CHAPTER #45

CITY OF SOUTHFIELD ZONING CHAPTER

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ORDINANCE NO. 678

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SOUTHFIELD BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 45, "ZONING," OF TITLE V OF SAID CODE.

THE CITY OF SOUTHFIELD ORDAINS:

Section 1. A new Chapter to be designated as Chapter 45, "Zoning," of Title V of the Code of the City of Southfield is hereby added to said Code to read as follows:

TITLE V - ZONING AND PLANNING

CHAPTER 45 ZONING

ARTICLE 1 SHORT TITLE

5.1 This Chapter shall be known, and may be cited, as the City of Southfield Zoning Ordinance.

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ARTICLE 2 DEFINITIONS

5.2 Definitions. For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." Terms not herein defined shall have the meaning customarily assigned to them.

5.3 Definitions (A-B)
For the purpose of this Chapter, certain terms are herewith defined:

(1) ADULT BOOKSTORE: an establishment wherein more than twenty (20%) percent of its stock in trade is comprised of books, magazines, and other periodicals having as dominant theme matter, depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Chapter, or an establishment with a segment or section devoted to the sale or display of such material.

(2) ADULT MOTION PICTURE THEATER: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Chapter for observation by patrons therein.

(3) ALTERNATIVE FINANCIAL SERVICES: Any non-chartered financial institution offering check cashing services, currency exchange, pay-day loans and/or similar services as its primary function. (Amended – Ordinance 1597 – 11/11/12)

(4) AN ALLEY: is a dedicated public way of less than thirty (30') feet (9.15 meters) in width affording a secondary means of access to abutting property and not intended for general traffic circulation.

(5) ARCADES: any place of business or amusement, or any place of business or amusement located within a building or any portion thereof in which more than three (3) tokens, coins or otherwise operated mechanical and/or electrical amusement devices are installed, whether or not intended as a principal use or accessory use of that building or structure, in accordance with the provisions of Chapter 81, Recreation, Amusement and Games, Section 7.286 and Section 7.287 of the

Southfield City Code. (Amended - Ordinance 1102 - 9/27/82)

(6) ATTIC: the space between the ceiling beams of the top habitable floor and the roof.

(7) A BASEMENT: a portion of a building partially underground, but having less than half its clear height below the grade plane (see cellar).

(8) BOARD OF APPEALS: shall mean the Zoning Board of Appeals of the City of Southfield.

(9) BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP: A treatment or counseling relationship between a physician and patient in which all of the following are present:

(a) The physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.

(b) The physician has created and maintained records of the patient's condition in accord with medically accepted standards.

(c) The physician has a reasonable expectation that he or she will provide follow-up care to the patient to monitor the efficacy of the use of medical marihuana as a treatment of the patient's debilitating medical condition.

(d) If the patient has given permission, the physician has notified the patient's primary care physician of the patient's debilitating medical condition and certification for the use of medical marihuana to treat that condition. (Amended – Ordinance 1637 – 4/5/15)

(10) BUFFER: A strip of land of definitive width and location reserved to separate existing uses or districts from proposed uses located within an ODD. The buffer may include existing topography, vegetation, and waterways; Right(s)-Of-Way; and landscaped site features (including walls and decorative fencing). (Amended – Ordinance 1603 – 4/7/13)

(11) BUFFER STRIP: a strip of land of definite width and location reserved for planting of shrubs and trees to serve as an obscuring screen.

(12) BUILDING: any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

(13) BUILDING, ACCESSORY: is a building subordinate to the main or principal building on the lot and used for the purposes customarily incidental to those of the main building.

(14) BUILDING, HEIGHT OF: the height of a building is the vertical distance from the

established grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line for mansard roofs; and to the mean height level between eaves and the ridge for gable, hip and gambrel roofs.

(15) BUILDING LINE: a line parallel to the front lot line at the minimum required front setback line.

(16) BUILDING, PRINCIPAL: a building in which is conducted the primary use of the lot on which it is situated.

5.4 DEFINITIONS (C-D)

(1) CABARET: any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go- go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(2) CARPORT, PRIVATE: a permanent roofed structure, not exceeding one story in height, permanently open on at least two sides, designed for or occupied by private passenger motor vehicles. (Amended – Ordinance 1606 – 4/8/13)

(3) CELLAR: that portion of a building partially or wholly, underground, having half or more than half of its clear height below the grade plane. A cellar shall be uninhabitable and shall not be counted as a story.

(4) CHECK CASHING FACILITY: (See also Alternative Financial Services) A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. “Check Cashing Facility” does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. “Check Cashing Facility” also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business. (Amended – Ordinance 1597 – 11/11/12)

(5) CHILD CARE CENTER (OR DAY CARE CENTER): a facility, other than a private residence, receiving one or more preschool-age children for care for periods of less than 24 hours a day, where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before-or after-school program, or drop-in center.

A Child Care Center or Day Care Center does not include the following:

(I) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.

(II) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.

(III) A program that is primarily supervised school-age child-focused training in a specific subject, including, but not limited to: dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training

(IV) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to: youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will. (Amended – Ordinance 1588 – 12/25/2011)

(6) CHILD CARE HOME, FAMILY: a private home in which a permanent occupant of the dwelling provides for the care of fewer than seven minor children unrelated to the care provider for periods of less than 24 hours a day for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the State. (Amended – Ordinance 1588 – 12/25/2011)

(7) CHILD CARE HOME, GROUP: a private home in which a permanent occupant of the dwelling provides for the care of more than six but not more than 12 minor children unrelated to the care provider of periods of less than 24 hours a day, for more than four weeks in a calendar year unattended by the children's parents of legal guardians, and must be licensed and/or registered by the State. (Amended – Ordinance 1588 – 12/25/2011)

(8) CHILD CARE, PRIVATE HOME: a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. (Amended – Ordinance 1588 – 12/25/2011)

(9) CIGAR BAR: an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere. (Amended – Ordinance 1619 – 3/9/14)

(10) COMMISSION: shall mean the Planning Commission of the City of Southfield.

(11) COMMUNITY IMPACT STATEMENT: an informational document, the purpose of which is to provide the City of Southfield with detailed information about the effect which a proposed rezoning or a proposed project is likely to have on the environment and the community; to list ways in which any adverse effects of such a rezoning or proposed project might be minimized.

(12) COUNCIL: shall mean the City Council of the City of Southfield.

(13) A COURT: is an open, unoccupied space other than a yard and bounded on at least two (2) sides by a building. A court extending to the front lot line or front yard, or the rear lot line or rear yard, is an outer court. Any other court is an inner court.

(14) CURRENCY EXCHANGE: (See also Alternative Financial Services) A commercial use that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. This shall not include a properly chartered financial institution. (Amended – Ordinance 1597 – 11/11/12)

(15) DEBILITATING MEDICAL CONDITION: Means 1 or more of the following:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions.

(b) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of Multiple sclerosis.

(c) Any other medical condition or its treatment approved by the department, as provided for in Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), as amended. (Amended – Ordinance 1637 – 4/5/15)

(16) DEPARTMENT: The Michigan department of licensing and regulatory affairs. (Amended – Ordinance 1637 – 4/5/15)

(17) DEPARTMENT STORE: a department store is defined as one (1) retail store providing shopping goods, general merchandise, apparel and home furnishings in full depth and variety or one (1) retail store containing a minimum floor area of forty-five thousand

(45,000) usable square feet (4,185 square meters). (Amended - Ordinance 1331 - 2/10/92)

(18) DEVELOPMENT AREA: a tract of land of five (5) acres (2.025 hectares) or more which may be subsequently subdivided into parcels of less than five (5) acres (2.025 hectares). The development area may be owned by or controlled by one (1) or more parties who are acting with the single purpose of developing the contiguous parcels in accordance with the provisions of a single zoning district.

(19) DISPLAY, OUTSIDE: the outdoor standing or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

(20) DISTRICT: a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

(21) DWELLING, MULTIPLE FAMILY: is a building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other.

(22) DWELLING, MULTIPLE FAMILY HIGH RISE: a multiple family dwelling of three (3) or more stories in height.

(23) DWELLING, MULTIPLE FAMILY LOW RISE: a multiple family dwelling not more than two (2) stories in height.

(24) DWELLING, ONE FAMILY: is a building designed exclusively for, and occupied exclusively by, one (1) family.

(25) DWELLING, TWO FAMILY: is a building designed exclusively for occupancy by two (2) families living independently of each other.

(26) DWELLING UNIT: is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

(27) DWELLING UNIT, EFFICIENCY TYPE: a dwelling unit consisting of not more than one (1) room in addition to kitchen and sanitary facilities and containing not less than four hundred and twenty-five (425) square feet (39.525 square meters) of usable floor area.

5.5 Definitions (E-F) (Amended - Ordinance 1347 - 6/8/92)

(1) EMERGENCY SHELTER FOR THE HOMELESS: A facility which provides congregate style temporary lodging with or without meals and supportive services on the premises to primarily the homeless for more than four weeks in any calendar year. An emergency shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law. (Amended – Ordinance 1654 – 3/20/16)

(2) ENCLOSED LOCKED FACILITY: An indoor closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. (Amended – Ordinance 1637 – 4/5/15)

(3) A FAMILY: is any number of persons living together in a room or rooms comprising a single housekeeping unit, doing their cooking on the premises and related by blood or marriage and including the domestic employees thereof. Any group of persons not so related, but inhabiting a single house, shall, for the purpose of this Chapter, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in such group.

(4) A FARM: is a parcel or parcels of contiguous unplatted land of not less than ten (10) acres (4.05 hectares) which is directly farmed or used in the normal pursuits of agriculture by one (1) farmer, and which may include establishments operating as greenhouses, nurseries, orchards, chicken hatcheries, or apiaries. But establishments operating as fish hatcheries, stockyards, recreational parks, stone quarries, gravel pits, breeding or raising furbearing animals or game, or keeping more than the normal number of dogs or livestock usually kept on a farm shall not be considered farms hereunder as to the particular part or portion of the premises used or engaged in the operation of said enterprises; and provided, any other matter which emits an offensive odor and/or is obnoxious, detrimental, or dangerous to the public health or safety, or interferes with the peaceful enjoyment of property, shall be and is hereby declared to be a nuisance per se, on a parcel of land of less than ten (10) acres (4.05 hectares); the growing and selling of produce, animals, and fowl, and the keeping of bees shall be permitted under this Chapter, provided same is produced on said parcel of land and does not become a nuisance or obnoxious to the public health, morals, general welfare, or safety of the community.

(5) FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or automated teller machine, which is chartered under federal or state law. Financial institutions shall not include a currency exchange. (Amended – Ordinance 1597 – 11/11/12)

(6) FLOODPLAIN: the land adjacent to a body of water which has been or may be hereafter covered by floodwaters which has the same boundaries as the one hundred (100) year

base flood level as delineated on the flood insurance rate map of the City of Southfield, Community Panel No. 260179-0010 B, prepared by the United States Department of Housing and Urban Development and the profiles prepared by the Federal Insurance Administration in conjunction with said map. Specifically, the floodplain controls apply to the main River Rouge, Pebble Creek, Franklin Branch, Evans Ditch, Farmington Branch, and Carpenter Branch.

(a) REGULATORY FLOODPLAIN: the channel of a river or other watercourse and the adjacent land areas designated by the profiles in the flood insurance study, for the City of Southfield, Michigan 1978, and prepared by the Federal Insurance Administration which must be reserved in order to discharge the base flood, or that flood which has a one (1%) percent chance of being equaled or exceeded in any given year.

(b) FLOODPLAIN FRINGE: that portion of the floodplain outside of the regulatory floodplain (100 year flood) and designated as Zone "B" (100-500 year flood) on the flood insurance rate maps and the flood insurance study.

(7) FLOOR AREA: is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls, and stairways in two family or multiple family structures, and enclosed and unenclosed porches.

(8) FRONTAGE: that portion of any property abutting a street; a corner lot and a thru lot have frontage on both abutting streets.

(9) FRONTAGE BLOCK: for the purposes of this Chapter, a frontage block shall mean all land fronting on both sides of a street between the nearest streets intersecting said streets.

5.6 Definitions (G-K)

(1) GARAGE, PRIVATE: a private garage is a structure enclosed on all sides by walls which extend up from the ground to the full height of the structure for the storage principally of private passenger motor vehicles, or for the private use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees and shall be not more than one (1) story or fifteen (15') feet (4.575 meters) in height. No service for profit may be conducted within the structure. A carport is not a garage (Amended – Ordinance 1606 – 4/17/13).

(2) GASOLINE STATION (Amended - Ordinance 1502 - 5/30/04):

(a) Gasoline filling station: a place for only the dispensing, sale or offering for sale of motor fuel and related automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, etc. directly to users of motor vehicles. Retail sales of single containers of various beverages excluding alcoholic liquor, beer and wine, are permitted as are individual packages of sundries such as gum, candy, cigarettes, newspapers etc.

(b) Gasoline service station: a place for the dispensing, sale or offering for sale of motor fuel and related automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, etc. directly to users of motor vehicles. Retail sales of single containers of various beverages excluding alcoholic liquor, beer and wine, are permitted as are individual packages of sundries such as gum, candy, cigarettes, newspapers, etc. Also permitted is the servicing of, and minor repair of, motor vehicles.

(c) Gasoline filling/service station with ancillary retail sales area: a place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles and the servicing of, and minor repair of, motor vehicles. Ancillary retail sales of automotive and non-automotive related products shall be acceptable under the following guidelines: automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, etc.; non-automotive related products of single containers of various beverages excluding alcoholic liquor, beer and wine and individual packages of sundries such as gum, candy, cigarettes, newspapers etc. along with milk, eggs, bread and/or other general grocery items, pre-prepared food items that are not subject to licensing by the michigan department of agriculture or the oakland

county health department. Non-perishable items such as clothing, footwear, hats, music and other general retail items not associated with the dispensing of motor fuel are prohibited.

(3) A GRADE: is a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of said total averages.

(4) HOSPITAL: an installation used primarily for the inpatient medical or surgical care and treatment of sick and disabled persons.

(5) HOTEL: a building, or part of a building, or a group of buildings, containing rooms designed to provide transient lodging for compensation which shall include as minimum services, but not limited to: bellboy service, room service, maid service, telephones, desk service, full-service restaurant, meeting and conference facilities with a joint capacity of at least the same number of people as there are rooms in the hotel. (Amended - Ordinance 1220 - 2/26/87)

(6) HOUSING FOR THE ELDERLY: an installation other than a hospital, hotel or nursing home which provides dwelling units for persons where at least one (1) occupant per unit shall be at least sixty-two (62) years of age at the time of occupancy with the exception that units occupied by the physically handicapped must have at least one (1) occupant fifty (50) years of age or older. Such housing shall include the following:

(a) non-skid bathtubs.
(b) electrical outlets at levels at least twenty-four (24") inches (60.96 centimeters) above the floor.
(c) grab bars around bathtubs and showers.
(d) lever type faucets and door handles.
(e) at least one (1) emergency signal in each unit which is audible and visible at a central location.
(f) all buildings over one (1) story shall contain an elevator for the tenants.

(7) INDUSTRIAL PARK: a planned industrial development containing a minimum of four (4) or more buildings under single ownership characterized by architecturally similar building styles on landscaped sites and served only by one internal street, either private or public. (Amended Ordinance 1523 –

11/13/05)

(7) JUNKYARD OR JUNK STORAGE: the outdoor standing or placement of waste or scrap materials including, but not limited to, scrap iron or other metals, cans, automobiles, machinery, paper, rubber, rags, tires, lumber, concrete products, building materials, or bottles.

5.7 Definitions (L-M)

(1) LANDSCAPING: the treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed twenty (20%) percent of the total for any landscape area. Structural features such as fountains, pools, statues, garden walls less than three (3') feet (0.915 meters) in height, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas.

(2) LOADING SPACE: an off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(3) A LOT: is a parcel of land on which a principal building and its accessories may be placed, together with the required open spaces.

(4) LOT, CORNER: a corner lot is a lot of which at least two (2) adjacent sides abut a street, provided that such two (2) sides intersect at an angle of not more than one hundred and thirty-five (135E) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection are not more than one hundred and thirty-five (135E) degrees. In the case of a corner lot with a curved street line, the corner shall be considered to be that point of the street and lot line nearest to the point of intersection of the tangents herein described.

(5) LOT, INTERIOR: an interior lot is a lot other than a corner lot.

(6) LOT, THRU: a lot having front and rear lot lines abutting a street.

(7) LOT OF RECORD: a parcel of land delineated on a plat recorded with the Oakland County Register of Deeds.

(8) LOT LINE, FRONT: in the case of a lot abutting upon one (1) street, the front lot

line is the line separating such lot from such street. In the case of any other lot, one (1) such line shall be elected to be the front lot line for the purpose of this Chapter, provided it is so designated by the building plans filed for approval with the Director of the Department of Building and Safety Engineering.

(9) LOT LINE, REAR: the rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10') feet (3.05 meters) long, lying farthest from the front lot line and wholly within the lot.

(10) LOT LINE, SIDE: a side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

(11) A MAJOR THOROUGHFARE: is any street with an existing or proposed right-of-way of one hundred and twenty (120') feet (36.6 meters) or more.

(12) MARIHUANA: That term as defined in Section 7106 of the public health code, 1978 PA 368, MCL 333.7106. (Amended – Ordinance 1637 – 4/5/15)

(13) MECHANICAL AND ELECTRICAL AMUSEMENT DEVICE: any machine which, upon the insertion of a coin, slug, token, plate, or disc or any charge thereof, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical or electrical machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated and in accordance with the provisions of Chapter 81, Recreation, Amusements and Games, Section 7.286 and Section 7.287 of the Southfield City Code. (Amended - Ordinance 1062 - 7/6/81)

(14) MEDICAL MARIHUANA FACILITY: A licensed facility, building or structure used, maintained or occupied to provide the medical use of marihuana for use by qualifying patient(s) and a primary caregiver as provided and authorized by the Michigan Medical Marihuana Act and in exchange for compensation for reimbursement of costs associated with assisting a registered qualifying patient in the medical use of marihuana. A Medical Marihuana Facility is located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. A Medical Marihuana Facility shall meet all the requirements of a special land use in designated zoning district(s). (Amended – Ordinance 1637 – 4/5/15)

(15) MEDICAL USE: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)

(16) MOBILE HOME: a structure designed or used for residential occupancy built upon, or having, a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is supported by blocks or skirted.

(17) MOTEL: a building or buildings of attached, semidetached or detached rental units, containing a bedroom and a bathroom, designed for overnight lodging and which may not be used as a domicile. The term motel may include rooms with cooking facilities, suites, motor courts, tourist courts, motor lodges, residence inns, or residence hotels which lack the full service requirements of a hotel in Section 5.6 (5) (Amended - Ordinance 1220 - 2/26/87; Amended - Ordinance 1434 - 9/24/98).

5.8 Definitions (N-S) (Amended - Ordinance 1336 - 6/8/92)

(1) NONCONFORMING BUILDING: a building or portion thereof lawfully existing at the effective date of this Chapter, or amendments thereto, that does not conform to the provisions of this Chapter and/or the use regulations of the district in which it is located.

(2) NONCONFORMING USE: a use which lawfully occupied a building or land at the time this Chapter, or amendment thereto, became effective, that does not conform to the provisions of this Chapter nor to the use regulations of the district in which it is located.

(3) NURSING HOME: an installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or infirmity.

(4) ONE FAMILY ATTACHED: a building or structure for more than one (1) dwelling unit, where each dwelling unit is separated from the abutting dwelling unit by a party wall extending up from the ground the full height of the building. Each dwelling unit shall have direct access from outdoors from at least the front and rear or side of the unit.

(5) OVERLAY DEVELOPMENT DISTRICT (ODD): The Overlay Development District (ODD) means a unified site design for one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or

intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof, and that provides flexibility to lot size, bulk, or type of dwelling or building use, density, intensity, lot coverage, parking, required common open space, public art or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located. (Amended – Ordinance 1603 – 4/7/13)

(6) PARKING: the standing or placement of motor vehicles currently used to transport people, goods, or materials in the conduct of normal daily activities provided that such standing or placement is limited to periods of less than forty-eight (48) hours.

(7) PARKING SPACE: the area required for parking an automobile which shall be a minimum of nine (9') feet (2.745 meters) wide and twenty (20') feet (6.1 meters) long, but not including drives and aisles.

(8) PAWN SHOP: A business or establishment which loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. (Amended – Ordinance 1597 – 11/11/12)

(10) PAY DAY LOANS: (See also Alternative Financial Services) An establishment providing loans to individuals in exchange for personal checks as collateral. (Amended – Ordinance 1597 – 11/11/12)

(11) PHYSICIAN: An individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556. (Amended – Ordinance 1637 – 4/5/15)

(12) PRIMARY CAREGIVER OR CAREGIVER: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a. (Amended – Ordinance 1637 – 4/5/15)

(13) PUBLIC UTILITY: any person, firm, corporation, municipal department, or board or commission duly authorized to furnish and furnishing to the public, under governmental regulations: electricity, gas, steam, telephone, telegraph, transportation, water, communication, or sewage disposal.

(14) QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a

debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)

(15) REGIONAL SHOPPING CENTER: the regional shopping center is designed to provide a large concentration of comparison shopping needs for persons residing in a densely settled urban area. The regional shopping center shall provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. The regional shopping center will contain a minimum of three hundred thousand (300,000) gross square feet (27,900 square meters) of commercial building area and will include at least one (1) department store. (Amended - Ordinance 1331 - 2/10/92)

(16) REGISTRY IDENTIFICATION CARD: A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver. (Amended – Ordinance 1637 – 4/5/15)

(17) RESTAURANTS:

(a) DINING ROOM; a structure which is maintained, operated, and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.

(b) DRIVE-IN RESTAURANT: a drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.

(c) FAST FOOD RESTAURANT: a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or "carried out" for consumption off the premises.

(d) CARRYOUT RESTAURANT: a structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

(e) BAR/LOUNGE: a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of

food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

(f) Outside Dining: Seasonal outside dining is permitted in conjunction with the above uses when the use complies with the following conditions. (Amended - Ordinance 1430 - 9/24/98)

1. Seasonal outside dining, for the purposes of this chapter, will be defined as beginning on the first day of may through the last day of October.

2. The hours of operation for outside dining will be consistent with the hours of operation of the inside restaurant, with the exception of establishments which hold a liquor license in which case the designated outside dining area shall close at midnight.

3. That there is adequate parking for the outside dining area in accordance with the parking provisions of Article 4, Section 5.30 of this Ordinance.

4. That the outside dining area is separated from sidewalks and driveways by means of landscaping, planter boxes, and/or fences and railings.

5. That all tables, chairs and trash receptacles will be removed at the end of the summer season.

6. Appropriate trash receptacles shall be provided within the designated outside dining area.

7. Outside entertainment, whether live or recorded, is expressly prohibited unless approval is granted by the Southfield city council.

(18) SATELLITE DISH ANTENNA: is any earth station antenna of parabolic or spherical design for the reception or transmission of earth radio and/or television signals to/or from satellites or other orbiting facilities. (Amended - Ordinance 1191 - 3/17/86)

(19) SCHOOL: A building or part of a building, which is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by section 1561 of Act No. 451 of the Public Acts of 1976, as amended of the Michigan Compiled Laws, which is occupied by 6 or more students, and which is

used 4 or more hours per day or more than 12 hours per week.

(a) Drug-free school zone: An area inclusive of any property used for school purposes by any publicly funded primary school, whether or not owned by such school, within 1,000 feet of any such property, and within or immediately adjacent to school buses. (Amended – Ordinance 1637 – 4/5/15)

(19) SETBACK: the distance required to obtain the minimum front, side, and rear open space provisions of this Chapter.

(20) SMOKE OR SMOKING: the lighting, inhaling, exhaling, burning, or carrying of any lighted cigar, cigarette, tobacco, plant, or other similar article or combustible substance in any form. (Amended – Ordinance 1619 – 3/9/14)

(21) SMOKING LOUNGE: an establishment which, in whole or in part, includes as part of the business, or otherwise, permits the smoking of tobacco or other substances including, but not limited to, establishments commonly known as or referred to Cigar Bars/Lounges, Hookah Bars/Cafes, Tobacco Bars/Cafes, or Smoking Parlors. (Amended – Ordinance 1619 – 3/9/14)

(22) SOUP KITCHEN: a facility regularly used to furnish meals without cost or at very low cost to needy and destitute persons, however, lodging is prohibited. A Soup Kitchen shall not be considered to be a restaurant. The preparation of meals in any building or structure, or portion thereof, for distribution at another site or location shall not be considered to be a Soup Kitchen. (Amended – Ordinance 1654 – 3/20/16)

(23) SPECIAL EXCEPTION: a use permitted when the facts and conditions specified in this Chapter, as those upon which the exception is permitted, are found to exist by the appropriate administrative officer or body.

(24) SPECIFIED ANATOMICAL AREAS: for the purposes of this Chapter shall be defined as follows:

(a) Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola.

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

(25) SPECIFIED SEXUAL ACTIVITIES: for the purposes of this Chapter shall be defined as follows:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(26) STORAGE, NEW VEHICLES: the standing or placement of new operable automobiles or trucks not previously used.

(27) STORAGE, OUTSIDE: the outdoor standing or placement of usable and potentially usable goods or equipment other than for display and not including waste or scrap materials.

(28) STORY: that portion of a building, but not including a cellar, as defined in this Chapter between one (1) floor level and the ceiling next above it and which portion meets the requirements of the Building Code (Chapter 98) for a habitable room.

(29) A STREET: is any thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

(30) STRUCTURE: anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

5.9 Definitions (T-Z)

(1) TOBACCO SPECIALTY RETAIL STORE: an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. (Amended – Ordinance 1619 – 3/9/14)

(2) TRAILER COACH (MOBILE HOME): is a vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

(3) TRAILER COURT, TRAILER CAMP: any plot of ground upon which two (2) or more trailer coaches are parked or where public parking space for two (2) or more trailer coaches is provided with facilities for residential occupancy.

(4) URBAN OPEN SPACE: Open space shall consist of urban open space:

(a) Urban Open Space: The following are examples of urban open space, which are located in the ODD districts: A public space that functions as a gathering space or part of a downtown, special subarea (e.g. Southfield City Centre, Southfield Downtown Development Authority, or Southfield Technological Corridor, etc.), or other area within the public realm that helps promote social interaction and create a "sense of place". Possible examples may include such space as: plazas, "town" squares, parks, marketplaces, public commons and malls, public greens, special areas with convention centers or grounds, sites within buildings (such as lobbies, concourses, or public spaces within public & private buildings). (Amended – Ordinance 1603 – 4/7/13)

(5) USABLE FLOOR AREA: shall be the sum of the gross horizontal floor areas of all the floors of the building or structure and of all accessory buildings measured from the interior face of the exterior walls and which may be made usable for human habitation but excludes the horizontal floor area of heater rooms, mechanical equipment rooms, attics, unenclosed porches, light shafts, public corridors, public stairwells, and public toilets.

(6) USABLE MARIHUANA: The dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant. (Amended – Ordinance 1637 – 4/5/15)

(7) USE, ACCESSORY: a use subordinate to the principal use and for purposes clearly incidental to those of the principal use.

(8) USE, PRINCIPAL: the primary use to which the premises are devoted and the primary purpose for which the premises are used.

(9) VISITING QUALIFYING PATIENT: A patient who is not a resident of this state or who has been a resident of this state for less than 30 days. (Amended – Ordinance 1637 – 4/5/15)

(10) WRITTEN CERTIFICATION: A document signed by a physician, stating all of the following:

a. The patient's debilitating medical condition.
b. The physician has completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation.
c. In the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or

alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. (Amended – Ordinance 1637 – 4/5/15)

(11) YARD, FRONT: is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the front lot line, unoccupied from the ground upward.

(12) YARD, REAR: a rear yard is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the rear lot line unoccupied from the ground upward, except as hereinafter specified.

(13) YARD, SIDE: a side yard is an open space extending from the front yard to the rear yard and of a uniform width measured horizontally at right angles to the side lot line and unoccupied from the ground upward, except as hereinafter specified.

(14) ZONING VARIANCE: is a modification of the literal provision of this Chapter granted when strict enforcement of this Chapter would cause practical difficulty or undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulty, undue hardship, and unique circumstances applying to the specific property involved. A variance is not justified unless all elements are present in each case.

ARTICLE 3 ZONING DISTRICTS AND MAP

5.11 Districts

For the purpose of this Chapter, the City of Southfield is hereby divided into the following zoning districts:

RESIDENTIAL ZONING DISTRICTS

R A	Single Family
R 1	Single Family
R 2	Single Family
R 3	Single Family
R 4	Single Family
R E	Single Family
RMH	Mobile Home Park
R-T	Attached Single Family
RM	Multiple Family (Low Rise)
RMM	Multiple Family (Medium Rise)
RMU	Multiple Family (High Rise)

NONRESIDENTIAL DISTRICTS

O-S	Office-Service
ERO-M	Education-Research-Office-Limited
ERO	Education-Research-Office
TR	Technical-Education-Research
TV-R	Television-Radio-Office-Studio
NS	Neighborhood Shopping
RS	Regional Shopping
RC	Regional Center
B-1	Neighborhood Business
B-2	Planned Business
B-3	General Business
I-L	Light Industrial
I-1	Industrial
P	Vehicular Parking

5.12 Boundaries

The boundaries of said districts, shown upon the map marked and designated Zoning District Map of the City of Southfield, which is attached hereto and made a part of this Chapter, are hereby established as designated on said Zoning District Map; said map and all notations, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully set forth and described herein.

(1) Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets or alleys, or such lines extended, and the limits of the City of Southfield.

(2) Where, due to the scale, lack of detail, or illegibility of the Zoning District Map accompanying this Chapter, there is any uncertainty, contradiction, or confliction as to the intended location of any district, boundary lines shall be interpreted upon written application to, or upon its own motion by, the Board of Appeals, after recommendation by the Planning Commission.

5.13 Zoning of Vacated Areas

Whenever any street or alley shall be vacated, such street or alley or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

ARTICLE 4 GENERAL PROVISIONS

5.18 Scope

Except as hereinafter provided, no building or land or part thereof located in the City of Southfield shall be used, altered, constructed, reconstructed, moved within or into said City except in conformity with the provisions of this Chapter which apply to the district in which it is located. Any lawful, nonconforming use existing at the time of the effective date of this Chapter may be continued, provided that the building or land or use thereof shall not be structurally changed, altered, enlarged or moved, unless such altered, enlarged, or moved building or use shall conform to the provisions of this Chapter for the district in which it is located. No nonconforming use, if discontinued or changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use. A nonconforming use shall be deemed discontinued for the purpose of this section if no nonconforming use is made of the property for a period of one (1) year.

5.19 Area and Bulk Regulations

No dwelling shall be built upon a lot having a width, at the minimum required building line, of less than the lot width as required in the "Schedule of Regulations" in Article 22.

5.20 Transfer of Requirements

Where any structure or use is permitted in a district other than the district in which such structure or use is first permitted under this Chapter, such structure or use shall be subject to all of the requirements and regulations as are set forth in this Chapter in the district in which such structure or use is first permitted.

5.21 Retention of Jurisdiction

In all instances where a review and/or a finding by any City agency is required under the provisions of this Chapter, that agency shall retain jurisdiction over such review and/or finding and that any variation from said review and/or finding shall require approval from that agency.

5.22 Site Plan Requirements

Whenever in this Chapter a site plan is required, the following information shall be included on the site plan:

(1) A scale of not less than 1" = 20' (2.54 centimeters = 6.1 meters) if the subject property is less than three (3) acres (1.215 hectares) and 1" = 100' (2.54 centimeters = 30.5 meters) if three (3) acres (1.215 hectares) or more.

(2) Date, north point, and scale.

(3) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

(4) The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100') feet (30.5 meters) of the subject property. Structures include the location and size of all existing trees and utility lines on and directly adjacent to the site.

(5) The location of all existing and proposed drives and parking areas.

(6) The location and right-of-way widths of all abutting streets and alleys.

(7) A landscaping plan, including an itemized plant materials schedule with botanical and common names of materials, sizes, quantities, and the name, address and registration number of the registered landscape architect who is responsible for the preparation of the landscape plan.

(8) The names, addresses and registration number of the professionally registered architect, planner or engineer responsible for the preparation of the site plan.

(9) Once a site plan has been approved, that site plan shall be strictly adhered to and maintained as approved, including the landscaping, and shall not be altered or modified in any way without first securing permission of the approving body.

(10) The City Planner shall be authorized to review and approve amendments to previously approved site plans, when said amendment is for expansion of floor space in an existing building which was previously approved by the city council which expansion is no greater than twenty-five (25%) percent of the gross square footage of the building area and not to exceed 10,000 square feet (930 square meters) of floor space of the previously approved building, or construction of a customary accessory structure, such as a garage, shed, carport, or dumpster screen, to an existing building when the site is already the subject of an existing or previously approved site plan by city council, provided that the accessory structure does not exceed ten (10) percent of the building area and not to exceed one thousand (1000) square feet, (93 square meters) and provided the amendment meets all the requirements of this Chapter, and does not require the granting of any variance by the zoning board of appeals in order to meet the requirements of this chapter. (Amended - Ordinance 1153 - 11/26/84; Amended – Ordinance 1618 – 3/9/14)

5.22-1 Special Use Procedure

Whenever in this Chapter there are uses permitted subject to special approval, the following procedure shall be followed: (Amended - Ordinance 1591 – 4/23/2012)

The petitioner shall submit an application, documentation, and site plans to accurately reflect the requested use to the Planning Department. The matter will be referred to the Planning

Commission by the City Council who may request additional information to assist in the review of the request. Such additional information may consist of floor plans, signing, building elevations, traffic studies, etc.

A public hearing shall be held by the Planning Commission in accordance with the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, with notice being given to the owners of the property that is the subject of the request, all persons to whom real property is assessed within three hundred feet (300') of the property that is the subject of the request and to the occupants of all structures within three hundred feet (300') of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, except as otherwise provided in the MZEA, and legal notice of the public hearing shall be given in a local newspaper of general circulation. Notice of the public hearing shall be given within the time prescribed pursuant to Section 103 of the MZEA. The Planning Commission may recommend favorably, unfavorably, or favorably with conditions to the City Council and shall state the reasons for their recommendation.

Upon receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing in accordance with the MZEA with notice being given to the owners of the property that is the subject of the request, all persons to whom real property is assessed within three hundred feet (300') of the property that is the subject of the request and to the occupants of all structures within three hundred feet (300') of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, except as otherwise provided in the MZEA, and legal notice of the public hearing shall be given in a local newspaper of general circulation. Notice of the public hearing shall be given within the time prescribed pursuant to Section 103 of the MZEA. The City Council may approve, deny, or approve with conditions the special use request and shall specify the basis for their decision.

5.22-2 Conditional Rezoning. (Amended – Ordinance 1554 – 12/6/07)

A. Intent, Application for and Processing of Conditional Rezoning.

1. This Section is intended to implement Section 405 of the Zoning Enabling Act (MCL125.3405) authorizing conditional rezonings.

2. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. The offer shall be contained in a proposed Conditional Rezoning Agreement, as described in this section, below. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process; however, the offer shall in all events be considered by the Planning Commission prior to being acted upon by the City Council.

3. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as

modified by the requirements of this section.

4. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

5. Approval under this section shall not obviate the requirement for special land use approval, variance relief and/or site plan approval.

6. If the City is in the process of proceeding with a conditional rezoning under this section, and the applicant has not voluntarily offered the condition(s) being considered, the applicant shall inform the City Clerk in writing of such fact prior to the final action of the City Council granting the conditional rezoning.

B. Standards for approval

The following standards, among other factors deemed relevant by the Planning Commission and City Council shall be considered in determining whether to approve a rezoning with Conditional Rezoning Agreement, provided, the determination on whether the underlying rezoning itself should be granted shall be deemed to be a legislative decision of the City Council equivalent to City Council action on other amendments to the zoning ordinance.

1. Compatibility with the policies and uses designated for the land and area in the City's Future/Master Land Use Plan;

2. Compatibility of the uses and improvements allowed under the proposed rezoning with Conditional Rezoning Agreement with other zones and uses in the surrounding area;

3. Availability and adequacy of public services and facilities, and whether there is likely to be any adverse impact from a development or use allowed under the rezoning with Conditional Rezoning Agreement; and

4. Whether the development that would be approved shall advance the public interest, weighing the reasonably expected burdens likely to result from allowing the development against the reasonably expected benefits to be achieved by the development.

C. Approval and Effect.

1. If the City Council, after recommendation from the Planning Commission, determines in its discretion that the proposed rezoning with Conditional Rezoning Agreement should be approved, the

Conditional Rezoning Agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning with Conditional Rezoning Agreement.

2. The Conditional Rezoning Agreement, as initially submitted, or as may be modified during the course of the rezoning process, shall:

   a. Be in a form recordable with the Register of Deeds for Oakland County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Conditional Rezoning Agreement in a manner acceptable to the City Attorney.

   b. Contain a legal description of the land to which it pertains.

   c. Contain a statement and acknowledgement that the terms and conditions of the Conditional Rezoning Agreement shall run with the land be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

   d. A specification of all conditions proposed by the land owner to be applicable to the use and development of the land, including the following to the extent relevant:

      i. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.

      ii. Permissible uses of the property, and a specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.

      iii. Preservation of natural resources and/or features.

iv. Facilities to address any relevant traffic, storm water and water quality issues.

v. Provisions for maintenance of areas on the land, as relevant.

e. Contain a statement acknowledging that the Conditional Rezoning Agreement or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds for Oakland County.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that the Conditional Rezoning Agreement, as the same may have been modified during the rezoning process (if applicable) has been freely, voluntarily and knowledgeably offered by such owners, and agreed upon in its entirety.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Conditional Rezoning Agreement. The City Clerk shall maintain a listing of all lands rezoned with a Conditional Rezoning Agreement.

4. The approved Conditional Rezoning Agreement or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds for Oakland County.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements of the zoning district and Conditional Rezoning Agreement.

D. Compliance with Agreement.

Any failure to comply with a condition contained within the Conditional Zoning Agreement shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

E. Time Period for Establishing Development or Use.

Unless a longer or shorter time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land authorized in the Conditional Rezoning Agreement shall be commenced within twelve (12) months from the effective date of the rezoning and thereafter proceed diligently to completion. This time limitation may upon written request of the land owner be extended by the City Council if (1) it is demonstrated by the land owner and determined by the City Council in its discretion that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Council determines in its discretion that there has not been a change in circumstances that would render the current zoning with Conditional Rezoning Agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

F. Termination of Conditional Rezoning Agreement.

If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection E, above, or if the property owner makes a request in writing for termination of the Conditional Rezoning Agreement prior to making any improvements pursuant to the Conditional Rezoning Agreement, then the rezoning and Conditional Zoning Agreement shall be deemed to be immediately terminated except in the City's discretion as to that part of the land, if any, that has been developed. In the event of such termination, no new development or use of the land shall be permitted until a new zoning classification is approved by a rezoning of the land. Upon such termination, the Planning Department shall immediately initiate the process to rezone the land in whole or in part to its prior or other appropriate zoning classification. The procedure for considering and adopting this rezoning shall be the same as applied to all other zoning requests. Once the rezoning has occurred, the City shall, upon request of the land owner, record with the Register of Deeds for Oakland County a notice that the Conditional Rezoning Agreement, except in the City's discretion as to that part of the land, if any, that has been developed, is no longer in effect.

5.22-3 Overlay Development District (ODD) (Amended – Ordinance 1603 – 4/7/13)

A. Purpose, Intent and Qualifications

1. General purpose.

Because traditional zoning separates uses into different districts using restrictive placement controls, it does not allow for creative development incorporating a variety of uses. The purpose of the Overlay Development District (ODD) is to encourage development of those parcels of land which, because of their size; their location being uniquely situated with regard to (higher density) adjoining uses; or their unique environmental features, a more flexible development scheme could foster creative development design, or preserve desirable natural features,

significant historical landmarks and architectural features located within the ODD. Therefore, the ODD modifies the traditional form of zoning and permits variety in design, site configuration, setbacks, layout, use, and encourages efficiency in use of land and natural resources, while ensuring compatibility with surrounding land uses.

In return for greater flexibility in site design requirements, ODD's are expected to deliver exceptional quality community designs that provide above-average pedestrian amenities, incorporate creative design in the layout of buildings, focus on pedestrian space and circulation; incorporate public art; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

Finally, ODDs authorized under this ordinance (see attached map) shall provide a better and more desirable living and physical environment than what would be possible under the zoning regulations that apply to the development or traditional zoning district, while implementing the policies and objectives of the Comprehensive Master Plan, as amended.

2. General intent.

The adoption of an ODD is intended to encourage creativity through the unified development of property utilizing mixed residential, commercial and non-residential uses that provide adequate housing and employment opportunities. It is the intent of this article to allow rezoning of qualifying properties to ODD. The specific objectives of the ODD are to:

a. Encourage innovation in land uses and variety of design, layout and type of structures constructed.
b. Promote Low Impact Design (LID) techniques. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
c. Permit flexibility in the placement, setbacks, lot area and building type regulations, and combination of uses while assuring the application of sound site planning standards.
d. Encourage the provision of pedestrian amenities and more extensive landscaping.
e. Provide opportunities for improvements to public streets or facilities, pathways, and infrastructure.
f. Promote the development of walkable, mixed-use developments that will result in more sustainable and healthy community.
g. Achieve consistent and coordinated site design and higher quality architectural design and materials.
h. Encourage the use, reuse, redevelopment and improvement of existing sites.

i. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.

j. Incorporate public art.

3. Intent of requiring development agreement.

It is recognized that because of the complexity and uniqueness of each parcel or tract of land proposed for ODD rezoning, it is beneficial to the City and the development process if a development agreement which includes all conceptual plans, architectural elevations, development standards and specified conditions tailored to the particular parcel of property, are submitted together with the application for rezoning. This approach is intended to accomplish the objectives of the zoning ordinance by incorporating a land development project review process into the rezoning procedure to ensure integration of the proposed land development project with the characteristics of the surrounding area.

4. Eligibility for ODD rezoning; qualifying conditions.

To be eligible for ODD rezoning as provided by this article, all of the following conditions must exist with regard to the proposed ODD site:

a. Rezoning to ODD shall not be granted in situations where the same land use objectives may be established by the application of applicable conventional zoning provisions or standards.

b. The land proposed to be included within the ODD must consist of sufficient acreage as recommended by the Planning Commission to meet the objectives of this ordinance:

- Southfield City Centre & Downtown Development Authority Subareas: 1 acre(s) or greater
- Southfield Technology Corridor Subarea, Smart Zone and other areas identified on ODD Eligible Areas map: 2 acres or greater (Amended – Ordinance 1640 – 5/10/15)

An ODD may have a lot size of less than what is specified above in items A. 4. B. above, if the City Council finds:

i. That an unusual physical or topographic feature of importance to the area as a whole, such as wetlands, exists on the site or in the surrounding neighborhood that will contribute to and be protected by the ODD; or,

ii. That the property or the surrounding area has an historic character of importance to the community that will be protected by the ODD; or,

iii. That the proposed ODD is adjacent to an approved ODD that has been completed and will contribute to the amenities and values of the neighboring ODD; or,

iv. That the ODD is located in an area that is being redeveloped and will implement the policies of the redevelopment plan or subarea plan identified in the Comprehensive Master Plan.

c. The land proposed to be included in the ODD shall have features that the preservation of which will be enhanced through development as an ODD; or is uniquely situated with regard to adjoining uses which would permit variety in design, site configuration, layout and use; or has unique historical or environmental features or other characteristics which could foster creative development design and preserve desirable natural features. In developed urban areas, the ODD shall offer higher standards of architectural design, innovative layout and pedestrian amenities, including public art, than what would be required under conventional zoning.

d. The proposed land use patterns must be compatible with surrounding land uses and provide decorative screening or transitional buffers to residential areas.

e. The proposed land use patterns encourage efficiency in use of land, natural resources, provide for open space or pedestrian amenities and minimize impervious surfaces, wherever feasible.

f. The ODD site must be served by public water and sanitary sewer service that meets or exceeds the existing City requirements for a development of the proposed size.

g. The ODD site must abut and have direct access to a public thoroughfare.

h. The proposed ODD shall be harmonious with the surrounding land uses and serve the public health, safety and welfare of the City as a whole.

i. The proposed ODD shall not cause a negative or environmental impact or loss of a historic structure (unless determined by the City to be unsalvageable) on the subject site or surrounding land.

j. The proposed ODD is not merely an attempt to circumvent the strict application of the applicable zoning standards.

B. Uses Permitted in an ODD:

1. Principal permitted uses.

In designing and developing an ODD, compatibility of land uses both within the development and surrounding the development is very important to meeting the objectives of this article. In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain uses will be permitted and others will be prohibited. Subject to review and approval under the procedures and standards contained in this article, the following uses may be eligible for inclusion in the ODD District (See Table 1): (Amended – Ordinance 1640 – 5/10/15)

Table 1: Permitted Table of Uses (Amended – Ordinance 1640 – 5/10/15)

Districts: **Uses:**	**Southfield Tech Corridor**	**City Centre District**	**Downtown Development District**	**Smart Zone**	**ODD Corridors**
Accessory and complementary uses to permitted uses	P	P	P	P	P
Banks	P	P	P	P	P
- w/drive thru	P	*	P	*	P
Educational Facilities	X	P	P	P	P
General Businesses	P	P	P	P	P
Government Offices	P	P	P	P	P
Hotels (excluding Motels),Convention Centers and Banquet Facilities	P	P	P	P	P
Medical Facilities, Urgent Care, Medical Research	P	P	P	P	P
Micro-brewery	P	P	P	P	P
Mixed-Use Residential	P	P	P	P	P
Health, Wellness & Fitness	P	P	P	P	P
Hospitals	P	P	P	P	P
Office (general)	P	P	P	P	P
Recreational uses and Facilities, including Parks	P	P	P	P	P
Residential uses, including Multi-	X	P	P	P	P

Districts: **Uses:**	**Southfield Tech Corridor**	**City Centre District**	**Downtown Development District**	**Smart Zone**	**ODD Corridors**
Family, Nursing Homes, Senior Congregate & Assisted Living					
Retail Facilities	P	P	P	P	P
Research Facilities	P	P	P	P	P
Restaurants	P	P	P	P	P
Restaurants with Drive-thru	P	*	P	*	*
Pharmacies	P	P	P	P	P
- w/drive-thru	P	*	P	P	P
Personal Services	X	P	P	P	P
Professional Business and Offices	P	P	P	P	P
Public Safety	P	P	P	P	P
Self-Storage Facilities as an accessory use	P	P w/interior units and single point access	P	P w/interior units and single point access	P w/interior units and single point access
Technical, Research & Development Centers with accessory (less than 50%) manufacturing & assembly.	P	P	P	P	P
Universities and Colleges	P	P	P	P	P
Libraries and Civic Organizations	X	P	P	P	P

*When attached to a retail center or mixed-use development

2. Prohibited uses.

In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain land uses have been determined to be incompatible with the intent to provide the above permitted uses in an ODD. Therefore, the following uses are prohibited in ODD:

- Wholesale, not open to the general public and intensive business.

- Industrial and developmental manufacturing (Southfield Tech. Corridor?).
- Uses involving the processing of raw materials for shipment in bulk form to be used in an industrial or commercial operation at another location.
- Warehouses and storage yards.
- Outdoor storage or display of materials, equipment, or vehicles other than approved outdoor retail sales as an accessory to a permitted principal use.
- Automotive repair, service and sales, new and used.
- Automotive washes, self serve and automatic, except those customarily an accessory to a permitted principal use.
- Sanitariums.
- Pawn shops, check cashing and pay-loan facilities.
- Sexually oriented businesses (e.g. Adult bookstores, adult motion picture theaters, cabarets, etc.).
- Mobile home parks.
- Funeral homes.
- Crematorium.
- Cemeteries.
- Dog kennels.
- Public stables and farms.
- Social halls.
- Boarding rooms, lodging and tourist homes.
- Motels.
- Outdoor drive-ins.
- Flea markets.
- Tattoo parlors.
- Arcades, golf ranges and golf domes.
- Medical Marihuana facilities.

C. Rezoning Procedure

1. Applicable regulations.

The ODD is an overlay zoning district which imposes site configuration, building layout, architectural design, density, set back, height, use, access, parking and other development regulations that apply to this district only. All other non-conflicting regulations and standards of this ordinance shall also apply to this district. In the event of a conflict between a regulation in the Code of Ordinances or a standard contained in the approved master development plan or development agreement and any other applicable regulation in this ordinance, the approved master development plan or development agreement standard shall prevail.

2. Rezoning.

Rezoning a parcel or tract of land in the ODD may be initiated either by the request or with the authorization of the owner(s) of land proposed to be included in the ODD; by the Planning Commission; or the City Council as authorized by the Zoning Enabling Act. Any rezoning to ODD shall be subject to the eligibility criteria and qualifying conditions contained in this article. A preliminary master development plan and a development agreement containing specific development standards and site plan drawings must be submitted with the application to rezone. Upon approval of the application to rezone, the final master development plan and the development agreement must be approved by the City Council and recorded as required by this article prior to commencing development of any land proposed for rezoning to ODD.

