

City of Westland Zoning Ordinance Updates

Prepared by Wade Trim & SmithGroup

October 11, 2024 ADOPTED DRAFT

“Clean” Version – Refer to companion version
with highlights and strikethroughs denoting changes
from the currently adopted Zoning Ordinance

City of Westland Zoning Ordinance

Ordinance No. 248

PART 1. INTRODUCTION

ARTICLE I. TITLE, PURPOSE AND LEGAL CLAUSES

Sec. 1.1. Title.

This chapter shall be known, cited and referred to as the "City of Westland Zoning Ordinance."

Sec. 1.2. Intent and purpose.

This Zoning Ordinance of the City of Westland is adopted with the purpose of promoting and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

- 1.2.1 To meet needs for places of residence, recreation, industry, trade, service, and other uses of land.
- 1.2.2 To ensure that uses of the land shall be situated in appropriate locations and relationships.
- 1.2.3 To limit inappropriate overcrowding of the land and congestion of population, transportation systems, and other public facilities.
- 1.2.4 To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public facility and service needs.
- 1.2.5 To establish adequate standards for the provision of light, air, and open spaces.
- 1.2.6 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- 1.2.7 To protect residential, commercial, and industrial uses alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- 1.2.8 To provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- 1.2.9 To fix reasonable standards to which buildings and structures shall conform.

- 1.2.10 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
- 1.2.11 To isolate or control the location of unavoidable nuisance-producing uses.
- 1.2.12 To define the powers and duties of the administrative and enforcement officers and bodies.
- 1.2.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.
- 1.2.14 It is the specific intent of this ordinance to permit the uninterrupted, unimpaired use of land for public uses and essential services, including, but not necessarily limited to, schools, parks, community centers, churches, cemeteries, hospitals, fire and police stations, and similar public uses for as long as deemed necessary by the residents or their elected representatives.

The standards and requirements contained in this ordinance, and the district mapping reflected on the City of Westland Zoning Map are intended to further the implementation of the objectives of the master plan, as well as protect all desirable existing structures and uses.

Sec. 1.3. Provisions repealed.

The Zoning Ordinance of the City of Westland, Chapter 110 of the Code of Ordinances, and all amendments thereto, are hereby repealed as of the effective date of this ordinance provided that such repeal shall not affect or impair any prosecution arising from a violation of such Zoning Ordinance Chapter 110, which violation occurred prior to the effective date of this ordinance.

Sec. 1.4. Effective date.

The provisions of this ordinance are hereby declared to be necessary for the preservation of the peace, health, safety and welfare of the people of the City of Westland and shall be effective _____ days after publication in the manner prescribed by law.

Sec. 1.5. Publication.

The city clerk shall, within 15 days following adoption or amendment of this ordinance, cause to be published a notice of adoption in accordance with the provisions of Act 110 of the Public Acts of Michigan, 2006, as amended.

Sec. 1.6. Adoption.

This ordinance was adopted by the city council of the City of Westland by Authority of Act 110 of the Public Acts of Michigan, 2006, as amended, at a regular meeting thereof held on the 21st of October, 2024.

ARTICLE II. DEFINITIONS AND RULES OF MEASUREMENT

Sec. 2.1. Construction of language.

In the construction of this ordinance the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicated otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply:

- 2.1.1 Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- 2.1.2 The word "shall" is mandatory and not discretionary.
- 2.1.3 The word 'may" is permissive.
- 2.1.4 The word "lot" shall include the words "piece", "parcel", and plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- 2.1.5 All "measured distances" shall be to the nearest foot. If a fraction is one-half foot or less, the full number next below shall be taken.

Sec. 2.2. Definitions.

2.2.1 *Accessory building or use.* An accessory building or use is a building or use which is:

- a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;
- b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
- c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

2.2.2 *Accessory dwelling unit (ADU).* (See Dwelling Unit, Accessory.)

2.2.3 *Adult foster care facility.* A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this ordinance:

- a. *Adult foster care small group home:* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- b. *Adult Foster Care Large Group Home:* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

- c. *Adult Foster Care Family Home*: A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- d. *Adult Foster Care Congregate Facility*: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

2.2.4 *Agriculture*. The use of land for agricultural purposes (with the exception of the raising of livestock), including farming, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of the normal agricultural activities.

2.2.5 *Alcohol manufacturing facilities*. Shall include the following:

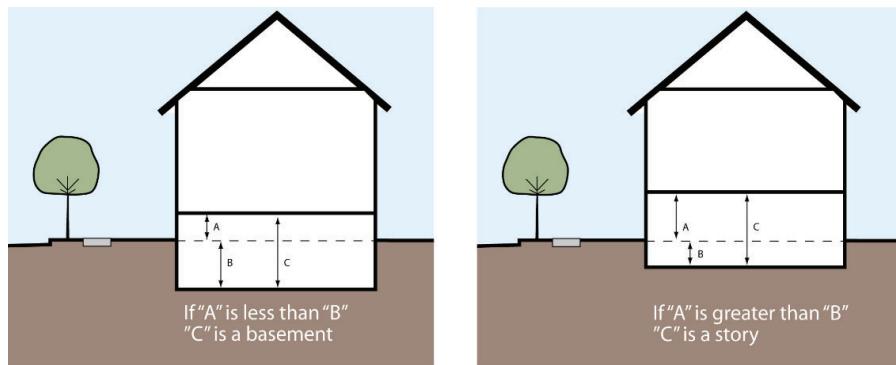
- a. *Brewpub*: A “brewpub”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- b. *Micro-brewery*: An establishment of a “micro brewer”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- c. *Brewery*: An establishment of a “brewer”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- d. *Small wine maker*: An establishment of a “small wine maker”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- e. *Winery*: An establishment of a “wine maker”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- f. *Small distillery*: An establishment of a “small distiller”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.
- g. *Distillery*: An establishment of a “distiller”, as defined in the Michigan Liquor Control Code, Public Act 58 of 1998, as amended, which is regulated and licensed by the State of Michigan.

2.2.6 *Alley*. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

2.2.7 *Banquet hall*. Any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages.

2.2.8 *Basement*. That portion of a building which has less than one-half of its average height above lot grade.

Figure 2.2.7
Basement and Story



2.2.9 *Bed and breakfast establishment.* A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and a breakfast in return for payment.

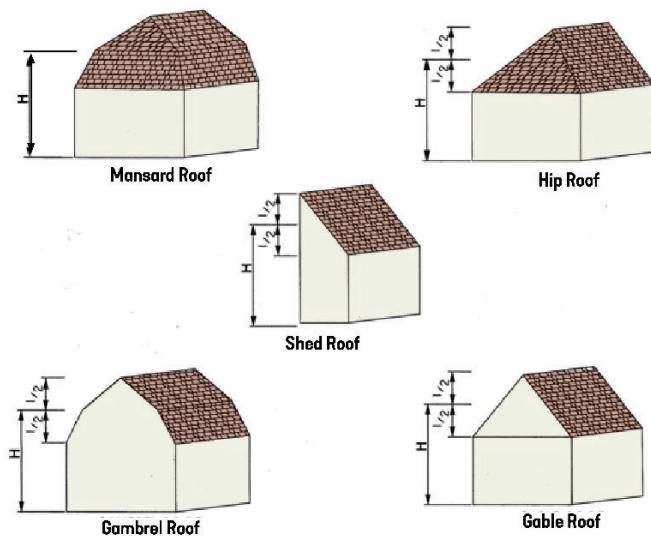
2.2.10 *Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, municipal boundary lines, township lines, or county lines.

2.2.11 *Block face.* A block face is the portion of any block which fronts on the same street.

2.2.12 *Building.* Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land.

2.2.13 *Building height, principal.* The vertical distance measured from the average ground level of the grade of the front building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, gambrel, or hip roof.

Figure 2.2.12
Building Height-Principal Buildings



2.2.14 *Building length.* The longer or longest dimension of a building.

2.2.15 *Bulk*. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:

- a. Height and area of buildings.
- b. Location of exterior walls in relation to lot lines, streets, or other buildings.
- c. Gross floor area of buildings in relation to lot area (floor area ratio).
- d. All open spaces allocated to buildings.
- e. Amount of lot area required for each dwelling unit.

2.2.16 *Canopy*. A roof-like structure projection from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.

2.2.17 *Certificate, occupancy*. The written approval of the enforcement officer that authorizes a person or persons to occupy or use a premises, as established in section 16.9 of this ordinance. The "occupancy certificate" may consist of a standardized independent form bearing the signature of the enforcement officer or it may be represented as a part of the building permit application.

2.2.18 *Certificate, zoning*. The written approval of the enforcement officer certifying that the applicant's plans and drawings comply with all applicable provisions of this ordinance. The "zoning certificate" may consist of a standardized independent form bearing the signature of the enforcement officer, or it may be represented as a part of the building permit application.

2.2.19 *Child care organization*. A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the state under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the Michigan Department of Consumer and Industry Service. Such organizations shall be further defined as follows:

- a. *Child care center or nursery school*. A facility, other than a private residence, receiving more than six (6) preschool age or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, nursery school, day care center, day nursery, parent cooperative preschool, play group, or drop-in center. This definition does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. *Foster family home*. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- c. *Foster family group home*. A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- d. *Family day care home*. A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. A family day care home includes a private home with "increased capacity," as defined and may be allowed under Act No. 116 of Public Acts of 1973.

- e. *Group day care home.* A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. A group day care home includes a private home with "increased capacity," as defined and may be allowed under Act No. 116 of Public Acts of 1973.
- 2.2.20 *Clinic, medical or dental.* An individual or organization offering medical and/or dental services. A clinic shall not include in-patient care.
- 2.2.21 *Club or lodge, private nonprofit.* A nonprofit, IRS tax exempt association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private nonprofit club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals, and beverages on such premises.
- 2.2.22 *Club or lodge, commercial.* A private club or lodge which does not meet the definition of "club or lodge, private nonprofit."
- 2.2.23 *Contractor's yard.* A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.
- 2.2.24 *Convalescent or nursing home.* A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.
- 2.2.25 *Distribution center.* A building or area in which freight, shipped by motor truck or railroad, is received, assembled, sorted, and/or rerouted for local, intrastate, or interstate shipment by motor truck.
- 2.2.26 *Dwelling, attached.* A dwelling joined to another dwelling at one or more sides by party walls.
- 2.2.27 *Dwelling, detached.* A dwelling entirely surrounded by open space on the same lot.
- 2.2.28 *Dwelling unit.* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking and eating by one family as defined herein.
- 2.2.29 *Dwelling unit, accessory (ADU).* An attached or detached secondary residential dwelling that is incidental, accessory, and subordinate to a principal use consisting of a single-family dwelling located on the same lot or parcel as the ADU.
- 2.2.30 *Dwelling, single-family or one-family.* A building containing only one dwelling unit and no other uses except uses accessory thereto.
- 2.2.31 *Dwelling, two-family duplex.* A dwelling, two-family duplex, is a building containing two dwelling units and no other uses except uses accessory thereto. Each dwelling unit in a two-family duplex shall have direct access at grade to the exterior of the structure.
- 2.2.32 *Dwelling, three-family triplex.* A dwelling, three-family triplex, is a building containing three dwelling units and no other uses except uses accessory thereto. Each dwelling unit in a three-family triplex shall have direct access at grade to the exterior of the structure.
- 2.2.33 *Dwelling, multiple-family.* A building, or portion thereof, containing three or more dwelling units arranged either side by side or one above the other.

2.2.34 *Dwelling, townhouse.* A building, or portion thereof, containing three or more dwelling units arranged side-by-side, separated from each other by a fire wall and having separate direct means of egress and ingress to each dwelling unit from the outside.

2.2.35 *Dwelling, live/work.* A multi-story dwelling unit wherein the first floor is designed as a storefront for retail, service, office or artisan studio and a dwelling unit on the upper floors. The live/work unit shall be designed as an integral unit with interior stairway connections between floors and the first floor storefront shall be owned and operated by the occupant of the upper floor dwelling. The type of use allowed in the first floor shall be subject to uses permitted in the district, which may be limited to home occupations in residential districts or allowable commercial used in mixed-use districts. Live/work dwellings may be attached to a similar single dwelling unit with party or common walls, each with a separate entryway with direct access to the outdoors at ground level.

2.2.36 *Elderly or handicapped persons.*

- a. Persons who are 55 years of age or over; or a family where either the husband or wife is 55 years of age or older, unless for special U.S. Federal or State of Michigan program, when the requirements of Section 202 of the Housing Act of 1959, or Title II of the Social Security Act may apply.
- b. Handicapped persons under 55, if determined to have physical impairments which:
 1. Are expected to be of long, continued, and indefinite duration.
 2. Substantially impede the ability to live independently, and
 3. Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

2.2.37 *Enforcement officer.* The building official and such duly appointed deputies or assistants of the building official designated as being responsible for enforcing and administering all requirements of this zoning ordinance.

2.2.38 *Establishment, business.* A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

2.2.39 *Family.* An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of section 9.11.

2.2.40 *Floodplain.* That area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater. No building shall be constructed with a floodplain.

2.2.41 *Floor area.* Floor area (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or mechanical floor area.

2.2.42 *Garage, residential.* Any structure which is enclosed on all sides, which has doors to permit the access and egress of motor vehicles, which is designed and intended primarily to protect parked motor vehicles from the elements, and which is accessory to a residential structure. Such a garage may be either attached to or detached from the principal structure.

2.2.43 *Gasoline service station.* A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, which may also include the sale of convenience items, automobile related accessories and minor motor vehicle repair.

2.2.44 *Grade*. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

2.2.45 *Gross leasable floor area (GLA)*. The total floor area designed for tenant occupancy and exclusive use, including both owned and leased areas. GLA does not include common areas and other parts of the building not designed for rental for tenants.

2.2.46 *Guest, permanent*. A person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.

2.2.47 *Home occupation*. An accessory use of a nonresidential nature carried on within a dwelling by a member of the family residing in the dwelling (see section 8.1).

2.2.48 *Hospital*. An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are integral parts of the facility. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

2.2.49 *Hotel*. (See Lodging Facility.)

2.2.50 *Industrial park*. A special or exclusive type of planned industrial area or building designed and equipped to accommodate a community of four or more industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

2.2.51 *Junk (or salvage) yard*. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

2.2.52 *Kennel*. Any lot or premise on which three or more dogs or cats four months or older are either permanently or temporarily boarded for remuneration or where such pets are kept for breeding purposes.

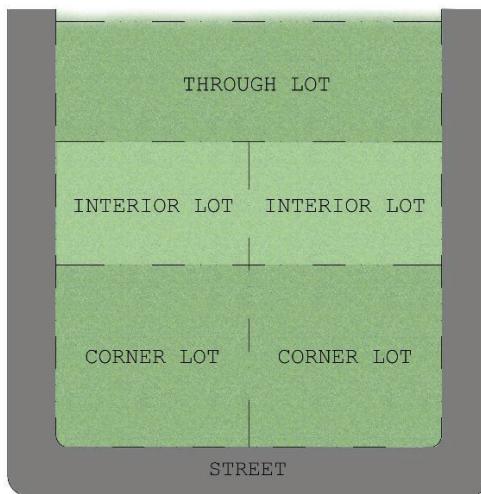
2.2.53 *Lodging facility*. Any establishment in which individual units are rented to transients for periods of less than thirty (30) days for the purpose of sleeping accommodations. The term shall include hotels and motels but shall not include bed and breakfast operations, multiple family dwellings or rooming houses.

2.2.54 *Lot*. A parcel of land which is either a "lot of record" or a "zoning lot."

2.2.55 *Lot of record*. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Wayne County; or a parcel of land, the deed to which was recorded in the office of said register of deeds prior to the adoption of this ordinance.

2.2.56 *Lot, corner*. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Figure 2.2.55
Types of Lots



2.2.57 *Lot, interior.* A lot other than a corner lot.

2.2.58 *Lot, through.* A lot having a pair of opposite lot lines along two or more parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

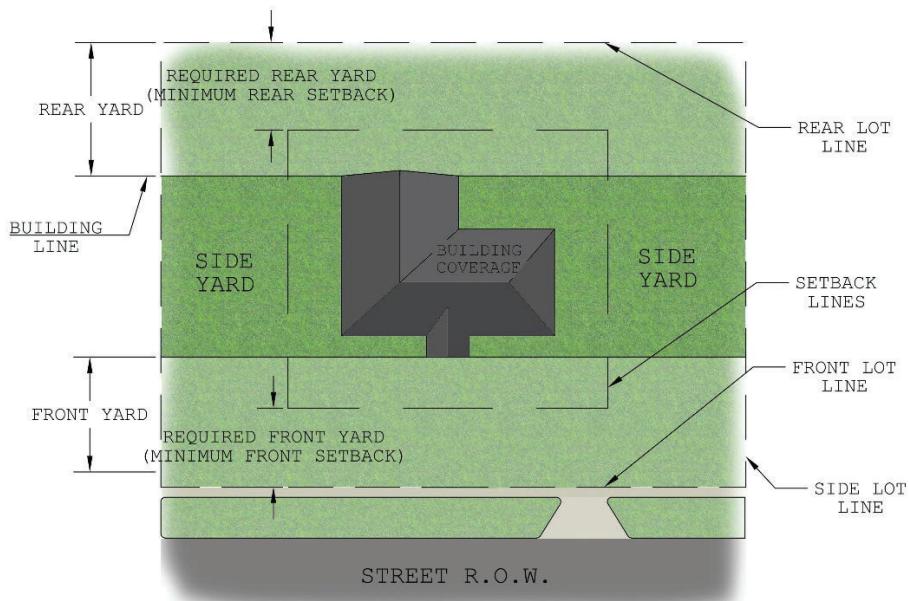
2.2.59 *Lot, zoning.* A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

2.2.60 *Lot area, gross.* The area of a horizontal plan bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

2.2.61 *Lot depth.* The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

2.2.62 *Lot line, front.* The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot.

Figure 2.2.61
Lot Lines and Setbacks



2.2.63 *Lot line, rear.* The boundary of a lot which is most distant from, and is, or is mostly nearly, parallel to the front lot line.

2.2.64 *Lot line, side.* Any boundary of a lot which is not a front lot line or rear lot line.

2.2.65 *Lot width.* The horizontal distance between the side lot lines, measured at the two points where the rear of the required minimum front yard setback line (set forth in the schedule of regulations) intersects the side lot lines.

2.2.66 *Manufactured Home.* Any vehicle or structure constructed to permit occupancy as sleeping or living quarters for one (1) or more persons, containing living, cooking, sleeping, heating, lighting, toilet and bathing facilities, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn or carried to and installed on a lot (site). This definition does not include a vehicle such as a tent trailer, travel trailer, self-contained trailer, motor home or camp trailer twenty-four (24) feet or less.

2.2.67 *Manufactured Home Lot.* A parcel of ground or a lot within a manufactured home park designed for the accommodation of one (1) manufactured home.

2.2.68 *Manufactured Home Park.* A parcel of land which has been designed and/or improved for the placement of manufactured homes for residential use, approved under Public Act 96 of 1987. It shall not include a sales lot in which automobiles or unoccupied manufactured homes are parked for the purpose of inspection or sale. Manufactured home parks shall comply with all requirements of the State of Michigan Mobile Home Commission Rules and approved amendments for the City of Westland.

2.2.69 *Marquee.* A roof-like structure of a permanent nature which projects from the wall of a building.

2.2.70 *Massage establishment.* Any establishment providing massage therapy, other manual therapy (not including physical therapy or similar treatments), polarity therapy; affectation of the human energy system or acupoints or qi meridians, including acupressure, Asian bodywork therapy, reiki, shiatsu, reflexology; or similar services, and regardless of whether any service provider is required to be licensed under Michigan law.

2.2.71 *Mezzanine*. The story between the floor and ceiling of a main story and extending over only part of the main floor.

2.2.72 *Mini- or self-storage warehouse*. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

2.2.73 *Mobile home*. (See Manufactured Home.)

2.2.74 *Mobile home park*. (See Manufactured Home Park.)

2.2.75 *Motel*. (See Lodging Facility.)

2.2.76 *Motor vehicle repair, minor*. Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. Includes a place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including the sale of accessories, greasing, oiling and minor automotive repair on the premises.

2.2.77 *Motor vehicle repair, major*. Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust proofing.

2.2.78 *Motor vehicle washing establishment, automatic*. A building, or portion thereof, containing facilities for washing more than one automobile at any one time, using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical devices.

2.2.79 *Motor vehicle washing establishment, self-service or coin operated*. Any building or structure, or portion thereof, containing facilities which provide space, water, equipment, or soap for the complete or partial hand washing of automobiles by the automobile owners.

2.1.80 *Nursery*. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sales on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

2.2.81 *Nonconforming building or structure*. A lawfully established building or structure that does not conform to the regulations of this ordinance.

2.2.82 *Nonconforming use*. A lawfully established use of land or buildings which do not conform to the use regulations of this ordinance.

2.2.83 *Occupant load*. The occupant load of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the building code.

2.2.84 *Open space area*. The difference between the whole site area and the ground area covered by structures, except the paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the city council.

2.2.85 *Parking lot*. An area for the parking of vehicles together with access aisles and drives which is located outside of street rights-of-way. Parking lots may also include loading areas and associated maneuvering space.

2.2.86 *Parking space*. An area of definite length and width which is fully accessible for the parking of permitted vehicles. Said area shall be exclusive of drives, aisles and entrances giving access thereto.

2.2.87 *Performance guarantee.* A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with this ordinance and other city ordinances, regulations and the approved plans and specifications of a development.

2.2.88 *Place of worship.* A building or structure, or groups of building or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

2.2.89 *Planned unit development (PUD).* An integrated and coordinated development of various land uses, comprehensively planned and approved through a rezoning and site plan review process which permits additional flexibility in building site plan design, usable open spaces and preservation of natural features meeting the intent of the planned unit development articles of this ordinance.

2.2.90 *Principal building.* A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.

2.2.91 *Property lines.* The lines bounding a zoning lot, as defined herein.

2.2.92 *Public way.* Any sidewalk, street, alley, highway, or other public thoroughfare.

2.2.93 *Reservoir parking.* Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

2.2.94 *Restaurant.* A place where food and drink is prepared and served. Restaurants shall be further defined as follows:

- a. *Standard restaurant:* A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- a. *Sidewalk café:* A designated outdoor space operated by a street-level restaurant establishment, which is located on or adjacent to the site of such establishment and which is used exclusively for dining and drinking.
- b. *Carry-out restaurant:* A business establishment whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- c. *Drive-in restaurant:* A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- d. *Drive-through restaurant:* A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have interior seating. A restaurant with only a walk-up or pick-up window(s) which serves patrons not within a motor vehicle is not considered a drive-through restaurant.
- e. *Tavern/pub:* A restaurant licensed by the state of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and may also include areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar amusement devices.
- f. *Bar/lounge:* A establishment licensed by the state of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of

a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and may also include areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar amusement devices.

2.2.95 *Retail tobacco, hookah and vape shop.* Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, hookah, hookah products and related products and paraphernalia; however, any grocery store, supermarket, convenience store or similar retail use that only sells such products as an ancillary sale shall not be defined as a "retail tobacco, hookah and vape shop."

2.2.96 *Roadside stand.* A structure for the display and sale of agricultural products, with no space for customers within the structure itself. All products displayed at a roadside stand shall be produced on the premises where the stand is located.

2.2.97 *Setback.* The minimum distance maintained between the property line and the nearest supported member of any structure on the lot excluding residential accessory structures.

2.2.98 *Shopping center.* A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of businesses to the trade area that the center serves.

2.2.99 *Sign.* Any announcement, declaration, figure, billboard, illustration, insignia or display (including bulbs and other lighting devices) when designed and placed so as to attract general public attention. Such signs shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts.

2.2.100 *Sign, billboard.* (See Sign, Off-Premises)

2.2.101 *Sign, flashing.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a "flashing sign."

2.2.102 *Sign, freestanding.* Any sign supported by and anchored directly to the ground on privately owned property. Freestanding signs shall include pole and monument signs.

2.2.103 *Sign, gross area of.* The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. When two sides of a double-faced sign are located not more than 36 inches apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. Any additional side of a multifaced sign shall be considered as a separate sign for purposes of computing the total gross area of the sign. The gross area of a fascia shall be calculated by the total square footage encompassed by the fascia, including the area between letters.

2.2.104 *Sign, monument.* A sign extending upward from grade, which is attached to a permanent foundation for a distance not less than 75 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights, provided that such supports are concealed within the sign structure.

2.2.105 *Sign, obsolete.* Any sign which no longer contains a message or sign support structure with no signage attached.

2.2.106 *Sign, off-premises.* A sign other than an on-premises sign.

2.2.107 *Sign, on-premises.* A sign which pertains only to the use of the premises on which it is located or to the activity normally conducted therein. Premises includes the contiguous land under single ownership or control, which is used, developed, or built upon as a unit, and which is not divided by a public street.

2.2.108 *Sign, pole.* A sign attached to a permanent foundation, supported above the ground not less than five feet, as measured from grade to the bottom of the sign, by one or more poles, posts, or similar uprights with or without braces, upon which announcements, declarations, displays, etc., may be placed.

2.2.109 *Sign, portable.* A free-standing sign, not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shaped, including those mounted on wheeled trailers.

2.2.110 *Sign, residential development entranceway.* A sign placed on property occupied by, and which is designed to attract general public attention to, a subdivision, apartment complex, condominium development, or other residential development complex.

2.2.111 *Sign, roof.* A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

2.2.112 *Sign, temporary event.* Any sign not permanently attached, or not intended to be permanently attached, to the ground, a structure, or a building; which is not supported by a permanent frame; or which, based on its materials and design, is intended to be displayed for a limited period of time. Temporary event signs shall be further defined as follows:

- a. *Residential temporary event sign:* Any temporary event sign in a residential zoning district.
- b. *Commercial temporary event sign:* Any temporary event sign in a non-residential district.

2.2.113 *Sign, wall.* Any sign attached to the exterior surface of any building or wall, no portion of which projects more than 18 inches from the surface. No wall sign shall be painted directly on the exterior surface of any building, wall, fence or other structure, or on any window or door surface.

2.2.114 *Sign, window.* Any temporary sign affixed to the interior or exterior of a window, or any sign located inside a building within six feet of the interior side of a window and displayed so as to attract the attention of persons outside the building. Merchandise which is included in a window display shall not be considered as part of a window sign.

2.2.115 *Site condominium building envelope.* The ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory use.

2.2.116 *Site condominium building site.* Regardless of use, that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

2.2.117 *Site condominium subdivision.* A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

2.2.118 *Smoking lounge (cigar or hookah lounge).* An establishment which, in whole or in part, includes as part of the business, or otherwise, permits the smoking or inhaling of tobacco or other substances including, but not limited to, establishments commonly known as or referred to cigar bars/lounges, hookah bars/cafes, tobacco bars/cafes, oxygen bars, or smoking parlors.

2.2.119 *Story.* That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is six feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

2.2.120 *Street.* A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

2.2.121 *Structural alteration.* Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

2.2.122 *Structure.* Anything which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

2.2.123 *Structure temporary.* A building, trailer or other structure which is permitted in conjunction with a construction project upon approval of the building director (see section 9.9).

2.2.124 *Temporary decoration.* An exterior decoration on private property intended to be used for a limited period of time. Temporary decorations include, but are not limited, to any streamer, pennant, lighting string, inflatable, propeller, flag or any similar device of any type or kind whether bearing lettering or not.

2.2.125 *Use.* The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

2.2.126 *Use, principal.* The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be a "permitted" use or a "special use."

2.2.127 *Use, special land.* A use (either public or private) which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special land use" may or may not be granted, subject to the terms of this ordinance.

2.2.128 *Use, permitted.* A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

2.2.129 *Veterinary clinic.* A building or any portion thereof used for the treatment of house pets as outpatients and in no event having exterior or interior kennels and overnight lodging appurtenant thereto or a part thereof.

2.2.130 *Warehouse.* A building used for short- and/or long-term storage in connection with manufacturing, freight handling, and retailing.

2.2.131 *Yard.* An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in article IX. A "yard" extends along a lot line, and to a depth or width specified in the setback requirements for the zoning district in which such zoning lot is located.

2.2.132 *Yard, front.* An unoccupied area extending the full width of the property on which a principal building is located and situated between the front lot line and a line parallel thereto passing through the nearest point of the principal building.

2.2.133 *Yard, rear.* An area extending the full width of the property on which a principal building is located and situated between the rear lot line and a line parallel thereto passing through the nearest point of the principal building.

2.2.134 *Yard, required.* A yard which is located between a front, side, or rear property line and the required front, side, or rear setback line.

2.2.135 *Yard, side.* An unoccupied area extending from the front yard to the rear yard on which a principal building is located and situated between the side lot line and a line parallel thereto passing through the nearest point of the principal building.

2.2.136 *Yard, corner side.* A side yard which adjoins a public street.

2.2.137 *Yard, interior side.* A yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

2.2.138 *Yard, non-required.* A yard which is located between the front, side or rear of the principal structure on a lot and the required front, side or rear setback line.

PART 2. ZONING DISTRICTS

ARTICLE III. ZONING DISTRICTS

Sec. 3.1. Districts.

For the purposes of this ordinance, the City of Westland is hereby divided into zoning districts. Except as otherwise provided in this ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, moved or altered, except in conformity with the regulations herein specified for the zoning district in which the structure or land is located.

Table 3.1
Zoning Districts

District Abbreviation	District Name
ARTICLE IV – RESIDENTIAL DISTRICTS	
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Mixed Residential
THR	Townhouse Residential
GAR	Garden Apartment Residential
MRR	Mid-Rise Residential
MHR	Manufactured Home Residential
ARTICLE V – COMMERCIAL/MIXED-USE DISTRICTS	
OB	Office Business
CB-1	Low Intensity Commercial Business
CB-2	Shopping Center Commercial District
CB-3	General Commercial District
CCD	City Center District
FORD	Ford Road Overlay District
ARTICLE VI – INDUSTRIAL DISTRICTS	
I-1	Light Industrial
I-2	General Industrial
ARTICLE VII – OTHER DISTRICTS	
PUD	Planned Unit Development
SPD	Special Planned Development (Former development option but no longer allowed) See Section 9.3.2.

Sec. 3.2. Official zoning map.

- 3.2.1 *Incorporation of official zoning map herein.* The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled, "City of Westland Official Zoning District Map" as may be amended from time to time.
- 3.2.2 *Changes to the official zoning map.* If, in accordance with the provisions of article XVIII, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.
- 3.2.3 *Final authority of official zoning map.* Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the planning director shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.
- 3.2.4 *Rules for interpretation of zoning district boundaries.* The following rules shall apply with respect to the boundaries of the various districts as shown on the official zoning map:
 - a. District boundary lines are the center lines of highways, streets, alleys, and easements; right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
 - b. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map from section quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
 - c. Where a district boundary line divided a lot in single ownership on the effective date of this ordinance, the board of appeals, after due hearing, may extend the regulations for either portion of such lot.

Sec. 3.3. Interpretation of use lists.

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or permitted accessory uses may be permitted upon a finding of the planning commission that such uses are clearly similar in nature and compatible with the listed uses for that district. In making such a finding, the planning commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and aesthetic characteristics. The planning commission shall determine whether such uses shall be permitted by right, special land uses, or permitted as accessory uses. The planning commission shall have the authority to establish general standards and conditions under which a use may be included in a district under the terms of this section. No use shall be permitted in a district under the terms of the section if said use is specifically listed as a use permitted by right or as a special land use in any other district. A record shall be kept of all uses, conditions and standards which are approved under the terms of this section and once a specific use has been permitted, said type of use may be established within the district subject to any pertinent conditions and standards without further recourse to the procedures of this section.

Sec. 3.4. Essential services exempted.

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar

equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this ordinance, provided, however, that the installation shall conform to Federal Communications Commission regulations, and those of other authorities having jurisdiction. However, the following essential services shall be subject to the special land-use provisions of article XIII if they are to be located in any residential (R-1, R-2, R-3, THR, GAR, MRR or MHR) or business district (OB, CB-1, CB-2, CB-3, CCD or FORD):

- a. Electrical substations.
- b. Gas regulator stations.
- c. Major transmission lines.
- d. Radio, television, microwave transmission and relay towers.
- e. Telephone exchange and transmission equipment buildings.
- f. Railroad rights-of-way, but excluding railroad yards and shops.
- g. Water pumping stations.
- h. Water and waste-water works, reservoirs, pumping and filtration plants.

Sec. 3.5. Zoning of annexed land.

On land hereafter annexed to, or consolidated with, the City of Westland, no building or structure shall be erected, enlarged or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the city council. Within 30 days of the annexation, the planning commission shall file an application for an amendment to establish the zoning district classification of such land. Action shall be taken by the city council regarding the classification of annexed land within 60 days of its receipt of the amendment application from the planning commission.

ARTICLE IV. RESIDENTIAL DISTRICTS

Sec. 4.1. Intent: Single-family (R-1 and R-2) and mixed (R-3) residential districts.

It is the intent of this article to provide for single-, two-family and three-family residential development at a variety of densities, which are consistent with the existing and desirable future pattern of development in the city. Provision is made for a variety of residential densities in order to accommodate different residential preferences within areas which meet the minimum lot size standards consistent with each different preference. The regulations provide for a limited number of nonresidential special land uses which may be established for the convenience of residents while still preserving the overall residential character of the districts. Provision is also made for accommodating manufactured homes used as single-family dwellings on lots outside of manufactured home parks. The intent of these regulations is to permit the use of manufactured homes in all districts in which similar dwellings constructed on the site are permitted, subject to the requirements set forth in section 11.13 to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations in the same district.

Sec. 4.2. Intent: Townhouse (THR), garden apartment (GAR), mid-rise (MRR) and manufactured home (MHR) residential districts.

It is the intent of this article to provide for multiple-family housing of a variety of types and densities consistent with the existing and desirable future pattern of development in the city. Provision is made for townhouse, garden apartment and mid-rise multiple-family districts. Provision is also made for manufactured home parks at multiple-family densities. These residential types will provide a range of housing options for current and future residents. The townhouse, garden apartment, mid-rise, and manufactured home districts should be located in areas which are large enough to create a substantial multiple-family environment. In general, the townhouse and garden apartment districts should be mapped on parcels which alone or together with other contiguous townhouse or garden apartment parcels contain at least 80,000 square feet and constitute an entire block face or more. The mid-rise districts should, in general, be mapped on individual parcels which are at least 200,000 square feet. The manufactured home district should be mapped on parcels which are located in close proximity to amenities such as public parks and open space areas, and established shopping facilities. The regulations in this article protect townhouse, garden apartment, and mid-rise residential districts from the encroachment of incompatible land uses. The regulations provide for a limited number of nonresidential special land uses which may be established for the convenience of residents while still preserving the overall residential character of the districts. Office and low-intensity commercial uses are permitted as special accessory land uses in the mid-rise residential district.

Sec. 4.3. Permitted land uses.

In the residential districts, land, buildings, and other structures shall be used only for one or more of the uses specified in table 4.3 below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by city council subject to the applicable standards and requirements of article XIII. Additional applicable use standards are listed in the column at right.

Accessory structures and uses incidental to the permitted or special land uses are also allowed and regulated by section 9.5.

Table 4.3
Residential Use Table

Use Category/Use	Single-Family	Single-Family	Mixed Residential	Townhouse	Garden Apartment	Mid-Rise	Mobile Home	Use Standards
	R-1	R-2	R-3	THR	GAR	MRR	MHR	
RESIDENTIAL USES								
Single-family detached dwellings	P	P	P	P	P			Sec. 8.7
Accessory dwelling units (ADUs)	P	P	P					Sec. 8.25
Manufactured homes used as single-family dwellings	P	P	P					Sec. 8.6
Two-family dwellings (duplex)	SLU	SLU	P		P	P		Sec. 8.7
Three-family dwellings (triplex)			SLU					Sec. 8.7
Townhouses					P	P	P	Sec. 8.8
Multiple-family residential dwellings						P	P	Sec. 8.9
Manufactured home parks							P	Sec. 4.9
HUMAN CARE USES								
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	P	
Adult foster care small group home (12 or fewer adults)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	Sec. 8.10
Adult foster care large group home (13 to 20 adults)	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 8.10
Adult foster care congregate facility (20 or more adults)	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 8.11
Foster family home (4 or fewer children 24 hrs/day)	P	P	P	P	P	P	P	
Foster family group home (5 or 6 children 24 hrs/day)	P	P	P	P	P	P	P	
Family day care home (6 or fewer children less than 24 hrs/day)	P	P	P	P	P	P	P	
Group day care home (7-12 children less than 24 hrs/day)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	Sec. 8.12
Child care centers and nursery schools					SLU	SLU		Sec. 4.4.2

Use Category/Use	Single-Family	Single-Family	Mixed Residential	Townhouse	Garden Apartment	Mid-Rise	Mobile Home	Use Standards
	R-1	R-2	R-3	THR	GAR	MRR	MHR	
RECREATION USES								
Parks and playgrounds	P	P	P	P	P	P		Sec. 4.4.2
Noncommercial recreation and social facilities, as follows: Recreation buildings and community centers; Swimming pools; Tennis clubs and courts	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Golf courses and driving ranges	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
INSTITUTIONAL, EDUCATIONAL AND ASSEMBLY USES								
Cemeteries	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Cultural facilities, as follows: public libraries and public art galleries; public museums and aquariums.	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Educational facilities (non-boarding), as follows: elementary schools; junior and senior high schools; colleges and universities.	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Philanthropic uses	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Public service uses and buildings, as follows: public administration buildings, local, county, state, and federal; fire stations; police stations.	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Places of worship	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Off-street parking for immediately adjacent nonresidential uses.	SLU	SLU	SLU					Sec. 4.4.2
MEDICAL USES								
Assisted living facilities	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2
Convalescent or nursing homes	SLU	SLU	SLU	SLU	SLU	SLU		Sec. 4.4.2

Use Category/Use	Single-Family	Single-Family	Mixed Residential	Townhouse	Garden Apartment	Mid-Rise	Mobile Home	Use Standards
	R-1	R-2	R-3	THR	GAR	MRR	MHR	
COMMERCIAL USES								
Certain commercial uses within residential buildings (uses permitted by right in the OB or CB-1 Districts)						SLU		Sec. 4.8.2
Kennels for more than three dogs when located on a lot which also contains the principal residence of the proprietor	SLU	SLU	SLU					Sec. 4.4.2
Bed and breakfast establishments			SLU		P			Sec. 8.13
Greenhouses and nurseries, provided any accessory retail operations are limited to the sale of plant material or food products grown on the site, gardening supplies and equipment, and other products directly related to gardening or horticulture	SLU	SLU						

Sec. 4.4. Schedule of lot size, yard and building bulk requirements.

4.4.1 *Schedule of lot size, yard and building bulk requirements.* Lot size, yard and building bulk requirements for the residential districts shall be as specified in Table 4.4.1. Supplemental lot size, yard and building bulk requirements specific to certain districts are outlined in sections 4.5 through 4.9.

