



# Zoning 2020

City of Monroe, Michigan

*Cover design by Jeffrey Green*

# ZONING 2020

## acknowledgments

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# 1

Section 1:

## **Purpose and Intent**



## SECTION 1: PURPOSE AND INTENT

### SECTION 1.01

#### SHORT TITLE

This chapter shall be known as the "Zoning Ordinance of the City of Monroe."

### SECTION 1.02

#### PURPOSE AND INTENT

This chapter is based on the City of Monroe Master Plan, adopted by the Citizens Planning Commission and City Council, which provides goals, objectives and a future land use map for the City. This chapter is intended to implement the Master Plan by regulating the use of land, buildings, and structures to promote the public health, safety, and general welfare by accomplishing the following:

- A. Establish zoning districts, and uniform regulations applicable to each district, which govern the use of the land and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this chapter.
- B. Accommodate and promote land uses which are compatible with the City's character and which conserve the property values and long-term stability of residential neighborhoods, community facilities, the downtown area commercial districts and industrial areas.
- C. Encourage use of the lands and natural resources in accordance with their character and capability. This chapter acknowledges the important effect that these features have on the long-term economic climate of all uses in the City and on the overall quality of life for City residents.
- D. Limit or prohibit improper use of land.
- E. Reduce hazards to life and property.
- F. Facilitate adequate and cost-effective infrastructure systems and protect the substantial public investment in those systems, including transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.
- G. Establish controls over potential conflicting land uses and over uses which may need additional regulations as special land uses to be compatible with surrounding development patterns and zoning.
- H. Promote the gradual elimination of uses, buildings and structures which do not conform to the regulations and standards of this chapter.

- I. Provide for administering this chapter, including resolving conflicts with other ordinances, collecting fees, establishing procedures for petitions, hearings and appeals, and provide for any other matters authorized by Public Act 110 of 2006. (See MCLA § 125.3101, et seq.)

### SECTION 1.03

#### CONFLICTING REGULATIONS

- A. Where any provision of this chapter imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land, the height of buildings or structures, lot coverage, lot area, yards, wetlands, woodlands or other open spaces, or any other use or activity which is regulated by this chapter, the provision or standard which is more restrictive or limiting shall govern.
- B. Except as otherwise provided in this section, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this chapter shall be subject to all regulations of this chapter which are applicable in the zoning district in which such use, building or structure is located.
- C. No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established herein.
- D. This chapter shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this chapter shall govern if determined by the Zoning Board of Appeals to be more restrictive or to impose a higher standard.
- E. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare. Any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this chapter.
- F. Uses, buildings and structures that were nonconforming under the previous Zoning Code gain no new rights through the adoption of the standards of this chapter, unless they become conforming or more conforming by virtue of the regulations of this chapter.

**SECTION 1.04****EFFECT ON EXISTING PROJECTS AND APPROVED SITE PLANS**

- A. Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided that significant construction has lawfully begun, is being diligently carried on and shall be completed within one year of the effective date of this chapter. The Zoning Board of Appeals may permit one extension of up to one additional year.
- B. If a lot has an approved site plan within 12 months prior to the effective date of this chapter, such site plan shall remain valid if construction is begun within one year and completed within two years of the effective date of this chapter.
- C. If the conditions of this section are not met, the standards and provisions of this chapter shall govern.
- D. Except as noted above, nothing in this chapter should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district or zoning classification, or of any permissible activities therein, and all provisions of this chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

**SECTION 1.05****APPLICATION OF PROVISIONS**

- A. This chapter shall be liberally construed in such manner that more effectively implements its purpose. In interpreting and applying the provisions of this chapter, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- B. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this chapter.
- C. Where a condition imposed by a provision of this chapter upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this chapter, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

- D. Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

**SECTION 1.06****SEVERANCE**

- A. If a court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.
- B. If a court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

**SECTION 1.07****EFFECTIVE DATE**

- A. The provisions of this chapter are hereby declared to be necessary for the preservation of the public health, safety and welfare of the people of the City of Monroe and are hereby ordered to be given effect 20 days after passage and publication.

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# 2

Section 2:  
**Zoning Districts**

## SECTION 2: ZONING DISTRICTS

### SECTION 2.01

## ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the City of Monroe is hereby divided into the following districts:

RESIDENTIAL DISTRICTS	
R-P	Residential Park District
R-1	Single-Family Residential District (Large Lot)
R-2	Single-Family Residential District (Medium Lot)
R-3	Single-Family Residential District (Small Lot)
RM	Multiple Family Residential Dwelling District
RMD	Residential Mixed District
COMMERCIAL DISTRICTS	
C-O	Commercial - Office District
C-G	Commercial - General District
CBD	Central Business District
C-D	Dixie Commercial District
C-M	Monroe Street Commercial District
C-T	Telegraph Road Commercial District
INDUSTRIAL DISTRICTS	
I-W	Industrial Warehouse District
I-1	Light Industrial District
I-2	General Industrial District
I-P	Port Industrial District
MIXED-USE DISTRICTS	
MU-1	Neighborhood Mixed Use District
MU-2	Corridor Mixed Use District
SPECIAL DISTRICTS	
AP	Airport District
B	Battlefield District
L	Legacy District
MHP	Mobile Home Park District
PROS	Public Recreation and Open Space District
PUD	Planned Unit Development District

SECTION 2.02

# R-P RESIDENTIAL PARK DISTRICT



### 2.02.A. • R-P • PURPOSE AND INTENT

The **R-P, Residential Park District**, is intended to allow the continuance of existing, single-family homes near the River Raisin Battlefield, while restricting additional development and encouraging the eventual redevelopment of the area into park space in accordance with the Resilient Monroe Master Plan and the River Raisin Heritage Corridor-East Master Plan.

## SECTION 2: ZONING DISTRICTS

### R-P • RESIDENTIAL PARK

2.02.B. • R-P • PERMITTED AND SPECIAL USES			
R-P Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Home Occupations	Permitted	Two (2) per unit.	3.20
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings	Permitted	Two (2) per unit.	3.49
Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2	3.11
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Community Gardens	Special	N/A	3.13
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces.	3.23

2.02.C. • R-P • DIMENSIONAL REGULATIONS			
Lot Standards	R-P	Minimum Setbacks (ft.)	R-P
Minimum Lot Area (sq. ft.)	6,000	Front Yard	25
Minimum Lot Width (ft.)	40 <sup>(a)</sup>	Side Yard (one)	4
Maximum Lot Coverage (%)	30	Side Yard (total of 2)	13
Minimum Floor Area/Unit (ft.)	1,000/1,200	Rear Yard	35
Maximum Building Height (ft.)	25	Secondary Street Frontage	15
Maximum Building Height (stories)	2	Front Yard Parking	20

(a) After the adoption of this Ordinance, no new lot shall be created in the R-P district with a lot width smaller than 60 feet.

Note: See Schedule of Regulations for additional information

2.02.D. • R-P • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.) <sup>(a)(b)</sup>	(a)(b)	(a)(b)
Rear Yard (ft.) <sup>(a)</sup>	6.5	N/A
Side Yard (ft.) <sup>(a)</sup>	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line. Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line: a. the average front building line for all principal structures on the block the fence is adjacent to b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.02.E. • R-P • ACCESSORY STRUCTURES (Detached)	
<b>Location</b>	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
<b>Maximum Number</b>	Two (2) per lot. No more than one (1) being a detached garage.
<b>Setbacks</b>	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
<b>Maximum Height</b>	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
<b>Use</b>	Shall not be used as a dwelling unit.

*Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.*

2.02.F. • R-P • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	<b>Residential Uses:</b> One (1) tree per lot. <b>Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	<b>Residential Uses:</b> No requirement. <b>Non-Residential Uses:</b> One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	<b>Residential Uses:</b> No requirement. <b>Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting.
<b>Screening from Residential Uses</b>	<b>Residential Uses and Parks:</b> No requirement. <b>Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. OR A six (6) foot high screening fence or wall.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*



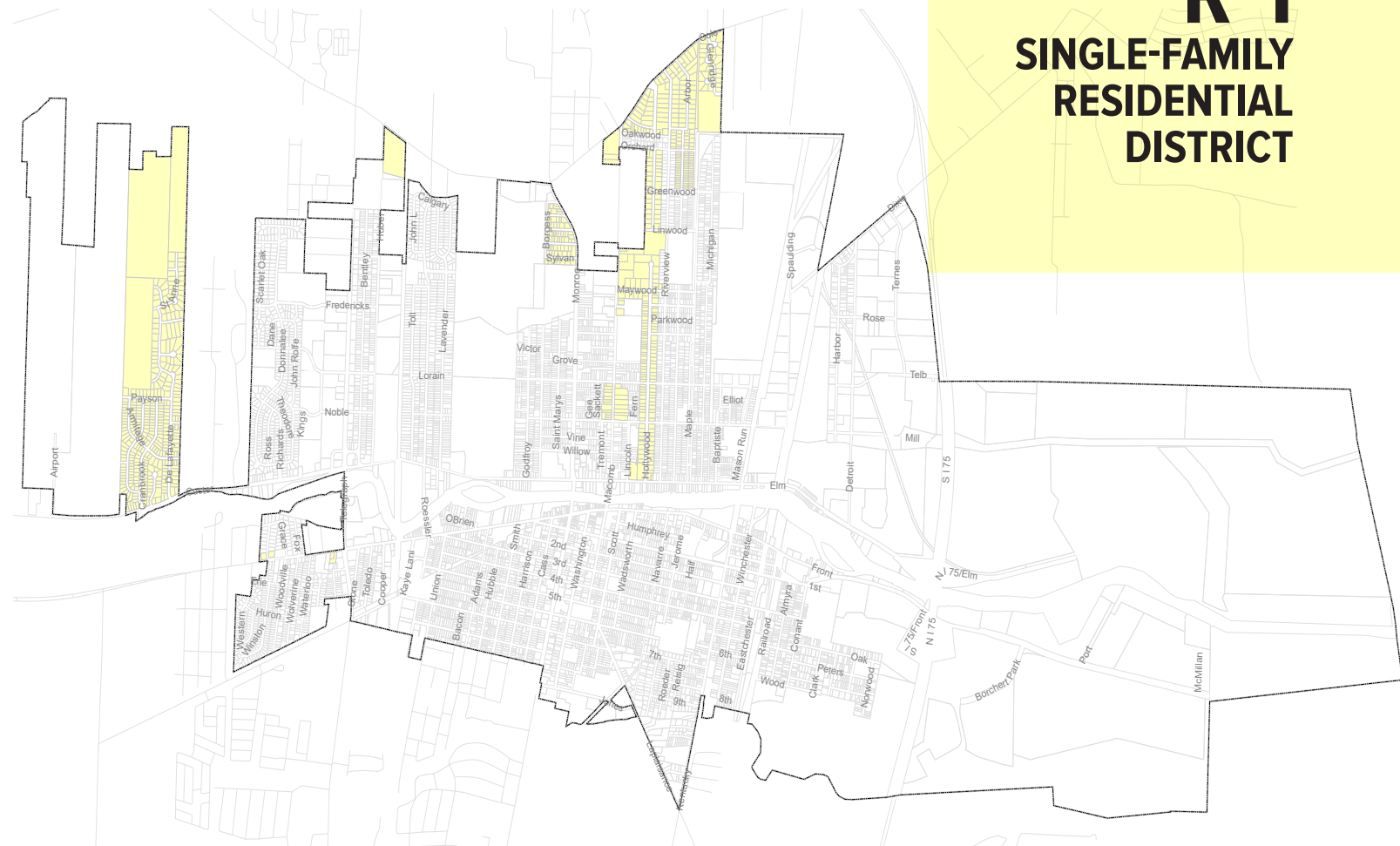
## SECTION 2: ZONING DISTRICTS

### R-P • PARK RESIDENTIAL

2.02.G. • R-P • FORM-BASED AND ARCHITECTURAL STANDARDS	
Storefronts	N/A
Entrances	N/A
Garage Doors	N/A
Building Massing	N/A
Architecture	N/A
Parking Location	N/A
Waterfront	Floodplain regulations shall apply where applicable. (See Section 5.14)

## SECTION 2.03

# R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT



### 2.03.A. • R-1 PURPOSE AND INTENT

The **R-1, Single-Family Residential District**, is intended primarily for single-family residential development generally on the outskirts of the City and for associated educational and institutional uses. The permitted uses and standards of this district are intended to achieve the following objectives:

1. To encourage the continued use of the land for single-family dwellings, which are compatible with the established character of the City's larger lot neighborhoods.
2. To prohibit uses that would disrupt the character of the existing single-family neighborhoods.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. To discourage land uses which would generate traffic on minor local streets atypical of that in single-family neighborhoods.
5. To accommodate low-intensity, non-residential facilities where such uses could be compatible with the neighborhoods within this district.

**SECTION 2: ZONING DISTRICTS**

**R-1 • SINGLE FAMILY RESIDENTIAL**

<b>2.03.B. • R-1 • PERMITTED AND SPECIAL USES</b>			
<b>R-1 Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Bed and Breakfast Inn	Permitted	One (1) per guest room, plus 2.	3.09
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per housing unit.	3.20
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings	Permitted	Two (2) per unit.	3.49
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Child Day Care Centers, Adult Day Care Center, Adult Group Daycare Homes (7-12 Adults) and	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Golf Course	Special	One (1) per employee in the largest shift plus three (3) per hole.	3.18
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Police/Fire Stations	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47

<b>2.03.C. • R-1 • DIMENSIONAL REGULATIONS</b>			
<b>Lot Standards</b>	<b>R-1</b>	<b>Minimum Setbacks (ft.)</b>	<b>R-1</b>
Minimum Lot Area (sq. ft.)	9,100	Front Yard	25
Minimum Lot Width (ft.)	60 <sup>(a)</sup>	Side Yard (one)	5
Maximum Lot Coverage (%)	30	Side Yard (total of 2)	15
Minimum Floor Area/Unit (ft.)	1,200/1,500	Rear Yard	35
Maximum Building Height (ft.)	30	Secondary Street Frontage	15
Maximum Building Height (stories)	2	Front Yard Parking	20

(a) After adoption no new lot shall be created in an R-1 District with less than 9,100 sq. ft. and minimum lot width of 70 ft  
 Note: See Schedule of Regulations for additional information

2.03.C. • R-1 • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)(a)(b)	(a)(b)	(a)(b)
Rear Yard (ft.)(a)	6.5	N/A
Side Yard (ft.)(a)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)(a)	Three (3) feet if between the principal building on the lot and the right-of-way line. Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line: a. the average front building line for all principal structures on the block the fence is adjacent to b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.03.E. • R-1 • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot. No more than one (1) being a detached garage.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet (mean height), whichever is less.
Use	Shall not be used as a dwelling unit.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.03.F. • R-1 • LANDSCAPING REQUIREMENTS	
Road Frontage	<b>Residential Uses:</b> One (1) tree per lot. <b>Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
Parking Lot – Interior	<b>Residential Uses:</b> No requirement.
Parking Lot – Perimeter	<b>Residential Uses:</b> No requirement. <b>Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting.
Screening from Residential Uses	<b>Residential Uses and Parks:</b> No requirement. <b>Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. OR A six (6) foot high screening fence or wall.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

## SECTION 2: ZONING DISTRICTS

### R-1 • SINGLE FAMILY RESIDENTIAL

2.03.G. • R-1 • ARCHITECTURAL STANDARDS	
Storefronts	N/A
Entrances	N/A
Garage Doors	N/A
Building Massing	N/A
Architecture	N/A
Parking Location	N/A
Waterfront	Floodplain regulations shall apply where applicable. (See Section 5.14)

## SECTION 2.04

# R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT



### 2.04.A. • R-2 PURPOSE AND INTENT

The **R-2, Single-Family Residential District**, is intended primarily for single-family residential development within existing mid-density neighborhoods and for associated educational and institutional uses. The permitted uses and standards of this district are intended to achieve the following objectives:

1. To encourage the continued use of the land for single-family dwellings, which are compatible with the established character of existing neighborhoods.
2. To prohibit uses that would disrupt the character of the existing single-family neighborhoods.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. To discourage land uses which would generate traffic on minor local streets atypical of that in single-family neighborhoods.
5. To accommodate low-intensity non-residential facilities where such uses could be compatible with the neighborhoods within this district.

**SECTION 2: ZONING DISTRICTS**

**R-2 • SINGLE FAMILY RESIDENTIAL**

<b>2.04.B. • R-2 • PERMITTED AND SPECIAL USES</b>			
<b>R-2 Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Bed and Breakfast Inn	Permitted	One (1) per guest room, plus 2.	3.09
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per housing unit.	3.20
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings <sup>(a)</sup>	Permitted	Two (2) per unit.	3.49
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Child Day Care Centers, Adult Day Care Center, Adult Group Daycare Homes (7-12 Adults) and	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Golf Course	Special	One (1) per employee in the largest shift plus three (3) per hole.	3.18
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Police/Fire Stations	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47

<b>2.04.C. • R-2 • DIMENSIONAL REGULATIONS</b>			
<b>Lot Standards</b>	<b>R-2</b>	<b>Minimum Setbacks (ft.)</b>	<b>R-2</b>
Minimum Lot Area (sq. ft.)	4,800 <sup>(a)</sup>	Front Yard	25
Minimum Lot Width (ft.)	50 <sup>(a)</sup>	Side Yard (one)	5
Maximum Lot Coverage (%)	30	Side Yard (total of 2)	14
Minimum Floor Area/Unit (ft.)	1,000/1,200	Rear Yard	35
Maximum Building Height (ft.)	25	Secondary Street Frontage	15
Maximum Building Height (stories)	2	Front Yard Parking	20

(a) After adoption no new lot shall be created in an R-2 District with less than 7,200 sq. ft. and minimum lot width of 60 ft  
 Note: See Schedule of Regulation for additional information

2.04.D. • R-2 • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.) (a)(b)	(a)(b)	(a)(b)
Rear Yard (ft.) (a)	6.5	N/A
Side Yard (ft.) (a)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.) (a)	Three (3) feet if between the principal building on the lot and the right-of-way line.  Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line:  a. the average front building line for all principal structures on the block the fence is adjacent to  b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.04.E. • R-2 • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot. No more than one (1) being a detached garage.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	Shall not be used as a dwelling unit.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.04.F. • R-2 • LANDSCAPING REQUIREMENTS	
Road Frontage	<b>Residential Uses:</b> One (1) tree per lot. <b>Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
Parking Lot – Interior	<b>Residential Uses:</b> N/A
Parking Lot – Perimeter	<b>Residential Uses:</b> N/A <b>Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting.
Screening from Residential Uses	<b>Residential Uses and Parks:</b> No requirement. <b>Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one tree and three (3) shrubs per 30 feet of width.  OR  A six (6) foot high screening fence or wall.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.



## SECTION 2: ZONING DISTRICTS

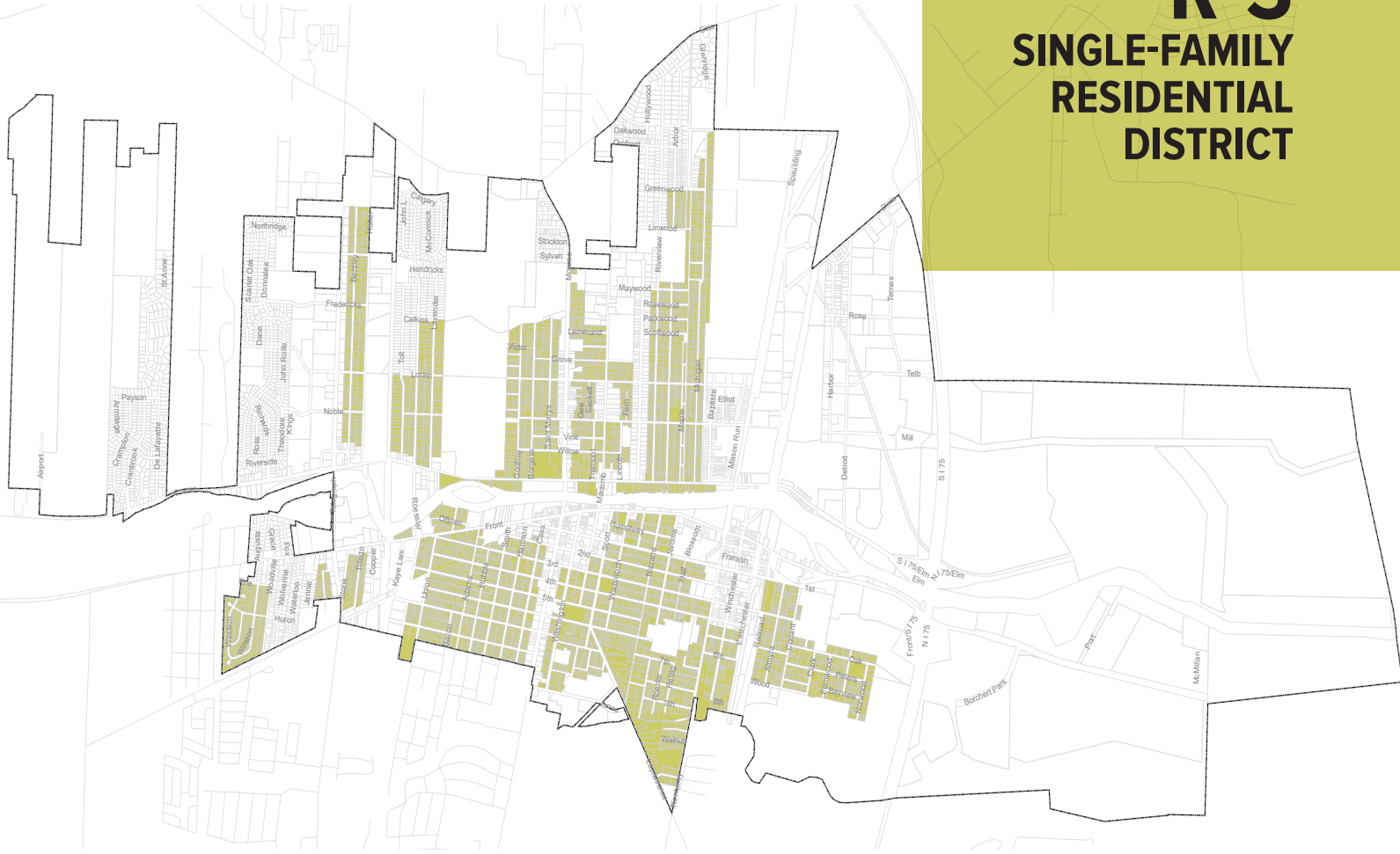
### R-2 • SINGLE FAMILY RESIDENTIAL

#### 2.04.G. • R-2 • FORM-BASED AND ARCHITECTURAL STANDARDS

<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

## SECTION 2.05

# R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT



### 2.05.A. • R-3 • PURPOSE AND INTENT

The **R-3, Single-Family Residential District**, is intended primarily for single-family residential development and for associated educational and institutional uses. The permitted uses and standards of these districts are intended to achieve the following objectives:

1. To encourage the continued use of the land for single-family dwellings which are compatible with the established character of the City's dominant neighborhood type.
2. To prohibit uses that would disrupt the character of the existing single-family neighborhoods.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. To discourage land uses which would generate traffic on minor local streets atypical of that in single-family neighborhoods.
5. To accommodate low-intensity non-residential facilities where such uses could be compatible with the neighborhoods within this district.

