

ZONING ORDINANCE
CITY OF GROSSE POINTE FARMS
MICHIGAN

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Includes Revisions through June 18, 2004

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CODE NO. 12-03 – ZONING ORDINANCE

ORDINANCE NO. 192

TITLE

AN ORDINANCE TO PROMOTE, PROTECT AND PROVIDE FOR, IN THE INTERESTS OF THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE IN THE CITY OF GROSSE POINTE FARMS, THE CONSERVATION OF PROPERTY VALUES IN THE CITY, ITS CHARACTER AS A RESIDENTIAL COMMUNITY, AND THE GENERAL TREND THEREIN OF BUILDING AND POPULATION DEVELOPMENTS; TO ESTABLISH DISTRICTS IN THE CITY; TO REGULATE THE USE OF LAND AND STRUCTURES THEREIN AND TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND BUSINESSES, AND THE LOCATION OF STRUCTURES DESIGNATED FOR SPECIFIC USES; TO REGULATE AND LIMIT THE HEIGHT, AREA, BULK AND LOCATION OF STRUCTURES; TO REGULATE AND DETERMINE THE AREA OF YARDS, AND OTHER OPEN SPACES; TO LIMIT AND RESTRICT THE MAXIMUM NUMBER OF FAMILIES WHICH MAY BE HOUSED IN DWELLINGS; TO PROVIDE FOR MINIMUM OFF-STREET PARKING FACILITIES FOR MOTOR VEHICLES; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR A BOARD OF APPEALS AND ITS POWERS AND DUTIES, AND TO PRESCRIBE THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

Pursuant to the authority conferred by Act 207 of Public Acts of 1921, as amended, of the State of Michigan and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of Grosse Pointe Farms by protecting and conserving the character and social and economic stability of the residential, business, institutional and other use areas; by securing the most appropriate use of land; by preventing overcrowding of land and undue congestion of population; by providing adequate light, air and reasonable access; by facilitating adequate and economical provisions of transportation, water sewers, schools, recreation and other public requirements and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The City of Grosse Pointe Farms Ordains:

ARTICLE I - SHORT TITLE

SEC. 100. This Ordinance shall be known and may be cited as the City of Grosse Pointe Farms Zoning Ordinance.

ARTICLE II CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SEC. 200.* CONSTRUCTION OF LANGUAGE:

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
6. The word "person" includes any individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

* Sec. 200 Am., Oct. 22, 1984, Ord. No. 273

 SEC. 201.* DEFINITIONS:

1. Accessory: Subordinate and incidental to a principal use or structure on the same lot.

An accessory structure or use includes, but is not limited to, the following:

- (a) Residential accommodations for servants and/or caretakers.
 - (b) Swimming pools, tennis courts, or similar recreation facilities for the use of occupants of a residence, or their guests.
 - (c) Domestic storage in a shed, tool room, or similar building or structure.
 - (d) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
 - (e) Storage of merchandise normally carried in stock in connection with a business or use, unless such storage is excluded in the applicable district regulations.
 - (f) Accessory off-street parking, open or enclosed.
 - (g) Accessory off-street loading.
 - (i) Accessory signs.
2. Alley: Is any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
3. Alterations: Is any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
4. Basement: Is that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story and a basement shall not be used in computing the minimum required floor area.
5. Block: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of the development, or corporate boundary lines of the municipality.

* Sec. 201 Am., Oct. 22, 1984, Ord. No. 273

* Sec. 201, Par. 7 Am., Sept. 9, 2002, Ord. No. ____

* Sec. 201, Par. 8 Am., Sept. 9, 2002, Ord. No. ____, Am. Mar. __, 2003, Ord. No. ____

6. Board: Is the City of Grosse Pointe Farms "Board of Zoning Appeals."
7. Building: A structure (temporary or permanent) having a roof supported by columns or walls and designed or used for shelter or as an enclosure.
8. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs; provided that for any attached garage or accessory structure the height shall be measured from the established grade to the highest point of the roof of such attached garage or accessory structure. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
9. Building Line: Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.
10. Clinic: Is an establishment where human patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
11. Club, Private Recreation: Is a private, nonprofit incorporated club of limited membership, organized and operated for strictly sport and recreational purposes.
12. Community and Cultural Centers: Is a use conducted by a nonprofit organization which serves educational, cultural and recreational needs of the residents of the community.
13. District: Is a portion of the City of Grosse Pointe Farms within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
14. Dwelling Unit: Is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
15. Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.
16. Dwelling, Multiple-Family: Is a building, or portion thereof, designed for occupancy by two (2) or more families.
17. Dwelling, One-Family Attached: Is the attaching of one-family units through a common party wall which does not have over thirty (30) percent of its wall area on any floor in common with an abutting dwelling wall.
18. Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

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19. Essential Services: Is the erection, construction, alteration, maintenance and use by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
 20. Excavation: Is any breaking of ground except common household gardening and ground care.
 21. Family: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a single housekeeping unit. This definition is limited to a relationship based upon birth, marriage or other domestic bonds as distinguished from a group whose association is temporary in nature. Family does not include a group inhabiting a boarding house, lodging house, club, fraternity, hotel or an organization which is not a recognized religious order.
 - 22.* Floor Area for Dwellings: 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, and enclosed and unenclosed porches.
 23. Floor Area, Usable (For the purposes of computing parking): Is that area used for or intended to be used for the sale of merchandise or services, for use to serve patrons, clients, or customers and all that area used for employee work space. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or elevators, or for stairs, bulkheads, utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
 24. Garage, Private: A fully enclosed accessory building or fully enclosed portion of a main building designed or used solely for the storage of motor vehicles, boats, lawn equipment, tools and similar items which are owned and used by the occupants of the building to which it is accessory.
 25. Grade: Is a ground elevation established for the purpose of regulating the number of stories and the height of buildings. 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

* Sec. 201, Par. 22 Am., Apr. 5, 1976, Ord. No. 206

Sec. 201, Par. 22 Am., Jan. 7, 1985, Ord. No. 275

* Sec. 201, Par. 24 Am., Sept. 9, 2002, Ord. No. ____

* Sec. 201, Par. 41 Am., Sept. 9, 2002, Ord. No. ____

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 the several averages.

26. Landscaped Open Space: Is that area of a lot which may not be used for the erection of buildings or portions thereof, or for parking, standing, or access aisles other than necessary drives between parking areas and the public right of way and more or less perpendicular thereto, except as provided in this Ordinance.
27. Loading Space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
28. Lot: Is a parcel of land occupied or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.
29. Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or maps on file with the Wayne County Register of Deeds, or in use by the City or City Officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof.
30. Lot Area: Is the total horizontal area within the lot lines of the lot.
31. Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.
32. Lot, Interior: Is any lot other than a corner lot.
33. Lot Lines: The lines bounding a lot as defined herein.
 - (a) FRONT LOT LINE In the case of an interior lot is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from that street which is designated as the front street in the plat or in the request for the zoning occupancy permit.
 - (b) REAR LOT LINE Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of an "L" shaped or other irregular lot, where two or more lines are so located, all shall be considered to be rear lines except such as may be within fifty (50) feet of the front lot line, or which may be twenty (20) feet or less in length.

- (c) **SIDE LOT LINE** Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
34. **Lot Depth:** Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
35. **Lot, Double Frontage (Through Lot):** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
36. **Lot Width:** Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.
37. **Main Building:** Is a building in which is conducted the principal use of the lot upon which it is situated.
38. **Main Use:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exists.
39. **Major Thoroughfare:** Is a thoroughfare so designated on the City's Major Thoroughfare Plan.
40. **Master Plan:** Is the Comprehensive Land Use Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
41. **Manufactured One-Family Dwelling Unit:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit with a permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained in such structure.
42. **Motor Vehicle Service Station:** A space, building or structure used for the retail sale or supply of fuels for motor vehicles to the public, including the sale of automotive accessories and automotive services for the public.
43. **Municipality:** The City of Grosse Pointe Farms, Michigan.
44. **Nonconforming Building:** Is a building or portion thereof lawful existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
45. **Nonconforming Use:** Is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

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46. Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
 47. Parking Setback: Is a line back of a lot line, between which line and the lot line no vehicular parking or standing or access aisles other than necessary drives between parking areas and the public right-of-way and more or less perpendicular thereto, may be permitted except as provided in this Ordinance.
 48. Parking Space: Is an area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
 49. Principal Use: Is the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
 - 50.* Public Utility: Is any person, firm, or corporation, municipal department, board of commission, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
 51. Setback: Is the distance required to obtain minimum front, side or rear open space provisions of this Ordinance. Notwithstanding the other provisions of this Ordinance, for a corner lot, the width of the side yard abutting upon the side street shall not be less than the maximum front yard depth required on any adjoining lot fronting upon such side street; provided, however, that this shall not require a width of side yard at any point exceeding twenty-five (25%) per cent of the width of the lot.
 52. Sign: Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual firm, profession, or business, and are visible to the general public.
 53. Story: Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.
 54. Story, Half: Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used in whole or in part, as an independent housekeeping unit or dwelling.
 55. Street: A public thoroughfare, at least twenty-four (24) feet wide, with a right-of-way of at least fifty (50) feet, which provides the principal means of access to abutting property.
 56. Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

* Sec. 201, Par. 50 Am., Apr. 5, 1976, Ord. No. 206

57. Temporary Use of Building: A use or building permitted by the Board of Appeals to exist for a limited period of time.
58. Use, Principal: Is the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
59. Variance: a modification of the literal provisions of the Zoning Ordinance granted by the Board of Zoning Appeals.
60. Wall, Obscuring: Is a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
- 61*. Work Station: The place in a business or office where an owner, employee, agent or independent contractor carries out a work function. Examples of a work station include, without limitation, a desk, drafting table, computer location, dental chair, medical examining room or similar facility. A work station does not include a waiting area for customers. In a barber shop, hair salon or similar facility, a work station includes each separate chair used to provide services to customers, including separate chairs or stations used for washing or drying hair.
62. Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.
- (a) FRONT YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
 - (b) REAR YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
 - (c) SIDE YARD: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
 - (d) EXTERIOR YARD: Is an open space between any one building or group of buildings and the property line extending about the entire periphery of the lot or parcel. All such spaces in Multiple-Family Residential and One-Family Attached Cluster Residential Districts shall be considered as exterior yards.

* Sec. 201, Par. 61 Am., Oct. 23, 1995, Ord. No. 337

 ARTICLE III ZONING DISTRICTS AND MAP

SEC. 300.* DISTRICTS:

For the purpose of this Ordinance, the City of Grosse Pointe Farms is hereby divided into the following districts:

| | |
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| R-1-AAA | One-Family Residential District |
| R-1-AA | One-Family Residential District |
| R-1-A | One-Family Residential District |
| R-1 | One-Family Residential District |
| RC | One-Family Attached Residential Cluster District |
| RM | Multiple-Family Residential District |
| CS | Community Service District |
| B-1 | Local Business District |
| B-2 | Commercial District |
| O-1 | Office District |
| CR | Community Recreational District |
| P-1 | Vehicular Parking District |

SEC. 301. ZONING MAPS:

Each area shall be set forth on maps containing such information as may be acceptable to the City Council and showing by appropriate means the various districts into which the area is divided, which maps shall be entitled, "Zoning District Map of Grosse Pointe Farms" and shall bear the date adopted or amended and it shall be the duty of the City Clerk to authenticate such records by placing his official signature thereon. Such maps with all explanatory matter thereon, are hereby made a part of this Ordinance and shall be as much a part of this Ordinance as if the matter and information set forth thereon were all fully described herein.

SEC. 302. DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance as shown on the Zoning District Maps, the following rules shall be applied:

1. Where district boundaries are indicated as approximately following the center line of streets or highways, such center lines, street lines or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

* Sec. 300 Am., Aug. 17, 1987, Ord. No. 287

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3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no such distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
 4. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.
 5. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application, or upon its own motion, by the Board of Zoning Appeals.
 6. Where districts or district boundaries are referred to in this Ordinance, they shall in all instances mean only the districts within the corporate boundary of the City of Grosse Pointe Farms.

SEC. 303. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way within the City of Grosse Pointe Farms shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

SEC. 304. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of ARTICLE XIV, "GENERAL EXCEPTIONS" and ARTICLE XV, "GENERAL PROVISIONS".