Table 4.4.1
Schedule of lot size, yard and building bulk requirements

District	Minimum Lot Size			Minimum Yard Setback Requirements				Maximum Bulk Requirements		
	Minimum Lot Area (sq. ft.)	Minimum Lot Width (lin. ft.)	Minimum Lot Depth (lin. ft.)	Front Minimum	Least Side	Sum of Two Sides	Rear Minimum	Maximum Building Height (stories)	(feet)	Maximum Lot Coverage (percent)
				(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)			
R-1 Single-Family Residential District	8,400	70	100	30	5	15	35	2	30	30
R-2 Single-Family Residential District	7,200	60	100	25	5	15	35	2	30	30
R-3 Mixed Residential District	8,400	80	100	25	10	20	35	2	30	30
THR Townhouse Residential District	80,000 for lots with up to 16 units, plus 4,300 for each additional unit (1)	200	200	35	20 for each side		35	3	35	30
GAR Garden Apartment Residential District	80,000 for lots with up to 20 units, plus 3,600 for each additional unit (1)	200	200	35	20 for each side		35	3	40	30
MRR Mid-Rise Residential District	80,000 for lots with up to 20 units, plus 1,250 for each additional unit (1)	200	200	50 (2)	30 feet for each side (2)		50 (2)	12	120	(3)
MHR Manufactured Home Residential District	See Section 4.9									

FOOTNOTES TO TABLE 4.4.1:

1. The minimum lot area for developments designed specifically to house elderly residents shall be reduced to 55 percent of the square footage cited above.
2. Or one foot for every foot of building height, whichever is greater.
3. Maximum lot coverage: 35 percent for all principal buildings, and 65 percent for the total of all principal and accessory buildings and paved vehicular drive and parking areas.

4.4.2 *Schedule of lot size, yard and building bulk requirements for certain residential district special land uses.* For certain residential district special land uses, the lot size, yard and building bulk requirements shall be as specified in Table 4.4.2.

Table 4.4.2
Schedule of lot size, yard and building bulk requirements for specified special land uses in residential districts

Special Land Use	Minimum Lot Size			Minimum Yard Setback Requirements				Maximum Bulk Requirements		
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Minimum	Least Side	Sum of Two Sides	Rear Minimum	Maximum Building Height		Maximum Lot Coverage
	(sq. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(stories)	(feet)	(percent)
Cemeteries	435,600	660	330	30	30	60	30	2	30	30
Child care centers and nursery schools	20,000	100	100	30	30	60	30	2	30	30
Cultural facilities, as follows: public libraries and public art galleries; public museums and aquariums.	20,000	100	100	Each yard setback shall be 30 feet plus 1 foot for each foot in height of structure over 30 feet				2	30	30
Educational facilities (non-boarding), as follows: elementary schools; junior and senior high schools; colleges and universities.	80,000	200	200	Same as above				2	30	30
Health care facilities, as follows: assisted living facilities; convalescent or nursing homes.	40,000	150	150	Same as above						30
Kennels for up to 6 dogs for each additional dog	130,680 5,000	200	200	75	75	150	75	20	30	30
Off-street parking for immediately adjacent nonresidential uses	7,200	60	100	15	15	15	15	0	0	0
Philanthropic uses	40,000	150	150	30	30	60	30	2	30	30

Public service uses and buildings, as follows: Public administration buildings, local, county, state, and federal; Fire stations; Police stations.	20,000	100	100	30	30	60	30	2	30	30
Places of worship	40,000	150	150	30	30	60	30	2	30	30
Noncommercial recreation and social facilities, as follows: recreation buildings and community centers; swimming pools, tennis clubs and courts	80,000	200	200	30	30	60	30	2	30	30
Golf courses and driving ranges	80,000	200	200	30	30	60	30	2	30	30

Sec. 4.5. Single-family (R-1 and R-2) and mixed (R-3) residential district supplemental requirements.

4.5.1 *Lot size requirements.* Lot size requirements for the R-1, R-2 and R-3 districts shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following lot size requirements shall be met:

- a. No lot shall be less in width than one-fourth its depth.
- b. The lot size requirements for special land uses shall be minimum requirements which may be increased if determined necessary in order to meet special land use standards as a condition for granting special land use approval.

4.5.2 *Yard setback requirements.* Yard setback requirements for the R-1, R-2 and R-3 districts shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following yard setback requirements shall be met:

- a. Where two-thirds (66.6%) or more of the lots on a block face are built upon, no new front yard shall be less than the average front yard for the built-upon lots.
- b. The side yard abutting upon a street shall not be less than 20 feet, when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the adjoining front yard. Side yards between dwellings shall be alternated so as to provide a minimum of 15 feet between dwellings.
- c. The yard setback requirements for special land uses shall be minimum requirements which may be increased if determined necessary to meet special land use standards and as a condition for granting special land use approval.
- d. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as allowed in subsections 9.6.4 and in article XI.
- e. For lots less than 60 feet in width, which were of record on the effective date of this ordinance a minimum side yard of three feet and a minimum combined width of both side yards of 11 feet shall be permitted, provided that the principal buildings on adjoining lots shall be located not less than ten feet apart, and provided the width of the overhang shall not exceed 12 inches, not including gutter.

f. For lots less than 35 feet in width which were on record on the effective date of this ordinance, the required width of the side yard may be reduced to not less than three feet and the combined width of both side yards shall be not less than six feet.

4.5.3 *Minimum single-family, two-family and three-family residential floor area and width.* The minimum single-family, two-family and three-family dwelling use floor area and width for the R-1, R-2 and R-3 districts shall be as specified in table 4.5.3 below:

Table 4.5.3

Minimum single-family, two-family and three-family residential floor area and width

District/Dwelling Type		Minimum Floor Area per Dwelling Unit	Minimum Width per Dwelling Unit
R-1	Single-family dwellings		
	With basement	1,500 sq. ft.	24 ft.
Any district except R-1	Without basement	1,700 sq. ft.	24 ft.
	Single-family dwellings		
Any district	With basement	1,000 sq. ft.	24 ft.
	Without basement	1,200 sq. ft.	24 ft.
Two- and three- family dwellings			
Any district	With basement	900 sq. ft.	24 ft.
	Without basement	1,200 sq. ft.	24 ft.

4.5.4 *Frontage of dwelling.* Each dwelling shall be situated upon a lot having direct frontage for at least 20 feet upon a public street at least 50 feet wide except that in single-family districts, a single family detached dwelling may be erected upon a lot having direct frontage for at least 20 feet upon:

- Any public street which is not an alley or secondary means of access to the block.
- An unobstructed easement of access to a public street, providing said easement is at least 30 feet wide at all points and is for the exclusive use of the lot upon which said dwelling is to be situated.
- An unobstructed private road which provides access to a public street, providing said private road has an easement or right-of-way of at least 30 feet at all points and is improved to the asphalt hard surface requirements of the City of Westland Engineering Department standards.

Sec. 4.6. THR townhouse residential district supplemental requirements.

4.6.1 Site plan requirements.

- All public utilities shall be placed underground.
- All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by City engineering standards.

4.6.2 *Minimum yard requirements.* Yard setback requirements for the THR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following yard setback requirements shall be met:

- Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 9.6.4, in article XI, and in paragraph "c" below.
- Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.

- c. Areas for the temporary storage of garbage and trash which is generated from indoor domestic activities shall not be located in any required or unrequired front yard area or in any required side yard area subject to the standards of subsection 11.6.
- d. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street or a R-1, R-2 or R-3 district. Parking shall be permitted in non-required side and rear yard areas. Parking shall be prohibited in required front yards.
- e. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in required front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

4.6.3 *Maximum building bulk requirements.* Building bulk setback requirements for the THR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following building bulk requirements shall be met:

- a. Maximum building length: 180 feet.
- b. Maximum number of residential units per structure: 10
- c. Minimum separation between buildings: Attached residential (rowhouses or townhouses) dwelling unit side yards may be eliminated where fireproof common walls are provided. Otherwise, the minimum distance between buildings shall be 10 feet.

4.6.4 *Minimum development standards.*

- a. *Minimum residential unit floor area:*
 - (i) Studio and one-bedroom townhouse units:
 - With basement: 750 square feet.
 - Without basement: 950 square feet.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all units on a zoning lot shall be studio or efficiency units

- (ii) Two or more bedroom townhouse units:
 - With basement: 950 square feet.
 - Without basement: 1,150 square feet.

Any housing development designed specifically for elderly residents shall provide a minimum floor area of 320 square feet for efficiency apartments and 450 square feet for one bedroom units. In addition, any such elderly housing development shall allocate a minimum of 1,000 square feet of floor area to common space (such as dining areas, recreation areas, sitting rooms, etc.). The common space shall be increased by at least 35 square feet per dwelling unit for each unit in excess of 30 units contained in the development.

- b. *Mandatory garage:* A one-car or larger garage shall be provided for each townhouse unit. Said garage shall be attached to the unit it serves or lie adjacent to private outdoor space attendant to the unit it serves.
- c. *Mandatory private outdoor space:* A minimum of 150 square feet of private outdoor space shall be provided for each townhouse unit. Said outdoor space shall be enclosed with a fence or wall at least five feet in height and constructed of materials equal in quality and durability to that used to cover the townhouse unit itself. Said wall or fence may have openings for ventilation.

- d. *Mandatory landscaped open-space area:* A landscape open space area or areas landscaped in accordance with the provisions of section 11.1.7 and equal in size to 1,000 square feet times the number of residential units on the site shall be provided. Open space areas counted toward meeting this requirement shall have a length not greater than four times their width and shall be located where they are easily accessible to the residential units they serve. Required open space area may be reduced in size by one square foot for each square foot of private outdoor space that is provided in excess of the 150 square foot per residential unit minimum requirement set forth in "c" above.

Sec. 4.7. GAR garden apartment residential district supplemental requirements.

4.7.1 Site plan requirements.

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by City engineering standards.

4.7.2 Minimum yard requirements. Yard setback requirements for the GAR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following yard setback requirements shall be met:

- a. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 9.6.4, in article XI, and in paragraph "c" below.
- b. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- c. Areas for the temporary storage of garbage and trash which is generated from domestic activities shall not be located in any required or unrequired front yard area or in any required side yard subject to standards in section 11.6.
- d. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street or a single- or two-family residential district. Parking shall be permitted in non-required side and rear yard areas. Parking shall be prohibited in required front yards.
- e. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in non-required front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

4.7.3 Maximum building bulk requirements. Building bulk setback requirements for the GAR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following building bulk requirements shall be met:

- a. Maximum building length: 180 feet.
- b. Minimum separation between buildings: 20 feet.

4.7.4 Minimum development standards.

- a. Minimum residential unit floor area:
 - (i) Studio and one-bedroom garden apartment units: 750 square feet or 550 square feet plus a 200-square-foot separate storage area for each unit.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all units on a zoning lot shall be studio or efficiency units.

(ii) Two or more bedroom garden apartment units: 950 square feet or 750 square feet plus a 200-square-foot separate storage area for each unit.

Any housing development designed specifically for elderly residents shall provide a minimum floor area of 320 square feet for efficiency apartments and 450 square feet for one bedroom units. In addition, any such elderly housing development shall allocate a minimum of 1,000 square feet of floor area to common space (such as dining areas, recreation areas, sitting rooms, etc.). The common space shall be increased by at least 35 square feet per dwelling unit for each unit in excess of 30 units contained in the development.

- b. Mandatory private outdoor space: A minimum of 60 square feet outdoor space or balcony shall be provided for each garden apartment unit.
- c. Mandatory landscape open-space area: GAR district: A landscape open-space area or areas landscaped in accordance with the provisions of section 11.1.7 and equal in size to 1,000 square feet times time number of residential units on the site shall be provided. Outdoor open space areas counted towards meeting this requirement shall have a length not greater than four times their width and shall be located where they are easily accessible to the garden apartment units they serve.

Sec. 4.8. MRR mid-rise residential district supplemental requirements.

4.8.1 Site plan requirements.

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by City engineering standards.

4.8.2 Special land uses. Any use permitted by right in the OB, or CB-1 districts shall be permitted as a special land use in the MRR district subject to the standards and approval requirements as provided for in article XIII and further subject to the following conditions:

- a. The special land use shall not occupy a building area equal to more than ten percent of the total building area occupied by residential permitted principal uses. Parking facilities for either the special land use or the permitted residential use shall not be counted in building area calculations for the purposes of this section.
- b. Signs for the special land use shall not exceed in number or area one-half the total which would be permitted if the special land use were located in the OB district.
- c. The site shall be arranged so that vehicular access and parking facilities for the special land use do not conflict with vehicular access and parking facilities for the permitted principal use.

4.8.3 Minimum yard requirements. Yard setback requirements for the MRR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following yard setback requirements shall be met:

- a. Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in subsection 9.6.4, in article XI, and in paragraph "c" below.
- b. Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- c. Areas for the temporary storage of garbage and trash which is generated from domestic activities shall not be located in any required or unrequired front yard area or in any required side yard area subject to the standards of subsection 11.6.

- d. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in non-required side and rear yard areas.
- e. Parking structures and shelters shall not be permitted in any required front, side or rear yard. Parking structures and shelters shall be permitted in non-required front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

4.8.4 Maximum building bulk requirements. Building bulk setback requirements for the MRR district shall be as specified in the "schedule of lot size, yard, and building bulk requirements" (table 4.4.1). In addition, the following building bulk requirements shall be met:

- a. Maximum building length: 180 feet.
- b. Minimum separation between buildings: Where two (2) or more multiple-family structures are erected on the same lot or parcel in the MRR District, they shall be separated by at least fifty (50) feet, plus one (1) foot for each two (2) feet of the total combined height of the two (2) structures

4.8.5 Minimum residential unit floor area.

- a. Studio and one-bedroom dwelling units: 750 square feet.

NOTE: Except for structures restricted to senior citizen occupancy, not more than 15 percent of all dwelling units shall be of the studio or one-bedroom type.

- b. Two bedrooms or more dwelling units: 950 square feet.

4.8.6 Minimum landscape open-space area. A landscape open-space area or areas equal in size to 350 square feet times the number of residential units on the site shall be provided. Such landscape open-space areas shall be landscaped as provided in section 11.1.7.

Sec. 4.9. MHR manufactured home residential district requirements.

Regulations for the MHR manufactured home residential district shall be the same as in the Michigan Mobile Home Commission Rules as adopted and amended by the Michigan Mobile Home Commission for the City of Westland and set forth herein shall govern where applicable.

4.9.1 Rule 920. Rule 920(i) of the Michigan Mobile Home Commission Rules shall read as follows for the City of Westland:

- a. A road shall have a driving surface not less than the following:
 - (1) One way20 feet
 - (2) Two way, with no parking22 feet
 - (3) At access points where general traffic enters or leaves the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads.

4.9.2 Rule 923. Rule 923 of the Michigan Mobile Home Commission Rules shall read as follows for the City of Westland:

Rule 923. Curbing, integral valley, inverted crown or other drainage system acceptable to the City Engineer shall be installed on all internal roads. If curbing is used, it shall be constructed as follows:

- (a) Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.

- (b) If integral valley curbing and gutter or mountable curb and gutter are used, the height of the curb measured from the gutter line shall be between 3 and 5 inches.
- (c) Crosswalks shall conform to Act No. 8 of the Public Acts of 1973.

4.9.3 *Rule 941.* Rule 941 of the Michigan Mobile Home Commission Rules shall be amended by adding the following language for the City of Westland:

- (a) The minimum site size for any mobile home lot shall be 5,500 square feet, except that this minimum may be reduced to 4,400 square feet provided that additional mobile home park open-space is set aside in an amount equal to one (1) square foot for each square foot by which each site is reduced. Said additional open-space shall not be counted toward meeting the open-space requirements established elsewhere in these rules.

4.9.4 *Rule 944.* Rule 944(1) of the Michigan Mobile Home Commission Rules shall be amended to read as follows for the City of Westland:

- (a) Mobile homes, permanent park buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the park.

ARTICLE V. COMMERCIAL/MIXED-USE DISTRICTS

Sec. 5.1. Intent.

5.1.1 *Commercial/Mixed-Use Districts in General.* It is the intent of this article to provide for viable mixed-use, office and commercial development in the City of Westland, while at the same time preserving the quality of adjacent and nearby residential areas. This article sets forth regulations for five mixed-use/business districts and one overlay district, each of which has a different combination of land uses and/or area, bulk, and other requirements. In each district, the city council has considered intensity factors including trip generation characteristics, trade and service area characteristics, typical hours of operation, and other determinants of residential compatibility.

5.1.2 *OB Office Business District.* The OB office business district provides for the most limited range of business uses. It is designed for shallow sites which back up to residential areas. The office uses generate the lowest volumes of vehicular traffic and have other use-intensity characteristics which make them compatible with adjacent residential areas.

5.1.3 *CB-1 Low Intensity Commercial Business District.* The CB-1 commercial business district provides the same office uses permitted in the OB district as well as a selection of commercial and personal service uses which are of relatively low-use intensity in comparison to other commercial uses. The CB-1 commercial business district is intended for shallow sites which back up to residential areas. Flexibility is provided for the CB-1 district by permitting higher-intensity uses as special land uses.

5.1.4 *CB-2 Shopping Center Commercial District.* The CB-2 shopping center business district provides for a wide range of commercial business uses, including high-intensity commercial uses. The shopping center district is intended for relatively wide and deep sites.

5.1.5 *CB-3 General Commercial District.* The CB-3 general commercial business district provides for a wide range of commercial business uses and select, low-impact auto-oriented uses. The CB-3 district is intended for sites where the existing pattern of high-intensity thoroughfare-oriented development is firmly established.

5.1.6 *CCD City Center District.* The CCD city center district is intended to provide the flexibility and design standards to contribute to a walkable, vibrant mixed-use center. Revitalization in the CCD is intended to emphasize quality public space, greater intensity infill development, and walkability. It is intended for the Westland Shopping Center and nearby and adjacent shopping centers.

5.1.7 *FORD Ford Road Overlay District.* The intent of this overlay district is to create a pedestrian friendly, viable, and attractive mixed-use corridor along Ford Road by utilizing higher design standards and flexibility from underlying zoning regulations.

Sec. 5.2. Permitted land uses.

In the commercial/mixed-use districts, land, buildings, and other structures shall be used only for one or more of the uses specified in table 5.2 below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by city council subject to the applicable standards and requirements of article XIII. Additional applicable use standards are listed in the column at right.

Accessory structures and uses incidental to the permitted or special land uses are also allowed and regulated by section 9.5.

Table 5.2
Commercial/Mixed-Use Districts Use Table

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
	OB	CB-1	CB-2	CB-3	CCD	FORD	
RESIDENTIAL USES							
Townhouses	SLU	SLU	SLU	SLU	P	P	Sec. 8.8
Multiple-family residential dwellings	SLU		SLU	SLU	SLU	SLU	Sec. 8.9
Upper-story residential dwelling units located above a nonresidential use	P	P	P	P	P	P	
HUMAN CARE USES							
Child care centers and nursery schools	P	P	P	P	P	P	
RECREATION USES							
Parks and playgrounds	P	P	P	P	P	P	
Noncommercial recreation and social facilities, as follows: recreation buildings and community centers; swimming pools; tennis clubs and courts	SLU	P	P	P	SLU	SLU	
Indoor commercial recreation, gaming and amusement establishments, including arcades, haunted houses, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, skating rinks and similar uses		P	P	P	SLU	SLU	
Fitness center or health club		P	P	P	P	P	
Outdoor commercial recreation			SLU	SLU			
INSTITUTIONAL, EDUCATIONAL AND ASSEMBLY USES							
Cultural facilities, as follows: public libraries and public art galleries; public museums and aquariums	SLU	SLU	SLU	SLU	SLU	SLU	
Educational facilities (nonboarding), as follows: elementary schools; junior and senior high schools; colleges and universities.	SLU	SLU	SLU	SLU	SLU	SLU	
Public service uses and buildings, as follows: public administration buildings, local, county, state, and federal; fire stations; police stations.	SLU	SLU	SLU	SLU	SLU	SLU	

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
	OB	CB-1	CB-2	CB-3	CCD	FORD	
INSTITUTIONAL, EDUCATIONAL AND ASSEMBLY USES (cont.)							
Places of worship	SLU	SLU	SLU	SLU	SLU	SLU	
Clubs or lodges, private nonprofit		P	P	P	P	P	
Trade and vocational schools			P	P	P	P	
MEDICAL USES							
Assisted living facilities	SLU		SLU	SLU	SLU	SLU	
Convalescent or nursing homes	SLU		SLU	SLU	SLU	SLU	
Hospitals	SLU	SLU	SLU	SLU	SLU	SLU	
Clinic, medical or dental	P	P	P	P	P	P	
Laboratories, medical and dental	P	P	P	P	P	P	
Urgent care centers	SLU	SLU	SLU	SLU	SLU	SLU	
Massage establishments		SLU	SLU	SLU			
Drug stores and pharmacies		P	P	P	P	P	Sec. 8.14
Blood plasma donation centers			SLU	SLU			
Marijuana provisioning centers/retailers	SLU	SLU	SLU	SLU		SLU	Section 8.24; Westland Code Ch. 27
Marijuana safety compliance facilities	SLU	SLU	SLU	SLU		SLU	Section 8.24; Westland Code Ch. 27
OFFICE AND SERVICE USES							
Real estate, insurance, financial and other business offices including banks, credit unions, insurance agencies, realtors, travel agents, savings and loan associations, and similar uses	P	P	P	P	P	P	Sec. 8.14
Offices for professional, executive, medical, governmental, legal, or administrative uses including accountants, doctors, dentists, writers, attorneys, realtors, architects, engineers, planners, and similar professions and occupations	P	P	P	P	P	P	

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
	OB	CB-1	CB-2	CB-3	CCD	FORD	
OFFICE AND SERVICE USES (cont.)							
Studios for painters, photographers, dance, martial arts, decorators, dressmakers, artists, upholsterers, tailors, sculptors, musicians, taxidermists, and similar vocations	P	P	P	P	P	P	
Business service establishments, including management consulting services, consumer credit reporting agencies, printing and copy centers, mailing and stenographic services, business machine sales and other similar business services	P	P	P	P	P	P	
Offices, but not banquet halls, of nonprofit organizations including: professional membership organizations; labor unions, civic, social and fraternal organizations; political organizations; stock, bond, and other brokerage establishments	P	P	P	P	P	P	
Data processing and computer centers, including service and maintenance of electronic data processing equipment.	P	P	P	P	P	P	
Personal service uses, including barber shops, beauty salons, nail care, tanning salons, tattoo artist establishments, locksmiths, and similar uses		P	P	P	P	P	
Self-service laundries and dry-cleaners		P	P	P	SLU	SLU	
Drive through windows accessory to a permitted use	SLU	SLU	SLU	SLU	SLU	SLU	Sec. 8.14
FOOD, DRINK AND SIMILAR ESTABLISHMENTS							
Standard and carry-out restaurants, bakeries, coffeehouses, delicatessens, and similar places serving food or beverages	SLU	P	P	P	P	P	
Sidewalk café		P	P	P	P	P	Sec. 8.15
Drive-in restaurants		SLU	SLU	SLU	SLU	SLU	Sec. 8.14
Drive-through restaurants		SLU	SLU	SLU	SLU	SLU	Sec. 8.14
Establishments serving alcoholic beverages for consumption on the premises		P	P	P	P	P	

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
	OB	CB-1	CB-2	CB-3	CCD	FORD	
FOOD, DRINK AND SIMILAR ESTABLISHMENTS (cont.)							
Brewpubs, taverns/pubs and bars/lounges		SLU	P	P	P	P	
Smoking lounge		SLU	SLU	SLU	SLU	SLU	
Micro-breweries, small wine makers and small distilleries		SLU	P	P	P	P	Sec. 8.16
COMMERCIAL USES							
Generally recognized retail businesses which supply commodities on the premises; such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, and notions or hardware		P	P	P	P	P	
Any retail business whose principal activity is the sale of merchandise in an enclosed building		P	P	P	P	P	
Food stores, including grocery stores, supermarkets and specialized food stores, such as bakeries and delicatessens		P	P	P	P	P	
Clubs or lodges, commercial		SLU	SLU	SLU			
Retail tobacco, hookah and vape shops		SLU	SLU	SLU			Sec. 8.17
Catering establishments		P	P	P	P	P	
Newspaper distribution agencies		P	P	P	P	P	
Printing and publishing shops, limited to no more than 10,000 square feet in the CB-1, CCD and FORD		P	P	P	P	P	
Veterinary clinics		P	P	P	P	P	
Auction rooms				P			
Kennels			SLU	SLU			
Theaters, indoor			P	P	P	P	
Bed and breakfast establishments	P	P					
Lodging facilities			SLU	P	SLU	SLU	
Banquet halls			SLU	SLU	SLU	SLU	

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
	OB	CB-1	CB-2	CB-3	CCD	FORD	
COMMERCIAL USES (cont.)							
Workshops for the repair or service of bicycles, electronics, household appliances, furniture, shoes, and similar items	SLU	P	P	P	P	P	
Small engine repair for lawn mowers, snow blowers, and similar devices		P	P	P	P	P	
Showroom of a plumber, electrician, contractor or similar trade, without outdoor storage				P	P	P	
Manufacturing/production facility with at least 25% of floor space dedicated to retail sales or showroom		P	P	P	P	P	
Greenhouses and nurseries				P			
Funeral homes and mortuaries		P	P	P	P	P	
Adult-oriented commercial uses				SLU			Sec. 8.18
Any permitted principal use within the CB-1 or CB-2 Districts in the same building as an OB District use, provided such uses shall not occupy more than 25% of the structure or complex of structures	SLU						
Any permitted principal use within the CB-2 District in the same building as a CB-1 District use, provided such uses shall not occupy more than 25% of the structure or complex of structures		SLU					
VEHICULAR RELATED USES							
Motor vehicle retail parts stores, indoor		P	P	P			Sec. 8.19
Motor vehicle washing establishments				SLU			Sec. 8.23
Indoor sales or showroom for new or used motor vehicles, boats, trailers, recreational vehicles or similar items				SLU			
Outdoor sales of new motor vehicles, not including repair				SLU			
Gasoline service stations with or without convenience food store or food shop				SLU			Sec. 8.20
Motor vehicle repair, minor				SLU			Sec. 8.21

Use Category/Use	Office Business	Low Intensity Commercial Business	Shopping Center Commercial	General Commercial	City Center District	Ford Road Overlay	Use Standards
INDUSTRIAL USES	OB	CB-1	CB-2	CB-3	CCD	FORD	
Wholesale and e-commerce businesses, including warehousing				SLU			Sec. 6.5
Mini- or self-storage warehouses				SLU			Sec. 6.5

Sec. 5.3. Schedule of lot size, yard, and building bulk requirements.

5.3.1 *Schedule of lot size, yard and building bulk requirements.* Lot size, yard and building bulk requirements for the commercial/mixed-use districts shall be as specified in Table 5.3.1.

Table 5.3.1
Schedule of Lot Size, Yard, and Building Bulk Requirements

District	Minimum Lot Size		Minimum Yard Setback Requirements for Principal and Accessory Structures (1)			Bulk Requirements				
	Min. Lot Area	Min. Lot Width	Front Min.	Side Min. (2)	Rear Min.	Min. Building Height	Max. Building Height		Max. Lot Coverage	Max. Building Length
	(sq. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(ft.)	(stories)	(ft.)	(percent)	(ft.)
OB Office Business	--	--	25 (3)	10 (3)	30 (3)	--	2	30	30	180
CB-1 Low Intensity Commercial Business	--	--	15 (3)	10 (3)	20 (3)	--	2	30	40	180
CB-2 Shopping Center Commercial	--	--	25 (3)	20 (3)	20 (3)	--	Equal to the distance to the nearest property line		45	--
CB-3 General Commercial	--	--	25 (3)	20 (3)	20 (3)	--			45	--
CCD City Center District	--	--	0-10	0	20	24	3-5 (4)	--	--	180
FORD Ford Road Overlay District	--	--	0-10	0	20	24	4	46	--	180

FOOTNOTES TO TABLE 5.3.1:

1. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as allowed in subsections 9.6.4 and in article XI.
2. A side yard which abuts a street shall conform to the same yard setback and other requirements as front yards.
3. Areas for the temporary storage of garbage and trash shall not be located in any required or non-required front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 11.5.1.
4. CCD: 3 stories maximum fronting a primary street. Building heights interior to the site shall not exceed 5 stories.

Sec. 5.4. Commercial/Mixed-Use District Design Standards.

The following design standards shall apply within the OB, CB-1, CB-2, CB-3 and CCD districts. See section 5.5.6 for design standards applicable within the FORD overlay district.

5.4.1 General requirements.

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by City engineering standards.

5.4.2 Building materials.

- a. The exterior building material requirements of section 11.12.4 shall apply.

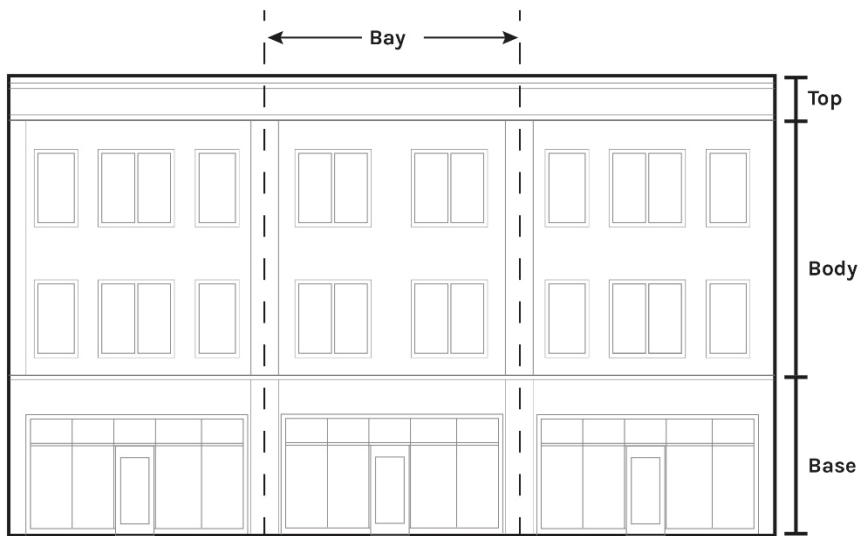
5.4.3 Building entrances.

- a. All buildings shall have at least one public, pedestrian entrance that faces the main street within 15 feet of the building face and is accessible (see American with Disabilities ACT, ADA) from the public sidewalk system. Entrances facing the street must be functional.
- b. Recessed entries at a maximum depth of 15 feet, measured perpendicular to the frontage line, and a maximum width of 15 feet, measured parallel to the frontage line may be utilized.
- c. Customer entrances shall be clearly defined and highly visible. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances.

5.4.4 Articulation.

- a. Walls visible from the public right-of-way shall include architectural features customarily found on the front facade of a building, such as windows, awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale. Any building located at a corner site shall provide distinct and prominent architectural features of enhanced character and visibility to reflect the importance of the building's location.
- b. Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components.
- c. Blank walls over 30 feet in length are not permitted.
- d. Within the CCD city center district, long facades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings. The maximum wall length without modulation shall be 30 feet.

Figure 5.4.4
Articulation



5.4.5 Off-street parking access and location.

- a. Screening of off-street parking adjacent to or visible from public thoroughfares or residential districts shall be provided in accordance with section 11.1.5.
- b. Within the CB-2 and CB-3 districts, only a single- or double-loaded bay of parking shall be permitted within the front yard or side yard adjacent to a public street.

Figure 5.4.5.b
Off-Street Parking in the CB-2 and CB-3 Districts



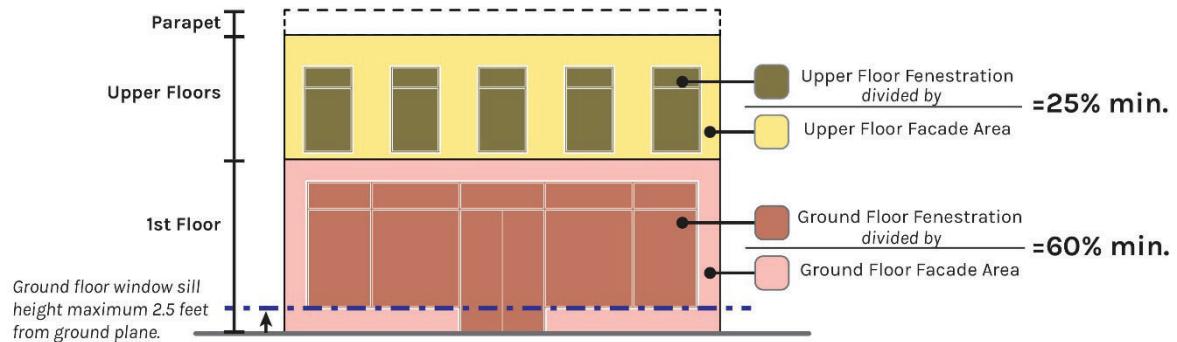
- c. Parking structures and shelters shall be permitted within non-required front, side, and rear yards, provided that parking shelters shall be completely enclosed on all sides visible from streets.

5.4.6 Fenestration.

- a. All facades visible from the street must be glazed with transparent glass. Reflective, mirrored, or heavily tinted (darker than 70% visual light transmission) ~~or unusually colored~~ glass is prohibited. Ground floor window openings shall not be blocked or covered with a solid material.
- b. Sliding doors and windows are prohibited along frontage lines.
- c. Butt joint glazing, where panes of glass are glazed together using glue or other adhesive material and without a structural element of the window frame, is prohibited.
- d. The use of shutters is discouraged on commercial buildings.
- e. Overhead loading doors shall not face a public street or residential district. The planning commission can waive this requirement upon a determination that there is no reasonable alternative, it is essential to the operation of the business, and the visual impact will be moderated through use of building materials, architectural features or landscaping. This provision is not intended to regulate retail customer access or outdoor café windows on tracks; however, overhead vehicular access doors facing a public street are discouraged.
- f. The following shall apply within the CCD city center district:

- (1) First floor window area: Minimum 60 percent of façade area.
- (2) Second floor window area: minimum 25 percent of façade area.
- (3) Ground floor window sill height shall be a maximum of 2.5 feet as measured from the ground plane.
- (4) Upper story windows shall be vertical in proportion.

Figure 5.4.6.f
CCD District Fenestration



5.4.7 Projections.

- a. Canopies:
 - (1) Fascia trim: Fascia trim shall be natural finish aluminum, bronze or painted metal.
 - (2) Soffit: The soffit shall be metal or cement plaster.
 - (3) Support rods: The support rods shall be metal.
 - (4) Design: Canopies shall be narrow in elevation, six inches to 12 inches and flat or slightly angled. Typically, the canopies shall be flat or slightly angled so that the overall height dimension does not exceed 18 inches. Canopies shall be self-supporting or supported by tension rods. Canopy projections shall be limited to 48 inches.
- b. Awnings:
 - (1) Design: Awnings shall be traditional in design and must be made from fabric or similar material, rather than metal, plastic or rigid fiberglass. Awnings shall not be made of high gloss, shiny or translucent materials.
 - (2) Size: Awnings shall be proportional to the window opening and compatible in height, length, depth and bulk with the building façade. Awnings shall not obscure the architectural features of the building but rather the awnings shall respect the overall building façade.
 - (3) Shape: An awning that is triangular in section sloping outward and down from the top of the awning or half round is generally preferred.
 - (4) Fabric: Fabric shall be standard cloth fabrics in either solid, strip or patterns that complement the design and materials on the principal building.
 - (5) Location: Awnings shall not cover distinctive architectural features of the building façade. All awnings shall be attached directly to the building, rather than supported by columns or poles.

First floor awnings shall not be located higher than the midpoint between the highest level of the first floor and the window sill of the second floor. First floor awnings are exempt from the setback requirements, and may extend up to six feet from the face of the building. Such awnings may encroach into a right-of-way area.

- (6) Ground clearance: Awnings must provide a minimum of eight feet of vertical clearance from the sidewalk surface grade to the lowest support or awning structure.
- (7) Upper story awnings: Upper story awnings shall be permitted only on vertically proportioned windows with a height to width ratio of 2:1 or greater, provided the awning does not exceed the width of the window by more than six inches and extends no more than three feet from the face of the building. Awnings shall not extend above the roof line.
- (8) Lighting: Internally illuminated or back-lit awnings are prohibited.
- (9) Awning signage: Awnings with lettering, symbols and/or other graphics shall be considered to be signs and shall be subject to the sign regulations in section 11.8.

Figure 5.4.7
Canopies and Awnings



c. Balconies:

- (1) Balconies shall not be located within five feet of any common lot line and shall not encroach into the public right-of-way.
- (2) Balconies may be a single level or multiple balconies stacked vertically for multiple stories.

- (3) The balcony shall be enclosed by balustrades, railings, or other means that block at least half of the view through them.
- (4) The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

Sec. 5.5. Ford Road Overlay District (FORD).

5.5.1 *Overlay district established.* The FORD is a mapped overlay zoning district with boundaries as shown on the zoning map. Parcels that are located within the FORD will have two zoning designations - the underlying zoning designation and the FORD zoning designation.

5.5.2 *Applicability.*

- a. *Parcels with single-family residential underlying zoning designation.* The standards of the FORD overlay zone shall be optional for any parcel that has a single family underlying zoning designation.
- b. *Parcels with other than single-family residential underlying zoning designation.* The standards of the FORD zoning district shall be mandatory whenever any activity that requires site plan approval is proposed. Site maintenance and improvement activities and changes in use that do not require site plan approval may be conducted in accordance with the standards of the underlying zoning district.

5.5.3 *Permitted land uses. See section 5.2.*

5.5.4 *Lot size, yard and building bulk requirements. See section 5.3.*

5.5.5 *General requirements.*

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by engineering standards duly adopted by the city council.

5.5.6 *Architectural guidelines.*

- a. *Building materials:*
 - (1) The exterior building material requirements of section 11.12.4 shall apply.
- b. *Building entrances:*
 - (1) All buildings shall have at least one public, pedestrian entrance that faces Ford Road or the main street on the frontage line and is accessible (see American with Disabilities ACT, ADA) from the public sidewalk system.
 - (2) All existing buildings shall retain the original building entrance, if historically accurate.
 - (3) Rear and side entrances are permitted, only if there is a primary entrance from Ford Road frontage or the main street.
 - (4) Entrances with recessed doors are encouraged for protection from the elements and from doors swinging out into the sidewalk area.
 - (5) Front entrance doors shall be constructed out of wood, glass, steel, or fiberglass or as approved by the city council upon recommendation by the planning commission, provided it is compatible with the character of the district.
- c. *Façade design:* All building facades shall conform to the following design criteria:

(1) *Street face:*

- (a) Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building such as awnings, cornice work, edge detail or decorative finish materials. Blank walls shall not face a public street. Significant protrusions (more than six inches) such as awnings, cornice lines, or details at the top of windows and sills are encouraged to create shadow lines or bands on the façade.
- (b) Any building located at a corner site shall provide distinct and prominent architectural features of enhanced character and visibility to reflect the importance of the building's location.
- (c) Buildings should be grouped towards the street to form "streetwalls" and located in such a manner to create public spaces that have direct physical and visual connections to the street.

(2) *Façade pattern:* Large, long facades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings. The maximum wall length without modulation shall be 30 feet. The bay width shall be 16 feet to 30 feet.

(3) *Façade height to width ratio:*

- (a) One story buildings: Single bay façades or individual bays of multiple bay facades, are not to exceed two feet of width for each one foot of building height unless otherwise approved by the city council upon recommendation of the planning commission.
- (b) *Two-story buildings:* Single bay facades or individual bays of multiple bay facades, are not to exceed one foot of width for each one foot of height unless otherwise approved by the city council upon recommendation by the planning commission.

(4) *Roof type:* Many of the commercial roof configurations in the corridor are "flat" (less than 3:1 roof slope) with parapets that conceal the roof itself. In order to maintain and create a distinct visual character for the district, roofs shall comply with the following requirements;

- (a) Existing flat roofs and parapets shall be maintained.
- (b) All new retail/office buildings shall have flat roofs and parapets.
- (c) Sloping roofs, gabled (6:12) or hipped may be allowed as special architectural features, particularly for residential townhouse development subject to review and approval by the city council upon recommendation by the planning commission.
- (d) Parapets may be stepped.
- (e) Mansard roofs, geodesic domes and A-frames are prohibited.
- (f) All rooftop mechanical equipment and HVAC systems shall be screened from ground view.