## SECTION 2: ZONING DISTRICTS

### R-3 SINGLE FAMILY RESIDENTIAL

2.05.B. • R-3 • PERMITTED AND SPECIAL USES			
R-3 Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Bed and Breakfast Inn	Permitted	One (1) per guest room, plus 2.	3.09
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per unit.	3.20
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings	Permitted	Two (2) per unit.	3.49
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Child Day Care Centers, Adult Day Care Center, Adult Group Daycare Homes (7-12 Adults)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Golf Course	Special	One (1) per employee in the largest shift plus three (3) per hole.	3.18
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Multiple-Family Units	Special	Two (2) per unit.	3.30
Police/Fire Stations	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47

2.05.C. • R-3 • DIMENSIONAL REGULATIONS			
Lot Standards	R-3	Minimum Setbacks (ft.)	R-3
Minimum Lot Area (sq. ft.)	4,800	Front Yard	25
Minimum Lot Width (ft.)	40 <sup>(a)</sup>	Side Yard (one)	4
Maximum Lot Coverage (%)	30	Side Yard (total of 2)	13
Minimum Floor Area/Unit (ft.)	1,000/1,200	Rear Yard	35
Maximum Building Height (ft.)	25	Secondary Street Frontage	15
Maximum Building Height (stories)	2	Front Yard Parking	20

(a) After adoption no new lot shall be created in an R-3 District with less than 6,000 sq. ft. and minimum lot width of 50 ft.

Note: See Schedule of Regulations for additional information

2.05.D. • R-3 FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.) (a)(b)	(a)(b)	(a)(b)
Rear Yard (ft.) (a)	6.5	N/A
Side Yard (ft.) (a)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line. Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line: a. the average front building line for all principal structures on the block the fence is adjacent to b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.05.E. • R-3 ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot. No more than one (1) being a detached garage.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	Shall not be used as a dwelling unit.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.05.F. • R-3 LANDSCAPING REQUIREMENTS	
Road Frontage	<b>Residential Uses:</b> One (1) tree per lot. <b>Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
Parking Lot – Interior	<b>Residential Uses:</b> No requirement.
Parking Lot – Perimeter	<b>Residential Uses:</b> No requirement. <b>Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting
Screening from Residential Uses	<b>Residential Uses and Parks:</b> No requirement. <b>Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. OR A six (6) foot high screening fence or wall.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

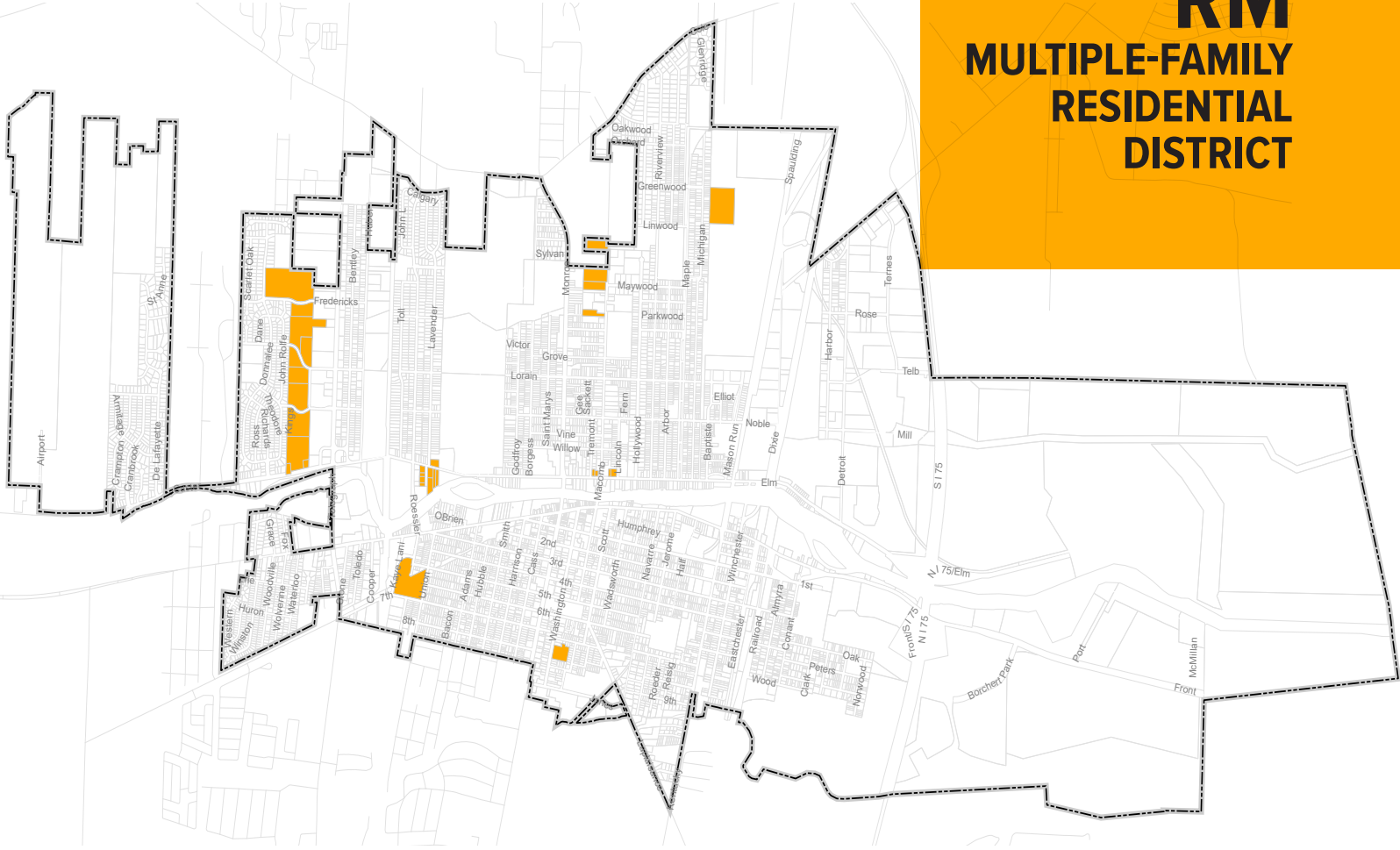
## SECTION 2: ZONING DISTRICTS

### R-3 SINGLE FAMILY RESIDENTIAL

2.05.G. • R-3 • FORM-BASED AND ARCHITECTURAL STANDARDS	
Storefronts	N/A
Entrances	N/A
Garage Doors	N/A
Building Massing	N/A
Architecture	N/A
Parking Location	N/A
Waterfront	Floodplain regulations shall apply where applicable. (See Section 5.14)

SECTION 2.06

# RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT



**2.06.A. • RM • PURPOSE AND INTENT**

The **RM, Multiple-Family Residential District**, is intended to permit more intensive residential uses of land with various types of multiple-unit dwellings. This district is generally located along major streets providing accessibility to shopping, public transportation, and community amenities. This district provides a variety of residential types for purchase or rent in order to meet the needs of different age groups.

**SECTION 2: ZONING DISTRICTS**

**RM • MULTIPLE-FAMILY RESIDENTIAL**

<b>2.06.B. • RM • PERMITTED AND SPECIAL USES</b>			
<b>RM Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted in single- or two-family dwellings	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted in single- or two-family dwellings	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per unit.	3.20
Multiple-Family Dwellings, including Senior Living (a)	Permitted	One (1) per unit plus 0.5 per bedroom.	3.30, 3.48
Non-Commercial Accessory Uses in conjunction with multiple-family complexes	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.30
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings (a)	Permitted	Two (2) per unit.	3.49
Bed and Breakfast Inns	Special	Two (2) plus one (1) per sleeping room.	3.09
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	0.5 per patient room.	3.32
Police/Fire	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per 10 students 16 years of age or older	3.47

(a) For conversion of Single-Family Home to Multi-Family see Section 5.22.

2.06.C. • RM • DIMENSIONAL REGULATIONS			
Lot Standards	RM	Minimum Setbacks (ft.)	RM
Minimum Lot Area (sq. ft.)	6,000 <sup>(a)</sup>	Front Yard	25
Minimum Lot Width (ft.)	80	Side Yard (one)	5
Maximum Lot Coverage (%)	50	Side Yard (total of 2)	16
Minimum Floor Area/Unit (sq. ft.)	<sup>(b)</sup> <sup>(c)</sup>	Rear Yard	35
Maximum Building Height (ft.)	40	Secondary Street Frontage	25 <sup>(c)</sup>
Maximum Building Height (stories)	3	Between Buildings within a Complex	25

(a) The maximum number of residential units permitted on a lot shall be 1 per 2,000 square feet of lot area.

(b) The minimum floor area for a non-single-family dwelling unit shall be 500 square feet plus 200 square feet per bedroom.

(c) Single-family dwellings: The minimum requirements of the R-2 district shall apply.

Note: See Schedule of Regulations for additional information

2.06.D. • RM • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	Prohibited	Prohibited
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line. Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line: a. the average front building line for all principal structures on the block the fence is adjacent to b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.06.E. • RM • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages
Maximum Number	One per dwelling unit with a maximum of four (4) per lot.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.



## SECTION 2: ZONING DISTRICTS

### RM • MULTIPLE-FAMILY RESIDENTIAL

2.06.F. • RM • LANDSCAPING REQUIREMENTS	
Road Frontage	<p><b>Single- or Two-Family Residential Uses:</b> One(1) tree per lot.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.</p>
Parking Lot – Interior	<p><b>Single- or Two-Family Residential Uses:</b> No requirement.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.</p>
Parking Lot – Perimeter	<p><b>Single- or Two-Family Residential Uses:</b> No requirement.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting.</p>
Screening from Residential Uses	<p><b>Single- or Two-Family Residential Uses and Parks:</b> No requirement.</p> <p><b>Multiple-Family Uses:</b> No requirement.</p> <p><b>Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width.</p> <p>OR</p> <p>A six (6) foot high screening fence or wall.</p>

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.06.G. • RM • FORM-BASED AND ARCHITECTURAL STANDARDS	
Storefronts	N/A
Entrances	N/A
Garage Doors	No garage door shall be located on the front wall of a building.
Building Massing	For buildings that exceed two (2) stories in height, the third story shall be set back at least 15 feet from the front of the building. The exposed roof area shall be used as outdoor space for the adjacent units.
Architecture	EIFS shall be prohibited as a facade material.
Parking Location	On lots adjacent to the River Raisin, parking shall not be located between a principal building and the water.
Waterfront	<p>All buildings on lots abutting the River Raisin shall have an entrance facing the water.</p> <p>The waterfront yard area (i.e. the area between the principal building and the water) shall be landscaped and designed to provide for recreation and enjoyment of the water.</p> <p>The Citizens Planning Commission may request an easement for public access along the River Raisin.</p> <p>The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion.</p> <p>Floodplain regulations shall apply where applicable. (See Section 5.14)</p>

SECTION 2.07

**RMD**  
**RESIDENTIAL**  
**MIXED**  
**DISTRICT**



**2.07.A: RMD PURPOSE AND INTENT**

The **RMD, Residential Mixed District**, is intended to allow a range of housing options, including “missing middle” housing types, within Monroe’s older, built-out neighborhoods, while continuing to preserve neighborhood character. This district is also intended to allow commercial uses in select locations to serve neighborhoods.

## SECTION 2: ZONING DISTRICTS

### RMD • RESIDENTIAL MIXED

2.07.B. • RMD • Permitted and Special Uses			
RMD Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per unit.	3.20
Multiple-Family Dwellings (a)(b)(c)(d)	Permitted	Two (2) per unit.	3.30
Non-Commercial Accessory Uses in conjunction with multiple-family complexes	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.30
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Single-Family Dwellings (a)(b)(c)(d)	Permitted	Two (2) per unit.	3.49
Bed and Breakfast Inns	Special	Two (2) plus one (1) per sleeping room.	3.09
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) parking space per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Conversion of Single-Family Home to Multi-Family	Special		5.22
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	0.5 per patient room.	3.32
Office - Business	Special	One (1) per 200 sq. ft.	3.33
Office - Medical	Special	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Special	One (1) per 500 sq. ft.	3.39
Police/Fire	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Restaurants/Bars/Breweries/Wineries/Cideries	Special	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Special	One (1) per 500 sq. ft.	3.45
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly	3.47

(a) For conversion of Single-Family Home to Multi-Family see Section 5.22.

(b) No dwelling unit shall occupy any portion of the floor area of an existing non-residential building at grade level along Monroe Street.

(c) Conversion of an existing non-residential building (at grade level) to a residential dwelling may be permitted if all of the following conditions are met:

1. The dwelling unit is setback no less than twenty-five (25) feet from Monroe Street.

2. The facade of a dwelling unit along any street within the district must contain at least 35 percent glass windows and doors. The planning commission may grant a reduction allowing 25 percent glass windows and doors if the applicant provides additional architectural features acceptable to the planning commission.

(d) Business uses may occupy any floor in a building within the district but may not be located above a residence.

2.07.C. • RMD • DIMENSIONAL REGULATIONS			
Lot Standards	MRD	Minimum Setbacks (ft.)	MRD
Minimum Lot Area (sq. ft.)	4,800 (a) (e)	Front Yard	0 (c)
Minimum Lot Width (ft.)	40 (a)	Side Yard (one)	(c) (d)
Maximum Lot Coverage (%)	(c) (e) (f)	Side Yard (total of 2)	(c) (d)
Minimum Floor Area/Unit (sq. ft.)	(b) (c)	Rear Yard	10 (c)
Maximum Building Height (ft.)	50 (c)	Secondary Street Frontage	10
Maximum Building Height (stories)	3.5 (c)	Between Buildings within a Complex	0

(a) After adoption no new lot shall be created in an RMD District with less than 6,000 sq. ft.. and minimum lot width of 60 ft.

(b) The minimum floor area for non single-family dwelling units shall be 300 square feet plus 200 square feet per bedroom.

(c) Single-family dwellings: The minimum requirements of the R-2 district shall apply.

(d) Non-residential buildings: Walls with windows, the minimum side setback shall be 5 feet; for walls without windows, there shall be no minimum side setback.

(e) The maximum number of attached, multiple-family residential units permitted on a lot shall be 1 per 2,000 square feet of lot area.

(f) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

Note: See Schedule of Regulations for additional information

2.07.D. • RMD • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.) (a)(b)	(a)(b)	(a)(b)
Rear Yard (ft.) (a)	6.5	N/A
Side Yard (ft.) (a)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line.  Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line: a. the average front building line for all principal structures on the block the fence is adjacent to b. the side building line of the principal structure parallel to the secondary frontage

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.07.E. • RMD • ACCESSORY STRUCTURES (Detached) (a)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages
Maximum Number	Two (2) per lot. No more than one (1) being a detached garage.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure

(a) For garage or carport in multiple-family developments see Section 5.03 B

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

## SECTION 2: ZONING DISTRICTS

### RMD • RESIDENTIAL MIXED

2.07.F. • RMD • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	<p><b>Single- or Two-Family Residential Uses:</b> One (1) tree per lot.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.</p>
<b>Parking Lot – Interior</b>	<p><b>Single- or Two-Family Residential Uses:</b> No requirement.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.</p>
<b>Parking Lot – Perimeter</b>	<p><b>Single- or Two-Family Residential Uses:</b> No requirement.</p> <p><b>Multiple-Family and Non-Residential Uses:</b> Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or continuous row of shrubs at least 24 inches tall at the time of planting.</p>
<b>Screening from Residential Uses</b>	<p><b>Single- or Two-Family Residential Uses and Parks:</b> No requirement.</p> <p><b>Multiple-Family Uses and Non-Residential Uses:</b> A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width.</p> <p>OR</p> <p>A six (6) foot high screening fence or wall.</p>

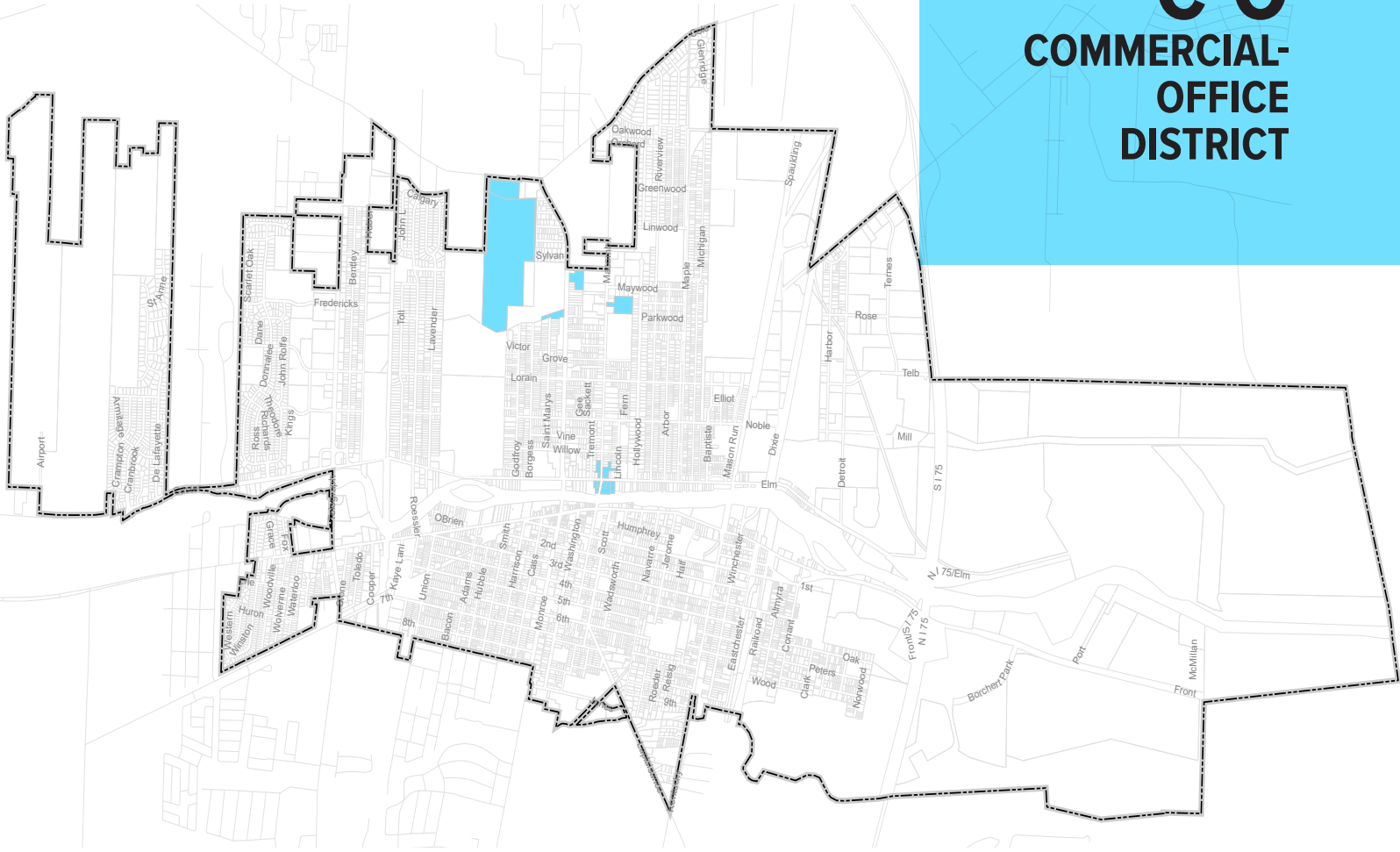
*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G*

2.07.G. • RMD • FORM-BASED AND ARCHITECTURAL	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door shall be located on the front wall of a building.
<b>Building Massing</b>	For buildings that exceed two (2) stories in height, the third story shall be set back at least 15 feet from the front of the building. The exposed roof area may be used as outdoor space for the adjacent units.
<b>Architecture</b>	For newly constructed buildings, residential first floors shall be elevated by three (3) feet from sidewalk level, to ensure privacy for the residents.
<b>Parking Location</b>	<p>Parking may not be located in a front yard or yard adjacent to a secondary street frontage, except on a lot containing a single-family home.</p> <p>Parking shall not be located between a principal building and the River Raisin. The Citizens Planning Commission may extend this requirement to other bodies of water as well, at their discretion.</p>

SECTION 2.08

# C-O

## COMMERCIAL-OFFICE DISTRICT



### 2.08.A. • C-O • PURPOSE AND INTENT

The **C-O, Commercial-Office District**, is intended to accommodate professional offices, hospitals, personal service establishments, and low-intensity commercial uses, such as financial institutions. Since these uses are primarily open during the day, and because they have moderate impacts, the C-O District is a transitional area buffering residential neighborhoods from more intense commercial districts and arterial streets. The C-O District standards are intended to provide quiet, attractive office areas with extensive landscaping in an environment compatible with nearby single-family districts.