ARTICLE IV* - R-1-AAA, R-1-AA, R-1-A AND R-1

ONE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE:

These residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the existing low density character of the City of Grosse Pointe Farms. The preservation of the natural features and the standards under which the community has had its development take place is reflected in the controls set forth in this Section. Any new development or re-development within these residential districts shall promote a harmonious relationship with existing nearby dwellings (considering lot size and shape, building size, setbacks, density, exterior architecture and design, landscaping and use of materials, color and scale).

SEC. 400. PRINCIPAL USES PERMITTED:

- 1.* One-Family Detached Dwellings, provided, however, that upon any lot, as determined by the regulations of this Ordinance, only one single-family detached dwelling may be constructed or maintained unless approval of a lot split has been granted under Section 1516.
2. Parks and playgrounds for use of neighborhood residents.
3. Fences in accordance with Code 11.03.
4. Accessory buildings and uses, provided such uses are located as required by Article XV.
- 5.* Storage of trailers, motorized homes, boats, travel equipment and other equipment or vehicles of a similar nature, if such vehicles or equipment are unoccupied and parked in a fully enclosed garage. Recreational vehicles are permitted for temporary periods not to exceed forty-eight (48) hours for the purpose of loading and unloading. Conversion vans and similar vehicles are permitted if they are the resident's sole means of motor vehicle transportation.
- 6.* Trash containers if such containers are screened from view from the street and adjacent properties. Mechanical equipment (such as generators, HVAC equipment, pool filters and pumps, water heaters and similar items) if such equipment is screened from view

* Art. IV Am., Oct. 22, 1984, Ord. No. 273

Art. IV Am., Aug. 17, 1987, Ord. No. 287

* Art. IV Am., Sept. 9, 2002, Ord. No. ____

* Sec. 400, Par. 1 Am., June 19, 1978, Ord. No. 225

* Sec. 400, Par. 5, 6, 7, 8 Am. Sept. 9, 2002, Ord. No. ____

from the street and adjacent properties and located in accordance with other applicable codes and ordinances.

- 7.* Automobile parking not in excess of the number of automobiles owned by the occupants in garages or on drives which conform to Article XIV. Truck-parking for one truck not to exceed ten thousand (10,000) pounds. A truck permitted under this Section shall be kept in a fully enclosed building. Notwithstanding the foregoing provisions of this subsection, parking of any motor vehicle that exhibits two (2) or more of the following characteristics is not a principal use permitted in residential districts:
- (a) The vehicle is used as a means of transportation for a resident in the conduct of his or her employment or profession.
 - (b) Any signage, lettering, numbers, logo or similar information is placed on the vehicle exterior or mounted or placed inside the vehicle in such a fashion as to convey an advertising message to the public.
 - (c) The vehicle contains permanently mounted exterior brackets or holders for ladders, tools or other similar equipment.
- 8.* In those instances where lots abut directly onto Lake St. Clair, parking (of vehicles allowed under subsections 5 or 7 hereof) may be permitted on the street side of the lot. Parking is not permitted on the Lake side of the lot.
- 9* . Refrigeration equipment used for central air conditioning purposes and heat pump units as provided in Code No. 11-11, and mechanical equipment used for electricity generation purposes as provided in applicable city ordinances.

SEC. 401. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Utility and public service 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.
- 2.* Manufactured One-Family Detached Dwelling Units if the following conditions are satisfied:
 - A. Such dwelling units shall conform to all applicable City codes and ordinances.

* Sec. 400, Par. 9, Added, Jan. 7, 1985, Ord No. 275, Am. Sept. 9, 2002, Ord. No. ____

* Sec. 401, Par. 2 Am. Sept. 9, 2002, Ord. No. ____

- B. Such dwelling units shall be permanently attached to an approved foundation pursuant to the manufacturer's recommended setup and installation standards, or the mobile home setup and installation standards promulgated by any applicable federal or state agency or department.
- C. All telephone, cable and electrical utility lines, pipes and tanks are underground.
- D. Such dwelling units shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential districts.
- E. Such dwelling units shall be provided with roof designs and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential districts.
- F. Such dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three (3) to (1), or otherwise is in conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential districts.

In reviewing any proposed Manufactured One-Family Dwelling Unit, the City Council may require the applicant to furnish such plans, elevations and similar documentation as it deems necessary to permit a complete review of evaluation of the proposed dwelling unit and building site. In its evaluation of such proposed use, the City Council shall seek to promote the compatibility of the character of nearby dwelling units.

- 3. Satellite dish or disc type antennas or receivers located on the ground in rear yards, provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from the public right of way and from first floor levels of nearby residential properties. Such antennas or receivers shall be located as required by Articles XIII and XV.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

SEC. 402.* AREA AND BULK REQUIREMENTS:

The provisions of Article XIII shall be followed with the following exceptions and additions:

1. All structures on lots abutting Lake Shore Drive will be set back at least 75 feet from the Lake Shore Drive right of way.
- 2.* In residential districts, the front set back as specified in Article XIII for any lot is modified to equal the average of the existing set backs on the lots on one side of the street, between two intersecting streets, if fifty percent of those lots have a front open space of greater or lesser depth than 25 feet in the R-1 and R-1A districts and 30 feet in the R-1AA and R-1AAA districts; provided, however, that no front set back shall be required to exceed 75 feet or more than one-third of the depth of the lot nor shall a front set back be permitted which is less than twenty (20) feet.
3. For lots of record having a depth of less than one hundred (100) feet and existing at the passage of this Ordinance, the front set back may be reduced to one-fourth (1/4) of the lot depth, provided that the front set back required by this Section shall not be less than twenty (20) feet.

SECTION 403.*

Each dwelling shall have an enclosed garage (either an attached garage or an accessory structure). In the R-1-AAA districts such enclosed garage shall be sufficient for at least two (2) standard size motor vehicles; in all other residential districts such enclosed garage shall be sufficient for at least one (1) standard size motor vehicle. A dwelling may not have more than one (1) attached garage, and any such attached garage may not have more than four (4) bays for standard size motor vehicles.

SECTION 404.* VISIBILITY REQUIREMENTS

No structure, fence, wall, hedge, bushes, shrubs, trees or other plantings shall be erected or maintained in any residential district in a manner or location that could obstruct the view of operators of motor vehicles or pedestrians approaching any street intersection or the entrance to any public or private driveway or access road. The area of unobstructed view at an intersection, driveway or access road shall be a triangular area formed by the curb line of each street, driveway or access road and a straight line between the applicable curb lines terminating twenty-five (25) feet along each curb line from the intersection or

* Sec. 402, Am., June 7, 1976, Ord No. 208

* Sec. 402, Par. 2 Am., Sept. 9, 2002, Ord. No. ____

* Sec. 403, Added, Apr. 5, 1976, Ord. No. 208, Am. Mar. __, 2003, Ord. No. ____

* Sec. 404 Added, Aug. 6, 1979, Ord. No. 237

Sec. 404 Deleted, Jan. 7, 1985, Ord. No. 275

* Sec. 404 (revised), Added Sept. 9, 2002, Ord. No. ____

entrance (provided that for driveway access to any interior residential lot, the area of unobstructed view shall be a triangular area formed by the edge of the driveway, the intersecting property line and a straight line connecting them seven (7) feet along each line from the intersecting point). Within such area of unobstructed view, fences, walls, hedges, bushes, shrubs, trees or other plantings shall be prohibited within a zone of two (2) feet above grade level (measured at the curb line) to eight (8) feet above grade level (measured at the curb line).

ARTICLE V*

RC ONE-FAMILY ATTACHED RESIDENTIAL CLUSTER DISTRICT

PREAMBLE:

The RC One-Family Attached Residential Cluster Option is intended to provide design flexibility for those areas where the conventional one-family lot subdivision approach would otherwise be restrictive. It is the intent of this Section to provide an option for the development of areas where natural features would be destroyed from conventional subdividing of property. It is the further intent of this Section to introduce a housing form which will be compatible with the low-density single-family pattern throughout the city.

SEC. 500.*

One-family attached residential clusters are permitted on parcels of 5 acres or more located in the R-1-AAA or R-1-AA District when the City Council determines that such a development has advantages over a single family subdivision development. Property located in the R-1-AAA or R-1-AA may be approved for cluster development, if the City Council finds that at least one of the following conditions exists:

1. The depth and/or width of the property makes normal subdividing difficult.
2. The parcel contains acute angles which make normal subdividing difficult.
3. The parcel contains natural assets which could be preserved through the use of cluster development.
4. The cluster option will allow flexibility in the design and placement of open space for a sound physical transition from adjacent major thoroughfares.

An application for a cluster development shall not be approved by the City Council if:

1. The City Council finds that the proposed development would be contrary to the health, safety and general welfare of the developed and established residential areas in the immediate vicinity; or
2. The City Council finds that the proposed development would be contrary to the purpose of the cluster option, which is to maintain natural areas, topography, and open space characteristics in a given area.

If the City Council finds that a parcel qualifies for cluster development, the minimum yard setback, lot sizes and side yard sizes may be waived and the attachment of dwelling units may be permitted subject to the regulations incorporated in Article XIII and the following:

* Art. V Am., Dec. 20, 1982, Ord. No. 260

* Sec. 500, Am., Aug. 17, 1987, Ord. No. 287

1. The units may be attached only through a common party wall which does not have over 30% of the plan view overlap of any wall in common with an abutting dwelling wall, or by means of an architectural wall which does not form an interior room space, or through a common party wall in only the garage portion of the abutting structure. No other common party wall is permitted.
2. The maximum number of units attached in any cluster grouping shall not exceed four (4).
3. The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.

SEC. 501. SITE CONSIDERATION:

The cluster development shall comply with the following provisions:

1. A landscaped greenbelt shall be provided on those sides abutting One-Family Residential Districts for a physical transition. Where necessary, a berm or decorative screening shall be erected and maintained in this greenbelt area. Said greenbelt may be used in area computations in establishing density. The design of the greenbelt and the accompanying landscape plan shall be prepared by a Registered Landscape Architect.
2. No structure shall be less than 50 feet from a perimeter lot line and off-street parking shall not be permitted within 50 feet of such perimeter lot lines.
3. Access roads and service drives may be developed as private roads. Where the City Council finds that a road through the development area is required to be dedicated to the public to provide continuity to the municipality's street system, such road shall be dedicated as a public road. All public roads shall be excluded from the land area used to compute density.
4. No unit in a cluster abutting an existing recorded subdivision zoned as a One-Family Residential District shall be less than 100 feet from the property line of the One-Family Residential District.
5. Two fully enclosed parking spaces within buildings constructed of the same material as the cluster units shall be provided for each unit.
6. To the extent possible, all 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.
7. At least 2 trees per unit shall be provided. Said trees shall have at least a 3 inch caliper measured 1 foot above the ground.

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8. Sidewalks shall be provided along all roads and in any area as the City Council finds necessary to insure pedestrian safety.

SEC. 502. PRELIMINARY PLAN:

1. The sponsor of a cluster development shall submit copies of a preliminary plan with a written application to the building department. The preliminary plan shall 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 precise engineering plans. The Building Department or City Council may require alterations to be made in the preliminary plan if necessary to comply with the intent of this section. The preliminary plan shall include the following:
- a. An overall map showing the parcel and surrounding property within one-half (1/2) mile of the parcel including major and secondary streets.
 - b. Property and lot lines and public and private streets of adjacent tracts of subdivided and unsubdivided property within 200 feet of the proposed development.
 - c. Location of existing sewers, water mains, storm drains and other underground facilities within or immediately adjacent to the proposed property.
 - d. Topography drawn at 2 foot contour intervals, preliminary landscaping plans, and all computations relative to acreage and density.
 - e. The Building Department and/or City Council may request typical building elevations and floor plans and any other details which assist in reviewing the proposed plan.
2. The sponsor shall submit a written statement regarding the following with his preliminary plan:
- a. The identity of persons who will hold title to open land.
 - b. The identity of persons who will pay taxes.
 - c. The proposed method of regulating the use of open land and the persons or corporations responsible for maintenance.
 - d. The proposed financing for the maintenance and development of the property.
3. Upon receipt of all the necessary material and plans, the Building Department shall review all the details of the proposed plan to determine compliance with the zoning ordinance. The Building Department shall submit a report to the City Council stating the

manner, if any, in which the proposed development does not comply with the provisions of the zoning ordinance.