(5) *Fenestration or window and door openings:* All facades visible from the street must be glazed with transparent glass. Opaque glass applications are prohibited. Glazing on the first floor (retail space) to occur generally one foot to two feet, six inches above the finished floor. Thus, a minimum one foot to two feet, six inches bulkhead is required beneath a storefront display window. Façade glass areas shall meet the following requirements:

- (a) First floor window area: Minimum 60 percent and maximum 70 percent of façade area.

- (b) Second floor window area: minimum 25 percent and maximum 60 percent of façade area.
- (c) Butt joint glazing, where panes of glass are glazed together using glue or other adhesive material and without a structural element of the window frame, is prohibited.
- (d) The use of shutters is discouraged on commercial buildings.
- (e) Façade openings such as windows and doors shall be vertical in proportion.
- (f) Sliding doors and windows are prohibited along frontage lines. Roll up windows may be allowed subject to approval by the planning commission.

(6) *Canopies:*

- (a) *Fascia trim:* Fascia trim shall be natural finish aluminum, bronze or painted metal.
- (b) *Soffit:* The soffit shall be metal or cement plaster.
- (c) *Support rods:* The support rods shall be metal.
- (d) *Design:* Canopies shall be narrow in elevation, six inches to 12 inches and flat or slightly angled. Typically, the canopies shall be flat or slightly angled so that the overall height dimension does not exceed 18 inches. Canopies shall be self-supporting or supported by tension rods. Canopy projections shall be limited to 48 inches.

(7) *Awnings:*

- (a) *Design:* Awnings shall be traditional in design and must be made from fabric or similar material, rather than metal, plastic or rigid fiberglass. Awnings shall not be made of high gloss, shiny or translucent materials.
- (b) *Size:* Awnings shall be proportional to the window opening and compatible in height, length, depth and bulk with the building façade. Awnings shall not obscure the architectural features of the building but rather the awnings shall respect the overall building façade.
- (c) *Shape:* An awning that is triangular in section sloping outward and down from the top of the awning or half round is generally preferred. The city council may approve other awning shapes, such as round top, box or other unusual shapes, where such shape is appropriate to the integral architectural design of the façade.
- (d) *Fabric:* Fabric shall be standard cloth fabrics in either solid, strip or patterns that complement the design and materials on the principal building.
- (e) *Location:* Awnings shall not cover distinctive architectural features of the building façade. All awnings shall be attached directly to the building, rather than supported by columns or poles. First floor awnings shall not be located higher than the midpoint between the highest level of the first floor and the window sill of the second floor. First floor awnings area exempt from the setback requirements, and may extend up to six feet from the face of the building. Such awnings may encroach into a right-of-way area.
- (f) *Ground clearance:* Awnings must provide a minimum of eight feet of vertical clearance from the sidewalk surface grade to the lowest support or awning structure.
- (g) *Upper story awnings:* Upper story awnings shall be permitted only on vertically proportioned windows with a height to width ratio of 2:1 or greater, provided the awning

does not exceed the width of the window by more than six inches and extends no more than three feet from the face of the building. Awnings shall not extend above the roof line.

- (h) *Lighting:* Internally illuminated or back-lit awnings are prohibited.
- (i) *Awning signage:* Awnings with lettering, symbols and/or other graphics shall be considered to be signs and shall be subject to the sign regulations in section 11.8.

(8) *Windows:*

- (a) Glass shall be clear. Reflective, mirrored, heavily tinted or unusually colored glass is prohibited.
- (b) Side and rear facing windows may be faux, to break up long building facades if appropriate, after review and approval by the city council upon recommendation by the planning commission.
- (c) Window muntins (which physically or visually divide the glass in a window sash into separate, smaller units of glass) shall be wood or metal and shall be painted or bronzed. Window muntins are sometimes referred to as "colonial bars."
- (d) First floor window openings shall not be blocked or covered with a solid material.

5.5.7 *Landscaping requirements.* The following landscaping standards apply to all development in the FORD:

- a. *Single-family residential buffer:* Wherever development in the FORD abuts a parcel or parcels that are zoned single-family residential and that are located outside of the FORD, a buffer consisting of a six-foot decorative masonry screen wall with a six- to eight-foot wide planting strip located on the commercial side of the screen wall shall be provided. The planting area shall include one canopy tree for each 35 lineal feet or fraction thereof.
- b. *Interior parking lot landscaping:* One deciduous tree shall be planted within the limits of the parking lot, or in planting area directly adjacent to the parking lot for every ten parking spaces.
- c. *Parking lot buffering:* Parking lots shall be buffered from any street right-of-way according to the DDA streetscape standards. Those standards require a six-foot buffer area, including a 36-inch tall ornamental fence with masonry piers, one ornamental deciduous tree for each section of fence, and a continuous hedge of shrubs planted not more than three feet on center. All plant materials shall comply with the DDA streetscape plant material standards.
- d. *Side street landscaping:* The DDA streetscape treatment shall be provided along the property line of parcels abutting a side street except where the building is set back ten feet or less from the side street property line.

5.5.8 *Off-street parking and loading.*

- a. *Off-street parking and loading requirements in the FORD:* Off-street parking shall comply with the dimension and construction requirements of section 11.9. Instead of the minimum parking requirements listed in section 11.9, the following minimum parking requirements shall apply in the FORD:
 - i. Minimum parking requirement for all nonresidential uses: Three spaces per 1,000 square feet of gross leasable area (gla).
 - ii. Minimum parking requirement for all residential uses: 1.25 parking spaces per unit.

- b. *Shared parking:* Shared parking is required between adjacent properties. Blanket cross-access easements shall be granted between properties to allow the connection of parking lots between parcels with separate ownership.
- c. *Parking location:* New parking lots shall be located at the side or in the rear of the building.

ARTICLE VI. INDUSTRIAL DISTRICTS

Sec. 6.1. Intent.

This article provides for development of a full range of industrial use in two districts, the I-1 light industrial district and the I-2 general industrial district. In addition to industrial uses, these two districts also provide for fringe commercial uses which are compatible with industrial uses, and are often incompatible with other commercial uses. The I-1 and I-2 districts are restricted to industrial and fringe commercial uses in order to ensure adequate area to meet the long-range demand for such uses. The I-1 light industrial district is intended to provide for light industrial activities which do not create an appreciable nuisance or hazard, and uses that require a pleasant, hazard- and nuisance-free environment. The I-2 general industrial district permits heavy industrial uses in addition to a full range of light industrial and fringe commercial uses.

Sec. 6.2. Permitted land uses.

In the industrial districts, land, buildings, and other structures shall be used only for one or more of the uses specified in table 6.2 below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by city council subject to the applicable standards and requirements of article XIII. Additional applicable use standards are listed in the column at right.

Accessory structures and uses incidental to the permitted or special land uses are also allowed and regulated by section 9.5.

Table 6.2
Industrial Use Table

Use Category/Use	Light Industrial	General Industrial	Use Standards
	I-1	I-2	
RECREATION USES			
Indoor commercial recreation, gaming and amusement establishments, including arcades, haunted houses, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, skating rinks and similar uses	SLU		
Fitness center or health club	SLU		
Shooting ranges, including, but not limited to, the firing of guns and/or bows and arrows, provided that such a facility is completely enclosed and sound proofed	SLU		
INSTITUTIONAL, EDUCATIONAL AND ASSEMBLY USES			
Clubs or lodges, private	SLU		
Trade and vocational schools	P	P	
Airports and heliports		P	

Use Category/Use	Light Industrial	General Industrial	Use Standards
	I-1	I-2	
MEDICAL USES			
Marijuana safety compliance facilities	SLU	SLU	Section 8.24; Westland Code Ch. 27
Marijuana secure transporters	SLU	SLU	Section 8.24; Westland Code Ch. 27
Marijuana microbusinesses	SLU	SLU	Section 8.24; Westland Code Ch. 27
Marijuana collocated facilities	SLU	SLU	Section 8.24; Westland Code Ch. 27
FOOD AND DRINK ESTABLISHMENTS			
Micro-breweries, small wine makers and small distilleries	P	P	Sec. 8.16
COMMERCIAL USES			
Catering establishments	P		
Newspaper distribution agencies	P		
Printing and publishing shops	P		
Veterinary clinics	P		
Auction rooms	P		
Kennels	P		
Theaters, outdoor	SLU		
Banquet halls	SLU		
Workshops for the repair or service of bicycles, electronics, household appliances, furniture, shoes, and similar items	P		
Small engine repair for lawn mowers, snow blowers, and similar devices	P		
Showroom of a plumber, electrician, contractor or similar trade	P		
Light manufacturing/production facility with a retail sales or showroom component	P		
Greenhouses and nurseries	P		
Funeral homes and mortuaries	SLU		
Manufactured and mobile home sales and rentals	SLU		
Model homes and garage sales	SLU		
Building materials and products sales and storage establishments	SLU		
Farm implement stores and machinery sales	SLU		
Garden supply, landscape materials, tool, seed and feed stores	SLU		

Use Category/Use	Light Industrial	General Industrial	Use Standards
	I-1	I-2	
VEHICULAR RELATED USES			
Motor vehicle retail parts stores, indoor	P		
Motor vehicle washing establishments	SLU		
Indoor sales or showroom for new or used motor vehicles, boats, trailers, recreational vehicles or similar items	SLU		
Outdoor sales of new or used motor vehicles, boats, trailers, recreational vehicles or similar items, which may include related repair garages and service centers	SLU		
Gasoline service stations with or without convenience food store	SLU		Sec. 8.20
Motor vehicle repair, minor	P		Sec. 8.21
Motor vehicle repair, major	SLU		Sec. 8.21
Motor vehicle, boat, trailer, recreational vehicle or similar outdoor vehicle storage or parking	SLU	SLU	Sec. 8.22
INDUSTRIAL USES			
Light manufacturing uses, including but not limited to:	P	P	
<i>Cabinet and furniture manufacturing</i>			
<i>Carpet manufacturing</i>			
<i>Cloth products manufacturing from finished cloth</i>			
<i>Communications equipment manufacturing</i>			
<i>Electronic and scientific precision instruments manufacturing</i>			
<i>Insulating materials manufacturing</i>			
<i>Jewelry manufacturing engraving</i>			
<i>Leather products manufacturing from finished leather</i>			
<i>Mattress manufacturing</i>			
<i>Musical instruments manufacture</i>			
<i>Optical goods manufacturing</i>			
<i>Orthopedic and medical appliance manufacturing</i>			
<i>Paper products manufacturing from finished paper</i>			
<i>Pottery and ceramics manufacturing</i>			
<i>Rope, cord, and twine manufacturing</i>			
<i>Sporting goods manufacturing</i>			
<i>Sign manufacturing</i>			
<i>Light machinery production - household appliances, business machines, hand tools, electrical components and subassemblies, electric motors</i>			

Use Category/Use	Light Industrial	General Industrial	Use Standards
	I-1	I-2	
INDUSTRIAL USES (cont.)			
Light manufacturing uses, including but not limited to (cont.):	P	P	
<i>Secondary food processing and packaging of food products initially processed off the premises</i>			
<i>Recreation vehicles assembly</i>			
Contractors shops, and yards.	SLU	P	
Laundries and dry cleaning establishments, including those serving pick-up stations located off the premises.	P	P	
Electroplating, glass products production and sales	P	P	
Greenhouses, wholesale	P	P	
Research and development facilities, technical centers and laboratories, and any use charged with the principal function of basic research, design and pilot or experimental product development.	P	P	
Upholstering shops	P	P	
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	
Business incubators	P	P	
Wholesale and e-commerce businesses, including warehousing	P	P	
Mini- or self-storage warehouses	P	P	
Warehousing and storage facilities	P	P	
Breweries, wineries and distilleries	P	P	Sec. 8.16
Trucking facilities and distribution centers	SLU	SLU	
Cosmetics production	SLU	P	
Food manufacture, packaging and processing	P	P	
Heavy manufacturing uses, including but not limited to:		P	
<i>Manufacture of nonalcoholic beverages, bottling of alcoholic and/or nonalcoholic beverages</i>			
<i>Manufacture of light component parts of products</i>			
<i>Milk processing; bottling, and manufacturing of milk products</i>			
<i>Manufacture and assembly of major electrical equipment</i>			
<i>Manufacture of colors, dye, paint, and other coatings excluding tar products</i>			
<i>Manufacturing of machinery and machinery components</i>			

Use Category/Use	Light Industrial	General Industrial	Use Standards
	I-1	I-2	
INDUSTRIAL USES (cont.)			
Heavy manufacturing uses, including but not limited to (cont.):		P	
<i>Manufacture of glass and glass products</i>			
<i>Paper manufacturing</i>			
<i>Can and container manufacturing</i>			
Machine, welding, tool and die shops		P	
Stamping and fabricating metal shops using press, brakes, and rolls		P	
The following industrial uses, provided they are completely surrounded by other industrial uses:		SLU	
<i>Sewage treatment plants, municipal</i>			
<i>Thermal, electric, steam, solar, and/or atomic power plants</i>			
<i>Basic or semi-finished chemicals manufacturing including, but not limited to, cellulose products; resins; glue; vegetables, animal and mineral fats or oils, explosives, combustible gasses, soap, detergents, fertilizer derived from animal origins, asphaltic and tar products, including asphaltic paving materials</i>			
<i>Cement manufacturing</i>			
<i>Drop forging</i>			
<i>Heavy chemicals manufacturing including, but not limited to, mineral acids or other corrosives, ammonia, caustic soap and sulfuric acid</i>			
<i>Leather curing and tanning</i>			
<i>Metal or alloy ingot manufacturing</i>			
<i>Oil refineries</i>			
<i>Open hearths and blast furnaces</i>			
<i>Petroleum bulk storage</i>			
<i>Processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage (junk or salvage yards)</i>			
<i>Slaughtering or processing of animals</i>			
<i>Stock yards</i>			

Sec. 6.3. Prohibited land uses.

6.3.1 *Prohibited uses in the I-1 District.* No building shall be erected or altered, and no land shall be used for any of the following in the I-1 District:

- a. Dwelling units and lodging rooms, other than watchmen's quarters.
- b. Basic or semi-finished chemicals manufacturing including, but not limited to, cellulose products; resins; dye stuffs; glue; vegetables, animal and mineral fats or oils, explosives, combustible gasses, soap, detergents, fertilizer derived from animal origins, asphaltic and tar products, including asphaltic paving materials.
- c. Cement manufacturing.
- d. Drop forging.
- e. Heavy chemicals manufacturing including, but not limited to, mineral acids or other corrosives, ammonia, caustic soap and sulfuric acid.
- f. Leather curing and tanning.
- g. Metal or alloy ingot manufacturing.
- h. Oil refineries.
- i. Open hearths and blast furnaces.
- j. Petroleum bulk storage.
- k. Processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage.
- l. Slaughtering or processing of animals.
- m. Stock yards.

Sec. 6.4. Schedule of lot size, yard and building bulk requirements.

6.4.1 *Schedule of lot size, yard and building bulk requirements.* Lot size, yard and building bulk requirements for the industrial districts shall be as specified in Table 6.4.1. Supplemental requirements specific to certain districts are outlined in sections 6.5 and 6.6.

Table 6.4.1
Schedule of lot size, yard and building bulk requirements

District	Minimum Lot Size		Minimum Yard Setback Requirements for Principal and Accessory Structures (1)			Maximum Bulk Requirements
	Minimum Lot Area	Minimum Lot Width	Front Minimum	Side Minimum (2)	Rear Minimum (2)	
	(sq. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(lin. ft.)	(feet)
I-1 Light Industrial District	10,000	100	35 (3)(4)(5)(6)	18 (3)(4)(5)(6)	20 (3)(4)(5)(6)	45
I-2 General Industrial District	43,560	122	75 (7)	25 (7)	25 (7)	45

FOOTNOTES TO TABLE 6.4.1:

1. Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as allowed in subsections 9.6.4 and in article XI.
2. Side and rear yards which abut streets shall conform to the same yard setback requirements as front yards.
3. An additional 15 feet is required where adjacent to a residential district.
4. Areas for the temporary storage of garbage and trash shall not be located in any required or non-required front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors. All areas for the temporary storage of garbage and trash, except litter containers for pedestrians, shall be enclosed on all sides subject to the standards in subsection 11.5.1.
5. Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
6. Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.
7. An additional 25 feet is required where adjacent to a residential district.

Sec. 6.5. I-1 district supplemental requirements.

6.5.1 *Conditions.* Uses allowed in the I-1 light industrial district are subject to the following conditions:

- a. All business, servicing, or processing—except for off-street loading—shall be conducted within enclosed buildings, unless otherwise indicated hereinafter.
- b. All storage—except for licensed motor vehicles in operable condition—shall be within completely enclosed buildings or effectively screened by a solid wall or wooden fence, as determined by the planning commission (including solid entrance and exit gates), not less than six feet nor more than eight feet in height.
- c. The following machines and equipment shall not be used: punch presses, steam hammers, drop hammers, stamping machines, forging equipment, and automobile screw machines.

- d. Glare and heat from arc welding or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.
- e. The measurable noise emanating from the premises used for the activities permitted under this article shall not exceed 70 decibels, as measured from the outside of the walls or roof of the building occupies for such uses.
- f. No storage or construction equipment materials nor construction materials shall exceed the eight feet in height, except for construction vehicles. Any toxic or liquid materials shall be stored in closed containers. All buffering of the site shall be determined by the building director and approved by the planning commission.

Sec. 6.6. I-1 and I-2 district supplemental requirements.

6.6.1 Site plan requirements.

- a. All public utilities shall be placed underground.
- b. All areas where motor vehicles may be driven or parked shall be paved with asphaltic or concrete surfacing of such thickness and design as may be required by engineering standards duly adopted by the city council.

6.6.2 Performance standards. The following performance standards shall apply within the industrial districts:

- a. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- b. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- c. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- d. Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U.S. Bureau of Mines except for once hourly blow-off periods of ten minutes duration when a density of not more than No. 2 is permitted.
- e. No malodorous gas or matter shall be permitted which is offensive or which produces a public nuisance or hazard on any adjoining lot or property.
- f. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of three-tenth grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed 50 percent excess air.
- g. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway. In particular, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one footcandle when measured at any residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.
- h. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Department of Natural Resources, the Wayne

County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

- (1) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
- (2) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
- (3) Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
- (4) Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half inch.
- (5) Wastes shall not have chlorine demand greater than 15 p.p.m.
- (6) Wastes shall not contain phenols in excess of .005 p.p.m.
- (7) Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

- i. *Interior uses.* The measurable noise emanating from the interior premises and as measured at the street or property line, may not exceed 65 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American National Standards Institute, unless otherwise stated in the specifications for the sound level meter. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
- j. *Exterior uses.* The measurable noise emanating from exterior uses and as measured at the street or property line, may not exceed 105 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American National Standards Institute, unless otherwise stated in the specifications for the sound level meter. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

ARTICLE VII. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 7.1. Intent.

The intent of the planned unit development district (PUD) is to permit flexibility in the regulation of land development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and city desire to preserve. The standards of this article are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts. The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

Sec. 7.2. Permitted uses.

7.2.1 *Permitted principal uses.* Any combination of uses permitted in any residential, office, business or industrial classifications pursuant to this ordinance.

7.2.2 *Permitted accessory uses.* Any use which is accessory to the uses allowed as permitted principal uses.

Sec. 7.3. Eligibility.

7.3.1 Planned unit developments may be allowed by the city council, following a recommendation by the planning commission that the following criteria are applicable:

- a. The subject site shall have a minimum frontage of 200 feet along a public street or road and a minimum size of 30,000 square feet.
- b. The subject site shall be under the control of one owner, or a group of owners, or the application must be made with the written authorization of all property owners.
- c. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the planning commission, or the PUD will provide a complementary mixture of uses or housing types within a unique, high quality design.
- d. The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the city, where such benefit would otherwise be unfeasible or unlikely to be achieved. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, integration of various site features into a unified development, provision of useful open space, expand the supply of affordable housing for lower income households, or provision of employment and shopping opportunities.
- e. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and the development shall not place an unreasonable burden upon surrounding land or land owners.
- f. The proposed development shall be consistent with the city master plan.
- g. Usable open space and off-street parking shall be provided, at least equal to the total of the minimum required for each of the component uses of the development. The city council may, if deemed appropriate, require for planned unit developments more or less usable open space or parking than that required by this ordinance, or may require no usable open space or parking.

- h. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of this ordinance. The city council may, if deemed appropriate, require for planned unit developments more or less landscaping than that required by this ordinance.
- i. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested and well-defined circulation within and to the district, shall be provided.

Sec. 7.4. Approval procedure.

7.4.1 The process for review and approval of planned unit developments shall be as follows:

- a. The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan by the planning commission, after a public hearing, to determine its suitability for inclusion in the land use and zoning plans of the city and adoption by the city council as part of the zoning ordinance. The final phase shall require a review of detailed site plans by the planning commission for any part of the conceptual PUD development plan prior to the issuance of building permits. The two phases may be combined and considered for approval as a preliminary and final phase PUD development plan.
- b. The planning commission may hold an informational meeting where the petitioner presents the proposed PUD development plan and the planning commission provides the petitioner with its comments within 30 days after holding such a meeting. Notice of the meeting shall be given to the mayor and city council. No fees shall be charged for said informational meeting.
- c. The petitioner shall next submit to the planning director sufficient copies of the PUD development plans together with appropriate review fees. Copies of the plan as submitted shall be distributed to the appropriate city agencies for review to determine if the development concept can be accommodated by the existing public utility, street and general city service facilities, or if any addition to, or extensions of facilities are necessary for the project.
- d. The planning director shall notify the petitioner of any questions raised by the city agencies during said review and shall submit like information to the planning commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of the city.
- e. The planning commission shall, after holding a public hearing on the preliminary phase PUD development plans and reviewing said reports, make its recommendation to the city council on said plan within 60 days of its date of filing unless said time is agreed to be extended by the petitioner in writing; provided that the planning commission may extend this time for periods not to exceed 30 days each if such extensions are necessary for adequate review. The public hearing notice shall be in accordance with the provisions of section 15.1 of this ordinance.
- f. If the preliminary phase PUD development plan is rejected by the planning commission, its reasons therefor shall be specified in writing and those reasons approved by the planning commission.
- g. The planning commission's recommendations and all related reports shall be submitted to the city council for its consideration. The council shall take final action on said plan and petition within 90 days of the date it receives a report from the planning commission or such reasonable extension of time as may be necessary for adequate review.
- h. Any conditions of approval required by the city council shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The city clerk shall keep a special record of all approved PUD development plans and approval conditions.

- i. Approval of the preliminary phase PUD development plan by the city council shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of the council's approval for a period not-to-exceed one year from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase PUD development plans have not been submitted for approval before the termination of said one-year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted. The city council may extend the approval for a maximum of one additional year upon request of applicant. Any such extension shall be granted only if existing site conditions have not been substantially changed, and provided further that there are no revisions to the plan. If, after the one-year extension a building permit still has not been issued, the applicant must submit the plan for normal review as outlined in section 12.3 herein.
- j. An approved PUD development plan runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD development plan shall remain in effect unless an applicant submits a request to amend or terminate the PUD development plan.

Sec. 7.5. Preliminary phase PUD development plan.

7.5.1 The applicant shall prepare and submit the following to the planning director:

- a. All information, in a preliminary form, that is required for a site plan in article XII of this ordinance.
- b. A list of anticipated deviations from the standard zoning ordinance regulations which would otherwise be applicable.
- c. The applicant shall present material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the city; market needs; impact on public schools, utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.
- d. Any other information which the planning commission or city council require to determine if the proposed preliminary phase PUD development plan meets the eligibility criteria. This may include, but is not limited to: preliminary building elevations, floor plans and sign plans. For large projects an impact assessment may be required.

Sec. 7.6. Final phase PUD development plan.

7.6.1 For each final phase PUD development plan area, the application shall prepare and submit the following to the planning director:

- a. All information that is required for a site plan in article XII of this ordinance.
- b. A detailed list of existing and/or proposed exterior materials shall be provided and will become part of the PUD development plan.
- c. Plans indicating the three dimensional character of the proposal shall be required if there is a proposed addition to the floor area of an existing building which results in an increase in land coverage or building height, or if any new buildings are proposed to be constructed. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by the planning commission or the city council to assist the city in visualizing and understanding the proposal shall be submitted.

- d. Approval of the final phase PUD development plan shall be conditioned upon execution of a development agreement which secures completion of all public and private improvements shown on the PUD development plan and describes how conditions required as part of the PUD approval are to be met.
- e. Approval of the final phase PUD development plan shall entitle the owner to apply for building permits.
- f. The proposed planned unit development district and all proposed buildings, parking spaces, landscaping, open space and amenities must be started within three years of the establishment of the district and work must be continued in a reasonably diligent manner and completed within five years of the establishment of the district. Said five-year period may be extended if applied for by the petitioner and granted by the city council in writing following public notices and a public hearing. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.
- g. PUD development plan.

Sec. 7.7. Minor amendments to approved final PUD development plan.

7.7.1 Minor changes to a previously approved final phase PUD development plan may be approved by the planning director, after the plan has been reviewed by the fire chief, building director and city engineer, based upon a determination that the proposed revision meets all requirements of this ordinance and constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by the planning commission and the city council. The planning director shall record all such changes on the original final phase PUD development plan and shall advise the planning commission of all said minor revisions. Minor alterations or revisions under this section shall include, but not be limited to:

- a. Movement of a building or buildings by no more than five feet, provided all setback, parking, landscaping and other site requirements are still met.
- b. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
- c. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two new trees required for each tree replaced.
- d. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
- e. Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the planning director.
- f. Changes in interior floor plans which do not alter the character of the use.
- g. Minor modification of sign placement or reduction of size.
- h. Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- i. Situations the planning director deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- j. All other proposed amendments must follow the approval procedures for a new planned unit development.

PART 3. GENERAL PROVISIONS

ARTICLE VIII. USE STANDARDS

Sec. 8.1. Home occupations.

8.1.1 *Home occupation requirements.*

- a. Total floor area devoted to the home occupation in the principal building shall not exceed 25 percent of the gross floor area of the dwelling. No accessory building shall be used in the activities of the home occupation.
- b. Outside appearance of premises shall have no visible evidence of the conduct of a home occupation.
- c. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. No article or service shall be sold or offered for sale on the premises except those which are produced by such home occupation on the premises.
- e. The nature of the home occupation shall not generate more than ten business-related vehicle trips in any one day in the vicinity of the home occupation, not more than two persons visiting the site at one time and any need for parking generated by the conduct of such home occupation shall be provided off-street in accordance with the off-street parking requirements.
- f. No equipment or process shall be used in such home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- g. A garage, yard, house or basement sale is permitted if conducted in accordance with the requirements of other city ordinances.
- h. The following are typical examples of uses which often can be conducted within the limits of these restrictions and thereby qualify as home occupations. Uses which may qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it for a home occupation); accountant, architect, author, conducting craft or fine art activities, consultant, dressmaking, musical instrument instruction, dance classes, photography, individual tutoring, millinery, preserving and home cooking.
- i. The following uses are not permitted as home occupations if conducted as a person's principal occupation and the person's dwelling is used as the principal place of business: vehicle repair or painting, dental office and medical office.

Sec. 8.2. Radio receiving and/or transmitting antennae towers.

8.2.1 Radio receiving and/or transmitting antennae towers up to a maximum height of 50 feet, as measured from the established grade, shall be allowed in all districts provided the antenna tower is for an amateur radio station licensed by the Federal Communications Commission. Antennae towers for licensed amateur radio stations may be erected up to a maximum height of 75 feet, as measured from the established grade; provided that if the height of the tower is greater than the distance from the center of the base of the antenna tower to any property line, then written permission must first be obtained from at least two-thirds of the adjoining property owners. Antennae towers in residentially-zoned districts shall also meet the following requirements:

- a. All such free-standing towers shall be of a self-supporting design.

- b. The antenna and tower shall be enclosed in a fence or wall to deter any person from climbing the tower, except for service or repair.
- c. Antenna and tower plans shall be submitted to the building official with specifications indicating the ability of the antenna and tower to withstand wind-pressure and ice loads, in accordance with the BOCA Building Code adopted by the City of Westland.
- d. Proof of insurance shall be submitted indicating protection of adjacent property owners from any damage caused by the antenna or tower.

Sec. 8.3. Satellite dish antennas.

8.3.2 Satellite dish antennas for noncommercial use shall be permitted as accessory uses in the rear yards of residentially zoned parcels subject to the following standards except as authorized by Federal Law:

- a. Only one satellite dish antenna shall be permitted on each parcel.
- b. It shall not be located where it will block fire lanes or utility easements or obstruct the view from windows in existing adjoining buildings.
- c. It shall not be closer to any lot line than its height.
- d. Satellite dish antennas anchored to the ground shall not exceed one story or 14 feet in height.
- e. Satellite dish antennas may be mounted on the roof provided they are not visible from the front of the building and provided further they do not exceed three feet in diameter.
- f. Satellite dish antennas located on corner lots shall be screened from the road right-of-way.
- g. Variances. A variance may be granted by the zoning board of appeals from the provisions of this section in cases involving practical difficulties, where the evidence supports that the topographic features or special characteristics of the site create special conditions such that the strict application of this section will prevent the reception of usable satellite signals.

Sec. 8.4. Wireless communication facilities.

8.4.1 *Purpose.* The purpose of this section is to establish general guidelines for the regulation and siting of wireless communication facilities. The goals of this section are to:

- a. Protect residential areas and land uses from potential adverse impacts of wireless communication facilities;
- b. Encourage the location of wireless communication support structures (WCSS) in nonresidential areas;
- c. Minimize the total number of WCSS throughout the community;
- d. Strongly encourage the joint use or collocation of new and existing WCSS sites as a primary option rather than construction of additional single-use WCSS;
- e. Encourage users of wireless communication facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- f. Encourage users of wireless communication facilities to configure them in a way that minimizes the adverse visual impact of the wireless communication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;
- g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- h. Consider the public health and safety of wireless communication facilities; and

- i. Avoid potential damage to adjacent properties from WCSS failure through engineering and careful siting of WCSS.

In furtherance of these goals, the City of Westland shall give due consideration to the City of Westland's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless communication facilities.

8.4.2 *Definitions.* As used in this ordinance, the following terms shall have the meanings set forth below:

- a. "Alternative wireless communication support structures (WCSS)" means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of WCSS.
- c. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- d. "Collocation" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing wireless communication equipment compound. Collocate has a corresponding meaning.
- e. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- f. "FAA" means the Federal Aviation Administration.
- g. "FCC" means the Federal Communications Commission.
- h. "Height" means, when referring to a wireless communication support structure (WCSS), the distance measured from the finished grade of the parcel to the highest point on the WCSS, including the base pad and any antenna.
- i. "Wireless communication facilities" means transmitters, antenna structures, towers and other types of equipment necessary for providing wireless communication services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dish antennae; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority.
- j. "Wireless communications equipment (WCE)" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- k. "Wireless communication support structure (WCSS)" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

8.4.3 *Exceptions.*

- a. *Amateur radio station operators/receive only antennas.* This ordinance shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- b. This ordinance shall not govern any wireless communication facilities located on property owned, leased, or otherwise controlled by Westland provided a license or lease authorizing such wireless communication facility has been approved by the City of Westland.

8.4.4 General requirements.

- a. *Principal or accessory use.* Wireless communication facilities may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of wireless communication facilities on such lot.
- b. *Lot size.* For purposes of determining whether the installation of wireless communication facilities complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the wireless communication facilities may be located on leased parcels within such lot.
- c. *State or federal requirements.* All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
- d. *Building codes; safety standards.* The owner of a wireless communication facility shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. If, upon inspection, the City of Westland concludes that a wireless communication facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the wireless communication facility, the owner shall have 30 days to bring such wireless communication facility into compliance with such standards. Failure to bring such wireless communication facility into compliance within said 30 days shall constitute grounds for the removal of the wireless communication facility or antenna at the owner's expense.
- e. *Not essential services.* Wireless communication facilities shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- f. *Franchises.* Owners and/or operators of wireless communication facilities shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Westland have been obtained and shall file a copy of all required franchises with the planning director.

8.4.5 Collocation of wireless communications equipment (WCE).

- a. Pursuant to Public Act 110 of 2006, as amended, collocation of wireless communications equipment (WCE) is permitted on existing and approved wireless communication support structures (WCSS) without a zoning permit, provided the following requirements are met:
 - (1) The proposed collocation will not increase the overall height of the WCSS by more than 20 feet or 10% of its original height, whichever is greater.
 - (2) The proposed collocation will not increase the width of the WCSS by more than the minimum necessary to permit collocation.
 - (3) The proposed collocation will not increase the area of the existing equipment compound to greater than 2,500 square feet.
- b. Plans for collocation installation shall be administratively reviewed by the planning director to verify compliance with the requirements herein. The planning director shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
- c. Collocation which does not meet the requirements of subsection 8.4.5(a), above shall require a special land use review and approval in accordance with the approval process for a new WCSS as outlined in subsection 8.4.9, below.

8.4.6 Wireless communications equipment (WCE) placed on existing buildings or structures.

- a. Any WCE which is not attached to a WCSS may be approved by the planning director as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 - (1) The WCE does not extend more than 30 feet above the highest point of the structure;
 - (2) The WCE complies with all applicable FCC and FAA regulations;
 - (3) The WCE complies with all applicable building codes and,
 - (4) The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- b. Plans for WCE placed on existing buildings or structures shall be administratively reviewed by the planning director to verify compliance with the requirements herein. The planning director shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.

8.4.7 Installation of wireless communications equipment (WCE) within equipment compounds.

- a. The installation of WCE, not otherwise provided for above, is permitted within existing and approved equipment compounds without a zoning permit.
- b. Plans for such installation shall be administratively reviewed by the planning director to verify compliance with the requirements herein. The planning director shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.

8.4.8 Cable microcell network.

- a. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCSS is permitted.
- b. Plans for such installation shall be administratively reviewed by the planning director to verify compliance with the requirements herein. The planning director shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.

8.4.9 Establishment of a new wireless communications support structure (WCSS).

- a. *General.* The following provisions shall govern the issuance of special use permits for WCSS by the city council:
 - (1) Special land use approval shall be required for the construction of a WCSS in all zoning districts.
 - (2) Applications for special land use under this section shall be subject to the procedures and requirements of article XIII of the zoning ordinance, except as modified in this section.
 - (3) In granting a special land use approval, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

- (5) An applicant for a special land use approval shall submit the information described in this section and a nonrefundable fee as established by resolution of the city council to reimburse the City of Westland for the costs of reviewing the application.
- (6) Each applicant for a WCSS shall provide to the planning director an inventory of its existing WCSS, or sites approved for WCSS, that are within the jurisdiction of the City of Westland and/or within one mile of the border thereof, including specific information about the location, height, and design of each WCSS. The planning director may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate WCSS within the jurisdiction of the City of Westland, provided, however that the planning director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (7) WCSS shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (8) At a WCSS site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (9) WCSS shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (10) For purposes of measurement, WCSS setbacks and separation distances shall be calculated and applied to facilities located in the City of Westland irrespective of municipal and county jurisdictional boundaries.
- (11) No signs shall be allowed on a WCSS.
- (12) The City of Westland encourages the users of WCSS to submit a single application for approval of multiple WCSS sites.

b. *Information required.* In addition to any information required for applications for special use permits pursuant to article XIII of the zoning ordinance, applicants for a special land use approval for a WCSS shall submit the following information:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed WCSS, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in this subsection 8.4.9, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the planning director to be necessary to assess compliance with this ordinance.
- (2) Legal description of the parent tract and leased parcel (if applicable), and the names and addresses of all owners and lessees.
- (3) The setback distance between the proposed WCSS and the nearest residential unit, platted residentially zoned properties, and unplattd residentially zoned properties.
- (4) The separation distance from other WCSS described in the inventory of existing sites submitted pursuant to subsection (a) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing towers(s) and the owner/operator of the existing tower(s).

- (5) A landscape plan showing specific landscape materials in accordance with section 11.1 of the zoning ordinance.
- (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with this section and all applicable federal, state or local laws.
- (8) A notarized statement by the applicant as to whether construction of the WCSS will accommodate collocation of additional WCE for future users.
- (9) Identification of the entities providing the backhaul network for the WCSS described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (10) A written description of the suitability of the use of existing WCSS, other structures or alternative technology not requiring the use of WCSS to provide the services to be provided through the use of the proposed new WCSS.
- (11) A written description of the feasible location(s) of future WCSS within the City of Westland based upon existing physical, engineering, technological or geographical limitations in the event the proposed WCSS is erected.

c. *Approval or denial timeframe.* The application shall be reviewed by the planning director to verify that all information required by subsection 8.4.9(b) has been provided and that the application is administrative complete. The planning director shall complete his or her administrative review of the application within 14 business days of his or her receipt of such plans. The city council shall approve or deny the application not more than 90 days after the application is considered to be administratively complete. If the city council fails to timely approve or deny the application, the application shall be considered approved and the city council shall be considered to have made any determination required for approval.

d. *Factors considered in granting special land use approval for WCSS.* In addition to any standards for consideration of special land use approval applications pursuant to article XIII of the zoning ordinance, the city council shall consider the following factors in determining whether to issue a special land use approval, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this ordinance are better served thereby:

- (1) Height of the proposed WCSS;
- (2) Proximity of the WCSS to residential structures and residential district boundaries;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the WCSS, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress; and
- (8) Availability of suitable existing WCSS, other structures, or alternative technologies not requiring the use of WCSS, as discussed in subsection (e) below.

e. *Availability of suitable existing WCSS, other structures, or alternative technology.* No new WCSS shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing WCSS or alternative technology that does not require the use of WCSS can accommodate the applicant's proposed WCE. An applicant shall submit information requested by the city council related

to the availability of suitable existing WCSS or alternative technology. Evidence submitted to demonstrate that no existing WCSS or alternative technology can accommodate the applicant's proposed WCE may consist of any of the following:

- (1) No existing WCSS are located within the geographic area which meet applicant's engineering requirements.
- (2) Existing WCSS are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing WCSS do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4) The applicant's proposed WCE would cause electromagnetic interference with the WCE on the existing WCSS, or the WCE on the existing WCSS would cause interference with the applicant's proposed WCE.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing WCSS or to adapt an existing WCSS for sharing are unreasonable. Costs exceeding new WCSS development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing WCSS unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of WCSS is unsuitable. Costs of alternative technology that exceed new WCSS development shall not be presumed to render the technology unsuitable.

f. *Setbacks.* The following setback requirements shall apply to all WCSS for which a special land use approval is required; provided, however, that the city council may reduce the standards setback requirements if the goals of this ordinance would be better served thereby:

- (1) WCSS must be set back a distance equal to at least 75 percent of the height of the WCSS from any adjoining lot line.
- (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

g. *Separation from off-site uses.* The following separation requirements shall apply to all WCSS for which a special land use permit is required; provided, however, that the city council may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

- (1) WCSS separation shall be measured from the base of the WCSS to the lot line of the off-site uses as specified in Table 1, except as otherwise provided in Table 1.
- (2) Separation requirements for WCSS shall comply with the minimum standards established in Table 8.4.9.g.

Table 8.4.9.g
WCSS Separation Requirements from Off-Site Uses

Off-Site Uses	Separation Distance
Single-family or duplex residential units ¹	200 feet or 300% height of WCSS whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of WCSS ² whichever is greater
Vacant unplattd residentially zoned lands ³	200 feet or 300% height of WCSS whichever is greater
Existing multifamily residential units greater than duplex units	200 feet or 300% height of WCSS whichever is greater

Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply as required by the zoning ordinance
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¹Includes modular, manufactured, and mobile homes used for living purposes.