## SECTION 2: ZONING DISTRICTS

### C-0 • OFFICE

2.08.B. • C-0 • PERMITTED AND SPECIAL USES			
C-O Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Indoor Recreational/ Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land	3.23
Libraries	Permitted	One (1) per 500 sq. ft.	3.24
Mixed Use	Permitted	One (1) per unit. The parking space shall be dedicated specifically to the residential use.	3.28
Music/Dance/Martial Arts Studios	Permitted	One (1) per student plus one (1) per employee per maximum class size.	3.31
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.19
Public Park/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Community Gardens	Special	N/A	3.13
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) parking space per employee or caregiver in the largest shift, plus 2.	3.11
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	0.5 per patient room.	3.32
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Senior Living	Special	One (1) per unit.	3.48

2.08.C. • C-0 • DIMENSIONAL REGULATIONS			
Lot Standards	C-O	Minimum Setbacks (ft.)	C-O
Minimum Lot Area (sq. ft.)	6,000	Front Yard <sup>(b)</sup>	Min: 0 Max: 10
Minimum Lot Width (ft.)	—	Side Yard (one)	(c)
Maximum Lot Coverage (%)	<sup>(a)</sup>	Side Yard (total of 2)	(c)
Minimum Floor Area/Unit (sq. ft.)	<sup>(b)</sup>	Rear Yard	10
Maximum Building Height (ft.)	40	Secondary Street Frontage	Min: 0 Max: 10
Maximum Building Height (stories)	3	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) The minimum floor area of a dwelling unit shall be 500 square feet plus 200 square feet per bedroom.

(c) For walls with windows, the minimum side setback shall be 5 feet. For walls without windows, there shall be no minimum side setback.

Note: See Schedule of Regulations for additional information

2.08.D. • C-O • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.08.E. • C-O • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations..

2.08.F. • C-O • LANDSCAPING REQUIREMENTS	
Road Frontage	One (1) tree per 40 feet or portion thereof. May be planted in the right-of-way if approved by the appropriate governmental body. If a building has a front setback, then the front yard shall be landscaped with trees and shrubs, in numbers and species appropriate for the size of the yard according to the code.
Parking Lot – Interior	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces, with as many required trees on landscaped islands located as possible. Landscape islands shall be at least 50 square feet in area.
Parking Lot – Perimeter	Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or fence.
Screening from Residential Uses	A greenbelt along the entire lot line at least 10 feet deep and planted with one tree and three (3) shrubs per 30 feet of width. OR A six (6) foot high screening fence or wall, as determined by the Citizens Planning Commission or Administrative Site Plan Review Committee.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

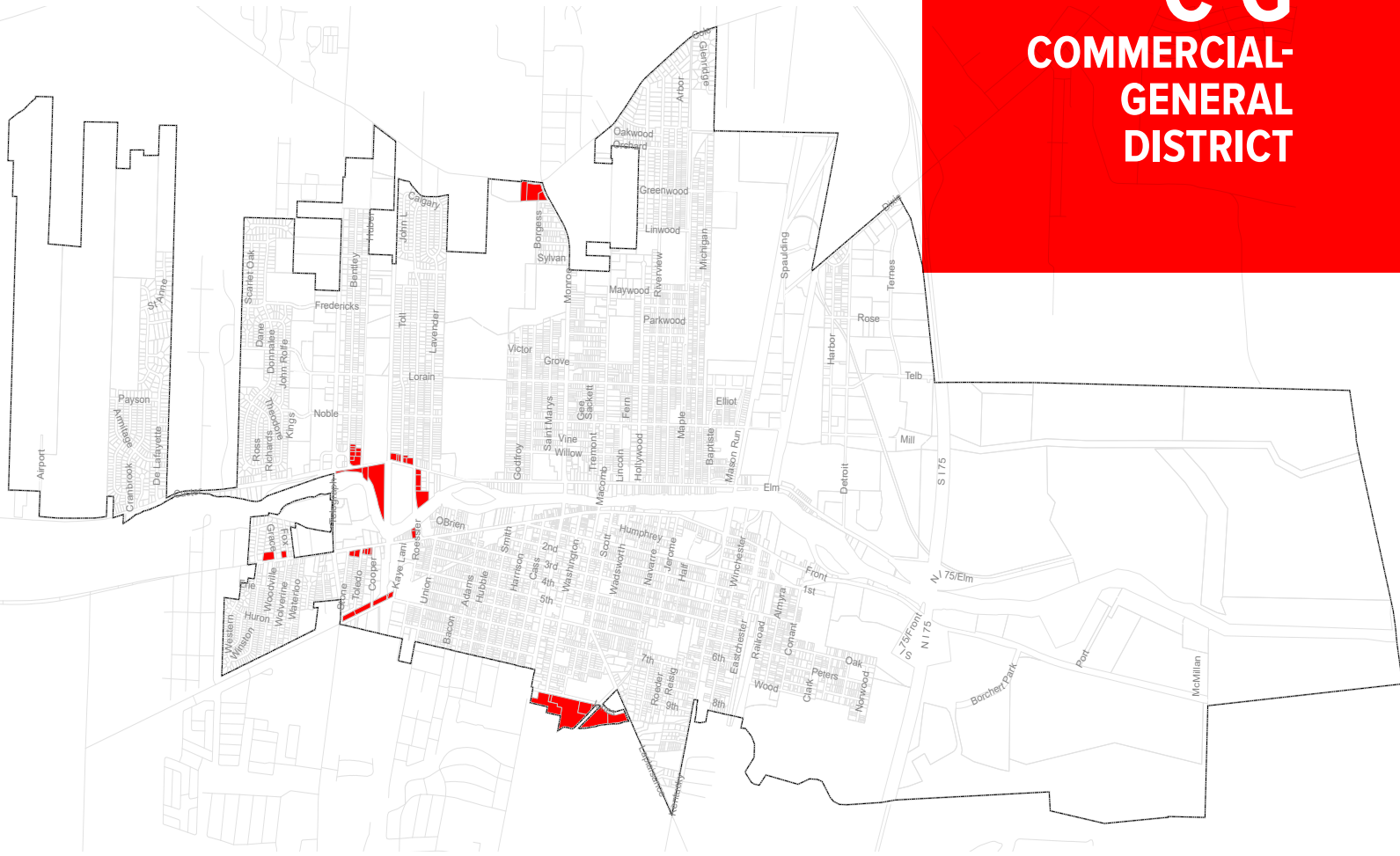


## SECTION 2: ZONING DISTRICTS

### C-0 • OFFICE

2.08.G. • C-0 • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door within a principal building shall be located on a wall that faces a public street or road.
<b>Building Massing</b>	No restrictions.
<b>Architecture</b>	<p>For structures 50 years or older, all exterior renovations shall meet the Secretary of the Interior's Standards for Rehabilitation.</p> <p>No window(s) on an existing building shall be covered or removed without site plan approval.</p> <p>For all newly constructed buildings, all facades visible from a public road shall be predominantly faced with masonry, brick, or another natural material approved by the Citizens Planning Commission. Thin brick, EIFS, and dryvit shall not be permitted.</p>
<b>Parking Location</b>	Parking shall not be located between a principal building and the River Raisin. The Citizens Planning Commission may extend this requirement to other bodies of water as well, at their discretion.
<b>Waterfront</b>	<p>All buildings on lots abutting the River Raisin shall have an entrance facing the water. Elevations facing the water do not have to meet the transparency requirements for storefronts listed above.</p> <p>The Citizens Planning Commission may request an easement for public access along the River Raisin, if one does not already exist.</p> <p>The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion.</p> <p>Floodplain regulations shall apply where applicable. (See Section 5.14).</p>

SECTION 2.09  
**C-G**  
**COMMERCIAL-GENERAL DISTRICT**



**2.09.A. • C-G • PURPOSE AND INTENT**

The **C-G, Commercial-General District**, is intended to provide a location for commercial businesses that fit within an urban context and contribute to the overall vitality of the community.

## SECTION 2: ZONING DISTRICTS

### C-G • COMMERCIAL GENERAL

2.09.B. • C-G • PERMITTED AND SPECIAL USES			
C-G Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Banks/Financial Institutions	Permitted	One (1) per 500 sq. ft.	3.08
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Indoor Recreational/ Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land	3.23
Libraries	Permitted	One (1) per 500 sq. ft.	3.24
Mixed Use	Permitted	One (1) per unit. The parking space shall be dedicated specifically to the residential use.	3.28
Music/Dance/Martial Arts Studios	Permitted	One (1) per student plus one (1) per employee per maximum class size.	3.31
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 500 sq. ft.	3.39
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.19
Public Parks/ Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 500 sq. ft.	3.45
Senior Living	Permitted	One (1) per unit.	3.48
Theaters	Permitted	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52
Auto Repair	Special	Two (2) per service bay.	3.05
Auto Sale	Special	One (1) per 300 feet of indoor showroom space, or 10 spaces whichever is greater.	3.06
Auto Wash	Special	One (1) per two (2) service bays.	3.07
Community Gardens	Special	N/A	3.13
Drive-Thrus	Special	No additional parking required.	3.16
Gas Stations	Special	One (1) space per employee in largest working shift, plus 1 space for each 150 square feet of usable floor space in any retail store area.	3.17
Hospitals	Special	One (1) per employee in the largest working shift, plus half (.5) per patient room.	3.21
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room.	3.22
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	One (1) per three (3) patient rooms.	3.32
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.47

**2.09.C. • C-G • DIMENSIONAL REGULATIONS**

Lot Standards	C-G	Minimum Setbacks (ft.)	C-G
Minimum Lot Area (sq. ft.)	6,000	Front Yard	Min: 0 Max: 10
Minimum Lot Width (ft.)	60	Side Yard (one)	(c)
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	(c)
Minimum Floor Area/Unit (ft.)	(b)	Rear Yard	10
Maximum Building Height (ft.)	30	Secondary Street Frontage	Min: 0 Max: 10
Maximum Building Height (stories)	2	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) The minimum floor area of a dwelling unit shall be 500 square feet plus 200 square feet per bedroom.

(c) For walls with windows, the minimum side setback shall be 5 feet. For walls without windows, there shall be no minimum side setback.

Note: See Schedule of Regulations for additional information

**2.09.D. • C-G • FENCES**

Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited, except required screening walls.
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited, except required screening walls.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

**2.09.E. • C-G • ACCESSORY STRUCTURES (Detached)**

<b>Location</b>	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
<b>Maximum Number</b>	Two (2) per lot.
<b>Setbacks</b>	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
<b>Maximum Height</b>	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
<b>Use</b>	May be used for accessory uses customarily associated with the principal use.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

## SECTION 2: ZONING DISTRICTS

### C-G • COMMERCIAL GENERAL

2.09.F. • C-G • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet or portion thereof. May be planted in the right-of-way if approved by the appropriate governmental body. If a building has a front setback, then the front yard shall be landscaped with trees and shrubs, in numbers and species appropriate for the size of the yard according to the code.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces, with as many required trees on landscaped islands located as possible. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or fence.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 10 feet deep and planted with one tree and three (3) shrubs per 30 feet of width.  AND  A six (6) foot high screening fence or wall, as determined by the Citizens Planning Commission or Administrative Site Plan Review Committee.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.09.G. • C-G • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door within a principal building shall be located on a wall that faces a public street or road.
<b>Building Massing</b>	No restrictions.
<b>Architecture</b>	For all newly constructed buildings, all facades visible from a public road shall be predominantly faced with masonry, brick, or another natural material approved by the Citizens Planning Commission. Thin brick, EIFS, and dryvit shall not be permitted.
<b>Parking Location</b>	Parking shall not be located between a principal building and the River Raisin. The Citizens Planning Commission may extend this requirement to other bodies of water as well, at their discretion.
<b>Waterfront</b>	The Citizens Planning Commission may request an easement for public access along the River Raisin, if one does not already exist.  The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion.  Floodplain regulations shall apply where applicable. (See Section 5.14)

## SECTION 2.10

# CBD CENTRAL BUSINESS DISTRICT



### 2.10.A. • CBD • PURPOSE AND INTENT

The **CBD, Central Business District**, is intended to be the primary business focal point for Monroe consisting of residential, retail, office, service, parking, public, and institutional uses. It is further the intent of this district to recognize unique site characteristics and market functions associated with the downtown and incorporate flexible standards for use within the district.

**SECTION 2: ZONING DISTRICTS**

**CBD • CENTRAL BUSINESS**

<b>2.10.B. • CBD • PERMITTED OR SPECIAL USES</b>			
<b>CBD Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Banks/Financial Institutions	Permitted	One (1) per 500 sq. ft.	3.08
Government Buildings	Permitted	0	3.19
Indoor Recreational Facilities/Community Centers	Permitted	0	3.23
Libraries	Permitted	0	3.24
Multiple-Family Dwellings, including Senior Living and Mixed Use	Permitted	One (1) per unit available to resident 24 hours per day within 300 feet of the building. Spaces need not be reserved exclusively for residents.	3.30, 3.48, 3.28
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	0	3.39
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.19
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	0	3.44
Retail	Permitted	0	3.45
Community Gardens	Special	N/A	3.13
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room	3.22
Music/Dance/Martial Arts Studios	Special	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.31
Parking Garage	Special	No restrictions.	3.37
Parking Lots with No Other Principal Use	Special	No restrictions.	3.38
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47
Theaters	Special	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52

2.10.C • CBD • DIMENSIONAL REGULATIONS			
Lot Standards	CBD	Minimum Setbacks (ft.)	CBD
Minimum Lot Area (sq. ft.)	—	Front Yard (b)	0 (b)
Minimum Lot Width (ft.)	—	Side Yard (one)	0
Maximum Lot Coverage (%)	100%	Side Yard (total of 2)	0
Minimum Floor Area/Unit (ft.)	(a)	Rear Yard	5
Maximum Building Height (ft.)	50	Secondary Street Frontage	0
Maximum Building Height (stories)	4	Between Buildings within a Complex	10

The minimum floor area of an upper floor dwelling unit shall be 300 square feet plus 200 square feet per bedroom.

(a) Building in the CBD district shall be built on the front lot line or at the average setback of adjacent buildings.

Note: See Schedule of Regulations for additional information

2.10.D. • CBD • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited, except as required for parking lots as principal uses.
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited, except as required for parking lots as principal uses.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.10.E. • CBD • ACCESSORY STRUCTURES (Detached)	
Location	Rear yards only.
Maximum Number	One (1) per lot.
Setbacks	From Principal Building: 10 feet From Side Lot Line: 3 feet From Rear Lot Line: 5 feet
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.10.F. • CBD • LANDSCAPING REQUIREMENTS	
Road Frontage	No Requirements .
Parking Lot – Interior	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
Parking Lot – Perimeter	Shall be screened from all adjacent residential zoning district (see below). (Note: MU-1 and MU-2 shall not count as residential zoning districts.) Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence or wall.
Screening from Residential Uses	A six (6) foot high screening fence or wall.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.



**SECTION 2: ZONING DISTRICTS**

**CBD • CENTRAL BUSINESS**

<b>2.10.G. • CBD • FORM-BASED AND ARCHITECTURAL STANDARDS</b>	
<b>Storefronts</b>	<p>All new buildings constructed in this district shall have storefronts facing the primary street.</p> <p>All storefronts shall be at least 50% transparent (windows or glass doors). This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant.</p> <p>Storefronts shall be clad in material that matches the rest of the building as closely as possible. This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant. The Historic District Commission may approve alternate materials upon determining that they are compatible with the rest of the building.</p>
<b>Entrances</b>	<p>All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.</p>
<b>Garage Doors</b>	<p>No garage door within a principal building shall be located on a wall that faces a public street or road. Parking garages that are open to the public shall be exempt from this requirement, but may only close the garage door when they are not open for public parking.</p>
<b>Building Massing</b>	<p>For buildings that exceed three (3) stories in height, the fourth story shall be set back at least 15 feet from the front of the building. The exposed roof area may be used as outdoor space for the adjacent units.</p>
<b>Architecture</b>	<p>For structures 50 years or older, all exterior renovations shall meet the Secretary of the Interior’s Standards for Rehabilitation.</p> <p>No window(s) on an existing building shall be covered or removed without approval from the Historic District Commission.</p> <p>For newly constructed residential buildings, residential first floors shall be elevated by at least four (4) feet from sidewalk level, to ensure privacy for the residents.</p> <p>All newly constructed buildings shall be predominantly faced with masonry or brick of a compatible color with the surroundings. Thin brick shall not be permitted. The Historic District Commission shall review the proposed design of all newly constructed buildings and shall make a recommendation to the Citizens Planning Commission prior to Site Plan Approval.</p>
<b>Parking Location</b>	<p>Parking may not be located in a front yard or a yard adjacent to a secondary street frontage.</p> <p>Parking shall not be located between a principal building and the River Raisin.</p>
<b>Waterfront</b>	<p>The waterfront yard area (i.e. the area between the principal building and the water) shall be landscaped. The landscaped area shall be made open and available to the public.</p> <p>An easement for public access along the River Raisin shall be required, if one does not already exist.</p> <p>Floodplain regulations shall apply where applicable. (See Section 5.14)</p>

SECTION 2.11

**C-D**  
**DIXIE**  
**COMMERCIAL**  
**DISTRICT**



**2.11.A. • C-D • PURPOSE AND INTENT**

The **C-D, Dixie Commercial District**, is intended to be a high-quality, but also high-intensity commercial gateway to the City serving the area along Interstate 75 and the River Raisin Battlefield. Auto-oriented businesses and those servicing travelers and visitors are encouraged in this area, and should be built with high quality materials and design.

## SECTION 2: ZONING DISTRICTS

### C-D • DIXIE COMMERCIAL

2.11.B. • C-D • PERMITTED AND SPECIAL USES			
C-D Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Indoor Recreational/Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land	3.23
Libraries	Permitted	One (1) per 300 sq. ft.	3.24
Music/Dance/Martial Arts Studios	Permitted	One (1) per student plus one (1) per employee per maximum class size.	3.31
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 500 sq. ft.	3.39
Public Park/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 300 sq. ft.	3.45
Theaters	Permitted	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) parking space per employee or caregiver in the largest shift, plus 5.	3.11
Community Gardens	Special	N/A	3.13
Drive-Thrus	Special	No additional parking required.	3.16
Gas Stations	Special	One (1) per 300 sq. ft.	3.17
Hospitals	Special	One (1) per employee in the largest working shift, plus half (.5) per patient room.	3.21
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room.	3.22
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47
Nursing, Convalescent and Physical Rehabilitation Facilities	Permitted south of Dingell underpass only	One (1) per three (3) patient rooms.	3.32
Outdoor Sales	Permitted north of Spaulding Road only	No additional parking required.	3.35
Outdoor Storage	Permitted north of Spaulding Road only	No additional parking required.	3.36
Religious Institutions	Permitted south of Dingell underpass only	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Senior Living	Special	One (1) per unit.	3.48

2.11.C. • C-D • DIMENSIONAL REGULATIONS			
Lot Standards	C-D	Minimum Setbacks (ft.)	C-D
Minimum Lot Area (sq. ft.)	10,000	Front Yard	30
Minimum Lot Width (ft.)	100	Side Yard (one)	10
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	20
Minimum Floor Area/Unit (ft.)	—	Rear Yard	20
Maximum Building Height (ft.)	50	Secondary Street Frontage	10
Maximum Building Height (stories)	4	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

Note: See Schedule of Regulations for additional information

2.11.D. • C-D • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited, except required screening walls.
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited, except required screening walls.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.11.E. • C-D • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot. Additional accessory structures may be permitted by the Citizens Planning Commission (CPC) or Zoning Board of Appeals (ZBA).
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. (Note: A structure containing a dwelling unit shall be considered a principal structure.)

