Commission.

E. REQUIRED IMPROVEMENTS

1. All design standards and required improvements that apply to a subdivision, under Title 16, Subdivisions, of the Hazel Park Municipal Code, shall apply to any condominium development.

2. Each condominium unit shall be connected to the public water, sanitary and storm sewers.

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

4. The city may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the city, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered surveyor to set

the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit.

5. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the city for all public water and sanitary sewer lines and appurtenances.

F. INFORMATION REQUIRED PRIOR TO OCCUPANCY. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Building Official:

1. A copy of the recorded condominium documents (including exhibits).

2. A copy of any recorded restrictive covenants.

3. A copy of the site plan on laminated photostatic copy or mylar sheet.

4. Evidence of completion of improvements associated with the proposed use including 2 copies of an "as-built survey."

G. REVISION OF SITE CONDOMINIUM PLAN. Any revision to the final site plan shall be revised accordingly and submitted for review and action by the Planning Commission before any building permit may be issued.

H. AMENDMENT OF CONDOMINIUM DOCUMENTS. Any amendment to a master deed or bylaws that affects the approved site plan, or any conditions or approval of a site plan, shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

I. RELOCATION OF BOUNDARIES. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Official. These requirements shall be made part of the bylaws and recorded as part of the master deed.

J. SUBDIVISION OF CONDOMINIUM LOT. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located, and shall be approved by the Building Official. These requirements shall be made part of the recorded condominium documents.

CHAPTER 17.62
ZONING BOARD OF APPEALS

17.62.010 ESTABLISHMENT

There is established a Zoning Board of Appeals (Board), which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921, as amended, in such a way that the objectives of this title shall be observed, public safety secured and substantial justice done. The Board, as created in this chapter, is a body of limited powers. The Board shall have the specific powers and duties as set forth in this chapter and title.

17.62.020 MEMBERSHIP

A. The Board shall consist of 6 members. Unexpired terms for those Board members previously appointed and functioning as of the date of this title shall be continued until their expiration dates. The City Council may appoint not more than 2 alternate members for 3 year terms who may be called to service in the absence of a regular member or in case a regular member has abstained from voting for reasons of conflict. The alternate member shall serve until a final decision is made.

B. When the terms of the current individual members of the Board expire, the Mayor, with the consent of the City Council, shall appoint a successor for a 3-year term from the date of expiration of said current member's term.

C. All members shall be residents of the City; provided that no employee of the City may serve simultaneously as a member of the Board.

D. The mayor with consent of the City Council shall appoint one member of the Planning Commission to simultaneously serve on the Board. Said member's term to expire with the term on the Planning Commission. One regular member may be member of the City Council, but may not service as Chair-person.

E. Each member shall hold office for a period of 3 years, except as provided in Section 17.62.020 (D).

F. Members may be removed for misfeasance, malfeasance, or nonfeasance by the City Council only after consideration of written charges and a public hearing. Failure to disqualify one-self from a vote in which a member has a conflict of interest constitutes malfeasance. Any vacancy on the Board shall be filled by the Mayor with the consent of the City Council, for the remainder of the unexpired term. Vacancies on the Board must be filled not more than one month after the term of the proceeding member has expired.

G. Any motions made by the members of the Zoning Board of Appeals must be approved by a majority of the total membership, except for a use of variance. A 2/3 vote of the total membership of the Board is required for approval of a use variance.

17.62.030 OFFICERS

The members of the Board shall elect the Chairperson, the Vice-Chairperson and the Secretary of the Board annually at the June meeting.

17.62.040 RECORD KEEPING

A. All meetings of the Board shall be held at the call of the Chairperson or by the Vice-Chairperson, in the absence of the Chairperson, or upon the written request of any 2 members of the Board, and at such other times as such ZBA may determine or specify in its rules and procedures.

B. Four members of the Board shall constitute a quorum for the conduct of business.

C. The Board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

D. The Board shall have the power to subpoena and require the production of books, papers, files and other evidence pertinent to the matters before it.

E. Board business shall be conducted at a public meeting of the Board held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being Sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

F. A writing prepared, owned, used, in the possession of or retained by the Board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being Sections 15.231 to 15.246 of the Michigan Compiled Laws.

G. The Chairperson, or in his absence, the acting chair person, may administer oaths and compel the attendance of the witness.

17.62.050 NOTICES

The Board, in conducting any hearing, shall fix a reasonable time for the hearing of the appeal and shall give due notice as follows: Notice shall be published in a local newspaper not less than 15 days prior to the public hearing. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property of occupant is located in the zoning jurisdiction. If the name of the occupant is unknown, the term “occupant” may be used in making notification.

A. The notice shall do all of the following:

- **a.** Describe the nature of the request.
- **b.** Indicate the property that is the subject of the request. The notice shall include a listing of all exiting street addresses within the property. If there are not street addresses, other means of identification may be used.
- **c.** State when and where the request will be considered.
- **d.** Indicate when and where written comments will be received concerning the request.

B. If any individual property or 10 or fewer adjacent properties are the subject of the appeal or variance request, the Board shall give notice in the same manner as provided in Sub-section 1 and 1A above.