3. Application to rezone in an ODD.

The application to rezone shall include the following information and documents:

a. *Ownership*. The application form must be signed by the applicant, and authorized by all owners of any land to be included within the ODD and include the address telephone number and e-mail address of all applicants.

b. *Qualification*. The application shall include a narrative statement describing the overall objectives of the proposed ODD; demonstrate that the proposed site meets the qualifying conditions for an ODD rezoning; and explain why the property may not be developed as currently zoned.

c. *Development impact*. The application shall include a development impact statement addressing impact of the proposed development on:
   i. Surrounding land uses.
   ii. Pedestrian and vehicular Traffic.
   iii. Preservation of natural or historic features.
   iv. Public utilities.
   v. Public services.
   vi. Economic impact.
   vii. Special design features (e.g. Low Impact Design, Architectural features, etc.)
   viii. Pervious surfaces

d. *Master development plan*. The application shall include a proposed master development plan encompassing all phases of the proposed ODD, containing all information required by the Planning Commission and City Council and prepared at an acceptable scale.

e. *Development agreement*. The application shall include a proposed development agreement which shall include specific standards tailored to the ODD and use of the property in conjunction with the rezoning. The provisions contained in the agreement shall, upon approval and execution, be binding upon both parties. The agreement shall be in a form recordable with the Oakland County Register of Deeds, or in the alternative, be accompanied by a recordable memorandum prepared and signed by the property owner(s) giving notice of the ODD development agreement in a manner acceptable to the City Attorney. The agreement shall, at a minimum, include the following provisions:

i. Agreement and acknowledgment that the developer submitted and the City accepted the development proposal as set forth in the application to rezone, the master development plan, the site plans, architectural elevations and the development agreement as submitted, and granted the rezoning based on the terms set forth therein. Further, that all provisions and conditions contained in the application to rezone, master development plan and development agreement are authorized by applicable law; that the agreement is valid, and was entered into on a voluntary basis, representing a permissible exercise of authority by the City and the applicant.

ii. Agreement that the property shall not be developed or used in a manner inconsistent with the approved master development plan and development agreement.

iii. Agreement that the approved rezoning, master development plan and development agreement shall be binding upon and inure to the benefit of the property owner(s), the City and their respective heirs, successors, assigns, and transferees. A list of all approved uses shall be provided.

iv. Because of the complexity and uniqueness of the parcel or tract of land proposed for the ODD, the development agreement shall include specific standards for site configuration tailored for the proposed development, including:

- Roadways; ingress, egress and other access including sidewalks and pedestrian pathways.

- Building and structure placement, mass, bulk, height, articulation and setbacks.

- Installation and extension of utilities; including a preliminary drainage plan, prepared by a licensed professional engineer, identifying measures to be used for control and disposal of storm water runoff from the ODD site and water quality.

- Parking and circulation. Pedestrian pathways and linkages to the public sidewalk system.

- Landscaping, public art, ornamental fencing and buffers.

- For residential uses: Maximum density and intensity of use for each proposed use addressing units per acre. For non-residential uses: Maximum useable floor area.

- Preservation of no less than twenty-five (25) percent of undeveloped primary or secondary open space for residential uses and fifteen (15) percent of urban open space, pedestrian amenities, or landscaped areas for non-residential uses unless waived by a two-thirds (2/3) vote of the City Council. Open space to be preserved shall be calculated prior to making any site improvements to be performed on site and shall exclude existing and proposed Rights-Of-Way.

- Preservation of natural features and provisions addressing the maintenance of natural resources and open space, if applicable.

- Lighting.
- Permissible uses of the property consistent with this ordinance.
- Any areas proposed for commercial operations with twenty-four- hour operations shall be located fifty (50) feet from residential areas and shall be provided with buffering and screening to protect the compatibility of the uses. The fifty (50) foot measurement shall be calculated from the closest building envelope edge of the twenty-four-hour operation to the lot line of the closest residentially zoned property or residential building footprint, whichever is closer.
- All utilities, including electricity, telephone and cable, shall be installed underground or otherwise installed out of sight to the surrounding community, excluding main transmission lines.

v. Architectural design and building materials.

vi. Proposed association and condominium documents, if applicable.

vii. Site plan drawings including proposed site elevation contours; Typical elevation drawings, with identification of facade materials of all sides of each principal building included in the ODD, drawn at a scale of one (1) inch equal to one hundred (100) feet or other scale acceptable to the Planning Director.

viii. An affidavit from a qualified environmental engineer that an environmental assessment has been performed and the results indicate that there is nothing to preclude the development as proposed.

ix. Any other provisions proposed and approved by the parties.

x. Phasing plan, if applicable.

f. *Fee*. An application to rezone land in the ODD shall be accompanied by a fee established from time to time by the City Council.

4. Public hearing on application to rezone; approval of master development plan and development agreement.

a. Upon receipt of a complete application to rezone, a master development plan and proposed development agreement, the Planning Department shall conduct a preliminary review of the conceptual plan and preliminary development agreement. Once the Planning Department has determined that the ODD application is substantially complete, then the Planning Commission shall schedule a public hearing. Notice of the public hearing shall be provided as required by the Michigan Zoning Enabling Act, as amended.

b. The Planning Commission shall hold a public hearing on the request to rezone and approval of the master development plan and development agreement and shall consider whether the ODD as proposed meets all of the required standards.

5. Planning Commission recommendation.

After holding a public hearing and reviewing the proposed rezoning, the master development plan and the development agreement, the Planning Commission shall forward a recommendation to the City Council. Upon a finding that the plan and agreement meet all the standards set forth in this article, the Planning Commission may recommend approval, approval with conditions or denial, of the master development plan, the development agreement and rezoning of the property to ODD.

6. Review by Planning Commission; standards for approval.

The Planning Commission shall recommend approval or approval with conditions upon a finding that the proposed ODD complies with all the following standards:

a. The application to rezone, the master development plan and development agreement contain all information required by this ordinance. The applicant shall follow standard procedures for application submission to the Planning Commission. All applicable application fees have been paid; and,

b. The proposed site meets the qualifying conditions for a ODD rezoning; and,

c. The proposed master development plan provides safe and efficient ingress and egress to the site, including access for fire or other emergency vehicles and safe and convenient pedestrian and vehicular circulation; and,

d. The amount and type of traffic generated by the proposed ODD shall not create a substantial detrimental effect on neighboring properties or existing roadways; and,

e. The proposed development is compatible with surrounding uses of land and character of the surrounding area; and,

f. The design and placement of buildings and other structures, parking, lighting, refuse storage, public art, pedestrian pathways and landscaping: 1) ensures compatibility with surrounding properties; 2) ensures compatibility with properties within the proposed ODD; and 3) ensures that the development when viewed from public Rights-Of-Way enhances the character of the surrounding area. Further, the proposed development shall be consistent with the design standards and policies adopted by the Planning Department; and,

g. The uses proposed in the master development plan and development agreement are arranged in a logical relationship to each other and have sufficient buffers to prevent adverse impacts of one (1) use upon another; and,

h. The master development plan and development agreement is designed to the maximum extent feasible to protect the quality of natural topography, vegetation and other natural features of the site adjacent to the *River Rouge Greenway* in the Southfield Tech. Corridor. The development plan shall make appropriate provision for the preservation of floodplains, wetlands, streams and stream banks, hillsides, and other natural resource areas); and,

i. The proposed development shall provide adequate public facilities and services, including streets, utilities, and drainage features to have an adequate capacity to support the proposed uses. As part of a development plan proposal, an applicant may

need to offer to upgrade or otherwise provide adequate facilities to support the proposed intensity of development; and,

j. The proposed development shall be consistent with the Comprehensive Master Plan.

7. City Council review of application to rezone; master development plan and development agreement.

a. The City Council shall be provided with a copy of the Planning Commission's report and recommendation, minutes from the Planning Commission's study sessions, regular meetings and public hearing(s) and all supporting materials.

b. Upon receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing on the application to rezone and approval of the master development plan and development agreement.

c. After the public hearing and review of the Planning Commission reports, recommendation and supporting materials provided, and a finding as to whether the ODD as proposed meets all of the standards as provided in this article, the City Council shall:

Approve, approve with conditions, or deny the application to rezone to ODD, the master development plan and the development agreement. Approval of the development agreement shall include authorizing execution by the Mayor and Clerk pursuant to the City Charter.

8. Effect of approval of rezoning to ODD, approval of master development plan and development agreement.

Following approval by the City Council, the property shall be rezoned to ODD. Once rezoned to ODD, no improvements or construction shall be undertaken within the ODD except in conformity with the approved master development plan; the development agreement and any conditions imposed in connection with the ODD approval shall be recorded with the Oakland County Registry of Deeds.

9. Modification of development agreement.

Changes to the approved master development plan and development

agreement shall require submittal of a revised master development plan and/or development agreement for review and approval as provided by this section.

a. *Minor modifications*. The following minor modifications may be made upon approval of the Planning Director. Such minor modifications shall be provided in writing and upon approval shall be incorporated into the approved master development plan and/or development agreement. Minor modifications include but are not limited to:

i. Up to a ten percent (10%) or 500 sq. ft. increase of the size of residential structures, whichever is smaller, provided there shall be no increase in the number of dwelling units.

ii. Up to a fifteen percent (15%) or 7,500 sq. ft. or increase of the gross floor area of nonresidential buildings, whichever is smaller.

iii. Up to a ten (10) percent alteration of horizontal and vertical elevations of buildings.

iv. Areas designated as “not to be disturbed” or “open space” may be increased in area.

v. Substitution of plant materials included in the landscape plan by similar native types of landscaping on a one-to-one or greater basis.

vi. Improvements to access and circulation systems, such as addition of acceleration/ deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.

vii. Changes in exterior materials, provided that any changes provide in the use of materials are of equal or higher quality than those originally approved.

viii. Rearrangement of parking spaces in a parking lot provided the total number of parking spaces is not changed by more than ten (10) percent and circulation hazards or congestion is not created by the redesign.

If for any reason the Planning Director denies a request for minor modification, an appeal of the denial may be taken to the Planning

Commission for review and recommendation to the City Council of the minor modification. Upon approval of the City Council, such modification shall be included with the approved master development plan and development agreement.

b. *Major modifications*. Any major modification to the approved master development plan or development agreement shall require submittal of a revised master development plan and/or development agreement for review and recommendation by the Planning Commission and final approval of the City Council. Upon final approval, the modification shall be incorporated into the approved master development plan and development agreement. Major modifications include but are not limited to:

i. Addition of uses different from those approved.

ii. For nonresidential development, any increase greater than fifteen percent (15%) or 7,500 sq. ft. in the total square footage of all buildings, or any increase in the height by more than 10 % or number of buildings.

iii. For residential development, any increase greater than ten percent (10%) or 500 sq. ft of the size of structures or increase in the number of dwelling units above the maximum number authorized in the development agreement.

iv. Major realignment of vehicular circulation patterns or change of parking spaces by more than ten (10) percent.

v. Reduction of open space as defined in the development agreement.

vi. Changes in exterior boundaries except survey adjustments.

10. Site plan approval.

Site plan approval is required prior to commencement of any site improvement or construction of buildings within the ODD. Building permits shall not be issued prior to final site plan approval. For a multi-phased project within the ODD, there shall be a separate site plan submitted and approved for each phase of the development prior to the commencement of site improvements for that phase. The City Council shall review the site plan(s) submitted pursuant to this ordinance for compliance with the applicable

ordinances, the master development plan and the development agreement. After reviewing the site plan(s), the City Council may approve the site plan(s), approve with conditions or deny the request(s).

11. Site improvement performance guarantees.

A performance guarantee shall be required as part of ODD approval to assure that the site improvements are completed in compliance with the approved site plan(s), the master development plan, the standards set forth in the development agreement and all applicable ordinances. For a multi-phased ODD, a separate performance guarantee shall be provided for the master improvement phase and for each phase of development. The performance guarantee may consist of a cash deposit, surety bond or letter of credit in a form acceptable to the City Attorney, in an amount not to exceed twenty (20) percent of the projected cost of site improvements. A cash performance guarantee, if applicable, shall be deposited with the City Treasurer. A surety bond or letter of credit shall remain in effect until all site improvements for the applicable site plan are completed. If requested, the City shall rebate a proportional share of any cash deposit, or reduce the amount of performance guarantee required, based on the percentage of work completed on the date of the request, as attested to by the requestor and verified by the City Building Official.

D. Construction

1. Commencement of site improvements.

a. Once the master development plan, development agreement and final site plans are approved, the site improvements shall be commenced within eighteen (18) months after receiving approval of the final engineering plans. If the ODD is a multi-phased ODD, site improvements for any phase of development shall be commenced within two (2) years of receiving final engineering approval for the applicable phase.

b. If the site improvements are not commenced within the applicable eighteen (18) month period, the City Council may extend the time for commencement of site improvements for an additional 12 months upon the applicant requesting an extension prior to the expiration of the eighteen (18) month period and subsequent expiration dates.

c. If the master development plan and development agreement are not implemented within the time periods required due to a failure to commence site improvements, a new application for approval must be submitted and the master development plan and development agreement shall be reviewed and may be revised to take into consideration any changes that may have occurred due to the passage of time.

Reserved.

5.22-4 Signs and Lighting (Amended – Ordinance 1635 – 3/5/15)

(1) Necessary directional or regulatory traffic signs of not more than two (2) square feet (.186 square meters) each shall be permitted.

(2) No moving or flashing parts or lights or devices, or stationary light bands, shall be permitted to surround windows or doors on either the interior or exterior of the building. All incandescent light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be located or directed as to be a hazard to traffic safety.

(3) Lighting that has motion either constantly or at intervals, or gives the impression of motion, characteristics of running, blinking, scintillating, or expanding, contracting or changing light patterns, shall be prohibited.

(4) Nonconforming lighting: Any lighting which was unlawfully installed and maintained prior to the effective date of this Section and which fails to conform to all applicable regulations and restrictions of this Section must be removed or a variance sought from the Zoning Board of Appeals.

(5) Accent lighting on buildings:
   (a) Subdued accent lighting on buildings, such as indirect wall lighting, up lighting, and channelized lighting behind translucent lenses, shall be allowed provided:
      1. The lighting is an integral decorative or architectural feature of the building and not connected or gives the appearance of any connection to the overall signage of the project.
      2. The lighting may not be exposed and used only for back lighting allowing for partial exposure toward the building and not toward the street or adjacent properties.
      3. Approval process in all non-residential zoning districts.

(6) Visible neon and fiber-optic lighting on buildings:
   (a) Visible neon, fiber-optic lighting, and similar lighting on buildings shall be

allowed provided:

1. The lighting is an integral decorative or architectural feature of the building, and is used to accent three-dimensional architectural elements.
2. Is not connected or gives the appearance of any connection to the overall signage of the project.
3. Visible neon, fiber-optic, or similar lighting is permitted on any side of the building not facing residential districts and shall not count toward the maximum allowable sign area, provided:
    a. The lighting does not exceed one (1) linear foot of neon or fiber-optic tube for each linear foot of building façade on the side of the building the tube is being placed upon.
    b. Such lighting in excess of the aforesaid requirements shall be counted toward the project maximum allowable sign area.
    c. Visible neon, fiber-optic, or similar lighting that exceeds the maximum linear footage noted in paragraph "a." above shall be calculated as sign area square footage at a rate of .5 feet times the linear feet of the tube or tubes.
    d. Visible neon, fiber-optic and similar lighting shall be allowed only in the City Centre and downtown development authority areas of the city, and properties immediately adjacent to and along the I-696, M-10 Lodge/Northwestern Highway, Telegraph Road and Southfield Fwy. corridors.
    e. Visible neon, fiber-optic and similar lighting shall be allowed in all non-residential zoning districts.

(7) Decorative lighting used for the celebration of recognized holidays shall be allowed in all zoning districts and is not subject to the above regulations.

(8) Visible neon, fiber-optic lighting, and similar lighting shall be subject to recommendation by the Southfield Downtown Development Authority or the City Centre Advisory Board if located within their districts.

(9) Shall be subject to the provisions of the development agreement if located within an overlay development district.

(10) No such lighting shall exceed a brightness level of .3 foot candles above ambient light as measured using a foot candle (lux) meter at a preset distance. The measurement distance shall be calculated with the following formula:

Example using 1 square foot of lighting:

Measurement distance = $\sqrt{(1 \text{ sq. ft.} \times 100)} = 10$ ft.

Light measurement shall be taken with the meter aimed directly at the lighting , or the

area of the lighting emitting the brightest light.

(11) Maintenance

(a) All signs and accent, visible neon and fiber-optic lighting shall be maintained in good working condition and shall remain fully illuminated, so as not to subject persons or property to any risk of personal injury or property damage. Any sign and accent, visible neon and fiber-optic lighting that is not so maintained at all times shall be termed a nuisance per Section 9.1 of the Southfield City Code and be subject to the penalties provided in Section 9.2, Abatement and paragraph (12) below.

(12) Penalties and enforcement

(a) Any firm, corporation or person who violates any of the provisions of this chapter is responsible for a municipal civil infraction, and shall be subject to such penalties as are provided in Chapter 15, Section 1.703 of the Southfield City Code. Nothing in this paragraph shall be construed to limit the remedies available to the city in the event for a violation by a firm, corporation or person of this Chapter.

5.22-5 Public Art Requirement (Amended – Ordinance 1657 – 4/3/16)

Unless the project is exempt from this requirement pursuant to Sec. 5.22-5 (4) of this section, the site shall be designed and developed to contain public art as defined by Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and in accordance with the following:

(1) A budget for the public art required by this section shall be established based on the allocation of 0.5% of the total project cost up to $12,500 for projects between $1.0 million and $2.5 million dollars, and 1% of the total project cost up to $25,000 for projects in excess of $2.5 million dollars, to be committed to the procurement and display of public art on the site.

(2) The public art shall be a work of art as defined by Sec 1.180 of Chapter 4, Article VI, Title I of the City Code and shall be approved by the City's Public Art Commission in accordance with the definition of public art and the standards set forth in Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and the City Council prior to site plan approval. The approval by the Public Art Commission and City Council shall not be unreasonably withheld.

(3) The total allocation as established pursuant to Sec. 5.22-5 (1) shall be held in the name of the City to be held in the Public Art Fund trust account pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by Sec. 5.22-5 (1). Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result in denial

of a certificate of occupancy. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to the provisions of Sec. 5.206 of this Chapter. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within 30 days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense.

(4) The following projects are exempt from the public art requirements of this section:

(a) Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the Director of Planning, under the particular facts and circumstances of that case as explained in detail by the applicant. The Director of Planning may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the Director of Planning.

(b) Projects where the total project cost is less than $1 million dollars.

(c) Residential projects containing fewer than 4 residential units.

(d) Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount required in Sec. 5.22-5 (1) of this paragraph to the public art fund as established pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I of the City Code or donates a "work of art" to the fund that is approved by the Public Art Commission and is of equal value to the requirements established in Sec. 5.22-5 (1) of this Section.

(e) Projects that are renovations of existing buildings where the total project cost is less than $1.0 million.

(5) A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to Sec. 5.22-5 (1) of this Section in which case the budget required for public art shall be reduced by a corresponding amount.

5.23 Nonconforming Uses and Nonconforming Lots

(1) Intent

The enactment of this Chapter shall not be deemed to affect, alter, or change any special exception or variance heretofore granted by the appropriate administrative or legislative body of the City of Southfield or by a court of competent jurisdiction upon review of the action of such administrative or legislative body.

(2) Restoration

Nothing in this Chapter shall prevent the restoration of a building destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the effective date of this Chapter or shall prevent the continuance of the use of such buildings or part thereof as such use existing at the time of such impairment of such building or part thereof, provided that said restoration is made within one (1) year from the time of destruction and that the same use is made of the premises.

(3) Repairs and Maintenance

Nothing herein contained shall prevent the strengthening or restoration of any building or wall declared unsafe by the Director of the Department of Building and Safety Engineering hereinafter provided.

(4) Nonconforming Lots

(a) In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. 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 that front, side, and rear yard dimensions, and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located, except that the required total side yards, for lots of record of fifty (50') feet (15.25 meters) or less in width, may be reduced six (6") inches (15.24 centimeters) for each one (1') foot (.305 meters) of lot width less than fifty (50') feet (15.25 meters) regardless of the zone classification of the district in which the lot is located except further, that under no circumstances shall total side yards be less than fifteen (15') feet (4.575 meters) and, in the case of a residential building where a garage is not part of the dwelling, then at least nine (9') feet (2.745 meters) shall be provided for driveway purposes leading to the rear yard. Minimum side yard, in all cases, shall be not less than five (5') feet (1.525 meters).

(b) When two (2) or more nonconforming lots or parts of nonconforming lots are in single ownership at the time of, and subsequent to, passage of this Chapter, they shall be considered an individual parcel for the purposes of this Chapter and must meet minimum lot frontage and lot area requirements of the Chapter. If, however, fifty-one (51%) percent or more of the parcels on both sides of the street, between the nearest cross streets on each side of the subject parcel, are developed and do not meet the minimum lot frontage and lot area requirements, said nonconforming lots may be split, provided the lot frontage and lot area is equal to or greater than the average lot frontage and lot area of the developed parcels on both sides of the street between the nearest cross street on each side of the parcel.

The intent of this Chapter is to protect the health, safety, and welfare of the public by preventing the overcrowding of buildings, by the preservation of light, air and open space, and by maintaining the established character of existing development, and allowing reasonable development of existing nonconforming lots.

5.24 Established Grade

The established grade on all types of homes in the City of Southfield shall be not more than twenty (20") inches (50.8 centimeters) above or below the sidewalk or crown of the road. Special cases, where natural topography has an adverse effect upon drainage and where this provision would serve no good purpose, must have special approval from the Department of Building and Safety Engineering, said approval shall be conditioned upon a determination by the Department of Building and Safety Engineering that the proposed grade will not be injurious to the adjacent properties.

5.25 Moving of Structures

All structures or parts of structures to be moved within or into the City of Southfield shall require approval from the Board of Appeals. Said approval shall be based upon a finding that the structure or part of a structure will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Chapter.

5.26 Automobile Trailer Camp

No new automobile trailer camps or tourist cabins shall be established subsequent to the effective date of this Chapter and automobile trailers, tourist cabins, similar portable dwellings or tents shall not be permitted to be used or occupied as dwellings except when located in, and as a part of, such trailer camps or tourist cabin business enterprises as shall have been established, and in operation, at the time of the effective date of this Chapter.

5.27 Unlicensed Motor Vehicles (Amended – Ordinance 1544 – 5/24/07) (Amended – Ordinance 1648 – 12/27/15)

No unlicensed motor vehicle or disabled motor vehicle shall be kept on any property for a period of more than seven (7) days except on industrially zoned (I-1) property or entirely within a building. Unlicensed motor vehicles or disabled motor vehicles shall be permitted on industrially zoned (I-1) properties only if kept within an enclosed fenced

area screened from view from adjacent properties or kept entirely within a building. "Unlicensed motor vehicle" is a motor vehicle not displaying a proper, current license plate or proof of registration pursuant to the Michigan State Motor Vehicle Code which is Act 300 of the Public Acts of 1949, as amended, being M.C.L. 257.1 et seq. "Disabled motor vehicle" means motor vehicle that is inoperable by reason of dismantling, disrepair or other causes, or otherwise incapable of being propelled under its own power.

5.28 Outside Storage (Amended - Ordinance 1664 – 9/11/16)

(1) Outside storage shall be permitted only in the Industrial (I-1) District.
(2) Outside storage areas shall be enclosed with a completely obscuring fence or solid masonry wall at least six (6) feet in height and may be constructed up to ten (10) feet in height on a case by case basis on those sides where abutting, adjacent to, or within fifty (50) feet of residential districts or where visible from any existing or proposed street rights-of-way.
(3) Required screening devices are to be in accordance with Section 5.35 Wall, Brick Facing or Section 5.37-1 Fence Regulations, Article 4 General Provisions of this Chapter.
(4) Outside storage materials may not exceed one (1') foot below the height of the required screening device. This height limitation does not apply to operable and licensed vehicles and trailers.
(5) Outside storage areas must be set back at least twenty (20) feet from any existing or proposed street Rights-of-Way and must not impede or encroach into required parking spaces or minimum driveway widths.

5.29 Off-Street Parking Provisions
Parking and Loading. Off-street vehicular parking, in conjunction with the requirements for all land or building uses, shall be provided in accordance with the provisions of this Chapter, prior to the issuance of a certificate of occupancy as herein prescribed:

(1) The required off-street parking area shall be for occupants, employees, visitors, patrons and shall be limited in use to passenger vehicles not exceeding a net weight of three (3) tons (2.7210 metric tons) and shall be for periods of less than forty-eight (48) hours. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in said area.

(2) Whenever a building or use requiring off-street parking is increased in floor area or any other determining unit of measure and such building or use does exist on the effective date of this Chapter, the minimum number of parking spaces required shall be based upon the entire building or use, including the addition.

(3) Required off-street parking for other than residential use shall be either on the same lot or within three hundred (300') feet (91.5 meters) of the building or use it is intended to serve, measured without crossing a major thoroughfare, from the nearest point of the building or use to the nearest point of the required off-street parking facility. The principal use shall be permitted to continue only so long as

the off-street requirements of this Chapter are complied with as set forth in Section 5.30. However, in the DDA and City Centre Districts this distance may be increased to five hundred (500') feet. (Amended – Ordinance 1641 – 5/31/15)

(4) Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

(5) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in nature.

(6) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

(7) Off-street parking existing at the effective date of this Chapter, 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, without administrative or site plan approval. (Amended – Ordinance 1641 – 5/31/15)

(8) Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for each individual use, computed separately.

(9) In cases of dual functioning of off-street parking where operating hours do not overlap, the Board of Appeals may grant a temporary modification of the requirements.

(10) Where lighting facilities are provided, they shall be so arranged as to reflect the light away from the adjacent residential districts.

(11) For buildings or land containing more than one (1) use as designated in Section 5.30, the total parking requirement shall be determined to be the sum of the requirements for each use.

(12) Bike Racks and Bike Parking Credit: To promote non-motorized transit and to reduce impervious surfaces, the City is encouraging alternate means of transportation. The lack of a secure bike parking space keeps many people from using their bikes, thus a minimum of 4 bicycle parking spaces shall be provided for each non-residential and multi-family development.

For every bike rack which accommodates four (4) bicycles, one off-street parking space, up to a maximum of five (5%) percent of the total required parking may be credited by the City Planner. Bicycle parking racks shall be located close to the building entrance, and shall be separated from vehicle parking areas to minimize motor vehicle damage to bicycles. Bicycle racks shall be securely anchored to the

supporting surface, and shall be at least three (3) feet in height and able to support a locked bicycle in an upright position. Additional accommodations for bicyclists that may be considered & include, but are not limited to: bicycle lockers, employee shower facilities and dressing areas for employees.
(Amended: Ordinance No. 1587- 11/6/2011)

(13) A pedestrian connection/pathway shall be installed from the public sidewalk or pathway system to the main entrance of a building. (Amended – Ordinance 1641 – 5/31/15)

(14) All adjacent transit stops shall be designed as an integral part of the development project, with direct access to the bus stop/shelter or waiting area from the development site, including public pathways. Additional pedestrian amenities, including benches, trash receptacles, shelters, etc. may be required depending on the transit usage of each stop. The transit stop shall be maintained by the developer for the life of the development project. (Amended – Ordinance 1641 – 5/31/15)

(15) Snow storage: a snow removal plan shall be submitted or adequate on-site snow storage shall be provided that does not impede on the minimum required parking spaces. Storage of accumulated snow shall not obscure site lines or cause traffic blind spots. (Amended – Ordinance 1641 – 5/31/15)

(16) It is the intent of this section to meet the reasonable parking needs of each development while increasing green space and minimizing excessive areas of pavement, which reduces aesthetic standards and contributes to the high rates of storm water runoff. Thus, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the City. In granting such additional parking space, the City shall determine that such parking will be required based on a parking study or other documented evidence to accommodate the use on a typical day. (Amended – Ordinance 1641 – 5/31/15)

Sect. 5.30 Off-Street Parking Requirements

The minimum number of off-street parking spaces shall be determined in accordance with the following table:

Table 5.30: Off-Street Parking Requirements (Amended – Ordinance 1641 – 5/31/15)

Use	# of Parking Spaces	Per Each Unit of Measure as Follows:
Assembly: (Auditoriums, stadiums, religious institutions, theatres, private clubs, fraternities, exhibition halls, etc.)	1.0	Per 3 Seats/Occupancy or 6 ft. of pew /bench + Accessory uses
Banks & Financial Institutions:	3.0	Per teller window & ATM (indoor & out)plus
with Drive Thru	5.0	Per stacking spaces for first drive thru station (min. 160 linear ft. for 2 or more)
Industrial: Storage/Warehousing; Industrial establishments, including manufacturing, research and testing, laboratories, creameries, bottling works, printing, plumbing, or electrical workshops	1.5	Per1,000 S.F. G.F.A. or Per employees maximum shift, whichever is greater;
Office: (General) Professional Computer Processing	4.0 1.0	Per 1,000 S.F. G.F.A. 500 S.F. U.F.A.
Medical (doctors, dentist, or similar) Hospitals Convalescent	5.0 1.0 1.0	Per 1,000 S.F. GFA /1 bed /2 beds Plus 4.0 stacking spaces for drive through pharmacy
Personal Service: Barber Shop Beauty Parlor	 2.0 1.0	 Per chair/stations + Per employee
Residential:		
Assisted Living/Elderly/ Congregate	0.5	Per bed/unit, plus 1 space/2 employees @ max. shift

Use	# of Parking Spaces	Per Each Unit of Measure as Follows:
Multi-Family	1.5	Dwelling Unit (2 beds or less); 2.0 D.U. (3 beds or more), plus 1/employee max. shift
Single/Two Family	2.0	Per Dwelling Unit
Hotel/Motel	1.3	Per unit plus applicable accessory uses
Restaurants:		
Fast Food/High Volume (incl. drive through coffee shops)	1.0 1.0	Per 100 s. f. GLA or Per 4 seats, whichever is greater
with Drive Thru/Drive-ins		Plus required stacking (B)
dining room/banquet	1.0	Per 100 s. f. GLA or Per 4 seats, whichever is greater
bar/lounge	1.0	Per 100 s. f. GLA or Per 4 seats, whichever is greater
carry out	1.0	Per 100 s. f. GLA or Per 4 seats, whichever is greater
Retail/Commercial: (incl. A.F.S./ pawn shops, Smoking Lounge) Furniture, Appliance & Similar (household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, clothing and shoe repair and laundry, motor vehicle sales showroom	4.0 1.0	Per 1,000 S.F. GFA Per 800 S.F. U.F.A.
Convenience Center (less than 30,000 S.F.)	4.0	Per 1,000 S.F. GFA(a)
Neighborhood Center (30,000-250,000 S.F.)	4.0	Per 1,000 S.F. GLA(a)
Community/ Lifestyle Center (250,000-600,000 S.F.)	4.25	Per 1,000 S.F. GLA(a)
Regional Center (600,000-1,000,000+ S.F.)	4.5	Per 1,000 S.F. GLA(a)

Use	# of Parking Spaces	Per Each Unit of Measure as Follows:
Car Wash	6.0	Per stacking approach lane (min. 140 L.F. for 2 or more) + 1/employee
Gas Filling	1.0 2.0	Per pump+1/Employee +other uses Per Service Bay
Gas Service	1.0 2.0	Per pump+1/Employee +other uses Per Service Bay
Recreation: Including the following:	1.0	Per 4 Occupants/Capacity/Seats + 1/Employee (F)
Arcade		"
Bowling Alleys		"
Courts		"
Dance		"
Health & Fitness		"
Indoor Recreation		"
Skating Rink		"
Schools:		
Child Care Centers	1.0	1.0/Employee + Sufficient Space for Parent Parking (1/180 GSF)/Drop-Off
Elementary & Junior	2.0	Per Classroom + assembly(c)
High School	4.0	Per Classroom + assembly(d)
Colleges/Universities		1/5 students based upon max. # of students at any one time, plus 1 Per 2 faculty/Employees (D & E)
Misc. Uses:		Per I.T.E. (G)or Best practice (H)
Outdoor Dining Seating (30 seats or less)		On "weather Permitting basis" no additional parking required (I)
Emergency Shelter for the Homeless	1.0	/3 Beds
Soup Kitchen	1.0	/3 Seats

(A) Figures are for center w/less than 20% of GLA devoted to restaurants, entertainment and cinema space. If these uses constitute more than 20% of GLA, then shared parking methodology is recommended for computation.
(B) Measured from the transaction (pay) window. The first transaction window shall have a minimum of 8 spaces and two or more ordering stations shall have a minimum of 240 linear feet of stacking. Stacking spaces shall be a minimum of nine feet wide and twenty feet in length, shall not extend onto any public street, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.
(C) Additional Bike Parking shall be provided for 10% of students
(D) Additional Bike Parking shall be provided for 6% of students
(E) Additional parking may be required if determined necessary for assembly & dormitory (2/unit)

(F) Additional Bike Parking shall be provided for 12% of required vehicular parking Spaces

(G) Institute of Traffic Engineers (I.T.E.)

(H) For uses not listed, the City Planner or planning Commission shall make a determination of the minimum required parking or stacking space, based upon review of information submitted by the applicant, city staff, and consultants.

(I) Outdoor dining areas for more than 30 patrons or those that use awnings, roofs, or similar permanent or temporary structures then the following standards apply:

1) If the outdoor seating is 25% or less of the indoor seating capacity, no additional parking is necessary.

2) If the outdoor seating is 26-50% of the indoor seating capacity, then the restaurant may be required to provide up to 125% of the parking required for the indoor space.

3) If the outdoor seating is over 50% of the indoor seating capacity, then the restaurant may be required to provide up to 150% of the parking required for the indoor space.

5.31 Off-Street Parking Space Layout, Standards, Construction, and Maintenance (Amended - Ordinance 1641 – 5/31/15)

Whenever the off-street parking requirements in Section 5.30 require the building of an off-street parking facility or where Vehicular Parking districts are used for parking purposes, such off-street parking lots shall be designed, constructed, and maintained in accordance with the following standards and regulations:

(1) No building, structure, or land shall be erected or used for parking or driveway purposes for more than three (3) required parking spaces unless a site plan therefor has been approved by the City Planner or the Traffic Engineer.

(2) No parking lot shall be constructed without a proper permit issued by the Department of Building and Safety Engineering. Application for a permit shall be submitted to the Department of Building and Safety Engineering in such form as may be determined by the Department of Building and Safety Engineering and shall be accompanied by not less than two (2) sets of site plans for the development of the parking lot showing that the provisions of this Chapter will be fully complied with.

(3) The parking facilities shall be not less than the following minimum requirements. For parking angles falling between those given in the chart, dimensions used will be the larger of the two (2) values bracketing the desired angle.

English System

Angle of Parking Space in Degrees	Aisle Width in Feet		Typical Width of Two Tiers of Parking Plus Aisle in Feet				Typical Width of One Tier of Parking Plus Aisle in Feet	
			Wall to Wall		Cen. to Cen.		Wall to Wall	Cen. to Cen
	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way
90	22*	**24***	**60**	60	62	62	42	42
80	21	22	63.5	64.5	62	63	42.5	41.5
70	20	22	64	66	61	63	42	40.5
60	18	22	61.5	65.5	57	61	40	37.5
50	15	22	57.5	64.5	51.5	58.5	36	33.5
45	15	22	56	63	50	57	35.5	32.5
40	15	22	54.5	61.5	48	55	35	31.5
30	15	22	50.5	57.5	43	50	33	29
20	15	22	45.5	52.5	37	44	30.5	26
Parallel	15	22	33	40	33	40	24	24

Metric System

Angle of Parking Space in Degrees	Aisle Width in Feet		Typical Width of Two Tiers of Parking Plus Aisle in Feet				Typical Width of One Tier of Parking Plus Aisle in Feet	
			Wall to Wall		Cen. to Cen.		Wall to Wall	Cen. to Cen
	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way	1-Way	2-Way
90	6.71*	**7.3***	**18.29**	**18.29**	18.90	18.90	12.80	12.80
80	6.40	6.71	19.35	19.66	18.90	19.20	12.95	12.69
70	6.10	6.71	19.51	20.12	18.59	19.20	12.80	12.34
60	5.49	6.71	18.75	19.96	17.37	18.59	12.19	11.43
50	4.57	6.71	17.53	19.66	15.70	17.83	10.97	10.21
45	4.57	6.71	17.07	19.20	15.24	17.37	10.82	9.91
40	4.57	6.71	16.61	18.75	14.63	16.76	10.67	9.60
30	4.57	6.71	15.39	17.53	13.11	15.24	10.06	8.84
20	4.57	6.71	13.87	16.00	11.28	13.41	9.30	7.92
Parallel	4.57	6.71	10.06	12.19	10.06	12.19	7.32	7.32

*The required aisle width may be reduced by not more than four (4') feet (1.22 meters) provided that the width of each parking space shall be increased by a dimension not less than the reduction of the aisle width for that portion of the parking area so reduced.

(4) Except for parallel parking, all parking spaces shall be clearly striped with double lines twenty-four (24") inches (60.96 centimeters) apart to facilitate movement and to help maintain an orderly parking arrangement.

(5) Where parking abuts a sidewalk or other pavement five (5') foot (1.525 meters) minimum width, two (2') feet (.61 meters) may be credited toward the total required parking space dimension (except for parallel parking).

(6) All parking spaces shall be nine (9') feet (2.745 meters) in width, center to center, and eighteen (18') feet in length.

(7) Barrier Free parking shall meet the requirements of the State adopted Michigan Building Code and its referenced standards, as amended. It is the intent of this section that an integrated and connected accessible route be provided from the Barrier Free parking space(s) to the accessible building entrance, including the access aisles(s), accessible route(s) and accessible entrance(s). Thus, access aisles shall adjoin an accessible route which shall not be within the vehicular driveways, excepting designated crosswalks. (Amended – Ordinance 1641 – 5/31/15)

(8) Parking Space Size Option. The intent of this provision is to allow for a reduction in the hard-surfaced area for the parking of automobiles and an increase in the landscaped open space of a site. To accomplish this goal while still maintaining the required number of parking spaces for the uses on the site, the City may permit a reduction in the size of parking spaces and aisle width to accommodate compact automobiles. While this option may be applied anywhere in the City, its primary use will be in areas where the majority of automobiles are expected to be parked for periods exceeding four (4) hours. (Amended - Ordinance 1072 - 11/9/81)

(a) The City Council may, after final approval of a site plan, permit a reduction in the standard size of up to twenty-five (25%) percent of the parking spaces provided on a site. These spaces shall be restricted to the parking of compact automobiles and signs designating such parking for the use of compact automobiles only shall be provided and shall be placed at the entrance of each aisle providing compact car parking and at the front of each row in the amount of one (1) sign for each five (5) spaces.

(b) The minimum size parking space allowed for compact automobiles shall be seven feet, six (7' 6") inches (2.2875 meters) wide and fifteen (15') feet (4.575 meters) long.

(c) The minimum aisle width allowed for compact automobiles shall be fifteen (15') feet (4.575 meters) wide for one-way traffic and twenty (20') feet (6.1 meters) wide for two-way traffic. In instances where compact and full-size automobiles use the same aisle, the minimum aisle width shall be based on the

aisle width specified in Section 5.31, Paragraph (3) herein.

(d) Parking spaces and aisles for compact automobiles shall be designed in such a way that they may be restriped for larger spaces if the need for such larger spaces is determined by the City and/or the owner of the property.

(e) Landscaped open area equal in area to the amount of hard-surfaced parking area eliminated by the application of this option must be provided on the site. Suggested plant materials are listed in Section 5.38 and may be utilized in the formation of a landscape plan. This landscaped open space shall be designed in such a way that it may be hard-surfaced and used for parking if the need for such additional parking is determined by the City and/or the owner of the property.

(f) Review by the City Council shall take into consideration the following items:

-Traffic and parking layout in the site.
-Location and distribution of spaces on the site.
-Improved landscaping potential of the site.
-Type of business and estimated length of parking.
-The availability of decks or parking structures.
-Any other features which may be unique to a particular site.

(9) Parallel parking spaces shall be twenty (20') feet (6.1 meters) in length with a six (6') foot (1.83 meters) maneuvering space for each two (2) parking spaces.

(10) All parking lots shall have clearly limited and defined access from roadways and shall not be less than twenty-four (24') feet (7.32 meters) in width at the right-of-way line. Interior driveways shall also be clearly defined and not less than fifteen (15') feet (4.575 meters) wide for one-way and twenty-four (24') feet (7.3 meters) wide for two-way traffic. (Amended – Ordinance 1641 – 5/31/15)

(11) All parking spaces shall have access from an aisle on the site. Backing directly onto a street shall be prohibited.

(12) Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use or parking lot.

(13) The Traffic Engineer or City Planner may require the posting of such traffic control signs as he deems necessary to promote vehicular and pedestrian safety.

(14) Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, fence or buffer strips, upon

any building adjacent to the parking lot, or upon any adjacent property.

(15) All lighting used to illuminate any off-street parking area shall be so installed, maintained, and directed as to have no adverse effect upon adjacent properties.

(16) The surface of the parking lot, all drives, and aisles shall be constructed in accordance with Michigan Department of Transportation Standard Specifications, Section 4.11, Aggregate Pavement, Section 4.12, Bituminous Concrete Pavement, or Section 4.13, Concrete Pavement.

(17) In order to insure pedestrian safety, sidewalks, of not less than five (5') feet (1.525 meters) in width, may be required to separate any driveway or parking area from a building.

(18) Sidewalks, not less than five (5') feet (1.525 meters) in width, shall be constructed one (1') foot (.305 meters) inside the right-of-way line of all abutting streets. However, a wider pathway (i.e. 8-10 ft. wide) may be required along designated routes pursuant to the Southfield Non-Motorized Pathway & Public Transit Plan (and Sub-Area Plans), as amended. (Amended – Ordinance 1641 – 5/31/15)

(19) All interior and abutting streets shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the traffic plan for such sufficient width of rights-of-way. The right-of-way provided to satisfy this condition shall conform with the right-of-way standards as provided in Chapter 47 of the City Code.

(20) Where access to the off-street parking facility is onto an unpaved street, provisions shall be made for paving one-half (1/2) of the street abutting the length of the property in accordance with the standards set by Chapter 47 of the City Code. Such provisions shall consist of a cash deposit, letter of credit, or corporate surety bond in an amount equal to the estimated assessable cost of said improvement in accordance with the standard policy of the City of Southfield. Said money, letter of credit, or corporate surety bond shall be returned after three (3) years if the improvement is not carried out.

(21) Landscaping:

(a) Landscaping Requirements. For those uses requiring greater than twenty (20) parking spaces, there must be a minimum of twenty-five (25) square feet (2.325 square meters) of landscaping for each space in excess of twenty (20) spaces required. For those parking lots with between twenty-one (21) and twenty-nine (29) spaces, a minimum of two hundred (200) square feet (18.6 square meters) of landscaping must be provided.

With the exception of the RC, Regional Center District which has detailed landscaping provisions, this parking lot requirement is exclusive of any yard and other landscaping requirement within a given zone.

Parking lot landscaping shall be no less than five (5') feet (1.525 meters) in any single dimension and no less than one hundred and fifty (150) square feet (13.95 square meters) in any single area and shall be protected from parking areas with curbing, fencing, or other permanent means to prevent automobile encroachment onto the landscape areas. Areas less than these minimum requirements will not be considered as part of the landscaping requirements.

(b) Landscape Plan Required. Whenever a use requires more than twenty (20) parking spaces and landscaping is required under the terms of this Chapter, a landscaping plan shall be submitted to the City Planner or his designated representative. The landscape plan shall include an itemized plant materials schedule with botanical and common names of materials, sizes, and quantities. The arrangement of this landscaping is to be done in such a manner as to contribute significantly to safe circulation, visual orientation, storm water management, low impact design, and other positive environmental factors.

Further, it is the intent of this section to physically separate pedestrian and vehicular traffic and to visually screen the front bumpers of cars from views of the public Rights-of-Way. Thus, a 30 inch high hedge, shrubs, ornamental fence, or combination thereof with adequate pedestrian access shall be installed between parking spaces and Rights-of-Way.

The principles of Crime Prevention through Environmental Design (CPTED) shall be followed. (Amended – Ordinance 1641 – 5/31/15)

Buffer strip requirements and suggested plant materials are listed in Section 5.38 and may be utilized in the formulation of landscape plans.

(c) Maintenance. The owner of landscaping required by this Section shall perpetually maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All diseased and/or dead material shall be removed within sixty (60) days following notification and shall be replaced within the next appropriate planting season or within one (1) year, whichever comes first.

In the event the owner fails to maintain the landscape area in a neat and orderly manner, free from debris, the City of Southfield may mail to the owner a written notice setting forth the manner in which there has been failure to maintain said property and require that the deficiencies of maintenance be

cured within thirty (30) days from date of said notice. If the deficiencies set forth in the notice shall not be cured within thirty (30) days, or any extension thereof granted by the City of Southfield, the City of Southfield shall have a right to enter upon such property and correct such deficiencies and the cost thereof shall be charged, assessed, and collected pursuant to Section 1.13 of the Southfield City Code.

(d) Existing Plant Materials. In instances where healthy plant materials exist on a site prior to its development, the City Planner, or his designated representative, may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this Section.

5.32 Off-Street Loading and Unloading

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

All such loading and unloading areas, including all access drives, shall be paved in accordance with Section 5.31, Sub-Section 16, and shall be in addition to the required off-street parking area requirements.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10') feet (3.05 meters) by forty (40') feet (12.2 meters) with a fourteen (14') foot (4.27 meters) height clearance and shall be provided according to the following table:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 to 3,000 (279.0000 square meters)	None
3,000 to 20,000 (1,860.0000 square meters)	One (1) space
20,000 to 100,000 (9,300.0000 square meters)	One (1) space plus one (1) space for each 20,000 square feet (1,860 square meters) of excess over 20,000 square feet

	(1,860 square meters)
100,000 to 500,000 (46,500.0000 square meters)	Five (5) spaces plus one (1) space for each 40,000 square feet (3,720 square meters) of excess over 100,000 square feet (9,300 square meters)
Over 500,000 (Over 46,500.0000 square meters)	Fifteen (15) spaces plus one (1) space for each 80,000 square feet (7,440 square meters) of excess over 500,000 square feet (46,500 square meters)

No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face on any street or proposed street, except where such areas are obscured, from such street, with a solid masonry wall not less than six (6') feet (1.83 meters) in height.

5.33 Wall Requirements and Screening Devices

Boundary Line Lots: An unpierced masonry wall shall be provided in nonresidential districts where adjacent to, or across a street or alley from, residential districts in accordance with the following:

(1) Where a nonresidential district is separated by a street from the front yard of lots in a residential district, there shall be provided an unpierced masonry wall set back twenty (20') feet (6.1 meters) from the street separating such residential and nonresidential districts before said nonresidential district property, within fifty (50') feet (15.25 meters) of said street (or alley), is used for nonresidential purposes.

(2) Where a nonresidential district is separated by a street or alley from a side or rear yard of lots in a residential district, there shall be provided an unpierced masonry wall in such nonresidential district where contiguous to the street separating such residential and nonresidential districts before said nonresidential district property, within fifty (50') feet (15.25 meters) of said street (or alley), is used for nonresidential purposes.

(3) Where a nonresidential district abuts, without being separated by a street or alley, a residential district, there shall be provided an unpierced masonry wall in such nonresidential district where contiguous to the residential district before said nonresidential district property, within fifty (50') feet (15.25 meters) of said residential property, is used for nonresidential purposes.

Where any wall, as required above, would be located within twenty-five (25') feet (7.625 meters) of a street intersection, the wall shall be angled or off-set in such manner so as to comply with the corner clearance provisions of Section 5.46.

(4) Enclosure of Appliances or Accessories In all zone districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other such appliance or apparatus, other than flag poles, chimneys for carrying products of combustion and radio antenna towers, shall be enclosed within opaque walls not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance. However, if the screening device is mounted on the top of the parapet or other part of the building facade which extends above the roof surface, the height of the parapet or part of the building facade may be included as part of the height of the screening device as long as the sum total of the height of the parapet or other part of the building facade extending above the roof surface and the screening device is equal to the height of the highest appliance. Such walls may be louvered to permit passage of air for cross ventilation, but shall be adequate to totally screen such equipment from view. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

5.34 Wall Height

Wherever in this Chapter an unpierced masonry wall is required, the wall shall be erected to a height of not less than six (6') feet (1.83 meters) and not more than eight (8') feet (2.44 meters), measured from the average surface within the adjacent thirty (30') feet (9.15 meters) of the nonresidentially zoned property.

5.35 Wall, Brick Facing

Wherever in this Chapter an unpierced masonry wall is required:

(1) The wall shall be faced with brick on the side facing the residentially zoned property. The brick facing is necessary to reduce the possibility of any adverse effects upon the residentially zoned property that may be caused by the development of the nonresidentially zoned property.

(2) Whenever an unpierced masonry wall is required to be constructed, such wall shall be constructed prior to the backfilling of any foundation or prior to any construction that extends above the foundation wall, whichever first occurs, in order to preserve the residential character and livability of the adjacent residential properties during the time of construction when the noise, dust and hazards from construction equipment are most obnoxious to residential properties.

5.36 Wall Modification

Wherever in this Chapter an unpierced masonry wall, six (6') feet (1.83 meters) in height is

required, any person, commission or council, having site plan review jurisdiction, may reduce the required height or waive the requirement where said wall is required to be erected within forty (40') feet (12.2 meters) of a street right-of-way and that such person, commission or council finds that the construction of said wall, as required, would constitute a traffic hazard. (Amended - Ordinance 1261 - 2/27/89)

5.37 Wall Substitution

Wherever in this Chapter an unpierced masonry wall is required, a buffer strip of not less than ten (10)' feet (3.05 meters) in width or fence or wall may be permitted in lieu of the required unpierced masonry wall upon a finding by the City Council that the buffer strip or fence or wall would provide equal or greater protection to the residential district from any adverse effects from the use of the nonresidential district. (Amended - Ordinance 1262 - 2/27/89)

5.37-1 Fence Regulations (Amended – Ordinance 1598 – 12/23/12)

A. Intent: The intent of this section is to provide reasonable regulations for fence installation while allowing property owners the ability to install a fence for aesthetic, screening, separating or security purposes.

B. Definitions:

1. *Board-on-board fence*: shall mean any fence with alternating vertical boards over horizontal structures that give the fence a finished look on both sides.