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

## SECTION 2: ZONING DISTRICTS

### C-D • DIXIE COMMERCIAL

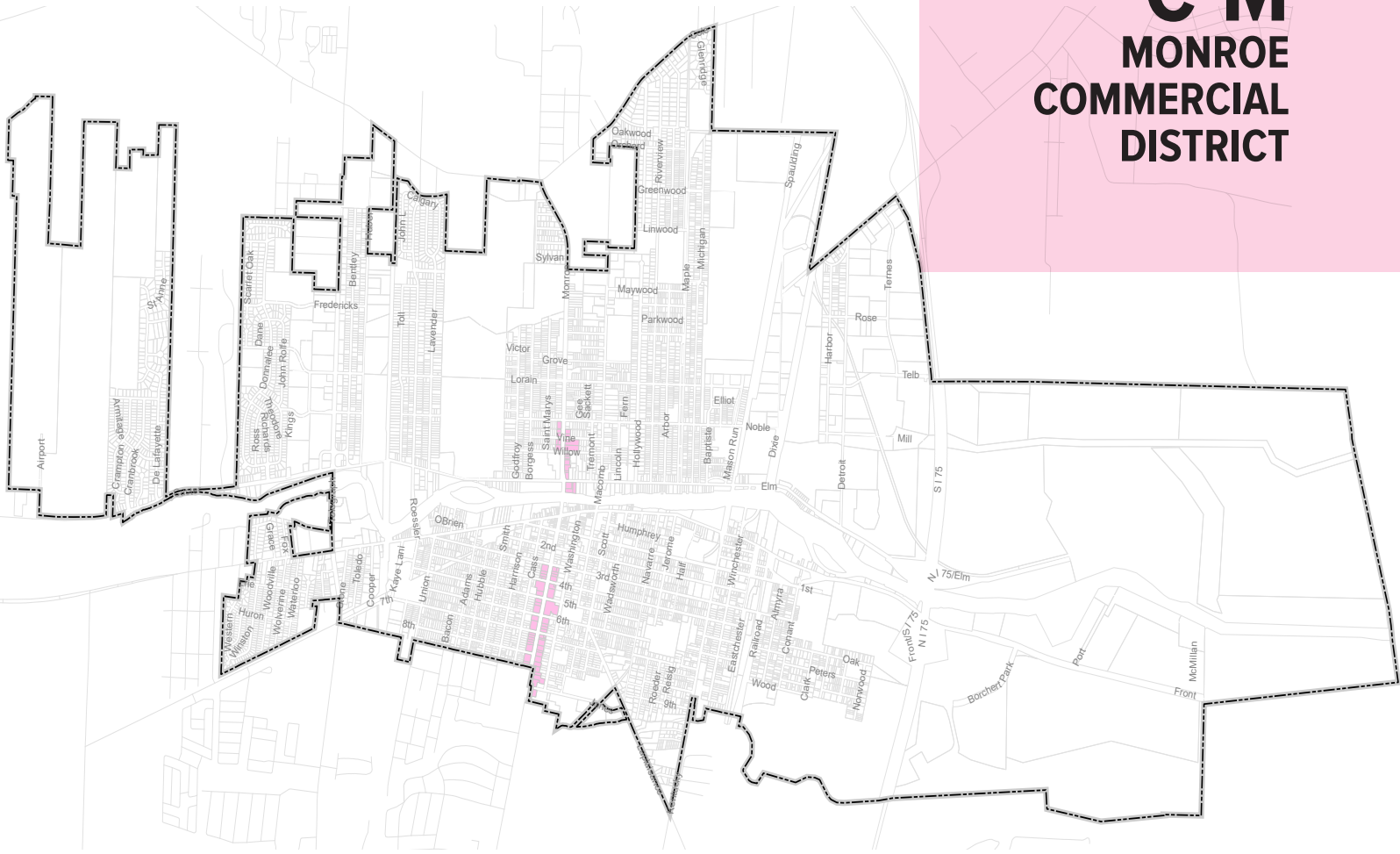
2.11.F. • C-D • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	A greenbelt of 10 feet shall be located between the road right-of-way and any building or parking lot. Pedestrian pathways shall be provided through the greenbelt to the main entrance of the building. The greenbelt shall include at least one (1) tree and eight (8) shrubs per 40 feet of frontage.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces, with as many required trees on landscaped islands located as possible. Landscape islands shall be at least 200 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). The parking lot shall be separated from the sidewalk by the greenbelt described above.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. AND A six (6) foot high screening fence or wall, as determined by the Citizens Planning Commission or Administrative Site Plan Review Committee.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.11.G. • C-D • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	No restrictions.
<b>Architecture</b>	For all newly constructed buildings, all facades visible from a public road shall be predominantly faced with masonry, brick, or another natural material approved by the Citizens Planning Commission. Thin brick, EIFS, and dryvit shall not be permitted.
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

SECTION 2.12

# C-M MONROE COMMERCIAL DISTRICT



### 2.12.A. • C-M PURPOSE AND INTENT

The **C-M, Monroe Commercial District**, is intended to be a high-image gateway into Downtown Monroe with human-scale commercial uses that attract pedestrians and promote social interaction. Businesses should be pedestrian oriented, but may be regional in scale, rather than local.

**SECTION 2: ZONING DISTRICTS**

**C-M • MONROE COMMERCIAL**

<b>2.12.B. • C-M • PERMITTED AND SPECIAL USES</b>			
<b>Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Banks/Financial Institutions	Permitted	One (1) per 500 sq. ft.	3.08
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Indoor Recreational/ Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land	3.23
Libraries	Permitted	One (1) per 500 sq. ft.	3.24
Mixed Use	Permitted	One (1) per unit. The parking space shall be dedicated specifically to the residential use.	3.28
Music/Dance/Martial Arts Studios	Permitted	One (1) per student plus one (1) per employee per maximum class size.	3.31
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 300 sq. ft.	3.39
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.19
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 500 sq. ft.	3.45
Senior Living	Permitted	One (1) per unit.	3.48
Theaters	Permitted	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) parking space per employee or caregiver in the largest shift, plus 5.	3.11
Community Gardens	Special	N/A	3.13
Drive-Thrus	Special	No additional parking required.	3.16
Gas Stations	Special	One (1) space per employee in largest working shift, plus 1 space for each 150 square feet of usable floor space in any retail store area.	3.17
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room	3.22
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47
Medical Clinics	Special	One (1) per 500 sq. ft.	3.27
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	One (1) per two (2) patient rooms.	3.32
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42

2.12.C. • C-M • DIMENSIONAL REGULATIONS			
Lot Standards	C-M	Minimum Setbacks (ft.)	C-M
Minimum Lot Area (sq. ft.)	6,000	Front Yard	Min: 0 Max: 10
Minimum Lot Width (ft.)	60	Side Yard (one)	(c)
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	(c)
Minimum Floor Area/Unit (ft.)	(b)	Rear Yard	10
Maximum Building Height (ft.)	30	Secondary Street Frontage	Min: 0 Max: 10
Maximum Building Height (stories)	2	Between Buildings within a Complex	N/A

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) The minimum floor area of a dwelling unit shall be 500 square feet plus 200 square feet per bedroom.

(c) For walls with windows, the minimum side setback shall be 5 feet. For walls without windows, there shall be no minimum side setback.

Note: See Schedule of Regulations for additional information

2.12.D. • C-M • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited, except required screening walls.
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited, except required screening walls.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.12.E. • C-M • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards , side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.



## SECTION 2: ZONING DISTRICTS

### C-M • MONROE COMMERCIAL

2.12.F. • C-M • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet or portion thereof. May be planted in the right-of-way if approved by the appropriate governmental body. If a building has a front setback, then the front yard shall be landscaped with trees and shrubs, in numbers and species appropriate for the size of the yard according to the code.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces, with as many required trees on landscaped islands located as possible. No more than 20 consecutive parking spaces may be constructed between landscape islands. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below).  Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening wall or berm.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width.  OR  A six (6) foot high screening fence or wall, as determined by the Citizens Planning Commission or Administrative Site Plan Review Committee.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.12.G. • C-M • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door within a principal building shall be located on a wall that faces a public street or road.
<b>Building Massing</b>	No restrictions.
<b>Architecture</b>	For structures 50 years or older, all exterior renovations shall meet the Secretary of the Interior's Standards for Rehabilitation.  For all newly constructed buildings, all facades visible from a public road shall be predominantly faced with masonry, brick, or another natural material approved by the Citizens Planning Commission. Thin brick, EIFS, and dryvit shall not be permitted.
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

# C-T TELEGRAPH COMMERCIAL DISTRICT



## 2.13.A. • C-T • PURPOSE AND INTENT

The **C-T, Telegraph Commercial District**, is intended to provide a vibrant, attractive, and modern automobile-oriented commercial corridor, where pedestrian mobility and safety are also considered key design components.

**SECTION 2: ZONING DISTRICTS**

**C-T • TELEGRAPH COMMERCIAL**

<b>2.13.B. • C-T • PERMITTED OR SPECIAL USES</b>			
<b>C-T Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Banks/Financial Institutions	Permitted	One (1) per 200 sq. ft.	3.08
Government Buildings	Permitted	One (1) per 200 sq. ft.	3.19
Indoor Recreational/Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.23
Libraries	Permitted	One (1) per 200 sq. ft.	3.24
Music/Dance/Martial Arts Studios	Permitted	One (1) per student plus one (1) per employee per maximum class size.	3.31
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 200 sq. ft.	3.39
Police/Fire Stations	Permitted	One (1) per 200 sq. ft.	3.19
Public Park/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 200 sq. ft.	3.45
Senior Living	Permitted	One (1) per unit.	3.48
Theaters	Permitted	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52
Auto Repair	Special	Two (2) per service bay.	3.05
Auto Sale	Special	One (1) per 300 feet of indoor showroom space, or 10 spaces whichever is greater.	3.06
Auto Wash	Special	One (1) per two(2) service bays	3.07
Child day care centers, Adult day care centers, Adult Group Daycare Homes (7-12 Adults) and Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) parking space per employee or caregiver in the largest shift, plus 5.	3.11
Community Gardens	Special	N/A	3.13
Drive-Thrus	Special	No additional parking required.	3.16
Gas Stations	Special	One (1) per 300 sq. ft.	3.17
Hospitals	Special	One (1) per employee in the largest working shift, plus half (.5) per patient room..	3.21
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room	3.22
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	One (1) per three (3) patient rooms.	3.32
Outdoor Sales	Special	No additional parking required.	3.35
Outdoor Storage	Special	No additional parking required.	3.36
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium.	3.47
Tattoo Shops/Parlors	Special	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.51

2.13.C. • C-T • DIMENSIONAL REGULATIONS			
Lot Standards	C-T	Minimum Setbacks (ft.)	C-T
Minimum Lot Area (sq. ft.)	10,000	Front Yard	20
Minimum Lot Width (ft.)	100	Side Yard (one)	5
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	10
Minimum Floor Area/Unit (ft.)	–	Rear Yard	20
Maximum Building Height (ft.)	40	Secondary Street Frontage	10
Maximum Building Height (stories)	3	Between Buildings within a Complex	10

Note: See Schedule of Regulations for additional information

2.13.D. • C-T • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited, except required screening walls.
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	N/A	Prohibited, except required screening walls.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.13.E. • C-T • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

## SECTION 2: ZONING DISTRICTS

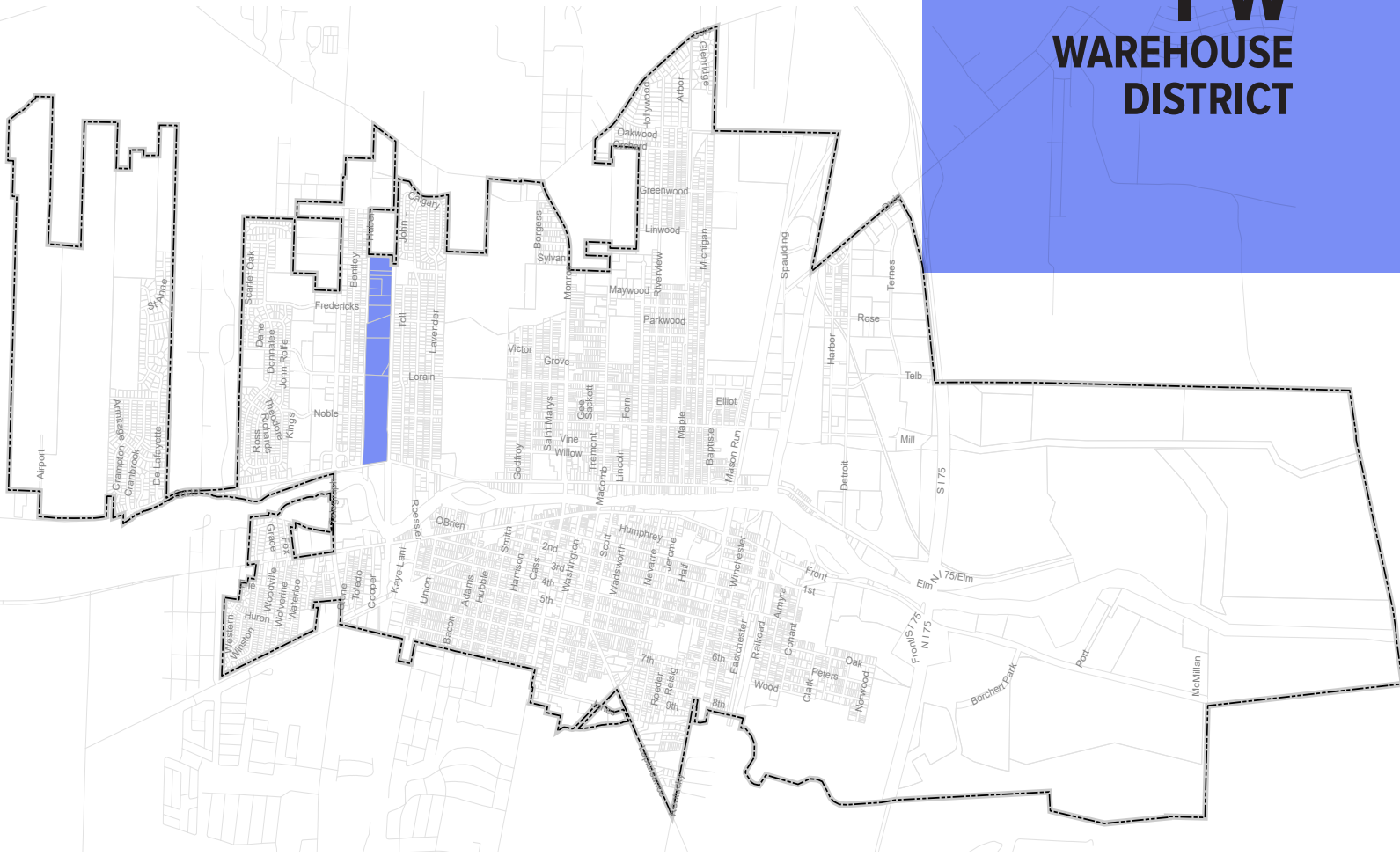
### C-T • TELEGRAPH COMMERCIAL

2.13.F. • C-T • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	A greenbelt of 10 feet shall be located between the road right-of-way and any building or parking lot. Pedestrian pathways shall be provided through the greenbelt to the main entrance of the building.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces, with as many required trees on landscaped islands located as possible. No more than 20 consecutive parking spaces may be constructed between landscape islands. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). The parking lot shall be separated from the sidewalk by the greenbelt described above.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 10 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. OR A six (6) foot high screening fence or wall, as determined by the Citizens Planning Commission or Administrative Site Plan Review Committee.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.13.G. • C-T • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	All storefronts shall be at least 50% transparent (windows or glass doors).
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	When necessary, garage doors should be architecturally similar to and compatible with the architecture found in the area.
<b>Building Massing</b>	No restrictions.
<b>Architecture</b>	For all newly constructed buildings, all facades visible from a public road shall be predominantly faced with masonry, brick, or another natural material approved by the Citizens Planning Commission. Thin brick, EIFS, and dryvit shall not be permitted.
<b>Parking Location</b>	Parking shall not be located between a principal building and the River Raisin. The Citizens Planning Commission may extend this requirement to other bodies of water as well, at their discretion.
<b>Waterfront</b>	The Citizens Planning Commission may request an easement for public access along the River Raisin, if one does not already exist. The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion. Floodplain regulations shall apply where applicable. (See Section 5.14).

SECTION 2.14  
**I-W**  
**WAREHOUSE**  
**DISTRICT**



**2.14.A. • I-W • PURPOSE AND INTENT**

The **I-W, Warehouse District**, is intended to allow for the development of the Huber Drive area with low intensity industrial uses that will not burden nearby residential homes. Businesses should also be of low intensity and screened with landscaping and walls, as required. The quiet enjoyment of the nearby residential uses should not be impacted.

## SECTION 2: ZONING DISTRICTS

### I-W • WAREHOUSE

2.14.B. • I-W • PERMITTED AND SPECIAL USES			
I-W Uses <sup>(a)</sup>	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Research and Development	Permitted	One (1) per 1,000 sq. ft.	3.43
Warehouse Facilities	Permitted	One (1) per 1,000 sq. ft.	3.55
Wholesale Facilities	Permitted	One (1) per 1,000 sq. ft.	3.56
Community Gardens	Permitted	N/A	3.13
Distribution and Logistics	Permitted	One (1) per 1,000 sq. ft.	3.14
Manufacturing	Permitted	One (1) per 1,000 sq. ft.	3.26
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	One (1) per three (3) patient rooms.	3.32
Outdoor Storage (Accessory to another use) <sup>(b)</sup>	Special	No additional parking required.	3.36
Personal Services	Special	One (1) per 300 sq. ft.	3.39
Retail	Special	One (1) per 300 sq. ft.	3.45

(a) Existing residential uses shall conform to all R-2 district regulations.

(b) Rear and side yards; not in front of building elevation.

2.14.C. • I-W • DIMENSIONAL REGULATIONS			
Lot Standards	I-W	Minimum Setbacks (ft.)	I-W
Minimum Lot Area (sq. ft.)	10,000	Front Yard	50
Minimum Lot Width (ft.)	100	Side Yard (one)	20
Maximum Lot Coverage (%)	<sup>(a)</sup>	Side Yard (total of 2)	40
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard	50
Maximum Building Height (ft.)	35	Secondary Street Frontage	50
Maximum Building Height (stories)	2	Between Buildings within a Complex	10

(a) Maximum lot coverage shall be determined by other ordinance requirements, such as, but not limited to, parking, landscaping, and setback requirements.

Note: See Schedule of Regulations for additional information

2.14.D. • I-W • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence. See 2.14.F, Landscaping Requirements
Rear Yard (ft.)	10	N/A
Side Yard (ft.)	10	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence. See 2.14.F, Landscaping Requirements

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.14.E. • I-W • ACCESSORY STRUCTURES (Detached)	
<b>Location</b>	See Setback requirements below.
<b>Maximum Number</b>	No restrictions.
<b>Setbacks</b>	From Front Lot Line or Secondary Street Frontage: Shall meet same setback requirements as the principal building. From Principal Building: 10 ft. From Accessory Structure: 10 ft. From Side Lot Line: 10 ft. From Rear Lot Line: 10 ft.
<b>Maximum Height</b>	Shall be subject to the same regulations as principal structures.
<b>Use</b>	May be used for accessory uses customarily associated with the principal use.