Upon completion of the Building Department analysis, the Plan shall be submitted to the City Council for review. After reviewing the preliminary plan, the City Council may require the sponsor to submit detailed plans showing detailed building locations, final topography drawn at 2 foot contour intervals, all computations regarding acreage and density, further details relating to the proposed berm and access areas, landscaping, typical building elevation and floor plans, driveways and parking and all other items which the City Council deems necessary for its final review.

If the City Council is satisfied that all necessary plans and materials have been submitted, it shall set a public hearing to determine if the parcel may be developed as a cluster.

SEC. 503. PUBLIC HEARING:

1. After a public hearing is scheduled, a notice of the application shall be published in a newspaper with general circulation in the City of Grosse Pointe Farms and shall be sent by certified mail to the owners of the property subject to the application, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the application will be considered at a public hearing. The party making the application shall cause this notice to be given. The notice shall set forth:
 - a. The nature of the development, use, structure, or activity for which the application has been made;
 - b. The property which is the subject of the application;
 - c. The time and place of the public hearing to be held to consider the application;
 - d. The time and place written comments will be received concerning the application.
2. After considering the application at a public hearing, the City Council shall approve the request if in addition to meeting the requirements of Sections 500 and 501, it finds that the proposal complies with the following standards:
 - a. The proposed cluster development will be compatible with adjacent land uses, the natural environment and natural resources, and the capacities of public services and facilities affected by the proposal;
 - b. The proposed development will promote the use of land in a socially and economically desirable manner, and maintain the character of the area;
 - c. The proposed development is consistent with the public health, safety, and welfare of the residents of Grosse Pointe Farms.

3. The City Council may approve with conditions the application. The City Council's decision shall contain a statement of its conclusions and shall specify the basis for the decision and any conditions imposed. Any conditions imposed shall be reasonable, and shall be designed to insure that the standards set forth in this article are met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling width, increasing the number of off-street parking spaces, and requiring fencing, screening and landscaping to protect nearby property values.

To insure compliance with this Ordinance and any conditions imposed hereunder, the City Council, Board of Zoning Appeals or Director of Public Service may require the posting of a cash deposit, letter of credit, or surety bond, covering the estimated cost of improvements, to be deposited with the City Clerk to ensure completion of the improvements.

4. The developer shall record a statement of restrictive covenants, including all conditions imposed by the City Council, with the Register of Deeds for Wayne County. The developer shall submit the statement to the City Attorney and City Council for review prior to recording. Upon approval by the City Council, the restrictions shall be recorded and become binding upon persons owning lots in the development. Said restrictions shall include but not be limited to:
 - a. A specified time period for development. Failure to begin construction within 12 months of approval of the development by 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.
 - b. A provision that the property owners shall pay annually their pro rata share of the cost of maintenance of common areas, private roads, streets, sewage and water systems, if any. Such annual assessment shall accrue for the benefit of all owners and may be enforced jointly and severally by other property owners in the development.
 - c. The provision requiring each property owner to maintain and keep his or her home in good repair and in conformity with standards established for the development.
5. A fee shall be paid at the time an application is filed with the Building Department in the amount established by the Building Department and approved by resolution of the City Council.

ARTICLE VI

RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE:

The RM Multiple-Family Residential Districts as herein established are intended to provide sites for multiple-family dwelling structures which will generally serve as zones of transition between the nonresidential districts and One-Family Residential Districts, and between high traffic carrying thoroughfares and One-Family Residential Districts. The Multiple-Family Residential Districts are further provided to serve the limited needs for the apartment type of unit in an otherwise fully developed low-density, single-family community.

SEC. 600.* PRINCIPAL USES PERMITTED:

In an RM Multiple-Family Residential District the use of land, the location and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance.

1. All principal uses permitted in an R-1-AA, R-1-A and R-1 One-Family Residential District with the lot area, yards and floor area requirements of the immediately abutting Residential District.
2. All principal uses permitted in an RC One-Family Attached Residential District with at least the minimum lot area, density and yard requirements of the RC District provided.
3. Multiple-family dwellings when the following conditions are met:
 - a. The site shall abut a major thoroughfare right-of-way so as to provide for ingress to and egress from said site directly onto a major thoroughfare and not by means of a lesser right-of-way or residential street.
 - b. The site shall be of such physical dimension so as to permit groupings of buildings as opposed to a lineal development along a street.
 - c. The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.
4. Parking, all provided within fully enclosed structures of the same type of material as the principal building which exist as a physical part of the principal building, and provided in the ratio of at least two (2) parking spaces per dwelling unit.
5. Fences in accordance with Code 11.03.

* Sec. 600 Am., Aug. 17, 1987, Ord. No. 287

6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC. 601.* USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted after review and approval of the site and architectural plans by the City Council, subject to the conditions herein imposed for each use:

1. Those conditional uses listed in Article IV, Section 401.
2. Permit the conversion of large residential structures when said conversion results in a multiple-family dwelling, situated in an RM Multiple-Family District and meeting all area and bulk requirements of ARTICLE XIII, "SCHEDULE OF REGULATIONS." In permitting such conversion, the City Council shall find that:
 - a. Said residential structure is situated on a site on which additional new residential structures are to be constructed, it being the specific intent of this section to prohibit the conversion of large residential structures situated in the midst of an otherwise built-up residential subdivision.
 - b. The structure to be converted shall not have any additions added so as to expand the living space of the structure beyond the present exterior walls or roof line.
 - c. Parking shall be provided off-street at the ratio of two (2) parking spaces for each dwelling unit. This parking shall be fully enclosed and no waiver or variance of this standard shall be permitted.
 - d. The City Council shall be provided with such material relative to the proposed conversion so as to fully demonstrate that it is economically unreasonable to remove the structure.
 - e. The City Council shall further discern that conversion has not destroyed any historical significance that is presented as a purpose for retention of the structure.
 - f. In a conversion, all requirements of all City Codes shall be met prior to the issuance of an occupancy permit.
 - g. In considering the conversion of large residential structures, the City Council shall hold a Public Hearing at which the applicant will be heard. The Public Hearing date shall be set by the City Council and shall be held no later than sixty (60) days from the date of filing of the site plan and all supporting documentation.

The applicant will, not less than fifteen (15) days prior to the hearing by the Council, cause notice of said Public Hearing to be given by registered or certified mail to all owners of lots of record within three hundred (300) feet of any point on

* Sec. 601 Am., Aug. 17, 1987, Ord. No. 287

the lot or lots affected by the appeal and by advertising a notice of hearing in the official paper of the City.

SEC. 602. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density.

ARTICLE VII

CS COMMUNITY SERVICE DISTRICT

PREAMBLE:

The CS Community Service Districts as herein established are intended to provide suitable locations for desirable and necessary public activities which serve the residents of the City and to limit the location, size and character of such uses so that the activity which they generate does not become a nuisance and will not overburden the facilities of the City.

SEC. 700. PRINCIPAL USES PERMITTED:

In a CS Community Service District, the use of land, the location and erection of new buildings or structures and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance.

1. Public, parochial and other private elementary, intermediate and high schools offering courses in general education.
2. Churches.
3. Community and Cultural Centers.
4. Municipal buildings and uses.
5. Hospitals.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 701.* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Public Utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, provided such uses place all storage within a fully enclosed building.
2. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public

* Sec. 701 Am., Oct. 22, 1984, Ord. No. 273

rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

3. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

SEC. 702. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density.

ARTICLE VIII*

B-1 LOCAL BUSINESS DISTRICTS

PREAMBLE:

The B-1 Local Business Districts are intended to provide suitable locations for those commercial activities which primarily serve the residents of the surrounding neighborhood and are compatible within themselves and are not detrimental or injurious to contiguous residential areas.

SEC. 800. PRINCIPAL USES PERMITTED: The following specified uses are permitted provided that such uses do not include the operation of any machine or conduct of any activity which is offensive by the reason of the emission of odor, fumes, dust, smoke, waste or noise:

1. Convenience and personal service type stores and shops such as grocery, drugs, hardware, variety, clothing, furniture, barber and beauty, but excluding auto service stations;
2. Executive, administrative, banking, financial, legal, real estate, insurance, engineering, medical and dental offices, medical clinics, and offices for similar occupations.
3. Eating establishments not in the character of a "drive-in" or "open front" facility.
- 4.* Automatic teller machines upon approval of the Police Chief if he finds that such machines (1) are self-contained and separated from the main business area and building interior, (2) are continuously visible from an adjoining right-of-way, (3) are well-lighted and (4) contain a continuously operating surveillance camera satisfying standards established from time to time by the Directors of Public Safety. The Director of Public Safety may order the discontinuation of any automatic teller machine that does not meet the foregoing requirements, whether or not such machine was in operation prior to the enactment of such requirements.
5. Accessory buildings and uses customarily incidental to any permitted use.
- 6.* Off-street parking in accordance with ARTICLE XV.
7. Outdoor or open air sales by temporary permit granted by the City Council for a specified period of time, if the outdoor or open air sale will not interfere with safe pedestrian flow in public rights-of-way.

* Art. VIII Am., Apr. 2, 1984, Ord. No. 270

* Sec. 800, Par. 4 Am. Sept. 9, 2002, Ord. No. ____

* Sec. 800, Par. 6 Added, Apr. 5, 1976, Ord No. 206

8. Storage of goods is permitted if such goods are kept within a building.

SEC. 801. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulatory stations, provided that goods are stored in a fully enclosed building.
2. Drive-in windows accessory to a bank or other financial institution provided that sufficient space is provided for vehicles in line to use the drive-in window and such traffic will not interfere with pedestrian or automobile flows.
3. Other uses which are reviewed by the City Council and are found by the Council to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding uses.
- 4.* Satellite disc or dish antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

SEC. 802. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

SEC. 803.* REQUIRED CONDITIONS:

Any trade, profession or business use permitted in a B-1 Local Business District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined to be in the interest of the public health and welfare to allow such business to operate during such hours.

* Sec. 801, Par. 4 Added, Oct. 22, 1984, Ord No. 273

* Sec. 803 Added, June 12, 1989, Ord No. 298

ARTICLE IX

B-2 COMMERCIAL DISTRICT

PREAMBLE:

The B-2 Commercial Districts as herein established are intended to provide suitable locations for those commercial activities which function relatively independent of intensive pedestrian traffic and proximity of other firms. These activities, primarily because of their relation to one another, require direct auto access and visibility from the road. These activities, however, may share common parking areas directly accessible to each.

SEC. 900. PRINCIPAL USES PERMITTED:

In a B-2 Commercial District the use of land, the creation and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance:

1. Any use permitted in the B-1 District.
2. Shoe repair, clothes cleaning or laundry.
3. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
4. Eating and drinking establishments, not in the character of a "drive-in" or "open front" facility.
5. Appliance sales and repair shops, including heating, plumbing and electrical supplies.
6. Auto service stations, except garages in which the principal use is auto repair.
7. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 901. SITE CONSIDERATIONS:

In reviewing the plans and approving the application of this Section to a particular site, the City Council shall require the following:

1. The site considerations required in Section 801 shall be required for all uses in Section 900 where applicable.

SEC. 902.* USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted after review of the site plan by the City Council, subject to the conditions herein imposed for each use:

1. Public utility buildings, telephone exchange, transformer station and substation, and gas regulator station with all storage fully enclosed within a building.
2. Outdoor or open sales by temporary permit may be granted for a specified period of time. It shall be found that outdoor or open sales will not interfere with safe pedestrian flow in public rights-of-way.
3. Other uses if (1) the City Council finds such use is similar to and has the same general character as enumerated principle uses and is not injurious to the surrounding uses, (2) the City Council approves a site plan for the project and (3) the City Council finds the criteria of Article XXV are met.
4. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

SEC. 903. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

SEC. 904.* REQUIRED CONDITIONS:

Any trade, profession or business use permitted in a B-2 Commercial District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined to be in the interest of the public health and welfare to allow such business to operate during such hours. Notwithstanding the foregoing, any establishment possessing a valid Class C License for the service of alcoholic beverages shall not conduct trade or business other than during the hours established by the Michigan Liquor Control Commission.

* Sec. 902, Par. 4 Added, Oct. 22, 1984, Ord No. 273

* Sec. 904 Added, June 12, 1989, Ord. No. 298

ARTICLE X

O-1 OFFICE DISTRICTS

PREAMBLE:

The O-1 Districts are designed to accommodate office buildings and uses, and basic personal services and are, as a use district, intended to serve the function of land use transition between the Local Business and Commercial Districts, major thoroughfares, and the adjacent Residential Districts.