Photo 1, Board on Board

2. *Chain-link or cyclone fence:* shall mean any fence that is constructed of some type of woven wire fence, with a minimum 11 ½ gauge in residential districts and a minimum 9 gauge in non-residential districts.

Photo 2, Vinyl Coated Chain Link

3. *Decorative fence:* shall mean any fence no more than 30 inches high and no more than 16 ft in length, which are not intended for the purpose of preventing persons and/or domestic animals, from crawling or passing through the fence, except at established gateways. A *decorative fence* shall

not include a fence constructed of chain link material or any other type of woven fence.

4. *Fence:* shall mean a structure serving as an enclosure, barrier or boundary including but not limited to posts, boards, wire, vinyl or gates.

Photo 1, Decorative Picket Fence

Photo 4, Decorative Split Rail Fence

5. *Fence Height:* The height of the fence will be measured at the *Grade (See F-2).* If the ground is not entirely level, then the grade shall be determined by computing the average elevation of the ground for each linear section of fence and taking the average of said total averages.

6. *Lattice:* shall mean an open framework made of strips of wood or similar material overlapped or overlaid in a regular crisscross or decorative pattern. Lattice sections may not exceed one foot in height and shall not exceed 50 % (percent) coverage of open viewing.

Photo 3, Lattice Top

7. *Living Fence or Landscape Fence*: A living fence or landscape fence includes a row of shrubs, hedgerows, landscape berms or similar for the purpose of enclosure, screening, or restricting the passage of air, noise or light; but shall not impede surrounding line of sight or corner clearance (clear vision zones).

Photo 4, Living Fence

8. *Ornamental fence:* Wrought iron, tubular aluminum or similar *ornamental fence*.

Photo 5, Ornamental Fence

9. *Picket fence:* shall mean any fence with in-line boards no larger than one inch x three inches with gaps equal to the width of the boards.

Photo 6, Picket Fence

10. *Privacy screen:* shall mean a sight-obscuring fence, erected adjacent to or around a selected use or area (such as a patio, deck, courtyard or swimming pool), designed to screen the area behind it from observation by persons outside its perimeter.

11. *Semi-privacy fence*: shall mean a fence designed and intended to be sight-obscuring, such as a *Board-on-Board fence.*

Photo 7, Vinyl Fence Privacy Screen

12. *Shadow-box fence*: see *Board-on-Board fence*.

13. *Solid fence*: Any fence that presents a solid surface without any gaps in materials.

14. *Wall*: See wall requirements Sections 5.33-5.37

C. Standards for Approval:

1. Residential Districts: Residential fences (R-A, R-1, R-2, R-3, R-4, & R-E) are subject to an application to the Building Department and the following requirements:

(a) Front Yard: Not permitted, unless it meets the definition of *Decorative Fence* or *Living Fence*.

(b) Side Yard: Fences, not exceeding seventy-two inches (72”), shall not extend toward the front of the lot nearer than the front of the house (see F-1).

(c) Rear Yard: Fences shall not exceed seventy-two inches (72”) in the rear yard (see F-1).

(d) Double Frontage Yards: On corner lots where a double front setback is required, and where there is a common rear yard relationship with a lot in the same block, a fence no greater than 72” in height may be installed along the common street line from the side of the house to the rear property line. Clear vision zones shall be maintained for corner lots and adjacent driveways.

(e) Decorative Fencing: Decorative fencing (e.g. split rail, white picket, etc.), which is less than 30” high and less than sixteen feet (16’) in length when erected as part of landscaping does not require a permit (see F-3).

(f) *Living Fences* shall meet the requirements for clear vision triangles.

(g) Permitted Materials: Wood, wrought iron, tubular aluminum, vinyl coated chain link, aluminum, quality vinyl and other approved quality materials. Wood fences shall be pressure treated, painted or stained. Board-on-board, shadow-box and semi-privacy fence styles may include a one foot high lattice top (see Photo 5). Naturally water resistant woods (i.e. teak, redwood, cedar) may be permitted. Vinyl coated chain link fences may be permitted in the rear and side yards.

(h) The finish side of the fence shall face out towards adjacent residential lots and public Rights-of Way.

(i) Prohibited Fences: Stockade, uncoated chain link and slats (i.e. vinyl, aluminum, etc.) inserted into chain link or cyclone fences. Fences shall not contain barb wire, razor wire, electric current or charge of electricity. Exception: Farms, permitted in the Single Family Residence districts (R-A, R-1, R-2, R-3, R-4, R-E), may contain these type fences after approval by the ZBA.

(j) All fences shall be supported from its own structural frame system of posts and rails and not attached, connected, secured or supported by other fencing, trees, etc. in the area. Fences shall be installed in a professional manner and be plumb, straight, and true, and stepped or tapered or cut to follow the contour of the land.

(k) Dog Runs shall be located in the rear and side yards only and shall be consistent with the requirements for residential fences.

(l) Electronic Pet Fence: Refer to Ordinance No. 1576 (Enacted 6/7/10)

2. Non-Residential Districts: Non- residential fences and multi-family residential are subject to the following requirements:
   (a) A permit shall be required prior to the construction of any fence, after Administrative approval is granted by the City Planner. Administrative approval may not be required if the fence is approved as part of a site plan approval.
   (b) Fences, not to exceed six (6) feet in height, may be located within any yard except the minimum front yard setback or the minimum setback of a yard abutting a street. Fences above six (6) feet in height may be requested through the Zoning Board of Appeals. Front yard setback requirements may be waived in the City Centre and DDA districts if O*rnamental Fencing* is installed.
   (c) Chain link fences shall be vinyl coated.
   (d) Barb wire or other pointed materials may be used only in industrially zoned districts provided said material is over seven (7) feet above the ground and any projections at the top shall be over the fence owner's property and shall not overhang onto abutting property (see F-4).

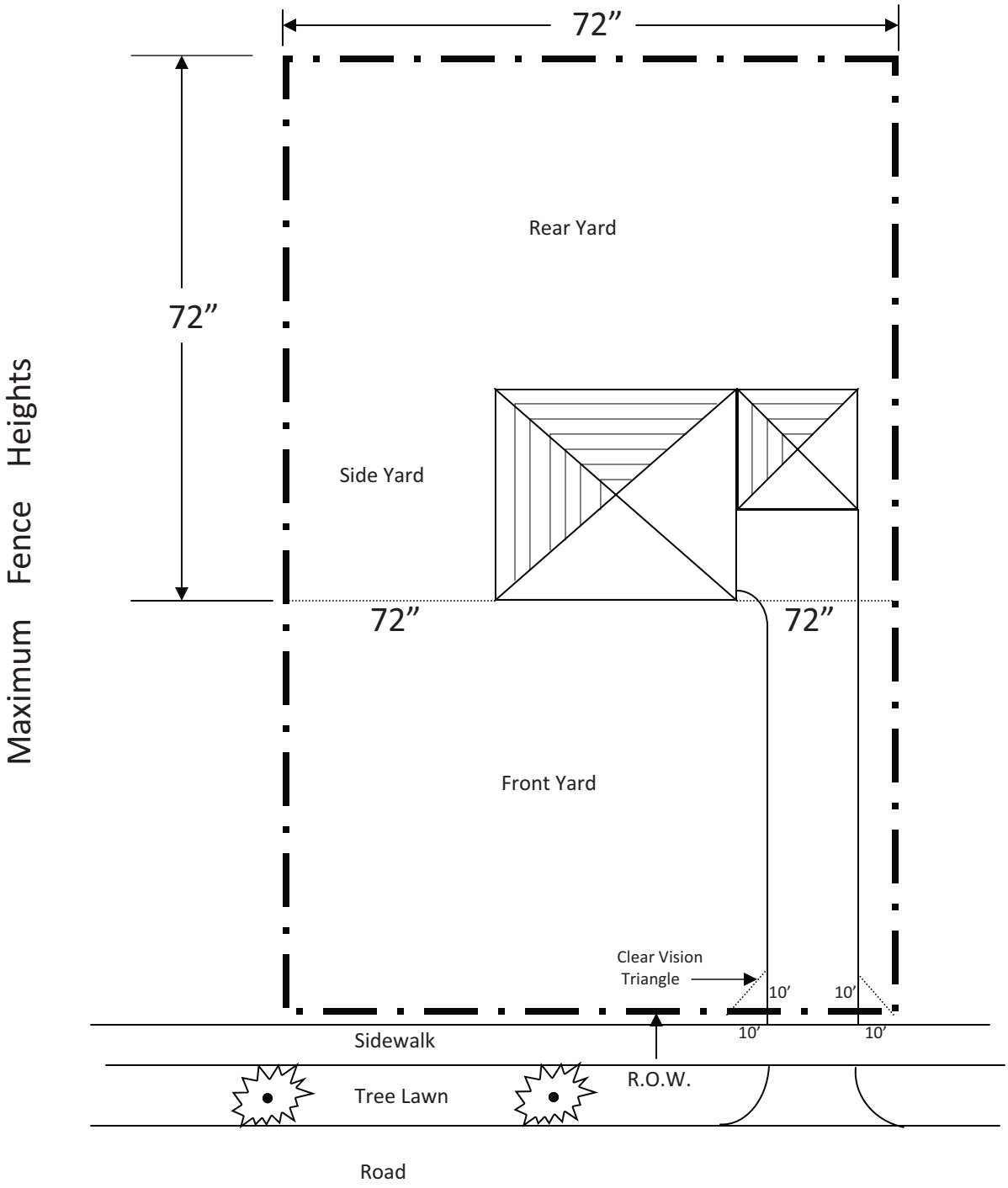
A. Survey: The City may require the owner of the property upon which a fence is to be constructed to establish property lines upon said property through the placing of permanent stakes by a licensed surveyor. Such property lines shall be established before such fence is erected. A survey may also be required in the event an abutting property owner disputes the permit applicant's determination of a stated property line.

B. Maintenance: All fences shall be maintained in good, safe and stable condition in accordance with local ordinances and codes. Rotten, broken or missing components shall be replaced or repaired immediately. Fences shall be made from naturally water resistant material or be pressure treated, stained, painted, or vinyl coated and kept in a good aesthetic condition.

C. For pool enclosures and construction fencing see the Michigan Residential Code and/or the Michigan Building Code.

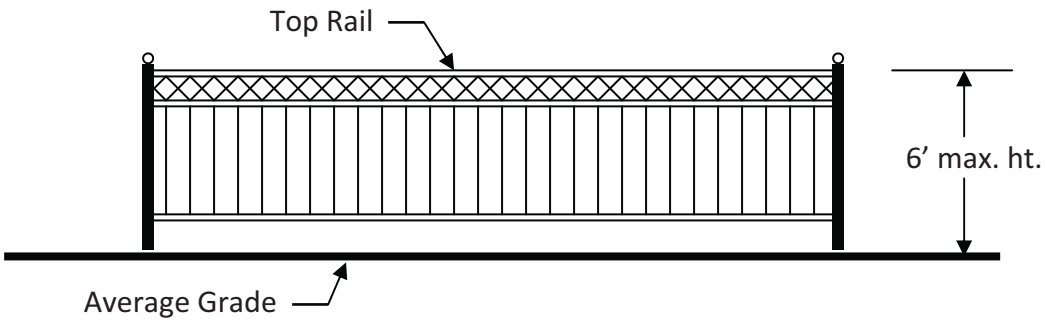
F-1, RESIDENTIAL REAR & SIDE YARD FENCE REGULATIONS

CITY OF SOUTHFIELD, MI



F-2, How To Measure The Height Of Fence

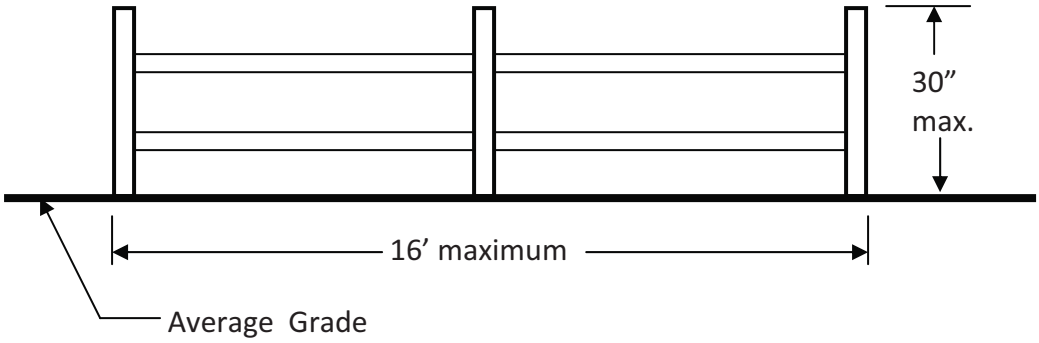
Not to Scale

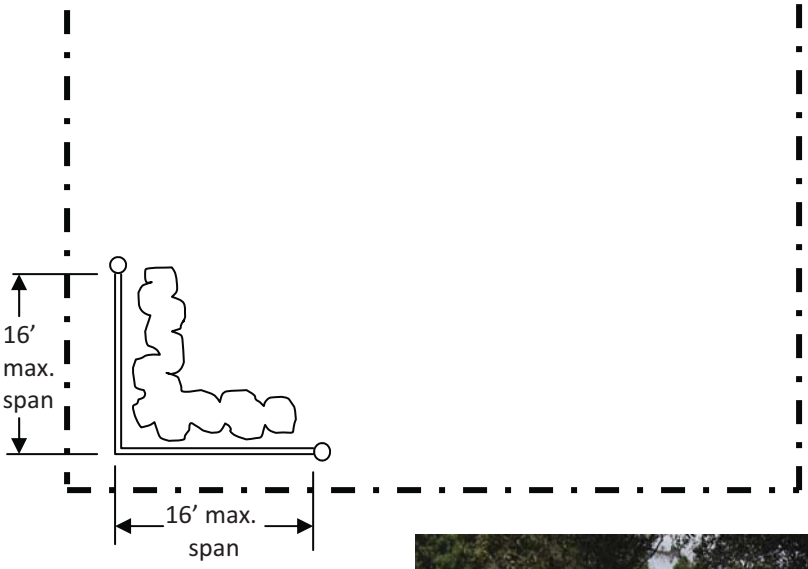


F-3, Maximum Span Between Posts

Decorative Fencing

Not to Scale

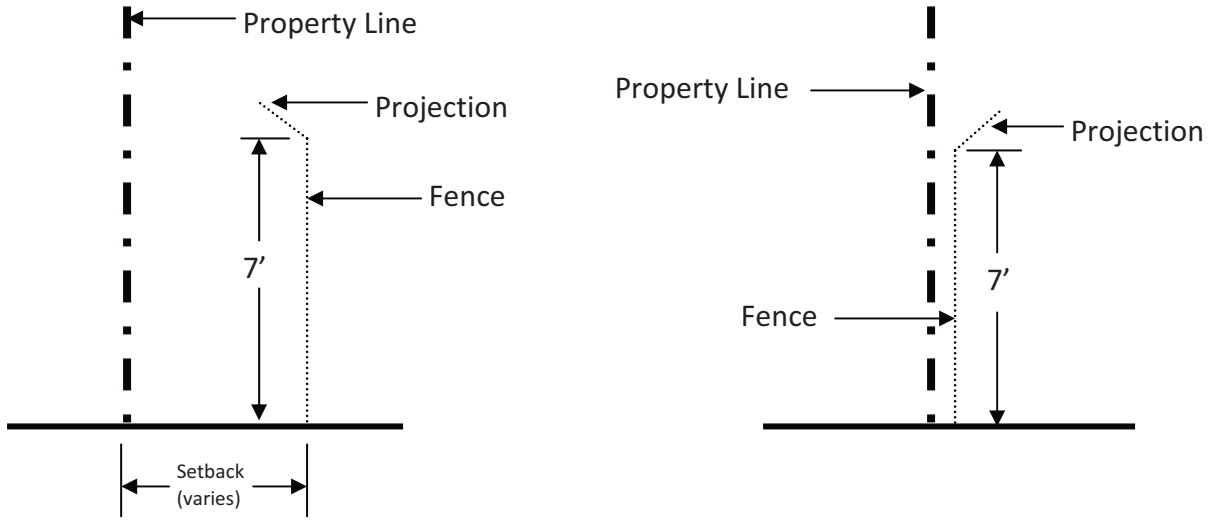




Plan View

F-4, Barbed Wire or Razor Fence Detail

Not to Scale



Barb wire or other pointed materials may be used provided said material is over seven (7) feet above ground and any projections at the top shall be over the fence owner's property and shall not overhang onto abutting property.

5.38 Landscape Requirements and Plant Materials; Buffer Strip, Parking Lot, and Right-of-Way Planting

Whenever in this Chapter landscaping treatment is required, it shall be in accordance with the specific use as mentioned in this Section. All plant materials will be installed within six (6) months of the date of issuance of a temporary certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the City Clerk to insure project completion. All installations of plant materials shall be in accordance with the general planting specifications as set forth by the City of Southfield Parks and Recreation Department. Further, a landscape plan shall be submitted to the Southfield Planning Department for review and approval prior to the installation of any required landscaping. Included on this landscape plan shall be: scale; north arrow; all permanent structures; names of all plant materials to be installed, both scientific and common; size and quantity of plant materials to be installed; existing plants on the site; ground cover to be used; hard-surfacing; other landscape materials as defined by this Chapter; and name, address, and telephone number of the landscape designer.

(1) Buffer Strip Planting Whenever a buffer strip is required or permitted, it will be installed so as to provide, within a reasonable time, an effective barrier to vision, light, physical encroachment, and sound. Reasonable maintenance will be required to insure its permanent effectiveness. Specific planting requirements are:

(a) The planting strip will be no less than ten (10') feet (3.05 meters) in width.

(b) Plant materials shall not be placed closer than four (4') feet (1.22 meters) from the property line.

(c) A minimum of one (1) evergreen tree shall be planted at ten (10') foot (3.05 meters) intervals.

(d) A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreens.

(e) Suggested plant materials:

1. Evergreen

Juniper Red Cedar American Arborvitae Pyramidal Arborvitae Columnar Juniper Irish Juniper	All plantings shall be a minimum of 3' (.915 meters) to 4' (1.22 meters) in height with an average spread of 21" (53.34 centimeters) to 30" (76.2 centimeters)

2. Shrub Type

Flowering Crabs Russian Olive Smoke Bush Clump Birch Mountain Ash Dogwood Red Bud Rose of Sharon	All single stem tree like plantings shall be a minimum of 1-3/4" (4.445 centimeters) to 2" (5.08 centimeters) caliper when installed
Honeysuckle Viburnum Mockorange Tall Hedge Holly (Varieties) Forsythia Barberry Ninebark	All deciduous shrubs shall be a minimum height of 2' (.61 meters) to 3' (.915 meters) in height when installed.

(2) Parking Lot Plantings

Whenever this section is applied, the plant materials will be installed in fertile soil with good surface drainage and provided such reasonable maintenance as required to insure their health and permanence. Suggested plant materials are:

(a) Trees

Ash (Marshall Seedless) Birch Linden Locust (Thornless, Seedless varieties only) Maple Oak	All tree plantings shall be a minimum of 2-1/2" (6.35 centimeters) to 3" (7.62 centimeters) caliper at a point on the trunk 6" (15.24 centimeters) above the ground.

(b) Shrubs

Refer to the suggested buffer strip plantings.

(c) Vines

Vines may be planted against screening walls and used as a ground cover. All vines shall have a minimum of three (3) runners, 6" (15.24 centimeters) to 8" (20.32 centimeters) long when installed.

Boston Ivy	Baltic Ivy
Climbing Hydrangea	Pachysandra
English Ivy	Ajuga
Running Euonymus	Periwinkle
Common Moonseed	Cotoneaster

(3) Right-of-Way Planting
The "Master Street Tree Plan" of the City of Southfield Parks and Recreation will be used as the guide for all right-of-way tree planting. Chapter 28, Tree Regulations, of the City Code shall be consulted for all right-of-way plantings.

5.39 Essential Services (Repealed - Ordinance 1342 - 6/8/92)
Essential services shall be permitted as authorized and regulated by law and other ordinances of this City, it being the intention hereof to exempt essential services from the provisions of this Chapter.

5.40 Public Utility Facilities
In all zoning districts, except industrial, public utility facilities and uses (without storage yards), when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity, shall be permitted after review and approval of the site plan and upon a finding by the City Council that the use will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Chapter. (Amended - Ordinance 1263 - 2/27/89)

5.41 Easement Use
Erection of permanent structures on easements for public utilities is prohibited. "Permanent structure" shall mean, and include, a garage or other building (but shall not include a fence, retaining wall, freestanding wall, concrete walk, paving, or any similar object) which will prevent or interfere with the free right or opportunity to use or make the easement accessible for essential services.

5.42 Rear Yard Measurement
Wherever there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of any abutting rear yard required under this Chapter may be made to the centerline of such alley.

5.43 Yard Encroachments
No yard, court, or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court, or other open space for another building existing or intended to exist at the same time.

5.44 Fees
The City Council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to petitioners for amendments to this Chapter and for the review of site plans in accordance with the provisions of this Chapter.

5.45 Nonresidential Setback from Residential
In any nonresidential zoning district, no building or structure shall be located closer to a single family residential district than the height of the building or structure but, in no instance, shall the setback be less than fifteen (15') feet (4.575 meters). Provided, however, where greater setbacks are required by any other provisions of this Chapter, such other provisions shall control the setback requirements.

5.46 Corner Clearance

In order to promote safe movement of vehicles at and near street intersections and in order to promote more adequate protection of the safety of children, pedestrians, property and other vehicles and occupants, no permanent or temporary fence, wall, shrubbery, sign, vehicle, or other construction to vision above a height of three (3') feet (.915 meters) from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance, along each right-of-way line, of twenty-five (25') feet (7.625 meters) from this point of intersection.

5.47 Access to Structures

Every building or structure hereafter erected or moved shall be on a lot abutting a public street or private street or permanent easement not less than thirty (30') feet (9.15 meters) in width.

5.48 Location of Principal Buildings

Except in the case of planned developments where a site plan is approved by the City Council and except for lots used for education or religious institutions, not more than one (1) single family dwelling shall be located on a lot as defined in this Chapter nor shall a single family dwelling be located on the same lot with any other principal building. (This provision shall not be construed to prohibit the lawful division of land.)

5.49 Floodplain Controls

(1) Purpose. It is the purpose of the floodplain controls to apply special regulations to the use of land in those areas of the City which are subject to predictable flooding at frequent intervals and to protect the storage capacity, ground water recharge, and water purification of floodplains and to assure retention of sufficient floodplain area to convey flood flows which can reasonably be expected to occur and to better maintain environmental factors and the proper ecological balance through prohibiting unnecessary encroachments. Such regulations, while permitting reasonable economic use of such properties, will help protect the public health and reduce financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods, and the overflow of lands; reserve such areas for the impoundments of water to better stabilize stream flow; to better maintain the proper ecological balance; and consideration of environmental factors such as open space and aesthetic values. All lands included in such floodplain control district shall be subject to the restrictions imposed herein in addition to the restrictions imposed herein in addition to the restrictions imposed by any other zoning districts in which said lands should be located. The floodplains, as herein defined, are not intended for human habitation, the development of permanent structures, or any use which causes a change in the natural functional drainage grade of the floodplain.

Flood losses are caused by the cumulative effect of obstructions in flood heights and velocities, the occupancy of the floodplain areas by uses vulnerable to floods, or hazardous to other lands which are inadequately elevated or otherwise protected from flood damage.

(2) Delineation of Floodplain Boundaries. The areas of special flood hazard identified by the Department of Homeland Security's Federal Emergency Management Agency, entitled Flood Insurance Study, Oakland County, Michigan and Incorporated Areas dated September 29, 2006, with accompanying flood insurance rate maps and flood boundary floodplain maps, as delineated on the Flood Insurance Rate Map of the City of Southfield, Community Number 260179, Map Panel Numbers 26125C0514F, 0518F, 0519F, 0538F, 0539F, 0652F, 0654F, 0656F, 0657F, 0658F, 0659F, 0676F, 0677F, 0678F, 0679F, dated September 29, 2006, prepared by the Department of Homeland Security's Federal Emergency Management Agency, and the profiles prepared by the Federal Insurance Administration in conjunction with said map are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file at the Engineering Department, City of Southfield, 26000 Evergreen Road, Southfield, Michigan 48076 (Amended – Ordinance No. 1538 – 12/3/06).

This provision shall apply to all lands within the jurisdiction of the City of Southfield shown on the official maps located within the boundaries of the regulatory floodplain and floodplain fringe districts which include the main branch of the Rouge River, Pebble Creek, Franklin Branch, Evans Ditch, Farmington Branch, and Carpenter Branch of the Rouge River.

(3) Interpretation of District Boundaries. The boundaries of the zoning district shall be determined by the water surface flood profile provided in the flood insurance rate map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the flood insurance rate map and flood profiles, the City of Southfield Engineer shall make the necessary interpretation with the assistance of the Michigan Department of Natural Resources and the U.S. Army Corps of Engineers when needed.

Any person or persons contesting the location of the district boundary shall be given a reasonable opportunity to present the reasons for their objection to the City Engineer and to submit any technical and/or material evidence in support of their objections. The

City Engineer, in such cases, shall submit a report to the City Council outlining the area of disagreement and the conclusions reached by him.

(4) Appeals. The City Council may, upon petition, permit minor modifications to the delineation of the floodplain boundary after review and recommendation from the City Engineer. Such modifications may be approved upon the findings that:

(a) The flow, storage capacity, and discharge of the floodplain will be maintained or improved.

(b) The floodplains are not intended for human habitation and are kept free and clear of interference or obstruction which will cause any undue restriction of original capacity of the floodplain.

(c) The stream flow is not revised so as to affect the riparian rights of other owners or interfere with natural drainage in the area.

(d) The modification is necessary for the preservation and enjoyment of a substantial property right.

(e) The modification will not be detrimental to the public welfare or injurious to other property in the surrounding area in which said property is situated.

(f) Notification has been provided adjacent communities and the Michigan Department of Natural Resources prior to any alteration or relocation of a watercourse, and submittal of copies of such notification made to the Federal Insurance Administration.

(g) All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Amendments of 1972.

(h) Assure that the floodplain carrying and storage capacity within the altered or relocated portion of any watercourse is maintained.

(i) A public hearing shall be held concerning the requested modification and notice shall be given in the official newspaper not less than fifteen (15) days prior to the hearing and the general location of the proposed modification.

(j) Alternatives to any requested modification to the floodplain boundary shall be adequately explored and presented to the City Council at the public hearing.

(5) Establishment of Flood plain Zones. The floodplain areas within the jurisdiction of this Chapter are hereby divided into two (2) districts: (1) Regulatory Floodplain District (RF) and (2) Floodplain Fringe District (FF). The boundaries of these districts shall be shown on the official map as regulatory floodplain and represented by "A" zones and floodplain fringe represented by "B" zones.

(6) Uses Permitted

(a) Regulatory Floodplain District (RF)

The following uses which have a low flood damage potential and do not obstruct flood flows shall be permitted within the regulatory floodplain to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of material or equipment. No use shall adversely affect the capacity of the channels or regulatory floodplains of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, outdoor plant nurseries, horticulture, and viticulture.

2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, wildlife and nature preserves, hiking, playgrounds, athletic fields, and bicycle paths.

3. Public rights-of-way, private drives, and parking areas provided further that for all zoning districts, the area of the parcel of land located within the regulatory floodplain used for the provision of parking thereon shall not exceed ten (10%) percent of the regulatory floodplain area of the property involved. However, in no instance shall the parking area exceed ten percent (10%) of the area outside of the regulatory floodplain.

4. In any zoning district in which density is based upon land area, the computation of density shall not include any of the area located within the regulatory floodplain district of which the property is a part. The

floodplain area may be used in computing open space and landscape requirements of any zoning district.

5. The erection and construction of roads, bridges, causeways, and public utilities may be permitted within the regulatory floodplain by the City Council after a public hearing, which has been advertised in a local newspaper not less than fifteen (15) days prior to the hearing stating the time, place, and date of the hearing, has been held, and the City Council has made findings that such proposals will not be detrimental to the natural flow of water or disrupt the floodplain storage capacity, and provided the requirements of this Section have been met. Exhibits submitted for review will provide sufficient information as required by the City Council with respect to support, spacing, height, anchorage, and erosion control.

(b) Floodplain Fringe District (FF)

Permitted uses in the floodplain fringe shall be subject to the following standards provided further that the permitted uses shall meet the standards and restrictions imposed by any other zoning district in which said lands may be located.

1. For new construction or substantial improvement, the elevation of the lowest floor designed or intended for human habitation and/or employment (including basement) shall be at least three (3) feet (.915 meters) above the elevation of the floodplain.
2. Dumping or backfilling with any material in any manner is prohibited in the floodplain fringe unless, through compensating excavation and shaping, the floodplain fringe will be maintained or improved as determined by the City Engineer and approved by the City Council.

3. Any filling or modification to the floodplain fringe shall have erosion controls as approved by the City Engineer to prevent soil from being washed into the regulatory floodplain or channel.

4. Any substantial improvements within a floodplain shall be:

   a. Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.

b. Constructed with materials and utility equipment resistant to flood damage.

c. Constructed by methods and practices that minimize flood damage.

5. All new and replacement water supply systems shall minimize flood damage.

6. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

7. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

8. Where topographic data, engineering studies, or other studies are needed as required by the City Council, Planning Commission, or City Engineer to determine the effects of flooding on a proposed site and/or the effect of a structure on the flow of water, the applicant, at his expense, shall submit such data or studies. All such required data shall be prepared by a registered professional civil engineer.

9. The City Engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basements and cellars and any openings thereto) of all new or substantially improved structures and whether or not the structure contains a basement or cellar.

10. The following uses which present difficult problems in removing or evacuating, in the event of flooding in the floodplain fringe, are prohibited: hospitals, senior citizen housing, nursing homes, schools, and the storage of toxic materials.

5.50 Adult Bookstore, Adult Motion Picture Theater, and Cabaret Controls

(1) Purpose. Recognizing that because of their nature, some uses have objectionable

operational characteristics, especially when concentrated in small areas, and recognizing that such uses may have a harmful effect on adjacent areas, special regulation 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, and uses subject to these regulations, are as follows:

(a) It shall be unlawful to establish any adult bookstores, adult motion picture theaters, or cabarets except in the B-3 (General Business) and I-1 (Industrial) Districts.

(b) No such uses may be permitted in the B-3 (General Business) or I-1 (Industrial) Districts within one thousand (1,000') feet (305 meters) of any residential district measured from the lot line of the location of the proposed use.

(c) The City Council may waive this location provision if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Chapter will be observed.

2. That the character of the area shall be maintained.

3. That all applicable regulations of this Chapter will be observed.

4. That no adult bookstore, adult motion picture theater or cabaret is located within two thousand (2,000') feet (610 meters) of the proposed location.

(d) Anything herein to the contrary notwithstanding, the City Council shall not consider the waiver of the locational requirements as hereinabove set forth until a petition shall have been filed with the City Clerk and verified as to sufficiency. Such petition shall indicate approval of the proposed regulated use by fifty-one (51%) percent or more of the persons owning property within a radius of one thousand (1,000') feet (305 meters) of the location of the proposed use as measured from the lot line. The petitioner, or his agent, shall attempt to contact all eligible property owners within this radius and must maintain a list of all addresses at which no contact was made.

(e) The petition hereinabove required shall contain an affidavit signed by the party circulating such petition attesting to the fact that the petition was circulated by him

and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon and that the circulator verily believes that the signers of such petition are persons owning property within one thousand (1,000') feet (305 meters) of the premises mentioned in said petition. Such petition shall also comply with such other rules and regulations as may be promulgated by the City Council.

5.51 Community Impact Statement

(1) Purpose. The requirement for the submission of a community impact statement during the rezoning and/or site plan review process is to provide relevant information concerning the environmental, economic, social, and cultural effects on the community that a proposed project may have, and to provide the necessary data for the City of Southfield to make a rational determination on the request. It is necessary to minimize pollution, protect wildlife and ecologically important features, retain environmental resources, and to investigate the adequacy of public utilities and facilities such as sewer, water, and transportation system.

A community impact statement (CIS), providing the information and data specified herein, shall be required and shall be submitted by the petitioner and at the expense of the petitioner.

(a) when a request for rezoning or site plan approval is submitted, whichever shall occur first, for parcels having an area of ten (10) acres (4.05 hectares) or greater, or

(b) when a development of one hundred and fifty thousand (150,000) square feet (13,950 square meters) of gross floor area or greater is submitted for site plan review, or

(c) when a development of two hundred (200) dwelling units or greater is submitted for site plan review.

(d) a community impact statement shall be required, regardless of the size of the property or project, when three (3) or more points are accumulated from the following table: (Amended - Ordinance 1226 - 3/2/87)

1.	displacement of community residents	1 point
2.	site serves as a diversified habitat, food source and nesting place for numerous species of wildlife for the surrounding area as	1 point

	determined by the City of Southfield Parks and Recreation Department or Michigan Department of Natural Resources.	
(a)	the site involves land designated as regulatory floodplain.	1 point
4.	the site is considered a wetland, meaning a land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake or pond, or a river or stream; or more than five (5) acres (2.025 hectares) in size, or is determined by the Department of Natural Resources to be essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the Department has notified the owner.	1 point
5.	the site contains a natural or artificial lake, pond or impoundment; a river, stream or creek which may or may not be serving as a drain or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.	1 point
6.	the site is considered a woodland if a minimum of twenty (20%) percent of the site consists of a well stocked stand of trees with a majority of the trees having a three (3") inch (7.62 centimeters) caliper, or greater.	1 point

7.	the site has slopes or grades of twenty-five (25%) percent or greater.	1 point	
8.	the property is located on other than a major thoroughfare.	1 point	
9.	the development of the property will necessitate the widening of adjacent thoroughfares.		1 point
10.	the development of the property will necessitate the extension of the following public utilities to adequately serve it:		
	storm sewer		1 point
	sanitary sewer		1 point
	water main		1 point
11.	roadway related carbon monoxide concentration exceeding Federal standard of ten (10) milligrams per cubic meter for an eight (8) hour period	1 point	

(e) The official maps of the City of Southfield which are designated for wetlands, watercourses, natural and artificial floodplains and drainage courses, rivers and streams in the City of Southfield including amendments which may be made from time to time, and are on file with the City Engineering Department, are hereby incorporated into this Chapter and made a part hereof by reference. (Amended - Ordinance 1226 - 3/2/87)

(f) Appeals. The requirement for a community impact statement, as provided above, may be appealed to the City Council. Such appeal shall be made in writing and at least fifteen (15) days notice of the time and place of the hearing on the appeal shall be published in an official newspaper.
If the City Council, after the hearing, determines that a community impact statement is not necessary, they shall set forth the reasons for such findings.

(g) Exclusions. The development of detached single family dwelling units on an

individual basis is hereby excluded from the requirements of this section.

These provisions are applicable to multistage developments whose total building area or dwelling unit count, or both, will ultimately meet or exceed these amounts.

The requirements contained herein shall not relieve the project's sponsor from complying with other land development or environmental impact standards established by other public agencies having jurisdiction.

(2) Application and Review. The submission of a rezoning request or site plan review shall be accompanied by a community impact statement in accordance with the above criteria. A community impact statement prepared for a rezoning request shall examine the general conditions and effects of the rezoning while the community impact statement prepared for a site plan shall examine the details and requirements of the specific proposal. If the property is presently zoned for the use intended, a community impact statement shall only be required for the site plan review process. Submission shall be made to the Planning Department concurrently with the payment of rezoning or site plan review fees.

A review and summary report, which shall analyze the material and information provided by the sponsor, will be prepared by an administrative committee consisting of the Planning Department, Department of Public Services, Traffic Engineer, and Department of Parks and Recreation. The summary report shall include a fiscal analysis of the subject property and proposed development. The summary report and recommendations shall be submitted to the Planning Commission and City Council prior to their consideration of a rezoning or site plan petition.

Not less than fifteen (15) days notice of the time and place of the hearing regarding the proposal and the community impact statement shall be published in an official newspaper.

The community impact statement shall be available in the Planning Department for review by the public. Written comments on the community impact statement may be presented to the Planning Commission and/or City Council prior to their public meeting on the matter.

(3) Information and Data Required. A community impact statement shall include, but not be limited to, the following information:

(a) Physical Conditions

1. Legal description of the subject property accompanied by a survey map.

2. Location map indicating the location of the subject property in relation to the City thoroughfare system.

3. Zoning map indicating the subject property and the zoning of adjacent properties for a radius of one-half (1/2) mile (.8045 kilometers).

4. Land use map indicating the subject property and land uses of adjacent properties for a radius of one-half (1/2) mile (.8045 kilometers).

5. Site conditions of the subject property indicating;

    a. location and size of existing natural features such as trees, streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, wildlife inventory (type) location, migration patterns, (feeding habits) and vegetation inventory (classification of existing types by general location and numbers or density as appropriate).

    b. location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.).

    c. features adjacent to and directly across the street, i. e. pavement width, driveways, passing lanes, curb cuts, etc.

6. For any development requiring a community impact statement because of Section 5.51 (1) of this Chapter, the community impact statement shall include a certification by the petitioner or its agent to the City of Southfield that the petitioner has consulted with appropriate representatives of the Michigan Department of Natural Resources in regard to the proposed development, and that either:

    a. all comments or requirements received from the Department of Natural Resources are accurately disclosed in the community impact statement, or

    b. that the Department of Natural Resources has failed to respond to the petitioner's proposal.

(b) Project Description

1. For rezoning, a general description of the proposed use with emphasis on the following items as they relate to the Zoning Ordinance:

   a. density limitations of zone; maximum density allowable on the site.

   b. parking requirements and probable directional distribution of potential peak hour traffic generation.

   c. open space requirements as they relate to the request and to the site.

   d. height limitations of site.

   e. owners of the property; petitioner and his representative.

2. For site plan approval, a detailed description of the proposal shall be submitted which shall include, but not be limited to:

   a. density of proposed project including building coverage, height, net and gross floor areas, number of dwelling units and bedroom count, parking spaces required and provided, landscaped areas required and provided, and adjacent thoroughfare right-of-way.

   b. anticipated number of employees, residents, school age children by school type, and senior citizens.

   c. projected vehicular generation and probable directional distribution.

   d. owners and developers of the proposed development.

If rezoning and site plan approval are required, two (2) community impact statements are necessary in accordance with (b-1) and (b-2) above.

(c) Project Impact Analysis

The sponsor shall submit a full analysis and description of the proposed project's

required levels of service from public utilities (sanitary and storm sewer, water, gas, electricity, etc.). The administrative committee shall examine and analyze this data in order to determine the availability and/or capacity of the existing utility systems to accept the demands of the proposed project.

1. Local Economy

    a. number of residents, businesses or employees displaced.

    b. number of new long-term and short-term jobs provided.

    c. general employment base and/or housing marketing area with a definition of the market area.

    d. project cost and estimated value.

2. Thoroughfares

    a. projected traffic volumes generated on and adjacent to the site as a result of the proposed development.

    b. improvements proposed as a result of the project to properly accommodate the development.

3. Storm Drainage

    a. estimated volumes of surface run-off generated by proposed development.

    b. method of handling storm drainage (drain, retention, etc.) on the subject property.

    c. proposed plan for maintenance of any on-site (private) storm drainage facility.

4. Water Service

    a. estimated minimum volumes necessary to adequately service the property and proposed development including minimum pressure and volume for not only domestic needs, but also fire hydrants,

sprinklers, etc.

5. Sanitary Waste Systems

    a. estimated volumes of sanitary effluent generated by develop- ment.

6. Solid Waste Collection

    a. method of storage, collection, and disposal.

7. Power, Heat and Communication

    a. availability of existing systems and their respective capacities.

    b. any energy conservation systems of the project.

    c. estimated requirements to adequately service the project and improvements proposed as a result of the project to properly serve the development.

8. Transportation Facilities Other Than Private Automobiles

    a. public.

    b. bicycle (bikepaths, bike racks, curb cuts, etc.).

    c. pedestrian (sidewalks, trails, etc.).

9. Proposed Fire Protection and Prevention Provisions including, but not limited to:

    a. accessibility to structures.

    b. special considerations; rooftop helipad, sprinkler system, fire lanes, etc.

10. Proposed Private Safety and Security Systems of the Project

    a. gate houses, lighting, surveillance (TV, security guard),

regulated parking, central alarm, etc.

11. Recreation and Leisure Time Facilities and Activities

    a. public recreation facilities in the area (existing and proposed).

    b. private recreation facilities in the area (existing and proposed).

    c. proposed facilities to be included in the project.

12. Environmental Considerations

    a. treatment of landscaped area.

    b. treatment of open space areas.

    c. aesthetic, environmental and ecological benefits.

    d. areas of unique flora and fauna, beauty, geological or historical significance.

    e. changes in existing flora and fauna.

    f. methods of minimizing or avoiding adverse environmental effects.

The community impact statement shall contain a bibliography and a list of persons, organizations and sources consulted. Additional information may be required by the administrative review committee, Planning Commission, or City Council and shall be provided by the petitioner at such request.

(4) The City, its agents, surveyors, or other employees may make reasonable entry upon any lands and waters within the City for the purpose of making any investigation, survey or study contemplated by this Section. An investigation of any natural or artificial obstruction may be made by the Planning Department on its own initiative or on written request of any titleholder of land abutting the watercourse involved, or lands in a flood land area.

(5) Site plans reviewed under this Section may be approved contingent upon receiving permits

from various county or state agencies. If there are substantial changes to the approved site plan as a result of the review by other agencies, the site plan must be submitted back to the City Council for further review.

5.52 Site Plan and Traffic Engineering Plan Expiration

Whenever in this Chapter a site plan or traffic engineering plan is required, it shall remain valid for a period of twelve (12) months from the date of approval unless an extension is requested by the petitioner, in writing, of the person, commission, or council having site plan review or traffic engineering review jurisdiction and such request for extension is granted. Such extension, if granted, shall not exceed a period of one (1) year.

The request for extension shall be reviewed in relationship to any change in ordinance or code requirements, development of surrounding land uses and adjacent properties, and the expansion or provision of public facilities and utilities (roads, storm sewer, etc.).

5.53 Historic Districts

Upon the establishment of a "Historic District" in accordance with and pursuant to Chapter 45 of Title V hereunder, the City Council may permit a specific use(s) in addition to that permitted by the existing zoning district applied to the land. Provided, however, such additional uses shall be limited in accordance with the following:

(1) With respect to parcels situated within a designated residential zoning district (as defined in Section 5.11 hereunder), no additional use(s) shall be permitted hereunder unless such parcel contains frontage on a major thoroughfare as defined in the City of Southfield Master Plan. Additional uses may be permitted with regard to parcels having frontage on a major thoroughfare, however, such additional uses shall be limited to those permitted by Article 9, Office-Service (O-S) District, and Article 16 of this Chapter, B-1, Neighborhood Business District.

(2) With respect to parcels situated within a designated Nonresidential Zoning District (as defined in Section 5.11 hereunder), such additional uses may be permitted, however, such additional uses shall be limited to those permitted by Articles 9, 16, 17, and 18 hereunder (Office-Service District, Neighborhood Business District, Planned Business District, and General Business District).

Upon receipt of a request for the establishment of such additional use(s), the City Council shall receive reports and recommendations from the Planning Commission and the Historic District Commission as to the nature, effects, suitability and acceptability of the building and/or site alterations proposed in conjunction with the requested additional uses, and the conformance of

same with the intent and purpose of this Chapter and Chapter 50, "Historic Preservation," of the City Code. Such reports and recommendations shall minimally contain factual evidence directly related to the specific findings required to be made of City Council as hereinafter set forth.

The City Council shall conduct a public hearing on a request for additional use(s) within a Historic District in compliance with Section 5.221, Special Use Procedure, of this Chapter.
In considering and acting upon requests for the establishment of such additional uses, the City Council shall make the following findings:

(1) That the establishment of the proposed use is necessary in order to preserve the subject structure in accordance with the intent and purpose of Chapter 50, "Historic Preservation," of the City Code.

(2) That the proposed building and/or site alterations will be in accordance with the provisions of this Chapter and Chapter 50, "Historic Preservation" of the City Code, unless modified as otherwise provided in this Section.

(3) That the proposed building and/or site alterations will be designed and implemented so as to minimize any adverse effects of such uses on the character of the surrounding area and will not be adverse to the promotion of the health, safety and welfare of the surrounding community.

(4) That satisfactory financial guarantees have been provided so as to insure the removal of the building improvements and/or site improvements necessary to return the subject property to its original use should the Historic District designation be removed from the property.

In the absence of any of such specific findings being made by the City Council, the proposed use(s) shall not be permitted.

Upon the approval by the City Council of a proposed use as herein provided, the City Council may impose such other conditions and safeguards as it may deem necessary to
protect the public health, safety and general welfare of the community and to minimize any adverse effects of such use(s) on adjacent properties.

Site improvements, such as off-street parking and landscaping, shall be in accordance with those provisions of this Chapter applicable to the uses(s) permitted and applicable to the zoning district within which such uses(s) would otherwise occur.

City Council action in accordance with this Section 5.53 shall be necessary for any succeeding

change in use or change in occupancy.

5.54 Satellite Dish Antenna

Satellite dish antennas shall be permitted in all single family residential zoning districts subject to the conditions listed in Article 5, Section 5.69. Satellite dish antennas shall be permitted in all other multiple family residential zoning districts and all nonresidential zoning districts (except the TV-R, Television- Radio-Office-Studio District), subject to the following conditions: (Amended - Ordinance 1192 - 3/17/86)

(1) Satellite Dish Antennas - Ground Mounted

(a) The placement and construction of satellite dish antennas must be approved by the Department of Building and Safety Engineering prior to issuance of a building permit.

(b) Satellite dish antennas shall be located in the rear yard as defined by Article 2, Section 5.9, Definitions (T-Z).

(c) Satellite dish antennas shall not exceed a height of twenty-five (25') feet (7.625 meters) above the average existing grade within ten (10') feet (3.05 meters) of the antenna.

(d) Satellite dish antennas shall be permanently ground-mounted. No antenna shall be installed on a portable or movable structure.

(e) There shall be no text, pictures, logos or advertising displayed on any surface of the satellite dish antennas.

(f) Satellite dish antennas shall not be located within any required parking area.

(2) Satellite Dish Antennas - Roof Mounted

(a) The placement and construction of roof mounted satellite dish antennas must be approved by the Department of Building and Safety Engineering prior to the issuance of a building permit.

(b) Satellite dish antennas shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(c) Satellite dish antennas shall not exceed an overall diameter of fifteen (15') feet (4.575 meters) or an overall height of twenty-five (25') feet (7.625 meters) above the height of the building as defined by Article 2, Definitions, Section 5.3, Definitions (A-B).

(d) There shall be no text, pictures, logos or advertising displayed on any surface of the satellite dish antennas.

5.55 Wetland and Watercourse Protection (Amended - Ordinance 1315 - 1/31/91; Ordinance 1367 - 6/9/94)

(1) Findings. The City Council of the City of Southfield finds that wetlands and watercourses are fragile natural resources which provide several public benefits including maintenance of water quality through nutrient cycling and sediment trapping as well as flood and storm water runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands provide pollution treatment by serving as oxidation basins, open space, passive outdoor recreation opportunities, wildlife habitat and environmental niches, and greenbelts. Many of the wetlands remaining in Southfield are of the forested type and are associated with floodplains.

Previous construction, land development and recent redevelopment have displaced, polluted or degraded many wetlands and forested floodplains. Preservation of the wetlands in a natural condition shall be and is necessary to maintain hydrologic, economic, recreational, and aesthetic assets for existing and future residents of the City of Southfield as well as for downstream landowners.

(2) Purposes. The purposes of this Section are to provide for:

(a) The protection, preservation, and proper use of wetlands and watercourses in the City of Southfield;

(b) The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations including but not limited to:

1. *Goemaere-Anderson Wetland Protection Act* (Act 203, Public Acts of 1979, as amended), enforced by the Michigan Department of Natural Resources which is hereinafter referred to as the MDNR; (Amended -

Ordinance 1367 - 6/9/94)

2. *Inland Lakes and Streams Act* (Act 346, Public Acts of 1972, as amended), enforced by the MDNR;

3. *Soil Erosion and Sedimentation Control Act* (Act 347, Public Acts of 1972, as amended), enforced by the City of Southfield; and

4. *Floodplain Regulatory Authority* (Act 245, Public Acts of 1929, as amended), enforced by the MDNR. (Amended - Ordinance 1367 - 6/9/94)

(c) Compliance with the *Michigan Environmental Protection Act* (Act 127, Public Acts of 1970) which imposes a duty on government agencies and private individuals and organizations to prevent or minimize degradation of the environment which is likely to be caused by their activities.

(d) The establishment of standards and procedures for the review and regulation of the use of wetlands and watercourses.

(e) The establishment of penalties for the violation of this Section.

(3) Validity and Necessity. The City Council declares that this Section is essential to the health, safety, economic and general welfare of the people of the City, and to the furtherance of the policy set forth in Article 4, Section 52 of the Constitution of the State of Michigan, the *Michigan Environmental Protection Act* (Act 127, Public Acts of 1970) and the *Goemaere-Anderson Wetland Protection Act* (Act 203, Public Acts of 1979, as amended) which is hereinafter referred to as Act 203. (Amended - Ordinance 1367 - 6/9/94)

(4) Construction and Application. The following rules of construction apply in the interpretation and application of this Section:

(a) In the case of a difference of meaning or implication between the text of this Section and any caption or illustration, the text shall control.

(b) Particulars provided by way of illustration or enumeration shall not control general language.

(c) This Section shall be construed liberally in favor of the protection and preservation of natural resources of the City.

(5) Definition of Terms. Terms not specifically defined in this Section shall have the meaning customarily assigned to them. The following words and phrases shall have the meaning respectively given as follows:

ACTIVITY: shall mean any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water, pumping or discharge of surface water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

BOTTOMLAND: shall mean the land area of a pond or lake which lies below the ordinary high water mark and which may or may not be covered by water.