²Separation measured from base of WCSS to closest building setback line.

³Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- h. *Separation distances between WCSS.* The following separation requirements shall apply to all WCSS for which a special land use permit is required; provided, however, that the city council may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
 - (1) Separation distances between WCSS shall be applicable for and measured between the proposed WCSS and preexisting WCSS. The separation distances shall be measured by drawing or following a straight line between the base of the existing WCSS and the proposed base, pursuant to a site plan, of the proposed WCSS. The separation distances (listed in linear feet) shall be as shown in Table 8.4.9.h.

Table 8.4.9.h
Separation Distance Requirements Between WCSS

	Lattice	Guyed	Monopole 75 ft. In Height or Greater	Monopole Less Than 75 ft. in Height
Lattice	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Monopole 75 ft. in height or greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole less than 75 ft. in height	750 ft.	750 ft.	750 ft.	750 ft.

- i. *Security fencing.* WCSS shall be enclosed by security fencing not less than six feet in height.
- j. *Landscaping.* Section 11.1 of the zoning ordinance shall govern the landscaping surrounding WCSS for which a special land use approval is required.

8.4.10 Replacement of existing wireless communications support structure (WCSS).

- a. An existing WCSS which was lawful at the time of its construction may be replaced for purposes of accommodating collocation of additional WCE, or otherwise, provided that the replacement WCSS does not exceed the original approved height, will be located within the same zoning lot as the existing WCSS, and will be located so as to maximize compliance with existing minimum yard requirements. Such installation shall be considered to be a permitted use of property, not subject to special land use permit approval. Further, the existing WCSS shall be removed within 180 days of the city's final construction inspection of the replacement WCSS.
- b. The planning director shall determine that the application is administratively complete within 14 business days of its receipt. The planning director shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the planning director shall be without notice.

8.4.11 *Removal of abandoned WCSS.* Any WCSS that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such WCSS, and owner of the property shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned WCSS within said 90 days shall be grounds to remove the WCSS at the owner of the WCSS and the property owner's expense. If there are two or more users of a single WCSS, then this provision shall not become effective until all users cease using the WCSS.

8.4.12 *Security.* For each location identified on the applicant/provider's survey maps and drawings, the applicant shall include a description of the security to be posted at the time of receiving a building permit for the WCSS to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subsection 8.4.11 above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the city attorney and recordable at the office of the Wayne County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the City of Westland in securing removal.

Sec. 8.5. Wind turbines.

8.5.1 *Purpose and intent.* The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:

- a. To promote the safe, effective, and efficient use of wind turbines installed to reduce the on-site consumption of electricity supplied by utility companies while protecting the health, safety, and welfare of the residents of the City of Westland.
- b. To minimize the potential adverse effects that wind turbines and wind energy facilities may have on residential areas and land uses by promoting and requiring careful design, siting, noise limitations, and innovative camouflaging techniques.
- c. To avoid potential damage to people and adjacent properties from turbine failure through engineering and proper siting of turbine structures.

8.5.2 *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person or entity filing an application under this section.

Hub height means the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

Nonparticipating landowner means any landowner except those on whose property a wind turbine is located.

Occupied building means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use on the date the permit application is submitted.

Operator means each person or entity responsible for the day-to-day operation and maintenance of a wind turbine.

Roof-mounted wind turbine means a single wind energy conversion system that is mounted to the roof of any structure with a maximum rotor diameter of seven feet.

Turbine height means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Wind turbine means a freestanding or roof-mounted, single wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. This may also include an anemometer.

8.5.3 Permitted uses.

- a. The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
- b. Permitted uses. The following uses are specifically permitted:
 - (1) A single roof-mounted wind turbine not to exceed the height limit in that zoning district and shall be considered a permitted accessory use on a single parcel in any R-1, R-2, or R-3 zoned district, if it meets all of the other applicable standards and requirements of article IV.

8.5.4 Permit required.

- a. A freestanding wind turbine or a second roof-mounted wind turbine in any R-1, R-2, or R-3 district zoned parcel requires special land use approval.
- b. Except as forth in subsection 8.5.3(b)(1), no wind turbine shall be constructed or located within the City of Westland unless a permit has been issued to the owner or operator approving construction of it under this section.
- c. Any physical modification to an existing and permitted wind turbine or turbines that materially alters the size, type and number of wind turbines or other equipment shall require a permit amendment under this section. Like-kind replacements shall not require a permit modification.
- d. Wind turbines in all zoning districts shall be subject to any approval required by the Federal Aviation Administration (FAA).

8.5.5 Wind turbines in nonresidential districts.

- a. *General.* The following provisions shall govern the issuance of special use permits for wind turbines by the city council:
 - (1) If the wind turbine is not a permitted use under subsection 8.5.3(b)(1), a special land use approval shall be required for the construction of a wind turbine.
 - (2) Applications for special land use under this section shall be subject to the procedures and requirements of article XIII of the zoning ordinance, except as modified in this section.
 - (3) In granting a special land use approval, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed wind turbine on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - (5) An applicant for a special land use approval shall submit the information described in this section and a non-refundable fee as established by resolution of the city council to reimburse the City of Westland for the costs of reviewing the application.
- b. The application shall contain the following:
 - (1) A narrative describing the project location, the approximate generating capacity of the wind turbine, the height of the turbine to be constructed, and a description of ancillary facilities.

- (2) An affidavit or similar evidence of agreement between all property owners demonstrating that the applicant has the permission of all property owners to apply for necessary permits for construction and operation of the wind turbine.
- (3) A scaled site plan clearly indicating the location, type and height of the proposed wind turbine and ancillary equipment, property lines, setback lines, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed wind turbine and any other structures, topography, parking, and other information deemed by the planning director to be necessary to assess compliance with this section.
- (4) A landscape plan showing specific landscape materials in accordance with section 11.1.
- (5) Documents related to decommissioning.
- (6) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (7) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City of Westland to ensure compliance with this section.
- (8) The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbines generator; provided, however, this standard shall not apply to an anemometer tower. The planning director or the city council may require the submission of a wind resource study ("study") documenting wind resources on the site over a minimum of one year. The study shall indicate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of one percent or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The city may retain the services of an independent, recognized expert to review the results of the study prior to acting on the application for special land use permit. This review shall be at the expense of the applicant.
- (9) Each proposed wind turbine or anemometer tower shall be set back from any adjoining lot line a distance equal to the overall height of the tower.

- c. Within 45 days after receipt of a permit application, the planning director will determine whether the application is complete and advise the applicant accordingly.
- d. After the completeness determination, the Westland Planning Commission will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
- e. After the public hearing by the planning commission, the city council will make a decision whether to issue or deny the special land use.
- f. The city council shall make the final determination on the application for special land use approval. Such determination shall be based solely on the requirements and standards of this chapter. Approval, approval with conditions, or disapproval shall be made by resolution setting forth the city council's findings regarding the pertinent requirements and standards. If the special land use is approved by the city council, the applicant may then submit the written approval to the zoning enforcement officer who will then sign the zoning certificate if all other zoning certificate requirements have been met, and all required signatures have been obtained. If the special land use approval is denied, the city council may by resolution require that a revised special land use application be resubmitted for review and

approval in accordance with the process outlined above. If in the judgment of the city council, the special land use application can be approved if minor modifications are made, the city council may by resolution issue a conditional approval in writing and provide for resubmission of a revised special land use application to the enforcement officer who shall sign the zoning certificate upon determination that all appropriate modifications have been made in accordance with city council stipulations, and that all other zoning certificate requirements have been met.

- g. Each action taken with reference to special land use review and approval shall be duly recorded in the minutes of the planning commission and city council and the grounds for the action taken upon each special land use submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.
- h. It shall be the responsibility of the owner of a property for which special land use approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the special land use approval was granted, or until a new special land use approval has been obtained as a basis for modifying the use or site plan. Any property owner who fails to so maintain a special land use as approved shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate to such a use violation. All plans, specifications, and statements submitted with the application for a special land use approval shall become, with any changes ordered by the city council, a part of the conditions of any approval issued by the city council pursuant thereto.
- i. Factors considered in granting special land use approval for wind turbines. In addition to any standards for consideration of special land use approval applications pursuant to article XIII of the zoning ordinance, the city council shall consider the following factors in determining whether to approve a special land use, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:
 - (1) Height of the proposed wind turbine;
 - (2) Proximity of the wind turbine to residential structures and residential district boundaries;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;
 - (6) The size of the property upon which the proposed wind turbine is to be located, set back requirements, and lot-coverage requirements;
 - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (8) The results of any study;
 - (9) Proposed ingress and egress;
 - (10) The impact on the natural environment;
 - (11) The exterior lighting and drainage shall not negatively affect any adjacent property or the surrounding area;
 - (12) The proposed special land use will be consistent with the general objectives of the city master plan;

- (13) The potential effect of noise and light flicker upon any individual in surrounding occupied buildings or on a nonparticipating landowner's property;
- (14) The proposed special land use will be compatible with adjacent uses of land in terms of location, size and character, and will have no negative impact on adjacent property or the surrounding neighborhood; and,
- (15) Reasonable conditions may be imposed by the city council upon approval of a special land use to reduce to a minimum any detrimental effect. Conditions imposed shall become part of the site plan and shall remain unchanged unless a change in conditions is approved by the city council.
- j. Setbacks. The following setback requirements shall apply to all wind turbines for which a special land use approval is required; provided, however, that the city council may reduce the standards setback requirements if the goals of this ordinance would be better served thereby:
 - (1) Wind turbines must be set back a distance equal to at least a distance equal to the overall height of the wind turbine from any adjoining lot line.
 - (2) Any guys and accessory buildings must satisfy the minimum zoning district setback requirements.
 - (3) Wind turbines shall be set back from the nearest occupied building a distance of not less than ten feet.
 - (4) All wind turbines shall be set back from the nearest public road a distance equal to the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base. Those turbines rigidly attached to a building and whose base is on the ground may reduce this required setback by the amount equal to the distance from the point of attachment to the ground.
- k. Security fencing. The city council may require wind turbines to be enclosed by security fencing not less than six feet in height.
- l. Landscaping. Section 11.1 of the zoning ordinance shall govern the landscaping surrounding wind turbines for which a special land use approval is required.

8.5.6 *Wind turbine design and installation.*

- a. *Compliance with building code.* All wind turbines shall comply with the building code currently adopted by the city. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footing. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.
- b. *Braking system.* All wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- c. *Compliance with applicable electrical codes and standards.* All electrical components of the wind turbine shall conform to relevant and applicable local, state and national codes, as well as applicable international standards.
- d. *Visual appearance; power lines.*
 - (1) Wind turbines shall be either monopole, monolithic tube or lattice style construction, and a non-obtrusive color such as white, off-white or gray.

- (2) Roof-mounted wind turbines are not subject to color restrictions except that they must be maintained in their original manufactured color.
- (3) Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (4) Wind turbines shall not display advertising, except for one sign no greater than two square feet identifying the turbine manufacturer, and one sign no greater than two square feet providing the owner's name, address and telephone number for emergency calls. Both signs must be located on the lowest ten feet of the structure.
- (5) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

e. *Warnings.*

- (1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

f. *Climb prevention/locks.*

- (1) Wind turbines shall not be climbable up to 15 feet above ground surface.
- (2) All access doors to wind turbines and electrical equipment shall be locked to prevent entry by unauthorized persons.

8.5.7 *Wind turbine height.*

- a. Maximum height for a single wind turbine in THR, GAR, MRR, MHR, OB, CB-1, CB-2, CCD, CB-3, I-1, and I-2 districts shall be limited to 70 feet.
- b. Maximum height for a single wind turbine serving a R-1, R-2 and R-3 zoned district shall be limited to 30 feet from ground level.

8.5.8 *Noise and shadow flicker.*

- a. Audible sound from any and all wind turbines shall not exceed 45 dba, as measured at the exterior of an occupied building on a nonparticipating landowner's property.
- b. The city council may impose restrictions upon the owner or operator of a wind turbine to minimize shadow flicker to any occupied building or nonparticipating landowner's property.

8.5.9 *Utility notification.* No wind turbine shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

8.5.10 *Signal interference.* The applicant shall not disrupt or interfere with radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine.

8.5.11 *Decommissioning.*

- a. The property owner or facility owner and operator shall, at its expense, complete decommissioning of a wind turbine or wind energy facility within 12 months after the end of the useful life of the facility or individual wind turbine. The wind turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of six months.

- b. Decommissioning shall include removal of wind turbines, building, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- c. Disturbed earth shall be graded and reseeded.

Sec. 8.6. Standards for mobile and manufactured homes in single-family districts.

A manufactured home may be used as a single-family dwelling on a lot outside a manufactured home park, if the following standards and requirements are met. These standards and requirements shall not apply to a manufactured home located in a licensed manufactured home park.

8.6.1 *Lot requirements.*

- a. A manufactured home may be placed only on a lot that is located in a zoning district which permits single-family dwellings.
- b. Not more than one manufactured home (single- or double-wide) shall be used as a single-family dwelling on a lot, nor shall a manufactured home be placed on any lot on which another single-family dwelling is located.
- c. A manufactured home shall not be used as an accessory building on any residential lot.
- d. Unless otherwise specified herein, manufactured homes used outside of manufactured home parks shall conform to all of the requirements and standards in the zoning district in which the manufactured home is located.

8.6.2 *Minimum floor area, floor width, and building bulk requirements.*

- a. The minimum exterior width along any exterior side elevation of the manufactured home shall be not less than 24 feet at any point.
- b. The manufactured home shall comply with the minimum square footage (floor area) requirements for the zoning district in which it is located.
- c. The minimum interior floor-to-ceiling height shall not be less than seven feet, six inches.

8.6.3 *Foundation requirements.*

- a. A manufactured home shall be attached to a permanent foundation constructed on the site in accordance with the Building Code of the City of Westland.
- b. The manufactured home shall be installed according to manufacturer's setup requirements, and secured using an anchoring system that meets the Michigan Mobile Home Commission requirements.
- c. The distance between the ground elevation of the manufactured home and the top of the basement or crawlspace shall not exceed two feet.
- d. The wheels, tongue and hitch assembly, or other towing appurtenances shall be removed before attaching the manufactured home to its foundation.

8.6.4 *Utilities.* Manufactured homes in single-family districts shall be connected to public water and sewer facilities.

8.6.5 *Exterior design and appearance.* The exterior design and appearance of a manufactured home in a single-family district shall be similar or closely compatible to that found on conventional single-family stick-built homes in the surrounding area. The compatibility of design and appearance shall be determined in the first instance by the planning director. The planning director may also refer any determination of compatibility to the planning commission. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located within 500 feet of the

subject dwelling, excluding manufactured home parks. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity through adherence to the following standards:

- a. Exterior walls, including the roof line, shall be finished with natural or simulated natural materials, common to conventional single-family dwellings, such as, but not limited to, beveled siding, vertical siding, board and batten siding, brick, shakes or shingles.
- b. The pitch of the roof shall not be less than one foot of rise for each four feet of horizontal run.
- c. The roofing material shall be shake, tile, composition shingle or other material commonly found on conventional single-family stick-built homes in the surrounding areas.
- d. A roof drainage system shall be designed to collect and concentrate the discharge of rain and snow-melt waters and prevent roof drainage along the sides of the dwelling.
- e. The roof shall have sloping lines with eaves, such as gable, mansard or shed style roofs, or shall be compatible with conventional single-family stick-built homes in the surrounding areas.
- f. A manufactured home shall have no fewer than two permanent exterior doors for entrance and/or exit, either at the front and rear or front and side of the mobile home. Each door shall have either steps or a porch connected to the exterior door area where a difference in elevation requires the same.

8.6.6 *Additions.* Manufactured homes shall contain no addition or room or other area, which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

8.6.7 *Construction standards.* Manufactured homes located in single-family districts shall comply with the building code of the City of Westland and with the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, 88 Stat. 700, 42 U.S.C. Section 5401, et seq.). If the manufactured home was built prior to 1974, it must be certified by the City of Westland as complying with the standards of the above Act.

Sec. 8.7. Single-, two-, and three-family dwellings.

8.7.1 *Description.* Single-, two-, and three-family dwellings are a building type that has the appearance of a single-family detached house that is appropriately scaled to fit within residential neighborhoods. They may consist of a detached structure incorporating one unit or semi-detached incorporating two or three units stacked or placed side by side with each unit having access directly to the street.

8.7.2 *Single-family dwellings in the R-3, THR and GAR districts.* Where located in the R-3, THR and GAR districts single-family dwellings shall be subject to the lot size, yard and building bulk requirements of the R-2 district as outlined in table 4.4.1.

8.7.3 *Two-family and three-family dwellings lot size, yard and building bulk requirements.* Regardless of where located, two-family and three-family dwellings shall be subject to the lot size, yard and building bulk requirements of the R-3 district as outlined in table 4.4.1.

8.7.4 Building entrance orientation.

- a. All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line. Any entrances to additional units may face a side lot line.
- b. Garages, carports, and overhead doors may not apply as the primary entrance.

8.7.5 Parking access and location.

- a. Driveways may be located adjacent to the building.
- b. Parking shall be provided on a driveway or garage, or a carport in the side or rear yard.
- c. Garages shall not comprise more than 40% of the front facade.
- d. The driveway shall be not more than 40% of the front yard area.

Sec. 8.8. Townhouse dwellings.

8.8.1 *Description.* The townhouse dwelling building type consists of structures that contain three or more dwelling units placed side by side. Townhouses are typically narrow, two to three story residential buildings with each unit having direct access to the street.

8.8.2 *Townhouse dwellings in the GAR and MRR districts.* Where located in the GAR and MRR districts, townhouse dwellings shall be subject to the lot size, yard and building bulk requirements of the THR district as outlined in table 4.4.1.

8.8.2 *Building entrance orientation.*

- a. Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps.
- b. Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear.

8.8.3 *Articulation.* Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.

Sec. 8.9. Multiple-family residential dwellings.

8.9.1 *Description.* This building type consists of multiple family dwelling units placed side by side or stacked, typically with one shared entry. It is appropriately scaled to fit adjacent to single-family neighborhoods transitioning to nearby commercial districts.

8.9.2 *Building entrance orientation.*

- a. All buildings shall provide at least one pedestrian door facing the front lot line.
- b. Secondary entries are permitted from the side or rear.

8.9.3 *Articulation.* To distinguish the building entrance, dwelling units or unit layouts, the architectural design shall employ vertical bays, through change in material, transparency, or plane.

Sec. 8.10. Adult foster care small group homes and adult foster care large group homes.

- a. A site plan, prepared in accordance with article XII, shall be submitted.
- b. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers.
- c. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
- d. One (1) off-street parking space per employee, not a member of the adult foster care home family, shall be provided.
- e. A valid registration or license as required by the state shall continually be on file with the city.

Sec. 8.11. Adult foster care congregate facilities.

- a. A site plan, prepared in accordance with article XII, shall be submitted.
- b. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or care givers.
- c. Off-street parking requirements as required for convalescent or nursing homes in accordance with section 11.9.7 shall be met.
- d. A valid registration or license as required by the state shall continually be on file with the city.

Sec. 8.12. Group day care homes.

- a. A site plan, prepared in accordance with article XII, shall be submitted.
- b. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located. Additionally, an outdoor play area of at least five hundred (500) square feet shall be provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the planning commission if a public play area is within five hundred (500) feet of the subject parcel.
- c. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
- d. The hours of operation shall not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
- e. One (1) off-street parking space per employee, not a member of the group day care home family, shall be provided.
- f. A valid registration or license as required by the state shall continually be on file with the city.

Sec. 8.13. Bed and breakfast establishments.

- a. Such dwellings shall meet all applicable codes and ordinances of the city, county, and state.
- b. Floor plans drawn to scale of all floors to be utilized for bed and breakfast activities shall be submitted to the planning commission.
- c. Dwellings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- d. The dwelling shall be the permanent residence of the bed and breakfast operator.
- e. The dwelling shall exhibit historical qualities with not more than five (5) sleeping rooms available for guests of the bed and breakfast dwelling.
- f. The site shall be subject to the lot size, yard and building bulk requirements of the R-3 district as outlined in table 4.4.1.
- g. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
- h. Occupancy shall be of a transient nature for periods not to exceed one (1) week in duration in any one (1) month by any transient occupant. A guest registry indicating name, address, phone number, vehicle

license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the police department for inspection upon request.

- i. An unlighted sign not to exceed six (6) square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign.
- j. Off-street parking shall be provided in accordance with section 11.9.7. It is the city's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking.
- k. Such bed and breakfast dwelling shall not be located within three hundred (300) feet as measured from the nearest property lines of another such facility.

Sec. 8.14. Drive-in and drive-through facilities.

- a. Within the CCD and FORD Districts, drive-through windows accessory to a permitted use, including but not limited to banks, pharmacies and restaurants, shall not be allowed in yards adjacent to major roads classified either state trunkline, county primary or city major.
- b. Within the CCD and FORD Districts, facilities and/or parking areas used for the servicing of motor vehicles accessory to a drive-in restaurant shall not be allowed in yards adjacent to major roads classified either state trunkline, county primary or city major.

Sec. 8.15. Sidewalk cafes.

- a. An application depicting the location and layout of the cafe facility shall be submitted to and approved by the Planning Department. A permit shall remain in effect unless the café fails to meet the standards contained herein.
- b. A sidewalk cafe may be located in front of or adjacent to the establishment. A sidewalk cafe that extends beyond the property lines of the shall require the permission of the affected property owners.
- c. If a sidewalk cafe is located on a public sidewalk, City Council approval shall be required. Further, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained.
- d. A sidewalk cafe shall be allowed only during normal operating hours of the establishment.
- e. The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. All food preparation shall be inside of the premises. except for outdoor grilling, which may be authorized by the Planning Department as part of the permit.
- f. All sidewalk cafes shall comply with applicable regulations of the County Health Department and the State.

Sec. 8.16. Alcohol manufacturing facilities.

- a. Such facilities may contain retail sales, banquet rooms, tasting rooms, bars, restaurants, sidewalk cafes, tours, and similar commercial activities. Within the commercial districts, one or more of the above listed commercial activities shall be required as a component of the operation.
- b. Off-street parking shall be provided for each component of the operation (i.e., manufacturing, retail sales, restaurant) as required by section 11.9.
- c. Off-street loading space shall be provided as required by section 11.9.

- d. All production activities (brewing, wine-making or distilling) shall be conducted within an enclosed structure. Within the commercial districts, the floor space dedicated to production activities shall not exceed fifty percent (50%) of the total building floor space.
- e. Within the commercial districts, the outdoor storage of machinery, equipment, barrels, kegs, or similar materials associated with the operation shall be prohibited. Within the industrial districts, outdoor storage shall only be allowed within an area in the rear yard surrounded by a solid, unpierced fence or wall not less than six (6) feet in height. No materials may be stored to a height greater than the height of the fence or wall.
- f. Appropriate licenses with the State of Michigan shall be maintained.

Sec. 8.17. Retail tobacco, hookah and vape shops.

- a. No such use shall be permitted within 500 feet of any site on which is located a place of worship, school, park or playground, or any area where minors regularly congregate.

Sec. 8.18. Adult-oriented commercial uses.

8.17.1 *Intent.* Adult-oriented commercial uses have been found to contribute to the serious deterioration of the commercial area in which they are located as well as surrounding residential areas. Such uses are permitted in the City of Westland because of constitutional protections. They are limited in frequency of occurrence and proximity to residential areas in order to protect property values and the quality of life for property owners and residents. Such uses exert their most serious blighting influence when concentrated in close proximity to one another and when located near residential areas.

8.17.2 *Included uses.* Adult-oriented uses shall include:

- a. Bookstores which have more than 15 percent of their stock in trade, books, magazines or other publications, the sale of which is prohibited to minors.
- b. Theaters and mini-theaters which have more than 15 percent of their screening time over a six-month period devoted to motion pictures, the attendance at which is prohibited to minors.
- c. Cabarets or bars with live topless-type entertainment, hostesses, waitresses, or other employees.
- d. Nude photographic studios.

8.17.3 *Use standards.*

- a. Not more than two adult-oriented uses shall be permitted within a 1,000-foot distance.
- b. No adult-oriented use shall be permitted within 750 feet of a residential district or use.
- c. No adult-oriented use shall be permitted within 750 feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate.
- d. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas.
- e. All entries, windows, and other building openings for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area.

Sec. 8.19. Motor vehicle retail parts stores.

- a. Within the CB-1, CB-2 and CCD district, no installation of automobile accessories or parts may occur on the premises.

Sec. 8.20. Gasoline service stations.

8.14.1 *Applicability.*

- a. New construction;
- b. Expansion of the gross floor area of any building on the zoning lot of an existing station by more than ten percent;
- c. Alterations to any structure on the zoning lot of an existing station where a building permit is required, and the cost of such work exceeds 60 percent of the assessed valuation of the property; and
- d. Reopening of a station after cessation of operation for six months shall be treated as new construction and shall comply with all conditions within this section.

8.14.2 *Conditions.*

- a. All gasoline service stations newly proposed are subject to a traffic impact study, prepared by a qualified traffic engineer.
- b. Gasoline service stations shall only be permitted at the intersection of two major roads classified either state trunkline, county primary or city major.
- c. The minimum lot area shall be 30,5000 square feet, and as nearly rectangular as possible.
- d. Maximum number of gasoline service stations at any intersection shall not exceed two, which shall be situated diagonally from each other.
- e. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection measured from the road right-of-way.
- f. Pump islands shall be a minimum of 25 feet from any public right-of-way or lot line. Overhead canopies shall be setback at least 15 feet from the public right-of-way.
- g. Outdoor storage or parking of vehicles for sale, partially dismantled vehicles, damaged vehicles, new and used parts and discarded parts, shall be prohibited.
- h. The exterior of the main building shall be harmonious with its surroundings and shall include brick, stone, wood, or other masonry finished building materials other than glass and metal as the primary material. The canopies shall be designed within a minimum height of 12 feet, and a maximum height of 15 feet, and the canopy design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.

Sec. 8.21. Motor vehicle repair.

- a. The parking or storage of motor vehicles awaiting repair shall be screened in accordance with section 11.5.2.

Sec. 8.22. Motor vehicle, boat, trailer, recreational vehicle or similar outdoor vehicle storage or parking.

- a. Vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer services.
- b. Vehicles parked or stored shall not be used for living or housekeeping purposes.
- c. Vehicles shall not be stored or parked in the front yard.

- d. Vehicles parked or stored must be kept in good repair and carry an unexpired license and/or registration.
- e. Use of a parked or stored vehicle for the storage of household equipment, tools, or other items not usually kept in a vehicle is prohibited.
- f. The vehicle storage or parking area shall be hard surfaced in accordance with City engineering standards.
- g. Vehicles parked or stored shall be spaced a minimum of three feet apart to provide ease of access. Additional spacing requirements required by the Westland Fire Department shall be complied with.
- h. Maneuvering lanes between rows of vehicles shall be at least 22 feet in width.
- i. Storage of unoccupied manufactured homes that are designed and normally used for year-round living in a permanent location is prohibited in a vehicle storage or parking area.
- j. All vehicle storage or parking shall be effectively screened by a solid or opaque fence, either wood or metal fence, as determined by the planning commission, including solid entrance and exit gates not less than six feet nor more than eight feet in height.

Sec. 8.23. Motor vehicle washing establishments.

- a. All services, except vacuuming, shall be provided within the vehicle wash building. Vacuuming service may be located in the front or side yards, and shall be screened from view from abutting streets.
- b. A traffic study shall be submitted by the applicant which addresses the traffic impact considerations outlined in section 13.4.1.f.
- c. Vehicles entering or leaving the site shall not create safety problems or unduly interfere with traffic flow on the access street. Physical separation of entering and exiting lanes, turning movement restrictions, and/or one-way traffic flow into and out of a site may be required by the planning commission.
- d. The site shall provide sufficient on-site storage for vehicles awaiting entry to the car wash building so that no vehicle will be required to stand within 50 feet of the right-of-way line of the access street. The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.

Sec. 8.24. Marijuana businesses.

8.24.1 *Compliance with City Code.* Marijuana businesses are defined, licensed and regulated by the “Westland Uniform Marijuana Business Ordinance,” Chapter 27 of the Westland City Code. All marijuana businesses shall comply with the requirements of Chapter 27 as well as all applicable provisions of the City of Westland Zoning Ordinance and this Section 8.24.

8.24.2 *City Center District Prohibition.* Marijuana businesses shall be prohibited in the CCD City Center District.

8.24.3 *Retailers and provisioning centers.*

- a. Retailers and provisioning centers shall be subject to special land use and limited to the low intensity commercial business (CB-1); shopping center commercial business (CB-2); and general commercial business (CB-3).
- b. There shall be no drive-through service window at the business location.
- c. One off-street parking space shall be required per every 100 square feet of gross floor area.
- d. Retailers and provisioning centers are prohibited if:

- (1) The business location is within 1,000 feet from any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
- (2) The business location is within 5,000 feet of any other marijuana business, except marijuana businesses in industrial zoning districts shall not be counted.
- (3) The business location is within 250 feet from any residential zoned property.

e. The distance separation requirements set forth above shall be measured from nearest property line of the business location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or licensee.

8.24.4 *Secure transporters.*

- a. Secure transporters shall be subject to special land use and limited to the light industrial district (I-1); and general industrial district (I-2).
- b. Junked, inoperable, wrecked or dismantled vehicles shall not be parked, stored or left upon the property.
- c. Secure transporter uses shall occupy a building onsite for business operations related to the secure transporter use and therefore shall not use a property for the sole purpose of parking, the development of a parking lot, or the storage of vehicles.
- d. Buildings shall be oriented so that automobile bays do not face onto any adjacent road.
- e. A secure transporter may not operate on the same parcel as a marijuana grower, processor, retailer, provisioning center, or microbusiness.
- f. Secure transporters are prohibited if the business location is within 1,000 feet from any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
- g. The distance separation requirement set forth above shall be measured from nearest property line of the business location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or licensee.

8.24.5 *Safety compliance facilities.*

- a. Safety compliance facilities shall be subject to special land use and limited to the office business district (OB); low intensity commercial business (CB-1); shopping center commercial business (CB-2); general commercial business (CB-3); light industrial district (I-1); and general industrial district (I-2).
- b. Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- c. A safety compliance facility may not operate on the same parcel as a marijuana grower, processor, retailer, provisioning center, or microbusiness.
- d. Safety compliance facilities are prohibited if:
 - (1) The business location is within 1,000 feet from any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
 - (2) The business location is within 5,000 feet of any other marijuana business, except marijuana businesses in industrial zoning districts shall not be counted. This requirement shall not apply in any industrial zoning district;
 - (3) The business location is within 250 feet from any residential zoned property. This requirement shall not apply in any industrial zoning district.

- e. The distance separation requirements set forth above shall be measured from nearest property line of the business location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or licensee.

8.24.6 *Microbusinesses.*

- a. Microbusinesses shall be subject to special land use and limited to the light industrial district (I-1); and general industrial district (I-2).
- b. One off-street parking space shall be required per every 500 square feet of gross floor area attributable to grower and processor operations. One off-street parking space shall be required per every 100 square feet of gross floor area attributable to retail operations.
- c. Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- d. Microbusinesses are prohibited if the business location is within 1,000 feet from any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
- e. The distance separation requirement set forth above shall be measured from nearest property line of the business location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or licensee.
- f. A microbusiness shall not operate on the same parcel as any other marijuana business.

8.24.7 *Collocated businesses.*

- a. Collocated businesses shall be subject to special land use and limited to the light industrial district (I-1); and general industrial district (I-2).
- b. One off-street parking space shall be required per every 500 square feet of gross floor area attributable to grower and processor operations. One off-street parking space shall be required per every 100 square feet of gross floor area attributable to retail or provisioning center operations.
- c. Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- d. Collocated businesses are prohibited if the business location is within 1,000 feet from any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
- e. The distance separation requirement set forth above shall be measured from nearest property line of the business location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or licensee.

Sec. 8.25. Accessory dwelling units (ADUs).

- a. Only one accessory dwelling unit (ADU) is permitted per lot.
- b. An ADU shall only be located on a lot that has a single-family dwelling unit. ADUs shall not be permitted as an accessory use to a two-family or three-family dwelling.
- c. An ADU shall not be permitted on lots which do not meet the minimum lot size or minimum street frontage for the zoning district in which such lot is located.
- d. An ADU shall have a minimum unit size of 400 square feet. An ADU shall have a maximum unit size of 850 square feet or 75 percent of the gross floor area of the principal dwelling, whichever is less.
- e. The ADU shall include, at a minimum, a kitchen, bathroom, and sleeping area separate from the principal dwelling and shall meet all provisions of the Building Code.

- f. Detached ADUs shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house. ADUs shall be of high-quality, natural materials complementing the primary dwelling unit. Metal siding shall be prohibited.
- g. ADUs attached to the principal dwelling shall comply with dimensional requirements applicable to the principal dwelling as outlined in section 4.4. Detached ADUs shall comply with dimensional requirements applicable to detached accessory buildings as outlined in section 9.5.4, except that the maximum height for detached ADUs may be increased to 24 feet.
- h. An ADU shall have an approved water and sewer connection, which may be required to be a separate connection from the principal dwelling unit, as determined by the Department of Public Services.
- i. The ADU shall have one dedicated off-street parking space in addition to the required off-street parking for the principal single-family dwelling.
- j. Deed restrictions. Before the issuance of a certificate of occupancy for the ADU, the property owner shall file with the Planning Department documentation of recorded deed restrictions which incorporate the following restrictions:
 - (1) The property owner shall occupy either the ADU or the principal single-family dwelling on the lot.
 - (2) ADUs shall not be transferred, conveyed, devised, rented, or leased separately from the single-family dwelling on the same lot as the ADU.
 - (3) The deed restrictions shall run with the land, are binding upon any successor in ownership, and may only lapse upon the removal of the ADU.
- k. Application for an ADU shall be made to the Planning Department and shall include the following information:
 - (1) A scaled and dimensioned site plan of the property showing: the location of all structures on the lot (principal and accessory structures); the proposed location of the ADU; setbacks of the proposed ADU from the property lines and all structures; designated off-street parking area for the ADU; and, landscaping or fencing for the ADU.
 - (2) A scaled and dimensioned floor plan of the ADU showing the following: kitchen; bathroom; sleeping area; entry stairs, porches, or entrances; total square footage of the ADU; and gross square footage of the principal dwelling.
 - (3) Scaled elevations of all sides of the ADU, including windows, doors, porches, and other exterior features.
- l. The Planning Director shall have approval authority for all ADUs and shall ensure that all requirements of this section are met.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.1. Interpretation.

9.1.1 *Minimum requirements.* In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort convenience, and general welfare.

9.1.2 *Higher standards govern.* Where the conditions imposed by any provisions of this ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

9.1.3 *Flexibility.* Although the district requirements are very specific in most instances, reasonable flexibility is offered through such devices as special land use, planned unit developments and variances. A principal objective of this ordinance is the encouragement of appropriate innovation.

9.1.4 *Nonabrogation of private agreements.* This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

9.1.5 *Unlawful buildings, structures, site plans and uses.* No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building structure, or use remains unlawful hereunder.

Sec. 9.2. Separability.

It is hereby declared to be the intention of the Westland City Council that the several provisions of this ordinance are separable, in accordance with the following:

9.2.1 *Invalid provisions of ordinance.* If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

9.2.2 *Invalid application of provisions of ordinance.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

Sec. 9.3. Scope of regulations.

9.3.1 *Application to all buildings, structure, plans, and uses.* All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations including parking, loading and site plan provisions of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

9.3.2 *Previously approved special district (SD), special planned developments (SPD) and other special developments.* Areas indicated on zoning maps as land areas within developments which were approved by

the city in accordance with special district regulations of Ordinance Nos. 129, 235 and other special developments shall be considered conforming under the terms of this ordinance, subject to all terms or conditions imposed under said approval.

9.3.3 *Application of yard requirements for uses without buildings.* Where a lot is to be occupied for a permitted use without buildings, the side yard and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation area.

9.3.4 *Residence district land shall not provide access to nonresidence district land.* No land which is located in a residence district shall be used for driveways walkway, or access purposes to any land which is located in a nonresidential district, unless such access shall be by a public street.

Sec. 9.4. Minimum lot size.

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. Development on nonconforming lots of record shall be subject to section 10.4.

Sec. 9.5. Accessory buildings and uses.

9.5.1 *Time of construction or establishment.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. No accessory use shall be established on a zoning lot prior to the time of establishment of the principal use.

9.5.2 *Separation between buildings.* In a residential district, detached accessory structures shall be located no closer to any other accessory or principal building than ten feet. An accessory building may be constructed in a residential district at a distance less than ten feet from the principal building, if the accessory building complies with provisions of subsection 9.5.4.

9.5.3 *Accessory structures and uses in the R-1, R-2 and R-3 districts.* The following structures and uses shall be permitted in the R-1, R-2 and R-3 districts as accessory to a permitted use or an approved special land use:

- a. Auditoriums, meeting rooms, offices, and similar facilities accessory to places of worship, provided such facilities are used for activities normally associated with religious business. Activities associated with religious business generally do not have daily business hours; use existing space and facilities on a temporary basis; use mostly volunteers as employees; donate revenues produced directly to the place of worship; and, offer mostly donated goods or services.
- b. Athletic fields and playgrounds accessory to educational facilities when the athletic fields or playgrounds are specifically approved as special land uses and when 1.2 square feet of site area over and above the minimum otherwise required is provided for every 1.0 square feet of site area occupied by the accessory athletic school or play ground.
- c. Clubhouses and other structures on the grounds of private clubs, golf courses, and tennis clubs, accessory to recreational and social facilities when the clubhouse or other structures are specifically approved as special land uses.
- d. Garages and carports.
- e. Greenhouses and conservatories, private (noncommercial).
- f. Home occupations, subject to standards of section 8.1.
- g. Mausoleums and grounds maintenance buildings accessory to cemeteries.
- h. Pavilions, restrooms, snack bars, and similar buildings accessory to parks and playgrounds.

- i. Radio receiving and/or transmitting antennae towers subject to the standards in section 8.2.
- j. Roadside stands.
- k. Satellite dish antennae subject to the standards in section 8.3.
- l. Secondary religious facilities servicing a principal religious institution with special land use approval.
- m. Sewage disposal units, individual.
- n. Stadiums and grandstands in athletic fields accessory to educational facilities when the stadiums or grandstands are specifically approved as special land uses and when 1.2 square feet of site area over and above the minimum otherwise required is provided for every 1.0 square feet of site area occupied by the accessory stadium or grandstand.
- o. Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- p. Swimming pools and tennis courts, private.
- q. Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.
- r. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

9.5.4 Yard and setback requirements for residential accessory buildings in the R-1, R-2 and R-3 districts. Buildings accessory to residential buildings shall be governed by the following regulations:

- a. Where a residential accessory building is structurally attached to a main building or is less than ten feet distant from a main building, it shall be subject to, and must conform to, all yard and bulk regulations of this ordinance, applicable to the main building.
- b. A residential accessory building may occupy not more than 40 percent of a rear yard; provided that in no instance shall the total square footage of all accessory buildings exceed the ground floor area of the main buildings. See article II for definitions for required yard and non-required yard.
- c. A detached accessory building shall be located so that its front building line is at least ten feet to the rear of the building line of any main building, provided that a detached private garage shall be so located that its front building line is not closer to the front lot line than the rear building line of any main building.
- d. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot.
- e. Structures such as steps, paved terraces, garden walls, or retaining walls, not over three feet above the finished grade, may be erected in the required front, side or rear open spaces.
- f. Accessory buildings for residential land uses shall not be erected in any required yard except a rear yard, provided further, that in no instance shall such a building be nearer than two feet to any adjoining lot line.
- g. Nonresidential accessory buildings or structures shall not be constructed on any lot prior to the time of construction of the principal building.
- h. Detached accessory structures shall not exceed a height of 14 feet. However, the height of an accessory structure may exceed 14 feet provided that:
 - (1) The size of the lot exceeds one-third of an acre (14,520 square feet), and

- (2) The accessory structure does not exceed 20 feet.