SEC. 1000. PRINCIPAL USES PERMITTED:

In an O-1 Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Office buildings for any of the following occupations: executive, administrative and professional.
2. Medical and dental offices, including clinics.
3. Banks and other financial institutions.
4. Municipal buildings and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
5. Other uses similar to the above and subject to Board review and approval thereof.
6. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 1001. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings and the minimum size of lot as permitted by land use.

SEC. 1002.* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

2. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

SEC. 1003.* REQUIRED CONDITIONS:

Any trade, profession or business use permitted in a O-1 Office District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined to be in the interest of the public health and welfare to allow such business to operate during such hours.

* Sec. 1002 Added, Jan. 7, 1985, Ord. No. 275

* Sec. 1003 Added, June 12, 1989, Ord. No. 298

ARTICLE XI

CR COMMUNITY RECREATIONAL DISTRICT

PREAMBLE:

The CR Community Recreational District as herein established is intended to provide suitable location for desirable and necessary public and private nonprofit recreational areas which may be used by the residents of the City but also to limit the locations, size and character of such so that the activity which they generate does not become a nuisance or overburden the facilities of the residential community.

SEC. 1100. PRINCIPAL USES PERMITTED:

In a CR Community Recreational District the use of land, the location and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance:

1. Private non-profit recreational clubs, parks, playgrounds, golf courses, ball fields, athletic fields, tennis courts, and swimming pools, and similar recreational facilities.
2. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
3. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 1101. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings and the minimum size of lot as permitted by land use.

SEC. 1102.* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

* Sec. 1102 Added, Jan. 7, 1985, Ord. No. 275

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

2. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

ARTICLE XII*

P-1 VEHICULAR PARKING DISTRICTS

PREAMBLE:

The P-1 Vehicular Parking Districts are designed to accommodate the off-street parking for those non-residential uses which are unable to provide adequate space within their own district boundaries.

SEC. 1200. PERMITTED USES:

1. Off-street vehicular parking areas if the City Council has approved a site plan for the project.

SEC. 1201. SITE CONSIDERATION:

The sponsor of an off-street parking area shall submit a site plan with an application for the development. In reviewing the plan, the City Council shall consider the following:

LIMITATION OF USE:

1. The parking area shall be accessory to, and used in connection with one or more business or office establishments, or in connection with one or more existing institutional, office building, or business uses.
2. Parking area shall be used solely for parking of private passenger vehicles and delivery vehicles that serve adjacent uses.
3. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
4. No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.
5. Except as provided in section 7, no building other than those for shelter of attendants shall be erected upon the parking area.
6. Such parking lots shall be situated on premises which have an area of not less than four thousand (4,000) square feet, unless otherwise permitted by the City Council.

ENTRANCE AND EXIT:

* Art. XII Am., Apr. 2, 1984, Ord. No. 270

1. Plans for the layout of the parking area shall be in the manner provided in ARTICLE XV.
2. Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through B-1, B-2 and O-1 Districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.
3. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district.

MINIMUM DISTANCES AND SETBACKS:

1. **SIDE YARDS** Where the P-1 District is contiguous to side lot lines of premises within a residentially zoned district, a wall shall be required on the side lot line adjacent to the residential unit, or adjacent residential district.
2. **FRONT YARDS** Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block, there shall be a setback equal to the required residential setback for said residential district. A wall shall be required on this minimum setback line.

WALLS, SCREENING AND LANDSCAPING:

These elements are subject to the provisions of ARTICLE XV.

SURFACE OF PARKING AREA:

The parking area shall be provided with concrete or asphalt pavement having a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area. The parking area shall be surfaced within one year of occupancy of the use it is to serve if it is for a new use, and within six (6) months of the effective date of the rezoning for P-1 Vehicular Parking use if the parking area is to serve an existing use or uses. Suitable bond shall be provided to assure completion of paving within the specified time after issuance of the certificate of occupancy or rezoning for parking use.

LIGHTING:

This element is subject to the provisions of ARTICLE XV.

MISCELLANEOUS:

1. Upon application by the property owner of the parking area, the Council may modify the yard and wall requirements where, in unusual circumstances no purpose would be served by compliance with the requirements of this Article.
2. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

SEC. 1202. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Any use which the City Council finds is compatible with the off-street vehicle parking area and is not injurious to surrounding uses.
2. Parking in a deck facility when the City Council finds that such facility will not be injurious to abutting property, and that the deck type of facility is a suitable means of alleviating off-street parking demand.

SEC. 1300. STANDARDS LIMITING HEIGHT, BULK, DENSITY & AREA BY LAND USE

| | | | | |
|------------------|-------------------------|----------------------------|---|--|
| Minimum Lot Size | Maximum Building Height | Minimum Structure Setbacks | Minimum Dwelling Content Area (Sq. Ft.) | Maximum Percentage of Lot Coverage (Area of All Buildings) (j) |
|------------------|-------------------------|----------------------------|---|--|

Side Yards

| Use District | Area In Sq. Ft. | Width in Feet | In Stories | In Feet | Front | One | Total Of Two | Rear | | |
|--------------|-----------------|---------------|------------|---------|-------|-------|--------------|-------|-----|-----|
| R-1-AAA | 20,000 | 150 | 2-1/2 | 30 | 30 | 15(k) | 30(k) | 40 | (f) | 25% |
| R-1-AA | 15,000 | 120 | 2-1/2 | 30 | 30 | 15(k) | 30(k) | 40 | (f) | 25% |
| R-1-A | 6,000 | 60 | 2-1/2 | 30 | 25 | 5 | 15(a) | 30 | (f) | 30% |
| R-1 | 5,000 | 50 | 2-1/2 | 30 | 25 | 4 | 14(a) | 30 | (f) | 35% |
| RC | (b) | (b) | 2-1/2 | 30 | 25(c) | (c) | (c) | 30(c) | (f) | 35% |
| RM | (d) | (d) | 2-1/2 | 30 | (e) | (e) | (e) | (e) | (f) | 40% |
| CS | 11,000 | 100 | N/A | 55 | 25 | 15(g) | 15(g) | 30(h) | N/A | 30% |
| B-1 | 2,000 | 20 | 2 | 30 | 0 | (i) | (i) | (i) | N/A | N/A |
| B-2 | 2,000 | 20 | 2 | 30 | 0 | (i) | (i) | (i) | N/A | N/A |

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| | | | | | | | | | | |
|-----|-------|-----|-----|----|----|-------|-------|-------|-----|-----|
| O-1 | 2,000 | 20 | 2 | 30 | 0 | (i) | (i) | (i) | N/A | N/A |
| CR | N/A | N/A | N/A | 55 | 25 | 15(g) | 15(g) | 30(h) | N/A | 30% |

SEC. 1300.* NOTES TO SCHEDULE OF REGULATIONS:

- (a) In those instances where there is an attached garage, the total of the two (2) yards may be reduced to ten (10) feet in the R-1-A District, and eight (8) feet in the R-1 District.
- (b) The density of the total development shall not exceed 3 dwelling units per acre, excluding public roads.
- (c) No cluster unit shall be nearer to a street right of way than 25 feet or if no right-of-way is required, closer than 50 feet from the center of any public or private paved road. If the unit abuts Lake Shore Drive the setback shall be equal to at least 75 feet.

Each cluster of attached dwellings shall be located at least 20 feet from every other cluster of attached dwellings, measured between the nearest point of said groupings. No cluster unit shall be located less than 50 feet from a one-family residential boundary, provided, however, that if the cluster abuts an existing recorded subdivision zoned as a one-family residential district, it shall not be less than 100 feet from the boundary. No cluster unit shall be located less than 30 feet from a non-residential district boundary.

- (d) The total number of rooms (other than kitchen and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by two thousand (2,000). All units shall have at least one (1) living room and one (1) bedroom. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

| | | |
|--------------------|-----------|--|
| One Bedroom Unit | = 2 rooms | (Plans presented showing 1, 2 or more bedroom units and including a “den,” “library,” or other extra room, shall count such extra room as a bedroom for the purpose of computing density.) |
| Two Bedroom Unit | = 3 rooms | |
| Three Bedroom Unit | = 5 rooms | |
| Four Bedroom Unit | = 6 rooms | |

- (e) All exterior yards and yards on major thoroughfares shall be at least seventy-five (75) feet in depth. The minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings as set forth in the spacing formula, and in no instance shall this distance be less than thirty (30) feet. No building shall contain more than eight (8) dwelling units or exceed one hundred seventy-five (175) feet in length, whichever is the greater. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows:

* Sec. 1300 Am., Oct. 22, 1984, Ord. No. 273

Sec. 1300 Am., Aug. 17, 1987, Ord. No. 287

* Sec. 1300 Am., Mar. __, 2003, Ord. No. __

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}, \text{ where}$$

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, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

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 or 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.

These yards and spaces shall be considered minimum spaces and shall be unoccupied and unobstructed from the ground upward. Parking shall not cover any portion of these yards or spaces between buildings.

- (f) The following regulations shall govern the minimum floor area required for dwelling units by residential district:

R-1-AA and R-1-AAA One-Family

1 story -
2,000 sq.ft.
1 1/2 story -
2,200 sq.ft.

R-1-A One-Family

1 story -
1,200 sq.ft.
1 1/2 story -
1,400 sq.ft.

R-1 One-Family

1 story -
1,000 sq.ft.
1 1/2 story -
1,200 sq.ft.

RC One-Family Attached

1 story
1 1/2 story

Shall conform to R-1-AA
One-Family Residential
Districts.

RM Multiple-Family

1 Bedroom Unit 1,000 sq.ft.
2 Bedroom Unit 1,250 sq.ft.
3 Bedroom Unit 1,500 sq.ft.
4 Bedroom Unit 1,750 sq.ft.
(For each additional bedroom
above four (4) there shall be

provided an additional two hundred fifty (250) square feet of floor area.)

- (g) The width of the side yard shall be increased four (4) feet for each twenty-five (25) persons, or major fraction thereof, in excess of seventy-five (75) persons for the accommodation for whom the building is designed, arranged and normally used provided, however, that if the exterior wall along such side yard is of fireproof construction and entirely without moveable windows or other openings (except a standard type fire door) such increase in width of a side yard shall not be required and provided, further, that a side yard of greater width than forty (40) feet shall not be required in any event.
- (h) The depth of the rear yard shall be increased four (4) feet for each twenty-five (25) persons, or major fraction thereof, in excess of seventy-five (75) persons for the accommodation for whom the building is designed, arranged, and normally used, provided, however, that if the exterior wall along such rear yard is of fireproof construction and entirely without moveable windows or other opening (except a standard type fire door), such increase in depth of a rear yard shall not be required and provided, further, that a rear yard of greater depth than sixty (60) feet shall not be required in any event.
- (i) No building shall be closer than twenty (20) feet to any residential district boundary.
- (j) Lot coverage shall equal the area covered by all buildings divided by the area of the lot.
- (k) In any case where the overall height of the building exceeds twenty-five (25) feet, each side yard adjacent to (i.e., within five feet of) any portion of the building that exceeds twenty-five (25) feet shall be increased one (1) foot for each foot (or any fraction thereof) of building height greater than twenty-five (25) feet.

ARTICLE XIV GENERAL EXCEPTIONS

SEC. 1400.* AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretation and exceptions:

1. Essential Services

Essential services authorized and regulated by law and other ordinances of the City of Grosse Pointe Farms shall be exempted from application of this Ordinance.

2. Voting Place

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

3. Height Limit

The height limitations of this Ordinance shall not apply to chimneys, provided the chimney is not more than five (5) feet above the highest point of the roof.

4. Terraces and Porches

An open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. In no instance shall such porch or terrace be enclosed with walls, glass, screen or other material.

5. Projections into Yards

The following projections into required open spaces are permitted: sills, cornices, eaves, gutters, chimneys, or pilasters projecting not more than eighteen (18) inches into any required open space. Outside stairways, basement entrances, fire escapes, bay windows, balconies, unenclosed porches and other projections shall be considered as part of the principal or accessory building and shall conform to the required open space requirements; provided, however, that areas designated terraces, patios or decks, and which are constructed of earth covered with a building material or of a material other than earth, and are unenclosed and uncovered, are permitted projections into rear or side yards so long as their elevation is not higher than that of the interior first floor elevation nor higher than 24" above the exterior grade at the building.