CHANNEL: shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.

CITY: shall mean the City of Southfield.

CITY COUNCIL: shall mean the Southfield City Council.

CONTIGUOUS shall mean any of the following: (Amended - Ordinance 1367 - 6/9/94)

(a) A permanent surface water connection or other direct physical contact with an inland lake or pond, a river or stream.

(b) A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream.

(c) A wetland is partially or entirely located within five hundred (500') feet (152.5 meters) of the ordinary high water mark of an inland lake or pond or a river or stream, unless it is determined by the City or the MDNR in accordance with Rule 281.924 of the *Wetland Administrative Rules* adopted in connection with Act 203 that there is no surface or groundwater connection to these waters.

(d) Two (2) or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous under

the criteria described in Paragraphs (a), (b) or (c) of this definition.

DEPOSIT: shall mean to fill, place or dump.

DEVELOPMENT: shall mean any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FILL MATERIAL: shall mean soil, sand, gravel, clay, peat, debris and refuse, waste of any kind, or any other material which displaces soil or water or reduces water retention potential.

FLOODPLAIN: shall have the same meaning as provided for in Section 5.5 (4) of this Chapter.

LAKE: shall mean an area of permanent open water which is five (5) acres (2.025 hectares) or more in size.

MAY: shall mean an auxiliary verb qualifying the meaning of another verb by expressing ability, permission, or possibility. The word "may" is indicative of discretion or choice between two (2) or more alternatives.

ORDINARY HIGH WATER MARK: shall mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

PERSON: shall mean any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind, including governmental agencies conducting operations within the City.

PLANNING DEPARTMENT: shall mean the Planning Department of the City of Southfield.

PLANNING COMMISSION: shall mean the Southfield Planning Commission.

POND: shall mean any body of permanent open water one (1) acre (.405 hectares) to five (5) acres (2.025 hectares) in size.

PROTECTED WETLANDS: shall mean any of the following:

(a) All wetlands subject to regulation by the MDNR including:

1. Wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond, whether partially or entirely contained within the project site.

2. Wetlands, regardless of size, which are partially or entirely within five hundred (500) feet (152.5 meters) of the ordinary high water mark of any lake, stream, river, or pond, unless it is determined by the MDNR that there is no surface water or groundwater connection between the wetland and the water body.

3. Wetlands which are larger than five (5) acres (2.025 hectares), whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.

4. Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDNR determines the protection of the wetland is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.

(b) All wetlands subject to regulation by the City including: (Amended - Ordinance 1367 - 6/9/94)

1. Wetlands two (2) to five (5) acres (.81 to 2.025 hectares) in size, whether partially or entirely contained within the project site, which are not contiguous to any lake, stream, river or pond.

2. Wetlands smaller than two (2) acres (.81 hectares) in size which are not contiguous to any lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the City as provided for in Paragraph (18) of this Section.

RUNOFF: shall mean the surface discharge of precipitation to a watercourse, drainageway, swale, or depression.

SEASONAL: shall mean any intermittent or temporary activity which occurs annually and

is subject to interruption from changes in weather, water level, or time of year, and may involve annual removal and replacement of any operation, obstruction or structure.

SOILS:

(a) Poorly drained soils are those general organic soils from which water is removed so slowly that the soil remains wet for a large part of the time. The water table is commonly at or near the surface during a considerable part of the year. Poorly drained conditions are due to a high water table, to a slower permeable layer within the soil profile, to seepage, or to some combination of these conditions.

(b) Very poorly drained soils are those soils from which water is removed from the soil so slowly that the water table remains at or on the surface a greater part of the time. Soils of this drainage class usually occupy larger or depressed sites and are frequently ponded.

(c) Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetland vegetation.

STRUCTURE: shall mean any assembly of materials above or below the surface of the land or water, including, but not limited to, houses, buildings, bulkheads, piers, docks, rafts, landings, dams, sheds or waterway obstructions.

UPLAND: shall mean the land area which lies above the ordinary high water mark, or well-drained land which supports upland vegetation.

WATERCOURSE: shall mean any waterway, drainageway, drain, river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

WETLAND: shall have the same meaning as provided for in Section (2)(g) [not including sub-paragraphs (i), (ii), and (iii)] of Act 203 and Rule 4(2) of the *Wetland Administrative Rules* promulgated in connection therewith, as amended. (Amended - Ordinance 1367 - 6/9/94)

WETLANDS MAP: shall mean the City of Southfield's official map, as updated from time to time, which delineates the general location of wetlands and watercourses throughout the City.

WETLAND MITIGATION: shall mean any or all of the following: (1) methods for eliminating potential damage or destruction to wetlands; or (2) creation of wetlands from uplands to offset the loss of protected wetlands.

WETLAND USE PERMIT: shall mean the City approval required for activities in wetlands and watercourses described in Paragraph (8) of this Section. (Amended - Ordinance 1367 - 6/9/94)

WETLAND VEGETATION: shall mean plants, including but not limited to trees, shrubs, and herbaceous plants, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil.

(6) Relationship to State and Federal Permit Requirements. Whenever persons requesting a wetland use permit are also subject to state and/or federal permit requirements, the following shall apply: (Amended - Ordinance 1367 - 6/9/94)

(a) Approvals under this Section shall not relieve a person of the need to obtain a permit from the MDNR and/or the U. S. Army Corps of Engineers, if required.

(b) Issuance of a permit by the MDNR and/or the U.S. Army Corps of Engineers shall not relieve a person of the need to obtain approval under this Section, if applicable.

(c) If requirements of federal, state, and local officials vary, the most stringent requirements shall be followed.

(7) Applicability to Private and Public Agency Activities and Operations. The provisions of this Section, including wetland use permit requirements and criteria for wetland use permit approval, shall apply to activities and operations proposed by federal, state, local and other public agencies as well as private organizations and individuals. (Amended - Ordinance 1367 - 6/9/94)

(8) Prohibited Activities. Except for those activities expressly permitted by Paragraph (9) it shall be unlawful for any person to do any of the following in a protected wetland or watercourse unless and until a wetland use permit is obtained from the City pursuant to this Section. (Amended - Ordinance 1367 - 6/9/94)

(a) Deposit or permit to be deposited any fill material or structures into any

watercourse or within or upon any protected wetlands.

(b) Remove or permit to be removed any soil from any watercourse or from any protected wetland.

(c) Remove or permit to be removed any vegetation, including trees, from protected wetlands if such removal would adversely affect the nutrient cycling, sediment trapping, or hydrologic functions of such wetlands or cause disturbance of the soil. (Amended - Ordinance 1367 - 6/9/94)

(d) Dredge, fill or land balance watercourses or protected wetlands.

(e) Create, enlarge, diminish or alter a lake, pond, creek, stream, river, drain, or protected wetland.

(f) Construct, operate or maintain any development in or upon protected wetlands or watercourses.

(g) Erect or build any structure including but not limited to buildings, roadways, bridges, tennis courts, paving, utilities, or private poles or towers in or upon protected wetlands or watercourses.

(h) Construct, extend or enlarge any pipe, culvert, or open or closed drainage facility which discharges silt, sediment, organic or inorganic materials, chemicals, fertilizers, flammable liquids or any other pollutants to any lake, stream, protected wetland, or watercourse, except through a retention area, settling basin, or treatment facility designed to control and eliminate the pollutant. This Section shall apply to all land uses except single family uses.

(i) Construct, enlarge, extend or connect any private or public sewage or waste treatment plant discharge to any lake, stream, river, pond, watercourse, or protected wetland except in accordance with the requirements of Oakland County, State of Michigan and/or the United States, to the extent that such entities have jurisdiction.

(j) Drain, or cause to be drained, any water from a protected wetland or watercourse. (Amended - Ordinance 1367 - 6/9/94)

(k) Fill or enclose any ditch which would result in a significant reduction of storm water absorption and filtration into the ground or would otherwise have an adverse impact

on receiving watercourses or wetlands. (Amended - Ordinance 1367 - 6/9/94)

(9) Permitted Activities. Notwithstanding the prohibitions of Paragraph (8), the following activities are permitted within watercourses or protected wetlands without a wetland use permit, unless otherwise prohibited by statute, ordinance or regulation:

(a) Fishing, swimming, boating, canoeing, hiking, horseback riding, bird-watching, or other similar recreational activities which do not require alteration of wetland vegetation or grading of soils.

(b) Grazing and/or watering of animals.

(c) Education, scientific research, and nature study.

(d) Installation for noncommercial use of temporary seasonal docks, rafts, diving platforms and other recreational devices customarily used for residential purposes.

(e) Maintenance or repair of lawfully located roads, sewers, ditches, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services, provided that such roads, sewers, ditches, structures, or facilities are not materially changed or enlarged, and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of watercourses and wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized. (Amended - Ordinance 1367 - 6/9/94)

(f) Excavation and filling of no more than fifty (50) cubic yards (38.25 cubic meters) of material if necessary for the repair and maintenance of bridges, walkways, and other existing structures, provided that such structures allow for the unobstructed flow of water and preserve the natural contour of the protected wetland, except as authorized by permit.

(g) Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the City and are specifically intended to preserve natural resources. Such permitted activities shall include, but not be limited to: (1) removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush, and debris; (2) bank stabilization projects which require minimal disturbance of existing conditions; and (3) wildlife and aquatic habitat improvement projects.

(h) A wetland use permit shall not be required for any use which is exempt from a permit under Section 6 of Act 203. (Amended - Ordinance 1367 - 6/9/94)

(10) Wetlands Map. The City hereby incorporates into this Section and makes a part hereof by reference an official map of wetland areas and watercourses showing the general location of wetlands and watercourses in the City. Said wetlands map shall be updated when substantial new data is available or corrections are needed in order to maintain the integrity of the wetlands map. (Amended - Ordinance 1367 - 6/9/94)

In revising the wetlands map, the City Council shall satisfy the requirements of Act 207, Public Acts of 1921, as amended, relative to the amendment of zoning ordinance maps. The wetlands map shall serve as a general guide for locating wetlands and watercourses. Field investigations to delineate the precise boundaries of wetlands and watercourses on a project site shall be the responsibility of the applicant. In cases where the City needs additional information to complete a wetland use permit application review, the City may complete on-site investigations of protected wetlands and watercourses. (Amended - Ordinance 1367 - 6/9/94)

(11) Application for a Wetland Use Permit. (Amended - Ordinance 1367 - 6/9/94)

(a) An application for a wetland use permit shall be filed with the Planning Department. Both permit application forms, the "Application for a Local Wetland Permit" and the MDNR "Application for Permit," shall be submitted to the City as required by Act 203.

(b) Upon receipt, the Planning Department shall forward a copy of each completed application to the MDNR.

(c) When a site is proposed for development or activity necessitating review and approval of a site plan, plat or other proposed land use pursuant to City Code, said application for a wetland use permit shall be made at the same time as the site plan, plat or other proposed land use submittal. The application for a wetland use permit shall consist of the following:

1. Four (4) copies of the wetland use permit application for each project.

2. For a wetland use permit approval required in conjunction with a site plan, plat or other proposed land use, the applicant shall at the time of application

elect to have the application processed under either Subsection (i) or Subsection (ii) below:

(i) The wetland use permit application shall be reviewed, either prior to or concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, with the understanding that the land use review may not be completed at the time the decision is rendered on the wetland use permit application. Election of this alternative may require a reopening of the wetland use permit application if the land use approval is inconsistent with the wetland use permit approval; or

(ii) The wetland use permit application shall be reviewed and acted upon concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, and the 90 day review period limitation specified in Section 6 (6) of Act 203, shall thereby be extended accordingly.

3. Twenty (20) copies of a drawing of the proposed activity for projects which require City Council review and approval; or four (4) copies of a drawing of the proposed activity for projects which require administrative review and approval. Each drawing must contain the following elements:

(i) Title block, including the applicant's name, name of waterway, section of City, description of activity, scale of drawing, date drawing was prepared, name and professional credentials of the engineer, architect, or planner preparing the site drawing and the name and professional credentials of the wetlands scientist or environmental specialist who has delineated the wetland boundaries.

(ii) Location and extent of protected wetlands and watercourses as identified through field investigation and presented on a topographic map of suitable scale. A scale of at least one (1) inch (2.54 centimeters) equals fifty (50) feet (15.25 meters) is required for all projects.

(iii) Types of wetlands on the site, e.g., forested, shrub, emergent marsh, wet meadow, and aquatic bed, identified by using methods

approved by the MDNR as set forth in the Michigan "*Wetland Determination Manual Draft for Field Testing*" or other official publications.

(iv) A site plan, subdivision plat, or planning map which overlays the proposed development or project onto wetlands and watercourses. Existing and proposed structures and utilities on or directly adjacent to the site shall be clearly identified in relation to existing wetland features and topography. (Amended - Ordinance 1367 - 6/9/94)

(v) Typical cross sections of existing and proposed structures, dredge cuts and fills, including dimensions and elevations, and location of wetlands.

(vi) A description of construction materials such as: type (concrete, stone, wood, etc.), thickness or depth, size, weight, slope; and a description of cut, filled or dredged materials such as: type (yellow clay, sand, silt, etc.), volume, depth and areas impacted.

(vii) Identification of type and location of soil erosion control measures to be used during construction, including measures which will be used to trap sediment which might otherwise run off into wetlands.

(viii) Identification of disposal areas for dredged material, if any, vicinity map showing the disposal area if off-site disposal is proposed, and method for containing dredge material to prevent reentry into wetlands or watercourses.

(ix) Bridge or culvert cross section, if any, including the location of wetlands, and a profile of the proposed structure showing the proposed end treatment and bank stabilization locations.

(x) Identification and description of all mitigation areas, if any, whether on-site or off-site.

4. Four (4) copies of a cover letter signed by the applicant including the following information:

(i) Name of project and brief description (one sentence).

(ii) Date upon which the activity is proposed to commence.

(iii) Explanation of why the project meets the wetland use permit standards and criteria contained in Paragraph (18) of this Section.

(iv) List of all federal, state, county or other local government agency permits or approvals required for the proposed project including permit approvals or denials already received. In the event of denials, the reasons for denials shall be given. Attach copies of all permits which have been issued.

(v) Identification of any present litigation involving the property.

(iv) Signature of applicant.

(12) Planning Department Review. The Planning Department shall process a wetland use permit application as follows: (Amended - Ordinance 1367 - 6/9/94)

(a) The Planning Department shall review the wetland use permit application to verify that all required information has been provided. At the request of the applicant or the City, an administrative meeting may be held to review the proposed activity in light of the purposes of this Section.

(b) Upon receipt of a complete application, the Planning Department shall:

1. Initiate review procedures for the wetland use permit application.

2. Forward a copy of each application to the MDNR as required by Act 203.

3. Conduct or authorize a field investigation to review and verify the accuracy of information received and during such review shall refer to the wetlands map. The receipt of a wetland use permit application shall comprise permission from the owner to complete an on-site investigation.

4. Coordinate field investigations and data with MDNR personnel when feasible.

5. Modify, approve or deny the application within ninety (90) days after receipt of the completed application subject to the provisions of this Section.

6. Provide a written reason for the denial of any wetland use permit. Failure to supply complete information with an application may be reason for denial of a permit.

7. Notify the MDNR of its decision.

(c) Plans for wetland mitigation shall not be considered unless and until the requirements of Paragraphs (18), (19) and (20) of this Section have been met.

(d) It shall be the responsibility of the Planning Department to employ a qualified wetlands consultant or retain qualified staff to conduct wetland field investigations and complete assessments on behalf of the City.

(13) Planning Commission Review of Wetland Use Permit Application. After the Planning Department has completed its review of a wetland use permit application as provided for in Paragraph (12) of this Section, said application shall be referred to the Planning Commission if it relates to a proposed development or activity which requires a site plan review by said Commission pursuant to the terms of this Chapter or a preliminary plat pursuant to Chapter 47 of the City Code. A public hearing with regard to the wetland use permit application shall be held by the Planning Commission at the same meeting at which it considers the related site plan or preliminary plat with notice of such hearing being sent to owners of adjoining property by first-class mail which notice shall be sent at least fifteen (15) days prior to the hearing. A legal notice of the public hearing shall be published in a local newspaper not less than five (5) days nor more than fifteen (15) days prior to the public hearing. The Planning Commission after conducting the public hearing shall make a recommendation to the City Council with regard to whether the wetland use permit application shall be issued and in connection with a favorable recommendation may suggest conditions or a mitigation plan in accordance with Paragraphs (19) and (20) of this Section. (Amended - Ordinance 1367 - 6/9/94)

(14) City Council Review of Wetland Use Permit Application. Upon receipt of the Planning Commission recommendation with regard to a wetland use permit application and the related site plan or preliminary plat or upon receipt of a wetland use permit application which relates to a proposed development or activity which requires a soil removal or landfill permit pursuant to Chapter 46 of the City Code, the City Council shall hold a public hearing

with regard to the wetland use permit application at the same meeting at which it considers the related site plan, preliminary plat or soil removal or landfill permit application with notice of such hearing being sent to owners of adjoining property by first-class mail which notice shall be sent at least fifteen (15) days prior to the hearing. A legal notice of the public hearing shall be published in a local newspaper not less than five (5) days nor more than fifteen (15) days prior to the public hearing. The City Council may approve, deny, or approve the wetland use permit application with conditions or in conjunction with a mitigation plan as provided for in Paragraphs (19) and (20) of this Section. (Amended - Ordinance 1367 - 6/9/94)

(15) City Planner Review of Wetland Use Permit Application. When a wetland use permit application is not related to a development or activity necessitating review and approval of a site plan, plat or a soil removal or landfill permit by the City Council pursuant to the City Code, the City Planner shall be responsible for granting or denying the application. Prior to his or her decision, notice of the wetland use permit application shall be sent to owners of adjoining property by first-class mail at least fifteen (15) days before the City Planner makes his or her decision which notice shall indicate where and when the wetland use permit application may be examined and which shall further indicate that said owner(s) may file a written objection thereto with the Planning Department. The City Planner may approve, deny or approve the wetland use permit application with conditions or in conjunction with a mitigation plan as provided for in Paragraphs (19) and (20) of this Section. (Amended - Ordinance 1367 - 6/9/94)

(16) Appeal from Decision of City Planner. The City shall not issue a wetland use permit approved by the City Planner until ten (10) days have passed following such approval. Any person denied a wetland use permit by the City Planner, or any owner of property adjoining the property upon which the activity is proposed (including property directly across public rights-of-way and easements) when a wetland use permit is approved for issuance, may appeal to the City Council. An appeal must be filed with the City Clerk's Office, in writing, within ten (10) days of the date of the decision being appealed. Timely filing of an appeal shall have the effect of suspending the issuance of a wetland use permit pending the outcome of the appeal. The City Council, upon review, shall determine, with findings, whether or not there has been compliance with the requirements and standards of this Section, and based upon its findings, it may affirm, reverse or modify the decision rendered by the City Planner. (Amended - Ordinance 1367 - 6/9/94)

(17) Wetland Use Permit Conditions. Whenever the Planning Commission recommends issuance of a wetland use permit or the City Council or City Planner approves the issuance of a wetland use permit, the Planning Commission, the City Council or the City Planner

shall: (Amended - Ordinance 1367 - 6/9/94)

(a) Attach any reasonable conditions considered necessary to insure that the intent of this Section will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in or interference with natural resources and processes within the protected wetlands or watercourses, or to otherwise improve or maintain the water quality. Any conditions related to wetland mitigation shall follow the provisions of Paragraphs (19) and (20) of this Section.

(b) Fix a reasonable time to complete the proposed activities.

(c) Require the applicant to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount, if any, determined necessary to insure compliance with the wetland use permit approval conditions and this Section.

(d) Require that final approval of a wetland use permit application shall be contingent upon receipt of evidence by the City that required state and federal permits, if any, have been obtained by the applicant.

(18) Wetland Use Permit Standards and Criteria. (Amended - Ordinance 1367 - 6/9/94)

(a) A wetland use permit shall be approved with respect to a non-contiguous wetland less than two (2) acres (.81 hectares) in area unless the Planning Department determines that the wetland is essential to the preservation of the natural resources of the City.

(b) All non-contiguous wetland areas of less than two (2) acres (.81 hectares) which appear on the wetlands map, or which are otherwise identified during a field inspection by the City, shall be analyzed for the purpose of determining whether such areas are essential to the preservation of the natural resources of the City. If there is to be a denial of a wetland use permit in a non-contiguous wetland area of less than two (2) acres (.81 hectares), then, on the basis of data presented by the applicant, or supplemental data gathered by the City, findings shall be made in writing and given to the applicant stating the basis for the determination that such wetland is essential to preservation of the natural resources of the City. In order to make such a determination, there shall be a finding that one (1) or more of the following exist within such wetland:

1. The site supports state or federal endangered or threatened plants, fish, or

wildlife appearing on a list specified in Section 6 of the Endangered Species Act of 1974, Act No. 203 of the Public Acts of 1974, being Section 299.226 of the Michigan Compiled Laws.

2. The site represents what is identified as a locally rare or unique ecosystem.

3. The site supports plants or animals of an identified local importance.

4. The site provides groundwater recharge documented by a public agency.

5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.

7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.

8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.

9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

10. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(c) The data which must be submitted by the applicant for purposes of making the determination whether the wetland is essential to the preservation of the natural resources of the City shall include an election and response under Subparagraph 1 or 2 below, relative to each non-contiguous wetland area less than two (2) acres (.81 hectares).

1. An acknowledgement that one (1) or more of the criteria in Subparagraphs (b-1) through (b-10) above, exist on the wetland in question, including a specification of the one or more criteria which do exist; or

2. An analysis prepared by the applicant's qualified wetlands consultant, with respect to each criteria in Paragraphs (b-1) through (b-10), detailing whether each of the criteria in Paragraphs (b-1) through (b-10) exist or do not exist in the wetland in question, including specific reasons for the conclusion in respect to each criteria.

(d) The Planning Commission in making a recommendation with respect to a wetland use permit application and the City Council or City Planner in making a determination whether to approve a wetland use permit application shall consider the following standards and criteria:

1. A wetland use permit shall be issued only if the proposed project or activity is in the public interest and is otherwise lawful in all respects.

2. In determining whether the activity is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources from pollution, impairment and/or destruction. The following general criteria shall be applied in undertaking this balancing test:

(i) The relative extent of the public and private need for the proposed activity.

(ii) The availability of feasible and prudent methods and alternative locations, other than the project site, to accomplish the expected benefits from the activity.

(iii) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the protected wetland provides.

(iv) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

(v) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or

wildlife.

(vi) The size and quality of the protected wetland being considered.

(vii) The amount and quality of remaining wetland in the area.

(viii) Proximity to any waterway.

(ix) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.

(x) Economic value, both public and private, of the proposed land change to the general area.

(xi) Findings of necessity for the proposed project which have been made by federal, state or local agencies.

3. A wetland use permit shall not be granted unless it is shown that:

(i) An unreasonable disruption of aquatic resources will be avoided; and

(ii) The proposed activity is primarily dependent upon being located in the protected wetland; and

(iii) A feasible and prudent alternative does not exist; and

(iv) The manner in which the activity is proposed to be undertaken will result in the minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances; and

(e) Following approval of the application, a wetland use permit shall be issued upon determination that all other requirements of ordinance and law have been met, including site plan, plat or land use approval is applicable, and including issuance of a permit by the MDNR, if required under Act 203. In cases where a MDNR permit allows activities not permitted by the wetland use permit approval granted under this Section, the restrictions of the approval granted under this Section shall govern.

(19) Consideration of Proposals for Wetland Mitigation. Prior to considering a proposal for wetland mitigation, the Planning Commission, the City Council or the City Planner shall make all of the following findings: (Amended - Ordinance 1367 6/9/94)

(a) That all feasible and prudent efforts have been made to avoid the loss of protected wetland.

(b) That all practical means have been considered to minimize protected wetland impacts.

(c) That it is practical to replace the protected wetland which will be unavoidably eliminated.

(d) That all alternatives for preserving protected wetlands and watercourses have been evaluated and found to be impractical, inappropriate, or ineffective.

(20) Criteria for Approving Proposals for Wetland Mitigation. If the Planning Commission, the City Council or the City Planner determines that it is practical to replace the protected wetlands which will be impacted, mitigation plans shall be approved only if all of the following criteria are met: (Amended - Ordinance 1367 -6/9/94)

(a) That the mitigation plan provides for the substantial replacement of the predominant functional values of the protected wetland to be lost.

(b) That the mitigation plan provides for no net loss of protected wetland resources and watercourses unless the Planning Commission, the City Council or the City Planner determines that the net loss will result in a minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances.

(c) That the mitigation plan has been coordinated with requirements of state agencies, if applicable.

(d) That a plan to monitor preserved and replacement wetlands has been specified.

(e) Wetland mitigation and monitoring plans have been made conditions of the wetland use permit.

(21) Protection of Wetlands and Watercourses During and After Construction. An applicant who has received a wetland use permit under this Section shall comply with the following in

connection with any construction or other activity on the property for which the wetland use permit has been issued: (Amended - Ordinance 1367 -6/9/94)

(a) Maintain soil erosion control structures and measures, including but not limited to silt fences, straw bale berms, and sediment traps. The landowner shall provide for periodic inspections throughout the duration of the project.

(b) Through staking or other means acceptable to the Planning Department, clearly identify the locations of protected wetlands or watercourses on the project site so that such locations are visible to all construction workers. The visible identification of protected wetlands and watercourses shall be in place prior to the grading of any land or issuance of any construction permit.

(c) Assure that there is no encroachment of equipment or earth-moving activities into protected wetlands or watercourses except as provided in the wetland use permit.

(d) Prominently display at the site a copy of the wetland use permit or other evidence that a wetland use permit has been obtained. The owner shall display a copy of the wetland use permit or other certification continuously when authorized activities are conducted and for ten (10) days following completion. The owner shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspections shall constitute a violation of this Section.

(22) Fees. Applications for a wetland use permit under this Section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the City Council. In addition, an applicant shall pay an additional escrow fee in an amount determined by the Planning Department to pay for the estimated cost of outside consultant(s) who may be retained by the City in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the City prior to the issuance of a wetland use permit. A denial of an application for a wetland use permit shall not affect the applicant's obligation to pay the escrow fee provided for in this Section. (Amended - Ordinance 1367 - 6/9/94)

(23) Restoration Requirements for Illegal Wetland Alteration. In the event of a violation involving illegal alteration of a watercourse or protected wetland under this Section, the City shall have the power to order complete restoration of the watercourse or protected wetland area by the person or agent responsible for the violation. If such responsible person or agent

does not complete such restoration within a reasonable time following the order, the City shall have the authority to restore the affected watercourse or protected wetland to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the City for the cost of restoration. Requirements and watercourse or protected wetland restorations ordered by the City shall be coordinated with state and/or federal agency requirements and specifications for watercourse or wetland restoration. (Amended - Ordinance 1367 - 6/9/94)

(24) Injunction. Any activity conducted in violation of this Section is declared to be a nuisance per se, and the City may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the protected wetland or watercourse as nearly as possible to its condition before the violation.

(25) Stop-Work Order. The City may also issue a stop-work order or withhold issuance of a Certificate of Occupancy, permits or inspections until the provisions of this Section, including any conditions attached to a wetland use permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Section. (Amended - Ordinance 1367 - 6/9/94)

(26) Relationship to Floodplain Regulations; Conflict. In the event of conflict or disparity between any provisions and regulations of this Section and those contained in Section 5.49 of this Chapter, Floodplain Controls, with respect to a proposed activity which is regulated under both sections, the more stringent provision or regulation shall apply.

(27) Property Tax Assessment. If a wetland use permit is denied, a landowner may appear at the annual Board of Review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction.

5.56 Woodlands and Tree Preservation (Amended - Ordinance 1324 - 8/26/91)

(1) Findings. The City of Southfield finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, woodlands and other forms of vegetation and natural resources and processes associated therewith which if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational, health and economic assets to existing and future residents of the City. Specifically, the City finds:

(a) That trees and woodlands protect public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling effect in the summer months;

(b) That trees and woodlands are an essential component of the general welfare of the City by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future City residents;

(c) That trees and woodlands play an important role in filtering waste water which passes through the ground from the surface to ground water tables and lower aquifers;

(d) That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in City-wide soil conservation, erosion control, and flood control;

(e) That trees and woodlands appreciably reduce the carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air;

(f) That the protection of such natural resources is a matter of paramount public concern, as provided by *Article IV, Section 52 of the Constitution of the State of Michigan* and the *Michigan Environmental Protection Act of 1970, M.C.L. 691.1201 et seq*.

(2) Purposes. The purposes of this Section are:

(a) To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this City in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;

(b) To protect the trees, woodlands, and other forms of vegetation of this City for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;

(c) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this City.

(3) Definition of Terms. The following definitions shall apply in this Section:

ACTIVITY: shall mean any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structure; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operation.

CITY: shall mean the City of Southfield.

DEPARTMENT: shall mean the City of Southfield Planning Department.

DEVELOPMENT: shall mean man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D.B.H.: shall mean diameter at breast height or the diameter in inches of a tree measured at four and one-half (4-1/2') feet (1.3725 meters) above the existing grade.

DIRECTOR: shall mean the City of Southfield Planning Director.

DRIP LINE: shall mean an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
GRUBBING: shall mean the effective removal of understory vegetation from a site.

LAND CLEARING: shall mean those operations where trees and vegetation are removed and which occur previous to construction or building; e.g. road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.

LANDMARK TREE: shall mean a tree of the genus and/or species and diameter listed in Paragraph 13 (a) of this Section, and any tree of twenty-four (24") inches (60.96 centimeters) D.B.H. or greater, which meet the health/condition criteria of Paragraph 13 (b) of this Section.

PERSON: shall mean any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind conducting operations within the City of Southfield, including all tree removal companies and persons removing trees on behalf of others.

REMOVE OR REMOVAL: shall mean the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.

TRANSPLANT: shall mean the digging up of a tree from one place on a property and the planting of the same tree in another place on the same property, in accordance with City tree transplanting standards and specifications.

TREE: shall mean a woody plant with an erect perennial trunk, which at maturity is thirteen (13') feet (3.965 meters) or more in height, which has a more or less definite crown of foliage.

WOODLANDS AREA: shall mean either:

(a) An area of land two (2) contiguous acres (.81 hectare) or larger which is covered by at least fifty (50%) percent tree canopy from one (1) or more groups of trees which have a natural understory and the remainder of the area not within the tree canopy is covered by other natural vegetation.

(b) An area meeting the requirements of Sub-Paragraph (a) above but no less than one-half (1/2) (.2025 hectare) but no more than two (2) acres (.81 hectare) in size and said area must meet one (1) or more of the following criteria:

1. The area acts as a major buffer for residential property.

2. The area is a significant entry landmark to a residential subdivision or other prominent public area which in its absence would have a significant negative impact on the area.

3. The area is an important greenbelt linkage between other natural areas for pedestrians, recreational activities and/or wildlife.

4. The area has high environmental value due to unusual topography, diversity of habitat, unique beauty, rare plant species or unusually large quality trees.

(4) Woodlands map. The City hereby incorporates into this Section and makes a part hereof by reference an official map of woodlands areas showing the general location of woodlands areas in the City. Said map shall be updated at any time that new and substantial data for woodlands are available. In revising the woodlands map, the City shall satisfy the

requirements of *Act 207, Public Acts of 1921*, as amended, relative to the amendment of zoning ordinance maps. The woodlands map shall serve as a general guide for the delineation of boundaries of woodlands areas. Field investigations to delineate the precise boundaries of woodlands areas shall be the responsibility of an applicant for a tree permit. In cases where the City needs additional information to complete a tree permit application review, the City may conduct on-site investigations of woodlands areas.

(5) Tree permit required. It shall be a violation of this Section for any person, except as otherwise provided herein, to remove, cause to be removed, transplant or destroy a tree within the City without a tree permit issued in accordance with this Section.

(a) A tree permit shall be required for the following except as otherwise exempted under Paragraph (6) of this Section:

1. The removal, transplanting or destruction of any tree within a woodlands area.

2. The removal, transplanting or destruction of any tree of eight (8") inches (20.32 centimeters) D.B.H. or greater outside of a woodlands area.

3. The removal, transplanting or destruction of a Landmark Tree.

4. Land clearing or grubbing within a woodlands area.

(6) Exceptions. Notwithstanding the requirements of Paragraph (5), the following activities are allowed without a tree permit, unless otherwise prohibited by statute or ordinance:

(a) On occupied property for which a valid Certificate of Occupancy has been issued within a woodlands area, the removal or transplanting of no greater than ten (10%) percent of the total number of trees on the property of less than eight (8") inches (20.32 centimeters) D.B.H. per calendar year.

(b) The removal or transplanting of a pear (pyrus), apple (malus), cherry (prunus), peach (prunus) or plum (prunus) tree.

(c) The removal of dead trees where the damage resulted from an accident or non-human cause.

(d) The trimming or care of trees or other woody vegetation provided that the work is accomplished in accordance with standardized forestry and horticultural practices as established by the *American Association of Nurserymen* or the *National Arborist Association*.

(e) Actions made necessary by an emergency such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation, or other man-made or natural disaster, in order to prevent injury or damage to persons or property.

(f) Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services, provided that such roads, sewers, structures, or facilities are not materially changed or enlarged, and provided that the work is conducted using best management practices to ensure that the woodlands areas are not adversely impaired.

(g) Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the City and are specifically intended to preserve natural resources. Such activities shall include, but not be limited to: (1) removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush, and debris; (2) bank stabilization projects which require minimal disturbance of existing conditions; and (3) wildlife and aquatic habitat improvement projects.

(7) Application for tree permit. Applications for a tree permit shall be filed with the Department. When a site is proposed for development necessitating review and approval of a site plan, plat or any other type of permit pursuant to the City Code, said application for a tree permit shall be made at the same time as such other related application. The application for a tree permit shall consist of the following:

(a) Three (3) copies of the tree permit application.

(b) A tree location survey in a form acceptable to the Department which shall bear the following information and details:

1. Minimum scale of 1" = 50' (2.54 centimeters = 15.25 meters). The scale shall be the same as a related site plan.

2. The shape and dimensions of the lot or parcel, together with the existing and

proposed locations of structures and improvements, including existing and proposed utilities.

3. Locations and dimensions of all setbacks and existing or proposed easements.

4. All trees of eight (8") inches (20.32 centimeters) D.B.H. or greater on the project site shall be tagged in the field with identifying numbers, using noncorrosive metal tags.

5. Exact locations of all existing trees, determined by actual field survey, of eight (8") inches (20.32 centimeters) D.B.H. or greater including trees within the adjoining street right-of-way, trees twenty-five (25') feet (7.625 meters) beyond the limits of the property lines including adjacent properties and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated or to be removed, shall be so designated and the numbered trees shall be identified by size (D.B.H.), grade at the base of each tree and crown spread to scale. Such verified information shall be provided by a registered land surveyor. The survey shall be accompanied by a separate key identifying the numbered trees by size, common name/genus and condition. This information must be provided by a registered landscape architect, certified arborist or forester, through an on-site inspection, who must verify the contents by seal or signature, whichever applies.

6. If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be moved, protected and/or stored during land clearance and construction and how they are to be maintained after construction.

7. A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls.

8. The number of trees to be removed which are of eight (8") inches (20.32 centimeters) D.B.H. or greater.

9. The requirement for a tree location survey may be waived by the Department for areas fifty (50') feet (15.25 meters) or more outside the

construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area shall be required. The area to remain undisturbed shall be snow fenced prior to any activity.

(c) For tracts of land ten (10) acres (4.05 hectares) or larger, a tree location survey meeting the conditions of the above requirements shall be submitted with the following supplemental documentation:

1. An aerial photograph or copy thereof, of suitable quality 1" = 100' (2.54 centimeters = 30.5 meters) minimum.

(d) An on-site examination shall be made by the Department in lieu of the tree location survey under any of the following conditions:

1. Where a permit is requested to remove or transplant trees on a lot which is zoned for single family purposes and upon which is located an occupied one-family dwelling; or

2. Where a permit is requested in connection with the construction of a one-family dwelling on a lot which is zoned for single family purposes and which is not located within a subdivision for which a final plat has been approved subsequent to the effective date of this Section; or

3. Where a permit is required to remove three (3) or fewer trees.

(8) Review of Tree Permit Application. The City shall process a tree permit application as follows:

(a) The Department shall review the tree permit application to verify that all required information has been provided. At the request of the applicant or the Department, an administrative meeting may be held to review the proposed application in light of the purpose and review standards of this Section.

(b) Upon receipt of a complete application, the Department may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received and during such review shall refer to the woodlands area map, if applicable. The receipt of a tree permit application shall constitute permission from the owner of the property to conduct such on-site investigation.

(c) If a tree permit application relates to a proposed development or activity on a site necessitating site plan review, plat approval or any other type of permit approval by the City Council, the Council shall consider said application concurrent with its review of the related site plan, plat or other permit approval. If Council approves a site plan, plat or other permit which conforms with the requirements of this Section that approval, together with any additional terms and conditions attached thereto, will be considered to have fulfilled the requirements for a tree removal permit.

(d) When a tree permit application is not related to a development or activity necessitating review and approval of a site plan, plat or other permit by the City Council, the Director shall be responsible for granting or denying the application. In the event the tree permit application is related to development on property for which administrative site plan approval is required prior to his or her decision, notice of the tree permit application shall be sent by first-class mail to all property owners adjoining the property upon which the development is proposed (including property directly across rights-of-way and easements) at least fifteen (15) days before the Director makes his or her decision which notice shall indicate where and when the tree permit application may be examined and which shall further indicate that said owner(s) may file a written objection thereto with the Department.

(e) The City shall not issue a tree permit related to an administrative site plan approval approved by the Director until ten (10) days have passed following such approval. Any person denied a tree permit by the Director or any owner of property adjoining the property upon which a development is proposed (including property directly across public rights-of-way and easements) when a tree permit related to an administrative site plan approval is approved, may appeal to the City Council. An appeal must be filed in the City Clerk's Office, in writing, within ten (10) days of the date of mailing of the decision being appealed. Timely filing of an appeal shall have the effect of suspending the issuance of a tree permit related to an administrative site plan approval pending the outcome of the appeal. The City Council, upon review, shall determine, with findings, whether or not there has been compliance with the requirements and standards of this Section and based upon its findings, it may affirm, reverse or modify the decision rendered by the Director.

(f) Whenever an application for a tree permit is granted, the City Council or the Director shall:

1. Attach to the granting of the tree permit any reasonable conditions considered necessary to ensure that the intent of this Section will be fulfilled.

2. Affix a reasonable time to carry out the activities approved in the permit; and

3. Require the permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary to ensure compliance with tree permit conditions and this Section.

(9) Applications Which Qualify for A Mandatory Tree Permit. A tree permit application shall be granted for the following:

(a) Where a permit has been requested with regard to occupied property for which a valid Certificate of Occupancy has been issued which is less than one (1) acre (.405 hectare) in area for the removal or transplanting of three (3) trees of eight (8") inches (20.32 centimeters) D.B.H. or greater within a calendar year or not more than ten (10%) percent of the total number of trees of eight (8") inches (20.32 centimeters) D.B.H. or greater on the property, whichever is less. This provision shall not apply to Landmark Trees.

(b) Where a permit has been requested with regard to occupied property for which a valid Certificate of Occupancy has been issued which is one (1) acre (.405 hectare) or more in area for the removal or transplanting of eight (8) trees of eight (8") inches (20.32 centimeters) D.B.H. or greater within a calendar year or not more than ten (10%) percent of the total number of trees of eight (8") inches (20.32 centimeters) D.B.H. or greater on the property, whichever is less. This provision shall not apply to Landmark Trees.

(10) Applications Which Do Not Qualify for A Mandatory Tree Permit. The following standards shall govern the granting or denial of an application for a tree permit for property which does not qualify for a permit pursuant to Paragraph (9):

(a) The preservation and conservation of trees, woodlands areas, similar woody vegetation, wildlife and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other site improvements.

(b) The integrity of woodlands areas shall be maintained irrespective of whether such woodlands cross property lines.

(c) Diversity of tree species shall be maintained where essential to preserving a woodlands area.

(d) Where the proposed activity consists of land clearing it shall be limited to designated street rights-of-way, drainage and utility areas, and areas necessary for the construction of buildings, structures or other site improvements.

(e) Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

(f) The proposed activity shall comply with all applicable statutes and ordinances.

(g) The proposed activity shall include necessary provisions for tree relocation or replacement in accordance with Paragraph (12) of this Section.

(h) Tree removal or transplanting shall be limited to the following instances:

1. When removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on-site for a proposed building, structure or other site improvement; or

2. The tree is dead, in decline, in danger of falling, is located too close to existing buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to other City ordinances or regulations.

(11) Tree Protection Prior to and During Construction.

(a) Prior to construction and/or land clearing the applicant shall do the following:

1. All trees for which application is being made for removal shall be so identified on-site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the Department. Trees selected for transplanting shall be flagged with a separate distinguishing color.

2. Construction limit fencing shall be erected which restricts access to protected areas and tree protection devices shall be installed where

required over tree roots, branches and/or tree trunks. All tree protection fencing and tree protection devices shall be installed as approved by the Department.

3. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas.

(b) During construction the applicant shall do the following:

1. Maintain all fences and tree protection devices as approved by the Department and refrain from causing or permitting any activity within the drip line of any tree or group of trees including, but not limited to, the storage of equipment, supplies, excavative materials, disposal of fuels, solvents or chemicals, or causing the disturbance of any soils or vegetation within protected areas without the prior approval of the Department.

2. No damaging attachments, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this Section.

(c) The Department shall conduct periodic inspections of the site during land clearing and/or construction in order to insure compliance with this Section.

(12) Replacement or Relocation of Trees. Whenever a tree permit allows removal of trees of eight (8") inches (20.32 centimeters) D.B.H. or greater, the permit grantee shall relocate or replace the trees, except as provided in Sub-Paragraph (e) below, on a one-to-one basis and all replacement trees must measure two and one-half (2-1/2 ") inch (6.35 centimeters) diameter or greater measured six (6") inches (15.24 centimeters) above grade. In lieu thereof the City and the permit grantee may agree to replacement trees of varying diameters so long as the market value of said trees would approximate the value of the replacement trees which would be required in accordance with the above formula. In addition:

(a) Replacement trees shall have shade potential and other characteristics comparable to the removed trees, and shall be State Department of Agriculture nursery grade No. 1 or better. All replacement trees, whether nursery stock or transplanted trees must be approved by the City on the project site prior to planting and must be planted in accordance with City standards for planting and transplanting including, but not limited to, staking, mulching and watering. All nursery stock and transplanted trees shall be guaranteed for one (1) year.

(b) The City shall approve tree relocation or replacement locations in order to provide optimum enhancement, preservation and protection of woodlands areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.

(c) Where it is not feasible and desirable to relocate or replace trees on-site, relocation or replacement may be made at another approved location in the City.

(d) Where it is not feasible and desirable to relocate or replace trees on-site or at another approved location in the City, the tree permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximating the current market value of the replacement trees that would otherwise be required. The City shall use the City Tree Fund for the purpose of maintaining and preserving wooded areas, for planting and maintaining trees within the City and for expenses related to the administration and enforcement of this Section.

(e) Replacement trees shall not be required for a tree which is removed pursuant to a tree permit granted pursuant to either Paragraph (9) or for a reason described in Paragraph 10 (h) (2) of this Section.

(13) Landmark Trees. All trees within the City of twenty-four (24") inches (60.96 centimeters) D.B.H. or greater and all trees listed below by Genus and/or species and minimum size D.B.H. shall be considered Landmark Trees if they also meet the health/condition criteria of Sub-Paragraph (b) below:

(a)

COMMON NAME	BOTANICAL NAME	SIZE	D.B.H.	CM
Arborvitae	Thuja		18"	45.72
Beech	Fagus		18"	45.72
Birch	Betula		18"*	45.72
Black Gum	Nyssa sylvatica	12"	30.48	
Blue Beech	Carpinus caroliniana		8"	20.32
Cedar, Red	Juniperus virginiana		12"	30.48
Chestnut	Castenea		10"	25.40
Crabapple	Malus		12"	30.48
Dogwood	Cornus		8"	20.32
Douglas Fir	Pseudotsuga menziesii	18"	45.72	
Fir	Abies		18"	45.72

Ginkgo	Ginkgo	18"	45.72
Hawthorn	Crataegus	12"	30.48
Hemlock	Tsuga	18"	45.72
Hickory	Carya	18"	45.72
Hornbeam	Ostrya	8"	20.32
Horsechestnut/ Buckeye	Aesculus glabra carnea	18"	45.72
Kentucky Coffeetree	Gymnocladus dioicus	18"	45.72
Larch/Tamarack	Larix	12"	30.48
London Plane/ Sycamore	Platanus	18"	45.72
Magnolia	Magnolia	8"	20.32
Maple, Red	Acer rubrum	18"	45.72
Maple, Norway	Acer platanoides	18"	45.72
Pine	Pinus	18"	45.72
Redbud	Cercis canadensis	8"	20.32
Sassafras	Sassafras albidum	15"	38.10
Serviceberry	Amelanchier	8"	20.32
Spruce	Picea	18"	45.72
Sweetgum	Liquidambar styraciflua	16"	40.64
Tulip Tree	Liriodendron tulipifera	18"	45.72
Walnut	Juglans	20"	50.80
Wild Cherry	Prunus	18"	45.72
Witch Hazel	Hamamelis virginiana	8"	20.32

* If a birch tree has multiple trunks, then its total D.B.H. shall be computed by adding the D.B.H. in inches (centimeters) of each of the trunks.

(b) In order to be considered a Landmark Tree, in addition to the above requirements, said tree shall also have a score of sixteen (16) or higher as determined by the Department in accordance with the following health/condition criteria:

CHART

FACTOR	**RANKING**		
	5 or 4	**3 or 2**	**1**

Trunk	**sound and solid**	**sections of bark missing**	**extensive and hollow**
Growth/Rate	**more than 6" (15.24 cm) twig elongation**	**2" - 6" twig (5.08-15.24 cm) elongation**	**less than 2" (5.08 cm) twig elongation**
Structure	**sound**	**one major or several minor limbs dead**	**2 or more major limbs dead**
Insects/Diseases	**no pests present**	**one pest present**	**2 or more pests present**
Crown/ Development	**full and balanced**	**full but unbalanced**	**unbalanced and lacking a full crown**
Life Expectancy	**over 30 years**	**15 - 20 years**	**less than 5 years**

(c) When Landmark Trees are permitted to be removed, in addition to compliance with the provisions of Paragraph (12), replacement trees shall be provided to a minimum of thirty (30%) percent of D.B.H. of the tree to be removed. Replacement trees, measured in D.B.H. or calipers, shall be provided either individually or on an accumulative basis to meet the thirty (30%) percent D.B.H. requirement, however, if on an accumulative basis, all individual trees shall measure at least two and one-half (2 1/2") inch (6.35 centimeters) diameter.

(14) Fees. Applications for a tree permit under this Section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the City Council. In addition, an applicant may be required to pay an additional escrow fee in an amount determined by the Department to pay for the estimated cost of any needed outside consultant(s) who may be retained by the City in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the City prior to the issuance of a tree permit. A denial of an application for a tree permit shall not affect the applicant's obligation to pay the escrow fee provided for in this Section.

(15) Fee for Illegally Removed Trees. In addition to any penalty provided for in the event of a

conviction for a violation of this Section, and notwithstanding whether or not the City has commenced a civil suit for injunctive relief, any person who removes or causes any tree to be removed except in accordance with this Section shall forfeit and pay to the City a civil fee equal to the total value of trees illegally removed or damaged, as computed from the *International Society of Arboriculture* shade tree value formula. The fee shall accrue to the City, and, if necessary, the City may file a civil action to recover the fee. The City shall place any sum collected in the City Tree Fund. Alternatively, the City may require replacement of illegally removed or damaged trees as restitution in lieu of the fee. Replacement will be on an inch-to-inch basis computed by adding the total diameter measured at D.B.H. in inches (centimeters) of the illegally removed or damaged trees. The City may use other reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. The City may also require a combination of fee payment and tree replacement.

(16) Injunction. Any activity conducted in violation of this Section is declared to be a nuisance per se, and the City may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.

(17) Stop-Work Order. The City may also issue a stop-work order or withhold issuance of a Certificate of Occupancy, permits or inspections until the provisions of this Section, including any conditions attached to a tree permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Section.

(18) Approved Site Plans and Plats. This Section shall not apply to a site plan or plat which has received final approval prior to the effective date of this Section so long as the site plan or plat remains in effect and in good standing pursuant to this Chapter.

(19) Variance for Hardship. The City Council may grant a variance from the provisions of this Section when undue hardship may result from strict compliance thereof.

(a) In granting any variance, the City Council shall prescribe conditions that it deems necessary or desirable for the public interest and in furtherance of the intent of this Section.

(b) No variance shall be granted unless the City Council finds:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Section would deprive the applicant of the reasonable use of his or her land;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right by the applicant;

3. That the variance will further the objectives and policies of this Section and Chapter and the City Code.

Section 5.57 Outdoor Non-Accessory Temporary Retail Sales (Amended - Ordinance 1405 - 5/11/97)

1. Non-accessory temporary retail sales may be conducted outside of a permanent building in all zoning districts except that in a single-family residence zoning district such sales are permitted only if a permanent non-residential use is situated on the property (Amended – Ordinance 1528 – 2/16/06).

2. Notwithstanding Section 5.221 of this Chapter non-accessory temporary retail sales, with the exception of sales conducted by a church, mosque, synagogue or school, may be conducted outside of a permanent building in the above zoning districts only after receipt of special use approval from the Director of the Department of Building and Safety Engineering. A petitioner shall submit to the Director an application, site plan, and such other information as the Director shall request to assist in the review of the request. Prior to a decision, the public hearing and notice requirements, as provided for in Michigan Compiled Laws §125.584(a), shall be complied with. The requested use shall only be approved by the Director of the Department of Building and Safety Engineering when the following general standards have been satisfied and subject to the conditions hereinafter imposed (Amended – Ordinance 1528 – 2/16/06).