9.5.5 *Accessory structures and uses in the THR, GAR and MRR districts.* The following structures and uses shall be permitted as accessory to a permitted use in the THR, GAR and MRR districts:

- a. Community buildings containing recreation facilities, offices, meeting rooms, and other services for the exclusive use of the residents of the property on which they are located and their nonpaying guests, provided that a minimum separation of 50 feet is provided between community buildings and any residential structures, and provided further that applicable building bulk requirements set forth herein are complied with.
- b. Garages and carports.
- c. Home occupations, subject to standards of section 8.1.
- d. Radio receiving and/or transmitting antennae towers subject to the standards in section 8.2.
- e. Satellite dish antennae subject to the standards in section 8.3.
- f. Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- g. Swimming pools and tennis courts for the exclusive use of the residents of the property on which they are located and their gratuitous guests.
- h. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

9.5.6 *Accessory structures and uses in the OB district.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side yard area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

9.5.7 *Accessory structures and uses in the CB-1, CB-2, CB-3, CCD and FORD districts.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side area.
- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- d. Temporary outdoor sales accessory to special land uses or to uses permitted by right as regulated by section 9.12.

9.5.8 *Accessory structures and uses in the I-1 district.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be located in any front or side yard area.

- c. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

9.5.9 *Accessory structures and uses in the I-2 district.* Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use or a principal use permitted as part of a planned unit development shall be permitted as accessory uses subject to the following requirements:

- a. No accessory structure or use shall occupy more than 20 percent of the floor area of the principal uses.
- b. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

Sec. 9.6. Bulk regulations and exceptions.

9.6.1 *Continued conformity with bulk regulations.* The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

9.6.2 *Division of zoning lots.* No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

9.6.3 *Location of required open space.* All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

9.6.4 *Permitted obstructions in required yards.* The following shall be considered to be permitted obstructions when located in the required yards specified:

- a. *In all yards:*
 - (1) Awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 24 inches or less into the yard; approved freestanding signs; arbors and trellises; flagpoles; window unit air-conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions.
 - (2) Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace porch. A permanently roofed-over terrace porch shall be allowed subject to subsection (3), below.
 - (3) Unenclosed porches, with or without a roof. Porches and similar permanently unenclosed ground-story projections, with or without a roof, may extend into a required yard not more than ten (10) feet, but not nearer in any case than ten (10) feet to a front or rear lot line, or nearer than three (3) feet to any side yard lot line.
- b. *In front yards:* One-story bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard.
- c. *In rear yards:* Open off-street parking spaces; balconies; breezeways; one-story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard.
- d. *In side yards:* Overhanging eaves and gutters projecting 18 inches or less into the yard.

9.6.5 *Height exceptions.*

- a. No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
- b. Fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits herein prescribed.
- c. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building.
- d. None of the structures described above shall be used for any residential, commercial or industrial purpose other than a use incidental to the principal use of the building.

Sec. 9.7. Incomplete dwellings.

No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this ordinance shall be used as a dwelling for more than one year following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this ordinance relative to dwellings in the district in which said structure is located. No such structure constructed after the effective date of this ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

Sec. 9.8. Existing uses classified as special land uses.

Existing special land uses classified as special land uses under this ordinance. If a use exists as a special land use or other equivalent designation at the date of adoption of this ordinance and is classified as a special land use under the terms of this ordinance, said use shall be considered to be a legal special land use provided all use, building, structure, site plan and locational requirements of this ordinance are met.

Sec. 9.9. Temporary construction structures.

Temporary construction structures for nonresidential use may be permitted upon approval of the building director when such structures are for use by a contractor or builder in conjunction with a construction project. Any such temporary structure shall be removed as soon as said construction project is completed.

Sec. 9.10. Number of permitted uses.

Except as specifically permitted in this ordinance, no more than one principal use or building shall be placed on a zoning lot, as defined in article II herein. However, the zoning board of appeals may permit more than one principal use or structure provided that the land area and frontage allocated to each principal building or use are equal to or greater than the lot area and frontage requirements in the zoning district, and provided further that the buildings and land comply with all other requirements of the ordinance in the district in which they are located. In determining area, frontage, and yard setbacks for each such building, a line extending midway between adjacent principal buildings or uses and at right angles to the front lot line shall be considered to be a side lot line.

Sec. 9.11. Residential occupancy.

9.12.1 Intent. This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. The city finds that occupancy limits are needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This ordinance is intended also to accommodate those alternative living arrangements.

9.12.2 A dwelling unit may not be occupied by more persons than one of the following family living arrangements:

- a. One or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit, in all districts.
- b. Four persons plus their offspring living as a single housekeeping unit, in all residential districts.
- c. Six persons living as a single housekeeping unit in any residential district.
- d. A functional family living as a single housekeeping unit which has received a special land use permit.

9.12.3 In this section offspring means descendants, including natural offspring, adopted children, foster children and legal wards.

9.12.4 In this section functional family means a group of people having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

9.12.5 In addition to the standards for granting a special land use approval, a permit for a functional family is subject to the following standards and regulations:

- a. It must meet the definition of this section.
- b. Two off-street parking spaces must be provided. Additional parking spaces may be recommended by the planning commission if any of the following conditions are met:
 - (1) The property is located more than 300 feet from a bus stop.
 - (2) Street parking available for visitor parking is limited.
 - (3) The petitioner intends to park more than two vehicles regularly on the site and there is limited area available for tandem parking in a driveway.

In order for the planning commission to determine if adequate parking will be provided, the petitioner must submit a plan indicating the location of proposed off-street parking and an analysis of public parking and transit facilities provided within a 300-foot radius of the parcel.

- c. The permit shall apply only to the functional family type which obtained the permit and shall be limited to the number of persons specified in the permit.
- d. There is a contact person who will act as head of household in relating to the city.

9.12.6 The zoning board of appeals may grant a variance from the standards of this section if it is reasonably necessary to give a handicapped person (as defined in 42 USC §3602) equal opportunity to use and enjoy a dwelling.

9.12.7 The occupancy limits of this section do not apply to rooming or boarding houses, emergency shelters, or convalescent homes.

Sec. 9.12. Temporary sales, uses, or special events and temporary buildings and structures

Temporary uses, temporary sales of merchandise (including, but not limited to, Christmas trees, pumpkins, flowers, produce, and fireworks), and seasonal or special events may be allowed by the city council in a nonresidential district upon issuance of a permit, when the application information below is provided and the standards of this section are met. Temporary structures are defined as including: Tents, canopies, and other membrane structures used for such sales or events. Temporary structures must also comply with the standards of this section.

- a. *Application information:* The applicant shall submit the following to the building department:
 1. An application form and required fee, as established by the city council. An applicant for temporary fireworks sales must be state registered and certified for the sale of fireworks.
 2. A written statement describing the requested use or event and the start and end dates.
 3. A written description of the procedures to be used for traffic/parking management, waste disposal, security and similar measures to minimize any negative impacts.
 4. Proof of ownership, or if the applicant is not the owner of the land, written permission of the owner of the property to allow the proposed use or event.
 5. Information establishing that reasonable liability insurance coverage is carried, to the satisfaction of the city attorney.
 6. A plot or sketch plan (to scale) illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, boundaries of proposed sales/activity areas, location of any proposed building or structures, any proposed lighting, calculation of required parking based on the standards of article XVI, proposed traffic circulation, location of fire hydrants, proposed setbacks from all property lines and distance to any parcels zoned for residential use, location and size of any proposed signs, and any other information deemed to be necessary by the building director.
 7. Whenever a temporary structure, tent or other enclosure is proposed, the applicant shall be required to submit the plans for such structure, covering, or enclosure to the building department for review, permits and inspection prior to commencement of sales or other activity under the temporary use permit. All proposals for temporary structures will be reviewed by the fire prevention division, and must comply with all requirements of the state construction code, the International Fire Code, NFPA regulations, and all other applicable codes, ordinances and regulations.
 8. Whenever an applicant for a temporary use permit intends to utilize the site for fireworks sales, a copy of the state permit and site plan shall be provided with the application in accordance with the requirements of Public Act 256 of 2011.
 9. A performance guarantee or escrow, in an amount and form acceptable to the city attorney, but which shall be not less than the minimum established by the city council. The performance guarantee shall be deposited prior to the issuance of a permit. The performance guarantee shall be used by the city to pay the cost of returning the property to its state prior to commencement

of the event or refunded to the applicant upon compliance with the requirements of this and any other applicable city ordinances.

b. *Standards and procedures for review:* Proposed temporary uses, events, buildings and structures shall be reviewed by the building director and other such departments as deemed necessary by the building director, using the following standards, and a recommendation shall be made to city council:

1. All required information has been submitted.
2. The proposed temporary use or event will be on a lot with a permitted principal building or on a vacant lot in a nonresidential district, and the use meets the minimum required setback for buildings in the zoning district and as required in this section.
3. The proposed use, layout, hours of operation and site improvements, such as fencing, are designed to help ensure compatibility with surrounding land uses.
4. Adequate off-street parking and circulation will be provided. Where section 11.9 does not require parking for the proposed use, at least one parking space shall be provided for each 800 square feet of gross lot area used for the activity or the amount of parking shall be deemed sufficient by the city council based on reference sources and past experience of the city or other communities.
5. Adequate provisions have been made for trash disposal, sewage disposal and security.
6. All applicable city building codes and ordinances will be met.

c. *Operational standards:* A temporary or seasonal sale or event shall comply with the following operational standards:

1. The length of a temporary use or sales event shall not exceed seven days during a season, except that sales of Christmas trees are permitted for up to 45 days. Uses and events which are to occur on a regular schedule (such as every weekend) or over a period of longer than seven days shall be permitted only in commercially zoned districts, based upon a decision by the city council that the use or event will comply with the intent and standards of this section. Such a request must be made known at the time of application, and the permit shall specify the seasonal sales time period.
2. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary uses and seasonal events shall be removed from the premises within five days of the end of the event. Following the five-day period, the city shall use the escrow fee to clear such items from the property.
3. The building director shall immediately cease operations of any temporary use or seasonal event which does not conform to these standards.

d. *Required information and standards for temporary uses, events, and structures:*

1. Temporary sidewalk sales or sales from a temporary structure, which are accessory to the permitted use of the property, shall meet the following requirements:
 - (a) The sale shall be located on an improved lot or parcel which is zoned CB-1, CB-2, or CB-3, which has access via an existing paved driveway from a primary road or State of Michigan thoroughfare.
 - (b) All areas subject to vehicular use shall be paved.
 - (c) There shall be no more than two temporary signs to advertise the sale.
 - (d) The portion of the parcels used for accessory, temporary sales shall be located no closer than 250 feet from a parcel that is zoned for residential purposes.

- (e) The portion of the property used for accessory, temporary sales, and the temporary signs shall meet the setback requirements applicable to the district.
- (f) The temporary use shall not reduce the parking on the parcel below the required number of spaces for the principal and the accessory, temporary use.
- (g) The temporary structure must be a canvas, fabric or membrane tent structure. Rail boxes, semi-trailers, and other box type structures are prohibited. The color of the tent structure must be a neutral tan, white or gray.

2. Temporary sidewalk sales or sales from a temporary structure, which are not accessory to the permitted use, shall meet the following requirements:

- (a) The sale shall be located on an improved lot or parcel which is zoned CB-1, CB-2 or CB-3, which has access via an existing paved driveway from a primary road or State of Michigan thoroughfare.
- (b) All areas subject to vehicular use shall be paved.
- (c) There shall be no more than two temporary signs to advertise the sale.
- (d) The portion of the property used for non-accessory, temporary sales shall be located no closer than 250 feet from a parcel that is zoned for residential purposes.
- (e) The portion of the property used for non-accessory, temporary sales, and the temporary signs shall meet a minimum setback of 85 feet from the right-of-way line and be setback a minimum of 20 feet from any adjacent property line.
- (f) The temporary use shall not reduce the parking on the parcel by more than ten percent, and shall not reduce the parking below the required number of spaces for the principal and the non-accessory, temporary use.
- (g) The temporary structure must be a canvas, fabric or membrane tent structure. Rail boxes, semi-trailers, and other box type structures are prohibited. The color of the tent structure must be a neutral tan, white or gray.

3. Temporary uses for Christmas tree sales must be located in a commercial zoning district.

4. Temporary uses for a circus, carnival, concert, air or watercraft show, or similar event shall meet the following requirements:

- (a) The use must minimize the impact of site activity on surrounding properties, with consideration given to security, parking, traffic, hours of operation, lighting, noise or sound, or other detrimental effects.
- (b) Security measures must be detailed and must demonstrate that they will adequately provide security for the event.
- (c) The city council may deny the use based upon the impact that it will have on surrounding properties or security considerations, or may require reasonable conditions to reduce to a minimum any detrimental effect. Such conditions shall become a part of the permit.

5. Temporary sales conducted by churches or non-profits on property owned by the church or non-profit shall meet the following requirements:

- (a) The sale shall be located on an improved lot or parcel which is owned by the church or non-profit.
- (b) All areas subject to vehicular use shall be paved.

- (c) Reasonable measures shall be implemented to minimize the impact of site activity on surrounding properties.
- 6. The building director may approve permits for a temporary residence during construction (including manufactured homes) on sites for which a building permit has been issued for construction, major repair, or remodeling of a dwelling unit, and such temporary structure must meet the following requirements:
 - (a) Permits shall be issued for a period of six months, and one additional six-month period shall be permitted if the work is proceeding in an expeditious matter. However, the temporary residential structure shall be moved onto the site no more than 14 days prior to commencement of construction and shall be removed from the site within 14 days following the issuance of a certificate of occupancy for the construction project.
 - (b) The temporary residential structure shall meet district setback requirements.
 - (c) All electrical connections to the temporary residential structure shall be inspected and approved by the building department.

ARTICLE X. NONCONFORMITIES

Sec. 10.1. Statement of intent.

This ordinance established separate districts, each of which is an appropriate area for the location of the lots and uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that nonconforming lots, uses, building and structures which substantially and adversely affect the orderly development and assessed value of other property in the district not be permitted to continue without restriction. The purpose of this article is to provide for the regulation of these nonconformities and to specify those circumstances and conditions under which nonconformities shall be permitted to continue.

Sec. 10.2. Regulations pertaining to nonconforming uses, building and structures.

It is the purpose of this ordinance to eliminate nonconformities as rapidly as is permitted by law. A nonconforming use or structure shall not be repaired, restored, extended, enlarged or substituted for except in accord with the following requirements:

- 10.2.1 *Repairs, improvements and modernization of nonconforming buildings and structures.* Minor repairs or maintenance of nonconforming buildings and structures are permitted in order to keep them structurally safe and sound. A nonconforming building or structure may be repaired, improved or remodeled provided such repair or improvement does not exceed 25 percent of the market value of the structure to which they are made. The replacement cost shall be determined prior to any repairs or improvements by the building director based upon a report by a qualified appraiser. Improvements to parking and loading areas and to landscaping may be made without any cost limitation provided parking and loading areas which are enlarged meet the requirements of this ordinance.
- 10.2.2 *Damage by fire or other catastrophe to nonconforming buildings or structures.* Any nonconforming buildings or structures damaged by fire, explosion, flood, erosion or other means, shall not be rebuilt, repaired or reconstructed if damaged in excess of 50 percent of the structure's pre-catastrophe market value except when the use or structure would fully comply with the requirements of this ordinance. For developments containing more than one building, the 50 percent standard shall apply to the market value of the total development.
- 10.2.3 *Structural changes and enlargement of nonconforming uses, building or structures.* A nonconforming use, building or structure shall not be enlarged, extended or structurally altered, nor shall the nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity. Any nonconforming use which has been changed and decreased in intensity of use or nonconformity shall not thereafter be permitted to increase the intensity of use or nonconformity.
- 10.2.4 *Mineral extraction nonconformity.* If a mineral extraction operation is designated a nonconforming use, existing holes or shafts may be worked or enlarged on the land which constituted the lot on which operations were conducted at the time of the operation being so classified, but no new holes or shafts shall be established.
- 10.2.5 *Unlawful nonconformity.* No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- 10.2.6 *Physically unsafe nonconformities.* If a nonconforming building or structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Sec. 10.3. Determination of market value.

The market value and cost of repairing, restoring, or improving a nonconforming use, building or structure excluding contents damaged by fire, explosion, flood, erosion, or other means shall be made on the basis of an appraisal by a qualified individual taken from the list of appraisers as maintained by the building director.

Sec. 10.4. Nonconforming lots of record.

A permitted principal building and uses, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption of amendment of this ordinance, provided such lot shall have been in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are applicable in the district, provided that minimum setback dimensions and other requirements shall conform to the regulations for the district. A reduction of minimum setback requirements shall only be permitted upon granting of a variance by the zoning board of appeals.

Sec. 10.5. Nonconforming buildings or structures under construction.

To avoid undue 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 actual building construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Sec. 10.6. Discontinuance of use.

10.6.1 *Discontinuance of a nonconforming use.* A nonconforming use, building or structure shall be subject to discontinuance as provided by law, including the provision that a nonconforming use once converted to a conforming use cannot be re-established for any reason.

10.6.2 *Abandonment.* In the event that a nonconforming use, building or structure is willfully abandoned by the owner or holder, said nonconforming use, building or structure shall not resume or be re-established. Discontinuance of a nonconforming use, building or structure for a period of 12 months or more shall be deemed willful abandonment.

10.6.3 *Intention of owner to reestablish use.* Neither the intention of the owner nor that of anybody else to use a building or lot or part of either for any nonconforming use, nor the fact that said building or lot or part of either may have been used in violation of this ordinance shall be taken into consideration in interpreting and construing the words "discontinued" or "abandoned."

10.6.4 *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination that does not affect any established nonconforming rights.

10.6.5 *Purchase or condemnation.* In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the City of Westland may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures.

ARTICLE XI. SITE DEVELOPMENT STANDARDS

Sec. 11.1. Landscaping.

11.1.1 *Purpose.* It is the purpose of this section to set minimum standards for the protection and enhancement of the environment by requiring site plan review and the use of landscape materials.

11.1.2 *Application.*

- a. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded. No site plan shall be approved unless said site plan shall show landscaping consistent with the provisions of this section. In cases where the use of an existing building changes or an existing building is expanded or otherwise altered, all of the site plan standards set forth herein shall be met.
- b. *Flexibility.* The planning commission, during site plan review, may determine that conditions unique to the parcel exist which would prevent compliance with the requirements of this section 11.1, or which would make such compliance unnecessary. In such cases, these requirements may be modified in whole or in part. Criteria to be used when considering a modification shall include, but not be limited to:
 - (1) Existence of natural vegetation or screening
 - (2) Topography
 - (3) Existence of areas of poor soils
 - (4) Existing and proposed building placement
 - (5) Building height
 - (6) Adjacent land uses
 - (7) Distance between land uses
 - (8) Dimensional conditions unique to the parcel
 - (9) Traffic, sight distances and traffic operational characteristics on and off site
 - (10) Visual, noise and air pollution levels
 - (11) Public health, safety, and welfare.

11.1.3 *Buffering of nonresidential uses adjacent to residential property.* The owner of property which is used for nonresidential purposes shall install and maintain in good condition along the entire edge of said property adjacent to property which is used or zoned for residential purposes either a protective screen wall or, in the discretion of planning commission and in compliance with the requirements set forth below, a landscape buffer strip or a wood privacy fence. Protective screen walls, buffer strips and wood privacy fences shall be installed prior to construction of the principal use and shall have the following specifications and requirements:

a. *Protective screen wall:*

- (1) The wall shall be of brick, decorative poured concrete, removable concrete panel or other decorative masonry construction six feet in height and eight inches thick, and it shall be reinforced with steel pilasters, or the equivalent. A six-foot high wooden frame fence (if allowed by the planning commission in accordance with subsection c, (1) below), removable panel

concrete fence or a vinyl fence may be substituted for the wall over utility lines or easements, provided posts are sunk in the soil to a depth of at least three feet.

- (2) It shall contain no openings whatsoever except for such gates as may be approved by the planning commission in the course of site plan review.
- (3) It shall extend the full length of the nonresidential property where such property is also adjacent to a residential district or property used for residential purposes, except as provided for in subsection 11.1.9.

b. *Landscape buffer strip:*

- (1) The buffer strip shall be a minimum of 20 feet in depth.
- (2) The buffer strip shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise. A three-foot-high brick or other decorative masonry screen wall be substituted for the berm, or used as retaining wall in conjunction with a half-berm.
- (3) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable live plant material.
- (4) A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Required deciduous trees may be planted at approximately 30-foot intervals, or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (5) A minimum of one evergreen tree shall be planted for each eight lineal feet or portion thereof of required buffer strip length. Required evergreen trees may be planted at eight-foot intervals or can be planted in staggered rows at five-foot centers, or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (6) A minimum of one intermediate shrub shall be planted for each eight lineal feet or portion thereof of required buffer strip length. Required intermediate shrubs may be planted at eight-foot intervals or may be clustered if the city council determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property.
- (7) For the purpose of determining required plant material, required buffer strip length shall be measured along the exterior periphery of the buffer strip.

c. *Wood privacy fence:*

- (1) A wood privacy fence shall only be allowed in the discretion of planning commission, and only where the adjacent property is used for residential purposes and is zoned for nonresidential use.
- (2) Such fence shall be six feet above the highest grade on either side of the fence, and shall be constructed with posts sunk in the soil at least three feet.

11.1.4 *Buffering of nonresidential uses adjacent to a public thoroughfare.* The owner of property used for business, semipublic, public, or other nonresidential uses shall install and maintain in good condition a landscape buffer strip along the entire edge of said property adjacent to a public thoroughfare right-of-way. The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip shall be a minimum of 20 feet in depth or the applicable setback for the zoning district. It shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise. A three-foot high brick or other decorative masonry screen wall may be substituted for the berm, or used as a retaining wall in conjunction with a half-berm.
- b. Grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area except that paving may be used in areas of intensive pedestrian circulation.
- c. A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees. Trees need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner.
- d. A minimum of one evergreen tree and one intermediate shrub shall be planted for each 30 lineal feet or portion thereof of required buffer strip length. Trees and shrubs need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner and approved by the city council.
- e. For the purpose of determining required plant material, required buffer strip length shall be measured along the exterior periphery of the buffer strip.

11.1.5 *Screening and landscaping of parking areas adjacent to or visible from public thoroughfares or residential districts.* The owner of an off-street parking area adjacent to or visible from a public right-of-way or residential area shall install and maintain in good condition the following landscaping:

- a. Off-street parking areas shall be screened from public thoroughfares and residential districts by a 36-inch high brick or other decorative masonry wall around the periphery of the parking area. The wall may be interrupted at not more than 20 percent of its required length if necessary to provide for vehicular access, except that the wall may be interrupted at more than 20 percent of its required length if necessary to provide for one vehicular access and one egress lane. A 36-inch berm planted with grass, ground cover, or other suitable material may be substituted for the wall. It shall be graded with a continuous berm at least three feet above the grade elevation at the grade of the highest level of either property at the common property line, or at the curb level of the abutting street, or at the height of the abutting public sidewalk located in a dedicated public street, whichever is the highest with side slopes having a minimum ratio of three feet of run for every one foot of rise and planted in accordance with subsection 11.1.3(b). The plant materials may be clustered if the planning commission determines that a particular clustering configuration would improve the effectiveness of the buffer strip in screening the property in question from adjacent property. The wall (or berm) shall not be required along the portion of parking and vehicular use area periphery which lies adjacent to a protective screen wall of the type required in subsection 11.1.3(a) of this article, or along the portion of the parking and vehicular-use area periphery which lies adjacent to a building on the same lot as the parking area. In multiple-family districts the wall (or berm) shall not be required along the portion of an off-street parking area which lies adjacent to an off-street parking area in an adjoining multiple-family development. In industrial districts, said wall shall not be required for parking areas which are adjacent to or visible from a public thoroughfare which functions primarily to carry local industrial traffic provided said parking areas are at least 25 feet from the thoroughfare and not adjacent to or visible from a residential area.
- b. Off-street parking areas shall have a minimum of one deciduous tree for every ten parking spaces. Trees may be located in landscape areas within parking areas or on the periphery of parking areas, but

trees counted for meeting this requirement shall not be counted toward meeting other buffer strip or landscape area requirements.

11.1.6 *Buffering of multiple dwellings from streets.* The owner of property used for multiple-dwellings shall install and maintain in good condition a landscape buffer at least 20 feet in depth along the entire edge of said property adjacent to a public right-of-way line. The buffer strip shall be designed and landscaped as follows:

- a. The buffer strip may be interrupted at not more than 20 percent of its required length to provide for vehicular access, except that it may be interrupted at more than 20 percent of its required length if necessary to provide for one vehicular access and one egress lane.
- b. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.
- c. A minimum of one deciduous tree shall be planted for each 30 lineal feet or portion thereof of required buffer strip length, and a minimum of one evergreen tree shall be planted for every 15 lineal feet of required buffer strip length. Required trees need not be planted at 30-foot intervals, but may be located along the buffer strip as desired by the complying property owner.
- d. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees and shrubs. Areas devoted to other buffer strip encroachments, whether specifically permitted by an approved variance, shall be counted in measuring buffer strip length.

11.1.7 *Landscape open-space area.* Whenever in this ordinance a landscaped open-space area is required, it shall be landscaped according with the following standards:

- a. All portions of the landscaped open-space area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the city council.

Drain courses, lakes, and water retention areas may be counted as a portion of the required landscaped open-space area upon approval of the city council, provided that:

- (1) Such drainage courses, lakes, and water retention areas shall not occupy more than 25 percent of the total required open space area; and
- (2) Drainage courses, lakes, and water retention areas counted as part of the required open space area shall not be fenced.

- b. A minimum of one deciduous tree shall be planted for each 3,000 square feet or portion thereof of required landscaped open-space area. Required trees may be planted at uniform intervals, at random, or in groupings.
- c. A minimum of one evergreen tree and one intermediate shrub shall be planted for each 1,000 square feet or portion thereof of required landscape open-space area. Required evergreen trees and intermediate shrubs may be planted at uniform intervals, at random, or in groupings.
- d. The total landscaped open-space area requires shall be the basis for determining the number of trees, evergreens, and shrubs, irrespective of the portion of the required landscaped open-area which is devoted to active recreational purposes or pedestrian circulation, but not including hard surfaces or water area. Allowances for existing healthy plant material may be given by the planning commission.

11.1.8 *Landscaping of rights-of-way and other adjacent public open-space areas.* Public rights-of-way and other public open-space areas adjacent to required buffer strips and landscaped open-space areas shall be planted

with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required buffer strips and landscaped open-space areas.

11.1.9 *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular areas shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Required protective screen walls must be installed outside sight distance triangular areas. Portions of required berms located within sight distance triangular areas shall not exceed a height of 30 inches above the pavement grade at the edge of the pavement. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping except grass or ground cover shall not be located closer than three feet from the edge of an access-way pavement.

The triangular areas referred to above are:

- a. The area formed at a corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- b. The area formed at a corner intersection of two public rights-of-way lines, the two sides of the triangular area being 30 feet in length measured along the abutting public right-of-way line and the third side being a line connecting these two sides.

Sec. 11.2. Landscape material standards.

All plant and nonplant material shall be installed in accordance with the following standards:

11.2.1 *Maintenance-free/nonplant material.* All nonplant material shall be durable and as maintenance-free as reasonably practical.

11.2.2 *Plant quality.* Plant and grass materials used in compliance with provisions of this ordinance shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections or retain certifications required under state regulations. Grass shall be clean and free of noxious weeds, pests and diseases.

11.2.3 *Plastic plant material prohibited.* Plastic and other nonorganic plant materials shall not be used to meet the requirements of this ordinance.

11.2.4 *Required plant material specifications.* The following specifications shall apply to all plant material required by this article:

- a. *Deciduous shade trees (for parking lots and buffer strips).* All tree plantings shall be a minimum of two to two and one-half inches in caliper at a point on the trunk six inches above the ground.
 - Ash (Marshall seedless).
 - Linden (varieties).
 - Locust (thornless, seedless varieties only).
 - Maple (varieties including red, sugar, and Norway).
 - Oak (varieties).
 - Sweet gum.
 - Pear (Bradford, redspire, aristocrat and chanticleer).

- b. *Deciduous ornamental trees (for buffer strips).* All single stem plantings shall be a minimum of one and one-half- to two-inch caliper when installed.
 - Flowering crabapple (varieties).
 - Hawthorn (varieties).
 - Flowering dogwood (varieties).
 - Eastern redbud.
 - Serviceberry (varieties).
- c. *Evergreen trees.* All plantings shall be a minimum of five to six feet in height with an average spread of 21 to 30 inches with the exception of Pine and Spruce trees, which shall be a minimum eight feet in height.
 - Upright Juniper (varieties).
 - Arborvitae (varieties).
 - Pine (varieties).
 - Spruce (varieties).

Note: Pine or Spruce trees shall be planted at 15-foot intervals at a minimum height.
- d. *Intermediate shrubs.* All plantings shall be a minimum height of two and one-half to three feet in height when installed.
 - Dwarf Forsythia.
 - Honeysuckle (varieties).
 - Mockorange (varieties).
 - Ninebark.
 - Spirea (varieties).
 - Juniper (varieties).
 - Tall Hedge Buckthorn.
 - Viburnum (varieties).
 - Winged Euonymus.
 - Yew (varieties).

11.2.5 *Ground covers.* Ground covers used in planting beds in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

Sec. 11.3. Installation and maintenance of landscape materials.

In the cases where an owner of property is required to install and maintain landscape materials, said owner shall observe the following standards:

11.3.1 *Installation.* Landscaping shall be installed in a sound workmanlike manner and according to accepted planning procedures with the quality of plant materials as hereinafter described. Landscaped areas must be protected from vehicular encroachment, by such means as, but not limited to, wheel stops.

Landscape areas shall be elevated above the pavement to a height adequate to protect plant materials from snow removal operations, salt and other hazards. If building or paving construction is completed in an off-planting season, the temporary certificates of occupancy will be issued only after the owner provides cash, irrevocable letter of credit or other acceptable financial guarantees to ensure installation of required landscaping in the next planting season. A specific listing of plant materials shall be provided by the owner of the development which shall include a cost estimate for the landscaping to be installed. The minimum estimate shall be in accordance with the provisions of the planning commission fee schedule as adopted by the city council.

11.3.2 *Maintenance.* The owner of landscaping required by this ordinance shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, which ever comes first. All required landscape areas shall be provided with a sprinkling system. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.

Sec. 11.4. Regulations pertaining to existing plant material.

11.4.1 *Consideration of existing plant material.* In instances where healthy plant material exists on a site prior to its development, the planning commission, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this ordinance.

11.4.2 *Protection of existing plant material during construction.* In the event that healthy plant materials which are intended to meet the requirements of the ordinance per section 11.4.1 are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with table 11.4.2, unless otherwise approved by the planning director based on consideration of the site and building configuration, available planting space, and similar considerations:

Table 11.4.2

Damaged Tree¹	Replacement Tree²	Replacement Ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

¹Caliper of existing trees measured at breast height

²Caliper of replacement trees measured at 12 inches above grade

Sec. 11.5. Outdoor storage in nonresidential areas and in multiple- family residential areas.

11.5.1 *Screening of certain equipment.* No incinerator, garbage, oil or propane tank, or storage rack, shall be exposed on the grounds outside the building, except when enclosed on the three sides by a solid screening wall constructed of material which is compatible with the architectural materials used in the principal building and a solid gate on the access opening. Adequate height of the screening wall shall be provided to completely obscure all stored material. The screening wall must be located at least 15 feet from any building. See section 11.6 for trash receptacle enclosure standards.

11.5.2 *Screening of goods, merchandise and other materials.* No storage of goods, merchandise, or materials outside the building shall be permitted, except when enclosed on all sides by a solid screening wall or fence constructed of material which is compatible with the architectural materials used in the principal building of

adequate height to completely obscure all stored material. The solid wall or fence must be located greater than 20 feet from any building. Openings in such wall or fence shall be approved by the planning commission through the site plan review process. The planning commission may waive or modify the wall or fence requirements upon recommendation of the planning commission that the screening would not serve a useful purpose or would not be practical to install.

Sec. 11.6. Trash receptacles and screening.

For all uses in all zoning districts, except for single-, two-, and three-family dwellings, the following standards shall apply:

11.6.1 *Screening required.*

- a. Outside trash receptacles shall be screened on all sides with an opaque fence or wall, and gate, at least as high as the receptacle, but no less than six (6) feet in height.
- b. Screening enclosures shall be constructed of material which is compatible with the architectural materials used in the site building or project.
- c. Screening gates shall be made of wood or other durable material and shall be reinforced with a steel sub-structure.
- d. Landscaping shall be provided within three feet of the perimeter of the enclosure, and shall consist of evergreen trees or evergreen shrubs at least four (4) feet in height.

11.6.2 *Location standards.*

- a. Trash receptacles shall not be located within the front yard.
- a. Trash receptacles shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings or projects they serve.
- b. Trash receptacles and enclosures shall be located away from public view insofar as possible.
- c. Trash receptacles and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- d. Concrete pads of appropriate size and construction shall be provided for receptacles or groups of receptacles. Concrete aprons shall also be provided for bin loading.
- e. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their receptacles.

Sec. 11.7. Fences and walls.

11.7.1 *Residential fence standard.* All fences must comply with the fence provisions of the Westland City Code.

11.7.2 *Nonresidential fence height limit.* No fence or wall shall be erected, placed, or maintained along a lot line on any nonresidentially zoned property, to a height exceeding eight feet.

Sec. 11.8. Signs.

11.8.1 *Purpose.*

- a. This section promotes safe, well-maintained, vibrant and attractive residential and business districts while reasonably accommodating the need for signs to function for the purposes for which they are intended. The regulations contained in this section are written to directly address these purposes and intents and to provide the least restrictive means to accomplish their ends.

- b. The regulations contained in this section recognize that the individual's right to convey a message must be balanced against the public's right to be free of signs which unreasonably compete with one another and negatively impact traffic and safety. This section provides a consistent set of sign regulations providing businesses and individuals with an opportunity to attract the public, while providing uses that are substantially the same in character with similar treatment.
- c. While this section recognizes that signs and outdoor advertising are necessary to promote commerce, improve navigation and provide public information, failure to require reasonable regulation of signs may lead to poor identification of individual businesses, deterioration and blight, conflicts between different types of land uses, and negative impacts on traffic safety. Oversized, moving or improperly placed signs can, if not regulated, become a nuisance, cause depreciation of property values, pedestrian and driver confusion and distraction, and endanger the public health, safety and welfare.

11.8.2 *Intent.* The intent of this section is to:

- a. Support the and complement the land use objectives set forth in the City's Master Plan.
- b. Ensure that signs are located, designed, constructed, installed and maintained in a way that protects public health, safety and welfare.
- c. Prohibit signs that are structurally unsafe, poorly maintained, and/or cause unsafe traffic conditions by distracting motorists.
- d. Protect the aesthetic quality of neighborhoods and business districts.
- e. Ensure that the constitutionally guaranteed right of free speech is protected.
- f. Reduce conflict between public signs used for purposes of traffic safety, identification of traffic controls, and other governmental purposes, and private signs.
- g. Reinforce and support the desired character of each zoning district in a manner that takes into consideration building scale and massing, lot size, building setbacks, transparency, street dimensions, travel speed and pedestrian presence so that signs contribute to the streetscape and aid in creating a "sense of place."
- h. Allow for adequate and effective signs for business identification and other appropriate commercial and non-commercial speech.
- i. Allow for the dissemination of public information as may be required by law.

11.8.3 *Scope of requirements.*

- a. The regulations herein set forth shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, except when specifically provided for by a variance. Any sign already established on the effective date of this ordinance, and which sign is rendered nonconforming by the provisions herein, and any sign which as a result of subsequent amendments hereto shall be rendered nonconforming, shall be subject to the regulations concerning nonconformities set forth in subsection 11.8.7 of this ordinance.
- b. It shall be unlawful for any person to erect, alter, relocate, re-assemble, repair, or post any sign governed by the provisions of this section within the city without first having obtained a permit from the planning department, except as otherwise noted in this section.

11.8.4 *Exceptions.* The provisions of this ordinance shall not apply to the following:

- a. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.

- b. Miscellaneous traffic and other official signs erected or maintained by any public or governmental agency such as traffic signs, railroad crossing signs, trespassing signs, signs indicating danger, signs used as aids to service or safety, signs indicating scenic or historical points of interest, memorial plaques and the like.
- c. Any signs erected by or on order of a public officer in the performance of a public duty.
- d. Any sign which is located completely within an enclosed building, and which sign is not visible from outside the building.
- e. Works of fine art when not displayed in conjunction with a commercial enterprise which may receive direct commercial gain from such displays.
- f. Signs on a truck, bus, trailer, or other vehicle while operated by and in the normal course of a business.
- g. Flags attached to a ground-mounted flagpole or affixed to a building, provided they may not exceed the height of buildings permitted in the zoning district. Further, whether ground mounted or wall mounted, flags shall be grouped in a single area of the site or building.

11.8.5 *Prohibited signs.* The following signs shall not be permitted, erected, or maintained in any district:

- a. Signs which incorporate any flashing or moving lights, or exposed incandescent light bulbs, except as specifically permitted. This prohibition shall not apply to LED or electronic display signs with static messages or images, as specifically authorized in this section, provided that they meet the rate of change and maximum luminescence requirements of this section.
- b. Banners, pennants, spinners, streamers, and inflatable balloons (except as authorized by subsection 11.8.17).
- c. String/wrap lighting, except as permitted by section 11.14.
- d. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current. This prohibition shall not apply to LED or electronic display signs with static messages or images, as specifically authorized in this section, provided that they meet the rate of change and maximum luminescence requirements of this section.
- e. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- f. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- g. Any sign which makes use of words such as "stop", "look", "danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- h. Any sign containing any obscene, indecent or immoral matter.
- i. Any sign unlawfully installed, erected or maintained.
- j. Portable or temporary signs, except as authorized herein.
- k. Any sign attached to a standpipe, cutter drain, or fire escape, or any sign erected so as to impair access to a roof.
- l. Any off-premise sign or billboard, except where specifically provided herein; however, this section shall not apply to off-premise signs or billboards lawfully in existence at the time this ordinance becomes

effective, as such signs may be maintained and repaired to continue their useful life, nor to those specific signs which are expressly allowed by the district regulations contained in this ordinance. The maintenance and repair of an existing billboard may include upgrade to an LED or electronic display sign provided that:

- (1) The sign shall contain only static messages or images;
- (2) The rate of change between two static messages or images shall not exceed more than one change per six seconds;
- (3) Each change shall be complete in one second or less, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels;
- (4) The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet;
- (5) The sign shall be configured to default to a static display in the event of mechanical failure; and,
- (6) Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section.

- m. Any sign which would project above the parapet line of any roof.
- n. Any sign which would project into any public right-of-way or other access way.
- o. Any sign which is attached to a tree, fence, or utility pole.
- p. Any other sign not specifically authorized by this section.
- q. High intensity search lights used for the attraction of business patrons and customers but not including any emergency lighting as may be required by police, fire or other emergency personnel.