6. Drives and Walks

* Sec. 1400, Par. 3 Am., Oct. 22, 1984, Ord. No. 273

Sec. 1400, Par. 5 Am., Apr. 5, 1976, Ord. NO. 206

Sec. 1400, Par. 6 Added, Oct. 22, 1984, Ord. No. 273

Paved drives placed in required open spaces for the purpose of providing access to principal buildings or accessory structures are permitted; provided however, that any paved drive located in the front yard for any residential lot shall not exceed thirty feet in width (30') or thirty percent (30%) in coverage of the required front yard, whichever is lesser. Walks or other pavements are permitted in required yards for the purpose of providing access to rear yards or accessory structures if such pavement is not higher than nine (9) inches above the grade on which it is placed.

SEC. 1401.* CERTAIN SATELLITE ANTENNAS OR RECEIVERS

Notwithstanding Sections 401, 701, 801, 902, 1002 and 1102 of this Ordinance, satellite dish or disc type antennas or receivers not exceeding twenty-four (24) inches in diameter shall be permitted (without the necessity of Council approval) under the following terms and conditions:

1. The antenna or receiver shall be either (a) affixed to the roof or other portion of the main building or an accessory structure such that the antenna or receiver will be screened from view from the public right of way, or (b) located on the ground in rear yards (in compliance with Articles XIII and XV of this Ordinance) with adequate landscaping or fencing to screen the antenna or receiver from view from the public right of way and from first floor levels of nearby residential properties.
2. If affixed to a structure, the color of the antenna or receiver shall, as nearly as possible, match the applicable materials of such structure in order to minimize the visual appearance of the antenna or receiver.
3. The property owner desiring to install the antenna or receiver shall, with respect to the proposed location of such antenna or receiver, obtain the consent of the owner of the adjoining property nearest such proposed location. Such consent shall be in writing and shall be filed with the City, and shall be irrevocable and binding on succeeding owners of the property with respect to the antenna or receiver for which it is given.
4. Before any antenna or receiver is installed, a written permit therefor shall be obtained from the City upon application in writing. The application shall set forth a description of the antenna or receiver (including its color), its proposed location, a description of related landscaping or fencing (if applicable), and such other information as the officers of the City may reasonably require. A permit shall be issued upon determination by the administrative officers of the City that the proposed antenna or receiver (and its proposed location) complies with the provisions of this Section 1401 and upon receipt of the written consent

* Sec. 1401 Added, Feb. 13, 1995, Ord. No. 332

required under subparagraph 3 above; otherwise the permit shall not be issued. A fee in the amount established by council resolution from time to time shall be paid to the City prior to the issuance of each permit.

The proposed installation of any satellite dish or disc type antenna or receiver exceeding twenty-four (24) inches in diameter, or the proposed installation of any such antenna or receiver on any tower or in any location other than as permitted under subparagraph 1 above, shall continue to require Council approval as applicable under Sections 401, 701, 801, 902, 1002 or 1102 of this Ordinance. In addition, an appeal to the Council may be taken from any action of the administrative officers of the City denying a permit for a proposed antenna or receiver not exceeding twenty-four (24) inches in diameter. Appeals must be in writing and must be filed within ten (10) days after the denial of a permit application is mailed or otherwise communicated to the applicant. The applicant must submit, together with the appeal, a site plan describing the proposed antenna or receiver, its proposed location, the proposed method of screening the antenna or receiver and any other pertinent information necessary to evaluate the proposed antenna or receiver and its location. Written notice of the time and place of the appeal hearing shall be sent by the applicant by registered mail to the owners of property adjoining any boundary of the applicant's property. The Council may upon such appeal reverse, modify or affirm the action of the administrative officers and may, in its discretion, impose reasonable conditions upon the proposed installation in the general interest of public safety, welfare and the protection of property values. Any appeal under this Section 1401 shall be in lieu of any appeal or variance proceeding under Article XVII of this Ordinance.

ARTICLE XV - GENERAL PROVISIONS**SEC. 1500. CONFLICTING REGULATIONS:**

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SEC. 1501. SCOPE:

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

SEC. 1502.* NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND LAND:**1. Intent**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses existing on the effective date of this Ordinance or amendment thereto, to continue until they are removed but not to encourage their survival. It is recognized that there exists within the district established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

* Sec. 1502, Par. 4(a) Am., Mar. 25, 1974, Ord. No. 197

Sec. 1502, Par. 5(e) Am., May 7, 1979, Ord. No. 232

Sec. 1502, Par. 9 & 10 Added, Oct. 22, 1984, Ord. No. 273

Sec. 1502, Par. 10 Am., Sept. 5, 1988, Ord. No. 293, Am. Mar. 6, 2000, Ord. No. ____,

Am. Sept. 9, 2002, Ord. No. ____

To avoid hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which the actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots of Record

Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the open space and other requirements herein prescribed, such lot may be used by said owner as a building site provided the open space and other provisions conform as closely as possible in the opinion of the Board of Zoning Appeals to the requirements for the district in which it is located.

Where two or more abutting lots of record or parts thereof are held in one ownership, either in fee simple and/or under a vendee's land contract interest, or subsequently come to be held in one ownership, they shall be considered the same as a single lot of record for the purpose of this Ordinance, and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the sale or conveyance of a part or portion of any such lot; provided, however, in R-1 residential districts, all lots platted prior to the enactment of this Ordinance and having at least 4,000 square feet of area will be deemed to be a lot of record at all times and to satisfy the lot size requirements of this Ordinance.

3. Nonconforming Uses of Land (Without Structures)

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- (c) If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built, under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or structurally altered.
- (b) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to be a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance;
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;

- (e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;

The Board of Appeals may on its own motion or upon petition by any individual with the consent of the owner exchange a non-conforming use to another non-conforming use or reinstate a non-conforming use lapsing by operation of this section if in its judgment the beneficial development of the district containing the non-conforming use would be best served by such an exchange or reinstatement. In making its determinations regarding exchange or reinstatement hereunder, the Board of Appeals shall consider the extent of benefits to the surrounding district, the elimination and/or reduction of any other non-conforming uses, and the contribution of the proposed exchanged or reinstated non-conforming use to the overall development of the City of Grosse Pointe Farms. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the purpose and interest of this Ordinance;

- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of three (3) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building as fixed by the City Assessor, provided that the cubic content of the building as it existed at the time of the passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district.

8. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the type of such nonconforming uses.

9. Purchase or Condemnation of Nonconforming Uses and Structures.

The City of Grosse Pointe Farms may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The cost and expense, or a portion thereof, of acquiring the property may be paid from general funds or may be assessed to a special district.

10.* Change of Nonconforming Structure.

A nonconforming building may be structurally altered or extended without the approval of the Board of Zoning Appeals only under the following conditions:

- (a) The use of said building is permitted in the district in which it is located.
- (b) Any accessory building located on the lot conforms to all requirements of this Ordinance and the Building Code.
- (c) The total area occupied by the building after the proposed erection, conversion, or structural alteration does not exceed the maximum area permitted by Article XIII and, together with the area occupied by all other buildings on the lot, does not exceed the maximum percentage of lot coverage permitted by Article XIII.
- (d) Either (1) no part of the existing nonconforming building encroaches or projects into more than one required open space, and such projection conforms with one of the following:
 - (i) the existing nonconforming building does not encroach upon more than twenty-five percent (25%) of the required side yard, or
 - (ii) the existing nonconforming building does not encroach upon more than ten percent (10%) of the required front yard or more than twenty percent (20%) of the required rear yard;

or (2) with respect to nonconforming structures existing in the R-1-AA One-Family Residential District prior to September 7, 1987 and nonconforming structures existing in the R-1-AAA One-Family Residential District prior to March 6, 2000, no part of the existing nonconforming building encroaches or projects into any of the following open spaces: twenty-five (25) feet for the front yard; thirty (30) feet for the rear yard; and ten percent (10%) of the lot width for each side yard.

- (e) The proposed erection, conversion or structural alteration will conform to all other ordinance provisions; provided that (i) with respect to current nonconforming structures that were in existence and were conforming under the R-1-AA One-Family Residential District prior to September 7, 1987 and current nonconforming structures that were in existence and were conforming under the R-1-AAA One-Family Residential District prior to March 6, 2000, the proposed erection, conversion or structural alteration will not project into a required yard beyond that portion of the existing structure that was in conformity with such prior requirements, and (ii) in all other cases, the proposed erection, conversion or structural alteration will not encroach or project into a required yard beyond the building line of that portion of the existing structure that is nonconforming and the applicant has obtained and filed with the City the written concurrence of all persons to whom notice of a proposed variance would be required to be sent under Section 1706 of this Ordinance.

If the preceding conditions are not met, the building may not be enlarged or altered unless a variance is granted.

SEC. 1503.* ACCESSORY BUILDINGS AND STRUCTURES:

Accessory buildings and structures in residential districts and parking districts shall conform to the following regulations, except as may be otherwise provided in this Ordinance:

1. Accessory buildings and structures which are attached or connected to the principal building pursuant to an integrated construction or design shall be considered part of, and governed by the regulations pertaining to, such principal building, provided, however, that the height of an attached garage shall be measured from the established grade level to the highest point of the roof.
2. Accessory buildings and structures shall be one (1) story and shall not exceed fifteen (15) feet in height in the case of a garage and fourteen (14) feet in height in all other cases. The height of an accessory structure shall be measured from the established grade level to the highest point of the roof.
3. Accessory buildings and structures in residential districts shall not be erected in a front or side yard, except as specifically permitted in this ordinance.
4. The floor area of an accessory structure shall not exceed the first floor area of the principal building.
5. Accessory buildings and structures may occupy rear yards provided that such buildings or structures do not occupy more than thirty-five percent (35%) of the actual rear yard and are not closer than three (3) feet from the rear and side property line, except as otherwise provided in other sections of this Ordinance, and in no instance may such

* Sec. 1503 Am., Oct. 22, 1984, Ord. No. 273, Am., Sept. 9, 2002, Ord. No. ____,
Am., Mar. __, 2003, Ord. No. ____

buildings or structures be constructed over reserved easements. When the rear yard abuts upon a street no building or structure shall be constructed in the required rear yard.

6. Accessory structures such as tennis courts, swimming pools, hot tubs, whirlpools and other recreational facilities shall have rear yards equal to at least six (6) feet and side yards equal to at least those required of the principal structure.
7. Satellite dishes, receivers or antennas are not permitted in front or side yards. Such antennas or receivers may be located on the ground of the rear yard if the structure together with all other structures, patios and decks does not occupy more than thirty-five percent (35%) of the actual rear yard.
8. On any corner lot in a residential district, no part of any accessory building or structure shall be nearer the side street lot line than the setback required for the principal building in Article XIII. (See also the definition of "Setback" in Section 201.)
9. On a corner lot an attached garage will be allowed in rear yard as long as it complies with the requirements of paragraph 3 above.
10. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lots to its front or rear, said building or structure shall not project beyond any front lot line required for the adjacent lots.

SEC. 1504.* REGULATIONS FOR OFF-STREET PARKING REQUIREMENTS:

Off-street parking facilities for the parking of self-propelled motor vehicles to be used by the occupants, employees and patrons of buildings erected, altered, extended, maintained, and occupied in the City shall be provided and maintained as hereinafter provided in this Section 1504 including the following:

1. The minimum number of off-street parking spaces shall be determined in accordance with the table in Subsection 9 of this Section 1504 below. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned and to which said use is the most similar, shall apply.
2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal required facilities are provided elsewhere. Also, the use of any building shall not be changed until the required parking facilities for the proposed new use are satisfied.
3. Two or more uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the total of the requirements for the several individual uses computed separately.