2.14.F. • I-W • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	The required 35 foot setback shall be maintained as a landscaped greenbelt area meeting the "Screening from Residential Uses" standard below.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence or wall.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 30 feet deep and planted with one (1) tree and four (4) shrubs per 20 feet of width. OR A six and a half (6.5) foot high screening fence, wall, or berm with evergreen trees planted [along the fence, wall, or berm] facing the residential property, but located on the industrial property.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

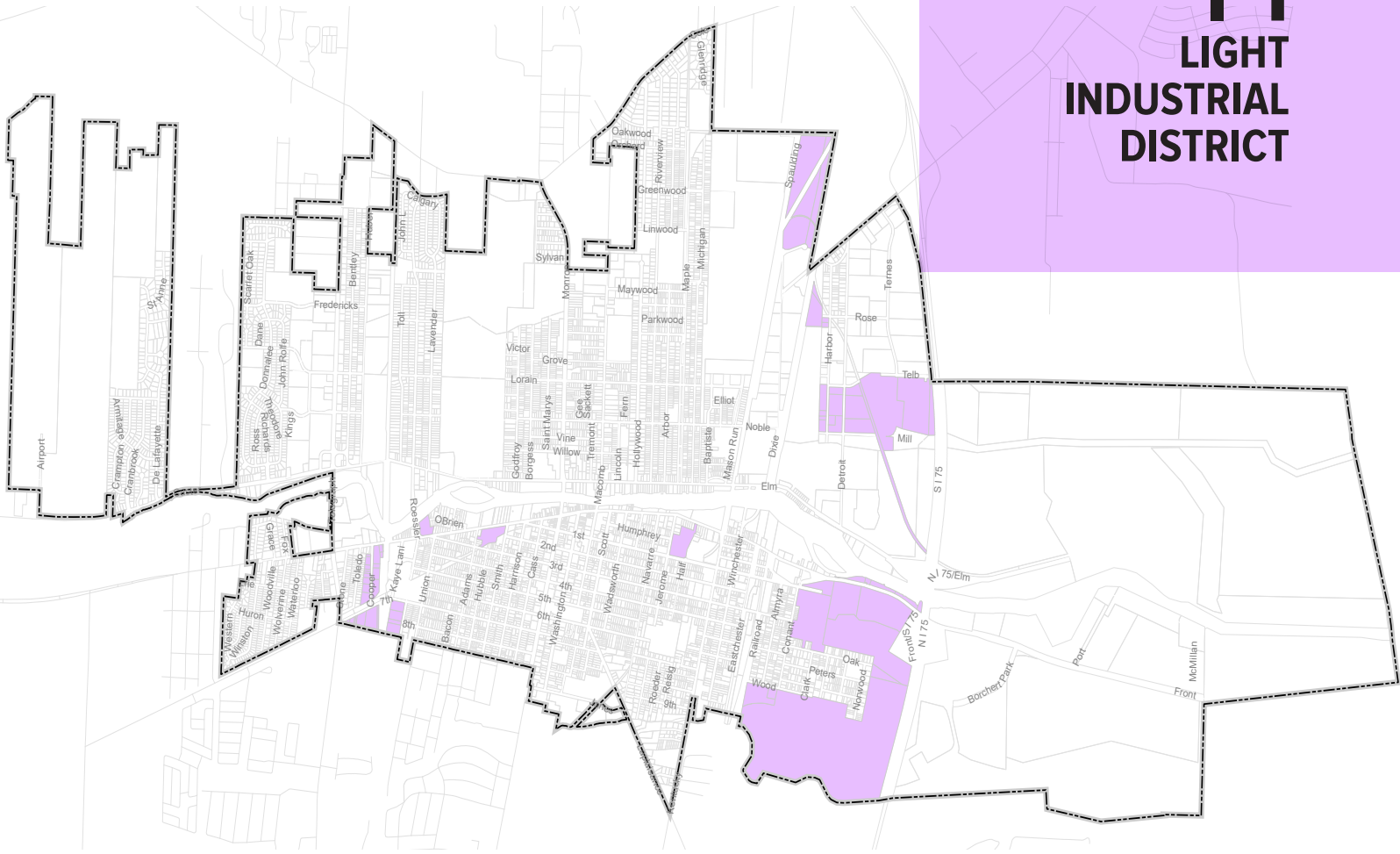
2.14.G. • I-W • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	Parking shall not be located within 35 feet of Huber Drive.
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)



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## SECTION 2.15

# I-1 LIGHT INDUSTRIAL DISTRICT



### 2.15.A. • I-1 • PURPOSE AND INTENT

The **I-1, Light Industrial District**, is intended to provide areas suitable for wholesale, warehousing, light manufacturing, and certain commercial business development. Light industrial uses are those businesses that minimally impact their surroundings. Therefore, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations allowed in order to avoid adverse effects upon surrounding land uses. It is further intended that the uses permitted in this district serve as a transition uses between heavier industrial uses and nonindustrial uses.

## SECTION 2: ZONING DISTRICTS

### I-1 • LIGHT INDUSTRIAL

2.15.B. • I-1 • PERMITTED AND SPECIAL USES			
I-1 Uses <sup>(a)</sup>	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Manufacturing	Permitted	One (1) per 1,000 sq. ft.	3.26
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Outdoor Storage (as accessory to a principal use)	Permitted	No additional parking required.	3.36
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Research and Development	Permitted	One (1) per 1,000 sq. ft.	3.43
Retail <sup>(b)</sup>	Permitted	One (1) per 300 sq. ft.	3.45
Warehouse Facilities	Permitted	One (1) per 1,000 sq. ft.	3.55
Wholesale Facilities	Permitted	One (1) per 1,000 sq. ft.	3.56
Community Gardens	Special	N/A	3.13
Distribution and Logistics	Special	One (1) per 1,000 sq. ft.	3.14

(a) Existing residential uses shall conform to all R-2 district regulations.

(b) When in conjunction with permitted uses.

2.15.C. • I-1 • DIMENSIONAL REGULATIONS			
Lot Standards	I-1	Minimum Setbacks (ft.)	I-1
Minimum Lot Area (sq. ft.)	10,000	Front Yard	20
Minimum Lot Width (ft.)	100	Side Yard (one)	20
Maximum Lot Coverage (%)	<sup>(a)</sup>	Side Yard (total of 2)	40
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard <sup>(c)</sup>	20
Maximum Building Height (ft.)	50 <sup>(b)</sup>	Secondary Street Frontage	20
Maximum Building Height (stories)	4	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) Building height shall be measured to the top of the highest appurtenance of the facility, excluding smoke stacks, cranes, etc.

(c) All structures shall be set back at least 30 feet from bodies of water (Lake Erie, River Raisin, Plum Creek, etc).

Note: See Schedule of Regulations for additional information

2.15.D. • I-1 • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.
Rear Yard (ft.)	8	N/A
Side Yard (ft.)	8	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.

Solid or opaque fencing or wall shall be constructed when adjacent or abutting residential use, as determined by the Citizens Planning Commission or the Administrative Site Plan Review Committees.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.15.E. • I-1 • ACCESSORY STRUCTURES (Detached)	
<b>Location</b>	See Setback requirements below.
<b>Maximum Number</b>	No restrictions.
<b>Setbacks</b>	From Front Lot Line or Secondary Street Frontage: Shall meet same setback requirements as the principal building. From Other Structure on Same Lot: 10 ft. From Side Lot Line: 10 ft. From Rear Lot Line: 10 ft.
<b>Maximum Height</b>	Shall be subject to the same regulations as principal structures.
<b>Use</b>	May be used for accessory uses customarily associated with the principal use.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.15.F. • I-1 • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence, wall, or berm.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 30 feet deep and planted with one (1) tree and four (4) shrubs per 20 feet of width. OR A six and a half (6.5) foot high screening fence, with evergreen trees planted every 20 feet along the exterior side of the fence facing the residential property.

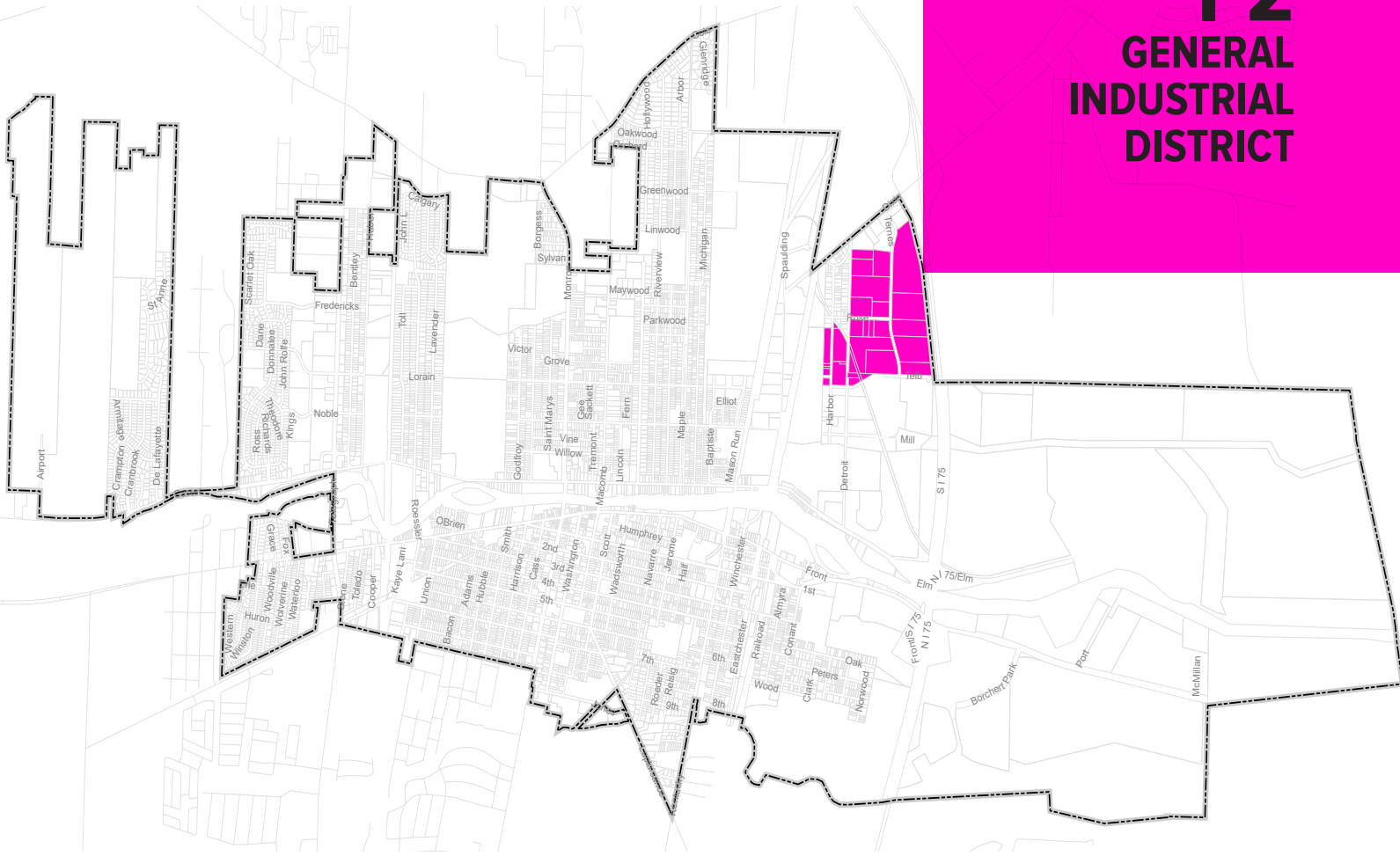
The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

2.15.G. • I-1 • ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	The Citizens Planning Commission may request an easement for public access along the River Raisin, if one does not already exist. The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion. Floodplain regulations shall apply where applicable. (See Section 5.14)

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SECTION 2.16

# I-2 GENERAL INDUSTRIAL DISTRICT



2.16.A. • I-2 • PURPOSE AND INTENT

The **I-2, General Industrial District**, is intended to provide locations for the development of industrial uses. Such uses primarily include those involved in manufacturing, assembly and fabrication. It is intended that this district be located where adequate utilities and suitable road and rail access are available. This district has the potential to impact residential uses, as such, care should be taken when considering the rezoning of land near residential districts to I-2.

## SECTION 2: ZONING DISTRICTS

### I-2 • GENERAL INDUSTRIAL

2.16.B. • I-2 • PERMITTED AND SPECIAL USES			
I-2 Uses <sup>(a)</sup>	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Distribution and Logistics	Permitted	One (1) per 1,000 sq. ft.	3.14
Manufacturing	Permitted	One (1) per 1,000 sq. ft.	3.26
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Outdoor Storage (as accessory to a principal use)	Permitted	No additional parking required.	3.36
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Research and Development	Permitted	One (1) per 1,000 sq. ft.	3.43
Warehouse Facilities	Permitted	One (1) per 1,000 sq. ft.	3.55
Wholesale Facilities	Permitted	One (1) per 1,000 sq. ft.	3.56
Community Gardens	Special	N/A	3.13
Power Plants (Non- Wind or Solar)	Special	One (1) per 1,000 sq. ft.	3.40

(a) Existing residential uses shall conform to all R-2 district regulations.

2.16.C. • I-2 • DIMENSIONAL REGULATIONS			
Lot Standards	I-2	Minimum Setbacks (ft.)	I-2
Minimum Lot Area (sq. ft.)	10,000	Front Yard	10
Minimum Lot Width (ft.)	100	Side Yard (one)	30
Maximum Lot Coverage (%)	(a)	Side Yard (total of two)	60
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard <sup>(c)</sup>	20
Maximum Building Height (ft.)	50 <sup>(b)</sup>	Secondary Street Frontage	10
Maximum Building Height (stories)	4	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.  
 (b) Building height shall be measured to the top of the highest appurtenance of the facility, excluding smoke stacks, cranes, etc. Buildings and structures may be permitted to exceed the maximum building height by special use approval.  
 (c) All structures shall be set back at least 30 feet from bodies of water (Lake Erie, River Raisin, Plum Creek, etc).  
 Note: See Schedule of Regulations for additional information

2.16.D. • I-2 • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.
Rear Yard (ft.)	8	N/A
Side Yard (ft.)	8	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.16.E. • I-2 • ACCESSORY STRUCTURES (Detached)	
<b>Location</b>	See Setback requirements below.
<b>Maximum Number</b>	No restrictions.
<b>Setbacks</b>	From Front Lot Line or Secondary Street Frontage: Shall meet same setback requirements as the principal building. From Other Structure on Same Lot: 10 ft. From Side Lot Line: 10 ft. From Rear Lot Line: 10 ft.
<b>Maximum Height</b>	Shall be subject to the same regulations as principal structures, including the ability to be approved for additional height through the Special Use process.
<b>Use</b>	May be used for accessory uses customarily associated with the principal use.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.16.F. • I-2 • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence or wall.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 30 feet deep and planted with one (1) tree and four (4) shrubs per 20 feet of width. OR A six and a half (6.5) foot high screening fence, with evergreen trees planted every 20 feet along the exterior side of the fence facing the residential property.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G

2.16.G. • I-2 • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)



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## SECTION 2: ZONING DISTRICTS

### I-P • PORT INDUSTRIAL

2.17.B. • I-P • PERMITTED AND SPECIAL USES			
I-P Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Distribution and Logistics	Permitted	One (1) per 1,000 sq. ft.	3.14
Manufacturing	Permitted	One (1) per 1,000 sq. ft.	3.26
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Outdoor Storage (as accessory to a principal use)	Permitted	No additional parking required.	3.36
Outdoor Processes	Permitted	No additional parking required.	3.34
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Research and Development	Permitted	One (1) per 1,000 sq. ft.	3.43
Warehouse Facilities	Permitted	One (1) per 1,000 sq. ft.	3.55
Wholesale Facilities	Permitted	One (1) per 1,000 sq. ft.	3.56
Community Gardens	Special	N/A	3.13
Power Plants (Non- Wind or Solar)	Special	One (1) per 1,000 sq. ft.	3.40

2.17.C. • I-P • DIMENSIONAL REGULATIONS			
Lot Standards	I-P	Minimum Setbacks (ft.)	I-P
Minimum Lot Area (sq. ft.)	10,000	Front Yard <sup>(b)</sup>	10
Minimum Lot Width (ft.)	100	Side Yard (one)	30
Maximum Lot Coverage (%)	<sup>(a)</sup>	Side Yard (total of 2)	60
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard	20 <sup>(c)</sup>
Maximum Building Height (ft.)	100 <sup>(b)</sup>	Secondary Street Frontage	10
Maximum Building Height (stories)	3	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) Building height shall be measured to the top of the highest appurtenance of the facility, excluding smoke stacks, cranes, etc. The maximum number of occupied stories shall be three (3). Buildings and structures may be permitted to exceed the maximum building height by special use approval.

(c) All structures shall be set back at least 30 feet from bodies of water (Lake Erie, River Raisin, Plum Creek, etc).

Note: See Schedule of Regulations for additional information

2.17.D. • I-P • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.
Rear Yard (ft.)	10	N/A
Side Yard (ft.)	10	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	6.5	Shall not contain any opaque areas. Facility shall be visible through fence.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

<b>2.17.E. • I-P • ACCESSORY STRUCTURES (Detached)</b>	
<b>Location</b>	See Setback requirements below..
<b>Maximum Number</b>	No restrictions.
<b>Setbacks</b>	From Front Lot Line or Secondary Street Frontage: Shall meet same setback requirements as the principal building. From Other Structure on Same Lot: 10 ft. From Side Lot Line: 10 ft. From Rear Lot Line: 10 ft.
<b>Maximum Height</b>	Shall be subject to the same regulations as principal structures, including the ability to be approved for additional height through the Special Use process.
<b>Use</b>	May be used for accessory uses customarily associated with the principal use.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

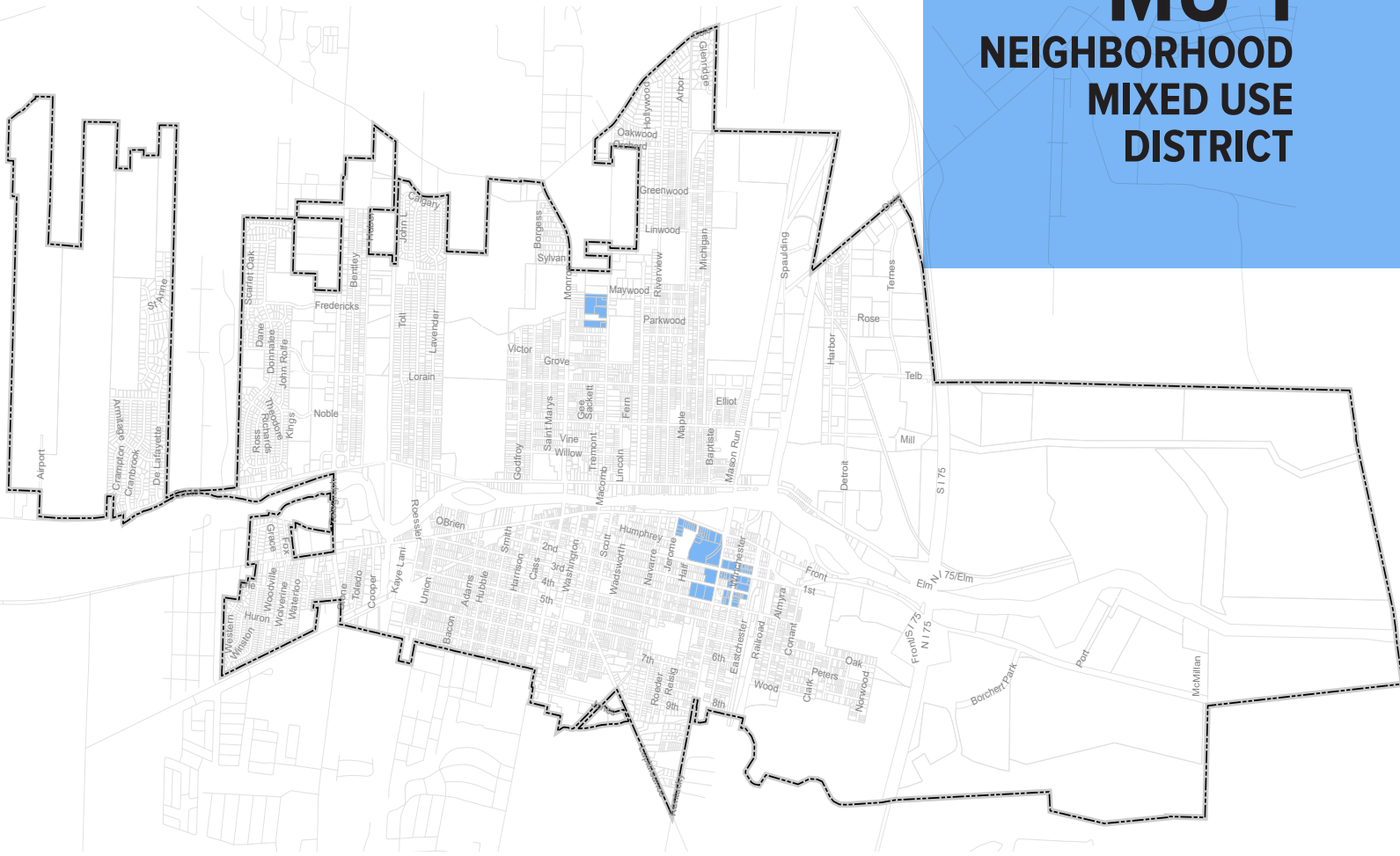
<b>2.17.F. • I-P • LANDSCAPING REQUIREMENTS</b>	
<b>Road Frontage</b>	N/A
<b>Parking Lot – Interior</b>	N/A
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent residential uses (see below).
<b>Screening from Residential Uses</b>	N/A

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

<b>2.17.G. • I-P • FORM-BASED AND ARCHITECTURAL STANDARDS</b>	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Garage Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	The Citizens Planning Commission may request an easement for public access along the River Raisin, if one does not already exist. The Citizens Planning Commission may extend the requirements above to other bodies of water as well, at their discretion. Floodplain regulations shall apply where applicable. (See Section 5.14)

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SECTION 2.18  
**MU-1**  
 NEIGHBORHOOD  
 MIXED USE  
 DISTRICT



**2.18.A. • MU-1 • PURPOSE AND INTENT**

The **MU-1, Neighborhood Mixed Use District**, is designed to create a vibrant urban and walkable environment in Monroe's neighborhood centers, while maintaining historic character and preserving the residential neighborhoods that surround Monroe's primary commercial nodes.