11.8.6 *Marquee signs, awnings and canopies.*

- a. Where limitations are imposed by this section on the projection of signs from the face of the wall of any building or structure such limitations shall not apply to on-premises canopy or marquee signs, provided that any such on-premises sign located on a marquee or canopy shall be affixed flat to the vertical face thereof, and provided further that all marquee signs and canopies shall maintain the following clearances:
 - (1) *Height:* All marquee signs shall maintain a vertical clearance of not less than ten feet above grade. All canopies shall maintain a vertical clearance of not less than seven feet and six inches above grade.
 - (2) *Projection:* No marquee or canopy sign shall project into a public right-of-way.
- b. On-premises signs on awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs from the face of the wall of any building or structure, provided that any such sign located on the awning shall be affixed flat to the surface thereof, and shall be non-illuminated;

provided, no such sign shall extend vertically or horizontally beyond the limits of said awning, and provided further that all awnings shall maintain the following clearances:

- (1) *Height:* All awnings shall maintain a vertical clearance of not less than seven feet and six inches above grade.
- (2) *Projection:* No awning shall project into a public right-of-way.

11.8.7 *Obsolete and nonconforming signs.*

- a. Obsolete signs which do not comply with the requirements of this section, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such copy or message may be found, within 30 days after written notification from the enforcement officer, and upon failure to comply with such notice within the time specified in such notice, the enforcement officer is hereby authorized to issue a citation and/or to cause removal of such copy or message, and any expense incident thereto shall be paid by the owner of the building, sign, or structure upon which such copy or message is displayed. Upon vacating a commercial establishment, the property owner shall be responsible for the removal of all non-conforming signs in conjunction with the business.
- b. It is the intent of this section to recognize that the existence of nonconforming signs is contrary to the best interests of the community. It is considered as much a subject of public health, safety and welfare as is the prohibition of the establishment of new signs in violation of the requirements of this section. It is hereby declared to be the policy of the City of Westland, as expressed in this section, to remove nonconforming signs as expeditiously as is reasonable and as circumstances permit, having due regard for the rights of the parties concerned.

Any existing sign lawfully erected prior to the effective date of this ordinance, which does not comply with all of the requirements and provisions hereof, may be maintained, but such a nonconforming sign shall not be:

- (1) Replaced by or changed to another nonconforming sign;
- (2) Structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the sign is brought into conformance with the requirements of this ordinance;
- (3) Repaired or reestablished after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the cost of an identical new sign;
- (4) Reestablished or maintained after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer. In the case where the activity, business or usage which is discontinued occupies a portion of a nonconforming multi-tenant wall or ground sign, that portion of the sign identifying the previous use shall be painted out or replaced with a blank panel of the same color as the background color that it replaces until such time as 50 percent or more of the total sign area is blank, at which time the entire sign structure is to be removed or replaced with a conforming sign; or
- (5) Changed to any extent, including changing the face or faces when such sign is of a type of construction which permits such a complete change of face; or any changes made in colors, words, letters or symbols used or the message displayed on the sign.

11.8.8 *Construction and maintenance.* The construction, installation, erection, anchorage and maintenance of all signs shall be subject to the regulations of the building code. All electrical wiring associated with freestanding signs shall be installed underground.

11.8.9 *Mounting of signs.* All signs shall be mounted through one of the following manners:

- a. Flat against a building or wall;
- b. Back to back in pairs, so that the backs of signs will be screened from public view;
- c. Clustered in an arrangement which will screen the backs of the signs from public view; or
- d. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

11.8.10 *Limitation on number of signs.* In those districts within which a reduction in total sign area is applied as the number of signs increases, the following exemption is offered. If more than four establishments occupy a single zoning lot, the 20 percent reduction in total sign area shall not apply if all signs are grouped in a single location or are part of a common sign for the entire zoning lot. In such instances, each establishment shall be permitted an additional wall-mounted sign of not more than 16 square feet in area and projecting not more than 12 inches from the face of the wall or structure of the building.

11.8.11 *Measurement.* Except as noted, the area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structures to which the letters and/or logo are attached. In the case of a wall sign attached to the building, the envelope shall be around the letters. The sign support shall not be considered when measuring the area of a ground or freestanding sign.

The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that:

- a. The outline and dimensions of both faces are identical; and
- b. The faces are back-to-back so that only one face is visible at any given location.

The distance between two signs shall be measured along a straight line that represents the shortest distance between the two signs. The distance between a sign and a building, parking lot or storage or processing area shall be measured along a straight line that represents the shortest distance between the sign and the outer edge of the building, parking lot, or storage or processing area. The distance between a sign and the building or property line shall be measured along a straight line that represents the shortest distance between the sign and the building or property line.

11.8.12 *Residence districts signs (R-1, R-2, R-3, THR, GAR, MRR and MHR).* The following signs shall be permitted in all residence districts:

- a. *Wall and freestanding signs.* Wall and freestanding signs shall be permitted in residence districts subject to the following controls:
 - (1) *Area and location for one- and two-family residential uses:* There shall be not more than one wall or freestanding sign which shall be attached to the structure or freestanding, but not closer than three feet to the property line. Said sign shall not exceed one square foot in area, for each dwelling unit. On a corner lot, two such signs shall be permitted for each dwelling unit, one facing each street. No such sign shall project higher than five feet above the curb line.
 - (2) *Area and location for nonresidential uses:*
 - (a) There shall be not more than one wall sign, not to exceed 12 square feet in area. On a corner lot, not more than two wall signs, one facing each street, shall be permitted. No such sign shall project higher than one story or 15 feet above curb level, whichever is lower.
 - (b) There shall be not more than one freestanding sign per lot, except that on a lot exceeding 100 feet of frontage, one freestanding sign shall be permitted for each 100 feet of frontage or portion thereof, and on a corner lot, two freestanding signs, one facing each street shall be permitted even if total frontage is less than 100 feet. No freestanding sign shall be

located less than ten feet from any property line. No freestanding sign shall exceed 32 square feet in area and project higher than six feet above the curb level.

- b. *Signs accessory to parking areas.* Signs accessory to parking areas shall be permitted in residence districts subject to the following controls:
 - (1) *Area and number:* Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of two square feet each. Directional signs, no parking signs, signs identifying parking spaces for the handicapped, and other traffic control signage shall be permitted within the parking area as determined during site plan review.
- c. *Residential development entranceway signs.* Residential development entranceway signs shall be permitted in residence districts subject to the following controls:
 - (1) *Area and number:* There shall be not more than one sign located at each entrance to the residential development complex. No such sign shall exceed 85 square feet in area.
 - (2) *Height:* No sign shall project higher than six feet above curb level.
- d. *Signs for nonconforming uses.* Each nonconforming nonresidential use in a residential district shall be permitted one accessory sign which shall conform to the requirements of subsection 11.8.13(b).

11.8.13 *Office business district signs (OB).*

- a. *Signs for residential uses in the office business district.* Signs for residential uses in the office business district shall be governed by the sign regulations for residential districts set forth in section 11.8.12.
- b. *Wall-mounted signs for office and other nonresidential permitted uses.* Wall-mounted signs shall be permitted in office districts subject to the following controls:
 - (1) *Area, size and number:* A single wall sign, not exceeding 64 square feet in area, may be displayed. On a corner zoning lot, two such signs, one facing each street, shall be permitted.
 - (2) *Location and height:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
 - (a) Twenty-five feet above grade;
 - (b) The top of the sills of the first level of windows above the first story; and
 - (c) The height of the building at the eaves facing the street on which the sign is located.
- c. *Freestanding signs for office and other nonresidential permitted uses.* Freestanding signs shall be permitted in office districts subject to the following controls:
 - (1) *Area, size and number:* A single freestanding on-premises sign, not exceeding 32 square feet in area for buildings up to two stories in height, and not exceeding 50 square feet in area for buildings exceeding two stories in height, shall be permitted. On a corner zoning lot, two such signs, one facing each street, shall be permitted.
 - (2) *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such building or individual use. No sign shall be located less than ten feet from any side or rear property line.
 - (3) *Height:* No sign shall project higher than ten feet above curb level.
 - (4) *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any other permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.

- d. *Signs accessory to parking areas.* Signs accessory to parking areas shall be permitted in the office business district subject to the following controls:
 - (1) *Area and number:* Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of four square feet each. Directional signs, no parking signs, signs identifying parking spaces for the handicapped, and other traffic control signage shall be permitted within the parking area as determined during site plan review.
- e. *Signs for nonconforming uses.* Signs for nonconforming nonresidential uses shall be permitted one accessory sign which shall conform to the requirements of subsection 11.8.13(b).

11.8.14 *Commercial districts signs (CB-1, CB-2, CB-3, CCD and FORD).*

- a. *Signs for residential uses in commercial districts.* Signs for residential uses in commercial districts shall be governed by the sign regulations for residential districts set forth in section 11.8.12.
- b. *Wall signs.* On-premises wall signs shall be permitted in commercial districts subject to the following controls:
 - (1) *Area and number:* The gross area in square feet of all signs on a zoned lot shall not exceed one and one-half square feet for each lineal foot of building frontage, or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area; however, the maximum total of all permitted signs for any establishments shall not exceed 200 square feet.
 - (2) *Location and height:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
 - (a) Twenty-five feet above grade;
 - (b) The top of the sills of the first level of windows above the first story; and
 - (c) The height of the building at the eaves facing the street on which the sign is located.
- c. *Monument signs.*
 - (1) For shopping centers in single ownership or under unified control, or individual uses with a minimum frontage of 200 feet, one on-premises monument sign on each street frontage shall be permitted, subject to the following controls:
 - (a) *Area:* The gross area in square feet permitted for the monument sign shall not exceed one-half square foot for each lineal foot of frontage of such zoning lot, or a total of 100 square feet, whichever is less. Up to 75 percent of the allowable gross area of the sign may be used for an LED or electronic display, provided such display complies with subsection (3), below.
 - (b) *Setback:* Such sign shall be set back a minimum of ten feet from the front lot line of such center or individual use. For each five feet of sign setback in excess of the ten-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
 - (c) *Height:* Signs shall have a minimum two-foot tall brick or masonry base, and no sign shall project higher than 14 feet above curb level.
 - (d) *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any other permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.
 - (2) For individual uses with a frontage less than 200 feet, one on-premises monument sign on each street frontage shall be permitted, subject to the following controls:

- (a) *Area:* The gross area in square feet permitted for the monument sign shall not exceed one-third square foot for each lineal foot of frontage of such zoning lot, or a total of 48 square feet, whichever is less. Up to 75 percent of the allowable gross area of the sign may be used for an LED or electronic display, provided such display complies with subsection (3), below.
- (b) *Setback:* Such signs shall be set back a minimum of ten feet from the front lot line of such individual use. For each five feet of sign setbacks in excess of the ten-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
- (c) *Height:* Signs shall have a minimum two-foot tall brick or masonry base, and no sign shall project higher than eight feet above curb level.
- (d) *Distance from other permitted signs:* Such sign shall be located at least 35 feet from any other permitted sign on the zoning lot and 35 feet from any existing freestanding sign on an adjacent zoning lot.

(3) The LED or electronic display portion of a sign authorized in this section shall meet the following requirements:

- (a) The sign shall contain only static messages or images;
- (b) The rate of change between two static messages or to exceed more than one change per six seconds;
- (c) Each change shall be complete in one second or less, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels;
- (d) The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths foot candle over ambient light levels measured at a distance of 150 feet;
- (e) The sign shall be configured to default to a static display in the event of mechanical failure; and,
- (f) Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section.

d. *Window signs.*

- (1) *Permanent window signs.* Permanent non-illuminated on-premise signs shall be permitted on the inside of the glass of windows, provided that the total area of such sign does not exceed 30 percent of the area of the window in which it is located and provided that the area of the sign be counted in determining the total area of the signs on the zoning lot.
- (2) *Temporary window signs.* Temporary non-illuminated on-premises window signs shall be permitted only for uses less than 10,000 square feet in total area and subject to the restriction that the total area of temporary and permanent window signs shall not exceed 30 percent of the area of the window in which they are located.

e. *Signs for nonconforming uses.* Signs for nonconforming nonresidential uses shall conform to all the provisions of this subsection (subsection 11.8.14).

- f. *Signs accessory to parking areas.* Signs accessory to parking areas shall be permitted in the commercial districts subject to the following controls:
 - (1) *Area and number:* Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of four square feet each. Directional signs, no parking signs, signs identifying parking spaces for the handicapped, and other traffic control signage shall be permitted within the parking area as determined during site plan review.
- g. *Gasoline service stations.* In addition to the signage allowed and regulated in this subsection 11.8.14, gasoline service stations may include gasoline pump and/or pump island signage subject to number, size, height, placement and similar standards determined as part of site plan review.
- h. *Super-regional shopping center sign regulation.* The following sign regulations shall apply to shopping centers which contain a minimum of 900,000 square feet of floor area in one contiguous building:
 - (1) *Wall signs.* In lieu of the requirements of subsection 11.8.14,(b), on-premise wall signs for super-regional shopping centers shall be subject to the following:
 - (a) *Area and number:* The gross area in square feet of all wall signs on a zoned lot shall not exceed one and one-half square feet for each lineal foot of building frontage, or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area; however, the maximum total of all permitted signs for any single establishment shall not exceed 400 square feet.
 - (b) *Location:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
 - (i) Twenty-five feet above grade;
 - (ii) The top of the sills of the first level of windows above the first story; and
 - (iii) The height of the building at the eaves facing the street on which the sign is located.
 - (2) *Additional freestanding signs.* In addition to other signage allowed and regulated in this subsection 11.8.14, one additional on-premise freestanding sign on each street frontage shall be permitted for super-regional shopping centers subject to the following controls:
 - (a) *Area:* The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one-half square foot for each lineal foot of frontage of such zoning lot, or a total of 100 square feet, whichever is less.
 - (b) *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such center or individual use. For each five feet of sign setback in excess of the 15-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
 - (c) *Height:* No sign shall project higher than 14 feet above curb level.
 - (d) *Distance from other permitted signs:* Such sign shall be located at least 50 feet from any permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.

11.8.15 *Industrial districts signs (I-1 and I-2).*

- a. *Signs for residential uses in industrial districts.* Signs for residential uses in industrial districts shall be governed by the sign regulations for residential districts set forth in subsection 11.8.12.
- b. *Wall signs.* On-premises wall signs shall be permitted in industrial districts subject to the following controls:

- (1) *Area:* The gross area in square feet of all wall signs on a zoning lot shall not exceed one square foot for each lineal foot of lot frontage. Where more than two signs are located on any zoning lot, the third such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by 20 percent.
- (2) *Location and height:* No such sign shall project more than 18 inches from the face of the wall of the building. The top of such sign shall be no higher than the lower of:
 - (a) Twenty-five feet above grade;
 - (b) The top of the sills of the first level of windows above the first story; and
 - (c) The height of the building at the eaves facing the street on which the sign is located.

c. *Freestanding signs.*

- (1) For industrial parks and for individual uses with more than 500 linear feet of frontage, the following freestanding signage shall be permitted:
 - (a) *Area, size and number:* A single freestanding on-premises sign shall be permitted. The gross area in square feet of the freestanding sign shall not exceed one-half times the lineal feet of frontage of such zoning lot; however, the gross surface area of the freestanding sign shall in no case exceed 200 square feet. On a corner zoning lot, two such signs, one facing each street, shall be permitted.
 - (b) *Setback:* Such sign shall be set back a minimum of 15 feet from the front lot line of such industrial park or use. For each five feet of sign setback in excess of the 15-foot minimum, the allowable sign height may be increased by ten percent of the maximum permitted below.
 - (c) *Height:* No sign shall project higher than 14 feet above curb level.
- (2) For individual uses with less than 500 linear feet of frontage, the following freestanding signage shall be permitted:
 - (a) *Area, size and number:* A single freestanding on-premises sign, not exceeding 48 square feet in area shall be permitted. On a corner zoning lot, two such signs, one facing each street, shall be permitted.
 - (b) *Setback:* Such sign shall be set back a minimum of ten feet from the front lot line of such building or individual use. For each five feet of sign setbacks in excess of the ten-foot minimum, the allowable sign height of such sign may be increased by ten percent of the maximum permitted below.
 - (c) *Height:* No sign shall project higher than ten feet above curb level.
- (3) Freestanding signs shall be located at least 50 feet from any other permitted sign on the zoning lot and 50 feet from any existing freestanding sign on an adjacent zoning lot.

d. *Freestanding and wall-mounted off-premises signs.* Freestanding and wall-mounted off-premises signs shall be allowed in the industrial districts subject to the following controls:

- (1) Off-premises signs shall be counted in determining the total sign area permitted on the zoning lot.
- (2) Freestanding off-premises signs shall not be permitted on zoning lots with another freestanding sign.
- (3) Off-premises signs shall not exceed 14 feet in height.

- e. *Signs accessory to parking areas.* Signs accessory to parking areas shall be permitted in the industrial districts subject to the following controls:
 - (1) *Area and number:* Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of four square feet each. Directional signs, no parking signs, signs identifying parking spaces for the handicapped, and other traffic control signage shall be permitted within the parking area as determined during site plan review.

11.8.16 *Temporary Event Signs.*

- a. *Residential temporary event signs.* All residential dwellings, including but not limited to a single-family dwelling, two-family dwelling or a ground-level multiple family unit, shall be permitted on-premise, freestanding temporary event signs.
 - (1) *Maximum sign size.* Each sign shall not exceed nine square feet per side.
 - (2) *Placement.* Permitted signs shall not be located in public rights-of-way and shall be set back at least three feet from the property line.
 - (3) *Illumination.* Residential temporary event signs shall not be illuminated.
 - (4) *Duration.* A temporary event sign shall be taken down no later than five days after the event it pertains to is completed.
 - (5) *Permit.* A sign permit is not required.
- b. *Commercial temporary event signs.*
 - (1) *Number and total area.* Each lot shall be limited to a total of four signs not to exceed a total sign area of 48 square feet. For lots with road frontage in excess of 400 feet, an additional 48 square feet of signage is permitted not to exceed 96 square feet in total sign area, but there shall be no increase in the total number of permitted signs.
 - (2) *Maximum size of individual signs.* No sign shall exceed 24 square feet in area and shall not project higher than six feet above the curb level.
 - (3) *Location and setback.* Temporary event signs shall not be located in public rights of way and shall be no closer than three feet to the property line.
 - (4) *Installation.* Temporary event signs shall be securely attached to the structure or securely anchored/ weighted to the ground.
 - (5) *Illumination.* Signs shall not be illuminated.
 - (6) *Duration.* A temporary event sign shall be permitted for no more than 60 consecutive days.
 - (7) *Permit.* A permit is required for all commercial temporary event signs.

11.8.17 *Temporary Decorations.*

- a. Temporary decorations shall be permitted for a period of 90 consecutive days.
- b. Temporary decorations shall be securely attached and shall not create a safety hazard of any kind.
- c. Temporary decorations shall not exceed the maximum allowable height within the zoning district in which it is located.
- d. Temporary signs attached to temporary decorations shall be permitted separately and in accordance with Section 11.8.16.

- e. City-sponsored temporary decorations on public property are exempt from the requirements of this section.
- f. Luminous tube, rope, neon, or fluorescent lighting shall be prohibited in the front yard of lots located in residential zoning districts unless it is a temporary display. A temporary display is permitted for 90 consecutive days and must be disassembled and removed from the structure within that timeframe.

11.8.18 Severability.

If any term of this Section 11.8 is to any extent illegal, otherwise invalid, or incapable of being enforced, such term shall be excluded to the extent of such invalidity or unenforceability; all other terms hereof shall remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable term shall be deemed replaced by a term that is valid and enforceable and that comes closest to expressing the City's intention of such invalid or unenforceable term.

Sec. 11.9. Off-street parking and loading requirements.

11.9.1 Scope of regulations. The off-street parking and loading provisions of this ordinance shall apply as follows:

- a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- b. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for 100 percent of any existing building, structure, or premises even if less than 100 percent of the required parking and loading facilities was provided before the increase in intensity. When additional parking and loading areas are provided, said additional parking and loading areas and all existing parking and loading areas shall be made to conform to the appropriate site plan regulations set forth in article XII of this ordinance.
- c. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required by this ordinance for such new use without regard to any variance which might have been in effect prior to the change of use.
- d. Notwithstanding the above, the planning commission may reduce the parking requirements of this section based upon a finding that there will be a lower demand for parking due to one or more of the following:
 - (1) Shared parking by multiple uses where there will be a high proportion of multi-purpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. For separate lots, they may be adjacent to each other, with pedestrian, and vehicular connections maintained between the lots. Shared parking agreements shall be filed with the Wayne County Register of Deeds and the city clerk after approval by the planning commission before a certificate of occupancy is issued.
 - (2) Convenient municipal off-street parking or on-street spaces located along the site's frontage.
 - (3) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction, the site design

shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.

- (4) Availability of other forms of travel such as transit. In allowing a parking space reduction, the planning commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
- (5) Where the applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.

11.9.2 Existing parking and loading facilities. Accessory off-street parking and loading facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.

11.9.3 Permissive parking and loading facilities; Maximum allowed parking. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to. However, it is also the intent of the city to minimize excessive areas of pavement, which reduces aesthetic standards and contributes to high rates of storm water runoff. Therefore, for uses which require 25 or more parking spaces in accordance with section 11.9.7, exceeding the minimum parking space requirements by more than ten percent (10%) shall only be allowed with approval by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. The planning commission may require that additional spaces be constructed with alternative paving materials, such as permeable/grass pavers or pervious concrete.

11.9.4 Damage or destruction. For any conforming or legally nonconforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction. Nothing in this section shall be deemed to permit the reconstruction, reestablishment, or repair of any nonconforming use except in accordance with the provisions of article X.

11.9.5 Submission of plot plan. Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan—drawn to scale and fully dimensioned—showing any off street parking or loading facilities, as well as all structures, to be provided in compliance with this ordinance. Whenever a site plan is required in accordance with the provisions of article XII of this ordinance, said site plan shall meet the requirements of this section.

11.9.6 Off-street parking general requirements.

- a. **Location.** All parking spaces required to serve building or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve commercial or industrial buildings or uses may be located within 100 feet of the zoning lot on which such use is located if said spaces and uses are located in a commercial or industrial district, and if said spaces are not required to meet the needs of handicapped persons. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or

enlarged so as to require the provision of parking spaces under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located provided such facilities are within 100 feet walking distance of a main entrance to the use served. Owners of property, nonconforming as to parking who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.

- b. *Additional requirements.* Off-street parking spaces, open to the sky, may be located in any yard, except the required front yards in a residence district. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements. Said off-street parking shall be hard surfaced in accordance with the engineering standards of the city and shall not exceed 40 percent of the required front yard.
- c. *Control of off-site parking.* In cases where parking facilities are permitted on land other than the zoning lot on which the principal building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession shall be filed with the department of planning of the City of Westland. If possession is by lease, said lease shall be for a term extending not less than 20 years beyond the date on which the property receives final approval for meeting the parking requirements of this ordinance. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
- d. *Size.* Except for parallel parking spaces, each required off-street parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet. For parallel parking, the length of the parking space shall be increased to 24 feet. All other requirements as to size shall be as hereinafter set forth in Table 11.9.6.i and Figure 11.9.6.i.
- e. *Access.* Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 20 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- f. *Collective provision.* No parking space or portion thereof shall serve as a required space for more than one use. Off-street parking facilities for separate uses may be provided collectively. If parking facilities for separate uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately, except that the total number of spaces may be reduced by up to 25 percent if such a reduction is specifically approved as part of required site plan review approval. Such an approval shall be granted only on a showing that the parking demands of the two uses do not overlap in time.
- g. *Computation.* When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. Unless otherwise stated, for the purposes of computing parking requirements, floor area shall be measured in accordance with the definition of "floor area" as set forth in article XVIII.
- h. *Parking spaces for physically handicapped.*

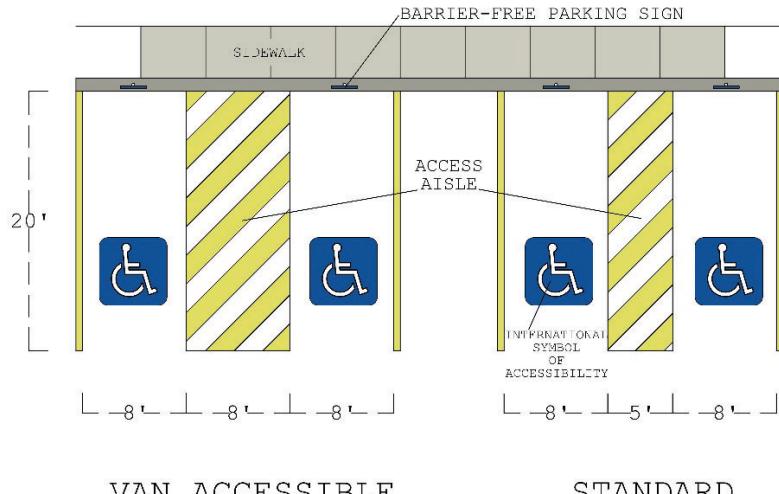
(1) *Number:* A parking lot servicing each entrance of a building, excepting single- or two-family residential or temporary structures, shall have a number of level parking spaces as set forth in table 11.9.6.h and identified by above grade signs as reserved for physically handicapped persons.

Table 11.9.6.h

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	100 plus 1 for each 100 over 1,000

(2) *Design:* Off-street parking areas shall conform with all applicable requirements of the Michigan Department of Labor Construction Code Commission in accordance with Act 1 of the Public Acts of 1966, as amended and Act 230 of the Public Acts of 1972; as amended.

Figure 11.9.6.h
Barrier-Free Parking Space Design



(3) *Location:* Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators.

(4) *Curbs:* Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access.

i. *Design and maintenance.*

(1) *Plan:* The design of parking lots or areas shall be subject to the approval of the city engineer, in accordance with parking lot Ordinance No. 189 and handicappers parking Ordinance No. 228.

(2) *Character:* Accessory parking spaces may be open to the sky, or enclosed in a building.

(3) *Surfacing:* All open off-street parking areas, access lanes, and driveways, including those accessory to single-family and two-family residences shall be surfaced with a dustless all-weather material. Loose aggregate materials including gravel and asphalt millings are not considered a dustless all-weather material. All parking areas except those serving one- and two-family residences shall be surfaced as required by Ordinance No. 189 of the City of Westland. The planning commission, after review by the city engineer, may allow parking areas to be constructed with alternative paving materials, such as permeable/grass pavers or pervious concrete.

(4) *Screening and landscaping:* Except for those serving one- and two-family dwellings, all open vehicle parking areas containing more than three parking spaces shall be screened and landscaped as required in section 11.1 of this ordinance.

(5) *Lighting:* Any lighting used to illuminate off-street parking areas shall comply with section 11.14.

(6) *Wheel stops:* Except for those serving one- and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or over any sidewalks whether private or public.

(7) *Shelter building:* No parking lot for accessory off-street parking shall have more than one attendant shelter building. All shelter buildings shall conform to all setback requirements for structures in the district.

(8) *Signs:* Accessory signs shall be permitted on parking areas in accordance with the provisions specified in section 11.8 of this ordinance.

(9) *Repair and service:* No commercial motor vehicle repair work or service of any kind shall be permitted in association with accessory parking facilities except that emergency service required to start vehicles shall be permitted.

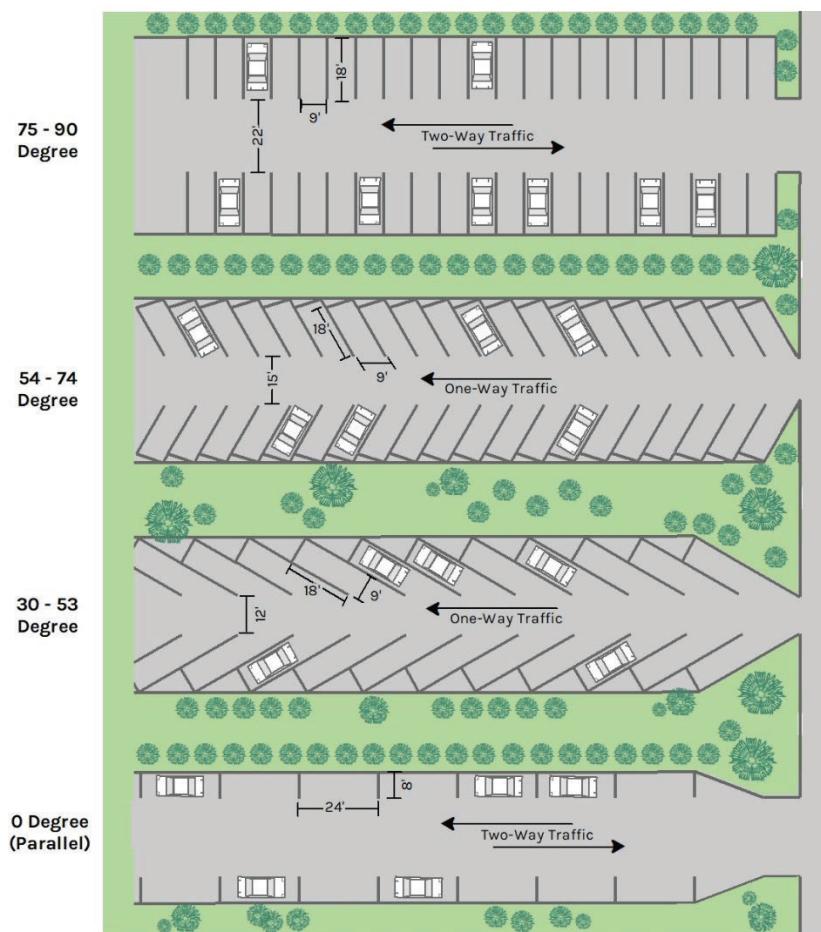
(10) *Loud speakers prohibited:* The use of loud speakers shall be prohibited in all parking areas, except between the hours of 7:00 a.m. and 7:00 p.m. The restriction on the use of loud speakers shall not apply to parking areas serving single- or two-family residences or when loud speakers are used for municipally sponsored civic functions.

Table 11.9.6.i
Off-Street Parking Table of Dimensions

Parking Pattern (Degrees)	Maneuvering Lane Width	Parking Space Width*	Parking Space Length*
0 (parallel parking)	12 feet	8 feet	24 feet
30 to 53	12 feet	9 feet	18 feet
54 to 74	15 feet	9 feet	18 feet
75 to 90	22 feet	9 feet	18 feet

* Provisions for small car parking spaces may be permitted at the discretion of the Planning Commission at the time of site plan review.

Figure 11.9.6.i
Off-Street Parking Layouts



11.9.7 *Off-street parking specific requirements.* All off-street parking spaces hereinafter required by this ordinance, except those required for one- and two-family dwellings, shall be designed in accordance with one of the formulae set forth in the off-street parking chart, which chart is attached hereto and made a part hereof. Off-street parking spaces shall be provided in accordance with the specific parking classes as hereinafter set forth in Table 11.9.7. Whenever any building, structure, or zoning lot contains more than one use listed in Table 11.9.7 then each use shall be considered in determining total parking needs. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special land) use requirement. If, for any reason, the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces provided by such use is not readily determinable hereunder, the parking class of such use shall be fixed by the planning commission.

Table 11.9.7
Off-Street Parking Table (Parking Classes)

RESIDENTIAL		
1	Single family detached dwellings, two-family dwellings, and attached residential dwelling units (i.e. row houses or townhouses) that have a direct ground-level entrance into each unit from the exterior of the building	2 parking spaces for each dwelling unit
2	Residential, multiple family (garden apartments and mid-rise residential structures)	
(a)	Efficiency and one-bedroom units	1 parking spaces for each dwelling unit
(b)	Two-bedroom units or more	1.5 parking spaces for each dwelling unit
(c)	Accessory uses—Maintenance facilities	1 space for each employee
(d)	Accessory uses—Community buildings	1 space for each 300 square feet of floor area
(e)	Guest parking required	1 space for each 10 dwelling units.
3	Boarding, rooming, and/or tourist homes	1.1 parking space for each occupancy unit plus 1 parking space for each employee
4	Senior citizen housing	1 parking space for each dwelling unit plus 1 parking space for each employee. Should units revert to general occupancy, then parking spaces shall be provided as indicated in No. 2 above
5	Manufactured homes	As set forth in article IV
INSTITUTIONAL		
6	Places of worship	1 parking space for each 3 seats or 6 lineal feet of pews in the main unit of worship. In places of worship where seating is not provided such as mosques, 1 for each 30 square feet of worship room.
7	Colleges, junior college, or university	1 parking space for each 4 students based on design capacity in addition to the requirements for the assembly hall, stadium, or sports arena
8	Industrial or vocational school, including commercial schools, business schools, business machine schools, and computer technology schools	1 parking space for every teacher, employee and administrator, and one parking space for each 2 students. Additional parking shall be provided to accommodate any retail sales or service activities conducted

9	Elementary, junior high schools, and intermediate schools	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capacity of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee
10	Fraternities or sororities, dormitories, or other residence halls	1 parking space for each 4 beds or 1 for each 1,000 square feet of floor space, whichever is greater
11	Assisted living facilities, convalescent and nursing homes	1 parking space for each 4 beds plus 1 space for each employee on the premises, based on largest number of employees on the premises at one time
12	Hospitals	1 parking space for every 2 beds plus 1 for each 5 outpatients plus 1 additional space for each employee, computed on the basis of the greatest number in the largest working shift. In hospitals, bassinets shall not be counted as beds
13	Library	1 parking space for each 300 square feet of floor space, plus 1 parking space per employee on the largest shift
14	Museum, cultural center, or similar facility	1 parking space for each 300 square feet of floor space, plus 1 parking space per employee on the largest shift
15	Post office	1 parking space for every 300 square feet of floor area over 4,000 square feet, plus one space for each person employed on the largest shift
16	Private civic, fraternal club or lodge	1 parking space for every 50 square feet of floor area, or 1 per 3 persons of maximum occupancy as established by the fire marshal, whichever is greater
17	Private golf clubs, country clubs	1 parking space for every 2-member family or individual member
18	Private swimming pool clubs	1 parking space for every 2-member family or individual member
19	Public golf courses	6 parking spaces per golf hole plus 1 parking space per employee
20	Swimming pools (community)	1 parking space for every 4 persons lawfully permitted plus 1 per employee
21	Senior high schools	1 parking space for every teacher, employee, or administrator, plus 1 parking space for every 10 students in addition to the requirements for the assembly hall, stadium, or sports arena
22	Stadium, sports arena, or similar place of assembly	1 parking space for each 3 seats or similar of assembly vantage accommodation provided or 1 parking space for each 6 lineal feet of benches
23	Theaters, auditoriums, assembly halls	(a) With fixed seating: 1 parking space for each 3 seats and similar vantage accommodation, or 1 parking space for each 6 lineal feet of benches, or 1 parking space per 3 persons based on the

		occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee (b) Without fixed seating: 1 parking space for every 3 persons who may legally be admitted therein at one time under occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee
COMMERCIAL		
24	Ambulance service and rescue squad	Adequate space to accommodate all motor vehicle operated in connection with such use and 1 additional parking space for each employee
25	Fitness centers or health clubs	1 parking space per patron based on the occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 parking space per employee on a major shift
26	Gasoline service stations	1 parking space for each lubrication stall, rack, or pit, plus 1 space for each service vehicle, plus either 1 space for each fuel pump, plus 1 space for each employee on the largest shift, whichever is greater
27	Motor vehicle washing establishments, automatic	1 for each employee, plus 15 spaces for cars waiting to be washed for each conveyor system or line
28	Motor vehicle washing establishments, self-service or coin operated	3 stacking spaces for each washing stall in addition to the stall itself
29	Motor vehicle repair, minor or major	1 parking space per bay plus 1 space per each employee on the largest shift. The area used to store damaged or inoperative vehicles shall not be counted as off-street parking. Adequate area shall be provided to store 2 vehicles for every service bay
30	Banks, financial institutions	1 parking space for every 250 square feet of floor area, plus 1 for each employee
31	Banks, financial institutions with drive-in windows	1 parking space for every 250 square feet of floor area plus 4 stacking spaces for each drive-in window
32	Beauty parlor, barber shop or tanning salon	1.5 for each beauty, barber chair or station, plus 1 for each employee
33	Bed and breakfast establishments	1 for the owner or resident manager and 1 for each guest room
34	Bowling alleys	4 parking spaces for each bowling lane in addition to the requirements for a place serving food or beverages on the site, plus 1 parking space per employee on the largest shift
35	Dance halls, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	Either 1 parking space for each 50 square feet of floor area, or 1 parking space for every 3 persons based on the occupancy load as established by local, county, and state fire, building, or health codes, whichever is greater, plus 1 space per employee on the largest shift

36	Child care centers and nursery schools, school of special education, and schools for the mentally and physically disadvantaged	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capability of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee
37	Restaurants	
	(a) Drive-through restaurant	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, whichever is larger, plus sufficient area for 8 stacking spaces for the first drive-in window and 6 stacking spaces per each window
	(b) Drive-in restaurant (eating only allowed in vehicle with no seating facilities)	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, in addition to the spaces provided for customer service
	(c) Drive-in restaurant with seating facilities (eating allowed in vehicles)	1 parking space per 50 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or 1 parking space per employee on the largest shift, whichever is larger, in addition to the spaces provided for drive-in service
	(d) Fast-food restaurant serving portions over a counter or at a cafeteria line	1 parking space for 50 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or one parking space per employee on the largest shift, whichever is greater
	(e) Snack bar serving food over a counter to patrons who eat in their cars or in the open air	10 parking spaces per service station, plus 1 space for each employee on the largest shift
	(f) Restaurant serving prepared-to-order meals brought to patrons' tables by waiters or waitresses	1 parking space per 100 square feet of eating area, plus either 1 parking space per 100 square feet of non-eating area or 1 parking space per employee on the largest shift, whichever is greater
	(g) Restaurant serving prepared-to-order meals brought to patrons' tables by waitresses with entertainment and/or dance license	1 parking space per 75 square feet of gross floor area, plus 1 space for each employee on the largest shift
38	Furniture and appliance household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	1 parking space for every 500 feet of floor area
39	Lodging facilities	1 parking space per rental unit, plus either 1 parking space for each employee on the largest shift, or 1 parking space for each 10 rental units, whichever is greater, plus such spaces as are required for restaurants, bars, taverns, assembly rooms and affiliated facilities
40	Laundromats and coin-operated dry [cleaning machines]	1 parking space per each 2 washing and/or dry cleaning machines
41	Miniature or "Par 3" golf courses and golf driving ranges	2 parking spaces for each hole, or tee, plus 1 parking space for each employee

42	Funeral homes and mortuaries	1 parking space for each 50 square feet of area used for services, parlors, and slumber rooms
43	(New) motor vehicle sales, rental, and service establishments	1 parking space for each 200 square feet of floor area exclusive of the service area, plus 1 parking space for each auto service stall in the service room, plus 1 space per employee on the largest shift
44	(Used) motor vehicle sales	1 parking space for every 500 square feet of outdoor sales area plus 1 space for each auto service stall, plus 1 space per employee on the largest shift
45	Pool room, billiard parlor, and table game establishments	Either 1 parking space per pool table, billiard table, or game, plus 1 space for every 20 square feet of floor area or 1 parking space per 3 persons based on occupancy load as established by local, county, and state fire, building, and health codes, whichever is greater
46	Open air businesses, including nurseries	1 space per 500 square feet of land area being utilized for retail purposes, plus 1 space per employee
47	Public utility facilities, such as communications equipment buildings, and electrical substations not open to the public	1 parking space per employee. This shall apply to the maximum number of employees on duty at any one time
48	Retail stores, except as otherwise specified herein	1 parking space for every 250 square feet of gross floor area
49	Retail lumber yards	2.5 parking spaces for each employee on the largest shift, plus spaces as required above for enclosed retail sales areas
50	Roadside stands	4 parking spaces
51	Shopping centers	
	Gross leasable floor area (G.L.A.)	Spaces per 1,000 square feet of G.L.A.
	25,000 to 250,000 square feet	3 spaces
	Over 250,000 square feet	2 spaces
52	Supermarkets, self-service food stores, and convenience food stores	1 parking space for every 250 square feet of gross floor area or fraction thereof
53	Tennis clubs and court-type recreation types	1 parking space per each person permitted by the capacity of the courts, plus such additional spaces as may be required herein for affiliated uses such as bars, restaurants, or assembly space, plus 1 space per employee
54	Taxi terminals	1 parking space for each employee on the largest working shift, plus 1 space per company vehicle, screened as required in article XI for outdoor storage area, plus sufficient spaces to accommodate the largest number of visitors may be expected at any one time
OFFICE		

55	Business and professional offices of architects, engineers, landscape architects, lawyers or similar or allied professionals	1 parking space for each 300 square feet of floor area
56	Professional offices of medical or dental practitioner's or similar professionals	1 parking space for each 250 square feet of floor area
INDUSTRIAL		
57	Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, or storage of materials, goods or products, and business offices accessory thereto	5 parking spaces, plus 1 for every employee in the largest working shift or 1 per 2,000 square feet of gross floor area, plus 1 for each 250 square feet of office floor area
58	Wholesale and warehouse establishments	1 parking space per employee on the largest shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area
59	Heavy equipment storage yard, nonretail lumber and building	1 parking space per employee on the largest shift, plus 1 space per company vehicle and piece of mobile equipment plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area
60	Uses under construction	Space on site shall be provided for all construction workers during periods of construction
61	Drive-up windows or pick-up stations	8 stacking spaces for the first drive-up window or station and 6 additional stacking spaces per each additional window or pick-up station

11.9.8 *Bicycle parking facilities.* All developments shall be designed to accommodate bicycle travel, including providing bike racks. All parking structures and parking lots shall provide sufficient bike racks based on a minimum of one (1) bike for every ten (10) automobiles. The planning commission may reduce or waive the bicycle parking requirements herein based on a finding of sufficient bicycle parking being provided to support the proposed use.