* Sec. 1504 Am., Oct. 22, 1984, Ord. No. 273

4. Off-street parking facilities required for residences, and all uses permitted in Community Service and Community Recreation Districts shall be on the same lot or parcel of land as the building served. For all other uses, such facilities shall be located within three hundred (300) feet of the building served (to be measured from the nearest point of the building to the nearest point of the off-street parking facilities) and public parking facilities located within three hundred (300) feet of the building may be utilized in calculating off-street parking in B-1, B-2, and O-1 Districts if after notice and public hearing, as required by Article XXV, the City Council finds (1) sufficient space is available in the public parking facility to accommodate the additional parking required by the new or enlarged use, (2) access walks exist which make such parking facility readily available to such use and (3) that the requirements of Article XXV are met.
- 5* . Buildings and uses already in existence prior to the effective date of the parking requirements hereinafter set forth shall not be affected thereby but in the instance where additions or substantial alterations are made to existing structures or uses, the new addition and the existing structure or the altered structure shall be required to meet the requirements hereinafter set forth. Additional parking shall be required in accordance with the minimum requirements hereinafter set forth where a change in occupancy to a new use or expanded existing use occurs.
6. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require (1) parking space.
7. All uses shall be required to provide their required parking on land in the type zoning district in which such are a permitted principal use, except for the public parking facility credit provided for in Subsection 4 above.
8. Minimum design standards for off-street parking and maneuvering space shall be established on the basis of 9' x 18' minimum dimension of stall and determined as follows:

| <u>Angle of Parking</u> | <u>Depth of Stall Perpendicular To Aisle</u> | <u>Width of Stall Opening Parallel To Aisle</u> | <u>Minimum Aisle Width</u> |
|-------------------------|--|---|----------------------------|
| Parallel | 8 ft. | 23.0 ft. | 12 ft. one way |
| 45 deg. | 19 ft. | 12.8 ft. | 12 ft. |
| 60 deg. | 20 ft. | 10.4 ft. | 15 ft. |
| 90 deg. | 18 ft. | 9.0 ft. | 28 ft. |

* Sec. 1504, Par. 5 Am., Oct. 23, 1995, Ord. No. 337

A diagram of the foregoing requirements is on file in the office of the City's Building Department.

- 9* . The amount of required off-street parking spaces for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table, and the amount of space, so required, shall be stated in the application for a building permit and such space shall be reserved for such use:

| USE | REQUIRED PARKING |
|--|--|
| A. RESIDENTIAL One-Family Residential Multiple-Family Residential | Two (2) parking spaces for each dwelling unit. |
| B. Hospitals | Two and two-tenths (2.20) parking spaces for each one (1) bed. |
| C. Auditoriums, theaters, churches, senior high schools, and community centers and other uses with Auditoriums and/or gymnasiums | One (1) parking space for each three (3) seat spaces in the main assembly area of four (4) parking spaces for each one hundred (100) square feet of usable floor area in a main assembly area without permanent seating. |
| D. Schools Elementary and Junior High Schools | One (1) parking space per employee. |
| E. Libraries, community buildings (without a main assembly area), and private clubs. | One (1) parking space for each one hundred (100) square feet of usable floor area. |
| F. Establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments | One (1) parking space for each one hundred (100) square feet of usable square feet of usable floor are or one (1) parking space for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is greater. |
| G. Banks | One (1) parking space for each one |

* Sec. 1504, Par. 9 Am., Sept. 5, 1988, Ord. No. 293
Sec. 1504, Par. 9 Am., Oct. 23, 1995, Ord. No. 337

- hundred (100) square feet of usable floor area.

H. Business offices or professional offices except as indicated in the following item I.

One (1) parking space for each two hundred (200) square feet of usable floor area or three-fourths (.75) parking spaces for each work station, whichever is greater.
- I. Professional offices of doctors, dentists or similar professions.

One (1) parking space for each one hundred (100) square feet of usable floor area.
- J. Retail and service stores except as otherwise specified herein.

One (1) parking space for each one hundred fifty (150) square feet of usable space
- K. Furniture and appliance stores and showrooms of interior decorators.

One (1) parking space for each eight hundred (800) square feet of usable floor area.
- L. Auto Service Stations

Three (3) parking spaces for each service bay, but a minimum of four (4) spaces.
- M. Barber Shop or Hair Salon

Three (3) spaces for each of the first two (2) work stations and one and one-half (1.5) spaces for each additional work station.
- N. Parking required for physically disabled persons

| <u>Total Spaces</u> | <u>Minimum Accessible Spaces*</u> |
|---------------------|-------------------------------------|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of total |
| 1,000 & over | 20 plus 1 per 100 over 1,000 spaces |

Outpatient units at medical care facilities - 10% of total spaces for that facility.*

Medical care facilities specifically for treatment of the mobility impaired (i.e., physical/occupational therapy units) - 20% of the total spaces for that unit.*

*The parking spaces designated for use by physically disabled persons shall be included within (rather than in addition to) the minimum number of spaces otherwise required for a particular use or structure.

The amount of off-street parking spaces required by Subsection 9 above shall be a prima facie requirement. The Board may, in connection with any new building or enlargements or change of use, grant exceptions to the required location of off-street parking facilities or reduce the amount of required parking spaces, where it determines after a hearing that the requirements are excessive or unduly burdensome for any of the following reasons:

- (a) The use of the property will generate relatively little off-street parking demand, or
- (b) Publicly owned parking facilities are available reasonably nearby, or
- (c) The requirements resulting from a reasonable and desirable expansion of an existing use and the maximum additional parking (consistent with the setting and circumstances of the property in question) are provided even though not sufficient to comply with Subsection 9 above, and no other suitable property is available for the provision of the required parking space, or
- (d) A specific parcel of land has such an individual use or location or exceptional geographical conditions, or is of a size, shape or dimension that it cannot reasonably be developed in accordance with the provisions of this Ordinance;

provided, that any exception granted by the Board of Zoning Appeals shall not be inconsistent with the spirit and purpose of this Ordinance, contrary to public safety and welfare.

SEC. 1505.* OFF-STREET PARKING LAYOUT, CONSTRUCTION AND MAINTENANCE:

Wherever a parking lot is built as required off-street parking, or wherever a parking lot is built in a Parking District, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
2. A setback shall be required and provided in the following situations:

* Sec. 1505 Am., Aug. 17, 1987, Ord. No. 287

- (a) When a parking lot has a continuous common frontage in the same block with a residential district, a setback equal at least to that required as a front yard in the residential district shall be provided. If the existing residential is developed with setbacks in excess of the required zoning ordinance standard, the average of the existing setback in the common block frontage shall be provided.
 - (b) When a parking lot is across the street and opposite to residential lots fronting on such street a setback of at least ten (10) feet shall apply (not applicable if above requirement applies).
 - (c) When a parking lot has only a rear lot line relationship with a residential district, there shall be no setback requirement.
 - (d) When a parking lot has a side lot line relationship with a residential district, a setback of at least five (5) feet shall be provided.
3. The land between the required setback line and the lot line in a parking lot is for the purposes of this Ordinance called a greenbelt. There shall be bumper stops or wheel stops provided so as to prevent any vehicle from projecting over the greenbelt. The ground of the greenbelt shall be landscaped with a compatible arrangement of lawn, trees, shrubs and other hardy plant materials, which shall be maintained in a healthy growing condition and proper drainage for such strip shall be provided.
 4. Where green belts are not required, bumper stops or wheel stops shall be provided, so located as to prevent any vehicle from projecting over the lot line.
 5. Where a parking lot's side or rear boundary abuts a residential zone, an unpierced brickfaced or masonry wall six (6) feet high shall be provided. The Board of Zoning Appeals shall have power to modify the character of material of a barrier if it deems such to be in the best interest of the residents. Such wall shall not extend into the required front yard setback nor be placed closer than five (5) feet from the side lot line.
 6. The parking area including all access and maneuvering lanes shall be provided with asphalt or concrete pavement so as to provide a permanent durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulating within the area. This standard shall apply to all off-street parking in all districts except R-1, R-1-A, R-1-AA and R-1-AAA Districts.

SEC. 1506.* OFF-STREET LOADING AND UNLOADING:

1. On the same premises with every building, structure, or part thereof, erected or occupied for any use involving the receipt or distribution of materials or merchandise, if such receipt or distribution shall be by means of one or more motor vehicles, either owned or

* Sec. 1506 Am., Jan. 7, 1985, Ord. No. 275

leased, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services except as hereinafter provided.

2. Such space shall be an area not less than ten (10) feet by twenty-five (25) feet, with fourteen (14) feet height clearance for each ten thousand (10,000) square feet, or fraction thereof, in excess of two thousand five hundred (2,500) square feet of building floor or land used for any such purpose, provided however, that the foregoing requirements may be waived in case adequate loading space is otherwise provided.
3. A loading space as required herein shall not be construed as supplying off-street parking space.
4. Trucks with a gross vehicle weight rating of 10,000 pounds and over shall not be stored in any non-residential district in the City of Grosse Point Farms unless parked in a fully enclosed building.

SEC. 1507.* LIGHTING:

- (a) All outdoor lighting facilities located on private property in any Residential District (i) shall be so arranged as to reflect light away from all adjacent residences and public right-of-ways and (ii) except as set forth in subsection (b) below, shall be shielded downward or below horizontal to reduce glare.
- (b) Ground lighting (up-lighting) in any Residential District for the purpose of illuminating landscaping or architectural details, or other specialized lighting in any Residential District (including, without limitation, lighting for the purpose of illuminating flagpoles or other similar amenities, and pedestrian walkway illumination), shall be shielded from public view by landscaping or architectural features and shall not direct light toward any adjacent residences or public right-of-ways.
- (c) Security lighting facilities in any Residential District must be positioned so as to be shielded to the greatest extent possible from adjacent residences and public right-of-ways, and in no event shall security lighting facilities be positioned such that lighting will be directed onto adjacent properties, nor shall such security lighting facilities emit any audible noise.
- (d) Where lighting facilities are provided in Vehicular Parking Districts or in off-street parking or loading spaces, such lighting facilities shall be so arranged as to reflect the light away from any adjacent Residential Districts and public right-of-ways.
- (e) Incandescent lighting designed to illuminate private pedestrian walkways and/or building entries in any Residential District shall be limited to a maximum of 60 watts and shall not be positioned higher than 8 feet above grade or base of entry. Lighting facilities shall not emit ambient light that exceeds one (1) foot candle at grade measured at any adjoining property line.

* Sec. 1507 Am., Sept. __, 2003, Ord. No. ____

* Sec. 1509 Am., Sept. 9, 2002, Ord. No. ____

SEC. 1508. PLANT MATERIALS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed, with the spacing as required, shall be provided.

1. Plant material spacing.
 - (a) Plant materials shall be placed at least four (4) feet from the fence line or property line.
 - (b) Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
 - (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested plant materials Minimum Size
 - (a) Evergreen Trees Five (5) feet in height
 - (1) Juniper
 - (2) Red Cedar
 - (3) White Cedar
 - (4) Pines

 - (b) Narrow Evergreens Three (3) feet in height
 - (1) Pyramidal Arbor-Vitae
 - (2) Columnar Juniper
 - (3) Irish Juniper

 - (c) Tree-Like Shrubs Four (4) feet in height
 - (1) Flowering Crabs
 - (2) Russian Olives
 - (3) Mountain Ash
 - (4) Dogwood
 - (5) Redbud
 - (6) Rose of Sharon

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- (d) Large Deciduous Shrubs Six (6) feet in height
 - (1) Honeysuckle
 - (2) Viburnum
 - (3) Mock-Orange
 - (4) Forsythia
 - (5) Lilacs
 - (6) Ninebark

 - (e) Large Deciduous Trees Eight (8) feet in height
 - (1) Oaks
 - (2) Hard Maples
 - (3) Ash
 - (4) Hackberry
 - (5) Sycamore
3. Trees not permitted.
- (a) Box Elder
 - (b) Soft Maples
 - (c) Elms
 - (d) Poplars
 - (e) Ailanthus (tree of heaven)

SEC. 1509.* USE RESTRICTION:

No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area per family, or percentage of lot coverage or occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot required in connection with any other building or structure existing or proposed at the same time. Where less than the total lot or parcel area is used to comply with the provisions for yards, lot area per family, or percentage of lot coverage or occupancy, the plot plan shall be drawn to designate that portion used for such compliance.

SEC. 1510. LANDSCAPING OPEN SPACE IN PARKING AREAS:

- 1. Where parking and vehicular circulation space is provided in any zone except One-Family Residential Districts, such parking and circulation space shall be effectively screened from public rights-of-way and/or from any adjacent residential districts by one or more of the following means:
 - (a) Plant materials as specified in Section 1508.
 - (b) Earth-molding or a differential in topography not less than four (4) feet in height measured from the surface of the parking area, and so designed as to minimize the view of parked cars or paved surface.