A. Standards:

(i) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(ii.) The proposed use is of such character and the vehicular traffic generated will not have an adverse affect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(iii.) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse affects resulting from noise, dust, dirt, glare, odor, or fumes.

(iv.) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby uses.

(v.) The proposed use will not be adverse to the promotion of the health, safety, and welfare of the community.

B. Conditions:

(i) Parking requirements shall be determined in accordance with Section 5.30, of this Chapter; and, if the area for parking serves another use or uses, the requirement shall be met only from parking spaces available in excess of parking requirements for the other use(s).

(ii.) The parking area shall be designed and constructed in accordance with the requirements of Section 5.31, of this Chapter.

(iii.) The use shall be set back at least fifty (50) feet (15.25 meters) from all lot lines.

(iv.) All areas providing a temporary use, including but not limited to: sales areas, aisles and passageways, parking, entrances and exits, shall be accessible as required under Act No. 1 of the Public Acts of 1966, as amended, being §125.1351 *et seq*., of the Michigan Compiled Laws.

Section 5.58 Wireless Communication Facilities (Amended - Ordinance 1419 - 5/28/98)

A. Purpose and Intent.

It is the general purpose and intent of the City of Southfield to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City of Southfield 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 communication services and coverage, it is the further purpose and intent of this Section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities.

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

3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined 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 community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.

4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.

5. 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.

6. Promote the public heath, safety, and welfare.

7. Provide for adequate information about plans for wireless communication facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, 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 structures that are unnecessary, taking into consideration the purposes and intent of this section.

10. The Southfield City Council finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the 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.

B. Definitions.

The following definitions shall apply in the interpretation of this section:

1. ***Wireless Communication Facilities*** shall mean and include all structures and accessory facilities relating to 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, micro-wave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2. ***Attached Wireless Communication Facilities*** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

3. ***Wireless Communication Support Structures*** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

4. ***Collocation*** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

5. ***Planning Official*** shall mean the Southfield City Planner.

6. ***City*** shall mean the City of Southfield.

C. Authorization.

1. Subject to the standards and conditions set forth in subparagraph D.1., below, wireless communication facilities shall be permitted uses in the following circumstances:

   a. ***Circumstances creating permitted use treatment.***

      In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use:

      (1) An existing structure which will serve as an Attached Wireless Communication Facility, except within a single-family residential zoning district, where the existing structure is not, in the discretion of the Planning Official, proposed to be either materially altered or materially changed in appearance.

      (2) A proposed collocation upon an Attached Wireless Communication Facility which had been preapproved for such collocation as part of an earlier approval by the City.

      (3) An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

2. Subject to the standards and conditions set forth below, wireless communication facilities shall be authorized as special land uses within all zoning districts except for single family residential and television-radio-office-studio districts.

3. If it is demonstrated by an applicant that a wireless communication facility may not reasonably be established as a permitted use under paragraph 1, above, and is required

to be established outside of a district identified in paragraph 2, above, in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the City as a special land use, subject to the criteria and standards of Sections D and F, below.

D. General Regulations.

1. ***Standards and Conditions Applicable to All Facilities.***

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions; 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 City Council in its 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 communication 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. Applicants shall demonstrate why a site or sites recommended by the City are not appropriate.

f. The following additional standards shall be met:

(1) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the 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.

(2) The minimum setback of the proposed, new, or modified support structure and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. If the support structure is proposed to be located in a zoning district which has no setback requirements and is part of a site containing two (2) or more zoning districts, the setback requirement of the most restrictive district shall apply. (See paragraph E.3, below).

(3) 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. This access shall have a width and location determined by thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.

(4) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(5) Where an attached wireless communication 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, it shall conform with all district requirements for principal buildings, including yard setbacks.

(6) The City Council 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 communication

facility in a neat and orderly condition.

(7) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

(8) 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 long term, continuous maintenance to a reasonably prudent standard.

30. ***Standards and Conditions Applicable to Special Land Use Facilities.***

Applications for wireless communication facilities which may be approved as special land uses under subparagraphs 2 or 3 of paragraph C, above, shall be reviewed; and if approved, constructed, and maintained, in accordance with the standards and conditions in subparagraph D.1, and in accordance with the following standards (also see paragraph F for special land uses under subparagraph 3 of paragraph C):

b. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:

(1) Proximity to an interstate or major thoroughfare.

(2) Areas of population concentration.

(3) Concentration of commercial, industrial, and/or other business centers.

(4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(6) Other specifically identified reason(s) creating facility need.,

c. The proposal shall be reviewed in conformity with the collocation requirements of this section.

d. The proposal shall be processed in accordance with Section 5.221 of this chapter.

E. Application Requirements.

1. A site plan prepared in accordance with Section 5.22 of this chapter 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. Site plans shall be approved pursuant to the procedure set forth in this chapter for the particular zoning district in which the facility is proposed to be located.

2. The site plan shall also include a detailed landscaping plan where the 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.

3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) case; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the city attorney and recordable at the Office of the 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 of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the City in securing removal.

5. The application shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the City, the applicant shall be required only to update as needed. 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. MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.

6. The name, address, and phone 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.

7. Applications, in addition to the applicable non-refundable, administrative application fee, shall be accompanied by an escrow fee in an amount determined by the Planning Department to pay for the estimated cost of outside consultant(s) who may be retained by the City in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the City prior to the issuance of a permit. A denial of an application for a permit shall not affect the applicant's obligation to pay the deficiency.

F. Special Requirements for Facilities Proposed to be Situated Outside District.

For facilities which are not permitted uses under paragraph C.I., above, and proposed to be located outside of a district identified in C.2., above, an application shall be reviewed; and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in paragraph D.

1. At the time of the submittal, the applicant shall demonstrate that a location within the district cannot reasonably meet the coverage and/or capacity needs of the applicant.

2. Wireless communications facilities shall be of a design as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the City.

3. In single family, residential districts, site locations shall be permitted on the following sites only subject to application of all other standards contained in this section: (Amended - Ordinance 1461 - 6/17/01)

   a. Municipally owned site.

   b. Other governmentally owned site.

   c. Religious or other institutional site.

   d. Public park.

   e. Public or private school site.

G. Collocation.

1. Statement of Policy:

It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication support Structures within the City, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in paragraph A of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonable anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph A of this section. If a provider fails or refuses to

permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the City. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the City.

2. Feasibility of collocation:

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

a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

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

c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained in parts D and F of this section, above.

3. Requirements for Collocation:

a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

c. The policy of the City is for collocation. Thus, if a party who owns or

otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, 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.

4. Incentive:
Review of an application for collocation, and review of an application for a permit for use of a facility permitted under paragraph C.1.a., above, shall be expedited by the City.

H. Removal.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

   a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

   b. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.

2. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.

3. Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph 1 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 or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official.

4. If the required removal of a facility or a portion thereof has not been lawfully completed

within sixty (60) days of the applicable deadline, and after at least thirty (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, collected, and/or enforced from or under the security posted at the time application was made for establishing the facility.

Section 5.59. Comprehensive Master Plan Procedure (Amended – Ordinance No. 1543 – 1/28/07)

In the event the City desires to adopt a Master Plan or amend an existing plan (collectively referred to as "Plan"), it shall be adopted, pursuant to the following procedure:

1. The Plan shall be prepared by the Planning Department ("Department"). The Department may develop the Plan with the assistance of a professional consultant if approved by the City Council ("Council"). The process used to obtain and review information for the Plan and for its final formulation shall be reviewed by the Council. Upon completion, the Plan shall be submitted to the Planning Commission ("Commission") for review.

2. The Commission shall hold a public hearing on the proposed Plan. The Commission shall give notice of the time and place of the public hearing, not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation in the City. The Commission shall thereafter make a recommendation to the Council with regard to the Plan, but the Council may act on the Plan without the recommendation if it is not received within ninety (90) days after submission of the Plan to the Commission.

3. Upon receipt of the Commission's recommendation or in the absence of a recommendation after the expiration of ninety (90) days from the time the Plan was submitted to the Commission, the Council shall hold a public hearing on the proposed Plan. The Council shall give notice of the time and place of the public hearing, not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation in the City. The Council shall thereafter approve, approve with modifications, or reject the Plan.

4. At least every five (5) years after adoption of a Plan, the Council shall review the Plan and determine whether to commence the procedure to amend the Plan or adopt a new Plan, pursuant to this section.

Section 5.60-A WIND ENERGY SYSTEMS (Amended – Ordinance No. 1590 – 4/23/12)

A. Purpose and Intent

The purpose of this section is to establish guidelines for the siting of Wind Energy Systems (Wind Turbines). It is the further purpose and intent of this Section to:

1. Promote the safe, effective and efficient use of Wind Energy Systems in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy sources.
2. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse effects of Wind Energy Systems, including aesthetic impacts, a risk to bird and bat populations, risks to the property values of adjoining properties, significant noise, and electromagnetic interference with various types of communication.
3. Establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of Wind Energy Systems shall be governed.

B. Definitions. The following definitions shall apply in this Section:

ACCESSORY FACILITIES OR EQUIPMENT: shall mean any structure other than a wind turbine, related to the use and purpose of deriving, collecting, or distributing energy from such wind turbine located on or associated with a Wind Energy System.

AMBIENT SOUND LEVEL: shall mean the amount of background noise at a given location prior to the installation of a Wind Energy System which may include, but is not limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

ANEMOMETER: shall mean a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes a tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speeds and wind flow characteristics over a period of time for either instantaneous wind formation or to characterize the wind resource at a given location.

ANEMOMETER TOWER: shall mean a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

ANSI: shall mean the American National Standards Institute.

CITY: shall mean the City of Southfield.

dB(A): shall mean the sound pressure level in decibels. It refers to the "A" weighted scale defined by ANSI. A method of weighting the frequency spectrum to mimic the human ear.

DECIBEL: shall mean the unit of measure used to express the magnitude of sound pressure and sound intensity.

DECOMMISSIONING: shall mean the process of terminating operation and completely removing a Wind Energy System and all related buildings, structures, foundations, access roads and equipment.

IEC: shall mean the International Electrotechnical Commission.

ISO: shall mean the International Organization for Standardization.

LARGE TOWER-MOUNTED WIND ENERGY SYSTEM: shall mean a tower-mounted ON-SITE WIND ENERGY SYSTEM consisting of one turbine, one monopole or tower, and associated control or conversion electronics which has a rated capacity of one hundred (100) kilowatts or more and is intended to supply some portion of its produced electrical power for sale to a power grid. Such Wind Energy Systems may also be called a Commercial Wind Energy Conversion System.

Capacity:	One hundred (100) kilowatts or more
Height:	No height requirement as long as setback requirements are met.

LEASE AREA BOUNDARY: shall mean the boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.

MEDIUM TOWER-MOUNTED WIND ENERGY SYSTEM: shall mean a tower-mounted ON-SITE WIND ENERGY SYSTEM that converts wind energy into electricity through the use of equipment which includes any monopole or tower, base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries or other components used in the system. The Medium Tower-Mounted Wind Energy

System has a nameplate capacity that does not exceed one hundred (100) kilowatts. The total height and capacity shall be as follows:

Capacity:	Thirty (30) – one hundred (100) kilowatts
Height:	Not to exceed one hundred fifty (150) feet

NACELLE: shall mean the encasement which houses all of the generating components, gear box, drive tram and other equipment.

NET-METERING: shall mean the special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

ON-SITE WIND ENERGY SYSTEM: shall mean a land use for generating electric power from wind and is intended to serve the needs of the consumer at that site.

OPERATOR: shall mean the entity responsible for the day-to-day operation and maintenance of the Wind Energy System.

OVERSPEED CONTROL: shall mean a mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy System.

PUBLIC ROAD: shall mean any federal, state, county, city, town or village road which is open to the public, or private road regularly used by multiple persons for access to separate off-site parcels of land, access to which is unrestricted by the owner(s) of said private road.

ROTOR: shall mean an element of a Wind Energy System that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

ROTOR DIAMETER: shall mean the cross-sectional dimension of the circle swept by the rotating blades of a Wind Energy System.

SHADOW FLICKER: shall mean the alternating changes in light intensity caused by the moving blade of a Wind Energy System casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling. The amount of shadow flicker created by a Wind Energy System is calculated by a computer model that takes into consideration turbine location, elevation, and tree cover, location of all structures, wind activity and sunlight.

SITE: shall mean the parcel of land where the Wind Energy System is to be placed including related tower, and transmission equipment. The site may be publicly or privately owned by an individual or group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, lots shall be combined into one lot through a Lot Combination application with the Assessing Department for the purposes of applying setback requirements.

SMALL STRUCTURE-MOUNTED WIND ENERGY SYSTEM: shall mean an ON-SITE WIND ENERGY SYSTEM that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system. The Small Structure-Mounted Wind Energy System is attached to a structures roof, walls or other elevated surface, including accessory structures such as, but not limited to: cellular phone towers. The Small Structure-Mounted Wind Energy System shall have the following Capacity and height:

Capacity:	Not to exceed ten (10) kilowatts.
Height:	Not to exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae and other similar protuberances.

SMALL TOWER-MOUNTED WIND ENERGY SYSTEM: shall mean an ON-SITE WIND ENERGY SYSTEM that converts wind energy into electricity through the use of equipment which includes any monopole or tower, base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries or other components used in the system. The Small Tower-mounted Wind Energy System shall have the following capacity and height:

Capacity:	Not to exceed thirty (30) kilowatts.
Height:	Not to exceed one hundred (100) feet in a non-residential district. Not to exceed thirty-five (35) feet in a residential district

SOUND PRESSURE: shall mean an average rate at which sound energy is transmitted through a unit area in a specific direction with the pressure of sound measured at a receiver.

SOUND PRESSURE LEVEL: shall mean the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

TOTAL HEIGHT: shall mean the vertical distance measured from ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy System.

TOWER: shall mean the free-standing monopole that supports a Wind Energy System.

UPWIND TURBINE: shall mean that the rotor is **upwind** of the tower on which it is mounted.

WIND ENERGY SYSTEM: shall mean a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and monopole or tower as well as related electrical equipment. This does not include wiring to connect the Wind Energy System to the grid. See also ON-SITE WIND ENERGY SYSTEM.

WIND ENERGY TURBINE: shall mean any structure or tower-mounted, small or medium Wind Energy System that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower and pad transformer, if any.

WIND SITE ASSESSMENT: shall mean an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a Wind Energy System.

C. Siting and Design Requirements:

1. "Upwind" turbines shall be required for all horizontal Wind Energy Systems.

2. The design of the Wind Energy System shall conform to all applicable industry standards.

3. Visual Appearance

   (a.) Wind Energy Systems, including accessory buildings and related structures shall be mounted on a tubular tower and be finished in a non-reflective, matte finished, non-obtrusive color as applied by the manufacturer unless otherwise approved by the Planning Department and Building Department by a building permit. The appearance of the turbine, tower and any ancillary facility shall be maintained in working condition and free of rust and corrosion by the owner(s) of the Wind Energy System throughout the life of the Wind Energy System.

   (b.) Each Wind Energy System shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or

other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

(c.) A Wind Energy System shall not be used for displaying any advertising (including flags, streamers, or decorative items). There shall be no markings, numbers, letters, etc. on the monopole or tower, blades or rotor, etc., except for reasonable identification of the turbine manufacturer and appropriate warning signs.

4. Ground Clearance: The lowest extension of any blade or other exposed moving component of a Wind Energy System shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within fifty (50) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Wind Energy System.

5. Noise: Noise emanating from the operation of a Wind Energy System or On-Site Wind Energy System shall be metered and proven not to exceed, at any time, 55 dB(A) at the property line. However, if the ambient sound pressure level exceeds 55 dB(A), the guideline standard is the ambient level dB(A) plus 5 dB(A).

6. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property line on which a Wind Energy System is located.

7. Guy Wires: Guy wires shall not be permitted as part of a Wind Energy System.

8. Shadow Flicker: The Wind Energy System owner(s) or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the Wind Energy System. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of the year. The analysis shall identify situations where shadow flicker may affect occupants of buildings for more than 30 hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.

9. Electrical System: All electrical controls, control wiring, grounding wires, power lines and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

10. Tower Separation: The separation between each Wind Energy System shall be determined by the City based on industry standards.

11. Signal Interference: The Wind Energy System shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication systems. The owner of the Wind Energy System shall be responsible for resolving any interference issues that may arise.

12. Building Setback: The setback from all buildings on the applicant's property shall be a minimum of twenty (20) feet measured from the base of the tower.

13. Other Setbacks: The setback shall be equal to one and one-half (1 ½) times the total height of the Wind Energy System as measured from the base of the tower to the property line, public rights-of-way, public easement or overhead utility lines or telephone lines. This setback may be reduced if the applicant provides a registered engineer's certification that the Wind Energy System is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the Wind Energy System.

D. Safety Requirements.

1. If the Wind Energy System is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utilities then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility and local authority having jurisdiction.

2. The Wind Energy System shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

3. The Wind Energy System shall be equipped with lightning protection as required by the National Electrical Code.

4. Security measures shall be in place to prevent unauthorized trespass and access. A Wind Energy System shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to the Wind Energy System and electrical equipment shall be locked and/or fenced with six (6') foot high

black vinyl-coated chain link fence as appropriate, to prevent entry by non-authorized persons.

5. Tower Access:Step bolts, ladders, or other means of access readily available to the public are to be designed and installed to be at least fifteen (15) feet above grade level.

6. All spent lubricants, cooling fluids and any other hazardous materials shall be properly and safely removed in a timely manner.

7. A clearly visible warning sign regarding voltage shall be placed at the base of the Wind Energy System. The sign shall contain at least the following:

   (a.) Warning of high voltage.

   (b.) Manufacturer's and owner(s)/operator(s) name(s).

   (c.) Emergency contact numbers (list more than one number).

8. The structural integrity of the Wind Energy System shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and design", IEC 61400-22 "Wind Turbine Certification", and/or IEC 61400-23, "Blade Structural testing," or any similar successor standards.

E. Application Requirements. The following information shall be submitted with the proposed site plan for all Wind Energy systems.

1. Documented compliance with the noise requirements set forth in the ordinance. Said documentation shall require, at a minimum, data reflecting ambient sound measurements taken over a two (2) week period, which shall include the location on the property where the measurements were taken. The method of measuring ambient sound levels and the location on the property where the measurements were taken shall be approved by the Planning Department prior to the collection of data.

2. Documented compliance with local, state and national regulations and codes including, but not limited to: all applicable safety, construction, environmental, electrical, and communications requirements. In addition, the Wind Energy System shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act and any applicable airport overlay zone regulations.

3. Engineering data concerning construction of the Wind Energy System and its base or foundation, which may include, but is not limited to, soil boring test results and wind load designs.

4. Anticipated construction schedule.

5. Proof of applicant's liability insurance in a form and amount as approved by the City Attorney's office.

6. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

7. The proposed plan shall conform to the requirements of Section 5.22, Site Plan Requirements of Article 4, General Provisions.

8. A description of the methods that will be used to perform maintenance on the Wind Energy System and the procedures for lowering or removing the Wind Energy System in order to conduct such maintenance.

9. A written description of the anticipated life of the each Wind Energy System; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the Wind Energy System(s) become inoperative or non-functional.

10. The applicant shall submit a decommissioning plan that will be carried out at the end of the Wind Energy System's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.

11. A Performance Bond or letter of Credit, approved by the City Attorney, for the cost of decommissioning and removal shall be provided.

12. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

F. Applicability. This ordinance shall apply to all Wind Energy Systems proposed to be constructed after the effective date of this ordinance. All Wind Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; however, any physical modification to an existing Wind Energy System that alters the size, type, equipment or location shall require building and electrical permits under this ordinance.

G. Small Structure-Mounted Wind Energy Systems. Notwithstanding other provisions of this section of this ordinance, a Small Structure-Mounted Wind Energy System shall be considered a principal permitted use in all zoning districts. A Small Structure-Mounted Wind Energy System shall not be erected, constructed, installed or modified as provided in this ordinance unless administrative approval is granted and appropriate building permits and electrical permits have been issued to the owner(s) or operator(s). All Small Structure-Mounted Wind Energy Systems are subject to the Schedule of Regulations in Paragraph L.

H. Small Tower-Mounted Wind Energy Systems. Notwithstanding other provisions of this section of this ordinance, a Small Tower-Mounted Wind Energy System shall be considered a Use Permitted Subject to Special Approval in all zoning districts. A Small Tower-Mounted Wind Energy System shall not be erected, constructed, installed or modified as provided in this ordinance unless City Council approval has been granted after a recommendation by the Planning Commission and appropriate building permits and electrical permits have been issued to the owner(s) or operator(s). All Small Tower-Mounted Wind Energy Systems are subject to the Schedule of Regulations in Paragraph L.

H. Medium Tower-mounted Wind Energy System. A Medium Tower-mounted Wind Energy System shall be considered a Use Permitted Subject to Special Approval in all non-residential zoning districts. A Medium Tower-mounted Wind Energy System shall not be erected, constructed, installed or modified as provided in this ordinance unless City Council approval has been granted after a recommendation by the Planning Commission and appropriate building permits have been issued to the owner(s) or operator(s). All Medium Tower-mounted Wind Energy Systems are subject to the Schedule of Regulations in Paragraph L.

I. Large Tower-mounted Wind Energy System: A Large Tower-mounted Wind Energy System shall be considered a Use Permitted Subject to Special Approval in all non-residential zoning districts. A Large Tower-mounted Wind Energy System shall not be erected, constructed, installed or modified as provided in this ordinance unless City Council approval has been granted after a recommendation by the Planning Commission and appropriate building permits have been issued to the owner(s) or operator(s). All Large Tower-mounted Wind Energy Systems are subject to the Schedule of Regulations in Paragraph L.

J. Decommissioning

1. Owner(s) or operator(s) of Wind Energy Systems shall complete decommissioning of Wind Energy Systems within six (6) months after the end of their useful life. Upon request the owner(s) or assigns of a Wind Energy System, and for a good cause, the City Council may grant a reasonable extension of time. The Wind Energy System will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

2. If the owner(s) or operator(s) of a Wind Energy System fails to complete decommissioning within the period prescribed above, the City may designate a contractor to complete decommissioning with the expense thereof to be charged against the premises pursuant to Section 1.13 of the City Code. If the Wind Energy System is not owned by the property owner, a bond must be provided to the City for the cost of decommissioning each Wind Energy System.

3. In addition to the decommissioning requirements listed above, Wind Energy Systems shall also be subject to the following:

(a.) Decommissioning shall include the removal of each Wind Energy System, buildings, electrical components, foundations, and any other associated facilities.

(b.) The site and any disturbed earth shall be stabilized, cleared of any debris, graded and seeded to prevent soil erosion by the owner(s) of the facility or its assigns.

K. Temporary Uses Related to Wind Energy Systems. The following is permitted in all zoning districts as a temporary use subject to Zoning Board of Appeals approval, in compliance with the provisions contained herein, and the applicable Wind Energy System regulations.

1. Anemometers

(a.) The construction, installation or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.

(b.) An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements and decommissioning that correspond to the size of the Wind Energy System that is proposed to be constructed on the site.

(c.) An anemometer shall be permitted for no more than thirteen (13) months for a Small Structure-Mounted Wind Energy System, a Small Tower-Mounted Wind Energy System or a Medium Wind Energy System.

L. Schedule of Regulations

WIND ENERGY SYSTEMS

Schedule of Regulations

Type of System	Use Class	Location	Height	Setback	Application Requirements
Small Structure – Mounted	Principal Permitted Use in all districts	Shall not be affixed to the side of a building facing a street	Shall not exceed fifteen (15') feet when measured from the highest point of the roof, excluding chimneys, antennae, or other protuberances.	Minimum of fifteen (15') feet from property lines, public rights-of-way, public easements or overhead wires.	Paragraph E, 1.-11., P. 8-9
Small Tower-Mounted	Use Permitted Subject to Special Approval in all districts.	Rear yard of a property that contains an occupied building. If a double-frontage lot, location shall be in an interior side yard.	Shall not exceed one hundred (100') feet in a non-residential district. Shall not exceed thirty-five (35') in a residential district.	See Paragraph C, 12. & C, 13., p. 7	Paragraph E, 1.-11., p. 8-9
Medium Tower-Mounted	Use Permitted Subject to Special Approval in all non-residential districts. Not allowed in Single family districts.	Rear yard of a property that contains an occupied building. If a double-frontage lot, location shall be in an interior side yard.	Shall not exceed one hundred fifty (150') feet.	See Paragraph C, 12. & C, 13., p. 7	Paragraph E, 1.-11., p. 8-9
Large Tower-Mounted	Use Permitted Subject to Special Approval in all non-residential districts. Not allowed in Single family districts.	Rear yard of a property that contains an occupied building. If a double-frontage lot, location shall be in an interior side yard.	No height requirements as long as setbacks are met.	See Paragraph C, 12. & C, 13., p. 7	Paragraph E, 1.-11., p. 8-9

Section 5.60-B SOLAR ENERGY SYSTEMS (Amended – Ordinance No. 1590 – 4/23/12)

A. Purpose and Intent

The purpose of this Section is to establish guidelines for the siting of Solar Energy Systems. It is the further purpose and intent of this Section to:

1. To promote the safe, effective and efficient use of Solar Energy Systems in order to reduce the consumption of fossil fuels in producing electricity and decrease the air and water pollution that results from the use of conventional energy sources.
2. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse effects of Solar Energy Systems, including aesthetic impacts and risks to the property values of adjoining properties.
3. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of Solar Energy Systems shall be governed.

B. Definitions. The following definitions shall apply in this Section:

Solar Energy System: shall mean a solar photovoltaic cell, panel, or array that converts solar energy to useable thermal, mechanical, chemical, or electrical energy.

Solar Storage Battery: shall mean a device that stores energy from the sun and makes it available in an electrical form.

C. Applicability. This Section shall apply to all Solar Energy Systems proposed to be constructed after the effective date of this ordinance. All Solar Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; however, any physical modification to an existing Solar Energy System that alters the size, type, equipment or location shall require a permit under this ordinance.

D. Roof-mounted Solar Energy Systems: Roof-mounted and building solar energy systems are permitted uses in all zoning districts, subject to the following regulations:

1. Siting and design requirements

(a.) Roof mounted systems shall not extend more than four (4') feet above the surface to which it is affixed.

(b.) No solar energy system may protrude beyond the edge of the roof.

(c.) A building permit and electrical permit shall be required for installation of roof-mounted or building-mounted systems.

E. Ground- Mounted Solar Energy Systems: Ground-mounted and freestanding solar energy systems are permitted uses in all zoning districts subject to the follow regulations:

1. Siting and design requirements:

(a.) Location:

(i.) The solar energy system shall not be allowed in the front yard between the property line and the front building wall. The solar energy system may be located in the side or rear yards and be set back a minimum of five (5') feet from any side or rear property line.

(b.) Height:

(i.) The height of the solar energy system and any mounts shall not exceed ten (10') feet when oriented at maximum tilt.

(ii.) If the solar energy system is located in a side yard, the maximum height for the system shall be forty-two (42") inches or three and one half (3 ½') feet. Evergreen landscaping that is sufficient to buffer the equipment from view from near-by dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.

(c.) Building Permit:

(i.) A building permit and electrical permit shall be required for any ground-mounted solar energy system.

(d.) Area:

(i.) No more than twenty (20%) percent of the total lot area may be covered by a ground-mounted solar energy system.

F. Batteries: When batteries are included as part of the solar collector system, the must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

G. Removal: If a solar energy system ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period.

Section 5.60-C RESERVED FOR GEO-THERMAL ENERGY SYSTEMS

ARTICLE 5 SINGLE FAMILY RESIDENCE DISTRICTS (R-A, R-1, R-2, R-3, R-4, R-E)

5.61 Intent (Amended - Ordinance 1446 - 8/5/99)

These residential districts are intended to provide areas in the city for single family dwellings as permitted uses and residentially related uses subject to special approval. The districts are designed to encourage the continued use of land for single family dwellings and discourage any land use which would create excessive or unsafe traffic on local streets.

The R A District is intended to apply only to those areas where the existing lots are platted at less than the minimum lot size of the R 1 District or where the existing character of development in the immediate vicinity is less than the minimum lot size of the R 1 District and that the legislative body does find that an unreasonable hardship would be created for the property owners to develop in accordance with the existing zoning district regulations.

The R E District is intended to apply to those areas where the existing development clearly meets the requirements of this district and that any future reduction of those development standards would have a serious adverse effect upon the surrounding neighborhood and would reduce the existing character of such residential area to the detriment of the community.

There are certain special land uses that may be permitted after a finding by the planning commission and city council subject to the specific standards as enumerated in article 5 of this ordinance.

The regulations in this article shall apply to all R A, R 1, R 2, R 3, R 4, and RE districts.

5.62 Uses Permitted (Amended - Ordinance 1446 - 8/5/99)

In all single family residence districts, no building or structure or part thereof shall be erected, altered, or used, or land used, in whole or in part, except as otherwise provided in this Chapter except for one (1) or more of the following specified uses:

(1) One family dwellings.

(2) Farms and buildings erected, altered or moved onto farms which shall conform to all provisions of this Chapter.

(3) Accessory buildings or uses customarily incidental to any of the above permitted uses; one (1) private garage for each residential lot, shall be considered a legal accessory use. Not more than one of each of the following shall be allowed to be stored, placed, or kept on the property: boat, domestic trailer, commercial vehicle or recreational vehicle. A boat, domestic trailer, commercial vehicle or recreational vehicle which does not exceed twenty (20) feet (6.1 meters) in length may be kept, placed or stored in the rear yard of the property or within a private garage; however, if any length thereof exceeds twenty (20) feet (6.1 meters) such boat, domestic trailer, commercial vehicle or recreational vehicle must be kept, placed or stored fully within a private garage. “Commercial motor

vehicle" means a motor vehicle used in commerce or business to transport passengers or property. However, if any commercial vehicle is being used as a daily mode of transportation for an occupant of the residence, and does not exceed twenty (20) feet (6.1 meters) in length it may be temporarily parked (not exceeding 72 hours) in the driveway of the residential structure while not in use. (Amended – Ordinance 1648 – 12/27/15)

(4) Family Child Care Homes properly licensed by the State of Michigan. (Amended – Ordinance 1588 – 12/25/2011)

5.62-A Uses Permitted Subject to Special Approval (Amended - Ordinance 1446 - 8/5/99)

The following uses may be permitted upon the review and approval of the city council after a recommendation from the planning commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(A) The residential character of the area shall be maintained.

(B) The subject property is so located as not to hinder the natural and presumed residential development of the area, nor negatively impact, existing woodlands and wetlands as defined by the city's adopted woodlands and wetlands map and ordinance of article 4, general provisions.

(C) The subject property will act as a buffer or transitional area between a residential development and a nonresidential development.

(D) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate there from which might be adverse to occupants of any other nearby permitted uses.

(E) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(F) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(G) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(H) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

2. Uses

(1) Public and private schools offering courses in general education and not operated for profit.

(2) Publicly owned buildings and buildings located on publicly owned land.

(3) Parks and nature preserves.

(4) Community buildings, country clubs, fraternal lodges, or similar civic or social clubs.

(5) Recreational areas which are predominately open uses of land with indoor facilities no larger in gross floor area than twenty-five (25%) percent of the ground area occupied by the outdoor recreational facilities. Outdoor recreational facilities in this section shall include swimming pools and adjoining decks, tennis courts, shuffleboard courts, handball courts, baseball fields, soccer fields, golf courses, driving ranges, picnic grounds and other areas that are designated to be used for specified recreational activities.

(6) Indoor recreational facilities, including, but not limited to, hockey, soccer, lacrosse, tennis, racquetball, squash and gymnasiums for basketball and volleyball which may or may not be operated for profit.

(7) Churches, synagogues, mosques, cemeteries.

(A) Emergency Shelters for the Homeless and Soup Kitchens may be considered ancillary uses conditional upon the following: (Amended – Ordinance 1654 – 3/20/16)

i. Shelter and/or meal service for seven (7) or more recipients is limited to two (2) weeks maximum in any one calendar year.

ii. Shelter and/or meal service for seven (7) or more recipients is limited to one (1) week at a time throughout the calendar year.

iii. Limitations on duration for six (6) or fewer recipients of shelter and/or meal service at a time do not apply.

(8) Group Child Care Homes (Amended – Ordinance 1588 – 12/25/2011)

<u>5.62-B REQUIRED CONDITIONS</u> (Amended - Ordinance 1446 - 8/5/99)

(1) Animals, including fowl, other than pets shall be housed in accessory buildings. No

building or buildings shall be used or built for the housing of animals or fowl, other than pets, on the front half of any lot nor nearer than one hundred and seventy-five (175') feet (53.375 meters) to any adjoining dwelling nor nearer than fifty (50') feet (15.25 meters) to the dwelling of the owner thereof and, provided further, that no animals which are or shall be in any way noisy, obnoxious, unwholesome, destructive, dangerous, or offensive shall be kept, harbored or housed in any section of the City.

(2) The owner shall not permit any animal or fowl owned by him or in his possession or control, to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof. (Amended - Ordinance 1229 - 4/6/87)

(3) It shall be the duty of the owner or person in possession or control of any animal or fowl, other than such animals or fowl as are commonly housed in a human dwelling as household pets, to provide, construct and maintain fencing devices reasonably designed or adapted to effectively exclude such animal or fowl from the area within five (5') feet (1.525 meters) of the property line of the owner of the animal or fowl. (Amended - Ordinance 1229 - 4/6/87)

(4) Indoor recreational facilities, churches, synagogues, mosques, cemeteries, country clubs, fraternal bodies or similar civic or social clubs, shall comply with the following:

(A) The depth of the front and of the rear yards and the width of each side yard shall not be less than fifty (50') feet (15.25 meters).

(B) At least fifty (50%) percent of the above yard setback shall be in landscaping.

(C) The subject property must be located on a major thoroughfare, with direct access to the thoroughfare.

(D) An unpierced masonry wall shall be provided on all sides adjacent to residential districts.

(5) Picnic grounds, miniature golf courses, golf driving ranges, golf courses, shall comply with the following:

(A) The subject property must be located on a major thoroughfare, with direct access to the thoroughfare.

(6) Group Child Care Homes shall comply with the following:

(a) Only the care provider and his/her immediate family shall reside in the home.

(b) For each child, a child care home shall have a minimum of thirty-five (35) square feet of indoor activity space for use, exclusive of all of the following:
- Hallways
- Bathrooms
- Storage areas & cloak rooms
- Kitchens
- Reception & office areas
- Non-habitable basement space

(c) Adequate outdoor play area (minimum of 1,200 square feet) shall be provided on the subject property or located within 500 feet of the subject property at a public park or at other outdoor facilities, which are accessible by public walkway.

(d) All outdoor play areas, on subject property, shall be located in the rear or side yards only and shall be enclosed with a completely obscuring decorative masonry wall or ornamental fence six (6') feet in height.

(e) Children (not related to the care provider) shall not be dropped off or picked up between the hours of 10:00 p.m. and 6:00 a.m.

(f) There shall be no signs for the child care home.

5.63 Front Yard
In all residence districts, there shall be a front yard on every lot, the minimum depth shall be as set forth in the "Schedule of Regulations" in Article 22.

5.64 Side Yard
In all residence districts, there shall be a side yard on each side of every lot, the minimum width of side yards shall be as set forth in the "Schedule of Regulations" in Article 22, except that in no instance shall any side yard abutting a street be less than twenty-five (25') feet (7.625 meters) in width.

5.65 Rear Yard
In all residence districts, there shall be a rear yard on every lot, the minimum depth shall be as set forth in the "Schedule of Regulations" in Article 22, except that for residential buildings with attached garages, the minimum depth of the rear yard shall not be less than twenty-five (25') feet (7.625 meters).

Where a rear yard on a lot abuts a street (such lot is commonly known as a thru lot), the minimum depth of such rear yard shall be equal to the minimum front yard requirement for the lots fronting on said street within the same frontage block.

5.66 Area and Size of Buildings
In all residence districts, the minimum usable floor area and the maximum percent of the area of a lot that one (1) family dwellings, together with accessory buildings, may occupy shall be as set forth in the "Schedule of Regulations" in Article 22.

5.67 Height
In all residence districts, the maximum height of buildings shall be regulated by the "Schedule of Regulations" in Article 22.

5.68 Lot Area (Amended - Ordinance 1321 - 7/18/91)
In all residence districts, the minimum required lot area shall be as set forth in the "Schedule of Regulations" in Article 22, and further:

(1) All areas of developed single family property that are not covered by buildings and hard-surfaced areas such as driveways, patios, swimming pools, tennis courts, and other permitted outdoor activity areas, shall be landscaped as defined in Article 2, Section 5.7, Paragraph (1), and further, not less than sixty-five (65%) percent of all front and side yards shall be landscaped.
(2) The parking of motor vehicles shall not be permitted on any front or side yard landscaped area.

5.69 Accessory Buildings and Structures (Amended - Ordinance 1229 - 4/6/87)
One (1) or more accessory buildings, including one (1) detached garage, shall be permitted in all single family residence districts provided that:

(1) Such buildings comply with the height and setback limitations of the zoning code.

(2) The total sum of the gross floor area of all accessory buildings on any assessment tax parcel shall not exceed the smaller of either ten (10%) percent of the land area of the assessment tax parcel, or the gross area of the first story or ground floor of the principal building or use to which the accessory building relates.

(3) No portion of any accessory building shall be within three (3') feet (.915 meters) of a side or of a rear property line.

(4) Where a rear yard abuts a street (such lot being commonly known as a thru lot), accessory buildings shall not occupy any of the minimum required rear yard space.

(5) On a corner lot, accessory buildings shall not occupy any of the minimum required side yard area abutting a street nor any of that portion of the rear yard nearer to the street than the width of said yard required on such lot and abutting on such street.

Accessory transmitting and/or receiving towers, antenna or satellite dish antenna shall not be located in any front yard or any required side yard as regulated by Article 2, "Definitions,

Section 5.9 (T-Z)." On a corner lot, any such accessory structures shall not occupy any of the side yard abutting upon a street. Guy wires or any other structural supports shall not encroach upon any right-of-way, adjoining property, easements, or yard areas abutting a street.

The maximum height of any accessory transmitting and/or receiving tower or antenna shall not exceed seventy-five (75') feet (22.875 meters) from grade.

Satellite dish antenna shall be approved by the Department of Building and Safety Engineering prior to issuance of a building permit and shall not exceed an overall diameter of twelve (12') feet (3.66 meters) or an overall height of fifteen (15') feet (4.575 meters) above existing grade and shall be permanently ground mounted.

5.70 Single Family Cluster Option (Amended - Ordinance 1266 - 2/27/89)
The intent of this Section is to permit the development of single family residential patterns which, through design innovation, will provide for an alternative means for development of single family areas. Realizing the increased public importance of protecting woods and parks in their natural state, special attention will be given to the creation of private garden areas, public sitting areas, tot lots, and park areas. Prime locations for the use of this option will be those areas where natural features would be destroyed due to the mass grading resulting from the conventional subdividing of property. To accomplish this, modifications to the single family residential standards, as outlined in Article 22, "Schedule of Regulations," shall be permitted.

(1) The City Council may, after recommendation from the Planning Commission, approve the clustering and/or attaching of single family dwelling units on parcels of land under single ownership and control when, in the opinion of the City Council, such development would have advantages over development under the normal subdivision approach.

In approving an area for cluster development, at least one (1) of the following conditions shall exist as it relates to the subject property:

(a) The property is of such a depth and/or width to make normal subdivision platting difficult.

(b) The parcel is shaped in such a way that it contains acute angles which would make a normal subdivision difficult to achieve.

(c) The parcel contains a floodplain or poor soil conditions which results in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development.

(d) The parcel contains natural assets which could be preserved through the use of cluster development. Such assets may include the natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which should be preserved.

(e) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10%) percent between these elevations. The elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the City could be impossible unless the site were mass graded.

(f) The parcel has at least one (1) lot line which abuts a nonsingle family residential zoning district or a permanent nonresidential use.

(g) The parcel is in an area which has been designated by the City Council, after a report and recommendation from the Planning Commission, as a residential conservation area. For purposes of this Chapter, residential conservation areas are defined as areas of sound structures but with some scattered dilapidation and poor maintenance. The majority of the structures can be economically rehabilitated into sound residential structures.

(h) The parcel is situated such that the cluster option will allow flexibility in design and placement of open space for increased insulation and protection for the residential units from adjacent freeways or other major thoroughfares.

(i) A request for the cluster option shall not be approved when:

1. In the opinion of the City Council the proposal would be contrary to the health, safety and general welfare of the developed and established residential areas in the immediate vicinity, or

2. The request would be contrary to the purpose of the cluster option which is to maintain important natural areas, topography and improving the open space characteristics of a given area, or

3. The request is not consistent with the goal of revitalizing residential conservation areas into sound and stable residential areas and improving the health, safety, and welfare of residential areas.

(2) In areas meeting the above criteria, the minimum yard setbacks and minimum lot sizes per unit as required by Article 22, "Schedule of Regulations," may be waived and the attaching of dwelling units may be permitted subject to the following:

(a) The attaching of single family dwelling units, one to another, may be permitted when said homes are attached by means of one (1) or more of the following:

1. Through a common party wall which does not have over thirty (30%) percent of the plan view overlap of any wall in common with an abutting dwelling wall.

2. By means of an architectural wall which does not form interior room space.

3. Through a common party wall in only the garage portion of the abutting structure.

(b) No other common party wall relationship is permitted and the number of units attached in the above manner shall not exceed four (4).

(c) In a cluster development, the maximum density permitted shall be determined by the following regulations:

R A	Zone District	-	9,000 Sq. Ft. Land Area Per Unit
R 1	Zone District	-	11,000 Sq. Ft. Land Area Per Unit
R 2	Zone District	-	11,000 Sq. Ft. Land Area Per Unit
R 3	Zone District	-	11,000 Sq. Ft. Land Area Per Unit
R 4	Zone District	-	11,000 Sq. Ft. Land Area Per Unit
R E	Zone District	-	20,000 Sq. Ft. Land Area Per Unit

(d) The minimum floor area per unit shall be determined by the respective zoning district in which the development is located and as listed in Article 22, "Schedule of Regulations."

(e) Yard requirements shall be provided as follows:

1. No building shall be less than fifty (50') feet (15.25 meters) from a perimeter lot line; all other yard requirements shall be determined and controlled by the site plan.

2. Off-street parking spaces shall not be permitted within a minimum yard abutting a public street.

(3) The procedure for preparation and submittal of a plan under this Section shall be as follows:

(a) Ten (10) copies of a preliminary plan of the cluster development with a written application shall be submitted to the Planning Department.

(b) The preliminary plan should be drawn to scale and show the arrangement of dwelling units, streets, and open space. Dimensions of these elements shall be shown but may be approximated. It is the intent of this Section that the preliminary plan be done in sufficient detail to permit planning review and yet not require precisely engineered plans. At this stage, the Planning Commission shall have the authority to require alterations to be made in the plan if this is found necessary to comply with the intent of this Section.

(c) The preliminary plan shall include:

1. An overall map showing the relationship of the property to its surroundings within one-half (1/2) mile (.8045 kilometers) such as section lines and/or major and secondary streets.

2. Property and lot lines and public and private streets of adjacent tracts of subdivided and unsubdivided property within two hundred (200') feet (61 meters) of the proposed plan.

3. Location of existing sewers, water mains, storm drains and other underground facilities within or immediately adjacent to the proposed property.

4. Topography drawn at two (2') foot (.61 meters) contour intervals, preliminary landscaping plans, and all computations relative to acreage and density.

   To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. The preservation of drainage and natural stream channels must be maintained by the proprietor and the provision of adequate easements, where appropriate, shall be required.

5. At least two (2) trees per unit shall be provided within the area, related to the respective units. Said trees shall have at least three (3") inch (7.62 centimeters) caliper measured one (1') foot (.305 meters) above the ground.

6. Sidewalks shall be required on all public rights-of-way and in any area the Planning Commission or City Council deems necessary to insure pedestrian movement and safety.

The Planning Commission and/or City Council may request typical building

elevations and floor plans and any other details which assist in reviewing the proposed plan.

(d) Site plans submitted under the option shall be accompanied by written statements regarding the following:

1. The proposed manner of holding title to the open land.

2. The proposed manner of payment of taxes.

3. The proposed method of regulating the use of the open land and the persons or corporations responsible for maintenance.

4. The proposed method of financing the maintenance and development of the property.

(e) Upon receipt of all the necessary material and plans, the Planning Commission shall review all details of the proposed plan within the framework of the Zoning Ordinance, within the various elements of the Master Plan, and within the intent of this Section.

(f) After the review of the preliminary plan, the proprietor may be requested to submit detailed plans showing detailed building location, final topography, landscaping, driveways and parking and any other items which the Commission deems necessary for their final review.

(4) The Planning Commission shall not act upon the request until notices by registered or certified mail have been sent to the proprietor and to the owners of land immediately adjoining the proposed plan. Said notices shall include the time and place of the Commission meeting and shall be sent not less than five (5) days before the date fixed therefor. In addition, not less than fifteen (15) days notice of the time and place of such public hearing shall be published in the official newspaper of the City.

(5) If the Planning Commission is satisfied that the proposal meets the spirit and intent of the Zoning Ordinance, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the spirit and intent of the Zoning Ordinance or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record reasons therefor in the minutes of the Planning Commission meeting. If the proposal has been approved by the Planning Commission, the City Clerk shall place the matter upon the agenda of the City Council. If disapproved, the applicant shall be entitled to a hearing before the City Council if he requests one (1) in writing within thirty (30) days after action by the

Planning Commission.

The City Council shall not act upon the request until notices by registered or certified mail have been sent to the proprietor and to the owners of land immediately adjoining the proposed plan. Said notices shall include the time and place of the Council meeting and shall be sent not less than five (5) days before the date fixed therefor. In addition, not less than fifteen (15) days notice of the time and place of such public hearing shall be published in the official newspaper of the City.

(6) If the City Council approves the site plan, they shall instruct the City Attorney to review deed restrictions setting forth the conditions upon which such approval is based. The restrictions, after approval by the City Council, shall be binding upon the property and the prospective purchasers. Said restrictions shall include, but not be limited to:

(a) A severance clause for noncompliance with the approved plan.

(b) A specified time period for development. Failure to begin construction within twelve (12) months of approval of the City Council shall make the approval null and void unless the extension is requested, in writing, by the applicant and the request is granted by the City Council.

(c) A provision which will guarantee the completion of the proposed improvements to the open land within a time to be set by the City Council.

ARTICLE 5-A MOBILE HOME PARK DISTRICT (RMH)

5.701 Intent

The Mobile Home Park District (RMH) is intended to apply only to large, vacant, unplatted areas and will serve as zones of transition between more intensive land uses such as office or commercial and other residential districts or permanent nonresidential uses. The Mobile Home Park District is further provided to allow an alternate form of housing that provides the flexibility of moving living units from place to place.

5.702 Site Plan Review

No mobile home shall be placed on a site in a Mobile Home Park District (RMH) unless a site plan therefor has been approved by the City Council. The City Council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the Planning Commission within sixty (60) days after it has been requested by the Council. In addition to general considerations of health, safety and welfare, the City Council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety except:

(a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveways and all property abutting such street between the driveways and a major thoroughfare or freeway service drive is zoned for multiple family use, any nonresidential uses, or is developed with permanent uses other than single family residences. This exception shall only apply if the Council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

5.703 Uses Permitted

(1) One family mobile home.

(2) Double wide, one family mobile home.

(3) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(4) Automobile parking spaces to be provided, as required in Sections 5.30 and 5.31, which may be located in carports or garages adjacent to, or in close proximity to, the units they

are intended to serve.

5.704 Area and Bulk Regulations

It is the purpose and intent of this Article to establish site design and construction standards for mobile home parks insuring that the arrangement of mobile homes provides adequate light, air, convenience of access, safety, essential utilities and recreational facilities and other open spaces.

(1) Minimum Site Size The minimum site size for development purposes of a Mobile Home Park District is twenty-five (25) acres (10.125 hectares).

(2) Density The maximum density shall be limited by the requirement of a minimum of seven thousand five hundred (7,500) square feet (697.5 square meters) of land area per mobile home, exclusive of the area of internal minor and collector streets.

(3) Minimum Floor Area The minimum floor area for any mobile home to be utilized for residential purposes shall be not less than one thousand (1,000) square feet (93 square meters).

(4) Circulation The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided with an adequate vehicular turning circle at least ninety (90') feet (27.45 meters) in diameter. A minor street shall be not less than twenty-seven (27') feet (8.235 meters) wide, measured between curb faces, and a collector street shall be not less than thirty-three (33') feet (10.065 meters), measured between curb faces.

(5) Setbacks All mobile homes and any accessory buildings shall maintain a fifty (50') foot (15.25 meters) setback to any boundary line of the development to adequately protect the residential use of the development.

(6) Spacing Between Mobile Homes Mobile home sites shall be so arranged so as to provide a minimum distance of not less than twenty-five (25') feet (7.625 meters) between any unit or attached appendage to the main unit. The minimum distance between the roadway which provides circulation to the site and the unit shall be not less than twenty-five (25') feet (7.625 meters).

(7) Mobile Home Stands Each mobile home must be situated on a series of concrete piers arranged in accordance with the following diagram. The concrete piers shall be not less than sixteen (16") inches (40.64 centimeters) in diameter, not less than forty-two (42") inches (106.68 centimeters) deep, and shall have a maximum footing load of fifteen (15) pounds (6.804 kilograms) per square inch (6.451 square centimeters).