C. If 11 or more adjacent properties are the subject of appeal or variance request, the Board shall give a notice in the same manner as required in Sub-section 1 and 1A above except for the requirement of notice to be sent to the owners of property for which approval is being considered and all persons or occupants within 300 feet of the property. Further no individual addresses of properties are required to be listed as required under Sub Section 1Ab above.

The Board shall decide the appeal or request within 60 days of the hearing.

17.62.060 FEES

The schedule of fees for hearings before the Board shall be adopted by resolution by the City Council.

17.62.070 APPEALS

A. An appeal may be taken to the Board by any person aggrieved or by an officer, department, board or bureau of the City affected by a decision of the Building Official concerning this title. Such appeals shall be taken within 60 days from the decision by filing with the Building Official and with the Board a notice of appeal specifying the grounds for the appeal. The Building Official shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

B. An appeal shall stay all proceedings unless the Building Official certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by Circuit Court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

C. The Board shall select a time and place for the hearing of the appeal within 60 days of receiving said appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

D. In exercising the above powers of this chapter, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Official from whom the appeal is taken.

17.62.080 VARIANCES

A. These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of this title through a variance, where the Board determines that either a practical difficulty or an undue hardship has been proven.

B. The Board shall consider the application at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than 45 days after receipt of the application by the Building Official and hear and question any witness appearing before the Board.

C. The Board shall have the power to authorize a variance from the strict application of any provision of this title if the Board finds that strict application would result in a practical difficulty or undue hardship, provided that the spirit of this title shall be observed, public safety secured, and substantial justice done.

D. In the case of a nonuse or dimensional variance request, the applicant shall be required to prove that a practical difficulty exists by proving that:

1. Conformity with the code or codes is unreasonably burdensome.

2. The applicant is not receiving a privilege that is not available to other property owners and that the variance would do substantial justice not only to the applicant but the neighborhood as well.

3. The property is unique

4. The request is not self-created.

E. In the case of a use variance request, the applicant shall be required to prove that an undue hardship exists by proving that:

1. The property cannot be used or put to a reasonable use for the purposes permitted in that zoning district.

2. The proposed use will not alter the essential character of the area.

3. The property is unique.

4. The request is not self-created.

F. The Board shall not grant a variance, if based upon the above criteria, a finding of practical difficulty or undue hardship has not been made by the applicant.

G. The Board shall not have the power to authorize a variance of the requirements of special use approvals or Planned Unit Developments.

17.62.090 APPLICATION

A. An application for to the Board shall be made by all owners of an interest in the site to the Building Official, accompanied by the necessary fees and documents, as provided in this chapter. The owner shall further provide a title search for the property showing the address, owners, and all easements and rights-of-way of record, if determined necessary by the Board.

B. The application shall be accompanied by a site plan drawn to the scale of one inch equals 20 feet and placed on a standard sheet and containing the following information:

1. Dimensional elements for which a variance is requested.
2. Dimensional relationship of the subject lot to the structure on all adjacent lots.

C. The application shall be accompanied by an affidavit by the applicant explaining the following:

1. How the strict enforcement of the provisions of this title would cause practical difficulty and/or unnecessary hardship and deprive the owner of the rights enjoyed by all other property owners owning property within the same zoning district;

2. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district;

3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property;

4. Why the request will not confer special privileges that are denied other properties similarly situated in the same zoning district;

5. Why the request will not be contrary to the spirit and intent of this title.

6. A copy of all evidence, excluding testimony, that the applicant intends to present to the Board.

17.62.100 CONDITIONS

The Board, in acting in favor of an appeal or a variance, may attach any conditions to its approval that it finds necessary to accomplish the reasonable application of the standards set forth in this chapter. In addition, the Board shall have the authority to require performance bonds to insure compliance with any requirements deemed necessary for approving any variance. Following establishment of any land use pursuant to a variance, any change or modification, as well as the original provisions of the building and site plan which have not been modified shall be maintained as a condition of the establishment of any use to which they are appurtenant and applicable.

17.62.110 LIMITATION OF POWER

The concurring vote of a majority of the total membership of the Board shall be necessary to reverse any order of an administrative official or body, or to decide in favor of the applicant on any matter upon which the Board is authorized by this chapter to render a decision, except that in granting a use variance a 2/3 vote of the total membership of the Board is required.

17.62.120 PERIOD OF VALIDITY

No order of the Board shall be valid for a period longer than 6 months unless such use is established or a building permit issued within such period. If a use variance is granted and the property is abandoned or falls into disrepair, the use variance shall be invalid. The City shall notify the property owner of the invalid variance.

17.62.130 CIRCUIT COURT APPEAL

A. The decision of the Board is final. Any person aggrieved by a decision of the Board may appeal to the Circuit Court in Oakland County. Upon appeal, the Court shall review the record and decision of the Board to insure that the decision:

1. Complies with the constitution and laws of the state.
2. Is based upon proper procedure.
3. Is supported by competent, material and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

B. If the court finds the record inadequate to make the review required by this section, or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

C. An appeal under this section shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision. The court shall have

jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit to the court of appeals.