**SECTION 2: ZONING DISTRICTS**

**MU-1 • NEIGHBORHOOD MIXED USE**

<b>2.18.B. • MU-1 • PERMITTED AND SPECIAL USES</b>			
<b>MU-1 Uses</b>	<b>Permitted or Special</b>	<b>Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)</b>	<b>Definition and Use Standards</b>
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Indoor Recreational Facilities/Community Centers	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land	3.23
Libraries	Permitted	One (1) per 500 sq. ft.	3.24
Multiple-Family Dwellings, including Senior Living and Mixed Use	Permitted	One (1) per unit available to resident 24 hours per day within 300 feet of the building. Spaces need not be reserved exclusively for residents.	3.30, 3.48, 3.28
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 500 sq. ft.	3.39
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.20
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 500 sq. ft.	3.45
Single-Family Dwellings <sup>(c)</sup>	Permitted	Two (2) per unit.	3.49
Bed and Breakfast Inns	Special	Two (2) plus one (1) per sleeping room.	3.09
Community Gardens	Special	N/A	3.13
Medical Clinics	Special	One (1) per 500 sq. ft.	3.27
Music/Dance/Martial Arts Studios	Special	One (1) per student plus one (1) per employee per maximum class size.	3.31
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	0.5 per patient room.	3.32
Parking Garage as an Accessory Use	Special	No restriction on number of spaces.	3.37
Parking Lots with No Other Principal Use	Special	No restrictions on number of spaces.	3.38
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47
Theaters	Special	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52

2.18.C. • MU-1 • DIMENSIONAL REGULATIONS			
Lot Standards	MU-1	Minimum Setbacks (ft.)	MU-1
Minimum Lot Area (sq. ft.)	4,000	Front Yard	Min: 0 <sup>(b)</sup> Max: 10
Minimum Lot Width (ft.)	40	Side Yard (one)	(c) (d)
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	(c) (d)
Minimum Floor Area/Unit (ft.)	(b) (c)	Rear Yard	0 (c)
Maximum Building Height (ft.)	30	Secondary Street Frontage	Min: 0 <sup>(c)</sup> Max: 10
Maximum Building Height (stories)	2.5	Between Buildings within a Complex	10

(a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.

(b) The minimum floor area for a non-single-family dwelling shall be 500 square feet plus 200 square feet per bedroom.

(c) For single-family dwellings, the minimum requirements of the R-2 district shall apply.

(d) For walls with windows, the minimum side setback shall be 5 feet. For walls without windows, there shall be no minimum side setback.

Note: See Schedule of Regulations for additional information

2.18.D. • MU-1 • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.) <sup>(a)(b)</sup>	(a)(b)	(a)(b)
Rear Yard (ft.) <sup>(a)</sup>	6.5	N/A
Side Yard (ft.) <sup>(a)</sup>	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.) <sup>(a)</sup>	N/A	Prohibited

(a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

(b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

2.18.E. • MU-1 • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.



## SECTION 2: ZONING DISTRICTS

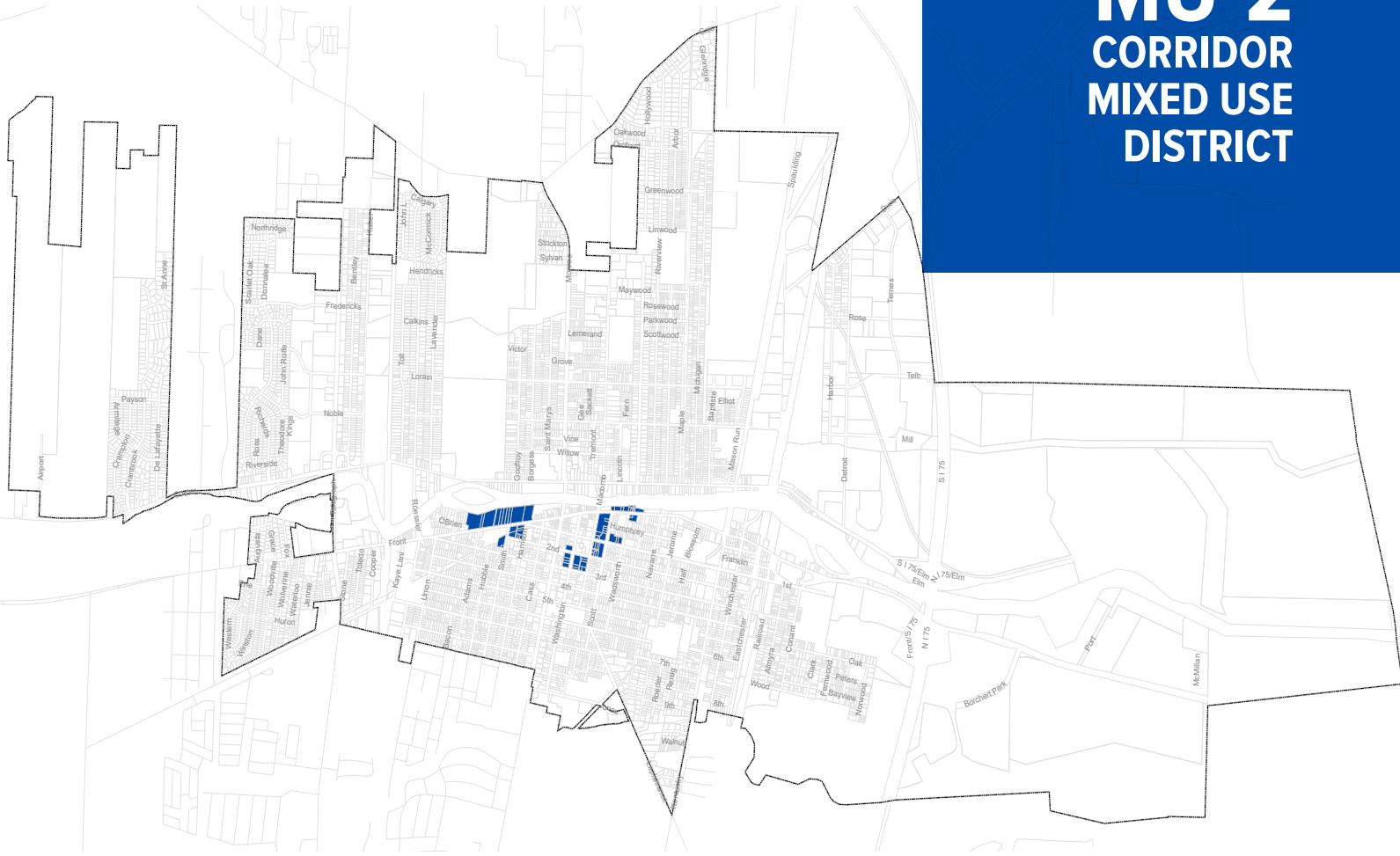
### MU-1 • NEIGHBORHOOD MIXED USE

2.18.F. • MU-1 • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way. If a building has a front setback, then the front yard shall be landscaped with trees and shrubs, in numbers and species appropriate for the size of the yard, in the opinion of the Citizens Planning Commission.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent single-family residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence or wall.
<b>Screening from Residential Uses</b>	A six (6) foot high screening wall, fence, or berm.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.18.G. • MU-1 • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	<p>All new buildings constructed shall have storefronts on at least one side.</p> <p>All storefronts shall be at least 50% transparent (windows or glass doors). This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant.</p> <p>Storefronts shall be clad in material that matches the rest of the building as closely as possible. This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant. The Planning Staff may approve alternate materials upon determining that they are compatible with the rest of the building.</p>
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door within a principal building shall be located on a wall that faces a public street or road. Parking garages that are open to the public shall be exempt from this requirement, but may only close the garage door when they are not open for public parking.
<b>Building Massing</b>	See Dimensional Regulations, Section 2.18.C
<b>Architecture</b>	<p>For structures 50 years or older, all exterior renovations shall meet the Secretary of the Interior's Standards for Rehabilitation.</p> <p>No window(s) on an existing building shall be covered or removed without approval from the Community Development Department.</p> <p>For newly constructed buildings, residential first floors shall be elevated by at least 4 feet from sidewalk level, to ensure privacy for the residents.</p> <p>All newly constructed buildings shall be predominantly faced with masonry or brick of a compatible color with the surroundings. Thin brick shall not be permitted.</p>
<b>Parking Location</b>	Parking may not be located in a front yard or a yard adjacent to a secondary street frontage.
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

SECTION 2.19  
**MU-2**  
 CORRIDOR  
 MIXED USE  
 DISTRICT



**2.19.A. • MU-2 • PURPOSE AND INTENT**

The **MU-2, Corridor Mixed Use District**, is designed to create a vibrant urban and walkable environment surrounding the City’s historic core which blends residential, commercial, cultural, institutional, and/or entertainment uses. Mixed use buildings should predominate in order to retain the context of the City’s more historic neighborhoods.

## SECTION 2: ZONING DISTRICTS

### MU-2 • CORRIDOR MIXED USE

2.19.B. • MU-2 • PERMITTED AND SPECIAL USES			
MU-2 Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Government Buildings	Permitted	One (1) per 500 sq. ft.	3.19
Libraries	Permitted	One (1) per 500 sq. ft.	3.24
Multiple-Family Dwellings, including Senior Living and Mixed Use	Permitted	One (1) per unit available to resident 24 hours per day within 300 feet of the building. Spaces need not be reserved exclusively for residents.	3.30, 3.48, 3.28
Office - Business	Permitted	One (1) per 200 sq. ft.	3.33
Office - Medical	Permitted	Three (3) per patient room plus one (1) per employee at peak shift.	3.33
Personal Services	Permitted	One (1) per 500 sq. ft.	3.39
Police/Fire Stations	Permitted	One (1) per 500 sq. ft.	3.19
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the requirement based on the specific use of land.	3.41
Restaurants/Bars/Breweries/Wineries/Cideries	Permitted	One (1) per two (2) seats plus one (1) per employee at peak shift	3.44
Retail	Permitted	One (1) per 500 sq. ft.	3.45
Community Gardens	Special	N/A	3.13
Hotels	Special	One (1) per employee in the largest working shift, plus one (1) per sleeping room	3.22
Medical Clinics	Special	One (1) per 500 sq. ft.	3.27
Music/Dance/Martial Arts Studios	Special	One (1) per student plus one (1) per employee per maximum class size.	3.31
Nursing, Convalescent and Physical Rehabilitation Facilities	Special	0.5 per patient room.	3.32
Parking Garage as an Accessory Use	Special	No restriction on number of spaces.	3.37
Parking Lots with No Other Principal Use	Special	No restrictions on number of spaces.	3.38
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area, plus one (1) per 500 sq. ft. for accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47
Single-Family Dwellings (c)	Special	Two (2) per housing unit.	3.49
Theaters	Special	One (1) per three (3) seats, available to customers and employees within 500 feet of the building.	3.52

**2.19.C. • MU-2 • DIMENSIONAL REGULATIONS**

Lot Standards	MU-2	Minimum Setbacks (ft.)	MU-2
Minimum Lot Area (sq. ft.)	6,000	Front Yard	Min: 0 (c) Max: 20
Minimum Lot Width (ft.)	40	Side Yard (one)	(c) (d)
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	(c) (d)
Minimum Floor Area/Unit (ft.)	(b) (c)	Rear Yard	10 (c)
Maximum Building Height (ft.)	50	Secondary Street Frontage	Min: 0 (c) Max: 20
Maximum Building Height (stories)	4	Between Buildings within a Complex	10

- (a) Provided that all parking, landscaping, and setback requirements are met, there shall be no maximum lot coverage.  
 (b) The minimum floor area for a non-single-family dwelling unit shall be 500 square feet plus 200 square feet per bedroom.  
 (c) For single-family dwellings the minimum requirements of the R-2 district shall apply.  
 (d) For walls with windows, the minimum side setback shall be 5 feet. For walls without windows, there shall be no minimum side setback.

Note: See Schedule of Regulations for additional information

**2.19.D. • MU-2 • FENCES**

Location	Maximum Height	Other Standards
Front Yard (ft.) (a)(b)	(a)(b)	(a)(b)
Rear Yard (ft.) (a)	6.5	N/A
Side Yard (ft.) (a)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.) (a)	N/A	Prohibited

- (a) See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.  
 (b) Approval shall be based on geographical location, architectural appropriateness, neighborhood context, photo documentation and/or historic evidence.

**2.19.E. • MU-2 • ACCESSORY STRUCTURES (Detached)**

Location	Prohibited in front yards, side yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot. .
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

## SECTION 2: ZONING DISTRICTS

### MU-2 • CORRIDOR MIXED USE

2.19.F • MU-2 • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way. If a building has a front setback, then the front yard shall be landscaped with trees and shrubs, in numbers and species appropriate for the size of the yard, in the opinion of the Citizens Planning Commission.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from all adjacent single-family residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative screening fence or wall.
<b>Screening from Residential Uses</b>	A six (6) foot high screening fence or wall.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

2.19.G • MU-2 • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	<p>All storefronts shall be at least 50% transparent (windows or glass doors). This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant.</p> <p>Storefronts shall be clad in material that matches the rest of the building as closely as possible. This requirement shall be triggered whenever a building permit is requested to build out a storefront for a new tenant. Planning Staff may approve alternate materials upon determining that they are compatible with the rest of the building.</p>
<b>Entrances</b>	All buildings shall have at least one (1) entrance on an elevation that faces a public street or road.
<b>Garage Doors</b>	No garage door within a principal building shall be located on a wall that faces a public street or road. Parking garages that are open to the public shall be exempt from this requirement, but may only close the garage door when they are not open for public parking.
<b>Building Massing</b>	For buildings that exceed three (3) stories in height, the fourth story shall be set back at least 15 feet from the front of the building. The exposed roof area may be used as outdoor space for the adjacent units.
<b>Architecture</b>	<p>For structures 50 years or older, all exterior renovations shall meet the Secretary of the Interior’s Standards for Rehabilitation.</p> <p>No window(s) on an existing building shall be covered or removed without approval from the Community Development Department.</p> <p>For newly constructed buildings, residential first floors shall be elevated by at least four (4) feet from sidewalk level, to ensure privacy for the residents.</p> <p>All newly constructed buildings shall be predominantly faced with masonry or brick of a compatible color with the surroundings. Thin brick shall not be permitted.</p>
<b>Parking Location</b>	<p>Parking may not be located in a front yard or a yard adjacent to a secondary street frontage.</p> <p>Parking shall not be located between a principal building and the River Raisin. The Citizens Planning Commission may extend this requirement to other bodies of water as well, at their discretion.</p>
<b>Waterfront</b>	<p>All commercial buildings on lots abutting waterways shall have a secondary entrance facing the water, when possible.</p> <p>Floodplain regulations shall apply where applicable. (See Section 5.14)</p>

SECTION 2.20

# AP AIRPORT DISTRICT



**2.20.A. • AP • PURPOSE AND INTENT**

The **AP, Airport District**, is intended to permit those uses, activities, facilities and structures necessary for the safe, proper and efficient operation of aircraft, and to provide for the services and facilities necessary to accommodate airport patrons and employees.

## SECTION 2: ZONING DISTRICTS

### AP • AIRPORT

2.20.B. • AP • PERMITTED AND SPECIAL USES			
AP Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Airports, including terminals, control towers, offices and similar uses which are accessory to the principal use.	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.04
Retail, restaurants, bars, and other ancillary airport uses	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.04

2.20.C. • AP • DIMENSIONAL REGULATIONS <sup>(a)</sup>			
Lot Standards	AP	Minimum Setbacks (ft.)	AP
Minimum Lot Area (sq. ft.)	45,000	Front Yard <sup>(b)</sup>	40
Minimum Lot Width (ft.)	100	Side Yard (one)	20
Maximum Lot Coverage (%)	—	Side Yard (total of 2)	40
Minimum Floor Area/Unit (ft.)	—	Rear Yard	50
Maximum Building Height (ft.)	40 <sup>(b)</sup>	Secondary Street Frontage	40
Maximum Building Height (stories)	3		

(a) All Federal and State regulations shall apply.

(b) The airport control tower may be permitted to exceed the maximum height.

Note: See Schedule of Regulations for additional information

2.20.D. • AP • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	8	N/A
Rear Yard (ft.)	8	N/A
Side Yard (ft.)	8	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	8	N/A

2.20.E. • AP • ACCESSORY STRUCTURES (Detached)	
Location	No restrictions.
Maximum Number	No restrictions.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed 40 feet.
Use	N/A

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.20.F. • AP • LANDSCAPING REQUIREMENTS	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	One (1) tree per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from residential uses by a greenbelt along the entire width of the parking lot at least 20 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. Parking lots over 100 feet from the nearest residential use shall be exempt from this requirement.
<b>Screening from Residential Uses</b>	A greenbelt along the entire lot line at least 30 feet deep and planted with one (1) tree and four (4) shrubs per 20 feet of width. OR An eight (8) foot high screening fence, with evergreen trees planted along the fence, facing the residential property, but located on the industrial property.

All Federal and State regulations shall apply.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

2.20.G. • AP • FORM-BASED AND ARCHITECTURAL STANDARDS	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Overhead Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)



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## SECTION 2: ZONING DISTRICTS

### B • BATTLEFIELD

2.21.B. • B • PERMITTED AND SPECIAL USES			
Battlefield Uses <sup>(a)</sup>	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Cemeteries (related to the battlefield)	Permitted	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Indoor Recreational Facilities/Community Centers/ Interpretative Visitors Centers/Museums <sup>(b)</sup>	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces based on the use.	3.23
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces based on the use.	3.41
Community Gardens	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces based on the use.	3.13

(a) Existing residential uses shall conform to all R-2 district regulations.

(b) May include gift shops, restaurants and similar uses related to the principal use.

2.21.C. • B • DIMENSIONAL REGULATIONS			
Lot Standards	B	Minimum Setbacks	B
Minimum Lot Area (sq. ft.)	—	Front Yard	10
Minimum Lot Width (ft.)	—	Side Yard (one)	10
Maximum Lot Coverage (%)	10%	Side Yard (total of 2)	20
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard	35
Maximum Building Height (ft.)	40 ft.	Secondary Street Frontage	10
Maximum Building Height (stories)	3	Between buildings in a complex	10

2.21.D. • B • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Rear Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Side Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.

Note: For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.21.E. • B • ACCESSORY STRUCTURES (Detached)	
Location	To be determined by Citizens Planning Commission (CPC) based on the specifics of the proposal.
Maximum Number	No restrictions.
Setbacks	Same as principal building.
Maximum Height	Shall not exceed the height of the principal structure.
Use	Shall not be used as a dwelling unit.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

<b>2.21.F. • B • LANDSCAPING REQUIREMENTS</b>	
<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	One (1) tree per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from residential uses by a greenbelt along the entire width of the parking lot at least 20 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. Parking lots over 100 feet from the nearest residential use shall be exempt from this requirement.
<b>Screening from Residential Uses</b>	Shall be determined by the Citizens Planning Commission (CPC) based on the use, location, and size.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

<b>2.21.G. • B • FORM-BASED AND ARCHITECTURAL STANDARDS</b>	
<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Overhead Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

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SECTION 2.22



LEGACY DISTRICT



**2.22.A. • L • PURPOSE AND INTENT**

The **L, Legacy District**, is intended to prescribe specific goals and objectives for the redevelopment of key sites within the City. The sites identified in this section and on the City Zoning Map have been chosen due to their history, location, context, economic importance, and the complexity of their redevelopment future. The district is considered a finite district which will someday be replaced by a permanent zoning classification of the land.

## SECTION 2: ZONING DISTRICTS

### L • LEGACY

2.22.B. • L • PERMITTED AND SPECIAL USES			
L Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Uses existing at the time of the adoption of this Ordinance	Permitted	As existing, or as determined by the Citizens Planning Commission (CPC) at the time of a proposed expansion.	N/A
Uses authorized in a Planned Unit Development Agreement	As determined by the PUD Agreement	As determined by the PUD Agreement.	N/A

2.22.C. • L • DIMENSIONAL REGULATIONS			
Lot Standards	L	Minimum Setbacks (ft.)	L
Minimum Lot Area (sq. ft.) <sup>(b)</sup>	(a)	Front Yard	(a)
Minimum Lot Width (ft.)	(a)	Side Yard (one)	(a)
Maximum Lot Coverage (%)	(a)	Side Yard (total of 2)	(a)
Minimum Floor Area/Unit (ft.)	(a)	Rear Yard	(a)
Maximum Building Height (ft.)	(a)	Secondary Street Frontage	(a)
Maximum Building Height (stories)	(a)		

(a) As described in the PUD agreement

2.22.D. • L • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited unless specifically allowed in the PUD agreement.
Rear Yard (ft.)	6.5	Standard may be modified by PUD agreement.
Side Yard (ft.)	6.5	Standard may be modified by PUD agreement.
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line. Six and one-half (6.5) feet if between the rear building line and the rear lot line.	Standard may be modified by PUD agreement.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.22.E. • L • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in Front Yards and in yards adjacent to secondary street frontages. This requirement may be modified in the PUD agreement.
Maximum Number	Two (2) per lot. This requirement may be modified in the PUD agreement.
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft. These requirements may be modified in the PUD agreement.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less. This requirement may be modified in the PUD agreement.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure. This requirement may be modified in the PUD agreement.

Note: See Section 5.03, Accessory Structures, for supplemental standards and regulations.