Each mobile home shall be located on the stands and supported with masonry blocks or jacks, shall have the wheels removed, shall be connected to utilities, and be provided with

skirting from the bottom of the walls of the mobile home to the ground which shall consist of face brick or aluminum siding and shall provide an uninterrupted screening device around the mobile home.

(8) Anchorage and Tie Down Every space for mobile homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Anchorage may be by eyelets imbedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift based upon the size and weight of the units and as detailed in the BOCA Code.

(9) Open Space Each mobile home shall be provided with an outdoor living and service area. Such area should be improved and landscaped as necessary to assure reasonable privacy and comfort. The minimum area should not be less than three hundred (300) square feet (27.9 square meters) with a least dimension of fifteen (15') feet (4.575 meters).

In addition to the above, there shall be provided at least three hundred (300) square feet (27.9 square meters) of open space and recreation space for each mobile home and shall be developed in clusters located uniformly throughout the site. At least one (1) such area in each mobile home park shall be of such size and shape that a minimum one hundred (100') foot square (9.3 meters square) may be laid out within it and be substantially flat, without trees, bushes or other obstructions, and maintained as lawn and is suitable for active forms of recreation. Streets, driveways and parking areas are not to be included in calculating the size of the recreation area.

(10) Utilities All utilities are to be located underground. In addition, an underground master television antenna system must be provided for each mobile home park for the use of each unit; exterior antennas shall not be permitted on individual mobile homes.

(11) Sidewalks Sidewalks, at least five (5') feet (1.525 meters) wide, shall be provided adjacent to all drives and streets that provide vehicular circulation through the mobile home park. Sidewalks shall be located on both sides of the drives and streets.

(12) Refuse Collection Facilities Refuse containers, having a capacity of one (1) cubic yard (.765 cubic meters) for each four (4) mobile homes, shall be provided in a location where vehicular and pedestrian access is convenient, must be located on Portland Cement concrete stands, and shall be surrounded, except on the driveway side, by a brick faced masonry wall at least six (6') feet (1.83 meters) high.

(13) Boat and Camper Storage The storage of boats, snowmobiles, all terrain vehicles, trailers and non-motorized campers shall be permitted only in an area designated for such storage and shall not be permitted on any mobile home space.

(14) Community Building Each mobile home park development shall contain a community building of sufficient size to accommodate laundry facilities, indoor recreational

facilities, and room for community gatherings to service the residents of the mobile home park.

(15) Project Improvements Each mobile home park development shall comply with the requirements and regulations of Chapter 48, Subdivision and Project Improvements, of the Southfield City Code.

(16) Fire Safety Requirements Each mobile home, regardless of age, shall be equipped with approved smoke detection and alarm systems in addition to an approved portable fire extinguisher suitable for handling incipient fires to the home.

(17) Storage Sheds Storage sheds may be permitted as accessory buildings. No outdoor storage shall be permitted by any mobile home park or committed by any occupant, including the storage of anything underneath any mobile home.

(18) Walls A six (6') foot (1.83 meters) high brick faced, solid masonry wall shall be required wherever parking areas are adjacent to single family residentially zoned property as determined by the City Council at the time of site plan review.

(19) Signs Permitted signs are limited to directional, speed limit, street address and street name signs. (Amended - Ordinance 1338 - 6/8/92)

5.705 Fees

Fees charged for the site planning review of requests under the provisions of this Section shall be in the amount of three hundred and fifty ($350.00) dollars plus two ($2.00) dollars per mobile home. This fee is necessary and reasonably related to the expense incurred in processing such requests and shall be paid at the time of presenting the site plan to the Planning Department. (Amended 4/1/91)

ARTICLE 6 ATTACHED SINGLE FAMILY RESIDENTIAL DISTRICT (R-T)

5.71 Intent

The Attached Single Family Residential District (R-T) is intended to permit and to relate the type, design, and layout of attached and detached single family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. This district is also intended to encourage a more efficient and more desirable use of land.

This district is specifically intended to prohibit multiple family buildings where entry to individual dwelling units is from an interior common area, to require that units be separated from any abutting dwelling unit by a party wall extending up from the ground the full height of the building, and to require each dwelling unit to have direct access from outdoors from at least the front and rear or side of the unit.

5.72 Site Plan Review

No building, structure or land shall be erected or used in an Attached Single Family Residential District (R-T) unless the site plan therefor has been approved by the City Council. The City Council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within sixty (60) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided to a secondary thoroughfare, major thoroughfare, or freeway service drive and that a proper relationship exists between the secondary thoroughfare, major thoroughfare, and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

(a) Ingress and egress driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is zoned for multiple family use, any nonresidential uses, or is developed with permanent uses other than single family residences. This exception shall only apply if the Council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single family zoning district and a nonresidential district.

(2) All the development features including the principal building and any accessory buildings, open spaces, service roads, driveways and parking areas are located so as to

minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

5.73 Principal Uses Permitted

(1) One family attached dwellings (townhouses) with not less than three (3) attached units.

(2) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(3) The entire area of the site shall be treated to service the residents of the development and any accessory buildings, uses or services shall be developed solely for the use of the residents. Uses considered herein as accessory uses include: swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

5.74 Other Uses

The City Council may, after a recommendation from the Planning Commission, permit one family detached dwellings and one family attached dwellings of less than three (3) attached units when they are found to be:

(1) Reasonably necessary or convenient for the satisfactory and efficient development of a complete townhouse district, and

(2) Necessary for the creation of an effective density development, and

(3) Necessary for the extension of a single family character in a single family residential area.

5.75 Density Control

There shall be not less than two thousand (2,000) square feet (186 square meters) of land area for each room of eighty (80) square feet (7.44 square meters) or more, not including kitchen or sanitary facilities; however, in no case shall the density exceed eight (8) dwelling units per acre (.405 hectares).

5.76 Area and Bulk Regulations

(1) See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area and provides minimum setback requirements.

(2) No building shall be less than thirty (30') feet (9.15 meters) from a perimeter lot line; all other yard requirements shall be determined and controlled by the site plan.

(3) No building or structure within one hundred and fifty (150') feet (45.75 meters) of a perimeter lot line shall exceed twenty-five (25') feet (7.625 meters) or two (2) stories in height. All other buildings shall not exceed thirty-five (35') feet (10.675 meters) or three (3) stories in height.

(4) Automobile parking spaces are to be provided as required in Section 5.30.

(5) Provide a minimum of four hundred (400) square feet (37.2 square meters) of landscaped open space adjacent to each unit.

(6) Attached single family units shall not exceed two hundred and fifty (250') feet (76.25 meters) in total length.

(7) Dwelling units may be attached by other than side walls when the attachment does not exceed eighty percent (80%) of the plan view overlap of any wall in common with an abutting dwelling unit or attached garage (Amended – Ordinance 1539 – 12/3/06).

5.77 Walls

A six (6') foot (1.83 meters) high solid masonry wall of similar material as the principal buildings may be required wherever parking areas are adjacent to single family residentially zoned property.

5.78 Conditions

When approving a site plan for an attached single family residential development, the City Council shall prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of an attached single family residential site plan which are as follows:

(1) The development is compatible with the Future Land Use Plan as recommended by the Planning Commission.

(2) The development is an effective and unified treatment of the development possibilities of the subject property.

(3) The development will harmonize and be compatible with any existing or proposed development in the area surrounding the subject property.

The violation of any conditions so imposed shall constitute a violation of this Chapter.

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ARTICLE 7 MULTIPLE FAMILY RESIDENTIAL DISTRICTS-LOW RISE (RM)

5.81 Intent

The Multiple Family Residential Districts (Low Rise) are designed to provide sites for multiple family dwelling structures which will generally serve as zones of transition between commercial districts and the lower density single family districts. The multiple family dwelling district is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, single family community.

5.82 Site Plan Review

In an RM, Multiple Family Residential District, no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter. No building, structure or land shall be erected or used in an RM, Multiple Family Residential, District unless the site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a secondary thoroughfare, major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety except:

(a) Ingress and egress driveways may be permitted to other than a secondary thoroughfare, major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveways and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple family use, any nonresidential uses, or is developed with permanent uses other than single family residences. This exception shall only apply if the Council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single family zoning district and a nonresidential district.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent properties.

(3) The Traffic Engineer shall submit to the Planning Commission and City Council a report regarding the improvements in the public right-of-way which are necessary for the satisfactory operation of contiguous roadways.

(4) To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and, furthermore, to find proper relationships between the following development features as they relate to traffic safety: service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

5.83 Uses Permitted

(1) All principal uses permitted in single family residence districts with all the requirements equal to at least the requirement of the most restrictive immediately abutting residential district or, if there is none, the requirements of the least restrictive residential district shall apply. Provided that single family structures shall not require site plan review and approval.

(2) Two family dwellings.

(3) Multiple family dwellings not in excess of two (2) stories.

(4) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(5) Automobile parking space to be provided as required in Section 5.30.

5.84 Uses Permitted Subject to Special Approval

The following use (uses) may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Multiple Family Residential District-Low Rise.

(b) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(c) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land

uses or the adjacent thoroughfares.

(d) Failure to begin construction within twelve (12) months of approval of the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.

(e) In approving a special use, the City Council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this Section.

(2) Uses

(a) Housing for the elderly upon review and report from the Southfield Housing Commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the Housing Commission shall review and report on the design of the project and the amenities of the project such as, but not limited to, recreational, social and other support facilities) and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred and twenty-five (525) square feet (48.825 square meters) for a one (1) bedroom unit and seven hundred (700) square feet (65.1 square meters) for a two (2) bedroom unit except that not more than twenty-five (25%) percent of the units may be of an efficiency type of not less than four hundred and twenty-five (425) square feet (39.525 square meters). The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provision of common areas located within the project.

2. Parking shall be established per Section 5.30, Off-Street Parking Requirements Assisted Living/Elderly. The City Council may permit the reduction of parking spaces provided in a landscaped parking bank which will allow the conversion of landscaped areas into additional parking at the request of the Planning Department. Such landscaped parking banks shall not be computed in minimum landscape requirements. All required parking shall be ten (10') feet (3.05 meters) in width, center to center, and twenty (20') feet (6.1 meters) in length with a minimum aisle width of twenty-two (22') feet (6.71 meters). (Amended – Ordinance 1641 –

5/31/15)

3. The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit	Density DU/Acre (.405 Hectares)
2	1,500 Sq. Ft. (139.50 Sq. M.)	29.0

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the City Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the Zoning Ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

5.85 Use Restrictions

All dwelling units shall have at least one (1) living room and one (1) bedroom, except as provided in Section 5.84, Paragraph (2), Sub-Paragraph (a-1), housing for the elderly.

All dwelling units shall contain not less than two (2) rooms of not less than eighty (80) square feet (7.44 square meters) each, not including kitchen or sanitary facilities, except that not more than ninety (90%) percent of the units may be of the one (1) bedroom type.

5.86 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22 except that carports or garages may be located within fifty (50') feet (15.25 meters) of a side or rear property line where such lot line abuts a multiple family zoning district or a nonresidential zoning district.

5.87 Building Distance Formula

In all Multiple Residence Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings.

The formula regulating the required minimum distance between two (2) buildings (referred to as Building "A" and Building "B") is described in Section 5.97.

ARTICLE 8 MULTIPLE FAMILY RESIDENTIAL DISTRICTS - MEDIUM RISE (RMM) AND HIGH RISE (RMU)

5.91 Intent

The Multiple Family Residential Districts (Medium Rise) are designed to provide sites for medium-density multiple dwelling structures adjacent to secondary and major thoroughfares and freeway service drives. This district is designed to provide a zone of transition between secondary and major thoroughfares and/or more intensive uses of land such as high rise office or high rise multiple family uses and the less intensive uses of land such as low rise multiple family uses and/or single family residential. This district is further designed to provide a zone of medium height limitation which may be more desirable than the RMU (High Rise) District which permits unlimited height and could be detrimental to established areas.

The Multiple Family Residential Districts (High Rise) are designed to provide sites for high-density multiple dwelling structures adjacent to high traffic generators commonly found in the proximity of regional shopping centers and areas abutting major thoroughfares and expressways. This district is further provided to serve the residential needs of persons desiring the apartment-type of accommodation with central services as opposed to the residential patterns found in the one (1) family residential and RM, Multiple Family Residential, districts. This district is further designed so as to provide a zone of transition between these major thoroughfares and high traffic generators and other residential districts through more open space.

5.92 Site Plan Review

In an RMM or RMU Multiple Family Residential District, no building, structure or land shall be erected or used in an RMM or RMU Multiple Family Residential District unless the site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a major thoroughfare or freeway service drive except that the RMM District may have ingress and egress to a secondary thoroughfare, and that a proper relationship exists between the thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

(a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple family use, any nonresidential uses, or is developed with permanent uses other than single family residences. This

exception shall only apply if the Council finds that there are special circumstances which indicate that there will be a transitional zone between a single family zoning district and a nonresidential district.

(2) Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and furthermore, to find proper relationships between the following development features as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

(3) The Traffic Engineer shall submit, to the Planning Commission and City Council, a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways.

5.93 Uses Permitted

(1) Multiple family dwellings in structures between three (3) and six (6) stories within the RMM Medium Rise District, and seven (7) stories to unlimited in height, providing yard requirements are satisfied within the RMU High Rise District. (Amended - Ordinance 1432 - 1/14/99)

(2) Retail and service uses clearly accessory to the principal use and in accordance with Section 5.95, Paragraph (3).

(3) Accessory buildings and uses customarily incidental to any of the above permitted uses.

5.94 Uses Permitted Subject to Special Approval

The following use (uses) may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Multiple Family Residential Districts - Medium Rise (RMM) and High Rise (RMU).

(b) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(c) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the

adjacent thoroughfares.

(d) Failure to begin construction within twelve (12) months of approval of the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.

(e) In approving a special use, the City Council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this Section.

(2) Uses

(a) Housing for the elderly upon review and report from the Southfield Housing Commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the Housing Commission shall review and report on the design of the project and the amenities of the project (such as, but not limited to, recreational, social and other support facilities) and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred and twenty-five (525) square feet (48.825 square meters) for a one (1) bedroom unit and seven hundred (700) square feet (65.1 square meters) for a two (2) bedroom unit except that not more than twenty-five (25%) percent of the units may be of an efficiency type of not less than four hundred and twenty-five (425) square feet (39.525 square meters). The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provisions of common areas located within the project.

2. Parking shall be established per Section 5.30, Off-Street Parking Requirements Assisted Living/Elderly. The City Council may permit the reduction of parking spaces installed not to exceed fifty (50%) percent which may be provided in a landscaped parking bank which will allow the conversion of landscaped areas into additional parking at the request of the Planning Department. Such landscaped parking banks shall not be computed in minimum landscape requirements. All required parking shall be ten (10') feet (3.05 meters) in width, center to center, and twenty (20') feet (6.1 meters) in length with a minimum aisle width of twenty-two (22') feet (6.71 meters). (Amended – Ordinance 1641 – 5/31/15)

3. The site shall be so developed as to create a land-to-building ratio on the

lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit (Square Feet)	Density DU/Acre (.405 Hectares)
6 or more	800 (74.4 sq. m.)	54.5
5	900 (83.7 sq. m.)	48.4
4	1,000 (93.0 sq. m.)	43.6
3	1,100 (102.3 sq. m.)	39.6

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the City Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the Zoning Ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

(b) Urban town homes or row style housing is defined as attached, two to three-story residential units designed with the appearance of an individual unit with the main entrance fronting a public right-of-way or private road. To accomplish this effect, modifications are allowed from the area and bulk regulations of the RMM or RMU district, as stated in Sections 5.95, 5.96 and 5.97, Article 8 and Section 5.193, Article 22. Approval is subject to the following standards and conditions: (Amended - Ordinance 1462 - 6/17/01)

1. The proposed development shall have at least one (1) property line abutting a major thoroughfare and no further than 1/4 of a mile from established retail uses.

2. The building facades visible from all exterior property lines shall be constructed to be compatible with the adjoining land uses.

3. There shall be a minimum of one garaged parking space per residential unit which shall be attached to or within the residential unit.

4. The required number of parking spaces per unit shall be defined under Article 4, General Provisions, Section 5.30 Off-Street Parking provisions.

5. The unit density shall not exceed twenty-two (22) dwelling units per acre.

6. Minimum floor area shall be determined by the following schedule:

1 bedroom	800 sq. Ft.	(74.4 sq. Meters)
2 bedroom	1,000 sq. Ft.	(93.0 sq. Meters)

3 bedroom	1,100 sq. Ft.	(102.3 sq. Meters)
4 bedroom	1,300 sq. Ft.	(120.9 sq. Meters)

Minimum floor area is the area of the unit measured from the outside faces of exterior walls to the center of interior walls of the unit. Included within the minimum floor area computation may be private balconies or private patios having a minimum dimension of five (5') feet (1.525 meters) and a minimum area of forty (40) square feet (3.72 square meters) with a maximum allowable area for computing minimum floor area not to exceed ten (10%) percent of the unit size.

7. Not less than fifteen (15%) percent of the total gross site shall be developed in landscaping or public open space. As a part of the required landscaped area, a minimum of two and one half (2.5%) percent of the site shall be provided in a private park site for the benefit of the residents of the development. The park may be developed with recreational uses, such as swimming pools, cabanas, gazebos, play structures, and other similar uses.

8. Internal streets shall be constructed in accordance with City of Southfield engineering standards and are intended to encourage on-street parking.

9. Internal sidewalks five (5) feet wide shall be provided to connect residential units for pedestrian access.

10. All buildings shall be set back not less than 20 feet from all peripheral property lines. Further, no front or side of any building shall be located closer than 20 feet from the edge of pavement of any public or private street. Within the required 20 foot building setback, the entire area, exclusive of sidewalks, driveways and porches, shall be in landscaping.

11. There shall be a minimum of 10 feet of landscaped area along all peripheral property lines.

12. Building separation shall be a minimum of 62 feet face to face and rear to rear with 20 feet face to end, and 15 feet side to side.

13. Building height shall not exceed three stories or 36 feet in height and shall be measured in accordance with the standards under Article 2 Definitions, Section 5.3 Definitions (a-b).

14. Building length and grouping. No building shall exceed 10 units and stacked units shall not exceed 20 units and further no building shall exceed 250 feet in total length.

15. Condominium documents, if any, must be reviewed by the Planning Department, Building Department and City Attorney's office to determine compliance with City codes and ordinances.

16. On street parking for the residential units is encouraged.

17. Storm water detention shall be designed in accordance with the City of Southfield storm water master plan.

18. No mechanical equipment shall be located in front of the homes. If mechanical equipment is located within a side yard, the equipment must be screened. Air conditioning units shall be incorporated within the design of the building, wherever possible.

19. These requirements are applicable only for urban town homes or row style housing under Subsection B.

5.95 Use Restrictions

(1) The proposed development area for any RMU use shall have one (1) property line abutting a major thoroughfare or expressway service drive. The site shall be planned so as to provide ingress and egress only to said thoroughfare or expressway service drive.

(2) All units shall have at least one (1) living room and one (1) bedroom except that ten (10%) percent of the dwelling units in a multiple family building may be of an efficiency type.

(3) Any business uses on the site shall be developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. Such business uses shall not exceed twenty-five (25%) percent of the floor area at grade level or fifty (50%) percent of the floor area of a sub-grade level and shall be prohibited on all floors above the first floor, or grade level. (Amended - Ordinance 1339 - 6/8/92)

(4) The entire area of the site shall be treated to service the residents of the apartment and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include: swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

5.96 Area and Bulk Regulations

See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area and provides minimum yard setback requirements in

the RMM and RMU Districts.

It is the intent of this schedule to incorporate a sliding scale density provision which will prevent high density developments in low profile and low rise buildings which will provide a good living atmosphere and environment by controlling the open space in relationship to the dwelling units.

The distance between buildings on the same lot is regulated by the Building Distance Formula and where, because of the building arrangement, the formula is not applicable, the minimum distance between buildings shall be thirty (30') feet (9.15 meters).

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22 except that: carports or garages may be located within fifty (50') feet (15.25 meters) of a side or rear property line where such lot line abuts a multiple family zoning district or a nonresidential zoning district.

5.97 Building Distance Formula

In all Multiple Residence Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings.

The formula regulating the required minimum distance between two (2) buildings (referred to as Building "A" and Building "B") is as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

WHERE

S = required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L_A = total length of Building A

the total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed directly from above, lines drawn perpendicular to Building A will intersect any wall of Building B.

L_B = total length of Building B

the total length of Building B is the length of that portion or portions of a wall or walls of Building B from which, when viewed directly from above, lines drawn perpendicular to Building B will intersect any wall of Building A.

H_A = height of Building A

the height of Building A at any given level is the height above natural grade level

of any portion of portions of a wall or walls along the length of Building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H_B = height of Building B

the height of Building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

ARTICLE 9 OFFICE-SERVICE DISTRICT (O-S)

5.101 Intent

The Office-Service District (O-S) is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single family residential.

This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public except as provided in Section 5.104.

This district is also intended to provide ancillary facilities and uses which will service the occupants of, and be in harmony with, the appropriate and orderly development of the Office-Service District.

5.102 Site Plan Review

No building, structure or land shall be erected or used in an Office-Service District (O-S) unless a site plan therefor has been approved by the City Council. The City Council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the Planning Commission, but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows: (Amended - Ordinance 1046 - 1/5/81)

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple family district or any nonresidential district, or is developed with permanent uses which are other than single family residences. This

exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.103 Uses Permitted

In an O-S, Office-Service, District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter:

(1) Executive, administrative and professional offices.

(2) Medical offices, including clinics and medical laboratories.

(3) Facilities for human care, such as hospitals, sanitariums, convalescent and nursing homes.

(4) Banks and similar financial institutions.

(5) Libraries and government office buildings and public utility offices, but not including storage yards or post offices.

(6) Private social or fraternal clubs or lodges.

(7) Churches and related facilities.

(a) Emergency Shelters for the Homeless and Soup Kitchens may be considered ancillary uses conditional upon the following: (Amended – Ordinance 1654 – 3/20/16)

i. Shelter and/or meal service for seven (7) or more recipients is limited to two (2) weeks maximum in any one calendar year.

ii. Shelter and/or meal service for seven (7) or more recipients is limited to one (1) week at a time throughout the calendar year.

iii. Limitations on duration for six (6) or fewer recipients of shelter and/or meal service at a time do not apply.

(8) Public or private schools or colleges for general or vocational education.

(9) Nursery schools.

(10) Photographic studios and interior decorating studios.

(11) Funeral homes.

(12) Establishments which perform personal services on the premises such as: beauty parlors and barber shops.

(13) Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.

(14) Accessory buildings or uses customarily incidental to any of the above permitted uses.

5.104 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use or uses may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Office-Service District.

(b) The location, size, and intensity of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor,

or fumes.

(f) The request for a use requiring special approval shall be accompanied by a site plan indicating the treatment of the subject property, the adjacent uses and properties, and the relationship of the building and site to adjoining thoroughfares.

(g) Failure to begin construction within eighteen (18) months of approval of the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.

(h) In approving a special use, the City Council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this Section.

(i) In the event of a protest to a proposed special use duly signed by the owners of twenty (20%) percent or more of the combined area of land included within an area extending outward one hundred (100') feet (30.5 meters) from any point of the boundary, including one hundred (100') feet (30.5 meters) of the property directly across any street right-of-way measured from the property lines extended, a two-thirds (2/3's) concurring vote of the City Council shall be required.

(2) Uses

(a) Pharmacies and prescription centers when located in, or near, medical offices, medical clinics, hospitals, convalescent or nursing homes or similar facilities.

(b) Private or public athletic clubs or health spas when conducted within a completely enclosed building.

(c) Office and drafting supplies.

(d) Reproduction and duplicating facilities and other complementary office services, but not a print shop.

(e) Office warehousing when storage or warehousing of goods or products does not exceed sixty (60%) percent of the usable area and further provided that:

1. No manufacturing or production of goods or materials is conducted on the premises.

2. Loading zones are not on any street frontage and are adequately obscured and screened from any residentially zoned property. Loading and unloading shall be restricted to normal business hours.

3. The parking of trucks, truck trailers, vans or cars incidental to the use shall not exceed a period of twenty-four (24) hours.

4. The outdoor storage or display of goods or materials is prohibited.

5. The retail sales, on a "Cash and Carry" basis, of goods is prohibited.

6. The minimum site size shall be three (3) acres (1.215 hectares).

(f) Buildings in excess of two (2) stories or twenty-five (25') feet (7.625 meters), but not in excess of three (3) stories or thirty-five (35') feet (10.675 meters), provided that: (Amended - Ordinance 1044-A - 12/22/80)

1. The minimum site size shall be three (3) acres (1.215 hectares).

2. The minimum setback from any single family residentially zoned property shall be not less than seventy-five (75') feet (22.875 meters).

(g) Automobile leasing and rental offices provided that: (Amended - Ordinance 1237 - 2/15/88)

1. The area designated for the leasing or rental of automobiles and vans only shall not exceed fifteen (15) vehicles per site or the number of parking spaces available on the site in excess of parking requirements of Article 4, Section 5.30, Off-Street Parking Requirements, whichever is less. The standard is necessary to insure maintenance of the office character of the site.

2. The parking area for the vehicles for lease or rental shall not be located in areas that are required for tenant parking, aisleways, loading, landscaping, sidewalks, or required setbacks.

3. The parking of the vehicles for lease or rental shall not interfere with the primary office use of the site.

4. The leasing of vehicles exceeding three (3) tons (2.721 metric tons) is expressly prohibited.

5. The sale, maintenance, and/or repair of vehicles at the site is

prohibited.

6. All vehicles shall be licensed, operable, and in good physical condition.

7. The storage or parking of tow trucks is expressly prohibited.

8. The firm, company, or agent's office for the leasing of said vehicles is located on the premises, and further, said use shall be accessory to the permitted uses within this district and not be the only use located within a freestanding building.

(h) Residential structures converted to, or used for, nonresidential purposes as permitted in Section 5.103, Uses Permitted, and Section 5.104, Uses Permitted Subject to Special Approval, of Article 9, Office-Service District (O-S), and further provided that: (Amended - Ordinance 1277 - 5/22/89)

1. The minimum floor area of the existing structure is 2,000 square feet (186 square meters).

2. The proposed use meets all requirements within this Chapter.

3. All residential structures that were converted to nonresidential purposes with the approval of the City of Southfield prior to the effective date of this ordinance (5/22/89), which contain less than 2,000 square feet (186 square meters) shall not be deemed in noncompliance with this Section 5.104, 2 (h), merely because of floor area.

(i) Uses that are related and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated Office-Service District.

(j) Self-storage facilities may be permitted under special use upon the following conditions and restrictions and shall be exempt from the requirements of Sub Section 5.105, required conditions of this article. (Amended - Ordinance 1463 - 6/17/01)

1. The site property line shall abut on at least one side, property zoned I-I, Industrial, which allows for outside storage of materials or TVR, Television-Radio-Office Studio districts, which allows independent equipment to be placed outside of buildings.

2. The height of the building shall not exceed three stories or thirty-five feet.

3. The building shall be constructed on the exterior in such a manor as to resemble an office building.

4. All storage rental areas shall be accessed from the interior only with only one primary ingress door and one egress door for vehicles allowed.

5. Any manager's apartment or caretaker facilities shall not exceed (1400) square feet (130.2 square meters) and located within the building.

6. The area and bulk regulations shall be determined by Article 22, Schedule of Regulations except a side yard is not required on interior side lot lines when abutting the I-1, Industrial, and TV-R, Television-Radio-Studio districts and which is developed with a permanent permitted use.

(3) Any restaurant approved by the City Council under this Section prior to the effective date of this amendment to the Zoning Ordinance shall be deemed to be a permitted use within the O-S District and such use shall remain subject to all of the provisions of this Section as it existed immediately prior to the adoption of this amendment.

5.105 Required Conditions

(1) No interior display shall be visible from any property line.

(2) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) Not more than fifty (50%) percent of any front or side yard abutting a street shall be used for vehicular parking or driveways. This parking restriction is necessary to maintain the transitional character of the area that this district is intended to preserve.

(5) In addition to required landscaping, landscaping may be provided in lieu of ten (10%) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises,

and further provided, that the owner agrees to provide such parking at the City's request. (Amended - Ordinance 1242 - 2/25/88)

5.106 Signs and Lighting (Amended - Ordinance 1340 - 6/8/92)

(1) Necessary directional or regulatory traffic signs of not more than two (2) square feet (.186 square meters) each shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All incandescent light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

5.107 Area and Bulk Regulations
See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area, and provides minimum yard setback requirements.

5.108 Provision for a One Year Grace Period for Approved Site Plans
This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the City of Southfield or approved by the City of Southfield, in accordance with the provisions of the former Section 5.102, Site Plan Review, of Article 9, Office-Service District (O-S), of Chapter 45, as amended on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment. (Amended - Ordinance 1046 - 1/5/81)

ARTICLE 10 EDUCATION-RESEARCH-OFFICE-LIMITED (ERO-M) AND EDUCATION-RESEARCH-OFFICE (ERO) DISTRICTS

5.110 Intent

The Education-Research-Office Districts (ERO-M, ERO) are designed to accommodate various types of office uses performing administrative, professional and technical services. These are typically large office buildings which can serve as a transitional use between major thoroughfares, more intensive uses of land and/or commercial districts and less intensive uses of land such as multiple family or single family residential.

These districts are specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public but are intended to permit those businesses which are required to serve the normal daily needs of the occupants of the permitted primary uses.

The Education-Research-Office-Limited (ERO-M) District is designed to provide a site for medium density office structures adjacent to major thoroughfares by providing a medium height limitation which may be more desirable than the unlimited height (ERO) to preserve the character and quality in adjoining areas.

5.111 Site Plan Review

In an ERO-M (Education-Research-Office-Limited) or ERO (Education-Research- Office) District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter. No building, structure or land shall be erected or used in an ERO-M (Education- Research-Office-Limited) or ERO (Education-Research-Office) District unless the site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) The site plan does show that ingress and egress is provided only to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, except:

(a) Ingress and egress driveways may be permitted to other than a major thoroughfare or freeway service drive where such ingress and egress is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple family use, any nonresidential uses, or is developed with permanent uses other than single family residences. This

exception shall only apply if the Council finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety or that the property will be a transitional zone between a single family zoning district and a nonresidential district.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon the adjacent properties.

(3) The Traffic Engineer shall submit to the Planning Commission and City Council a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways.

(4) To the extent possible, all the natural features of the property such as large trees, natural groves, watercourses, and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

Such review of the site plan is required to minimize the possibility of any adverse effects upon adjacent properties and, furthermore, to find proper relationships between the following development features as they relate to traffic safety: service roads, driveways, parking areas, accessory buildings and uses, and open spaces.

Failure to begin construction within twelve (12) months of approval of the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.

5.112 Uses Permitted

In the Education-Research-Office-Limited (ERO-M) and the Education-Research-Office (ERO) Districts, no building, structure or land shall be erected or used except for the following uses unless otherwise provided in this Chapter:

(1) All uses permitted and uses permitted subject to special approval in Article 9, O-S District, and meeting the requirements as set forth in said district with the exception of funeral homes and veterinary clinics which shall be expressly prohibited from this district.

(2) Any uses which are charged with the principal function of education, research, design and technical training and experimental product development when conducted wholly within a completely enclosed building.

(3) Facilities for human care such as convalescent and nursing homes.

(4) Dormitories for students enrolled in, and quarters for instructors employed by, educational institutions when incidental to any permitted principal use.

(5) Data processing and computer centers, including service and maintenance of electronic data processing equipment.

(6) Studios for professional work or teaching of interior decorating, photography, music, drama or dancing.

(7) Hospitals, when the following conditions are met, provided, however, hospitals for criminals and those primarily for the treatment of persons who are mentally ill are not permitted:

(a) All such hospitals shall be developed only on sites consisting of at least five (5) acres (2.025 hectares) in area.

(b) The property shall have at least one (1) property line abutting a major thoroughfare (a thoroughfare of at least one hundred and twenty (120') feet (36.6 meters) of right-of-way, existing or proposed).

(c) The minimum distance of any main or accessory building from bounding lot lines or streets that are adjacent to property zoned residential shall be at least one hundred (100') feet (30.5 meters) unless footnote (v) requires a greater setback.

(d) Ambulance and delivery areas shall be screened from all residential view with a brick faced masonry wall not less than six (6') feet (1.83 meters) in height. Ingress and egress to the site shall be directly from a major thoroughfare.

(e) All ingress and egress to the off-street parking areas, for guests, employees, staff, as well as any other users of the facility, shall be directly from a major thoroughfare.

(8) Accessory uses customarily incidental to any of the above permitted uses such as services for employees and other persons normally associated with the permitted uses such as: coffee shop, pharmacy, barber shop, tobacco shop, post office and parking structures.

(9) Any housing for the elderly project approved by the City Council pursuant to Sections 5.111 and 5.112 of the Zoning Ordinance prior to the effective date of this amendment to the Zoning Ordinance shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan or any approved revision thereof within one (1) year from the effective date of this amendment. (Amended - Ordinance 927 - 2/28/77)

5.113 Required Conditions

(1) No display shall be permitted in an exterior show window or be visible from any property line. The total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed fifteen (15%) percent of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure. (This condition shall not apply to accessory uses permitted in Section 5.112, Paragraph 9).

(2) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) Not more than fifty (50%) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15') feet (4.575 meters) wide except at points of approved vehicular access to the street. This parking and landscaping restriction is necessary to maintain the transitional character of the area that this district is intended to serve and to assure pedestrian and vehicular safety by separating the off-street parking area from the vehicular and pedestrian traffic in the public right-of-way.

(5) In addition to the landscaping required above, not less than five (5%) percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five (5') feet (1.525 meters) shall be considered in the five (5%) percent minimum landscaping requirement. This requirement is necessary to provide for the safety and welfare of pedestrians in large parking areas and to provide for effective traffic control regulations.

(6) In addition to required landscaping, landscaping may be provided in lieu of ten (10%) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the City's request. (Amended - Ordinance 1126 - 8/22/83)

(7) Where the parking is provided in parking structures to satisfy the parking requirements of Section 5.30, they shall be designed so all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety.

5.114 Area and Bulk Regulations

See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area, and provides for minimum yard setback requirements in the ERO-M and ERO Districts.

The ERO-M District permits a height of four (4) stories or fifty-five (55') feet (16.775 meters) with provisions that the City Council may, after a recommendation from the Planning Commission, permit a development in the ERO-M District not to exceed six (6) stories in height or seventy-five (75') feet (22.875 meters) subject to the following conditions and standards: (Amended - Ordinance 1044-B - 12/22/80)

(1) The proposed use and height must be of such character that it will be in harmony with the appropriate and orderly development of the Education-Research-Office- Limited District (ERO-M) and other development in the immediate area.

(2) The location, size, and intensity of any such proposed development must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(3) The proposed development must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(4) The proposed development is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(5) The proposed development is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(6) In approving an increase in height, the City Council may attach reasonable conditions regarding the location, character, density, and other features of the proposed development as they may deem reasonable in the furtherance of the intent of this Section.

The ERO District permits unlimited height provided all setback, parking, and landscaping requirements are satisfied and may be used in those areas adjacent to high intensity uses.

Parking structure locations shall be governed by: (a) the setbacks established in Article 22, "Schedule of Regulations," and (b) proper traffic engineering as reviewed and approved by the City Traffic Engineer.

5.115 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when

the following general standards have been satisfied and subject to the conditions hereinafter imposed. (Amended - Ordinance 1222 - 2/16/87)

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Education-Research-Office-Limited (ERO-M) and the Education-Research-Office (ERO) Districts.

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

(2) Uses

(a) Hotels.

ARTICLE 11 TECHNICAL-EDUCATION-RESEARCH-DISTRICTS (TR)

5.118 Uses Permitted

In all Technical-Education-Research Districts, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Any uses which are charged with the principal function of education, research, or technical training and accessory uses and which further meet the following performance standards set forth in Section 5.119 relevant to smoke, dirt, and dust; noise, glare and heat; wastes, odors, noxious gases, fire hazards and electromagnetic radiation.

(2) Dormitories for students enrolled in, and quarters for instructors employed by, institutions offering technical education, when incidental to any permitted principal use.

5.119 Performance Standards

No use, otherwise allowed, shall be permitted within any Technical-Education-Research District (TR 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 the said area.

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

Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann 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 Ringlemann's Chart.

(2) Dust, Dirt and Fly Ash: No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, 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 said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a

temperature of five hundred (500◦) degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (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 Director of the Department of Building and Safety Engineering 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.

(3) Noise: The intensity level of the sounds being emitted from any operation within the TR District shall not exceed the following decibel levels when adjacent to the following types of use districts:

Sound Levels in Decibels	Adjacent Use	Where Measured
50	All Residential Districts	Common Property Line
55	Neighborhood Business District	Common Property Line
60	General Business District	Common Property Line
65	Light Industrial District	Common Property Line
75	Heavy Industrial District	Common Property Line
75	Major Street	At Street Line
60	Secondary Residential Street	At Street Line (Residential Opposite)

Objectionable noises, due to intermittence, heat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Method of Measurement: The sound level, in decibels, measured at the points adjacent to the various use districts shall meet the established levels ninety (90%) percent of the time, and shall at no time exceed the established sound levels by more than ten (10%) percent; the sound levels shall be measured with an approved standard sound-level meter incorporating a 40 db. frequency-weighing network, or by any method subsequently approved by the U. S. Bureau of Standards.

(4) Glare and Heat: Such operations producing an intensity of light and heat (e.g. welding operations and acetylene torch cutting) which would prove detrimental to any person or to the public, or to endanger the health, comfort or safety of any such person or to the public, shall be performed within a completely enclosed building or behind a fence so as to completely obscure said operation from view from any point beyond the property line,

except during the period of construction of the facilities to be used and occupied.

(5) Sewage Wastes: Privately developed and installed sewage treatment systems shall meet the requirements of, and be given approval by, the Oakland County Board of Health. The City of Southfield shall not issue a building permit for the erection, construction, reconstruction or alteration of any building or structure until the plans for said sewage treatment have been given final approval by the Oakland County Board of Health.

Wherever public sewer systems are involved, any person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process which will meet the following requirements:

(a) No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety or create obnoxious conditions inimical to the public interest.

(b) Acidity and alkalinity shall be neutralized to a pH of 7.5 as a daily average in a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0. The term pH refers to the degrees of alkalinity or acidity of wastes.

(c) Wastes shall contain not more than 10.0 p.p.m. (parts per million) of the following gases: Hydrogen, Sulfide, Sulphur Dioxide, Oxides of Nitrogen, and any of the Halogens. Wastes shall contain no cyanides.

(d) Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. (parts per million), or exceed a daily average of 25 p.p.m.; or that will solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

(e) Wastes shall not contain any insoluble substances in excess of 10,000 p.p.m. (parts per million) or exceed a daily average of 500 p.p.m. (parts per million) or fail to pass a No. 8 (U. S. Bureau of Standards) sieve, or have a dimension greater than one-half (1/2") inch (1.27 centimeters).

(f) Wastes shall not have a chlorine demand greater than 15 p.p.m. (parts per million).

(g) Wastes shall not contain phenols in excess of .005 p.p.m. (parts per million).

(h) Wastes shall not contain insoluble substances having specific gravity greater than 2.65.

(i) Wastes shall not have any chemical reaction, either directly or indirectly, with

materials of construction to impair the strength or durability of sewer structures.

Method of Measurement: All the preceding standards and requirements of this sub-section are to apply at the point where wastes are discharged into a public sewer or drainage way. Furthermore, all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(6) Odor: The emission of obnoxious odors of any kind shall be unlawful.

Method of Measurement: For the purpose of defining an odor, as such, it is hereby established that at such point where the measurement of the threshold of smell can be achieved, it shall be considered a noxious concentration and shall not be exceeded. These measurements will show the minimum concentration at which the first sensation of odor is had and shall be made in ounces of the substance per thousand cubic feet of air (e.g. Max. for ethyl selano mercaptan shall be 18 millionths of an ounce per 1,000 cu. ft. of air).

(7) Gases: The escape or emission of any gas which is injurious or destructive in character shall be unlawful and may be summarily caused to be abated.

(8) Electromagnetic Radiation: The following standards shall apply with respect to all Technical-Education-Research Districts:

(a) General: It shall be unlawful within any TR District for any person, firm or corporation to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission's regulations if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors or quality and proper design because of proximity, primary field, blanketing, spurious reradiation conducted energy in power or telephone systems or harmonic content.

The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical

Engineers; (2) Institute of Radio Engineers; and (3) Radio Manufacturers Association. Recognizing the special nature of many of the operations which will be conducted because of the research and education activities, it shall be unlawful for any person, firm or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy the radiated power from which exceeds 1,000 watts, without the express approval of the City of Southfield Zoning and Planning Commission.

(b) Electromagnetic Interference: For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper design.

It shall be unlawful, within the City of Southfield, for any person, firm or corporation to knowingly operate or to knowingly cause to be operated any source of electromagnetic interference, the radiation or transmission from which exceeds the minimum values tabulated below:

RADIATED

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kc.-100 Kc.	Communications Services	500 Microvolts/Meter
100 Kc.-535 Kc	Navigational Aids	300 Microvolts/Meter
535 Kc.-1605 Kc.	AM Broadcasting	200 Microvolts/Meter
1605 Kc.- 44 Mc.	Various	200 Microvolts/Meter
COMMUNICATIONS SERVICES		
44 Mc.-88 Mc.	VHF Television	150 Microvolts/Meter
88 Mc.-174 Mc.	FM Broadcasting	200 Microvolts/Meter
174 Mc.-216 Mc.	VHF Television	150 Microvolts/Meter
216 Mc.-580 Mc.	Navigational Aids	250 Microvolts/Meter
580 Mc.-920 Mc.	UHF Television	300 Microvolts/Meter
920 Mc.-30,000 Mc.	Various	2,000 Microvolts/Meter

BY TRANSMISSION OR CONDUCTION

Section of Electromagnetic Spectrum (from-to)	Primary Intended Service	Maximum Voltage measured line to line or line to ground where power or telephone lines cross edge of property Containing Interference Source
10 Kc.-100 Kc.	Communications Services	2.5 Millivolts
100 Kc.-535 Kc.	Navigational Aids	1.5 Millivolts
535 Kc.-1605 Kc.	AM Broadcasting	1.0 Millivolts
1605 Kc.-44 Mc.	Various	0.5 Millivolts
	COMMUNICATIONS SERVICES	
44 Mc.-88 Mc.	VHF Television	0.25 Millivolts
88 Mc.-174 Mc.	FM Broadcasting Airport Control	1.5 Millivolts
174 Mc.-216 Mc.	VHF Television	0.5 Millivolts
216 Mc.-580 Mc.	Navigational Aids Citizens Radio	20.0 Millivolts
580 Mc.-920 Mc.	UHF Television	50.0 Millivolts
920 Mc.-30,000 Mc.	Various	60,000 Millivolts

Method of Measurement: For purposes of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured and measured field strength exceeds the maximum value tabulated for this spectrum section.

For purposes of determining the level of electromagnetic interference transmitted or conducted by power, or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the spectrum being measured and the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

5.120 Violations of Performance Standards

In every TR District, any use of any facility or equipment, which results in a violation of the

aforestated performance standards, shall be, and is hereby declared to be, a violation of this Chapter and a nuisance and the same may be prosecuted under the penal provisions hereof, or abated by any proper legal means upon application of the City or any affected private person; provided, however, that in the event of any violation of the performance standards above set forth with respect to electromagnetic radiation or interference, no legal action shall be taken by the City to penalize the offender or to abate the nuisance unless the owner or operator of the offending facilities shall fail to correct the faulty conditions and conform to the stated performance standards within fifteen (15) days after the service of notice of such improper radiation or interference upon the owner or operator of such facilities.

For the purpose of determining the existence of a violation of the performance standards with respect to electromagnetic radiation or interference, the measurement of the intensity thereof may be made either at the borders of the premises upon which the offending facility is located or at any point outside the borders of such premises.

5.121 Accessory Uses Permitted

In every Technical-Education-Research District, the following accessory uses shall be permitted:

(1) The operation of necessary facilities and equipment in connection with the principal use.

(2) Other accessory uses and structures not otherwise prohibited, customarily incidental to any principal use.

5.122 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22.

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ARTICLE 12 TELEVISION-RADIO-OFFICE-STUDIO DISTRICTS (TV-R)

5.124 Uses Permitted

In all Television-Radio-Office-Studio Districts, no building or land, except as otherwise provided in this Chapter, shall be used except for one (1) or more of the following uses:

(1) Radio and television transmitter towers.

(2) Transmitters.

(3) Office buildings and broadcasting studios of radio and television stations not to exceed two (2) stories or thirty (30') feet (9.15 meters) in height. (Amended - Ordinance 1149 - 10/22/84; Ordinance 1360 - 7/6/93)

(4) Uses directly related to or in conjunction with any of the above permitted uses. (Amended – Ordinance 1360 – 7/6/93)

(5) Off-street parking serving such facilities.

The above uses shall be permitted upon review and approval of the City Council based upon a finding that all the development features, including the principal building and any accessory buildings, open spaces and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent properties and the surrounding area. (Amended - Ordinance 1267 - 3/2/89)

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ARTICLE 13 NEIGHBORHOOD SHOPPING DISTRICT (NS)

5.125 Intent (Amended - Ordinance 1483 - 2/16/03)

The Neighborhood Shopping District (NS) is designed to service the needs of the local residential community as well as provide shopping opportunities for convenience or comparison shoppers. The district is generally characterized by a concentration of uses sharing common parking. The district will generally be located at the intersection of two (2) major thoroughfares.

5.126 Site Plan Review (Amended - Ordinance 1483 - 2/16/03)

No building, structure or land shall be erected or used in a Neighborhood Shopping (NS) District unless a site plan therefore has been approved by the City Council. The City Council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the Planning Commission, but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The Council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety.

(3) The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.127 Uses Permitted

In all Neighborhood Shopping Districts, no building or land, except as otherwise provided in this Chapter, shall be used except for one (1) or more of the following specified uses:

(1) Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to, groceries, baked goods or other food, drugs, dry goods, clothing, notions and hardware. (Amended - Ordinance 1483 - 2/16/03)

(2) Medical offices and clinics. (Amended - Ordinance 1483 - 2/16/03)

(3) Banks and similar financial institutions. (Amended - Ordinance 1483 - 2/16/03)

(4) Government office buildings and public utility offices, but not including storage yards. (Amended - Ordinance 1483 - 2/16/03)

(5) Administrative and professional offices. (Amended - Ordinance 1483 - 2/16/03)

(6) Restaurants and carryout restaurants when attached to, and located within, a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than three (3) attached uses sharing a common parking area.

(7) Photographic studios and interior decorating studios. (Amended - Ordinance 1483 - 2/16/03)

(8) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building. (Amended - Ordinance 1483 - 2/16/03)

(9) Establishments which perform personal services on the premises such as beauty parlors, barber shops, nail salons, tanning salons, repair shops (including watches, radio, television, shoe, and etc., but prohibiting major repair shops such as automotive, heavy equipment, large appliances, furniture and etc.), tailor shops, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located. (Amended - Ordinance 1483 - 2/16/03)

(10) Accessory uses customarily incidental to any of the above permitted uses, but excluding drive-in and fast food restaurants. (Amended - Ordinance 1483 - 2/16/03)

5.128 Uses Permitted Subject to Special Approval

The following use (uses) may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed:

(1) Standards

1. The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Neighborhood Shopping District (NS).

2. The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom

which might be adverse to occupants of any other nearby permitted uses.

3. The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

4. The proposed use is of such character that the vehicular traffic generated will not have an adverse effect or be detrimental to the surrounding land uses or the adjacent thoroughfares.

5. The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

6. The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

7. The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public. (Amended - Ordinance 1483 - 2/16/03)

(2) Uses

(a) Freestanding restaurants and carry-out restaurants.

(b) Additional commercial uses, related to and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated neighborhood shopping center. (Amended - Ordinance 1483 - 2/16/03)

5.129 REQUIRED CONDITIONS (Amended - Ordinance 1483 - 2/16/03)

(1) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(2) Whenever a project is developed under the NS, Neighborhood Shopping District, a landscape plan by a registered landscape architect shall be submitted to and reviewed and approved by the City Planner or his designated representative. The landscape plan shall be developed in accordance with the City of Southfield general landscape standards and shall contribute significantly to the overall appeal of the site.

(3) Storm water detention shall be designed in accordance with the City of Southfield storm water master plan.

(4) An underground sprinkler system shall be required for all landscape areas, including

rights-of-way.

(5) The owner/developer shall execute a perpetual maintenance agreement for landscaping and parking areas for the entire site.

(6) he owner/developer shall implement the recommendations of the Southfield Police Department's Crime Prevention Bureau.

(7) The owner/developer shall participate in a Special Assessment District (SAD) for street lighting along any public right-of-way abutting the development.

5.130 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22.

ARTICLE 14 REGIONAL SHOPPING DISTRICT (RS)

5.131 Intent

The Regional Shopping District (RS) is designed to provide for a large concentration of comparison shopping, office, and service needs for persons residing in a densely settled suburban area. This district will allow for an intense use of land to service regional needs and will be located adjacent to high volume major thoroughfares.

5.132 Site Plan Review (Amended - Ordinance 1484 - 2/16/03)

No building, structure or land shall be erected or used in a Regional Shopping (RS) Center District unless a site plan therefore has been approved by the City Council. The City Council shall not approve the site plan unless it receives a recommendation in connection with the site plan from the Planning Commission, but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The Council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas, are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety.

(3) The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.133 Uses Permitted

In Regional Shopping Districts, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to, groceries, baked goods or other food, drugs, dry goods, clothing, notions and hardware. (Amended - Ordinance 1484 - 2/16/03).