11.9.9 *Electric vehicle parking.* Electric vehicle parking spaces provided by a property owner may be counted toward the minimum number of parking spaces as required by Table 11.9.7, not exceeding 10 percent of the total number of required spaces.

11.9.10 *Off-street loading general requirements.*

- a. *Location.* All permitted and required loading berths shall be located as provided herein, and loading berths not so located shall be prohibited. Except as provided in subsection g. below, all required loading berths shall be located on the same zoning lot as the use served. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. Any permitted or required loading berth may be located in a rear yard including a required rear yard setback area. Any permitted or required loading berth may be located in a non-required front or side yard, but not in a required front or side yard setback area. See article II for definitions for required yard and non-required yard.

- b. *Size.* Unless otherwise specified, a required off-street loading berth shall be at least ten feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- c. *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard is met shall be made during site plan approval.
- d. *Surfacing.* All open off-street loading berths shall be surfaced with a dustless all-weather material as required by Ordinance 189 of the City of Westland.
- e. *Repair and service.*
 - (1) *Residence and business districts:* No commercial motor vehicle repair work or service of any kind shall be permitted in association with loading facilities in any residential or business district. Emergency service required to start vehicles shall be permitted.
 - (2) *Industrial districts:* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in an industrial district if such loading facilities are within 500 feet of a residence or business district. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- f. *Utilization.* Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g. *Central loading.* Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at-grade.
 - (2) Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served. Area of types of uses may be totaled before computing number of loading berths.
 - (3) No zoning lot served shall be more than 500 feet removed from the central loading area.
 - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.
- h. *Minimum facilities.* Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

11.9.11 *Off-street loading specific requirements.*

- a. *Residence districts.* Off-street loading facilities accessory to uses allowed in the several residence districts shall be provided in accordance with the following minimum requirements:
 - (1) *Medical uses:* One loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 200,000 square feet in gross floor area shall be not less than ten feet in width by 55 feet in length.

- (2) *For the uses listed hereunder:* One loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof:
 - (a) Educational and cultural institutions.
 - (b) Philanthropic and charitable institutions.
 - (c) Religious institutions.
- (3) *Planned unit development:* Loading berths shall be provided on the basis of the required berths for each individual use.
- (4) *Recreational and social facilities:* For buildings containing 10,000 to 100,000 square feet of gross floor area, one loading berth shall be provided, and for each additional 100,000 square feet of gross floor area.
- (5) *For all other nonresidential uses:* Loading facilities shall be provided in accordance with the following requirements:
 - (a) For buildings containing less than 10,000 square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities (accessible by motor vehicle) off any adjacent alley, service drive, or open space.
 - (b) For buildings containing 10,000 to 100,000 square feet of gross floor area, one off-street loading berth shall be provided.
 - (c) For buildings containing over 100,000 square feet of gross floor area, there shall be provided one loading berth for each 100,000 square feet of gross floor area or fraction thereof.
- (6) *Multiple-family dwellings and rooming houses:* Parking space shall be set aside for delivery trucks and moving vans as near as possible to the entrance of each multiple-family structure or rooming house, in a location where there will be minimal disruption to traffic circulation and no blockage of tenant parking.

b. *Business districts.* Off-street loading spaces accessory to uses permitted in the several business districts shall be provided in accordance with the following minimum requirements:

- (1) Any use listed in residence district that also is permitted in any of the several business districts shall provide loading spaces as established for that use in the preceding section for residence districts.
- (2) Establishments containing less than 7,000 square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.
- (3) For the uses listed hereunder, one loading berth shall be provided for buildings containing 7,000 to 40,000 square feet of gross floor area. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 100,000 square feet of gross floor area shall not be less than ten feet in width by 55 feet in length:
 - (a) Distribution agencies or facilities.
 - (b) Mailing services.
 - (c) Printing and publishing.

- (d) Restricted production and repair.
- (e) Warehousing, storage and wholesale establishments.
- (4) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; one additional loading berth shall be provided for each additional 100,000 square feet of gross floor area:
 - (a) Banks and financial institutions.
 - (b) Medical and dental clinics.
 - (c) Offices, business, professional and governmental.
 - (d) Recreation buildings and community centers, noncommercial.
- (5) For the uses listed hereunder, one ten-foot by 50-foot space shall be provided for buildings containing up to 30,000 square feet; one additional loading berth shall be provided for each additional 20,000 square feet of gross floor area.
 - (a) Food stores, including grocery stores, supermarkets and specialized food stores, such as bakeries and delicatessens
- (6) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 150,000 square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length:
 - (a) Clubs and lodges, private containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory).
 - (b) Convention halls.
 - (c) Exhibition halls.
 - (d) Radio and television stations and studios.
 - (e) Recording studios.
 - (f) Lodging facilities containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices.
 - (g) Stadiums, auditoriums and arenas.
- (7) For all other uses, loading facilities shall be provided in accordance with table 11.9.11.b:

Table 11.9.11.b

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
7 to 60	One (10 ft. x 30 ft.)
61 to 100	Two (10 ft. x 30 ft. each)

For each additional 200,000 square feet in gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional berth to be at least ten feet in width by 55 feet in length.

- c. *Industrial districts.* Off-street loading facilities accessory to uses allowed in the several industrial districts shall not be located in a required front yard setback area, but shall be provided in accordance with the following minimum requirements:
 - (1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products: For buildings containing 7,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length.
 - (2) For uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; one additional loading berth shall be provided for each additional 100,000 square feet of gross floor area:
 - (a) Medical and dental clinics.
 - (b) Recreation buildings or community centers.
 - (3) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length:
 - (a) Airports and heliports.
 - (b) Radio and television stations and studios.
 - (c) Municipal sewage treatment plants.
 - (d) Stadiums, auditoriums and arenas.
 - (4) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional 200,000 square feet of gross floor area or fraction thereof:
 - (a) Trade and vocational schools.
 - (5) For the uses listed hereunder, there shall be no requirements for off- street loading:
 - (a) Parking lots.
 - (b) Weighing stations.
 - (6) Air, railroad, motor vehicle freight terminals and distribution centers: For buildings containing 5,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than ten feet in width by 55 feet in length.
 - (7) Planned industrial developments, manufacturing: Loading berths shall be provided on the basis of the required berths for each individual use.

(8) For all other uses, loading facilities shall be provided in accordance with table 11.9.11.c:

Table 11.9.11.c

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
7 to 40	One (12 ft. x 30 ft.)
41 to 100	Two (12 ft. x 30 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional berth to be at least ten feet in width by 55 feet in length.

Sec. 11.10. Access management.

11.10.1 Intent. The intent of access management is to improve traffic operations; reduce potential for crashes; improve pedestrian and transit environments; and preserve the vehicular carrying capacity of roads through regulations on the number, spacing, placement and design of access points (driveways and intersections).

11.10.2 Applicability. The following applications, except those for single-family homes, duplexes or essential service facility structures, must comply with the standards in this section:

- a. *Land division, subdivision or site condominium.* Any land division or subdivision or site condominium development, including residential developments.
- b. *Site plan review.* Site changes subject to site plan review in accordance with section 12.1, changes in or expansions on sites where any of the following will result:
 - (1) Any increase in intensity of use of any building, structure, or lot through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means.
 - (2) The amount of parking required by section 11.9.7, off-street parking will increase by 20 spaces or by more than ten percent, whichever is less.
 - (3) The existing driveway(s) does not meet current geometric engineering design standards enforced by the appropriate governing jurisdiction, as applicable.
 - (4) The site is located along a segment that experiences congestion.
 - (5) The site is located along a segment that has experienced high crash rates.
 - (6) Any access that is within 250 feet of a signalized intersection (measured at the edge of the right-of-way).
 - (7) The change will increase auto trips into and out of the site by more than 25 percent or 50 total trips in the peak hour, as estimated using the most recent edition of the ITE Trip Generation Manual.
 - (8) Any access that does or is expected to exceed 100 total trips per peak hour, or 1,000 total trips daily.

11.10.3 Standards. The following regulations of this section shall be considered by the planning commission and city council:

- a. *Compliance with sub-plans.* Where specific sub-plans have been adopted, such as the Ford Road Access Management Plan, access shall generally adhere to the recommendations and standards contained therein. Where conflicts arise, the standards and specific recommendations of the plan shall prevail.
- b. *Number of driveways.* The number of resulting driveways shall be the fewest necessary to provide reasonable access to the site. Each lot shall be permitted reasonable access, which may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
- c. *Offsets and spacing from intersections.* Driveways shall be either directly aligned or spaced/offset as far from intersections as practical, especially signalized intersections. A minimum spacing or offset of 150 feet is preferred.
- d. *Driveway spacing.* Access points shall be spaced as far as practical from other driveways on the same side of the road, considering the posted speed limit along the road segment. The spacing listed in table 11.10.3.d is preferred.

Table 11.10.3.d
Minimum Driveway Spacing* - Same Side

Posted Speed (mph)	Driveway Spacing (in feet)	
	Arterial Road	Other Roads
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50 +	455	275

* Unless greater spacing is required by MDOT or Wayne County.

- e. *Driveway offsets on undivided roads.* Driveways shall be either aligned with driveways on the opposite side of the road or offset to the greatest distance practical. Consideration for weaving across travel lanes shall be given, especially where signalized intersections are present. The offsets listed in table 11.10.3.e are preferred.

Table 11.10.3.e
Minimum Driveway Offset - Opposing Side

Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50 +	750

- f. *Driveway locations on divided roads.* Access points along divided roads shall be located in consideration of median crossovers. Access points shall directly align with or be offset a sufficient distance from median crossovers to allow for weaving across travel lanes and storage within the median. A minimum offset of 250 feet is preferred.

- g. *Consideration of adjacent sites.* Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- h. *Shared driveways.* Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive.
- i. *Access design.* Where practical given right-of-way constraints, driveways shall be designed with radii, tapers and other geometrics as determined by the appropriate governing jurisdictions that are required to minimize the impacts of inbound right turns on traffic flow.

11.10.4 *Administration.* Applications subject to review shall be processed according to the following:

- a. *Submittal information.* Along with any other information required in section 12.3.3, detailed information, the planning commission may require developments subject to review according to this section to submit a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional driveways or to justify a modification.
- b. *Allowed modifications.* It is recognized that certain existing site conditions may prohibit full compliance with this section. The city council may, after considering the criteria in (3) below, modify the standards of this section in the following situations:
 - (1) The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 - (2) The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
 - (3) Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
 - (4) Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
- c. *Modification criteria.* The city council may waive certain requirements of this section upon consideration of the following:
 - (1) The proposed modification is consistent with the general intent of the standards of this ordinance.
 - (2) The appropriate governing jurisdiction endorses the proposed access design.
 - (3) Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
 - (4) Shared access has been provided, or the applicant has demonstrated it is not practical. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

Sec. 11.11. Tree preservation requirements.

11.11.1 *Findings.* The City of Westland finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, vegetation, natural resources and processes associated therewith, which, if preserved and

maintained in an undisturbed and natural condition, constitute important physical aesthetic, recreational health and economic assets to existing and future residents of the city. Specifically, the city finds:

- a. That trees and woodlands protect public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling effect in the summer months;
- b. That trees and woodlands are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents;
- c. That trees and woodlands play an important role in filtering waste water which passes through the ground from the surface to ground water tables and lower aquifers;
- d. That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control and flood control;
- e. That trees and woodlands appreciably reduce the carbon dioxide content and increase the oxygen content of the air and play a vital role in purifying the air;
- f. That the protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan and state law.

11.11.2 *Purposes.*

- a. To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
- b. To protect the trees and woodlands of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;
- c. To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this city.

11.11.3 *Definitions.*

- a. *Diameter breast height (DBH)* means a tree's diameter in inches measured by diameter tape at 4½ feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.
- b. *Invasive tree* shall mean trees that are non-native and/or undesirable as they are likely to cause harm to local ecosystems by crowding out natives and/or desirable trees thus reducing the diversity of the ecosystem. The following trees shall be considered invasive.

Common Name	Botanical Name
Alder (European Black)	<i>Alnus glutinosa</i>
Buckthorn (Common)	<i>Rhamnus cathartica</i>
Elm (Siberian)	<i>Ulmus pumila</i>
Locust (Black)	<i>Robinia pseudoacacia</i>
Maple (Norway)	<i>Acer platanoides</i>
Mulberry (Russian, White)	<i>Morus alba</i>
Olive (Russian)	<i>Elaeagnus angustifolia</i>
Poplar (Lombardy)	<i>Populus nigra</i> var. <i>italic</i>
Poplar (Silver, White)	<i>Populus alba</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow (Corkscrew)	<i>Salix matsudana</i>

Willow (Crack)	Salix fragilis
Willow (Gray)	Salix cinerea
Willow (Laurel/Bay-leaved)	Salix pentandra

c. *Landmark tree* shall mean a woody plant, in a healthy, live condition (has a health and condition standard factor of over 50% based on standards established by the International Society of Arboriculture), as listed in the following table that meets or exceeds the size (DBH) requirement:

Common Name	Botanical Name	Size - DBH
Arborvitae	Thuja	18"
Basswood	Tilia	20"
Beech, American	Fagus grandifolia	18"
Birch	Betula	18"
Black Tupelo	Nyssa sylvatica	12"
Black Walnut	Juglans nigra	20"
Blue Beech	Carpinus caroliniana	8"
Butternut	Juglans cinerea	12"
Cedar	Juniperus	12"
Cedar of Lebanon	Cedrus	8"
Cherry, Black	Prunus serotina	20"
Cherry, flowering	Prunus	12"
Chestnut	Castanea	8"
Crabapple	Malus	12"
Dawn redwood	Metasequoia glyptostroboides	16"
Dogwood, Flowering	Cornus florida	8"
Douglas Fir	Pseudotsuga menziesii	18"
Elm	Ulmus	18"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hackberry	Celtis occidentalis	18"
Hawthorn	Crataegus	12"
Hemlock	Tsuga	12"
Hickory	Carya	18"
Honey Locust	Gleditsia triacanthos	20"
Hop Hornbeam /Ironwood	Ostrya virginiana	8"
Horse Chestnut/Buckeye	Aesculus	18"
Kentucky Coffeetree	Gymnocladus dioicus	18"
Larch/Tamarack	Larix	12"
London Planetree/American Sycamore	Platanus	18"
Magnolia	Magnolia	12"
Maple (Red)	Acer rubrum	18"
Maple (Silver)	Acer saccharinum	24"
Maple (Sugar)	Acer saccharum	18"
Maple (Mountain/Striped)	Acer spicatum/pensylvanicum	8"
Oak (All species)	Quercus	18"
Paw Paw	Asimina triloba	8"
Pear	Pyrus	16"

Persimmon	<i>Diospyros virginiana</i>	16"
Pine (All species)	<i>Pinus</i>	18"
Poplar	Populus except for <i>P. deltoides</i> , <i>alba</i>	24"
Redbud	<i>Cercis canadensis</i>	8"
Sassafras	<i>Sassafras albidum</i>	12"
Serviceberry	<i>Amelanchier</i>	8"
Spruce	<i>Picea</i>	18"
Sweetgum	<i>Liquidambar styraciflua</i>	18"
Tulip Poplar	<i>Liriodendron tulipifera</i>	20"
Yellowwood	<i>Cladrastis lutea</i>	12"

- d. *Protected tree* means a woody plant that is not an "invasive tree" as defined herein, is at least 15 feet tall, in a healthy, live condition (has a health and condition standard factor of over 50 percent based on standards established by the International Society of Arboriculture) and has a single stem trunk of six inches DBH or greater, or a multi-stem trunk system where one or more of the stems is four inches DBH or greater.
- e. *Tree fund*. The tree fund is a segregated fund within the city financial system and shall serve as the depository for all contributions in lieu of tree replacement, as provided in section 11.11.6.b.

11.11.4 Exemptions. The following shall be exempt from the requirements of this section:

- a. Parcels of land (including subdivision and site condominium lots) of 2.5 acres or less, that are not subject to site plan review as defined in article XII.
- b. Tree removal on parcels greater than 2.5 acres in area where no more than 20 percent of the total DBH inches of all protected trees on the parcel are removed during any five-year time period. This exemption does not include the removal of landmark trees, which is governed by section 11.11.6.a.2.
- c. All agricultural/farming operations or commercial nursery/tree farm operations
- d. The trimming or care of trees provided that the work is accomplished in accordance with standardized forestry and horticultural practices as established by the American Association of Nurserymen or the National Arborist Association;
- e. Activities of utility companies or public tree trimming agencies;
- f. Tree clearing within an existing public road right-of-way or an existing private road easement.
- g. The removal of dead trees where the damage resulted from an accident or non-human cause;
- h. Actions made necessary by an emergency such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation, or other manmade or natural disaster, in order to prevent injury or damage to persons or property;
- i. Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services.
- j. The removal of invasive trees.
- k. Improvement or maintenance of the Rouge River or its tributaries when such operations are organized or sponsored by the city and are specifically intended to preserve natural resources. Such activities shall include, but not limited to:

- (1) Removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush and debris;
- (2) Bank stabilization projects which require minimal disturbance of existing conditions; and
- (3) Wildlife and aquatic habitat improvement projects.

11.11.5 *Approval for tree removal.* The provisions of this section shall apply to all parcels in the city that (1) require site plan review as defined in article XII, or (2) are greater than 2.5 acres in area.

- a. For site plan review.
 - (1) A tree/woodland survey showing all protected and landmark trees is required as a component of the site plan review submission information. All trees and woodlands to be removed, and all trees and woodlands to remain shall be clearly indicated on the site plan.
 - (2) A tree replacement plan (see subsection (e) below) shall be submitted as part of the final site plan review submission information.
 - (3) The planning commission shall review the tree/woodland survey and all required information as a part of the site plan review process to ensure compliance with these provisions and the standards of section 12.4. Approval of the site plan shall constitute approval of all tree protection, removal, and replacement options identified on the tree/woodland survey and site plan and which conform to the requirements of this section.
 - (4) In the case of heavily wooded parcels, the plotting of protected and landmark trees that are outside of the area of the parcel proposed to be disturbed may be waived at the discretion of the planning commission. In the case of a waiver of the plotting of every tree, the applicant must provide an estimate of the total DBH on site based on a sample area found to be acceptable by the planning commission.
- b. For zoning compliance review. For parcels that do not require site plan review, zoning compliance review shall be required in each of the circumstances below:
 - (1) For the removal of protected trees on parcels that are greater than 2.5 acres in area, submission for zoning compliance review is required when more than 20 percent of the total DBH inches of all protected trees on the parcel are to be removed within a five-year period. The planning director may require that the applicant submit a Tree/Woodland Survey in circumstances where it is not clear that 20 percent or more of the total DBH inches of all protected trees are being removed within a five-year period; otherwise a tree/woodland survey is not required.
 - (2) For the removal of landmark trees on parcels that are greater than 2.5 acres in area, submission for zoning compliance review is required. A sketch plan may be submitted instead of a tree/woodland survey as part of the application for zoning compliance. The sketch plan shall provide the location, size and type of all landmark trees to be removed as well as a tree replacement plan and tree protection method where necessary.
 - (3) When required as noted above, a tree/woodland survey shall be submitted showing proposed removals of protected trees and a proposed tree replacement plan (see tree replacement options below). Submission of the tree/woodland survey and replacement plan shall be provided as part of the application for zoning compliance review.

11.11.6 *Tree removal and replacement regulations.*

- a. Tree removals requiring replacement.

- (1) Protected trees. No more than 20 percent of the total DBH inches of all protected trees on a parcel may be removed. When more than 20 percent of the total DBH of all protected trees is to be removed, replacement trees are required.
- (2) Landmark trees. All landmark trees are regulated, and if removed, replacement trees are required.
- b. Tree replacement options. The tree replacement requirements herein are separate from and in addition to the landscape requirements set forth in this Article. Whenever tree replacement is required as provided in this section 11.11, the applicant may select from the following options:

- (1) Protected tree replacement. For each six inches of total DBH inches of all protected trees removed in excess of the 20 percent of the total DBH inches pursuant to section 11.11.6.a, one tree (with a minimum of 2.5-inch caliper for deciduous or six feet in height for coniferous) shall be planted on the parcel.

EXAMPLE:

Protected trees = 1,000 DBH inches

Trees to be removed = 350 DBH inches

$1,000 \times 20\% = 200$ DBH inches of removal allowed without replacement

$350 \text{ DBH} - 200 \text{ DBH} = 150 \text{ DBH}$ inches of replacement required.

One replacement tree per six inches of DBH removal = $150/6 = 25$ replacement trees required.

- (2) Landmark tree replacement. For every two inches DBH of landmark trees removed, one inch DBH of replacement trees shall be planted on the parcel, each of which replacement trees shall have a 2.5-inch minimum caliper.
- (3) Alternatives to tree replacement. The planning commission (for site plan review) or the planning director (for zoning compliance review) may allow for alternatives to tree replacement as follows:
 - (a) Tree fund. The applicant may suggest a tree fee based on a report prepared by a certified arborist or registered forester and supplied by the applicant detailing the impacts of the proposed development and tree removal, and the environmental, social, economic, conservation, and other costs and benefits to the city and/or the public. The planning commission or planning director, as applicable, shall make an individualized determination in each case as to whether to accept, reject, or modify the applicant's proposal, which decision shall be final, subject to section 11.11.8.
 - (b) Off-site tree planting alternative. The planning commission or planning director, with satisfactory proof of permission from the pertinent landowner, may allow for tree replacement off-site at the request of the applicant when site factors including the size of the parcel (no available area for planting), tree condition or development requirements may make conformity to this section difficult or undesirable.

11.11.7 *Tree protection during construction.* See section 11.4.2.

11.11.8 *Appeals and variances.* All appeals or requests for variances from the provisions of this section shall be made to the Zoning Board of Appeals in accordance with article XXVII.

11.11.9 *Violations and penalties.* Violations of the provisions of this section are violations of the zoning ordinance and subject to enforcement in accordance with article XXIX.

Sec. 11.12. Exterior materials.

11.12.1 *Intent.* The intent of this section is to promote the consistent and orderly development of the community and to enhance the character of the city's visual environment

11.12.2 *Applicability.* Architectural review is required for all principal buildings or additions to existing principal buildings as part of the site plan or building permit review process.

11.12.3 *Proposed materials to be shown on plans.* All exterior wall materials on new principal buildings or additions to existing principal buildings shall be shown on a site plan or building permit. To evaluate and ensure compliance with these requirements, the planning department may also request material samples to be provided by the applicant.

11.12.4 Residential buildings.

- a. Residential buildings shall hereafter be constructed of face or glazed brick, split rock, or stone veneer, except for "decorative paneling" or siding which shall not exceed ten percent of the face of any wall and also excepting gable ends, dormers and the second story of single-family dwellings.
- b. If 65 percent of the lots and frontage on both sides of the street in any block where the proposed improvement is contemplated contains structures made of material other than brick, split rock, or stone veneer, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be substantially similar in type and style so that the new or altered building will be in harmony with the character of the existing neighborhood. Nothing herein shall prevent any residential improvement from being constructed of brick, split rock, or stone veneer. The planning director shall examine the plans and specifications and determine that the materials proposed on the application will not alter the harmony or character of the neighborhood. After receiving the planning director's determination, the building director may issue the building permit.
- c. *Modifications:* For residential developments which require site plan review in accordance with section 12.1, the planning commission may modify the building material requirements based upon a finding that alternate materials are high quality in nature and will result in an architecturally significant building.

11.12.5 Non-residential buildings.

- a. *Exterior materials:* Exterior materials used on non-residential buildings shall fall into two categories, primary and accent building materials. The building material requirement is based on the exterior wall surface area, excluding windows and doors. Primary building materials shall cover a minimum of 60 percent of the exterior wall surface area, while accent materials may be used on up to 40 percent of the exterior wall surface area.
 - (1) Primary building materials include:
 - (a) Durable natural building materials such as brick, stone, and other similar materials.
 - (b) Exposed logs, timbers, or wood trim.
 - (c) Any material that convincingly matches the appearance of the above natural building materials.
 - (2) Accent building materials include:
 - (a) Decorative precast concrete block.
 - (b) Metal panels and trim.
 - (c) Glass.

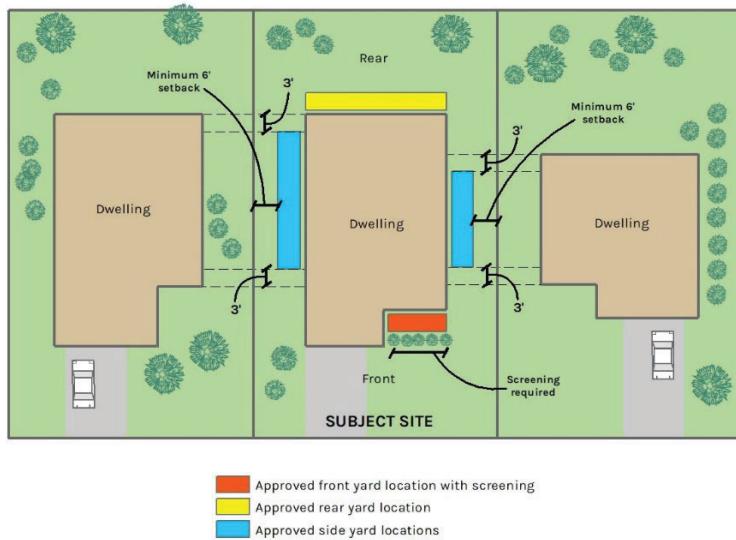
- (d) Vinyl siding and non-durable materials such as EIFS may be used as accent materials, but may cover a maximum of 25 percent of any exterior building façade's wall area.
- (e) Any other material except those specifically prohibited by the following subsection.
- (3) Prohibited materials include:
 - (a) Concrete block (both painted and unpainted).
 - (b) Plywood or T-III panels.
 - (c) Aluminum siding.
- b. *Compliance with green building rating systems encouraged:* LEED-NC certification (published and administered by the United States Green Building Council) or an equivalent green building rating qualification such as EnergyStar is encouraged for new buildings. If a building is not certified according to a green building rating system, compliance with the following LEED-NC building material credits is encouraged: MR 4.1 or MR 4.2, MR 5.1 or MR 5.2, MR6 and MR7.
- c. *Parapet cap materials:*
 - (1) *Brick:* The brick shall be standard modular brick with common tooled mortar joints. Untooled joints or irregular shaped brick are prohibited. Brick color (commonly red or tan) and texture (smooth or glazed to rough) shall be subject to review and approval by the planning commission.
 - (2) *Stone:* The stone shall be smooth finish (limestone or sandstone). The stone shall be light to medium buff color. Pre-cast limestone to simulate traditional limestone or sandstone may be used with the planning commission's approval.
 - (3) *Metal:* Metal shall be aluminum or painted sheet steel if permitted after review and approval by the planning commission. The color and finish shall match that of the window framing system.
- d. *Modifications:* These non-residential building material requirements may be modified if the planning commission finds that alternate materials are high quality in nature and will result in an architecturally significant building.

Sec. 11.13. Mechanical equipment.

11.13.1 Residential fixtures.

- a. Central air conditioning units, generators or other similar mechanical equipment are allowed in the following locations:
 - (1) Similar, existing equipment may be replaced in the same location.
 - (2) In the rear yard, within the extreme ends and proximate to the structure.
 - (3) In the side yard, with a minimum six foot setback from the side property line.
 - (4) In the front yard and/or in front of dwellings, within the extreme ends and proximate to the structure, with screening.
 - (5) On non-conforming lots, mechanical equipment shall be allowed within the required side yard set-back.
 - (6) In no instance shall mechanical equipment be placed in a side yard within three feet of the adjacent dwelling's extreme rear or front wall.

Figure 11.13.1
Approved Locations for Mechanical Equipment in Residential Districts



- b. In all multiple-family developments, all central air conditioning units shall be located behind the rear walls of the structures when such location is feasible and/or practical. When a rear yard location is determined not to be feasible and/or practical by the planning commission, central air conditioning units may be located within a required or non-required side yard setback or side to side/rear building spacing requirement, as long as the existing buildings (so or planned building(s)) meet all of the minimum side yard setback and/or spacing requirements of this ordinance. Regardless of the location, air conditioning units shall be screened from view and screened to mitigate any potential negative noise impacts, the appropriate screening shall be determined by the planning commission.
- c. For purposes of this section, open patios and decks shall not be considered part of the structure.

11.13.2 Non-residential fixtures.

- a. Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view obscuring screening so as not to be visible from off the site. The design of the screening shall be approved at the time of site plan review as compatible with the architectural design of the building upon which it is located.
- b. Ground mounted appliances shall be screened using decorative landscaping, a decorative wall or wood screening fence, whichever the planning commission determines to be most appropriate.
- c. Within the I-1 and I-2 Districts, mechanical equipment shall comply with the noise level standards of section 6.5.1.e. The measurable noise emanating from all other non-residential mechanical equipment as measured at any property line may not exceed 65 decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American National Standards Institute, unless otherwise stated in the specifications for the sound level meter.

11.13.3 Maximum decibel level of 65 is allowed for central air conditioning units, generators or other similar mechanical equipment, as measured at the property line.

11.13.4 Installation of any such equipment shall also comply with all other applicable provisions of this ordinance, and all other applicable provisions of any federal, state and local laws, ordinances and codes.

Sec. 11.14. Exterior Lighting.

11.14.1 General standards.

- a. Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
- b. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- c. Exterior lighting shall be of a type and design and so arranged that light is deflected away from adjacent properties and shall not exceed one footcandle of intensity as measured at the property line. Flashing or intermittent lights shall not be permitted. All parking lot lighting shall be turned on at sunset and remain illuminated during the hours of operation of the principal use of the premise and remain illuminated for one hour after the business closes for the day.

11.14.2 Architectural lighting.

- a. Illumination of buildings, monuments or flags shall not exceed 15 foot-candles average maintained. All fixtures shall be shielded or designed to prohibit glare from shining into any residential area, street or public right-of-way.
- b. Building string-wrap lighting. Unshielded luminous tube (neon), LED, incandescent or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The planning commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.
- c. Window string-wrap lighting. All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon), LED, incandescent and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.

11.14.3 Prohibited lighting elements.

- a. Running, chasing or otherwise intermittent lighting.
- b. The internal illumination of translucent building-mounted canopies/awnings.
- c. The use of laser light sources, searchlights, or any similar high intensity light.

11.14.4 Exceptions. The following are exempt from the lighting requirements of this section, except that the planning director may take steps to eliminate the impact of the exempted items when deemed necessary to ensure that they will not interfere with vehicular traffic or the enjoyment and use of adjacent properties:

- a. Holiday decorations.
- b. Window displays without glare.
- c. Shielded pedestrian walkway lighting.
- d. Residential lighting with no off-site glare

11.14.5 *Submittal requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety.

PART 4. REVIEW AND APPROVAL PROCEDURES

ARTICLE XII. SITE PLAN REVIEW PROCEDURES AND STANDARDS

Sec. 12.1. Intent and applicability.

These site plan review procedures are instituted to provide for planning commission review and approval of site plans to ensure full compliance with all applicable requirements of this ordinance. Planning commission approval is required for every nonresidential site plan, including industrial developments which are contiguous or adjacent to existing or zoned residential property, and excluding industrial developments which are located in platted industrial subdivisions and are not contiguous or adjacent to any existing or zoned residential property. Planning commission approval is also required for every single-family and every multi-family residential site design site plan containing five or more dwelling units. The site plan review process should provide an opportunity for consultation and cooperation between the applicant and the planning commission so that maximum utilization of land consistent with minimum adverse effects on adjoining areas can be achieved. Site plan review and approval is an integral part of the special land use approval process.

Sec. 12.2. Administrative site plan review.

12.2.1 *Intent.* The intent of this section is to permit the submittal of a site plan for administrative review in certain specific instances where a fully detailed site plan is not considered essential to ensure compliance with the intent and standards of this ordinance. The intent is to also provide for an administrative review by the planning director of planning commission approved site plans for compliance with conditions as imposed by the planning commission.

12.2.2 *Applicability.* In lieu of a fully detailed site plan prepared in accordance with section 12.4, a site plan prepared in accordance with section 12.2.4 may be submitted for the uses or activities identified below:

- a. Accessory uses and structures incidental to a conforming existing use where said use does not require any variance or further site modifications.
- b. Expansion and/or addition of one thousand five hundred (1,500) square feet or less to an existing conforming structure or use.
- c. Alterations to off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces does not change the number of parking spaces by more than 5% or to meet various federal, state, or ADA requirements.
- d. Improvements or installation of walls, fences, lighting or trash containers/enclosures.
- e. Change of use to another permitted use within an existing building or site.

12.2.3 *Procedure.*

- a. The procedure for administrative approval of a site plan shall involve the submittal of a site plan meeting the requirements of subsection 12.2.4, below. Additionally, the required application form and fee shall be submitted. The planning director shall review the site plan in accordance with the standards of section 12.5. The planning director shall make a report of administrative reviews to the planning commission.
- b. The planning director retains the option to require additional information or a fully detailed site plan for review by the planning commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites

experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a fully detailed site plan is required, the planning director shall inform the applicant to submit a set of plans in accordance with this section within 14 days of receipt of the application.

12.2.4 *Information required.* The following information shall be required to be provided on a site plan eligible for administrative review:

- a. Proprietors', applicants', and owners' names, addressed and telephone numbers.
- b. Description of the proposed project or use, type of building or structures, and name of proposed development, if applicable.
- c. Scale, north arrow, location map and date of site plan.
- d. Details of the proposed changes to the use or structure in question.
- e. Locations of existing landscaping, lighting, parking, refuse collection, and other information pertinent to the project or necessary to determine compliance with ordinance requirements.
- f. Gross acreage and building figures.
- g. Zoning classification of petitioners' parcel and all abutting parcels.
- h. Any other information deemed necessary by the planning director to confirm compliance with the requirements of this ordinance and the standards of section 12.5.

Sec. 12.3. Site plan review procedures.

12.3.1 *Applicant.* The owner of an interest in land for which site plan approval is sought, or the designated agent of the owner, shall file the application for site plan approval with the planning director.

12.3.2 *Issuance of zoning certificate.* The planning commission shall approve site plans in accordance with the procedures and standards set forth herein before a zoning certificate is issued.

12.3.3 *Occupancy certificate.* No occupancy certificate shall be issued until the site plan as approved by the planning commission has been completed including the installation of all landscaping materials. A temporary occupancy certificate may be issued as provided in subsection 16.9.3 before the site plan has been completed.

12.3.4 *Application forms and documentation.* The application for site plan approval shall be made on such forms as shall be prescribed by the city council and provided by the planning director and shall be accompanied by the necessary fees and documents as provided herein.

12.3.5 *Submission to planning director and report.* The application for site plan approval shall be submitted to the planning director who shall prepare a report on whether the site plan meets all applicable requirements of this ordinance and any additional requirements recommended by the planning director based on the standards set forth in this ordinance. The planning director shall forward the report to the planning commission together with the application within 45 days of receiving the completed application.

12.3.6 *Planning commission review and determination.* The planning commission shall review the application for site plan approval, together with the planning director's report and shall make the final determination on the application for site plan approval. Such determination shall be based solely on the requirements and standards of this ordinance and state and federal regulations. Approval, approval with conditions, or disapproval, shall be made by resolution setting forth the planning commission's findings regarding the pertinent requirements and standards.

If the site plan is approved by the planning commission, the applicant may then submit the written approval to the planning director who will then sign the zoning certificate if all other zoning certificate requirements have

been met, and all required signatures have been obtained. If site plan approval is denied, the planning commission may by resolution require that a revised site plan be resubmitted for review and approval in accordance with the process outlined above. If in the judgment of the planning commission, the site plan can be approved if minor modifications are made, the planning commission may by resolution issue a conditional site plan approval in writing and provide for resubmission of a revised site plan to the planning director who shall sign the zoning certificate upon determination that all appropriate site plan modifications have been made in accordance with planning commission stipulations, and that all other zoning certificate requirements have been met.

12.3.8 *Recording of planning commission action.* Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and the grounds for the action taken upon each site plan submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.

12.3.9 *Period of validity.* An approved site plan shall be valid for a period of one year. If, after one year, a building permit has not been issued, the planning commission may extend the approval for a maximum of one-additional year upon request of the applicant. Any such extension shall be granted only if existing site conditions have not been substantially changed, and provided further that there are no revisions to the site plan. If, after the one-year extension, a building permit still has not been issued, the applicant must submit to site plan for normal review as outlined in section 12.3 herein.

12.3.10 *Maintenance of site plan.* It shall be the responsibility of the owner of property for which site plan approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the site plan approval was granted, or until a new site plan approval has been obtained as a basis for modifying the site plan. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such a use violation.

12.3.11 *Minor amendments to approved site plans.* A minor change to a site plan may be approved by the planning director, after the plan has been reviewed by the fire chief, building director and city engineer, based upon a determination that the change meets all requirements of this ordinance and will not significantly alter or will not conflict with the condition of site plan approval and is one of the following:

- a. Movement of a building or buildings by no more than five feet, provided all setback, parking, landscaping and other site requirements are still met.
- b. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
- c. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two new trees required for each tree replaced.
- d. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
- e. Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the planning director.
- f. Changes in interior floor plans which do not alter the character of the use.
- g. Minor modification of sign placement or reduction of size.
- h. Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

- i. Situations the planning director deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- j. All other proposed amendments to approved site plans must be submitted to planning commission for approval.