**2.22.F • L • LANDSCAPING REQUIREMENTS**

<b>Road Frontage</b>	As determined by the PUD Agreement.
<b>Parking Lot – Interior</b>	As determined by the PUD Agreement.
<b>Parking Lot – Perimeter</b>	As determined by the PUD Agreement.
<b>Screening from Residential Uses</b>	As determined by the PUD Agreement.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

**2.22.G • L • FORM-BASED AND ARCHITECTURAL STANDARDS**

<b>Storefronts</b>	As determined by the PUD Agreement.
<b>Entrances</b>	As determined by the PUD Agreement.
<b>Overhead Doors</b>	As determined by the PUD Agreement.
<b>Building Massing</b>	As determined by the PUD Agreement.
<b>Architecture</b>	As determined by the PUD Agreement..
<b>Parking Location</b>	As determined by the PUD Agreement.
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)

- A. **Existing Uses.** All uses legally operating on a Legacy District site at the time of the adoption of this Ordinance may continue, shall be considered permitted uses under this Ordinance, and shall be subject to all requirements of this Ordinance. If an existing use on a Legacy District site ceases operation for 180 days or more, it shall not resume operation except through the process described in Subsection I.
- B. **Approval Procedure.** Prior to any construction, building expansion, parking lot expansion, or operation of a new use on a Legacy District site, a Planned Unit Development Agreement shall be approved for the site through the process described in 6. In order to be approved, the Planned Unit Development Agreement shall, in the opinion of the Citizens Planning Commission and the City Council, meet the development goals specified for each Legacy District site, as well as the criteria in Section 6.19 and the Goals and Objectives of the Master Plan. The City shall be under no obligation to approve any PUD agreement that does not, in the opinion of the City Council, meets the criteria described in this Section.
- C. **Standards for Planned Unit Development Agreements.** The following shall apply to Planned Unit Developments for Legacy District sites, in addition to the requirements of Section 6.19:
1. **IHM Site.**
    - a) Recommended Potential Underlying Zoning Districts: C-O, MU-1, MU-2, RM, RMD
    - b) The Planned Unit Development agreement for the IHM site shall meet the following objectives:
      - i. Preserve the natural character of the site, including woodlands and wetlands, to the extent possible.
      - ii. Preserve the historic character of the site, including re-using existing structures to the extent possible and ensuring new buildings complement the existing buildings and the natural surroundings.
      - iii. Provide for east-west connectivity across the site to the extent practical.
      - iv. Ensure that the waterfront portions of the site, including the island, are designed to protect and preserve the River Raisin.
      - v. Protect neighboring residential districts from any negative impacts of development and redevelopment.



**2. Hospital Site.**

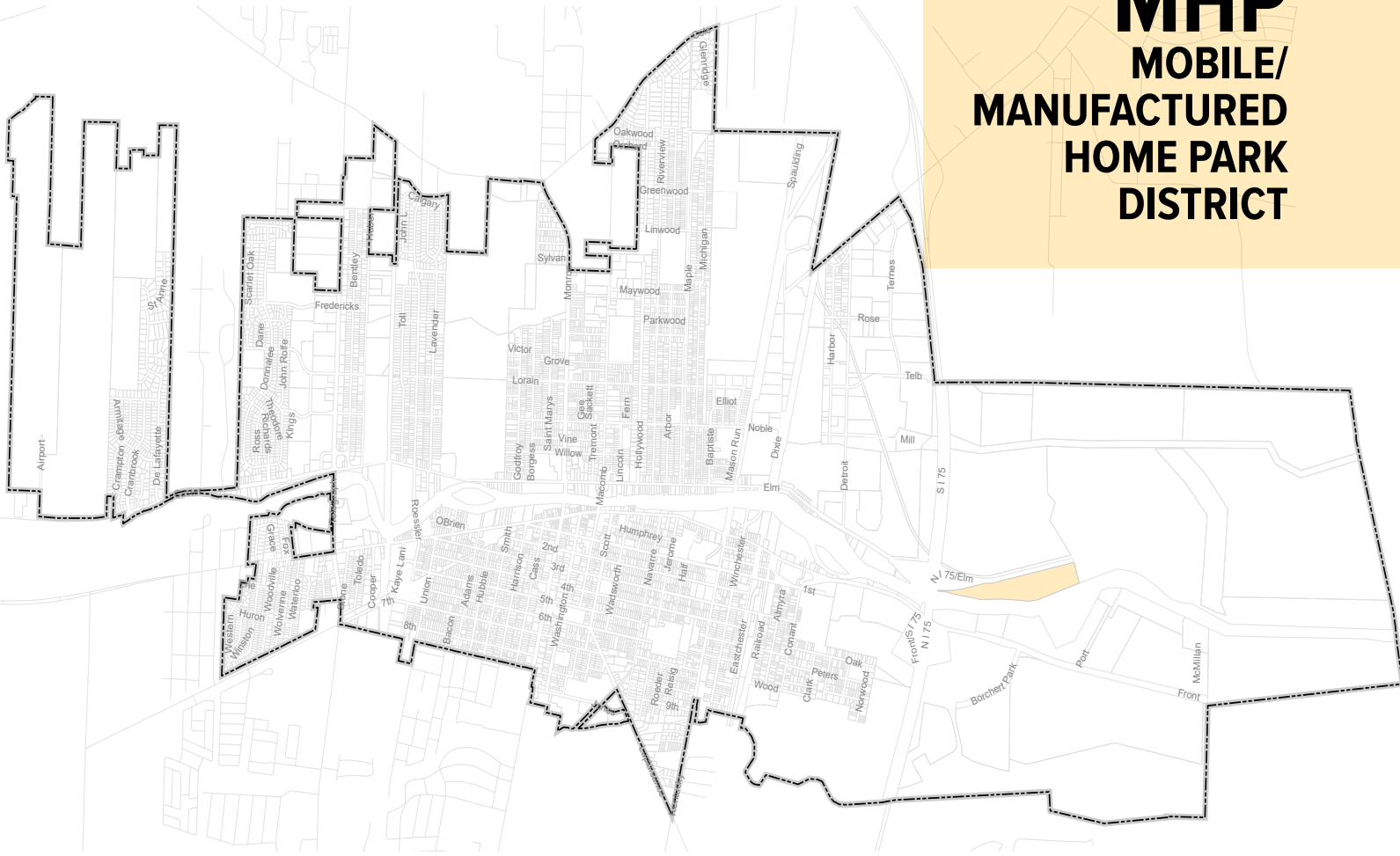
- a) Recommended Potential Underlying Zoning Districts: C-O, MU-1, MU-2, R-3, RM, RMD
- b) The Planned Unit Development agreement for the Hospital site shall meet the following objectives:
  - i. Protect the surrounding residential uses from negative impacts of redevelopment.
  - ii. Ensure proper access management standards are applied throughout the site and the surrounding neighborhoods.
  - iii. Create an attractive and vibrant frontage on Macomb Street.
  - iv. Provide appropriately scaled and programmed public and green space within the development.

**3. Christianity Site.**

- a) Recommended Potential Underlying Zoning Districts: R-1, R-2, R-3, RMD, RM
- a) The Planned Unit Development agreement for the Christianity site shall meet the following objectives:
  - i. Create a development that fits with the surroundings, in terms of use, density, massing, and intensity.
  - ii. Create a development that complements the historic nature of the surrounding neighborhood.
  - iii. Maintain Lincoln Avenue as a quiet, yet vibrant, community that remains largely residential.
  - iv. Provide appropriately landscaped green space or park.

SECTION 2.23

# MHP MOBILE/ MANUFACTURED HOME PARK DISTRICT



### 2.23.A. • MHP • PURPOSE AND INTENT

The **MHP, Mobile Home Park District**, is intended to provide site(s) for mobile home parks as an affordable housing alternative at appropriate locations. Mobile home parks are intended for locations where their density can be accommodated by infrastructure and environmental conditions based on the City's Master Plan. The design and review standards of this chapter are intended to help ensure that a mobile home park meets at least the minimum requirements of the Michigan Mobile Home Commission.

## SECTION 2: ZONING DISTRICTS

### MHP • MOBILE HOME PARK

2.23.B. • MHP • PERMITTED AND SPECIAL USES			
MHP Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Adult Foster Care Family Homes (Six or Fewer Adults), Child Foster Family Homes (Four or Fewer Children), and Child Foster Family Group Homes (Five or Six Children)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Family Day Care Homes (Six or Fewer Children) and Adult Family Day-Care Homes (Six or Fewer Adults)	Permitted	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Home Occupations	Permitted	Two (2) per housing unit.	3.20
Mobile Home Parks	Permitted	Two (2) per housing unit.	2.23.H-J
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces.	3.41
Campgrounds	Special	One (1) per each employee in the largest working shift plus one (1) per campsite?	3.10
Cemeteries	Special	Sufficient space shall be made available through the site to allow mourners to park when necessary.	3.12
Child Day Care Centers, Adult Day Care Center, Adult Group Daycare Homes (7-12 Adults) and	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Child Group Daycare Homes (7-12 Minor Children)	Special	One (1) per employee or caregiver in the largest shift, plus 2.	3.11
Community Gardens	Special	N/A	3.13
Golf Course	Special	One (1) per employee in the largest shift plus three (3) per hole.	3.18
Indoor Recreational Facilities/Community Centers	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces.	3.23
Libraries	Special	One (1) per 300 sq. ft.	3.24
Marinas	Special	One (1) per each employee in the largest working shift plus one (1) per dock	3.25
Police/Fire Stations	Special	One (1) per 300 sq. ft.	3.19
Religious Institutions	Special	One (1) for each three (3) seats or four (4) feet of pews in the main worship area. The Citizens Planning Commission (CPC) may also require parking for approved accessory uses.	3.42
Schools, K-12	Special	One (1) per employee plus one (1) per three (3) seats in the largest assembly halls or gymnasium plus one (1) per 10 students 16 years of age or older.	3.47

2.23.C. • MHP • DIMENSIONAL REGULATIONS <sup>(a)</sup>			
Lot Standards	MHP	Minimum Setbacks (ft.)	MHP
Minimum Lot Area (sq. ft.) <sup>(b)</sup>	(c)	Front Yard	25
Minimum Lot Width (ft.)	60	Side Yard (one)	5
Maximum Lot Coverage (%)	100%	Side Yard (total of 2)	15
Minimum Floor Area/Unit (ft.)	1,000	Rear Yard	35
Maximum Building Height (ft.)	30	Secondary Street Frontage	25
Maximum Building Height (stories)	2		

(a) These dimensional regulations shall apply to both lots and individual sites within a mobile home park.

(b) All existing lots and mobile home park sites as of January 1, 2019 shall be considered buildable.

(c) See Section 2.23.J.3

(d) Note: See *Schedule of Regulations for additional requirements*

2.23.D. • MHP • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	N/A	Prohibited
Rear Yard (ft.)	6.5	N/A
Side Yard (ft.)	6.5	N/A
Secondary Street Frontage on Corner Lots and Through Lots (ft.)	Three (3) feet if between the principal building on the lot and the right-of-way line.  Six and one-half (6.5) feet if between the rear building line and the rear lot line.	On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the CLOSER of the following two lines to the right-of-way line:  a. the average front building line for all principal structures on the block the fence is adjacent to  b. the side building line of the principal structure parallel to the secondary frontage

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.23.E. • MHP • ACCESSORY STRUCTURES (Detached)	
Location	Prohibited in Front Yards and in yards adjacent to secondary street frontages.
Maximum Number	Two (2) per lot
Setbacks	From Principal Building: 10 ft. From Accessory Structure: 5 ft. From Side Lot Line: 3 ft. From Rear Lot Line: 5 ft.
Maximum Height	Shall not exceed the height of the principal structure, or 16 feet, whichever is less.
Use	May be used for accessory uses customarily associated with the principal use. Any structure containing a dwelling unit shall be considered a principal structure.

Note: Accessory structures, including covered porches and decks, which are attached to the principal structure shall be considered a part of the principal structure and shall meet all applicable standards. See Section 5.03, Accessory Structures, for supplemental standards and regulations.

2.23.F. • MHP • LANDSCAPING REQUIREMENTS	
Road Frontage	Residential uses (including mobile homes): See Section 2.05.J.5  Non-residential uses (including mobile homes): One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
Parking Lot – Interior	Residential uses (including mobile homes): See Section 2.23.J.5
Parking Lot – Perimeter	Residential uses (including mobile homes): See Section 2.23.J.5  Non-Residential Uses: Shall be screened from all adjacent residential uses (see below). Parking lots abutting a roadway shall be separated from the sidewalk by a three (3) foot high decorative knee wall or continuous row of shrubs at least 24 inches tall at the time of planting.
Screening from Residential Uses	Residential uses and parks: See Section 2.23.J.5  Non-Residential Uses (including mobile homes): A greenbelt along the entire lot line at least 10 feet deep and planted with one tree and three shrubs per 30 feet of width. OR A 6 foot high screening fence.

The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.

**SECTION 2: ZONING DISTRICTS**

**MHP • MOBILE HOME PARK**

2.23.G • MHP • FORM-BASED AND ARCHITECTURAL STANDARDS	
Storefronts	N/A
Entrances	N/A
Overhead Doors	N/A
Building Massing	N/A
Architecture	N/A
Parking Location	N/A
Waterfront	All floodplain regulations (See Section 5.14) shall be followed, and shall supersede the other regulations of this section.

- H. **Review Procedure.** The Citizens Planning Commission shall review the preliminary plan in accordance with Section 11 of Act No. 96 of the Public Acts of 1987, as amended, being the Mobile Home Act (See MCLA § 125.2301 et seq.). The Citizens Planning Commission shall have 60 days from the date of a complete submittal to act on the plan, or it shall be considered approved. Review of the plan will be based on the standards of § 720-117 and any other state standards. The Michigan Department of Commerce shall have final authority for approval of the site plan, construction plans and inspections.
- I. **Standards and Requirements.** The Manufactured Housing Code, as established by the Manufactured Housing Commission and the Michigan Department of Public Health Rules under the authority of the Mobile Home Commission Act, 1987 PA 96, as amended, regulates development of mobile home parks. All mobile home parks shall be constructed according to the standards of the code. (See MCLA § 125.2301, et seq.)
- J. In addition to the rules and standards of the State of Michigan, the City imposes the following conditions:
  - 1. Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, 1987 PA 96, as amended, and subsequently adopted rules and regulations governing mobile home parks.
  - 2. Mobile home parks shall not be permitted on parcels less than 10 acres in size.
  - 3. Individual mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This minimum of 5,500 square feet may be reduced by 20%, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
  - 4. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas.
  - 5. Mobile home parks shall be landscaped as follows:
    - a) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
    - b) If the park abuts a nonresidential zoning district development, the park need not provide screening.
    - c) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs a minimum three feet in height, which are spaced so they provide a continuous screen at maturity.
  - 6. Mobile home parks shall be subject to preliminary site plan review requirements in accordance with the Mobile Home Commission Act, 1987 PA 96, as amended.
  - 7. A permit shall not be required for the construction or erection of canopies or awnings which are open on three sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

## SECTION 2.24

# PROS

## PARK, RECREATIONAL, AND OPEN SPACE DISTRICT



### 2.24.A. • PROS • PURPOSE AND INTENT

The **PROS, Park, Recreational, and Open Space Districts** are intended to provide an exclusive area for natural features; open spaces; and specified government, civic and public recreational facilities. More specifically, the regulations set forth herein and elsewhere in this chapter are intended to:

1. Provide areas within the City for public recreational facilities.
2. Protect certain open areas, woodlands, wetlands, greenways, natural stormwater systems and other distinctive natural features that contribute to the overall quality of life in the City of Monroe.
3. Provide for the preservation of open space and natural features.
4. Promote the public health, safety and welfare by providing increased recreation opportunities for area residents.

## SECTION 2: ZONING DISTRICTS

### PROS • PARK, RECREATIONAL, AND OPEN SPACE

2.24.B. • PROS • PERMITTED AND SPECIAL USES			
PROS Uses	Permitted or Special	Minimum Parking Spaces (Based upon usable floor area unless otherwise noted)	Definition and Use Standards
Public Parks/Historic Sites	Permitted	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.41
Cemeteries	Special	Sufficient space shall be maintained on site for services and mourners.	3.12
Community Gardens	Special	N/A	3.13
Golf Courses	Special	One (1) per employee in the largest shift, plus three (3) per hole.	3.18
Indoor Recreational Facilities/Community Centers/ Interpretative Visitors Centers/Museums	Special	The Citizens Planning Commission (CPC) shall determine the appropriate number of parking spaces on a case by case basis.	3.23

2.24.C. • PROS • DIMENSIONAL REGULATIONS			
Lot Standards	PROS	Minimum Setbacks (ft.)	PROS
Minimum Lot Area (sq. ft.)	—	Front Yard	(a)
Minimum Lot Width (ft.)	—	Side Yard (one)	(a)
Maximum Lot Coverage (%)	25%	Side Yard (total of two)	(a)
Minimum Floor Area/Unit (ft.)	N/A	Rear Yard	(a)
Maximum Building Height (ft.)	25	Secondary Street Frontage	(a)
Maximum Building Height (stories)	2		

(a) Appropriate setbacks shall be determined by the Citizens Planning Commission based on the specifics of the proposal.

Note: See Schedule of Regulations for additional information.

2.24.D. • PROS • FENCES		
Location	Maximum Height	Other Standards
Front Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Rear Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Side Yard (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.
Secondary Street Frontage on Corner Lots and Through Lot (ft.)	—	Shall be determined by the Citizens Planning Commission (CPC) based on the use.

Note: See Section 5.12, Fences, for supplemental standards and regulations. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

2.21.E • PROS • ACCESSORY STRUCTURES (Detached)	
Location	To be determined by Citizens Planning Commission (CPC) based on the specifics of the proposal.
Maximum Number	No restrictions.
Setbacks	To be determined by Citizens Planning Commission (CPC) based on the specifics of the proposal.
Maximum Height	Shall not exceed the height of the principal structure.
Use	Shall not be used as a dwelling unit.

See Section 5.03, Accessory Structures, for supplemental standards and regulations.

**2.24.F. • PROS • LANDSCAPING REQUIREMENTS**

<b>Road Frontage</b>	One (1) tree per 40 feet. May be planted in the right-of-way if approved by the owner of the right-of-way.
<b>Parking Lot – Interior</b>	One (1) tree and eight (8) shrubs per eight (8) parking spaces. One (1) landscape island per 16 parking spaces. Landscape islands shall be at least 50 square feet in area.
<b>Parking Lot – Perimeter</b>	Shall be screened from residential uses by a greenbelt along the entire width of the parking lot at least 20 feet deep and planted with one (1) tree and three (3) shrubs per 30 feet of width. Parking lots over 100 feet from the nearest residential use shall be exempt from this requirement.
<b>Screening from Residential Uses</b>	Shall be determined by the Citizens Planning Commission (CPC) based on the use, location, and size.

*The Citizens Planning Commission or Administrative Site Plan Review Committee, at its discretion, may approve alternative landscape plantings where the requirements would be impractical due to the particular conditions of the lot. Requirements for landscaping shall be met before occupancy permit is issued. When compliance is not possible plantings shall be banked in accordance with Section 5.18.G.*

**2.24.G. • PROS • FORM-BASED AND ARCHITECTURAL STANDARDS**

<b>Storefronts</b>	N/A
<b>Entrances</b>	N/A
<b>Overhead Doors</b>	N/A
<b>Building Massing</b>	N/A
<b>Architecture</b>	N/A
<b>Parking Location</b>	N/A
<b>Waterfront</b>	Floodplain regulations shall apply where applicable. (See Section 5.14)



**SECTION 2: ZONING DISTRICTS**

PROS • PARK, RECREATIONAL, AND OPEN SPACE

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## SECTION 2.25 SCHEDULE OF REGULATIONS

	Min Lot Area (sq. ft.)	Min Lot Width (ft.)	Max Lot Coverage (%)	Min Floor Area per Unit (1,000) (s)	Max Building Height (ft)	Max Building Height (stories)	Setbacks				
							Front (y)	Side (one) (bb)	Side (total of two) (t)	Rear	Secondary Street Frontage (z)
R-P	6,000 (a)	30 (a)	30	1,000	30	2	25	5	13	35	15
R-1	9,100 (b)	70 (b)	30	1,000 (aa)	30	2	25	5	15	35	15
R-2	7,200 (c)	60 (c)	30	1,000 (u)(aa)	30	2	25 (c)	5	14	35	15
R-3	6,000 (d)	50 (d)	30	1,000 (u)(aa)	30	2	25 (d)	5	13	35	15
RM	(e)	80	50	(e)(v)(w)	40 (e)	3 (e)	25	5	16	35	25
RMD	(f)	(f)	No Max	(f)	50	3.5	0	(f)	(f)	0	10
C-O	6,000 (g)	60	No Max	N/A	40	3	0 (g)	(g)	(g)	0	0 (g)
C-G	6,000 (h)	60	No Max	(h)	30	2	0 (h)	(h)	(h)	0	10
CBD	No Min	No Min	No Max	(i)	50	3.5	0 (cc)	(i)	(i)	0	0
C-D	10,000	100	No Max	N/A	50	4	30	10	20	0	10
C-M	6,000	60	No Max	(j)	30	2	0	(j)	(j)	0	0
C-T	1,000	100	No Max	N/A	40	3	20	5	10	0	10
I-W	10,000	100	No Max	N/A	30 (k)	2	(k)	20	40	50	10
I-1	10,000	100	No Max	N/A	40 (l)	3	20	20	40	20 (x)	20
I-2	10,000	100	No Max	N/A	100 (m)	3	10	30	60	20 (x)	10
I-P	10,000	100	No Max	N/A	100 (n)	3	10	10	20	20	10
MU-1	4,000	40	No Max	N/A	50 (o)	3.5	0 (o)	(o)	(o)	0	0
MU-2	6,000	40	No Max	(p)	50	3.5	0 (o)	(p)	(p)	0	0 (p)
AP (cc)	45,000	100	No Max	N/A	(q)	3	40	20	40	50	40
B	No Min	No Min	10	N/A	40	3	10	10	20	35	10
L											
MHP	(r)	(r)	(r)	(r)	(r)	(r)	25	5	15	35	25
PROS	No Min	No Min	25	N/A	25	2	40	20	40	50	40
PUD											

- (a) See Section 2.02.C  
 (b) See Section 2.03.C  
 (c) See Section 2.04.C  
 (d) See Section 2.05.C  
 (e) See Section 2.06.C  
 (f) See Section 2.07.C  
 (g) See Section 2.08.C  
 (h) See Section 2.09.C  
 (i) See Section 2.10.C  
 (j) See Section 2.12.C  
 (k) See Section 2.14.C  
 (l) See Section 2.15.C  
 (m) See Section 2.16.C

- (n) See Section 217.C  
 (o) See Section 2.18.C  
 (p) See Section 2.19.C  
 (q) See Section 2.20.C  
 (r) See Section 2.23.H  
 (s) See Section 7 for the definition of “floor area” for areas in a dwelling unit which are not included in the calculation.  
 (t) Where the required off-street parking for an interior lot is provided by an attached garage or carport, or by an unattached garage or carport served by a drive from a contiguous alley, the sum of the two side yards may be equal to twice the width of the minimum side yard as herein given.