(2) Medical offices and clinics. (Amended - Ordinance 1484 - 2/16/03)

(3) Banks and similar financial institutions. (Amended - Ordinance 1484 - 2/16/03)

(4) Government office buildings and public utility offices, but not including storage yards. (Amended - Ordinance 1484 - 2/16/03)

(5) Administrative and professional offices. (Amended - Ordinance 1484 - 2/16/03)

(6) Day care center, nursery school, with a permanently secured outside play area. (Amended - Ordinance 1484 - 2/16/03)

(7) Photographic studios and interior decorating studios.

(8) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, nail salons, tanning salons, repair shops (including watches, radios, television, shoe, etc.), health and fitness clubs, tailor shops, cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located. (Amended - Ordinance 1484 - 2/16/03)

(9) Assembly halls, concert halls, banquet halls or similar places of assembly, when conducted within enclosed buildings. (Amended - Ordinance 1484 - 2/16/03)

(10) Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:

(a) The open-air sales area is enclosed with a fence.

(b) That such sales area is in conjunction with indoor sales of the same general type.

(c) That the square footage of the open sales area is no greater than the indoor sales area.

(11) Hotels.

(12) Restaurants, including bar/lounge, fast food and carry out restaurants, when attached to and located within a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than three (3) attached uses sharing a common parking area. (Amended - Ordinance 1484 - 2/16/03)

(13) Accessory uses customarily incidental to any of the above permitted uses, but excluding drive-in restaurants. (Amended - Ordinance 1484 - 2/16/03)

5.134 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Regional Shopping District.

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character, and the vehicular traffic generated will not have an adverse effect on, or be detrimental to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public.

(2) Uses

(a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses, by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation

or amusement when conducted wholly within a completely enclosed building.

(b) Automobile and truck agency sales and showrooms subject to the following provisions:

1. The automobile and truck sales agency must be located on a site having a frontage of not less than one hundred and fifty (150) feet (45.75 meters) on a major thoroughfare and an area of not less than two (2) acres (.81 hectares).

2. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.

3. Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200) feet (61 meters) from residentially zoned property and conducted entirely within an enclosed building.

4. No outside display of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

5. The outside display of new and used automobiles and trucks shall be permitted, but the outside storage of vehicles shall be limited to new vehicles, and such storage area shall occupy no more than thirty-five (35) percent of a lot, which is used for new vehicle sales.

6. A fifteen (15) foot (4.575 meters) landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.

7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

(c) Automobile repair and service facilities subject to the following provisions:

1. Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, automobile, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

2. All activities shall be conducted in an enclosed building.

3. All buildings shall be set back not less than forty (40) feet (12.2 meters) from all existing or proposed street right-of-way lines, whichever is greater.

4. No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles.

5. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.

6. There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

7. Parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

8. The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(d) Freestanding restaurants, including bar/lounge and carry out restaurants.

(e) Drive-in and free standing fast food restaurants, subject to the following conditions: (Amended - Ordinance 1484 - 2/16/03)

1. A setback of at least sixty (60) feet (18.3 meters) from the right-of-way line of any existing or proposed street must be maintained.

2. Ingress and egress points shall be located at least sixty (60) feet (18.3 meters) from the intersection of any two (2) streets and shall be directly from a major thoroughfare.

3. There shall be provided a bermed landscaped area of not less than twenty (20) feet (6.1 meters) in width (except for points of ingress and egress) on all sides of the premises. The berm slopes shall be no steeper than one (1) foot (.305 meters) on three (3) feet (.915 meters), and shall be designed and planted with landscape materials that are acceptable to the City of Southfield Planning Department.

4. Parking Requirements: Per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

5. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500) feet (152.5 meters) from residentially zoned property.

(f) Full-time or continuing retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.

(g) Multiple family residential when located within a building containing other uses allowed within the Regional Shopping District and further, provided that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen and private bath and toilet, and each unit shall contain not less than seven hundred and fifty (750) square feet (69.75 square meters) for a one (1) bedroom unit and eleven hundred and twenty-five (1,125) square feet (104.625 square meters) for a two (2) bedroom unit.

2. Off-street parking requirements provided per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

(h) Motels.

(i) Theaters.

(j) Additional commercial uses, related to and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated Regional Shopping Center. (Amended - Ordinance 1484 - 2/16/03)

(k) Smoking Lounges, subject to the following conditions (Amended – Ordinance 1619 – 3/9/14):

1. Must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.
2. Hours of operation are limited to 10:00 A.M. to 12:00 A.M.

3. Cannot be located any nearer than 2,640 feet (1/2 mile) to any other Smoking Lounges.
4. Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
5. Outdoor patios used for smoking cannot be any closer than 20 feet from any other business entrance or outside dining area.
6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
9. The maximum occupancy level for a smoking lounge shall be established by the fire department.

(l) Shelters for the homeless, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Resident manager and support services shall be provided.

3. Cannot be located any nearer than 2,000 feet to any other Emergency Shelter for the Homeless or Soup Kitchen.

4. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

5. Must be located on a major thoroughfare.

6. Maximum occupancy is limited to 30 persons.

7. Facilities jointly operated as an Emergency Shelter for the Homeless and Soup Kitchen must also meet the requirements for Soup Kitchens.

(m) Soup Kitchens, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Must provide proof of license or approval by the Oakland County Health Department.

3. Seating shall be provided at 100% of meal service capacity.

4. Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, Rights-of-Way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.

5. All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an Emergency Shelter for the Homeless and a Soup Kitchen.

6. Cannot be located any nearer than 2,000 feet to any other Soup Kitchen or Emergency Shelter for the Homeless.

7. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

8. Must be located on a major thoroughfare.

10. Maximum occupancy is limited to 50 persons.

5.135 Uses Prohibited

No activity shall be carried on in a regional shopping district so as to be obnoxious or offensive by reason of the emission of odor, fumes, dust, smoke, waste or vibration.

5.136 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22.

5.137 Parking Requirements for Regional Shopping Centers (Amended – Ordinance 1641 - 5/31/15)

For those uses permitted within a Regional Shopping Center, parking shall be provided per Section 5.30, Off-Street Parking Requirements.

5.138 Required Conditions (Amended - Ordinance 1484 - 2/16/03)

1. Whenever a project is developed under the RS, Regional Shopping District, a landscape plan by a registered landscape architect shall be submitted to and reviewed and approved by the City Planner or his designated representative. The landscape plan shall be developed in accordance with the City of Southfield general landscape standards and shall contribute significantly to the overall appeal of the site.

2. Storm water detention shall be designed in accordance with the City of Southfield storm water master plan.

3. An underground sprinkler system shall be required for all landscape areas, including rights-of-way.

4. The owner/developer shall execute a perpetual maintenance agreement for landscaping and parking areas for the entire site.
5. The owner/developer shall implement the recommendations of the Southfield Police Department's Crime Prevention Bureau.

6. The owner/developer shall participate in a Special Assessment District (SAD) for street lighting along any public right-of-way abutting the development.

ARTICLE 15 REGIONAL CENTER DISTRICT (RC)

5.137 Intent

The Regional Center District is intended to provide for the combining of high rise office, high rise multiple family, and hotels and motels in a planned development and to provide for the combining of secondary retail and service uses with high rise office and/or residential development. The district is also established in order that the public health, safety and general welfare will be furthered in an era of increasing urbanization and of growing demand for office and multiple family residential facilities of all types and design. This district is also provided to encourage innovations and variety in type, design and arrangement of such uses. Because of the intensity of development permitted in the Regional Center Districts, they shall generally be used only abutting one (1) or more major thoroughfares.

Secondary retail business or service establishments as set forth below shall be permitted subject to the restrictions set forth in Section 5.141, Paragraph (4). Secondary uses are permitted to reduce the dependence of office and multiple family occupants of the Regional Center District upon goods and services outside of the Regional Center District and to reduce traffic congestion in such areas of intensive development.

Because the arrangement of such diversified land uses in a Regional Center District may not be predetermined in detail, site plan approval of each development is an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be mixed and their relationship to surrounding areas. Great emphasis will be placed upon the review of pedestrian and vehicular circulation facilities such as sidewalks, parking, interior streets, pavement widths and rights-of-way because of the anticipated high volumes of pedestrian and vehicular traffic which will be generated.

5.138 Site Plan Review

In an RC, Regional Center, District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter. No building, structure, or land shall be erected or used in an RC, Regional Center, District unless the site plan therefor has been approved by the City Council. The City Council shall not act on the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within ninety (90) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including principal buildings and any accessory buildings, open spaces, service roads, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.

(2) The site plan does show that access is provided only to a major thoroughfare or freeway service drive and that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety except that: access driveways may be permitted to other than a major thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or freeway service drive is within a multiple family district or any nonresidential district, or is developed with permanent uses which are other than single family residences.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of approval of the site plan for such sufficiently improved rights-of-way.

In order that the public health, safety, morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing; to provide for necessary office space; and to allow for commercial facilities located conveniently to the population of the housing and office space; to encourage innovations in residential, office and commercial development so that the growing demands of the population may be met by great variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; in order to encourage a more efficient use of land and of public services; to lessen the burden of traffic on streets and highways; to provide a procedure which can relate the type, design and layout of residential, office and commercial development to the particular site, it is necessary to review site plans on a master plan concept for the property indicating the staging of development and defining the location and acreages to be devoted to specific uses.

The Traffic Engineer shall submit to the Planning Commission and City Council a report regarding the improvements in the public rights-of-way which are necessary for the satisfactory operation of contiguous roadways based upon the submitted master plan.

5.139 Uses Permitted

In an RC, Regional Center District no building, structure, or land shall be erected or used except for the following specified uses, unless otherwise provided in this Chapter.

(1) Primary Uses

(a) Office Uses

1. Executive, administrative and professional offices.

2. Medical offices, including clinics and laboratories.

3. Facilities for human care such as hospitals, sanitariums, convalescent and nursing homes.

4. Banks and similar financial institutions.

5. Libraries and government office buildings, public utility offices, and post offices.

6. Private clubs or lodges.

7. Public or private schools or colleges for general or vocational education.

8. Data processing and computer centers, including service and maintenance of electronic data processing equipment.

9. Any uses which are charged with the principal function of education, research, design, and technical training and experimental product development when conducted wholly within a completely enclosed building.

(b) Hotels. (Amended - Ordinance 1223 - 2/16/87)

(c) Multiple family uses.

1. Multiple family dwellings subject to the following density regulations:

Number Residential Stories	Required Land Area/Room of 80 square feet (7.44 square meters) or more
10 or more	400 (37.2 Sq. M.)
9	500 (46.5 Sq. M.)
8	600 (55.8 Sq. M.)
7	700 (65.1 Sq. M.)
6	800 (74.4 Sq. M.)
5	900 (83.7 Sq. M.)
4	1,000 (93.0 Sq. M.)
3	1,100 (102.3 Sq. M.)
2	1,500 (139.5 Sq. M.)

(2) Secondary Uses

Retail business or service establishments as follows: (Amended - Ordinance 1284 - 5/22/89)

(a) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to, groceries, drugs, dry goods, clothing, flowers, notions.

(b) Theaters, assembly halls, concert halls or similar places of assembly. (Amended - Ordinance 1284 - 5/22/89)

(c) Bowling alleys, billiard halls, arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of indoor commercial recreation. (Amended - Ordinance 1105 - 10/11/82)

(d) Personal service establishments which perform personal services on the premises including: beauty shops, barber shops, tailor shops, laundry and dry cleaning establishments, watch repair and shoe repair.

(e) Nursery schools.

(f) Studios for professional work or teaching of interior decorating, photography, music, drama, or dancing.

(g) Restaurants, excluding drive-in restaurants, when located within a building which contains a primary use. (Amended - Ordinance 1322 - 7/25/91)

5.140 Uses Permitted Subject to Special Approval

The following use (uses) may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use, or uses, may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Regional Center

District (RC).

(b) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(c) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(d) Failure to begin construction within twelve (12) months of approval of the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.

(e) In approving a special use, the City Council may attach reasonable conditions regarding the location, character and other features of the proposed use as they may deem reasonable in the furtherance of the intent of this Section.

(2) Uses

(a) Housing for the elderly upon review and report from the Southfield Housing Commission concerning the suitability and appropriateness so as to not isolate the development either socially or physically from the balance of the community; in relation to accessibility to convenience services such as shopping, banking, health care, community facilities, and transportation. In addition, the Housing Commission shall review and report on the design of the project and the amenities of the project (such as, but not limited to, recreational, social and other support facilities) and further that:

1. All dwelling units shall consist of at least a living room, bedroom, kitchen, and private bath and toilet and each unit shall contain not less than five hundred and twenty-five (525) square feet (48.825 square meters) for a one (1) bedroom unit and seven hundred (700) square feet (65.1 square meters) for a two (2) bedroom unit except that not more than twenty-five (25%) percent of the units may be of an efficiency type of not less than four hundred and twenty-five (425) square feet (39.525 square meters). The floor area shall be measured from the interior faces of all walls. This requirement of unit sizes for housing for the elderly has been established to reflect economy as well as efficiency recognizing the absence of children, the lack of need for large entertaining areas within units, and the provision of common areas located within the project.

2. Parking shall be established Parking shall be established per Section 5.30, Off-Street Parking Requirements Assisted Living/Elderly. (Amended – Ordinance

1641 – 5/31/15)

3. The site shall be so developed as to create a land-to-building ratio on the lot or parcel in accordance with the following schedule:

Stories	Required Land Area Per Unit (Square Feet)	Density DU/Acre (.4045 Hectares)
6 or more	800 (74.4 Sq. M.)	54.5
5	900 (83.7 Sq. M.)	48.4
4	1,000 (93.0 Sq. M.)	43.6
3	1,100 (102.3 Sq. M.)	39.6

4. The owner shall file with the Oakland County Register of Deeds a covenant, approved as to form by the City Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the property for any other use than housing for the elderly unless the use complies with all requirements of the Zoning Ordinance. Required compliance includes, but is not limited to, density, unit sizes, parking and setbacks.

(b) Theaters. (Amended - Ordinance 1284 - 5/22/89)

(c) Restaurants, excluding drive-in and fast food restaurants, when not located within a building which contains a primary use. (Amended - Ordinance 1322 -7/25/91)

(d) Motels. (Amended - Ordinance 1435 - 9/24/98)

(e) Smoking Lounges, subject to the following conditions (Amended – Ordinance 1619 – 3/9/14):

1. Must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.

2. Hours of operation are limited to 10:00 A.M. to 12:00 A.M.
3. Cannot be located any nearer than 2,640 feet (1/2 mile) to any other Smoking Lounges.

4. Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
5. Outdoor patios used for smoking cannot be any closer than 20 feet from any other business entrance or outside dining area.
6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
9. The maximum occupancy level for a smoking lounge shall be established by the fire department.

5.141 Required Conditions

(1) An RC, Regional Center, project shall be developed with two (2) or more land uses with a minimum mixture per project as follows:

(a) Minimum percentage of usable area in a second primary use shall be not less than ten (10%) percent of the total usable area, or

(b) Minimum percentage of usable area in a secondary use shall be not less than two and one-half (2-1/2%) percent of the total usable area.

(c) A primary-primary mixture shall consist of primary uses of Section 5.139, Uses Permitted, (1-a, 1-b, 1-c) and a second primary use of Section 5.139, Uses Permitted, (1-a, 1-b, 1-c).

(d) A primary-secondary mixture shall consist of at least one (1) primary use of Section 5.139, Uses Permitted, (1-a, 1-b, 1-c) and secondary uses of Section 5.139, Uses Permitted, Paragraph (2).

(e) This land use mixture requirement shall not be compulsory to parcels of land less than ten (10) acres (4.05 hectares) in size and zoned Regional Center prior to the enactment of this Chapter. This exception recognizes the limited capabilities of

small sites as they relate to the intent of the Regional Center Districts.

(f) The City Council may, after receipt of a report and recommendation from the Planning Commission, permit variations from, or deletions of, any of the requirements of this paragraph upon a finding by the City Council that:

1. The property immediately surrounding the development contains a mixture of uses which satisfy the intent of the district as set forth in Section 5.137, or

2. The master plan of the development, as a whole, satisfies the intent of the district as set forth in Section 5.137.

(2) Secondary retail business or service establishments as permitted in Sub-Section (2), Section 5.139, shall not exceed twenty (20%) percent of the total floor area of any building or structure and must be attached or connected to the principal building it is intended to serve, except when physically designed and oriented to serve more than one (1) building in a complex of buildings, the secondary uses may be permitted in a separate building.

(3) Not more than fifty (50%) percent of the area of any required yard abutting a street shall be used for vehicular parking and driveways. Adjacent to any lot line abutting a street there shall be a continuous landscaped area not less than twenty-five (25') feet (7.625 meters) wide except at points of approved vehicular access to the street. This parking and landscaping restriction is necessary to assure pedestrian and vehicular safety by separating the off-street parking area from the vehicular and pedestrian traffic in the public right-of-way.

(4) In addition to the landscaping required above, not less than ten (10%) percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five (5') feet (1.525 meters) shall be considered in the ten (10%) percent minimum landscaping requirement. This requirement is necessary to provide for the safety and welfare of pedestrians in large areas and to provide for effective traffic control regulations by the development of curbed and landscaped islands at the end of parking bays and divider islands between parking bays, and to contribute a more healthful environment for the entire community.

(5) Parking requirements:

(a) The off-street parking requirements for a building where the greatest percentage of usable floor area is devoted to an office use shall be determined by applying a parking requirement of one (1) parking space per one hundred and twenty-five (125) square feet (11.625 square meters) for ten (10%) percent of the total usable floor area of the office use in the building and by adding to this figure the parking requirements of Section 5.30 for the remaining primary uses in the building.

(b) The off-street parking requirements for buildings where the greatest percentage of usable floor area is devoted to multiple family use or hotels/motels shall be determined by applying a parking requirement of four (4) parking spaces per dwelling unit or hotel/motel unit for ten (10%) percent of said units in the building and by adding this figure to the parking requirements of Section 5.30 for the remaining primary uses in the building.

(c) In addition to required landscaping, landscaping may be provided in lieu of ten (10%) percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the City's request.

(6) Parking structures shall be designed so all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety. Parking structure locations shall be governed by:

(a) The setbacks established in Article 22, "Schedule of Regulations;" and

(b) Proper traffic engineering as reviewed and approved by the City Traffic Engineer.

(7) The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(8) Warehousing or indoor storage of goods or material in quantity greater than normally incidental to the above permitted uses shall be prohibited.

5.142 Area and Bulk Regulations

See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the minimum development area and provides minimum yard setback requirements.

ARTICLE 16 NEIGHBORHOOD BUSINESS DISTRICT (B-1)

5.147 Intent

The Neighborhood Business District (B-1) is designed to provide for the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The district will generally be used as a transitional district between more intensive uses of land such as major thoroughfares and other business districts and less intensive uses of land such as office and residential. It will normally be located only on property which fronts on a major or secondary thoroughfare.

5.148 Site Plan Review

No building, structure, or land shall be erected or used in a B-1, Neighborhood Business, District unless a site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows: (Amended - Ordinance 1047 - 1/5/81)

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple family district or any nonresidential district, or is developed with permanent uses which are other than single family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permit-ted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.149 Uses Permitted

In a Neighborhood Business District (B-1) no building, structure, or land shall be erected or used except for the following uses unless otherwise provided in this Chapter:

(1) Medical offices and clinics.

(2) Banks and similar financial institutions.

(3) Libraries and government office buildings and public utility offices, but not including storage yards.

(4) Private clubs or lodges.

(5) Photographic studios and interior decorating studios.

(6) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

(7) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radio, television, shoe, and etc., but prohibiting major repair shops such as automotive, heavy equipment, large appliances, furniture and etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(8) Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.

(9) Restaurants and carry out restaurants when attached to, and located within, a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than four (4) attached uses sharing a common parking area. (Amended - Ordinance 1425 - 9/24/98)

(10) Accessory uses customarily incidental to any of the above permitted uses, but excluding drive-in and fast food restaurants. (Amended - Ordinance 1280 - 5/22/89)

5.150 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed. (Amended - Ordinance 1058 - 6/8/81)

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Neighborhood Business District.

(b) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) Uses

(a) Freestanding restaurants and carryout restaurants, excluding drive-in type and fast food restaurants. (Amended - Ordinance 1280 - 5/22/89) (Amended - Ordinance 1425 - 9/24/98)

5.151 Required Conditions

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) The outdoor storage, display, or servicing of goods or materials shall be prohibited irrespective of whether or not they are for sale.

(3) Warehousing or indoor storage of goods or material in quantity greater than normally incidental to the above permitted uses shall be prohibited.

(4) At least fifty (50%) percent of any required front yard shall be landscaped. Along any side or rear lot line abutting a street, there shall be a continuous landscaped area with a minimum width equal to one-half (1/2) the width of the required yard. The landscaped strip need not be provided at points of approved vehicular access. This landscaping requirement is necessary to maintain the transitional character of the area that this district is intended to preserve.

5.152 Signs and Lighting (Amended - Ordinance 1343 - 6/8/92)

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

5.153 Area and Bulk Regulations

See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area and provides minimum yard setback requirements.

5.154 Provision for a One Year Grace Period for Approved Site Plans

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the City of Southfield or approved by the City of Southfield, in accordance with the provisions of the former Article 16, of Chapter 45, as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment. (Amended – Ordinance 1047 - 1/5/81)

ARTICLE 17 PLANNED BUSINESS DISTRICT (B-2)

5.156 Intent

The Planned Business District (B-2) is designed to service the needs of the convenience or comparison shopper. The district is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. For this reason, this district will generally be located at the intersection of two (2) major thoroughfares.

5.157 Site Plan Review

No building, structure, or land shall be erected or used in a B-2, Planned Business, District unless a site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission but the Council may act on the site plan if a recommendation is not received from the Planning Commission within ninety (90) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows:

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are so located as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exists between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple family district or any nonresidential district, or is developed with permanent uses which are other than single family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permitted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.158 Uses Permitted

In a B-2 District, no building, land or premises shall be used and no building or structure erected except for one (1) or more of the following uses unless otherwise provided in this Chapter:

(1) Medical offices and clinics.

(2) Banks and similar financial institutions.

(3) Libraries and government office buildings and public utility offices, but not including storage yards.

(4) Post offices.

(5) Private clubs or lodges.

(6) Nursery schools and day care centers.

(7) Photographic studios and interior decorating studios.

(8) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radios, television, shoe, and etc., but prohibiting major repair shops such as: automotive, heavy equipment, large appliances, furniture, and etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(9) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, and hardware.

(10) Restaurants and carry out restaurants when attached to, and located within, a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than four (4) attached uses sharing a common parking area. (Amended - Ordinance 1426 - 9/24/98)

(11) Accessory structures and uses customarily incidental to the above permitted uses, but excluding restaurants, carryouts, drive-in, and fast food restaurants. (Amended - Ordinance 1281 - 5/22/89)

5.159 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council only after a recommendation by the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Planned Business District.

(b) The location, size, intensity, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) Uses

(a) Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.

(b) Open-air retail sales of plant material and sales of lawn furniture, playground equipment, and garden supplies provided that:

1. The open-air sales area is enclosed with a fence.

2. That such sales area is in conjunction with indoor sales of the same general type.

3. That the square footage of the open sales area is no greater than the indoor sales area.

(c) Arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences, or similar approved means as to specifically delineate the area in which said machines are

to be located, the minimum square footage of floor area per machine being measured thereby, bowling alley, billiard halls, indoor archery ranges, indoor skating rink, and similar forms of indoor commercial recreation when the building or portion of building used for said purposes is located at least two hundred (200') feet (61 meters) from any residentially zoned property. (Amended - Ordinance 1103 - 10/11/82)

(d) Hotels and motels.

(e) Freestanding restaurants and carry out restaurants, but excluding drive-in and fast food restaurants. (Amended - Ordinance 1059 - 8/8/81; Amended - Ordinance 1281 - 5/22/89; Amended - Ordinance 1426 - 9/24/98)

5.160 Other Uses

The City Council may permit additional uses after a recommendation from the Planning Commission when they are found to be:

(1) Related to, and reasonably necessary or convenient for, the satisfactory and efficient operation of a complete and integrated planned shopping center.

(2) Similar in character to one (1) or more of the above uses.

5.161 Required Conditions

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) The outdoor storage, display, or servicing of goods or materials shall be prohibited irrespective of whether or not they are for sale, except as specifically provided above.

(3) Not less than five (5%) percent of this site, exclusive of buildings, shall be landscaped. This requirement is necessary to provide for the safety and welfare of pedestrians in large parking areas and to provide for effective traffic control regulations.

5.162 Signs and Lighting (Amended - Ordinance 1344 - 6/8/92)

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.

(2) No moving or flashing parts or lights or devices shall be permitted. All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

5.163 Area and Bulk Regulations

See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area, and provides minimum setback requirements.

5.164 Provision for a One Year Grace Period for Approved Site Plans

This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the City of Southfield or approved by the City of Southfield, in accordance with the provisions of the former Article 17 of Chapter 45 as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment. (Amended - Ordinance 999 - 7/16/79)

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ARTICLE 18 GENERAL BUSINESS DISTRICT (B-3)

5.166 Intent

The General Business District (B-3) is designed to provide sites for diversified business types and is often located so as to serve passerby traffic. These uses are generally characterized by generating large volumes of vehicular traffic. This district is intended to prohibit establishments which require outdoor storage of goods and materials. The district will generally be used adjacent to high volume major thoroughfares.

5.167 Site Plan Review

No building, structure or land shall be erected or used in a B-3, General Business, District unless a site plan therefor has been approved by the City Council. The City Council shall not approve the site plan until it receives a recommendation in connection with the site plan from the Planning Commission, but the Council may act on the site plan if a recommendation is not received from the Planning Commission within thirty (30) days after it has been requested by the Council. The City Council shall not approve the site plan unless it shall find as follows: (Amended - Ordinance 1048 - 1/5/81)

(1) All the development features, including the principal building and any accessory buildings, open spaces, service roads, driveways, and parking areas are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to pedestrian and vehicular traffic safety.

(2) The site plan does show that access is provided only to a major or secondary thoroughfare or freeway service drive and that a proper relationship exits between the major or secondary thoroughfare and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety, except that: access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is within a multiple family district or any nonresidential district, or is developed with permanent uses which are other than single family residences. This exception shall apply only to property having frontage on a major or secondary thoroughfare or freeway service drive and shall apply only upon a finding that there are special circumstances which indicate that there will be a substantial improvement in traffic safety.

The site plan shall not be approved unless all interior and abutting streets have sufficiently improved rights-of-way to accommodate the vehicular traffic generated by the uses permit-ted in the district or unless adequate provision is made at the time of the approval of the site plan for such sufficiently improved rights-of-way.

5.168 Uses Permitted

In a General Business District (B-3), no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter:

(1) Medical offices, including clinics, and medical laboratories.

(2) Banks and similar financial institutions.

(3) Post offices.

(4) Private clubs or lodges.

(5) Nursery schools.

(6) Photographic studios and interior decorating studios.

(7) Photographic reproduction, blueprinting and print shop.

(8) Funeral homes.

(9) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radios, television, shoe, etc., but prohibiting major repair shops such as automotive, heavy equipment, etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

(10) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.

(11) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

(12) Publicly owned buildings, public utility buildings, including electric transformer stations, and substations and gas regulator stations excluding storage yards, water and sewer pumping stations.

(13) Establishments of electricians, plumbers, heating contractors, bakers, painters, or similar trades in conjunction with a retail sales operation.

(14) Assembly halls, concert halls or similar places of assembly, but excluding theaters and when conducted within enclosed buildings. (Amended - Ordinance 1279 - 5/22/89)

(15) Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:

(a) The open-air sales area is enclosed with a fence.

(b) That such sales area is in conjunction with indoor sales of the same general type.

(c) That the square footage of the open sales area is no greater than the indoor sales area.

(16) Hotels. (Amended - Ordinance 1224 - 2/16/87)

(17) Restaurants, including bar/lounge and carry out restaurants, when attached to, and located within, a shopping center building complex. For the purposes of this section, a shopping center will consist of not less than four (4) attached uses sharing a common parking area. (Amended - Ordinance 1426 - 9/24/98)

(18) Accessory buildings or uses customarily incidental to any of the above permitted uses which are of the character of a personal or administrative service or a retail facility for a product on a "cash and carry" basis, but excluding restaurants, carryout restaurants, drive-in, and fast food restaurants. (Amended - Ordinance 1282 - 5/22/89)

5.169 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the General Business District.

(b) The location, size, intensity and periods of operation of any such proposed use may be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.

(d) The proposed use is of such character and the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety and welfare of the community.

(g) The proposed use, or change in use, must be designed and operated so as to provide security and safety to the employees and the general public. (Amended - Ordinance 1501 - 5/30/04)

(2) Uses

(a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building. (Amended - Ordinance 1104 - 10/11/82)

(b) Motor vehicle washing, conveyor or non-conveyor type, when completely enclosed in a building excepting points of ingress and egress and subject to the following conditions:

(1) All cleaning operations shall be completely enclosed within a building.

(2) A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.

(3) The driveway as provided shall be not less than ten (10') feet (3.05 meters) wide for a single lane and not less than (10) additional feet (3.05 meters) in width for each additional lane.

(4) Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitable protected from interference by other traffic.

(5) The total length of the required lane or lanes so provided for a conveyor type wash rack shall be determined by the overall length of the building, including areas having side walls but not roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this Section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula:

Where the building is eighty (80') feet (24.4 meters) or less in overall length, the total required lanes shall be not less than four hundred (400') feet (122 meters) in length. Where the building exceeds eighty (80') feet

(24.4 meters) in length, the length of the required lane or lanes shall be increased fifty (50') feet (15.25 meters) for each ten (10') feet (3.05 meters) or fraction thereof by which the building exceeds eighty (80') feet (24.4 meters) in overall length.

(6) For a non-conveyor type auto wash, five (5) waiting spaces for each twenty (20') feet (6.1 meters) in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.

(7) The site shall be designed in such a manner that no operations are conducted off the parcel.

(8) A building setback of at least sixty (60') feet (18.3 meters) must be maintained from the proposed or existing street right-of-way, whichever is greater.

(9) Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.

(10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.

(11) Gasoline sales shall be permitted on the property provided there is compliance with Section 5.169, Paragraph 2 (b-4) and 2 (c) of this Chapter.

(c) Gasoline stations. Prohibited activities include, but are not limited to, the following: trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

City Council review and approval shall be for the purpose of maintaining the health, safety and welfare of the community. The City Council shall approve the use only after finding that the use is so arranged that the gasoline station will not adversely affect the normal development or use of adjacent property and further, that the gasoline station will be constructed in accordance with the following development standards.

(1) One hundred and twenty (120') feet (36.6 meters) of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.

(2) The lot shall contain not less than twelve thousand (12,000) square feet (1,116 square meters) in area.

(3) All buildings shall be set back not less than forty (40') feet (12.2 meters)

from all existing or proposed street right-of-way lines, whichever is greater.

(4) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet (4.575 meters) from all street right-of-way lines.

(5) Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet (10.675 meters). Curb openings for such driveways shall be in accordance with the City of Southfield Standard Deceleration Lane.

(6) Any driveway approach shall enter the property not less than twenty (20') feet (6.1 meters) from the intersection formed by the existing or proposed right-of-way lines as set forth in the Official Thoroughfare Plan, and not less than fifteen (15') feet (4.575 meters) from any adjoining property line.

(7) Curbs in accordance with standard City specifications shall be constructed on all streets adjacent to the gasoline station site.

(8) Lighting shall be shielded from residential property. (Amended - Ordinance 1345 - 6/8/92)

(9) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles (Amended - Ordinance 1345 - 6/8/92)

(10) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station for retail sale during the hours of operation of the gasoline station.

(11) There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.

(12) Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the City Council and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

(13) The landscape requirement for a gasoline station shall be not less than twelve and one-half (12.5) feet (3.81 meters) along a street frontage. The landscape strip need not be provided at points of approved vehicular access. (Amended - Ordinance 1501 - 5/30/04)

(14) Parking shall be determined by applying the appropriate parking standards based on the category of gasoline station (either gasoline filling station or gasoline service station) according to section 5.30, off-street parking requirements, except for in the case of gasoline filling/service station with ancillary retail sales area, in which case, in addition to said requirement, additional parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended - Ordinance 1501 - 5/30/04) (Amended – Ordinance 1641 – 5/31/15)

(d) Automobile repair and service facilities subject to the following provisions:

(1) Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

(2) All activities shall be conducted in an enclosed building.

(3) All buildings shall be set back not less than forty (40') feet (12.2 meters) from all existing or proposed street right-of-way lines, whichever is greater.

(4) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles. (Amended - Ordinance 1345 - 6/8/92)

(5) There shall be no outside storage or display of any kind except for the display of new merchandise to the primary use of the facility and for retail sale during the hours of operation of the facility.

(6) There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

(7) Parking shall be provided on the site at a ratio of one (1) parking space for each three thousand (3,000) square feet (279 square meters) of site area.

(8) Automobile leasing may be permitted subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

(9) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

(e) Automobile and truck agency sales and showrooms subject to the following provisions:

1. The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred and fifty (150') feet (45.75 meters) and an area of not less than two (2) acres (.81 hectares).

2. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.

3. Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200') feet (61 meters) from residentially zoned property and conducted entirely within an enclosed building.

4. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

5. The outside display of new and used automobiles and trucks shall be permitted but the outside storage of vehicles shall be limited to new vehicles and such storage area shall occupy no more than thirty-five (35%) percent of a lot which is used for new vehicle sales.

6. A fifteen (15') foot (4.575 meters) landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.

7. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

8. No outside loud speaker or outside public address system shall be used.

(f) Freestanding restaurants, including bar/lounge and carry out restaurants. (Amended - Ordinance 1060, 6/8/81; Amended - Ordinance 1282, 5/22/89; Amended - Ordinance 1427, 9/24/98)

(g) Drive-in and fast food restaurants, subject to the following conditions:

1. A setback of at least sixty (60') feet (18.3 meters) from the right-of-way line of any existing or proposed street must be maintained.

2. Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection of any two (2) streets and shall be directly from a major thoroughfare.

3. There shall be provided an unpierced face brick wall six (6') feet (1.83 meters) in height on all sides of the premises so used except as provided

below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3') feet (.915 meters) from said wall.

a. On the side of the property adjacent to the major thoroughfare, the above described wall shall be reduced to a height of three (3') feet six (6") inches (1.0675 meters).

b. A cyclone fence may be used in lieu of a brick wall on those lot lines not adjacent to a street or alley but contiguous to property zoned in an I-L or I-1, Industrial classification

c. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in (3) above.

4. Parking requirements.

Parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

5. When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet (152.5 meters) from residentially zoned property.

(h) Open-air display and sale of motor homes, camping trailers, vehicles other than trucks and automobiles, home owners gardening equipment and etc., provided there is no outside storage and further provided, that there shall be no display in areas that are required for parking, aisle ways, loading or sidewalks.

(i) Retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using an arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.

(j) Executive, administrative and professional offices.

(k) Motels. (Amended - Ordinance 1224 - 2/16/87)

(l) Theaters. (Amended - Ordinance 1279 - 5/22/89)

(m) Alternative Financial Services (AFS), subject to the following conditions Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):

1. Cannot be located any nearer than 1,500 feet to any other Alternative Financial Services establishment or Pawn Shops.
2. Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, or childcare facilities.
3. Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
4. Drive-thru transaction stations are prohibited.
5. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
6. Note: Other retail establishments where less than 10% of usable floor space is dedicated for AFS services are not subject to items 1-5 above.

(n) Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):

1. Cannot be located any nearer than 1,500 feet to any other Pawn Shops or Alternative Financial Services establishment.
2. Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, childcare facilities, firearm dealers or businesses selling alcohol.
3. Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
4. Requires unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other *approved* operating and development standards.
5. At least 30% of a first floor façade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
6. All receipt, sorting or processing of goods shall occur within a completely enclosed building.
7. The building shall have lighting to provide illumination for security and safety of parking and access areas.

(o) Smoking Lounges, subject to the following conditions (Amended – Ordinance 1619 – 3/9/14):

1) Must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603,

Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.

2. Hours of operation are limited to 10:00 A.M. to 12:00 A.M.
3. Cannot be located any nearer than 2,640 feet (1/2 mile) to any other Smoking Lounges.
4. Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
5. Outdoor patios used for smoking cannot be any closer than 20 feet from any other business entrance or outside dining area.
6. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
7. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
8. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
9. The maximum occupancy level for a smoking lounge shall be established by the fire department.

(p) Shelters for the homeless, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Resident manager and support services shall be provided.

3. Cannot be located any nearer than 2,000 feet to any other Emergency Shelter for the Homeless or Soup Kitchen.

4. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

5. Must be located on a major thoroughfare.

6. Maximum occupancy is limited to 30 persons.

7. Facilities jointly operated as an Emergency Shelter for the Homeless and Soup Kitchen must also meet the requirements for Soup Kitchens.

(q) Soup Kitchens, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)

1. The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.

2. Must provide proof of license or approval by the Oakland County Health Department.

3. Seating shall be provided at 100% of meal service capacity.

4. Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, Rights-of-Way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.

5. All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an Emergency Shelter for the Homeless and a Soup Kitchen.

6. Cannot be located any nearer than 2,000 feet to any other Soup Kitchen or Emergency Shelter for the Homeless.

7. Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.

8. Must be located on a major thoroughfare.

9. Maximum occupancy is limited to 50 persons.

5.170 Required Conditions

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing, or processing, except for off-street parking or loading shall be conducted within a completely enclosed building.

(3) The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale, except as specifically permitted by other provisions of this district.

(4) Parking of passenger vehicles not exceeding a net weight of three (3) tons (2.721 metric tons) and all parking shall be for periods of less than forty-eight (48) hours and in accordance with the provisions of Article 4. This restriction shall not prohibit the display and storage of vehicles where permitted by other provisions of this district.

(5) At least fifty (50%) percent of any required front yard shall be landscaped. The landscape strip need not be provided at points of approved vehicular access. This landscaping requirement is necessary to maintain the transitional character of the area that this district is intended to preserve. (Amended - Ordinance 1275 - 5/22/89)

5.171 Signs and Lighting (Amended - Ordinance 1345 - 6/8/92)

(1) Necessary directional or regulatory traffic signs which conform to the Michigan Manual of Uniform Traffic Control Devices shall be permitted.
(2) All light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

5.172 Area and Bulk Regulations
See Article 22, "Schedule of Regulations," which limits the height and bulk of buildings, determines the permitted development area, and provides minimum yard setback requirements.

5.173 Provision for a One Year Grace Period for Approved Site Plans
This provision shall not apply to any land or building for which a site plan has been submitted to, and received by, the City of Southfield or approved by the City of Southfield, in accordance with the provisions of the former Article 18 of Chapter 45 as amended, on or before the effective date of this amendment. The above exceptions shall be permitted provided that a building permit is issued for construction in accordance with the approved site plan, or any approved revision thereof, within one (1) year of the effective date of this amendment. (Amended - Ordinance 1048 - 1/5/81)

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ARTICLE 19 LIGHT INDUSTRIAL DISTRICTS (I-L)

5.175 Intent

The I-L, Light Industrial, District is designed so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts. It is also the intent of this Article to encourage the development of planned industrial parks characterized by structural uses located on landscaped sites, served by adequate off-street parking and loading areas, without unsightly outdoor storage.

5.176 Uses Permitted

In all I-L, Light Industrial, Districts no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one (1) or more of the following specified uses:

(1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

(2) Research and office uses related to permitted industrial operations.

(3) Any of the following uses when conducted wholly within a completely enclosed building:

(a) Warehousing and wholesale establishments, tool, die, gauge and machine shops.

(b) The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies.

(c) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and nonferrous metals (excluding large castings and fabrications), shell, textiles, tobacco, wax, wire, wood, (excluding saw and planing mills) and yarns.

(d) The manufacture of pottery and figures or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

(e) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products (not including pneumatic tires).

(f) Manufacture or assembly of electrical appliances, electronic instruments and

devices, radios and phonographs.

(g) Laboratories - experimental, film or testing.

(4) Warehouse, storage and transfer uses and electric and gas service buildings, public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations, provided that outside storage is not permitted for any of these uses.

(5) The parking of trucks and truck trailers incidental to any of the above permitted uses, not to exceed seven (7) continuous days.

(6) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, inflatable play places, gymnasiums, court sports facilities and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building. (Amended - Ordinance 1587- 11/6/2011)

(7) Accessory buildings and uses customarily incidental to any of the above permitted uses, not including outdoor storage.

5.177 Uses Prohibited

Manufacturing development which creates unusual danger from fire, explosions, toxic and noxious matter, radiation and other hazards and which cause noxious, offensive, unhealthful and harmful odors, fumes, dust, smoke, light, waste, noise or vibration is prohibited. The processing of raw material for shipment in bulk form, to be used in an industrial or commercial operation at another location, is prohibited.

5.178 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22.

5.179 Uses Permitted Subject to Special Approval and Licensing (Amended – Ordinance 1637 – 4/5/15)

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in Chapter 86 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter “MMMA”), as amended. A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the Department, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of City Ordinance and/or State Law. The fundamental intent of this section is to facilitate a private and confidential qualified patient and primary caregiver relationship whereby

the cultivation, distribution and use of marihuana is strictly for medical purposes. Accordingly, this section permits authorization for activity in compliance with the MMMA. Nothing in this section shall be construed as allowing a person or persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the MMMA and this section; and, nothing in this section shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(1) Uses

(a) A Medical Marihuana Facility shall be subject to the following conditions:

(1) Any parcel within 500 feet of a residentially zoned district or "drug-free school zone"; any parcel within 500 feet of a parcel that contains a house, adult regulated use, school, church, child care facility or park; and any parcel within 1,500 feet to any Pawn Shops or Alternative Financial Services establishment, shall not qualify for a Medical Marihuana Facility.

(2) A State of Michigan registry identification card and a valid license issued pursuant to Chapter 86 of the Southfield City Code is required for all Medical Marihuana Facilities operated by a primary caregiver. If the primary caregiver is not the owner of the premises, then consent must be obtained in writing from the property owner to ensure the owner's knowledge of the use.

(3) Licenses issued pursuant to Chapter 86, in addition to any state issued license, permit or certification shall be conspicuously posted on the premises.

(4) Usable marihuana on site, when not actively distributed, shall be kept or stored within an indoor enclosed locked facility accessible only to caregivers and/or qualifying patients, as permitted under Article II, Definitions.

(5) Marihuana, if cultivated on site, shall be kept within an indoor enclosed locked facility as defined in Article II, Definitions, of this Chapter.

(6) Consumption of marihuana on the premises is prohibited.

(7) There shall be no outdoor, open use or display of marihuana upon the licensed premises.

(8) A Medical Marihuana Facility shall distribute marihuana for medical use only as authorized and in the manner permitted by the Michigan Medical Marihuana Act P.A. 2008, as amended.

(9) No more than five qualified patients per primary caregiver. The amount of usable marihuana stored at the Medical Marihuana Facility for each patient shall be limited to: 2.5 ounces of usable marihuana (excludes seeds, stalks, and roots) and 12 marihuana plants kept in an indoor enclosed locked facility as defined under the Michigan Medical Marihuana Act P.A. 2008, as amended and as noted by the licensing requirements of Chapter 86.

(10) The Medical Marihuana Facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.

(11) Hours of operations permitted: Monday-Friday: 9:00 A.M. - 9:00 P.M.; Saturday: 9:00 A.M. - 6:00 P.M.; Sunday: 10:00 A.M. - 6:00 P.M.

(12) Minimum Distance from one medical marihuana facility to another shall be 250 feet.

(13) Drive-thru facilities shall be prohibited.

(14) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.

(15) A conspicuous sign(s) shall be posted stating that "No loitering is permitted" on such property.

(16) Entry into the premises by persons under the age of eighteen (18) is prohibited unless they are a qualifying patient and accompanied by a parent or legal guardian.

(17) The location from which a primary caregiver manufacturers, stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.

(18) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Facility.

(19) Caregiver activity shall not be advertised as, or permitted to operate as a "Medical Marihuana Provisioning Center", "Safety Compliance facility", "Dispensary," "Compassion Club", "clinic" or "hospital". A qualified caregiver and any other person authorized under the MMMA to assist patients, if any, shall distribute medical marihuana only on a confidential, one to one basis, with no other caregivers being present at the approved facility, provided, however, that a qualified patient's immediate family members or guardian may be present.

(20) Nothing is this Section shall permit or be construed or interpreted to permit a medical marihuana dispensary, provisioning center, safety compliance facility, or compassion club, and those or similar activities or uses are expressly prohibited hereunder.

ARTICLE 20 INDUSTRIAL DISTRICTS (I-1)

5.183 Uses Permitted (Amended – Ordinance 1664 – 9/11/16)

(1) Uses related to manufacturing.

(2) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building, including medical research and alternative energy facilities.

(3) Film industry studios, recreation centers similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, inflatable play places, gymnasiums, court sports facilities and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building

(4) Information technology centers and general office related to an industrial or manufacturing operation.

(5) The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies.

(6) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(7) Restaurants without drive-thrus.

5.184 Uses Prohibited (Amended – Ordinance 1664 – 9/11/16)

Any use not expressly permitted or permitted with special use approval is strictly prohibited within the (I-1) district, including medical marihuana facilities.

5.185 Uses Permitted as a Special Land Use (Amended – Ordinance 1664 – 9/11/16)

The following uses may be permitted in the Industrial (I-1) zone as a special land use after recommendation by the planning commission and after a public hearing by the city council which may deny, approve, or approve with conditions, the request for a special land use based upon the standards and requirements following. (Amended – Ordinance 1075 – 12/7/81) (Amended – Ordinance 1662 – 5/1/16)

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the Industrial Districts (I-1).

(b) The location, size, intensity and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which must be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principals of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor or fumes.

(f) The proposed use, or change in use, will not be adverse to the promotion of the health, safety, and welfare of the community.

(2) Uses

(a) The following special land uses only shall be allowed on properties with frontage on Telegraph Road:

1. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
2. Wholesale establishments.
3. Restaurants with drive-thrus.
4. General or professional office not related to an industrial or manufacturing operation.
5. Self-storage or warehousing use not related to an industrial or manufacturing operation.
6. New & used vehicle dealers (Class A: New Vehicle Dealer and Class B: Used Vehicle Dealer):
   a. Banners, balloons, balloon structures, portable signs, streamers, flags, other than United States or State of Michigan designations, vehicles or persons displaying advertising signage as a means of advertising vehicles for sale on the property is strictly prohibited.
7. Dry cleaning & laundry establishments including plants.
8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).

(b) The following special land uses only shall be allowed on properties with at least one hundred (100') foot wide frontage on W Eight Mile Road:

1. Contractor offices with or without ancillary showroom and storage use including landscape contractor's offices and yards.
2. Self-storage or warehousing use not related to an industrial or manufacturing operation.
3. Automotive repair, salvage facility, junk yard or junk storage
4. Any use which requires the following dealer license(s) from the State of Michigan:
   (a) Class C: Used vehicle parts dealer

(b) Class F: Vehicle scrap metal processor
(c) Class G: Vehicle salvage pool
(d) Class E: Distressed vehicle transporter
(e) Class W: Wholesaler

5. Crematorium
   (a) Crematorium buildings shall not be located closer than 300 feet to any residential district measured from the closest point of the building to the nearest residential district boundary line.
   (b) Bodies to be cremated shall not be stored or kept on the premises for a period exceeding fourteen (14) calendar days.
   (c) Any building used as a crematorium shall provide an auxiliary means of electrical service in the event of a power failure.
   (d) Any crematorium shall, at all times, be operated in full compliance with any and all applicable laws and regulations.
6. Dry cleaning & laundry establishments including plants.
7. Transportation service providers (emergency vehicle dispatch
8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
   (a) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
9. Motor freight depots, trucking terminals, or trucking dispatch centers.
   (a) Access shall only be via a major thoroughfare as defined in Article 2 Definitions
   (b) The applicant shall submit credible evidence of the provisions to be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration and smoke).
   (c) A minimum lot area of three (3) acres shall be provided.
   (d) All buildings and parking facilities shall be located a minimum of 100 feet from all property lines.
   (e) Outside storage shall be permitted in accordance with Ordinance requirements.
   (f) Any and all service work shall be performed within a completely enclosed building.
   (g) Parking, screening and landscaping shall be provided in accordance with the requirements of the Zoning Ordinance.
   (h) The ground surface of off-street parking and loading spaces shall be paved with asphalt or concrete to protect the surrounding uses from inappropriate dust and other disturbances.
   (i) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
   (j) No trucks shall operate between the hours of 10:30pm and 6:00am within 100 feet of a residential district boundary or residential property line.
10. Recycling centers and refuse haulers.

(c) The following special land uses shall be allowed on properties with frontage on either Telegraph Road or W Eight Mile Road:

1. Oil and Gas Wells/Oil and Gas Development

a. Findings

(1) The City Council of the City of Southfield finds that Southfield is a community with significant environmentally sensitive areas that is largely residential, developed and suburban and is home to more than 1,100 acres of wetlands, 29 acres of ponds, 7 acres of lakes and 16,818 acres of watershed areas between the Rouge River Watershed and Clinton River Watershed; and contains unique natural features such as over 2,385 acres of protected woodland, wildlife habitats, walking trails, paths, and other environmentally sensitive areas.

(2) The City of Southfield has a longstanding tradition of protecting environmentally sensitive areas as exemplified by its Wetland and Watercourse Protective Ordinance enacted on January 31, 1991, and its Woodland and Tree Preservation Ordinance enacted on August 26, 1991, and the establishment and development of the Carpenter Lake Nature Preserve and the Valley Woods Wetland Restoration Project. Additionally, the City employs a well-trained staff charged with protecting and enhancing the natural environment by implementing active programs in Woodland and Wetland protection, environmental education and planning, soil erosion and sediment control, solid waste management, nuisance and blight abatement and eradication.

(3) Preservation of environmentally sensitive areas shall be and is necessary to maintain hydrologic, economic, recreational and aesthetic assets for existing and future residents of the City of Southfield.