Sec. 12.4. Application data requirements.

The following data shall be included with and as a part of the site plan submitted for final review and approval by the planning commission:

- 12.4.1 *Site plan.* The application shall include a site plan drawn to a scale of one inch equals 20 feet, or to another scale as determined by the planning director and adequate to determine compliance with the requirements of this ordinance and provide the planning commission with any other information needed to evaluate the overall site plan on the basis of the criteria set forth herein.
- 12.4.2 *Building elevations.* The application shall include elevation drawings, exterior wall materials to be used and floor plans of all existing and proposed buildings on the site, drawn to a scale not less than one-eighth inch equals one foot, or to another scale determined by the planning director and adequate to determine compliance with the requirements of this ordinance and provide the planning commission and city council with any other information needed to evaluate the overall site plan on the basis of the criteria set forth herein.
- 12.4.3 *Detailed information.* The following detailed information shall be submitted to the planning director with the necessary number of copies of the site plan building elevations, and building floor plans:
 - a. The existing and proposed zoning.
 - b. The location and size of all structures including location of entrances and loading points.
 - c. All outside dimensions of each structure, its distance from the property lines, its area and its height.
 - d. Floor plans with dimensions of each delineated space by type of intended use by square footage to include tenant space and owner occupied space. In the case of residential units, the number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.) with typical floor plans for each type of unit and the square footage of floor area by unit type.
 - e. The description of the whole property, or that portion to be developed and the area of the site in square feet, excluding all existing rights-of-way.
 - f. A certified survey completed by a State of Michigan Licensed Land Surveyor, which indicates the recorded and measured dimensions of the property lines and other pertinent data as prescribed in Act No. 132 of Public Acts of 1970, as amended, prior to final approval of the engineering site plan. The survey plot plan shall not exceed eight and one-half inches by 14 inches in size.
 - g. Structures, uses, zoning and other significant features of immediately adjacent property.
 - h. The location of all existing and proposed drives, parking area and pedestrian circulation ways, including types of surfacing, parking layout dimensions, required and proposed number of parking spaces as outlined in section 11.9 of this ordinance.
 - i. The dimensions of public and private road widths and public rights-of-way.
 - j. All existing easements and vacated easements and rights-of-way.
 - k. All required minimum setbacks from the existing or proposed rights-of-way, and property lines.

- I. The locations of existing and proposed lawns, landscaped areas and outdoor recreation areas, and how the landscaping is to be accomplished.
- m. The locations, sizes and types of all existing natural features and trees over six inches in diameter. All natural areas that are to be preserved during construction and the proposed protection measures shall be shown on the site plan.
- n. The design and materials of construction of all free-standing architectural walls, including typical cross-sections and the heights above ground on both sides of free-standing walls.
- o. The location, intensity and orientation of all exterior lighting.
- p. The location, dimensions and lighting of all signs.
- q. The location and capacity of existing or proposed water, sewers, and other utilities serving the site with approximate rim elevations, inverts, size and lengths.
- r. The location of refuse collection and storage stations, number of receptacles, and screening. Adequate pedestrian litter containers shall be shown on the site plan.
- s. Existing and proposed grades referenced to a U.S.G.S. benchmark.
- t. All plans must be sealed by appropriate registrant as prescribed in Act 299, P.A. of 1980, State of Michigan.
- u. The location, size and capacity of a stormwater management plan and attendant facilities shall be provided in accordance with the City of Westland Best Management Practices standards for the management of stormwater runoff.
- v. All finalized site plan, surveys, drawings and correspondence shall be submitted in digital format.

Sec. 12.5. Standards for site plan approval.

The planning commission shall grant site plan approval only if the site plan fully meets all applicable standards set forth in this ordinance, and only upon a finding that the site plan will not, on the basis of the facts known at the time of submission of the site plan, have an unduly harmful external impact on surrounding property owners or the residents of the city as a whole. The planning commission may, as a basis for making such a finding, require whatever site plan modifications it deems necessary including the provision of additional site plan amenities not specifically required by this ordinance.

- 12.5.1 All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- 12.5.2 The existing trees and landscape elements shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal. All natural features that are to be preserved shall be shown on the approved site plan. Protective barriers, composed of wood or other suitable materials, shall be constructed around the areas to be protected and shall be shown on the approved site plan.
- 12.5.3 The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- 12.5.4 All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

12.5.5 All structures, dwelling units and dwellings, as defined by this ordinance, in residential design site plans shall front a street that is constructed in accordance with city engineering standards for public streets and may be dedicated to the city.

12.5.6 There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic. All components of the pedestrian circulation system shall be free from any mechanical equipment such as vending machines, storage coolers and similar devices.

12.5.7 Public street access points shall be located and designed to minimize disruption of through traffic flow. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

12.5.8 Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of sewer facilities including grading, gutters, piping, and the treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.

12.5.9 Exterior lighting shall comply with section 11.15.

12.5.10 Adequate services and utilities and improvements shall be provided, located and constructed with sufficient capacity to adequately serve the development.

ARTICLE XIII. SPECIAL LAND USE PROCEDURES AND STANDARDS

Sec. 13.1. Purpose.

This section sets forth review procedures and standards for planning commission review and recommendation and city council review and approval of special land uses. These procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances could be detrimental to other permitted land uses and cannot be permitted within the same district, but which can be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses. These procedures are adopted to provide guidelines for the city council to follow in arriving at any special land use decision over which it has jurisdiction, and to provide for the public health, safety and general welfare.

Sec. 13.2. Procedures.

- 13.2.1 *Applicant.* The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall file the application for special land use with the planning director.
- 13.2.2 *Issuance of zoning certificate.* The city council shall approve all special land use applications in accordance with the procedures and standards set forth herein before a zoning certificate is issued.
- 13.2.3 *Occupancy certificate.* No occupancy certificate shall be issued until the special land use site plan as approved by the city council has been completed including the installation of landscaping materials. A temporary occupancy certificate may be issued as provided in subsection 16.9.3 before the site plan improvements have been completed.
- 13.2.4 *Application forms and documentation.* The application for special land use approval shall be made on such forms as shall be prescribed by the city council and provided by the planning director and shall be accompanied by the necessary fees and documents as provided herein.
- 13.2.5 *Submission to planning director and planning director report.* The application for special land use approval shall be submitted to the planning director who shall prepare a report on whether the proposal meets all applicable requirements of this ordinance and any additional requirements recommended by the planning director based on the standards set forth in this ordinance. The planning director shall forward the report to the planning commission together with the application and site plan within 45 days of receiving the completed site plan.
- 13.2.6 *Public hearing.* A public hearing shall be held in accordance with Section 15.1.
- 13.2.7 *Planning commission recommendation.* The planning commission shall, within a reasonable time following the date at which the application for special land use approval was considered, pass a resolution setting forth its findings regarding the general and specific standards set forth herein, and shall recommend to the city council, approval, approval with conditions, or disapproval, with its reasons.
- 13.2.8 *Review of recommendations and public hearing.* The city council shall review the application for special land use approval, together with the planning director's report and planning commission's recommendations thereon. At the initiative of the body or official responsible for approving the special land use or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held in accordance with Section 15.1 before a discretionary decision is made on the special land use request. The body or official designated to review and approve special land uses may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

13.2.9 *City council determination.* The city council shall make the final determination on the application for special land use approval. Such determination shall be based solely on the requirements and standards of this ordinance. Approval, approval with conditions, or disapproval shall be made by resolution setting forth the city council's findings regarding the pertinent requirements and standards. If the special land use is approved by the city council, the applicant may then submit the written approval to the zoning enforcement officer who will then sign the zoning certificate if all other zoning certificate requirements have been met, and all required signatures have been obtained.

If site special land use approval is denied, the city council may by resolution require that a revised special land use application be resubmitted for review and approval in accordance with the process outlined above. If in the judgment of the city council, the special land use application can be approved if minor modifications are made, the city council may by resolution issue a conditional approval in writing and provide for resubmission of a revised special land use application to the enforcement officer who shall sign the zoning certificate upon determination that all appropriate modifications have been made in accordance with city council stipulations, and that all other zoning certificate requirements have been met.

13.2.10 *Recording of planning commission and city council action.* Each action taken with reference to special land use review and approval shall be duly recorded in the minutes of the planning commission and city council and the grounds for the action taken upon each special land use submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.

13.2.11 *Maintenance of site plan.* It shall be the responsibility of the owner of a property for which special land use approval is required to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the special land use approval was granted, or until a new special land use approval has been obtained as a basis for modifying the use or site plan. Any property owner who fails to so maintain a special land use as approved shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such a use violation. All plans, specifications, and statements submitted with the application for a special land use approval shall become, with any changes ordered by the city council, a part of the conditions of any approval issued by the city council pursuant thereto.

Sec. 13.3. Application data requirements.

The application and data requirements for special land use approval shall be the same as set forth in section 12.4 for site plan review, plus such other data as may be required by the planning director, the planning commission, and the city council to make the determination required herein.

Sec. 13.4. General standards for granting special land use approval.

13.4.1 The city council shall approve special land uses upon determination that the proposed use will comply with all requirements of this ordinance including applicable standards for specific uses in article VIII, site development standards in article XI, site plan review standards in article XII, and the following general standards:

- a. Compatibility with adjacent uses. The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - (1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.

- (2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- (3) The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- (4) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
- b. Compatibility with the Master Plan. The proposed special land use shall be consistent with the general principles and objectives of the city master plan.
- c. Compliance with applicable regulations. The proposed special land use shall be in compliance with all applicable federal, state, and local laws and ordinances.
- d. Use of adjacent property. The special land use shall not interfere with the use and will not adversely affect adjacent property.
- e. Public services. The proposed special land use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is completed.
- f. Impact of traffic. The location of the proposed special land use within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - (1) Proximity and access to major thoroughfares.
 - (2) Estimated traffic generated by the proposed use.
 - (3) Proximity and relation to intersections.
 - (4) Adequacy of driver sight distances.
 - (5) Location of and access to off-street parking.
 - (6) Required vehicular turning movements.
 - (7) Provision of pedestrian traffic.
 - (8) If it is determined to be necessary by the planning commission or city council that a detailed traffic study is needed, the cost shall be borne by the applicant.
- g. Enhancement of surrounding environment. The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - (1) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this ordinance may be required as a condition of approval of a special land use.
 - (2) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
- h. Impact on public health, safety, and welfare. The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or

designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

- i. Isolation of existing uses. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.
- j. Need for the proposed use. The city council may find that a need for the proposed use does not exist in the community at the time the special land use proposal is considered.

Sec. 13.5. Conditions.

Reasonable conditions may be imposed by the city council upon approval of a special land use to ensure compliance with the standards of section 13.4. Conditions imposed shall become part of the site plan and shall remain unchanged unless a change in conditions is approved by the city council.

ARTICLE XXIV. SITE CONDOMINIUM REVIEW AND APPROVAL

Sec. 14.1. Site condominium subdivision review procedures.

- 14.1.1 The intent of this section is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This procedure is required because of the different design terms which are used for site condominium subdivisions.
- 14.1.2 Site condominium subdivision projects and construction plans shall include the required information for site plan review as identified in this ordinance. In addition, a copy of the proposed master deed and any other restrictive covenants shall be submitted. The site condominium subdivision site plan shall show all proposed site condominium building sites and building envelopes together with all proposed public and private utility improvements. The site plan review procedures of this article shall be followed for the approval of a site condominium subdivision.
- 14.1.3 The following terms shall be used in applying ordinance standards to a site condominium subdivision:
 - a. All regulations pertaining to a lot shall apply to the site condominium building site.
 - b. All regulations pertaining to dwelling or building height, width, or size shall apply to a condominium structure.
 - c. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:
 - (1) The front yard setback shall be measured from nearest road right-of-way line to the site condominium building envelope.
 - (2) The side yard setback shall be measured from the side of the site condominium building envelope to the side building site line.
 - (3) The rear yard shall be measured from the rear line of the site condominium building envelope to the rear line of the building site.
 - (4) Regulations for building-to-building spacing shall be measured from building envelope to building envelope.
 - d. Issuance of temporary certificates of occupancy is permitted for not more than 75 percent of the dwelling units within the limits of the approved site plan. Once this point of occupancy is reached, all site improvements as depicted upon the approved site plan must be completely installed.

ARTICLE XXV. PUBLIC HEARINGS

Sec. 15.1. Public Hearings.

Whenever any section of this ordinance refers to this Section 15.1, or requires the holding of a public hearing, notice of such public hearing shall be given in accordance with Public Act 110 of 2006, as amended.

15.1.1 *Public hearing.*

- a. Notice of the hearing shall be published in the official city newspaper, or a newspaper of general circulation within the City of Westland. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the City of Westland.
- b. The notice shall be given not less than 15 days before the date of the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - (1) Describe the nature of the request;
 - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
 - (3) State when and where the request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.

PART 5. ADMINISTRATIVE PROVISIONS

ARTICLE XXVI. ADMINISTRATION

Sec. 16.1. Organization.

16.1.1. The administration of this ordinance is hereby vested in six agencies of the government of the City of Westland as follows:

Planning department;
Building and neighborhood services departments;
Zoning board of appeals.
City planning commission;
City council;
Department of public service.

This section shall first set out the authority of each of these six offices, and then describe the procedures and substantive standards with respect to the following administrative functions:

Issuance of occupancy and temporary certificates;
Variance;
Appeals;
Amendments;
Site plan approval;
Special land use approval uses;
Planned unit developments;
Fees;
Penalties.

Sec. 16.2. Planning department.

The planning director and such deputies or assistants that shall be duly appointed, shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall:

- 16.2.1 Have possession of permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, site plan approvals, special approvals, lot splits, subdivision plats, and applications therefor.
- 16.2.2 Assist in providing public information relative to this ordinance.
- 16.2.3 Forward to the planning commission all applications for site plan approval, special land use approval, planned unit developments, and amendments to this ordinance that are initially filed with the planning department.
- 16.2.4 Forward to the zoning board of appeals applications for appeals, variances, nonlisted uses, or other matters on which the board of appeals is required to consider under this ordinance.

16.2.5 Forward to the city council recommendations of the planning commission on special land use approvals, planned unit developments, and zoning ordinance amendments.

Sec. 16.3. Building and neighborhood services departments.

The building director and neighborhood services director, and such deputies or assistants that shall be duly appointed shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall:

- 16.3.1 Issue all certificates of occupancy and temporary certificates of occupancy, and make and maintain records thereof.
- 16.3.2 Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance, approved site plans, or special approvals.
- 16.3.3 Issue violation notices requiring compliance within 30 days, and advising suspected violators of right of appeal.
- 16.3.4 Require that all construction work of any type be stopped when such work is not in compliance with this ordinance; and revoke any permit which was unlawfully issued, or any permit wherein work not in compliance with this ordinance has been performed, and such work has not been corrected within 30 days of notification of such defects.
- 16.3.5 Have possession of permanent and current records of all building permits, site plans, and other approvals relative to this ordinance.
- 16.3.6 Assist in providing public information relative to this ordinance.
- 16.3.7 Enforce all orders of the city council and zoning board of appeals regarding actions pertaining to this ordinance.
- 16.3.8 Enforce all rules, regulations and standards of this ordinance.

Sec. 16.4. Zoning board of appeals.

The zoning board of appeals, as established in accordance with Public Act 110 of 2006 and having the powers and duties outlined in article XXVII of this ordinance, is the zoning board of appeals referred to in this ordinance.

Sec. 16.5. City planning commission.

16.5.1 *Creation.* The city planning commission, as established under the provisions of Act 285, 1931, as amended, is the planning commission referred to in this ordinance. The planning commission shall also have the powers of a zoning commission as set forth in Section 301 of Public Act 110 of 2006. A zoning commission is thereby established by this ordinance.

16.5.2 *Membership.* The planning commission shall consist of nine members who shall represent insofar as is possible different professions or occupations, and who shall be appointed by the mayor subject to the approval by a majority vote of the members elect of the city council. All members of the planning commission shall serve as such with compensation and shall hold no other municipal office except that one of such members may be a member of the zoning board of appeals. The term of each member shall be three years. All members shall hold office until their successors are appointed. The city council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term as set forth herein.

16.5.3 *Chair, meetings, and rules.* The commission shall elect its chair from among the appointed members and create and fill such other of its offices as it may determine. The term of chair shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

16.5.4 *Jurisdiction.* The planning commission shall discharge the following duties under this ordinance:

- a. Review all applications for amendments to this ordinance (text or map), hold hearings thereon, and report findings and recommendations to the city council.
- b. Review all applications for special land uses and planned unit developments, hold hearings thereon and report findings and recommendations to the city council.
- c. Receive from the enforcement officer recommendations as related to the effectiveness of this ordinance, and report findings and recommendations thereon to the city council.
- d. Review all applications for site plan approval, hold hearings thereon.

Sec. 16.6. City council.

16.6.1 *Special land uses.* The city council shall review planning commission recommendations on all applications for special land uses, hold hearings thereon, and make final decisions to grant approval, deny approval, or grant approval with conditions, all as provided for in article XIII. In so doing, the city council shall function in an administrative capacity in accordance with duly adopted administrative rules of procedure. Decisions of the city council pertaining to special land uses shall be in accordance with the standards set forth in this ordinance.

16.6.2 *Planned unit developments.* The city council shall review planning commission recommendations on all applications for planned unit developments, hold hearings thereon, and make final decisions to grant approval, deny approval, or grant approval with conditions, all as provided for in article VII. In so doing the city council shall function in an administrative capacity in accordance with duly adopted administrative rules of procedure. Decisions of the city council pertaining to planned unit developments shall be in accordance with the standards set forth in this ordinance.

16.6.3 *Zoning ordinance amendments.* The city council shall enact such amendments to this ordinance as it shall from time to time deem appropriate. However, the city council shall not enact a proposed amendment until it has received and reviewed the report of the planning commission, including a summary of comments submitted at the planning commission's public hearing pertaining to the proposed amendment. After review of the planning commission's report, the city council may adopt a proposed amendment with or without modifications, or may refer the proposed amendments again to the planning commission for a further report.

Sec. 16.7. Department of public service.

The city engineer and other duly appointed officials in the department of public service shall enforce this ordinance and any additions thereto, and in furtherance of such authority shall:

16.7.1 Enforce all rules, regulations and standards of this ordinance, particularly those that deal with parking lot design, construction and maintenance; ingress and egress to sites; provision for water and sewer facilities; and, lot grading and drainage.

16.7.2 Conduct inspections of building sites, drainage, and utility structures, water and sewer facilities, property grading and off-street parking facilities to determine compliance with the terms of this ordinance, approve engineering site plan, approve grade certificate prior to issuance of certificate of occupancy.

16.7.3 Enforce all rules, regulations and standards of related city ordinances, particularly the parking lot ordinance (Ord. No. 189) and the subdivision ordinance (Chapter 94 of the Code of Ordinances).

16.7.4 Assist in providing public information relative to this ordinance.

Sec. 16.8. Occupancy certificates.

No building or addition thereto, constructed after the effective date of this ordinance and no addition to or expansion within a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a certificate of occupancy has been issued by the enforcement officer. No change of use of any existing building or structure or land shall be made unless a certificate of occupancy has been issued by the enforcement officer. Every certificate of occupancy shall state that the use of the occupancy complies with the provisions of this ordinance and whether there are any use restrictions or other provisions to be adhered to by the occupant.

16.9.1 *Application for occupancy certificates.* Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the enforcement officer.

16.9.2 *Issuance of occupancy certificate.* No occupancy certificate for a building, portion thereof, or addition to an existing building, constructed after the effective date of this ordinance shall be issued until the premises have been inspected and certified by the enforcement officer, planning department, engineering division, and fire department to be in conformity with the plans and specifications upon which the zoning certificate was based, and the building and site meet all applicable standards. No parcel of land shall be utilized or occupied until such site is inspected and certified by the enforcement officer, planning department, and engineering division to be in compliance with all appropriate ordinance standards. In construction of new buildings, a certificate of occupancy may be issued on satisfactory final inspection. Where a land use requires site plan approval by the council, a certificate of occupancy shall not be issued unless said site and structures thereon are in conformity with said approved site plan, including, but not limited to:

- a. Completion of building(s) and structure(s), internally and externally in accordance with the approved dimensions and floor layout.
- b. Interior and exterior architectural design and style as approved.
- c. All landscaping in accordance with the approved size, type, quality, dimensions, and design including the provision of sod within the front, side and rear yards of each dwelling.
- d. Parking lots with delineation of all regular parking spaces, handicapped spaces, signs and ramps, as approved.
- e. Traffic signs, including, but not limited to:
 - (1) Entrance-exit signs.
 - (2) No left turn - no right turn signs.
 - (3) One way - do not enter-exit signs.
 - (4) Traffic control signs, such as stop or yield.
- f. Masonry and/or decorative walls to be installed.
- g. Fences to be installed.
- h. Lighting for building and/or parking area.

- i. Dumpsters with approved screening on all sides.
- j. Final grading plans and complete "as built" drawings for residential sites and "as built" transparencies for multifamily, commercial, and industrial sites shall be submitted to the engineering division.
- k. All copies and/or originals of recorded documents for required dedications of easements and/or road rights-of-way shall be submitted to the city clerk's office and to engineering division.
- l. The occupancy certificate shall be issued or a written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 30 days after the enforcement officer is notified in writing that the building or premises are ready for occupancy.
- m. An electronic CAD (computer-aided design) copy of the property legal description and the legal description of all utility easements and all improvements to the site shall be provided to the engineering division for inclusion into the City of Westland GIS data base.

16.9.3 *Issuance of temporary occupancy certificates.* The enforcement officer may issue a temporary occupancy certificate for a portion of a building and site in the process of erection or alteration provided that such certificate shall not be effective for longer than six months, provided further that such portion of the building and site is in conformity with the provisions of this ordinance and the City of Westland Building Code, and provided further that the applicant has agreed in writing to comply with all of such provisions as to the entire building and site and has posted cash, irrevocable letter of credit, or other acceptable financial guarantee, the form and amount approved by the, building official that the building and site shall be brought into full compliance with the terms of this ordinance. Such financial guarantee shall be of sufficient amount to cover the cost of bringing the building and site into full compliance. The temporary occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be used, not later than 30 days after the enforcement officer is notified in writing that the building or premises are ready for occupancy.

16.9.4 *Revocation of permit.* Any permit issued under the provisions of this ordinance may be revoked by the building department at any time whenever the holder thereof:

- a. Shall have made any false or fraudulent statements in the application for such permit, or in the exercise of such permit.
- b. Shall have violated any of the provisions of this ordinance.
- c. Shall have failed to satisfy the requirements of this ordinance or of any rules adopted pursuant thereto.
- d. Shall have caused, created, or maintained, in the exercise of such permit, a menace or danger to the public health, safety, or welfare.
- e. Shall have failed to maintain the site as approved by the city council or zoning board of appeals, including, but not limited to, maintenance of:
 - (1) Buildings or structures.
 - (2) Architectural size or design of building.
 - (3) Walls and/or fences.
 - (4) Landscape areas.
 - (5) Parking lots.
- f. Shall have altered a site plan area, as approved by the city council or zoning board of appeals.

16.9.5 *Revocation appeal hearing; zoning board of appeals.* Any person, firm, or corporation aggrieved by the revocation of a building permit may request a violation appeal hearing before the zoning board of appeals, in accordance with the rules and procedures of article XVII.

Sec. 16.9. Site plan review.

When required, a site plan review and approval shall be obtained from the city before issuance of a certificate of occupancy. Site plan review shall be carried out in accordance with article XII.

Sec. 16.10. Special land uses.

Special land use review and approval in accordance with article XIII shall be obtained from the city council after the council has reviewed the recommendation of the planning commission. City council approval shall be obtained before issuance of a certificate of occupancy for any special land use.

Sec. 16.11. Planned unit developments.

Planned unit developments shall be deemed to be an amendment to the zoning ordinance. Approval shall be obtained from the city council after it has reviewed the recommendations of the planning commission in accordance with article VII.

Sec. 16.12. Fees.

Any application for an amendment to the text or zoning map of this ordinance or for special land use, planned unit development approval, or site plan review and approval, shall be accompanied by a fee as established by resolution of the city council. There shall be no fee, however, in the case of applications filed in the public interest by the city or any city official.

ARTICLE XXVII. ZONING BOARD OF APPEALS

Sec. 17.1 Creation.

A zoning board of appeals consisting of nine members is hereby established having powers and duties in accordance with Public Act 110 of 2006, as amended. Hereinafter, the word "board" shall mean the zoning board of appeals.

Sec. 17.2 Membership.

17.2.1 *Membership.* The zoning board of appeals shall consist of nine members appointed by the city council to serve three-year terms. One of the nine members of the board may also be a member of the City of Westland Planning Commission and one may be a member of the city council. In addition to the nine members of the board, the city council may appoint one alternate member to serve a three-year term. The alternate member may be a member of the planning commission or the city council provided that a regular member does not hold such a position. The alternate member shall attend all zoning board of appeals meetings. The alternate member shall be called by the board chair or a designated representative in the following instances:

- a. If a regular member is absent or unable to attend two or more consecutive meetings.
- b. If a regular member notified the chair of the board that he/she will be absent or unable to attend a meeting for more than 30 consecutive days.
- c. If a regular member has abstained from voting or has notified the chair of the board that he/she intends to abstain from discussion and voting on a case by reason of a conflict of interest. In such case the alternate member shall serve until a final decision has been made on that one case.

17.2.2 *Payment of members.* The members and alternate members of the zoning board of appeals shall be paid for attendance at meetings in accordance with a schedule established by the city council, except that a member of the city council who is also a member or alternate member of the zoning board of appeals shall not be paid for attendance at zoning board of appeals meetings. Alternates shall be paid for attendance whether or not they sit as regular members.

Sec. 17.3 Jurisdiction.

The zoning board of appeals is hereby vested with the following jurisdiction and authority.

- a. To hear and decide appeals from and review any order, requirement, decision, or determination made under this ordinance by the enforcement officer or any other administrative official or body except as provided in subsection d below.
- b. To hear and pass upon the applications for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
- c. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
- d. Decisions of the city council pertaining to special land uses and special planned unit developments shall not be subject to zoning board of appeals review.
- e. Nothing contained herein shall be construed to empower the zoning board of appeals to change the terms of this chapter, to effect changes in the zoning map or grant temporary uses.

Sec. 17.4 Rules and Procedures.

17.4.1 *Meetings and rules.* All meetings of the zoning board of appeals shall be held at the call of the board clerk or designated representative, or at such times as the board may determine. All hearings conducted by said

board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The clerk, or if that person is absent the acting clerk may administer oaths and compel attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the zoning board of appeals shall be filed immediately in the office of the city clerk and shall be a public record. The board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Public Acts of Michigan, and select or appoint such officers as it deems necessary.

17.4.2 *Required vote.* The concurring vote of five members of the board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer or planning department, or to decide in favor of the applicant any matter upon which the board is required to pass under this ordinance or to effect any variance except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in this ordinance.

17.4.3 *Finality of decision of the zoning board of appeals.* All decisions and findings of the zoning board of appeals on any appeal, or any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. However, the board may decide to rehear a previously determined matter upon submission of an application with new evidence within 30 days of the original decision.

Sec. 17.5 Variances.

17.5.1 *Purpose.* The zoning board of appeals may, in passing on appeals, grant a variance or modify the regulations of this ordinance only in the specific instances hereinafter set forth, where such board makes findings of fact in accordance with the standards hereinafter prescribed. Such variances may be granted only when the board finds that there are practical difficulties (in the case of a non-use variance) or unnecessary hardships (in the case of a use variance) in the way of carrying out the strict letter of the regulations of this ordinance. Such variances may be granted only so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done.

17.5.2 *Application for variance.* An application for a variance shall be filed with the city clerk. The application shall consist of a completed application form, fee, and the information required. The application shall contain the following information:

- a. Legal description, address, and tax parcel number of the subject property;
- b. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this ordinance;
- c. Name and property of the applicant, property owner(s), and the interest of the applicant in the property.

17.5.3 *Public hearing.* A public hearing shall be held in accordance with section 15.1.

17.5.4 *Standards for variances.* Each case before the zoning board of appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. The zoning board of appeals shall not vary the regulations of this ordinance except in accordance with the standards established in Public Act 110 of 2006, as amended, and unless it shall make findings based upon the evidence presented to it in each specific case that all of the following standards are met:

- a. *Non-Use Variance.* A non-use variance may be allowed by the zoning board of appeals only where the applicant has shown a practical difficulty in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
 - (1) That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - (2) That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 - (3) That the plight of the owner is due to unique circumstances of the property;
 - (4) That the problem is not self-created.
- b. *Use Variance.* A use variance may be allowed by zoning board of appeals only in cases where the applicant has shown an unnecessary hardship in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
 - (1) That the applicant's property cannot be used for the purposes permitted in the zoning districts;
 - (2) That the applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - (3) That the applicant's suggested use would not alter the essential character of the area;
 - (4) That the applicant's problem has not been self-created;
 - (5) The unavailability of administrative relief which may afford reasonable use of applicant's property.

17.5.5 *Conditions.* The zoning board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this ordinance.

17.5.6 *Timely exercise of variance.* No order of the zoning board of appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the building permit or zoning certificate is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period, unless extended by the zoning board of appeals.

Sec. 17.6 Appeals.

17.6.1 *Scope of appeals.* An appeal may be taken to the zoning board of appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the planning director, the city planning commission, or the city council, except that decisions or actions of the city council to deny special land use or planned unit developments approval shall not be subject to appeal. An appeal from any decision or action of the planning director, the city planning commission, or the city council shall be taken not later than 30 days after the start of construction or alterations or a change in use such as to make the use nonconforming, as authorized by any permit or certificate issued by the planning director, or within 30 days after the decision or the action complained of, by filing with the planning director and the board a notice of appeal specifying the grounds thereof. The planning director shall forthwith transmit to the board all of the papers constituting a record upon which the action appealed from was taken.

17.6.2 *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the planning director certifies to the board, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case the proceedings shall not be stayed other than by a restraining order which may be

granted by the board or by a court of record on application and with notice to the planning director and on due cause shown.

17.6.3 *Public hearing.* A public hearing shall be held in accordance with section 15.1.

17.6.4 *Decision of the zoning board of appeals.* The board shall thereafter reach its decision within 90 days from the date of the public hearing on the appeal. The decision of the board shall not become final until the expiration of five days from the date of the entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

17.6.5 *Disposition of appeals.* For all matters assigned to it, the board may affirm or may reverse, wholly or in part, or modify orders, requirements, decisions, or determinations of the planning director, planning commission, or city. To that end, the board shall have all the powers of the planning director, planning commission, or city council from whom the appeal is taken. The planning director shall maintain records of all actions of the board relative to appeals. Recourse from final decisions of the board of appeals shall be to the circuit court.

ARTICLE XXVIII. CHANGES AND AMENDMENTS

Sec. 18.1. Amendments.

18.1.1 *Authority—Declaration of public policy.* The city council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

18.1.2 *Initiation of amendment.* Text amendments may be proposed by any governmental body or any interested person or organization. Map amendments may be initiated by any governmental body or by persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforceable.

18.1.3 *Application for amendment.* An application for an amendment to this ordinance shall be filed with the planning department in such form and accompanied by such information as required by the planning director. The planning director, upon receiving an application for amendment, shall transmit the application, along with all pertinent data filed herewith, to the planning commission.

18.1.4 *Hearing on application.* The planning commission shall hold at least one public hearing on each application for an amendment to the zoning ordinance at such time and place as shall be established by the planning commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the planning commission shall, by rule, prescribe from time to time, or as may be required by Charter.

18.1.5 *Notice of hearing.* Notice of the public hearing shall be provided in accordance with Section 15.1.

18.1.6 *Findings of fact and recommendation of the planning commission.* The planning commission shall make written findings of fact and shall submit same together with its recommendations to the city council within 60 days of receipt of the application, and at the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the planning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing uses of property within the general area of the property in question.
- b. The zoning classification of property within the general area of the property in question.
- c. The suitability of the property in question in the uses permitted under the existing zoning classification.
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- e. The objectives of the City of Westland Master Plan.
- f. The planning commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest.

18.1.7 *Action by the city council.*

- a. The city council shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the planning commission on the proposed amendment.
- b. The city council may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and

acknowledged and dated before a notary by the owners of 20 percent of the area of land to be altered, or by the owners of 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed, except by the two-thirds vote of the city council.

18.1.8 *Effect of denial of amendment.* No application for a map amendment which has been denied by the city council shall be resubmitted for a period of two years from the date of the order of denial, except on the grounds of new evidence of proof of change of condition found to be valid by the planning commission and the city council.

18.1.9 *Notice of amendment adoption.* Following adoption of a zoning ordinance amendment by the city council, a notice of ordinance adoption shall be published in accordance with Section 401 of Public Act 110 of 2006, as amended.

Sec. 18.2. Conditional Rezoning.

It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this article to provide a process consistent with the provisions of Section 405 of Public Act 110 of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

18.2.1 *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.

- a. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
- b. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- c. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- d. Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of the ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
- e. Any use or development proposed as part of an offer of conditions that require variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this ordinance.
- f. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
- g. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.

18.2.2 *Planning commission review.* The planning commission, after public hearing in accordance with section 15.1, and in consideration of the factors for rezoning outlined in section 18.1.6, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

18.2.3 *City council review.* After receipt of the planning commission's recommendations, the city council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. This city council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning outlined in section 18.1.6. Should the city council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the city council shall, in accordance with Section 405 of Public Act 110 of 2006, as amended, refer such amendments to the planning commission for a report thereon within a time specified by the city council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

18.2.4 *Approval.* If the city council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested zoning.

a. The statement of conditions shall:

- (1) Be in a form recordable with the register of deeds of the county or, in the alternative, be accompanied by a recordable affidavit, or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the city council.
- (2) Contain a legal description of the land to which it pertains.
- (3) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
- (4) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
- (5) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the city with the register of deeds of the county.
- (6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

b. Upon rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The city clerk shall maintain a listing of all lands rezoned with a statement of conditions.

c. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the city with the register of deeds of the county. The city council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the city or to any subsequent owner of the land.

- d. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

18.2.5 *Compliance with conditions.*

- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this zoning ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- b. No permit or approval shall be granted under this ordinance for any uses or development that is contrary to an applicable statement of conditions.

18.2.6 *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the city council if: (1) it is demonstrated to the city council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2) the city council finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

18.2.7 *Reversion of zoning.* If approved development and/or use of the rezoned land do not occur within the time frame specified under section 18.2.6 above, then the land shall revert to its former zoning classification as set forth in Public Act 110 of 2006, as amended. The reversion process shall be initiated by the city council requesting that the planning commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

18.2.8 *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to section 18.2.7 above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the register of deeds of the county that the statement of conditions is no longer in effect.

18.2.9 *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to section 18.2.6 above, or during any extension thereof granted by the city council, the city shall not add to or alter the conditions in the statement of conditions.

18.2.10 *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and Public Act 110 of 2006, as amended.

18.2.11 *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this ordinance.

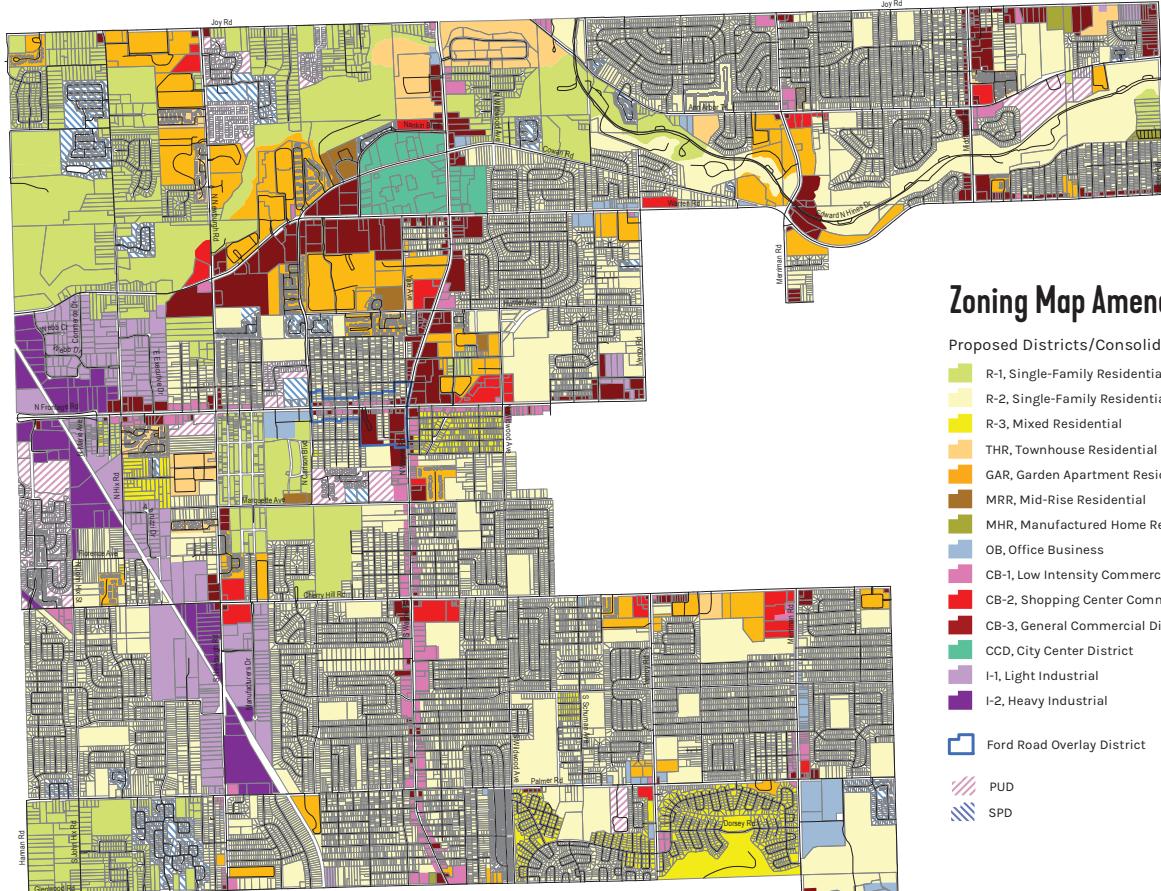
ARTICLE XXIX. ENFORCEMENT

Sec. 19.1. Penalties.

Any person, firm, corporation, or agent, or any employee or contractor of same, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this ordinance, shall be subject to a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both, for each offense, and each day that a violation continues to exist shall constitute a separate offense. Costs of prosecution shall also be assessed.

Sec. 19.2. Civil remedies.

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this ordinance are hereby declared to be a nuisance per se. The owner or agent in charge of the building or land, or both the owner and the agent may be adjudged guilty of maintaining a nuisance per se, and any court of competent jurisdiction may order the nuisance abated.



Zoning Map Amendments **DRAFT**

Proposed Districts/Consolidation

- R-1, Single-Family Residential
- R-2, Single-Family Residential
- R-3, Mixed Residential
- THR, Townhouse Residential
- GAR, Garden Apartment Residential
- MRR, Mid-Rise Residential
- MHR, Manufactured Home Residential
- OB, Office Business
- CB-1, Low Intensity Commercial Business
- CB-2, Shopping Center Commercial District
- CB-3, General Commercial District
- CCD, City Center District
- I-1, Light Industrial
- I-2, Heavy Industrial
- Ford Road Overlay District
- PUD
- SPD

City of Westland Zoning Districts Map



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TRIM
SMITHGROUP

October 11, 2024

0 0.25 0.5 1 Miles