- (c) A continuous obscuring face brick or stone wall not less than four (4) feet and not more than six (6) feet in height measured from the surface of the parking area, adjusted to reflect topographic characteristics. Whenever such wall is required, all land between said wall or fence and the lot line or boundaries of P-1 Districts shall be kept free from refuse and debris and shall be landscaped with deciduous or evergreen plants, and ornamental trees of height and size and density as approved by the City Council. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
2. All landscaping plans shall be submitted to the City Council for approval as to suitability of planting material and arrangement thereof, in accordance with the provisions of the preceding paragraph.
3. Where lighting facilities for parking or exteriors of buildings are provided, they shall be so arranged or so screened by landscaping or other means as to reflect the light away from residential districts and public rights-of-way.
4. Landscaped Open Space may include hard surfaces for pedestrian circulation or decorative purposes, but the area of hard surfaces shall be no greater than thirty (30) percent of the total landscaped open space. Features such as arcades, pergolas, terraces, sculpture, fountains, pools, etc., must be approved during the process of review of the site plan by the City Council.

SEC. 1511.* SITE PLAN REVIEW:

1. A building permit, shall not be issued for the following unless a site plan has been approved by the City Council.
 - (a) Any use or development for which a site plan is required by ordinance.
 - (b) The erection or alteration of a building which constitutes a conditional use.
 - (c) The erection of a structure located in a RC, RM, CS, B-1, B-2, O-1 or CR District.
 - (d) The alteration of the appearance of a structure located in a RC, RM, CS, B-1, B-2, O-1 or CR District.
 - (e) Any development, except single-family residential, for which off-street parking areas are provided as required in Section 1504, Subsection 9, Parking Requirements.

* Sec. 1511 Am., Oct. 22, 1984, Ord. No. 273
Sec. 1511 Am., May 4, 1987, Ord. No. 286
Sec. 1511 Am., Apr. 24, 2000, Ord. No. ____

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2. Every site plan submitted to the City Council, in accordance with the requirements of this Ordinance shall contain such information and be in such form as the City Council may prescribe in its rules. No site plan shall be approved until same has been reviewed by the City Engineer and the Planner for compliance with all City standards.
 3. In the process of reviewing the site plan, the City Council shall consider:
 - (a) Single family development on the basis of a subdivision.
 - (b) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - (c) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - (d) The City Council may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - (e) In approving the site plan, the City Council may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the City Council may recommend that money in escrow be placed with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the City Clerk.
 - (f) The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.
 - (g) The City Council shall find that the applicant seeking approval of the proposed development or project has complied with Section 1517.
 4. With respect to the approval of a site plan pursuant to subsection 1(a)-(c) of this Section 1511, the City Council shall fix a reasonable time for a public hearing on the approval of the site plan. Not less than ten (10) days prior to the public hearing, the party requesting approval of the site plan will cause notice to be given to all persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of

single and 2-family dwellings within three hundred (300) feet of the boundary of the property affected by the appeal, the notice to be delivered by certified mail to owners at the address shown on the last assessment roll.

SEC. 1512* . ENCLOSURE OF EXTERIOR SERVICE AREAS:

In all zoned districts, except one family residential, rubbish that is stored within a refuse dumpster (as hereinafter defined) shall be kept in a rubbish collection and service area enclosed or screened from public view by an obscuring structural appurtenance as approved by the director of Public Service, which obscuring structural appurtenance shall consist of a wall or fence of six (6) feet in height and have posts or bumpers installed at the opening damage to the screening walls. The inside dimensions of the enclosure shall be such as will permit adequate access for refuse collection vehicles and the enclosure shall be situated on a reinforced concrete pad at least six (6) inches thick, which pad shall extend at least six (6) feet beyond the opening of the enclosure.

A refuse dumpster shall be defined as a front-end container, roll-off or compacting unit or similar commercial container which is in excess of one cubic yard in volume. Refuse dumpsters shall be fitted with lids that shall be kept completely closed and latched at all times, except for times of filling and collection.

Refuse dumpsters and exterior service areas shall at all times be maintained in good repair and be structurally sound, and shall be kept free of debris and neat and clean in appearance. The name, address and telephone number of the owner and lessee of each refuse bin shall be clearly marked on such refuse bin.

The proposed structure, location and materials shall be acceptable to the Director of Public Service as a prerequisite to the issuance of any building permit, and the Director of Public Service shall not issue a certificate of occupancy unless the provisions of this Section 1512 have been fully complied with.

Within one year of the effective date of this Ordinance, any outside storage of rubbish in rubbish dumpsters shall be stored in compliance with the requirements of this Section 1512.

* Sec. 1512 Am., Nov. 14, 1988, Ord No. 296

SEC. 1513.* REQUIRED STREET ACCESS

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a street. Such frontage shall be equal to the minimum lot width established by Article XIII.

SEC. 1514. RESIDENTIAL ENTRANCEWAY:

In all Residential Districts, so-called entranceway structures, including but not limited to, walls, columns and gates marking entrance to one-family and multiple-family subdivisions, may be permitted and may be located in a required yard. Such entranceway shall comply with all codes and ordinances of the City of Grosse Pointe Farms, and to insure said compliance, the Director of Public Service will certify to such compliance and issue permit for such use. When said entranceways include any sign as part of the structure, the Council shall review the proposal in accordance with the standards set forth in the City's Sign Ordinance, prior to the granting of approval by the Director of Public Service. The Council shall require that any numerals, letters or graphics included as part of the structure shall refer only to the subdivision or development upon which located, and it shall find that such sign shall represent a minor portion of the structure.

SEC. 1515. GRADES AND DRAINAGE:

It shall be unlawful to grade any lot in a manner that will result in causing storm water to flood adjoining lots or property. The Director of Public Service will not issue a Certificate of Compliance or Occupancy if he determines that the proposed or accomplished change of elevation (grade) will or does result in such flooding.

SEC. 1516.* LOT SPLITS:

A lot may not be divided, partitioned or a portion thereof sold or conveyed unless the Director of Public Service finds that (1) the remaining lot as well as the parcels created by the lot split meet applicable regulations of this Ordinance, or (2) that the purpose of the conveyance is not to create a buildable lot, and the remaining lot and location of structures thereon meet applicable regulations of the Zoning Ordinance.

* Sec. 1513 Am., Oct. 22, 1984, Ord. No. 273

* Sec. 1516 Added, Oct. 22, 1984, Ord. No. 273

SEC. 1517.* PRESERVATION AND PROTECTION OF TREES

1. Findings; purpose. The City Council finds that the loss, removal or destruction of certain trees during the process of development should, in the interest of public health, safety and welfare, be avoided. Specifically, the City Council finds that the preservation and protection of trees and related vegetation in their natural and existing condition serves the public interest of all existing and future residents of the City because tree and related vegetation growth (a) protects public health through the absorption of air pollutants and contamination, by providing a natural buffer against excessive noise, wind and exposure to natural elements, and by providing visual screening; (b) promotes public safety through the prevention or reduction of erosion, siltation and flooding; and (c) promotes public welfare by contributing to natural beauty, aesthetic enhancement and preservation of natural resources that form an essential component of the City's heritage and contribute to the enhancement of property values. Accordingly, the purposes of this Section are to provide for the preservation and protection of certain trees in connection with any project or development within the scope of subparagraph 2 below.
2. Scope. The provisions of this Section 1517 shall apply (a) to any project or development for which a site plan review is required under the provisions of Section 1511, (b) to any lot split proposed under Section 1516, and (c) to any preliminary or final site plan review or plat approval for any subdivision or land division that will result in the creation of one or more new building sites and/or the redevelopment of an existing building site.
3. Protected Trees. For purposes of this Section 1517, the term "protected tree" shall mean any individual tree having a diameter of twelve (12) inches or greater measured at four and one-half feet above the existing grade.
4. Prohibition of Destruction or Removal of Protected Trees. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the destruction, modification or removal of any protected tree is prohibited. In connection with the erection, modification or expansion of any building within any such project, development, lot split, subdivision or land division, the developer, property owner and any contractors shall, at their sole expense, take such precautions as are prescribed by the Director of Public Service to avoid the occurrence of damage to any protected tree. Such precautions may include, without limitation, the erection of temporary fencing or barriers around protected trees and the prohibition of any construction activities within the drip line (i.e., the ground area bounded by an

* Sec. 1517 Added, Apr. 24, 2003, Ord. No. ____

imaginary vertical line extending from the outer boundaries of the tree branches) of any protected tree.

5. Tree Survey. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the building permit application, site plan or plat submitted to the City shall include a tree survey overlay at the same scale as the submitted land survey, site plan or plat, which locates all protected trees by size and species. Such tree survey shall be prepared by a licensed landscape architect, surveyor or engineer.
6. Exceptions. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the developer or property owner may seek a permit granting one or more exceptions from the requirements of subparagraph 4 above. All such applications shall be in writing and shall describe the reasons for seeking the exception(s) and the specific action that the developer or property owner proposes to take with respect to removal, modification, relocation or replacement of protected trees. Upon application for such a permit, the same may be granted by the Director of Public Service provided that (a) not more than three (3) protected trees within the proposed project or development are to be removed or modified, and (b) the developer or property owner agrees that all such trees will be relocated on the property (if feasible) or that not less than an equal number of trees, having a minimum caliper size not less than two and one-half (2.5) inches, will be planted on the property to replace the trees to be removed or modified. In all cases not within the parameters of clauses (a) and (b) of the preceding sentence, an exception from the requirements of subparagraph 4 above may be granted only by the City Council. In considering an application for such an exception, the City Council may grant one or more exceptions from the requirements of paragraph 4 above if it determines that such exception(s) will not impair the general effect and intent of this Section 1517 and either (1) is (are) necessary to avoid unusual practical difficulty or hardship to the property owner, or (2) is (are) in the general interest of public safety, comfort, convenience, or the protection of property values.
7. Permitted Activities. Nothing contained in this Section 1517 shall preclude (a) ordinary pruning, trimming or other maintenance of any protected tree in order to promote the health and growth of such tree; (b) trimming or removal of any tree by the City or any public utility in order to protect public safety in connection with utility poles, wires, conduits or other public facilities; (c) removal or trimming of any dead, diseased or damages trees or parts thereof; or (d) the emergency removal or trimming of any tree or part thereof that constitutes an imminent hazard or threat to the safety of any person or an imminent hazard or threat to any existing structure.

ARTICLE XVI* - ADMINISTRATION AND ENFORCEMENT

SEC. 1600. DIRECTOR OF PUBLIC SERVICE:

The provisions of this Ordinance shall be administered by the Director of Public Service, his duly authorized assistant or such other person or persons as shall be designated by the City Council.

SEC. 1601. CERTIFICATE OF COMPLIANCE:

No land use shall be commenced or changed, and no structure shall be erected, altered, enlarged, or repaired at a cost of more than an amount established by resolution of the City Council, until the person conducting such use or erecting, enlarging, or repairing such structure has obtained a Certificate of Compliance Permit from the Director of Public Service. The Director of Public Service shall issue such permit upon the submission in writing, over the signature of the applicant, the information necessary to establish that the proposed use, structure or addition, is in full compliance with all provisions of this Ordinance. Issuance of a Certificate of Compliance shall not be construed as a waiver of any provision of this Ordinance. A Certificate of Compliance Permit issued in reliance upon any false statement in the application or supporting documents is void from the date of issuance and shall be revoked.

SEC. 1602.* BUILDING PERMIT:

No structure shall be erected, altered, enlarged, or repaired at a cost of more than an amount established by resolution of the City Council, until the Director of Public Services has issued a Building Permit incorporating a Certificate of Compliance including a certification that in his opinion the plans, specifications and proposed use of such structure complies with the provisions of the Ordinance.

The Director of Public Services shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan in triplicate drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
- 2.* The shape, size, location and dimensions of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.

* Art XVI Am., Oct. 22, 1984, Ord. No. 273

* Sec. 1602 Am., Apr. 5, 1976, Ord. No. 206

* Sec. 1602, Par. 2 Am., Sept. 9, 2002, Ord. No. ____

* Sec. 1602, Par. 5 Added Sept. 9, 2002, Ord. No. ____

4. Such other information concerning the lot or adjoining lots as may be helpful in determining whether the provisions of this Ordinance are satisfied.
- 5.* A topographical survey of the lot or drainage plan showing drainage on the site and its impact on adjoining lots.