(4) The development of innovative methods of gas and oil exploration and extraction, has resulted in oil and gas development activities appearing in areas that traditionally have not been areas subject to oil and gas activities, such as densely populated, largely residential suburban cities in Michigan.

(5) Residents in cities across the nation and in Michigan have experienced the adverse secondary impacts of oil and gas activities where oil and gas development activities have occurred near or adjacent to residential uses.

(6) The adverse secondary impacts of gas and oil exploration and extraction experienced by residents living nearby or adjacent to oil and gas development activities include obnoxious odors and lights; excessive noise; air, soil and water contamination; contaminated drinking wells; excessive dust, traffic and debris; off pad soil erosion; local road deterioration; and wildlife habitat impacts; all adversely affecting the residential quality of life and natural resources of the city.

(7) Based on recent experiences in Michigan cities, it is recognized that state statutes and regulations do not adequately protect the health, safety and welfare of city residents, local natural resources and the community from the adverse impacts of oil and gas activities, thereby necessitating local regulation under the City's zoning authority and general police powers of oil and gas development activities and all secondary impacts.

(8) The Michigan Zoning Enabling Act authorizes and empowers a local unit of government to provide by zoning ordinance for the regulation of land development and the establishment of one or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residences, recreation, industry, trade, service, and other uses of land, to ensure that the use of land is situated in appropriate locations and relationships, and to promote the public health, safety and welfare.

(9) The Michigan Constitution and statutes authorize the City to adopt resolutions and ordinances relating to municipal concerns to protect the public health, safety and welfare of its residents; to regulate activities that cause nuisances; to regulate activities or industries that impede upon others' quality of life, property values, and health, safety and public welfare; and to protect and preserve natural resources of the community.

(10) Federal, state, and local laws impose a substantive duty on the City pursuant to its police powers and authority to prevent or minimize likely degradation of the air, water, and local natural resources held in the public trust.

(11) Convincing evidence of the adverse secondary impacts of oil and gas development activities have been presented to the City in public meetings, hearings, in

articles, from experiences of neighboring communities, and studies, reports and court cases made available to the City.

(12) It is an established legal principal that a municipality may rely on studies, reports, and experiences and evidence generated by other communities of the adverse secondary impacts of certain establishments, so long as whatever evidence that the municipality relies upon is reasonably believed to be relevant to the problem that the municipality addresses. (Renton v. Playtime Theatres, Inc., 475 U.S. 41).

(13) The Courts have recognized that an ordinance furthers a substantial government interest by regulating adverse secondary impacts of certain establishments. (City of L.A. v. Alameda Books, Inc.), 535 U.S. 425.

(14) Courts have further recognized that proper exercise of police power is to relegate industrial establishments to locations separated from residential sections. (Village of Euclid, Ohio v. Amber Realty Co.,) 272 U.S. 365 (1926).

(15) The reports, studies and evidence presented to the City support the finding that oil and gas exploration, extraction and development is an industrial activity that is associated with a wide variety of adverse secondary impacts including but not limited to the following: industrial operations that run twenty-four hours a day; obnoxious night-time light emitted off site; obnoxious hydrocarbon odors and/or hydrogen sulfide bearing gases emitted off site; obnoxious industrial noise emitted off site; excessive vibrations emitted off site; dust emitted off site; scattered debris on site that does not meet site maintenance standards of the community; truck traffic impeding flow of traffic and endangering pedestrian and non-motorized travel within the community; excessive truck traffic resulting in accelerated damage to roads within the community; activities that disrupt wildlife and wildlife habitats; activities near public parks that impact the natural ecosystem and quiet enjoyment of nature paths, trails, and wildlife habitats; withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties; withdrawal of groundwater resulting in impacts to the interconnected lakes, streams, ponds and wetlands within the

community; contamination of groundwater, surface water and drinking water supplies; contamination of environmentally sensitive areas; off-site soil erosion that causes nutrient degradation, pollution, and wildlife habitat impacts; activities that impact the natural course and flow of storm water runoff; environmental consequences from the storage and disposal of wastewater on site; environmental consequences from the loading, unloading and off-site transport of waste and products; environmental consequences of wells and pipelines within, or in close proximity to protected wetlands, woodlands and environmentally sensitive areas within the City; and violations of provisions of the City's legally required Master Plan by forcing industrial conditions in residentially zoned areas.

(b) Purposes

As a result of the findings set forth herein and otherwise considered, the City Council has determined that it is necessary to provide for the reasonable establishment of land for oil and gas development while providing adequate and appropriate health, safety, and welfare protection of Southfield residents. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas development and the appropriate zoning district(s) within which oil and gas wells and oil and gas development activities are permitted so that these resources can be obtained in a manner than protects the environment, protects residential properties and residential property values, and mitigates associated negative impacts. This Ordinance is adopted pursuant to the powers granted to municipalities as set forth in Article 7, Section 7 of the Constitution of the State of Michigan, and the powers given to municipalities to protect the public health, safety and welfare through the Home Rule City Act, MCL 117.4; and the Michigan Zoning Enabling Act, 2006 PA 110, effective July 1, 2006, MCL 125.3101 et seq., as amended. The provisions of this Section have neither the purpose nor the effect of prohibiting or controlling the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes or to regulate the issuance of permits for the drilling, completion, operation or abandonment of oil or gas wells; and acknowledges the jurisdiction and authority of the Supervisor of Wells over

the administration and enforcement of the Natural Resources Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended, MCL 324.101 et seq, and matters relating to the prevention of waste and the conservation of oil and gas in this state. However, while the Supervisor of Wells has jurisdiction and control over persons and things necessary to enforce the NREPA and the prevention of waste and conservation of oil and gas, such grant of authority does not abrogate the power and authority of the City of Southfield under the Michigan Constitution, the Michigan Zoning Enabling Act, and statutory authority to protect the public health, safety and welfare and to continue to regulate issues of local concern.

(c) Necessity

The City Council declares that this section is essential to the health, safety, economic and general welfare of the people of the City of Southfield, and to the furtherance of the policy set forth in Article 7, Section 7 of the Constitution of the State of Michigan, and through the powers given to municipalities to protect the public health, safety and welfare of the citizens of Southfield through the Home Rule City Act, MCL 117.4i and Michigan's Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq.

(d) Definitions of Terms

Terms not specifically defined in this Section shall have the meaning customarily assigned to them. The following words and phrases used in this Section shall have the meaning respectively given as follows:

APPLICANT: An individual, firm, company, corporation or government authority created by statute that seeks special use approval for oil and gas development activities regulated by this Ordinance.

CONTAMINATED LIQUID: Includes but is not limited to any water, waste water, liquid industrial waste, crude, oil/brine, chemical mixture with water or any other fluid or liquid which is deemed contaminated under applicable federal and/or state law.

DERRICK: Any portable framework, tower mast and/or structure which is required or used in connection with

drilling or re-working a well for the production of oil or gas.

DRILLING PAD: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

HYDRAULIC FRACTURING OR FRACKING: A well completion operation that involves injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to create or propagate artificial fractures for the purpose of improving the deliverability and production of hydrocarbons.

HORIZONTAL DRILLING: The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

IMMEDIATELY: Within one (1) hour of receipt of knowledge of a release or suspected release.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT OR OIL AND GAS DEVELOPMENT ACTIVITIES: The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL AND NATURAL GAS PROCESSING PLANT: A facility designed and constructed to process crude oil and/or to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL OR GAS WELL: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE OR WELL SITE: The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, including required containment area. This definition also includes exploratory wells.

OPERATOR: An individual, firm, company, corporation or government authority created by statute that conducts oil or gas development activities on a well site pursuant to special use approval by the City Council.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

STORAGE WELL: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

(e) Required Conditions for Special Use Approval

In addition to the general standards set forth in Section 5.185(1)(a) through (f) herein, special use approval for oil and gas wells and oil and gas development shall be subject to the following conditions and requirements:

(1) Spacing and Setbacks. An oil or gas well and/or an oil and gas well site shall not be located closer than 600 feet of a residential dwelling or place of worship, school, hospital, child care center, or public park. This paragraph shall not be construed to restrict or prohibit underground horizontal drilling directional or horizontal drilling where lawfully permitted by the Michigan Department of Environmental Quality.

(2) Height. The completed wellhead structure shall not exceed twenty five (25) feet in height. The temporary drilling derrick/rig shall not exceed one hundred fifty (150) feet in height.

(3) Minimum lot size. The minimum lot size shall be based upon meeting required spacing and setbacks.

(4) Fencing, Landscaping, Lighting, Access Roads.

1. An oil or gas well site shall be completely enclosed within a six (6) foot high black vinyl-coated chain link fence, equipped with at least two (2) gates with a knox box to allow for entry by City of Southfield emergency personnel, if needed. All gates are to be kept locked when the operator or its employees are not on the oil or gas well site.
2. Staggered ten (10) foot tall evergreen trees shall be placed adjacent to any residentially zoned property or public Right-of-Way to screen the oil or gas well site and drilling wellhead and pad, and the buffer shall be a minimum of twenty five (25) feet in depth. This landscape buffer shall be in place within sixty (60) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.
3. Obnoxious night-time light emitted off the well site interferes with the comfortable, quiet use

and enjoyment of surrounding residential properties. Oil or gas well site lighting shall be shielded, directed downward and directed internally on the site so as to avoid glare on public roads, and adjacent property, dwellings, and buildings. The level of light (foot–candles) at common adjacent lot lines shall be zero (0). Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

4. Access roads to an oil or gas well site shall be designed and constructed to minimize nuisances to surrounding properties, obtain and comply with all required state, county, or city standards and permits, and shall be located at least fifty (50) feet from any adjoining property line.

(5) Compliance with City Code. Oil and gas development activities or other wells drilled for oil or gas exploration purposes shall comply with all applicable provisions of the City Code.

(6) Dust, Noise, Vibration, and Odors. All oil and gas development activities shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the oil and gas development activities carried on at any well site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the well site or structures thereon shall not be permitted to become dilapidated, unsightly or unsafe. The City may impose additional reasonable restrictions upon oil and gas development activities to reduce adverse impacts upon adjacent properties.

(7) Hydraulic Fracturing or Fracking. Hydraulic Fracturing or Fracking is expressly prohibited within the City.

(8) Compliance with Laws and Permit Issuance. Oil and gas development activities for the purpose of oil or gas extraction shall be undertaken in conformity with all

state and federal laws, statutes, rules, and regulations pertaining thereto, and particularly with the State of Michigan, the Michigan Department of Environmental Quality, and the regulations of its Supervisor of Wells. This shall include obtaining the required permit(s) from the Michigan Department of Environmental Quality and/or the Supervisor of Wells, which permit(s) shall be provided to the City before the City will consider an application for a special use approval under this Section. This requirement also applies to, but is not limited to, the plugging of wells, the exploration for, the production, marketing, and transportation of petroleum products, and the disposition and removal of any byproducts utilized and associated with such activities.

(9) Associated permits and Approvals. Special use approval for oil and gas development activities of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and is not in lieu of any permit or plan which may be required by any other provision(s) of the City of Southfield Zoning Ordinance, Building and Fire Codes, Wetlands and Watercourse Protective Ordinance, Woodland and Tree Preservation Ordinance, or other City ordinance or by any other governmental agency unless expressly provided otherwise herein.

(10) Operations

1. Well site preparation and construction of well sites are limited to the hours of 7 a.m. to 6 p.m.. Construction activities associated with establishment of the well site may be eligible for an exception permit issued by the City Department of Building and Safety Engineering pursuant to Section 9.11(2) of the City Code.
2. The movement of drilling rigs, tanker trucks, or heavy equipment used in connection with oil and gas development activities over public roads and streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets and roadways which may be used, and identify any conditions that may apply.
3. All brine, mud, slush, saltwater, chemicals, wastewater, chemicals, fluids or waste, produced or used in connection with oil and gas development activities, shall be safely, lawfully,

and properly disposed of to prevent infiltration of or damage to any fresh water, well, groundwater, watercourse, pond, lake or wetland.

4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut in accordance with the Section 9.41 of the City Code. Machinery and equipment not being currently used in the oil and gas development activities at the well site shall not be stored or kept at the well site.
5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off, or discharge of any hazardous materials, including but not limited to, any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Southfield sanitary sewer system, storm water system, or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements and applicable provisions of the City Code.
6. Oil and gas development activities shall not result in impacting residential water supplies by:
   i. The withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties.
   ii. Contamination of soil, groundwater and/or drinking water supplies.
7. Oil and gas development activities shall not cause environmental consequences to protected wetlands, woodlands, and/or environmentally sensitive areas, including, but not limited to:
   i. unreasonable disruption or harm to wildlife and unreasonable fragmentation or disruption of wildlife habitats;
   ii. unreasonable disruption to public parks;
   iii. withdrawal of groundwater resulting in an impact to the interconnected lakes, streams, ponds and wetlands within the City;
   iv. contamination of soil, groundwater, surface water or environmentally sensitive areas identified by the City;

v. impacts to the natural course and flow of storm water runoff.

8. Oil and gas development activities shall comply with all permit(s) issued, all required plans as approved, and any and all conditions attached to the Special Use approval by the City Council.

(11) Inspection. The Building Official, the Fire Marshal, and any other designee of the City Administrator shall have the right and option at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this Section are complied, including the requirements of any other law, regulation, code or ordinance.

(12) Pipelines. The operator shall not excavate or construct any lines for the conveyance of fuel, water, oil, gas, or petroleum liquids, on, under, or through the streets, alleys, rights-of-way, or other properties owned by the City without an easement from the City.

(13) Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Section 5.22 of Article 4 General Requirements of Chapter 45, Zoning and Planning, of the City Code, and Special Use as set forth herein, the following information and documentation shall be submitted by the applicant as part of the special use application, and shall be subject to the review and approval of the City in connection with the special use application:

1. Environmental Impact Statement. The Environmental Impact Statement filed with the Supervisor of Wells in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501 et. seq. and the administrative rules promulgated under Part 615, as may be amended, and any other federal or state permits required to undertake the intended oil and gas development activities at the well site. Additionally, copies of any studies and/or reports undertaken in conjunction with required federal or state permits shall be submitted.

2. Permits. A copy of all of the following City issued permits:
   i. If required, a copy of wetland permit;
   ii. If required, a copy of woodland permit;
   iii. If required, a copy of soil erosion and sediment control permit;
   iv. If required, a copy of any building permit.

3. Schedule. A timeline and activity schedule for the proposed oil or gas activities.

4. Plans. A copy of the following plans, if applicable:

   i. Soil Erosion and Sedimentation Control Plan
   ii. Grading Plan
   iii. A Hydrogeological Study and Monitoring Plan
   iv. Water Withdrawal Plan
   v. Water Management Plan
   vi. Truck Route Plan
   vii. Noise Management Plan
   viii. On-Site Chemical Storage Plan
   ix. Waste Management and Disposal Plan
   x. Pollution Prevention Plan
   xi. Emergency Response Plan
   xii. Site Identification Plan
   xiii. Site Restoration Plan

5. Required plans shall comply with the following and shall be subject to the approval of the City:

   i. Soil Erosion and Sedimentation Control Plan. The Soil Erosion and Sedimentation Control Plan shall comply with all applicable provisions of Chapter 49, Soil Erosion and Sedimentation Control Ordinance.

   ii. Grading Plan. The Grading Plan shall comply with all applicable provisions of Article II, of Chapter 19 of the City Code.

iii. Hydrogeological Study and Monitoring Plan. A Hydrogeological Study and Monitoring Plan is required for the protection of groundwater. Such study shall consist of a minimum of three (3) on-site groundwater monitoring wells at the perimeter of the drilling pad set at a depth encountering the first water bearing zone. Groundwater depth, gradient, and flow direction shall be determined within these three wells, and a down gradient groundwater monitoring well shall be installed to monitor groundwater conditions. The initial results of the study must be included in the application submittal for the application to be considered administratively complete.

iv. Water Withdrawal Plan. A Water Withdrawal Plan shall be provided, which is designed to protect the level of water in lakes, ponds, wetlands, watersheds, groundwater and residential drinking wells located within the City.

v. Water Management Plan. A Water Management Plan shall be provided, which is designed to determine potential impacts from planned water withdrawals. The results of a valid hydrogeological investigation shall also be submitted, including, results of a valid aquifer pump test, and computer modeling to determine aquifer characteristics and the lateral radius of the cone of depression to be created at the proposed aquifer pump rate at the location of the proposed point of groundwater withdrawal.

vi. Truck Route Plan. Excessive truck traffic impedes the flow of traffic within a community and results in significant damage to the roads within the community. Therefore, a proposed Truck Route Plan shall be provided. The plan shall be developed to minimize the

impact on local traffic flow and on the condition of local roads utilizing an engineered Pavement Management System (PMS) methodology to determine existing hard surface road conditions. The plan shall include the proposed routes of all trucks to be utilized at the site, the estimated weight of those trucks, the hours trucks will be traveling to and from the well site, and the estimated number of trucks entering and exiting the site on a daily basis. The Plan shall also provide for restoration of damaged roads consistent with Best Engineering Practices utilized for bituminous or concrete paving systems. The proposed Truck Route Plan shall be subject to the approval of the City Traffic Engineer.

vii. Noise Management Plan. Industrial operations in and adjacent to residential districts oftentimes generate noise that is emitted off site. Therefore, a Noise Management Plan shall be provided detailing how the oil and gas development activities complies with Section 9.10, Excessive Noise Declared Nuisance, and Section 9.11, Specific Offenses, of the City Code. The operator shall be responsible for verifying compliance with this Section and the Noise Management Plan after the installation of the noise generating equipment. The Noise Management Plan shall:

1. Provide documentation establishing the ambient noise level prior to construction;
2. Identify the oil and gas development activities on site that have the potential to cause noise impacts;
3. Specify how the impacts will be mitigated considering the following characteristics:
   a. Nature and proximity of

adjacent development;

b. Seasonal and prevailing weather patterns, including wind directions;

c. Extent of vegetative screening on or adjacent to the site;

d. Topography.

viii. On-Site Chemical Storage Plan. A Chemical Storage Plan containing a list and the location of all chemicals on site and the Safety Data Sheets (SDS) shall be provided and subject to the approval of the City Fire Department.

ix. Waste Disposal Plan. A Waste Disposal Plan shall be provided, detailing a complete description of all projected waste, and shall include a list of all chemical constituents and total volumes intended for disposal and the manner by which waste shall be disposed.

x. Pollution Incident Prevention Plan (PIPP). A pollution incident prevention plan which comports with Part 31, Water Resources Protection, under NREPA, as amended, and the administrative rules promulgated thereunder, shall be provided which is designed to protect the lakes, ponds, wetlands, watersheds, soil/groundwater, ambient air, woodlands, wildlife habitats, walking trails, nature paths, and other environmentally sensitive areas of the City from contamination or pollution that may result from the proposed oil and gas development activities.

xi. Emergency Response Plan. An Emergency Response Plan, shall be submitted to the City's Police Department, Fire Department, Planning, Department of Homeland Security and Emergency Management,

Building and Engineering Departments. Also, the Applicant/Operator shall, at its sole cost and expense, provide appropriate site orientation and adequate information for on-going training to address any potential dangerous conditions that may result from the oil and gas development activities. Pursuant to state and federal law, the operator shall provide any information necessary to assist the City with establishing written procedures to minimize dangerous conditions that may result from the proposed oil and gas development activities. The Emergency Response Plan shall include the operator's emergency contact information.

xii. Site Identification Plan. A Site Identification Plan shall be submitted delineating the location, wording and size of required site signage.

xiii. Site Restoration Plan. A Site Restoration Plan shall be submitted showing the nature, extent and timelines for site restoration once exploration, extraction and all oil and gas development activities have ceased.

xiv. Compliance with Section 5.55 Wetland and Watercourse Ordinance, and Section 5.56 Woodland and Tree Preservation Ordinance. All proposals for oil and gas wells and oil and gas development are subject to review for woodlands and wetlands and any permits that may be required.

6. Site Maintenance Agreement. A copy of the executed standard City Site Maintenance Agreement shall be submitted.

7. Proof of Insurance. Proof of insurance in coverages and amounts as established by resolution of the Southfield City Council

including a required pollution incident liability rider shall be submitted.

8. Statement. A statement as to whether the Applicant/Operator has operated a site where a release occurred, where there was a violation of any provision of the NREPA, or where there was a finding that a nuisance existed; and, if so, the statement shall further describe each release, violation, or nuisance, and specify the date, place, jurisdiction and any emergency and/or remediation action taken.

9. General Operations. A general operations plan shall be submitted which includes, at a minimum, a description of the nature of the proposed activities, hours of operation, the number of employees, and projected duration of the oil and gas development activities.

10. Fees, Expense Reimbursement, Performance Guarantee. The Applicant/Operator shall pay the application fee and shall establish an escrow to reimburse the City for all expenses of inspection, administrative review, technical review, and for professional and consultant fees incurred including, but not limited to: engineering, planning, building, environmental, and legal fees. A performance guarantee is required in the form of cash or an automatically renewable irrevocable letter of credit, the form of which is approved by the City Attorney, in an amount sufficient to ensure compliant closure and restoration of the oil and gas well and the well site, and which may also be used by the City to respond to and remedy an emergency or exigent situation posing a threat to the public health, safety, and welfare, involving the well site and/or oil and gas development activities of the operator, or damage to roads or other City property. The application fee, escrow, and performance guarantee shall be established by resolution of the Southfield City Council. The resolution shall be on file and made available at the office of the City Clerk.

11. Signatures Required. The Application shall be signed by both the Applicant/Operator and Property Owner, and shall be maintained by the City Planning Department.

1. Monitoring and Reporting.
    1. The Operator shall notify the City immediately of a "release" as defined in Part 201, of NREPA.
    2. In order to conduct the monitoring required by this Section the Operator, at its own cost, shall sample on-site groundwater monitoring wells quarterly for purgeable aromatic hydrocarbons (BTEX) and chloride, and shall report the sample results to the City Planning Department within ten (10) days of receipt of sample laboratory test results. The City reserves the right to expand the list of chemicals of concern that the Operator shall be required to monitor upon confirmation of a release.

2. Copy of Data.
    1. The Operator shall copy the City on all data required to be delivered to the Michigan Department of Environmental Quality (MDEQ) and/or the United States Environmental Protection Agency (EPA) for the oil and gas development activities on site;
    2. The Operator shall provide and test results tot eh City upon request.

3. Waste Disposal. Operator shall inform the City in writing of any modification of the waste stream and/or any new waste not included in the application. Applicant/Operator shall provide a semi-annual report to the City which includes an analysis of the waste stream for all chemical constituents and total volumes. The Operator shall also allow the City to conduct random samples of the waste stream upon a forty-eight (48) hour notice to the Operator. This sampling and testing shall be at Operator's expense. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall, under the supervision of the MDEQ, be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.

4. Well Conversion.

a. Oil and/or Gas Wells. Prior to converting an oil or gas well to a Class II brine injection well, an Operator shall file the following updated documents and plans with the City Planning Department, for review and approval:

i. Hydrogeological Study and Monitoring Plan;
ii. Truck Route Plan;
iii. Noise Management Plan;
iv. On-Site Chemical Storage Plan;
v. Waste Management and Disposal Plan;
vi. Pollution Prevention Plan;
vii. Emergency Response Plan;
viii. Proof of Insurance.

b. Class II Liquid Industrial Waste Well. Prior to installing a new Class II liquid industrial waste well or to converting any existing well to a Class II liquid industrial waste well, an Operator shall be required to file a separate special land use request permit application that conforms to all application requirements set forth in Section 5.185(2)(c)(5)(M) hereof.

5. Notices Required; Application. Oil and gas development activities have the potential of adverse secondary impacts and very serious consequences. Further, there is oftentimes a lack of information readily available to the City and the public regarding local exploration, extraction and development of oil and gas operations. Therefore, the following notice to the City and surrounding properties is required to enable the City to ensure the protection of the health, safety and welfare of its residents, of environmentally sensitive features, residential water wells and the residential quality of life:

(a) Within five (5) days of filing an application for a permit with the State of Michigan to conduct any oil or gas development activity within the City, the Applicant shall file a copy of the permit application with the City Planning Department.

(b) Within seven (7) days of filing an application for a permit with the State of Michigan, the Applicant shall, by regular United States mail, notify the owner(s) of record and/or occupant(s) of all properties within 700 feet of the property on which the proposed well is to be located and shall include the following information:

1) The name and address of the Applicant.
2) A statement that the Applicant has applied for a permit to drill and operate an oil and gas well.
3) A statement that a person may submit comments on the application by mail to the Michigan Department of Environmental Quality, and provide the applicable address, telephone number and contact person, if available.
4) Include a copy of the first page of the permit application.
5) The Applicant shall provide proof of mailing of the notices to the City Planning Department.

6. Civil Proceedings; Injunction. Any activity conducted in violation of this Section 5.185(2)(c) is declared to be a nuisance per se, and the city may commence civil proceedings in any court of competent jurisdiction necessary for the enforcement of this Section to restrain or correct violations and for the recovery of costs and expenses incurred by the City as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the City; however, the institution of civil proceedings shall not preclude enforcement of any other proceeding authorized by ordinance, state or federal law. Further, the City may also issue a stop-work order or withhold issuance of any certificate of occupancy, permits or inspections until the provisions of this Section, including any conditions imposed by the City Council as part of the Special Use approval, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Section.

7. The standards and requirements of subsection (1) are consistent with and promote the intent and purposes of chapter 45 of the City Code and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and are consistent with the public health, safety and welfare of the city.

8. In approving a special land use, the council may impose reasonable conditions, including conditions 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, and to promote the use of land in a socially and economically desirable manner.

9. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the city council and the landowner.

10. The decision of the city council on a special land use shall be incorporated in a statement of conclusions relative to the special land use and shall specify the basis for the decision and for any conditions imposed.

11. A request for approval of a special land use or activity made under the provisions of this section which is in compliance with the standards and requirements stated above and with the conditions imposed pursuant to subsection (5) above, other applicable ordinances, and state and federal statutes, shall be approved.

5.186 Area and Bulk Regulations

The area and bulk regulations shall be regulated as set forth in the "Schedule of Regulations" in Article 22.

5.187 Building Line

In all Industrial (I-1) Districts, no building or structure shall be erected, altered or moved so that any part or portion thereof is nearer than sixty (60') feet (18.3 meters) from the existing right-of-way line. The area between the minimum required building line and the front lot line shall not be used for vehicular parking or open storage.

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ARTICLE 21 VEHICULAR PARKING DISTRICTS (P)

5.189 Uses Permitted (Amended - Ordinance 1346 - 6/8/92)
In all Vehicular Parking Districts, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for the following use:

(1) A parking lot for passenger vehicles not exceeding a net weight of three (3) tons (2.7210 metric tons) and all parking shall be for periods of less than forty-eight (48) hours.

(2) No buildings other than those for shelter of attendants shall be erected upon the premises. One (1) said shelter shall not exceed fifty (50) square feet (4.65 square meters) of shelter building area for the first acre or less plus an additional fifty (50) square feet (4.65 square meters) of shelter building area for each additional acre of land area. The location of such building shall be subject to the review and approval of the City Council to insure that it will not conflict with the movement of vehicular traffic or obstruct the viewing of vehicles and pedestrians, and so to minimize the possibility of any adverse effects upon adjacent properties. (Amended - Ordinance 1270 - 2/27/89)

5.190 Development Regulations
The development and use of any parking area shall be in accordance with all the applicable requirements of this Chapter.

5.191 Uses Permitted Subject to Special Approval (Amended - Ordinance 1507 - 9/26/04)
The following uses may be permitted upon the review and approval of the city council only after a recommendation by the planning commission. The use or uses may only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

(1) Standards

(a) The proposed use or uses must be of such size and character that it will be in harmony with the appropriate and orderly development of the district.

(b) The location, size, and intensity of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.

(c) The proposed use must be in accord with the spirit and purpose of this chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this chapter and principles of sound planning.

(d) The proposed use is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.

(e) The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.

(f) The request for a use requiring special approval shall be accompanied by a site plan indicating the treatment of the subject property, the adjacent uses and properties, and the relationship of the site to adjoining thoroughfares.

(2) Uses

(a) The storage of new cars only, and when the storage of these new vehicles are in excess of any permitted land use and parking requirements on the same lot, or sidwell parcel. And further, the site provides for site security and soil stabilized or hard surfacing of the storage area.

ENGLISH SYSTEM

5.193 RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES	MINIMUM LOT WIDTH	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN FEET				MINIMUM FLOOR AREA	MAXIMUM LOT COVERAGE
	Sq. ft./ Dwelling Unit	Sq. ft./room of 80 sq. ft. or more	Acres	Feet	Feet	Stories	Front	Least Side	Total Sides	Rear	Sq. Ft.	Percent
R A	7,500			65	25	2	30	(r) 8	(r) 20	35	1,000	25
R 1	9,000			70	25	2	40	8	20	35	1,000	25
R 2	9,000			70	25	2	40	8	20	35	1,000	25
R 3	9,000			70	25	2	40	8	20	35	1,200	25
R 4	9,000			70	25	2	40	10	25	35	1,400	25
R E	20,000			90	25	2	40	10	25	35	1,400	25
R-T		2,000			25	2	30	(a) 30		30	(t)	
RM Multiple		1,500	2 acres		30	2	(a) 50	(a) 50		(a) 50	(t)	
RMM		(u)	3 acres		70	6	(v) 75	(v) 50		(v) 50	(t)	
RMU		(u)	5 acres		(b)	(b)	(v) 75	(v) 50		(v) 50	(t)	

ARTICLE 22 - SCHEDULE OF REGULATIONS

METRIC SYSTEM

5.193 RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES	MINIMUM LOT WIDTH	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN METERS				MINIMUM FLOOR AREA	MAXIMUM LOT COVERAGE
	Sq. m./ Dwelling Unit	Sq. m./room of 7.44 sq. m. or more	Hectares	Meters	Meters	Stories	Front	Least Side	Total Sides	Rear	Sq. M.	Percent
R A	697.5			19.825	7.625	2	9.15	(r) 2.44	(r) 6.1	10.675	93	25
R 1	837			21.35	7.625	2	12.2	2.44	6.1	10.675	93	25
R 2	837			21.35	7.625	2	12.2	2.44	6.1	10.675	93	25
R 3	837			21.35	7.625	2	12.2	2.44	6.1	10.675	111.6	25
R 4	837			21.35	7.625	2	12.2	3.05	7.625	10.675	130.2	25
R E	1860			27.45	7.625	2	12.2	3.05	7.625	10.675	130.2	25
R-T		186			7.625	2	9.15	(a) 9.15		9.15	(t)	
RM Multiple		139.5	.81 Hectares		9.15	2	(a) 15.25	(a) 15.25		(a) 15.25	(t)	
RMM		(u)	1.215 Hectares		21.35	6	(v) 22.875	(v) 15.25		(v) 15.25	(t)	
RMU		(u)	2.025 Hectares		(b)	(b)	(v) 22.875	(v) 50		(v) 15.25	(t)	

ARTICLE 22 - SCHEDULE OF REGULATIONS

ENGLISH SYSTEM

5.194 NONRESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES	MINIMUM LOT WIDTH	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN FEET				MINIMUM FLOOR AREA	MAXIMUM LOT COVERAGE
	Sq. ft./ Dwelling Unit	Sq. ft./room of 80 sq. ft. or more	Acres	Feet	Feet	Stories	Front	Least Side	Total Sides	Rear	Sq. Ft.	Percent
O-S					25		(s) 15	(c) 15		(c) 15		
ERO-M				(Ord. 1044-C 12/22/80)	55	4	(v) 75	(v) 30		(v) 75		30
ERO					(b)		(v) 75	(v) 30		(v) 75		40
TR			(h)		30		150	(i)	(i)			
NS			*				60	60		60	1,000	
RS			25 acres		(g)		75	75		75	750	
RC		(u)	10 acres		(b)		(v) 75	(v) 50		(v) 75	(t)	
B-1					25		(s) 15	(c) 15		(c) 15		
B-2			*		(b)		(c) 50	(c) 50		(c) 50		
B-3					(b)		(e) 25	(j)		(e) 15	750	
I-L					(n) 30		(o) 60	(p)		(q) 50		
I-1					60		60	(l)			750	
P							(m)	(m)		(m)		

*Amended - Ordinance 1440 - 11/29/98

ARTICLE 22 - SCHEDULE OF REGULATIONS

METRIC SYSTEM

5.194 NONRESIDENTIAL ZONING DISTRICTS

ZONING DISTRICT	REQUIRED LOT AREA		AREA REQUIRED FOR DEVELOPMENT PURPOSES	MINIMUM LOT WIDTH	MAXIMUM HEIGHT (w)		MINIMUM YARD SETBACK IN FEET				MINIMUM FLOOR AREA	MAXIMUM LOT COVERAGE
	Sq. m./ Dwelling Unit	Sq. m./room of 80 sq. ft. or more	Hectares	Meters	Meters	Stories	Front	Least Side	Total Sides	Rear	Sq. M.	Percent
O-S					7.625		(s) 4.575	(c) 4.575		(c) 4.575		
ERO-M					(Ord. 1044-C 12/22/80) (v) 16.775	4	22.875	(v) 9.15		(v) 22.875		30
ERO					(b)		(v) 22.875	(v) 9.15		(v) 22.875		40
TR			(h)		9.15		45.75	(i)	(i)			
NS							18.3	18.3		18.3	93	
RS			10.125 Hectares		(g)		22.875	22.875		22.875	69.75	
RC		(u)	4.05 Hectares		(b)		(v) 22.875	(v) 15.25		(v) 22.875	(t)	
B-1					7.625		(s) 4.575	(c) 4.575		(c) 4.575		
B-2			*		(b)		(c) 15.25	(c) 15.25		(c) 15.25		
B-3					(b)		(e) 7.625	(j)		(e) 4.575	69.75	
I-L					(n) 9.15		(o) 18.3	(p)		(q) 15.25		
I-1					18.3		18.3	(l)			69.75	
P							(m)	(m)		(m)		

*Amended - Ordinance 1440 - 11/29/98

5.195 SCHEDULE OF REGULATIONS' NOTES

(a) Side yards need not refer to spacing between buildings for a planned development for two (2) or more buildings on the same parcel; in such instance, the distance between buildings is regulated by the Building Distance Formula as found in Section 5.96 and where, because of building arrangement, the formula is not applicable, the minimum distance shall be twenty (20') feet (6.1 meters).

(b) Unlimited, provided yard requirements are satisfied.

(c) Yard(s) shall be not less than the height of the building, except that where a lot line abuts a street, one-half (1/2) the width of the right-of-way of said street may be considered as yard setback; but in no instance, above included, shall any yard setback be less than the figure indicated.

(d) No building shall be closer than seventy-five (75') feet (22.875 meters) to a major thoroughfare and not closer than forty (40') feet (12.2 meters) from any other street right-of-way.

(e) For buildings over twenty-five (25') feet (7.625 meters) in height, footnote (v) shall apply; however, in no instance shall the yard be less than the figure indicated.

(f) See Article 9, Section 5.102, Site Plan Review, but in no instance shall any front or side yard be less than fifteen (15') feet (4.575 meters) nor any rear yard be less than ten (10') feet (3.05 meters).

(g) Buildings shall not exceed a height of sixty (60') feet (18.3 meters) except when not nearer than two hundred (200') feet (61 meters) from any adjoining residential district.

(h) The site plan shall be subject to the review and approval of the City Council. (Amended - Ordinance 1271 - 2/27/89)

Said finding shall determine that:

(1) The site plan does show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.

(2) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent properties.

(i) There shall be a minimum side yard and rear yard of one hundred and fifty (150') feet (45.75 meters) where such use abuts upon the side yard or rear yard of a residential district. In all other instances, there shall be a minimum side yard and rear yard equal to five (5) times the height of the tallest point of the building and not less than eighty (80') feet (24.4 meters).

(j) Side yards are not required along the interior side lot lines when the building does not exceed twenty-five (25') feet (7.625 meters) in height. When the height exceeds twenty-five (25') feet (7.625 meters), the minimum yard shall be determined by footnote (v). Where a side lot line abuts a street, a landscaped side yard of not less than fifteen (15') feet (4.575 meters) shall be provided. (Amended - Ordinance 1276 - 5/22/89)

(k) There shall be on each lot a rear yard of not less than ten (10) square feet (.93 square

meters) for each front foot to provide space for loading and unloading and shall be computed separately from the off-street parking requirements.

(*l*) Side yards are not required along the interior side lot lines; where a side lot line abuts a street, a landscaped side yard of not less than twenty (20') feet (6.1 meters) shall be provided.

(m) Where the parking lot lies across the street and opposite a residentially zoned district wherein the lots front or side on such street, the required setback in feet shall be twenty (20) (6.1 meters).

Where the parking lot lies across the street and opposite or contiguous to and in the same block with residentially zoned property which has only side lot lines on the street, there shall be established a setback line ten (10') feet (3.05 meters) from the front lot line.

Wherever a screen planting is not practical or reasonable, a continuous unpierced masonry wall of specified height and materials may be substituted for buffer strip, if approved by the Board of Appeals.

(n) Except that any structure not less than two hundred (200') feet (61 meters) from a residential zoning district may be increased in height by one (1') foot (.305 meters) for each two (2') feet (.61 meters) of additional front, side and rear yard provided in addition to the minimum yard requirements.

(o) Which shall not be used for parking.

(p) Not less than the height of the building which may be used for parking and where a side yard abuts a street, a landscaped side yard of not less than ten (10') feet (3.05 meters) shall be provided.

(q) Which may be used for parking.

(r) A minimum side yard on the garage side shall be five (5') feet (1.525 meters) and minimum total sides fifteen (15') feet (4.575 meters) where an attached garage having no habitable living area above the garage is located at the side of a dwelling unit and any portion of the house behind the garage is only one (1) story in height.

(s) Sixty (60') feet (18.3 meters); except where the lot is less than four hundred (400') feet (122 meters) deep, the setback may be reduced to equal fifteen (15%) percent of the depth of the lot; but in no case shall the setback be less than fifteen (15') feet (4.575 meters).

(t) Minimum floor area shall be determined by the following schedule:

1 bedroom	800 square feet	(74.4 square meters)
2 bedroom	1,000 square feet	(93.0 square meters)
3 bedroom	1,100 square feet	(102.3 square meters)

4 bedroom	1,300 square feet	(120.9 square meters)

Minimum floor area is the area of the unit measured from the outside faces of exterior walls to the center of interior walls of the unit. Included within the minimum floor area computation may be private balconies or private patios having a minimum dimension of five (5') feet (1.525 meters) and a minimum area of forty (40) square feet (3.72 square meters) with a maximum allowable area for computing minimum floor area not to exceed ten (10%) percent of the unit size.

(u) Required land area per room for multiple family developments shall be determined in accordance with the following schedule:

	No. of Residential Stories	Required Sq. Ft. of Land Area/Room
	10 or more	400 (37.2 square meters)
	9	500 (46.5 square meters)
	8	600 (55.8 square meters)
	7	700 (65.1 square meters)
RMM	6	800 (74.4 square meters)
Maximum	5	900 (83.7 square meters)
Limit	4	1,000 (93.0 square meters)
	3	1,100 (102.3 square meters)

(v) Along those property lines which abut a single family residential district or which are seventy-five (75') feet (22.875 meters) or less from property zoned in a single family residential district classification, as measured along a line which is drawn at right angles to any point along the property line, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{3}$$

Along those property lines which do not have the above described relationship to property zoned in a single family residential district classification, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

The symbols used above shall be defined as follows:

Y = required yard.

L = the total length of that portion of a lot line from which, when viewed directly from above, lines drawn perpendicular from the lot line will intersect any part of the building other than permitted yard encroachments.

H = height of building as defined in Article 2, Section 5.3 (11).

In all zoning districts which are regulated by this footnote, not more than fifty (50%) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15') feet (4.575 meters) wide except at points of approved vehicular access to the street.

(w) Exceptions to Height Standards (Amended – Ordinance 1613 – 8/4/13)

Exceptions. The height limitation of this Ordinance shall not apply to chimneys, cooling towers, elevators, bulkheads, fire towers, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, pumping towers, monuments, steeples, cupolas, and mechanical appurtenance accessory to and necessary for the permitted use in the district in which they are located.

Height of Public and Semi Public Buildings. The height of public and semi public buildings such as churches, cathedrals, temples, hospitals, sanitariums, or schools shall not exceed fifty-five (55) feet, provided that if any such building exceeds the height limitation for the district in which is is located, then, in addition to the required setback, the building shall be set back an additional one (1) foot for each foot by which the building exceeds the height standard.

Height of Parapet Walls. Parapet walls may extend up to five (5) fee above the permitted height in the district in which the building is located.

ARTICLE 23 BOARD OF APPEALS

5.198 Powers

(1) The Zoning Board of Appeals shall not have the power to alter or change the zone district classification of any property; allow a use of property not otherwise permitted in a zone district except as provided in subparagraph (2); nor make any change in the terms of this Chapter, but does have the power to act on those matters where this Chapter provides for administrative review or interpretation, and to authorize a variance as defined in this Section. Said powers include:

(a) Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Director of the Department of Building and Safety Engineering with the exception of a decision made pursuant to Section 5.57 of this Chapter or any other administrative official in carrying out or enforcing any provision of this Chapter (Amended – Ordinance 1529 – 2/16/06).

(b) Zoning Map: To hear and decide in accordance with the provisions of this Chapter requests for interpretation of the zoning map.

(c) Variances: To authorize, upon appeal, a variance from the strict applications of the provisions of this Chapter where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of the original enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter. In granting a variance, the Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in the furtherance of the purpose of this Chapter. In granting a variance, the Board of Appeals shall state the grounds upon which it justifies the granting of a variance.

(2) The Zoning Board of Appeals, in addition to the general duties and powers conferred upon it by law, may, in specific cases and subject to appropriate conditions and safeguards, interpret and determine the application of the regulations herein established in harmony with their general purpose and intent as follows:

(a) Permit the erection of additional buildings or the enlargement of existing buildings or uses on the same parcel of land, or one contiguous thereto, or

directly across an alley therefrom, each in the same single ownership of record at the time of passage of this Chapter, for a legal nonconforming business or activity located in a district restricted against such use, where the enlargement or expansion of such business or activity will not be detrimental to or tend to alter the character of the neighborhood or district.

(b) Where the boundary line of a district divides a lot in a single ownership at the time of passage of this Chapter, permit the extension of a use permitted on the less restricted portion of such lot to the entire lot but not for a distance of more than fifty (50) feet (15.25 meters) beyond the district boundary line.

(c) Permit variations in the requirements for outer courts in dwellings.

(d) Permit variations in the provisions in the Chapter for the erection and use of buildings on farms for normal farm purposes, requiring however, that such buildings shall conform to all the provisions of this Chapter insofar as is practicable.

(e) Temporary Use Permit: Permit conditional and temporary buildings and uses subject to appropriate conditions and restrictions for an initial period of not more than one (1) year which may be extended by the Board for additional periods not to exceed one (1) year each provided (Amended – Ordinance 1529 – 2/16/06):

1. In granting this temporary use, the Board of Appeals shall determine that the following conditions will be met:

    a. Such temporary use shall not adversely affect the character of the area and shall not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Chapter.

    b. Such use shall not be dependent upon major building improvements.

    c. Site improvements shall be of such character that adequate protection shall be provided to abutting uses.

2. Any action by which a temporary use permit is granted shall be taken by the affirmative vote of 2/3rds of the membership of the Board after a public hearing. The reasons for granting such temporary use permit and the restrictions and limitations thereon and the nature of development permitted and arrangements for removing the use at the termination of

said temporary permit shall be stated in the resolution.

3. Such permit may be revoked by the Board at any time upon a proper showing that the operation of such conditional and temporary building or use has become detrimental to the health, safety, and general welfare of the city.

4. The Board may refer the application for such temporary use permit to any office, department, or commission of the City for study, recommendation, and report to the Board.

5.199 Fees

The City Council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals.

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ARTICLE 24 BUILDING PERMITS AND CERTIFICATIONS OF OCCUPANCY

5.202 Permit and Certificate Required

(1) It shall be unlawful to build or use or permit the building or use of any structure or land or part thereof hereafter created, erected, altered or moved or to change or enlarge the use of any building or land or part thereof until a building permit in accordance with the provisions of this Chapter and all other applicable codes and ordinances of the City of Southfield properly endorsed as to occupancy in a manner herein provided shall have been issued by the Director of the Department of Building and Safety Engineering hereinafter authorized.

(2) A charge to be set by the City Council shall be made for the issuance of such permits. An application for a building permit shall be made to the Director of the Department of Building and Safety Engineering prior to the time when a new or enlarged use of a structure or land or part thereof is intended to begin. No structure shall be started and no building or structure shall be moved onto any parcel of land in this City prior to the issuance of a permit. Such application shall be accompanied by a plot plan in duplicate, drawn to scale of not less than one (1") inch (2.54 centimeters) = one hundred (100') feet (30.5 meters), showing the exact dimensions of the land and structure to which the permit is to apply, existing and proposed grades indicating proper drainage, the lines of all the lots or parcels under separate ownership contained therein, the width of and alignment of all abutting streets, alleys, easements of access and public open spaces, the area, size, position and height of all buildings or structures erected or to be erected or altered thereon, plans in duplicate drawn to scale of the proposed structure or alteration and such other information as may be deemed necessary for the proper enforcement. In the case of an application for other than a residence, the applicant shall also furnish a sworn statement stating all uses to which he proposes to put property or proposed buildings on the property. Accessory buildings, when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit. A record of all such applications shall be kept on file by the Director of the Department of Building and Safety Engineering. Whenever the buildings, land and uses thereof as set forth on the application are in conformity with the provisions of this Chapter and all other applicable provisions of the City Code, it shall be the duty of the Director of the Department of Building and Safety Engineering to issue a building permit within ten (10) days after the receipt of such application. All building permits shall be conspicuously posted upon the premises. In all cases when the Director of the Department of Building and Safety Engineering shall refuse to issue a building permit, he shall state such refusal in writing with the cause and reasons for said refusal.

(3) Within ten (10) days after notification that the building or premises or part thereof is ready for occupancy, the Director of the Department of Building and Safety Engineering shall cause a final inspection to be made thereof and, if it is found to be in conformity with the provisions of this Chapter and all other provisions of the City Code of the City of Southfield, shall endorse such fact by the issuance of a certificate

of occupancy.

(4) The Director of the Department of Building and Safety Engineering may, upon the request of a holder of a permit, issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare. The Director shall specify the period of time during which the remaining work shall be completed and failure on the part of the permit holder to complete the work within the specified period of time shall be a violation of the Building Code and this Chapter and shall be punishable in accordance with the provisions hereof.

(5) It shall be the duty of all architects, engineers, contractors, subcontractors, builders or other persons having charge of the establishment of any use of land or the erecting, changing or remodeling of any building, land or structure within the City of Southfield to insure that all proper and necessary permits have been obtained, including, but not limited to, building permits, certificate of occupancy and all other permits required by either this Chapter, the Building Code, or any other provisions of this Code. It shall also be the duty of such party or parties to see that such work or use does not conflict with and is not in violation of the terms of this Chapter. Any such person changing, altering, erecting or remodeling a building or land without such a permit or permits having been issued, or in violation of or in conflict with the terms hereof, or allowing any building, land or structure to be occupied without a certificate of occupancy having first been issued, shall be guilty of a violation of this Chapter in the same manner and to the same extent as the owner of the premises or the person or persons for whom such building or land was used, altered, erected, changed or remodeled, or the use of land established or a building occupied in violation hereof and shall be subject to the penalties herein prescribed for such violation.

ARTICLE 25 ENFORCEMENT OF THE ZONING CHAPTER

5.205 Enforcing Officer

The provisions of this Chapter shall be administered and enforced by the Director of the Department of Building and Safety Engineering, who shall be appointed in accordance with the provisions of the Charter of the City of Southfield.

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ARTICLE 26 PENALTIES

5.206 Penalty, Violation or Nuisance

Any firm, corporation or person who violates any of the provisions of this Chapter shall be fined not less than twenty-five ($25.00) dollars nor more than five hundred ($500.00) dollars for each offense and shall be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Any building which is erected, altered, converted or moved or any use of land which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the provisions thereof is hereby declared a nuisance per se, and the City of Southfield through its qualified officers, as provided for by statute for maintaining suits, may institute proceedings in the Circuit Court for the purpose of enforcing this Chapter. The Director of the Department of Building and Safety Engineering, the Legislative Body of the City, the Board of Appeals or any court having jurisdiction, shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

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ARTICLE 27 AMENDMENTS TO THIS CHAPTER

5.207 Procedure

Amendments or supplements to this Zoning Chapter may be made from time to time in the same manner provided in Act No. 207 of the Public Acts of Michigan for 1921; provided, however, every petition for a zoning amendment shall be accompanied with a fee, the amount of which shall be established by Council resolution and may be changed from time to time, always to hold a reasonable relationship with the necessary costs and expenses, direct or indirect, which may be incurred by reason of publication and the holding of hearings incident to such petitions for zoning amendment.

The fee accompanying the petition, regardless of the ultimate decision, is not refundable.

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ARTICLE 28 INTERPRETATION AND PURPOSES OF THIS CHAPTER

5.208 Applicability

In interpreting and applying the provisions of this Chapter, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Chapter to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or structures or land or upon the height, area or size of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Chapter shall control.

5.209 Validity

Should any article, section, clause or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Chapter as a whole or part thereof other than the part so declared to be invalid.

Section 2. Repeal

All ordinances and amendments thereto enacted and/or adopted by the City of Southfield and/or the City Council of the City of Southfield by virtue of Act No. 207 of the Public Acts of Michigan for 1921, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Chapter are hereby repealed, as of the effective date of this Chapter. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 3. Effective Date

This Chapter shall take effect upon adoption and publication in accordance with law.

First reading:	September 29, 1969.
Second reading:	October 6, 1969.
Published:	October 16, 1969.
As amended to:	August 11, 1996.
	November 13, 2005.
	December 6, 2007