The Building Permit shall be effective for a period of 6 months. The Director of Public Services is authorized to extend such Permit in the event that additional time is required for construction and if construction has not been delayed by the owner or builder. If the Director of Public Services shall determine that Construction is not proceeding properly, he shall not extend the Permit and each day that the improvement is not completed shall constitute a violation of this Ordinance.

SEC. 1603. CERTIFICATE OF OCCUPANCY:

No portion of a building or structure or use for which a Certificate of Compliance has been issued shall be used or occupied until the Director of Public Service has, after final inspection, issued a Certificate of Occupancy indicating that the improvement complies with all of the provisions of this Ordinance. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

SEC. 1604. FEES.

Before a Certificate of Compliance shall be issued, an inspection and permit fee shall be paid in an amount established by resolution of the City Council.

SEC. 1605. PERFORMANCE GUARANTEE:

To insure compliance with this Ordinance and with any conditions imposed hereunder, the City Council, Board of Zoning Appeals, or Director of Public Service may require the posting of a cash deposit, certified check, letter of credit, or surety bond, covering the estimated cost of improvements associated with the application for which approval is sought, to be deposited with the City Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Improvements may include but are not limited to roadways, lighting, utilities, sidewalks, screening, drainage or other features considered necessary to protect natural resources, or the health, safety and welfare of nearby residents or future users or inhabitants of the proposed project. "Improvements" does not include the entire project which is the subject of zoning approval.

SEC. 1606. ZONING ORDERS BOOK:

The Director of Public Service shall keep in his office, a book, to be known as the Zoning Orders book, in which shall be listed, with a brief description, all variances, exceptions, and conditional uses permitted. The Special Zoning Orders Book shall be open to public inspection.

ARTICLE XVII* - BOARD OF ZONING APPEALS**SEC. 1700. CREATION OF BOARD OF ZONING APPEALS:**

In accordance with Act 207 of the Public Acts of Michigan of 1921 as amended, a Board of Zoning Appeals is established. The City of Grosse Pointe Farms' Board of Zoning Appeals shall consist of all of the members of the City Council, and the Mayor shall serve as Chairman thereof. The City Clerk or his duly authorized assistant shall act as Secretary for the Board of Zoning Appeals.

SEC. 1701.

The Board of Zoning Appeals shall have the power to hear and decide appeals from any order or action of the Director of Public Service under this Ordinance and to render opinions interpreting this Ordinance.

SEC. 1702.* VARIANCES:

The Board of Zoning Appeals may authorize an area variance if the Board finds that the strict application of this Ordinance will result in practical difficulties for the user of the property.

In addition, a variance shall be allowed only if the Board of Zoning Appeals finds the following:

1. The variance is in harmony with and serves the intent and purpose of this Ordinance after considering:
 - A. The extent of the variance in relation to the requirement;
 - B. The effect, if the variance is allowed, of the increased population density produced on available governmental facilities and on the character of the district;
 - C. Whether a proposed building is in harmony with the predominant type of building in the district in size, character, location and intended use.
2. The variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the hardships or difficulties suffered if a variance is not granted, and whether the hardship or difficulty can be obviated by some method other than a variance.
3. The variance will not substantially interfere with or injure the rights of persons whose property is affected by the proposed variance.

* Art XVII Am., Oct. 22, 1984, Ord. No. 273

* Sec. 1702 Am., May 7, 1979, Ord. No. 232

4. The proposed variance meets the standards of Article XXV.

SEC. 1703.

A variance allowed by the Board of Zoning Appeals, shall be recorded in the minutes. In each case, the affirmative findings and conclusions in support of the variance shall also be included in the minutes.

A variance denied by the Board of Zoning Appeals shall be recorded in the Minutes. As a part of the record in each case the matters as to which the Board is unable by virtue of the whole record before it to make the requisite affirmative findings shall also be included in the minutes.

SEC. 1704.

Construction, pursuant to the issuance of a variance for a structure, building or portion thereof, shall be commenced within one year of the date the variance is granted or within any extension granted by the Board of Zoning Appeals.

SEC. 1705.*

When granting a variance under this Ordinance, the Board may impose such conditions as are necessary to ensure that the variance is consistent with the purposes of this Ordinance. Conditions imposed shall be designed to insure that the standards set forth in Section 1702 shall be met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling the location and number of driveways, increasing the street width, increasing the number of off-street parking spaces and requiring fencing, screening and landscaping to protect nearby property values. Without limiting the generality of the Board's discretion to impose conditions to achieve the purposes of this Ordinance, in any case where the width or area of a residential lot does not meet the requirements of this Ordinance, the size and height of any proposed building or building addition shall be reviewed by the Board any may be limited if necessary to ensure that the variance is consistent with the purposes of this Ordinance.

SEC. 1706. LIMITATIONS ON THE POWERS OF THE BOARD.

1. The concurring vote of five (5) of the seven (7) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Director or Public Service or to grant a variance to this Ordinance. In the instance that the Zoning Board of Appeals consists of less than seven (7) members at the time of the Zoning Board of Appeals hearing, the concurring vote of two-thirds (2/3) of the members holding office shall be required to grant a variance.

* Sec. 1705 Am., Mar. __, 2003, Ord. No. ____

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2. An appeal shall be commenced by filing with the Board of Zoning Appeals, through the City Clerk, and with the Director of Public Service, a notice of appeal in which are specified with particularity the grounds upon which the appeal or request is based. The notice of appeal shall be filed within 30 days of the date the decision appealed from is rendered. Upon the filing of any such appeal, the Director of Public Service shall submit a report to the Board, and make available to the appellant a copy of such report, which shall contain the following:
 - (a) The application, site plan, and any other documents comprising the record of the appeal;
 - (b) A summary of the Director of Public Service's actions and findings concerning the application, and the reasons therefore;
 - (c) The relief requested of the Board of Zoning Appeals.
 - 3* . The Board shall fix a reasonable time for a public hearing on appeals. Not less than ten (10) days prior to the public hearing, the party taking the appeal will cause notice to be given to all persons to whom real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be delivered by first-class mail to owners and tenants at the respective addresses shown on the last assessment roll. The mailing of such notice may be performed by the City Clerk or a person designated by the City Clerk, and the party taking the appeal shall pay a charge for such mailing in an amount approved by resolution of the City Council.
 4. Parties to an appeal shall be accorded the right to appear in person, or by or with an authorized agent.
 5. Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts provided:
 - (a) The submission of evidence in written form shall be provided for by the procedures of the Board of Zoning Appeals where the interest of any party will not be prejudiced thereby;
 - (b) The Board of Zoning Appeals shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and in the furtherance of this policy the Board of Zoning Appeals may limit cross-examination.
 6. The City Clerk or his duly authorized representative acting as Secretary for the Board of Zoning Appeals shall prepare an official record for each appeal and the Board shall base its decision on this record and the evidence presented at the hearing. The official record shall include:

* Sec. 1706, Par. 3 Am., Sept. 23, 1996 Ord. No. 340

- (a) The relevant administrative records from which an appeal has been taken.
 - (b) Communications from the Mayor's Advisory Planning Committee relative to the appeal.
 - (c) Such testimony and additional documents or exhibits as may be offered in evidence in the hearing on the appeal.
 - (d) The requisite written findings of fact and orders disposing of the appeal that may be made by the Board of Zoning Appeals.
7. Upon the payment of costs, a copy of the documents in any appeal file shall be made available to the parties. The official record of an appeal shall be open to examination as a public record.

SEC. 1707. FEES:

The Zoning Board of Appeals shall not consider any matter until there is first paid a fee in the amount established by resolution of the City Council, except that such fee shall not be required where the City or any official thereof is the moving body.

ARTICLE XVIII - AMENDMENTS

SEC. 1800.* CHANGES AND AMENDMENTS:

The City Council may amend, supplement or change this Ordinance. If a protest petition meeting the requirements of the Michigan Zoning Act is presented, such amendment shall not be adopted except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

* Sec. 1800 Am., Oct. 22, 1984, Ord. No. 273

* Sec. 2100 Am., Sept. 9, 2002, Ord. No. ____

ARTICLE XIX - SEVERANCE CLAUSE

SEC. 1900.

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

ARTICLE XX - INTERPRETATION

SEC. 2000.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued which are not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such agreements, the provisions of this Ordinance shall control.

ARTICLE XXI - VIOLATIONS AND PENALTIES

SEC. 2100.*

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor punishable by fine of not more than Five Hundred (\$500.00) Dollars for each offense, or by imprisonment in the City or County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned at the discretion of the Court. Any building which is erected, altered or converted or any use of premises which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared a nuisance per se. Any court having jurisdiction, shall order such nuisance abated and the owner or agent in charge of such building, structure or premises shall be adjudged guilty of maintaining a nuisance per se. The owner of any building, structure or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, or any architect, builder, contractor, agent, corporation, or person employed in connection with any building, structure or premises, or part thereof, where any condition in violation of this Ordinance shall exist or be created, and who has assisted knowingly in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

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 any other remedies provided by law. Forbearance or delay in the enforcement of this Ordinance in any particular instance shall not be deemed a waiver of any violation nor preclude enforcement in connection with any future or continuing violation.

ARTICLE XXII - REPEAL OF PRIOR ORDINANCE

SEC. 2200.

Ordinance Number 158 adopted November 18, 1963 as amended, is hereby repealed as of the effective date of this Ordinance, provided however, that such repeal shall not have the effect of releasing, relinquishing or terminating any penalty, forfeiture or liability incurred under said Ordinance Number 158, as amended, or any parts thereof, or any suit, complaint, prosecution or proceeding instituted, made or pending for the enforcement of said ordinance, or any part thereof, or any remedy at law or in equity for any violation of said ordinance occurring or accruing prior to effective repeal date of said ordinances.

ARTICLE XXIII - VESTED RIGHT

SEC. 2300.

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE XXIV - EFFECTIVE DATE

SEC. 2400.

Nothing in this Ordinance shall be construed to prevent the prosecution or abatement of any violation of the Zoning Ordinance adopted by the City of Grosse Pointe Farms on November 18, 1963 and amendments thereto, which was in existence at the effective date hereof.

SEC. 2401.

This Ordinance shall take effect twenty (20) days after its enactment or upon its publication whichever is later.

Made and passed by the Council of the City of Grosse Pointe Farms this 16th day of July A.D. 1973.

ARTICLE XXV*

PROCEDURE FOR REVIEW OF DISCRETIONARY USES

SEC. 2500.

Following receipt of an application for approval of a conditional use or other discretionary use, a notice of the receipt of the application shall be published in a newspaper of general circulation in Grosse Pointe Farms and shall be sent by certified mail to the owners of the property subject to the application, to all persons to whom real property is assessed within three hundred feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the application will be considered at a public hearing. The party making the application shall cause this notice to be given. The notice shall set forth:

- a. The nature of the development, use, structure, or activity for which the application has been made;
- b. the property which is the subject of the application;
- c. the time and place of the public hearing to be held to consider the application;
- d. the time and place written comments will be received concerning the application;

SEC. 2501.

The City Council shall consider the application for the conditional use at a public hearing on a date established by the Clerk of the City. If a site plan is required for the conditional use, the plan shall also be considered at the public hearing.

SEC. 2502.

After considering the application, the City Council shall approve such request if in addition to other standards set forth in this Ordinance, it shall find that the following standards are met by the proposed use:

- a. the application is consistent with and will promote the intent and purpose of this Ordinance;
- b. the proposed use, structure or activity will be compatible with adjacent land uses, the natural environment and natural resources, and the capacities of public services and facilities affected by the proposal;

* Art. XXV Added, Apr. 2, 1984, Ord. No. 270

- c. the application will promote the use of land in a socially and economically desirable manner, and maintain the character of the area;
- d. the proposed use structure activity is consistent with the public health, safety, and welfare of the residents of Grosse Pointe Farms.

SEC. 2503.

The City Council may deny, approve, or approve with conditions the application for a use which may be granted on discretionary grounds under this Ordinance. The City Council's decision shall contain the statement of conclusions and shall specify the basis for the decision and any conditions imposed. Any conditions imposed shall be reasonable, and shall be designed to insure that the standards set forth in Section 1802 are met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling the location and number of driveways, increasing the street width, increasing the number of off-street parking spaces, and requiring fencing, screening and landscaping to protect nearby property values.

Enacted: July 16, 1973