## SECTION 2: ZONING DISTRICTS

- (u) Single-family residences with basements/without basements shall have the following minimum amount of square feet per dwelling unit: 1,200 square feet/1,500 square feet in an R-1 District and 1,000 square feet/1,200 square feet in an R-2 and R-3 District.
- (v) Where multiple, row or terrace dwellings are permitted in an RM District, the following square feet of site area for each dwelling unit shall be required:
  - (1) Efficiency unit: 1,800 square feet.
  - (2) One-bedroom unit: 2,000 square feet.
  - (3) Each additional room (excluding kitchen, dining room and bathroom): 300 square feet.
- (w) For approved multiple, row or terrace dwellings in an RM District, a minimum of 600 square feet of floor area per dwelling unit is required. For efficiency apartments, the minimum floor space shall be 350 square feet. No more than 10% of the units in any development shall be efficiency units.
- (x) Rear yard requirements in I-1 and I-2 Districts may be waived by the Citizens Planning Commission where the property abuts a railroad if no useful purpose for the setback would be served.
- (y) When 50% or more of the frontage on the same side of the street within 300 feet of the proposed construction is built up with an average front yard less than that required herein, the existing average front yard so determined shall be the minimum front yard of any new construction.
- (z) A street side yard of a standard lot shall not be less than 15 feet in width, measured from the wall of the nearest building to the side street right-of-way line.
- (aa) The minimum floor area per dwelling unit for substandard lots under 50 feet in width in an R-1, R-2 and R-3 District shall be as follows:
  - (1) Ten-percent reduction in required floor area for lots with widths from 40 feet to 50 feet.
  - (2) Twenty-percent reduction in required floor area for lots with widths from 30 feet to 40 feet.
  - (3) Thirty-percent reduction in required floor area for lots under 30 feet.
- (aa) The total side yard setback shall be increased by one foot for each 10 feet in which the side building line is longer than 40 feet (e.g., for a building 42 feet long, the total side yard setback is increased by one foot).
- (bb) Buildings in a CBD District shall be built on the front lot line or at the average setback of adjacent buildings.
- (cc) The AP District has the following deviations:
  - (1) Height, lot coverage and setback: These regulations shall apply provided that they do not conflict with the regulations of the Federal Aviation Administration (FAA).
  - (2) Height: The height limitation may be waived by the Citizens Planning Commission during site plan approval for essential aviation structures, such as control towers and antennas, necessary for the safe operation of the airport.
  - (3) Setback: Parking lots can encroach into setbacks if up to a ten-foot-wide greenbelt is provided.

# 3

Section 3:  
**Definitions  
and Use Standards**

## SECTION 3: DEFINITIONS AND USE STANDARDS

### SECTION 3.01 INTENT

Each use listed in this section, whether permitted by right or subject to approval as a special land use, shall be subject to the supplemental regulations specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of a size or type, or that possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

### SECTION 3.02 ACCESSORY USE

See *Accessory Use*, Section 7.02, Definitions

### SECTION 3.03 ADULT FOSTER OR DAYCARE

See *Care Facilities*, Section 3.11

### SECTION 3.04 AIRPORTS

- A. **Definition:** Business establishments primarily engaged in (1) operating international, national, or civil airports, or public flying fields or (2) supporting airport operations, such as rental of hangar space, and providing baggage handling and/or cargo handling services.
- B. **Examples:**
1. Flying field operators
  2. Fixed base operators
  3. Maintenance services
- C. **Permitted Uses:**
1. Airport landing and takeoff areas, runways, taxiways, aircraft tie-down areas and helipads.
  2. Control towers, hangars, terminal buildings, office buildings, air traffic control and radio apparatus buildings and antennas, and similar airport-related facilities and structures.
  3. Aircraft repair and maintenance service, aircraft sales and rental, aircraft flight training and instruction, and sales and dispensing of aviation fuels and oils.

4. Accessory uses, buildings and structures customarily incident to permitted uses.

D. **Special Uses:**

1. Restaurants, bars, arcades, air freight companies, automobile rental services and retail and service businesses incidental to the operation of the airport.
2. Uses of the same nature or class as the majority of the uses listed in this district as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Citizens Planning Commission following a public hearing. The determination shall be based on the standards of Section 6.16.
3. Accessory uses, buildings and structures customarily incident to an approved special land use shall be included with the special land use permit.
4. The collection, use and storage of waste oil, waste petroleum products and/or hazardous materials require a separate special land use permit for each and any use, collection and/or storage.

- E. **Standards:** Shall meet any applicable local, State and Federal regulations.

### SECTION 3.05 AUTO REPAIR

- A. **Definition:** Major or minor repair of vehicles, defined as follows:
1. **Auto Repair, Minor.** A building or premises used primarily to provide general maintenance on automobiles, such as oil changes and lubrication; servicing and repair or replacement of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; detailing; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; and wheel alignment, balancing and undercoating, but excluding any major mechanical repairs, collision work or painting. An automobile maintenance establishment may also sell gasoline but is distinct from an automobile gasoline station (i.e., a gas station without repair).

2. **Auto Repair, Major.** An automotive repair establishment which may conduct activities defined herein as minor repairs and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles; major overhauling of engines requiring removal of the cylinder head or crankcase pan; recapping or retreading of tires, steam cleaning and similar activities.

**B. Examples:**

**Minor Repair:**

1. Oil change
2. Tire sales and installation
3. Exhaust system sales and installation
4. After-market stereo, remote starter installation

**Major Repair (Including minor repairs):**

1. Body shops
2. Engine repair / rebuild
3. Boat repair
4. Truck repair
5. Dealership prep for sale facility

**C. Standards:**

1. No servicing or repair of any vehicle shall be permitted unless said vehicle is parked within the building.
2. All equipment used in the servicing and repair of vehicles shall be located within an enclosed building.
3. Outside storage or parking of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted outside of areas specifically designated for said purpose on the site plan. Outdoor storage of damaged or inoperable vehicles shall be subject to all requirements for Outdoor storage. All other vehicles shall be parked in striped and approved parking spaces.
4. Building elevations shall be submitted illustrating the configuration and design of the exterior of the building. The locations of garage doors shall be clearly indicated. All garage doors shall be accessed by drive aisles that meet the dimensional standards of this Ordinance.

5. The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling/service operations, in order to protect surface water and groundwater quality.

**SECTION 3.06  
AUTO SALES**

- A. Definition:** The retail sales of new and used passenger automobiles, trucks, trailers, and other motor vehicles, such as motorcycles, motor homes, and snowmobiles.

**B. Examples:**

1. New car sales
2. Used car sales
3. Motor home sales
4. Motorcycle sales
5. Snowmobile or ATV sales
6. Boat or personal watercraft sales

**C. Standards:**

1. All display, parking, and auto circulation areas shall be paved with a hard surface, concrete or black top (bituminous) with appropriate bumper guards, curbing or other means approved by the Commission that separate said paved areas from landscape and lawn areas.
2. Outdoor display areas shall be located a minimum of ten (10) feet from the road right-of-way line. Display spaces shall be clearly delineated on the site plan. All display cars shall be parked in display spaces. No display cars may be parked in required parking spaces.
3. Auto repair facilities associated with auto sales facilities shall receive separate zoning approval from the City, and shall meet all relevant standards, including those in Section 3.05.
4. A permanent structure of at least five-hundred (500) square feet shall be provided on the lot to serve as offices for the auto sales use.

**SECTION 3.07  
AUTO/CAR WASH**

- A. Definition:** Business establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers.

## SECTION 3: DEFINITIONS AND USE STANDARDS

### B. Examples:

1. Detailing services (i.e., cleaning and polishing), automotive
2. Auto washes
3. Self-service vehicle washes
4. Mobile vehicle washes

### C. Standards:

1. All buildings shall have a front yard setback of not less than 40 feet.
2. All washing facilities shall be within a completely enclosed building.
3. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than 100 feet to any residential district. Noise from vacuuming or blow-drying equipment shall be controlled by appropriate enclosures, barrier walls, or fences as determined by the Citizens Planning Commission.
4. Auto/car washes shall have stacking space for at least five (5) cars provided on the site. The stacking space shall not block access to any parking spaces or the maneuvering lane.

### SECTION 3.08

## BANKS AND FINANCIAL INSTITUTIONS

- A. **Definition:** An establishment whose primary function is related to the custody, loan, exchange, issuances of money, extension of credit or transmission of funds such as banks, credit unions, financial institutions, or branch offices related to same.
- B. **Standards:**
1. Drive-thru ATMs may only be an accessory use to a principal banking or financial institution.
  2. See Section 3.16 for Drive-thru standards.

### SECTION 3.09

## BED-AND-BREAKFAST INNS

- A. **Definition:** A single-family dwelling which is owner occupied or maintained by a resident manager and provides, for compensation, eight or fewer sleeping rooms for transient guests for stays of short duration and which provides breakfast for its guests at no additional cost.

### B. Standards:

1. **Architectural Compatibility.** New structures shall be architecturally compatible with other homes in the immediate area and shall not adversely impact the current residential character of the area. Existing structures shall retain architectural compatibility with the neighborhood. The Citizens Planning Commission may refer Bed and Breakfast Inns to the Historic District Commission for design recommendation.
2. **Length of Stay.** The maximum length of stay for guests of a bed and breakfast shall be seven consecutive days.
3. **Inspections.** Building, fire, and health inspection approvals shall be required before an occupancy permit is issued.

### SECTION 3.10

## CAMPGROUNDS

- A. **Definition:** Recreation campgrounds are intended to provide sites for persons seeking a temporary location for vacation or recreation purposes with recreational units such as, but not limited to: tents, travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers.
- B. **Standards:**
1. Campgrounds shall further be subject to the following conditions:
    - a) The site shall have direct access to a major thoroughfare, as designated on the major thoroughfare plan, and with appropriate frontage thereon to provide for the design of entrances and exits.
    - b) Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
    - c) Uses such as, but not limited to, campground sites, management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, parking areas and other uses and structures customarily found incidental to this use, shall be permitted. Such uses shall be restricted in their use to occupants of the site.

- d) No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of one-story or fourteen (14) feet.
- e) Campgrounds shall be permitted only on parcels of twenty-five (25) acres or more.
- f) Each campground site shall have a minimum forty (40) foot road frontage and a minimum area of at least 2,400 square feet.
- g) No campground site shall be located closer than two-hundred (200) feet to the right-of-way line of a major thoroughfare and one-hundred (100) feet to the campground boundary when it abuts or is adjacent to a residential district. Where the campground abuts or is adjacent to a nonresidential district, no campground site shall be located closer than 35 feet.
- h) No service building or any other similar structure shall be located closer than two-hundred fifty (250) feet to a major thoroughfare or campground boundary.
- i) A greenbelt twenty (20) feet in width and six feet in height shall be located and continually maintained along all campground borders. Where the campground borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to provide privacy to occupants of the site and to visually shield the recreation vehicle campgrounds from surrounding property. Earthen berms are encouraged to be used to achieve this purpose.
- j) In addition to the green belt, a chainlink fence of not less than four (4) nor more than six and a half (6.5) feet in height shall be erected on the boundary line where any portion of the campgrounds abuts or is adjacent to a single-family residential district.
- k) All sanitary sewage and water facilities including connections provided to individual campground sites, shall meet the requirements of the City of Monroe Sewer and Water Departments and the Michigan State Health Department.
- l) Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the City.
- m) The campgrounds shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools.
- n) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
- o) The licensee shall provide a sufficient number of containers for the storage of garbage and other refuse, and provide for the transportation of garbage and refuse, not less than once each week at the licensee's own expense to a licensed sanitary landfill.
- p) All recreational campground developments shall further comply with Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121), et seq.), as amended.

### SECTION 3.11 CARE FACILITIES

Any building constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act).

#### Family Day Care Homes, Child and Adult (six (6) or fewer)

##### A. Definitions:

**Adult Family Day Care Home:** A private home in which six or fewer adults 18 years of age or older receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of "adult day care center."

**Child Family Day Care Home:** A state-licensed, owner-occupied private residence in which one but not more than six minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting 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 weeks in a calendar year.

##### B. Standards: Shall meet all state standards.



**Group Day Care Homes, Child and Adult (7-12)**

**A. Definitions:**

**Adult Group Day Care Home:** A private home in which seven but not more than 12 adults 18 years of age or older receive care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of “adult day care center.”

**Child Group Day Care Home:** A state-licensed, owner-occupied private residence in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting 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 weeks in a calendar year.

**B. Standards:**

1. Shall meet all state standards.
2. A site plan, prepared in accordance with Section 6, shall be submitted.
3. A group day care home shall not be located closer than 1,500 feet to any of the following:
  - a) Another licensed group day care home.
  - b) An adult foster care small group home or large group home licensed by the State of Michigan.
  - c) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed by the State of Michigan.
  - d) A community correction center, resident home, halfway home or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
4. Outdoor play areas of at least 3,000 square feet shall be securely fenced and screened, located in the side or rear yard, and shall be made and kept safe by the caregivers. This requirement may be waived by the Citizens Planning Commission if a public open space is within 500 feet of the subject parcel.
5. Maintenance of the property shall be consistent with the visible characteristics of the neighborhood.
6. Signage shall be allowed in accordance with the home occupation standards of Section 3.20.

7. Drop-offs and loading shall be arranged to allow maneuvers without affecting traffic flow on the public street.
8. Caregivers shall maintain control of noise to protect the surrounding neighborhood.
9. The facilities shall not exceed 16 hours of operation during a 24-hour period. Unless good cause is otherwise provided to the Citizens Planning Commission, a group day care’s hours of operation shall be between 6:00 a.m. and 10:00 p.m.

**Day Care Centers, Child and Adult (Non-residence)**

**A. Definitions:**

**Adult Day Care Center:** A facility, other than a private residence, receiving one or more persons, 18 years of age or older, for care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of “adult day care center.”

**Child Day Care Center:** Also known as “day care center,” a state-licensed facility, other than a private residence, receiving one or more minor children for care and supervision for periods less than 24 hours and where the parents or guardians are not immediately available to the child.

**B. Standards:**

1. Shall meet all state standards.
2. A site plan, prepared in accordance with Section 6, shall be submitted.
3. Outdoor play areas shall be required as follows:
  - a) For each person cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor recreation area.
  - b) The required outdoor play area shall have a total minimum area of not less than 3,000 square feet.
  - c) The outdoor play area shall be located in the side or rear yard, shall be fenced and shall be made and kept safe by the caregivers.

4. The facilities shall not exceed 16 hours of operation during a twenty-four-hour period. Unless good cause is otherwise provided to the Citizens Planning Commission, a day care facility's hours of operation shall be between 6:00 a.m. and 10:00 p.m.
5. Operator shall be licensed by the Michigan Department of Social Services.
6. A compliance permit shall be obtained from the Building Department before operation commences; compliance shall be continuous.
7. A child day care and adult day care center shall comply with all fire and traffic safety standards set by the Michigan Department of Social Services and the City of Monroe as determined by the Monroe Police and Fire Departments.
8. Caregivers shall maintain control of noise to protect the surrounding neighborhood.
9. All day care centers shall be currently registered with the 911 Dispatch Center on forms provided by said Center.
10. The license holder and all employees may be subject to a background check and approval by the Monroe Police Department.

### Foster Care, Adult and Child Family Homes

#### A. Definitions:

**Adult Foster Care Family Home:** A private residence with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week for two or more consecutive weeks for compensation. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**Child Foster Care Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage or who are not placed in the household pursuant to the Adoption Code, Chapter X of Act No. 288 of the Public Acts of 1939, being MCLA §§ 710.21 to 710.70, are given care and supervision 24 hours a day, four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

**Child Foster Care Family Group Home:** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care 24 hours a day, four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- B. **Standards:** Shall meet all state standards.

### Foster Care, Adult Group Homes

#### A. Definitions:

**Adult Foster Care Small Group Home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.

**Adult Foster Care Large Group Home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.

#### B. Standards:

1. Shall meet all state standards.
2. A site plan, prepared in accordance with Section 6, shall be submitted.
3. A minimum outdoor area of 500 square feet shall be provided on the same premises as the facility. This open space shall be securely fenced and screened, located in the side or rear yard, and shall be made and kept safe by the caregivers.
4. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
5. One parking space per employee and/or caregiver at the peak shift shall be provided.
6. Appropriate licenses with the State of Michigan shall be maintained.
7. The property and facilities shall be so constructed, arranged, and maintained as to provide for the health, safety, and welfare of all occupants.
8. A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
9. Signage shall be allowed in accordance with home occupation standards of Section 3.20.

## SECTION 3: DEFINITIONS AND USE STANDARDS

### Foster Care, Adult Congregate Facility

#### A. Definitions:

**Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week for two or more consecutive weeks for compensation.

#### B. Standards:

1. Shall meet all state standards.
2. A site plan, prepared in accordance with Section 6, shall be submitted.
3. Parking requirements as required for convalescent homes and similar facilities set forth in Section 2 shall be met.
4. All landscape requirements set forth in Section 5.18 shall be met.
5. Appropriate licenses with the State of Michigan shall be maintained.

### SECTION 3.12 CEMETERIES

A. **Definition:** Operating or historical sites or structures reserved for the interment of remains and/or cremating the dead.

#### B. Examples:

1. Cemeteries
2. Cemetery Associations
3. Cemetery Management Services
4. Cemetery Subdivisions
5. Columbariums
6. Crematoriums
7. Mausoleums

C. **Standards:** The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. **Licensing.** All operating cemeteries shall meet all state regulations.
2. **Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

3. **Accessory Buildings.** All buildings shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review. All accessory buildings shall meet the required setbacks for accessory structures in the district the cemetery is located within.

### SECTION 3.13 COMMUNITY GARDENS

A. **Definition:** Land that is gardened by a group of individuals sharing responsibilities for the site either independently or under the auspices of a public or nonprofit organization.

#### B. Example:

1. Public sponsored
2. Nonprofit sponsored

#### C. Standards:

1. Operation shall be dawn to dusk.
2. One non-illuminated, identification sign, which shall include information regarding the sponsor.
3. Site sketch shall be submitted as part of the special use application.
4. Water source shall be identified. Irrigation runoff shall not adversely impact adjacent properties.
5. Parking shall be addressed as part of the special use application. However, under no circumstances shall the parking of motorized vehicles, campers/trailers, and similar equipment be permitted on-site.
6. One garden or tool shed, not exceeding sixty-four (64) square feet, may be permitted. Upon termination of community garden shed shall be removed.
7. Properties and gardens shall be properly maintained.
8. At the end of growing season, all garden beds shall be cleared and cultivated, as appropriate.
9. Fences may be allowed provided they meet the following standards:
  - a) The owner of the property, garden group, petitioner, or gardener shall obtain any and all permits prior to the placement and/or construction of any fencing.
  - b) A complete site design and fence detail shall be provided to the Community Development Department at the time a permit is requested.

- c) Fences up to 4 feet tall are permitted, but not required.
- d) The owner of the property, garden group, petitioner or gardener supplies the materials and labor.
- e) Any fencing shall meet all setback requirements of the zoning district in which it is located.
- f) Fences shall be constructed of wood, chain link, vinyl or ornamental metal.
- g) For safety reasons, all posts shall have an appropriate and acceptable cap or cover.
- h) Alternate fencing materials may be permitted after review by the Community Development Department.
- i) Upon termination of community garden fence shall be removed.

## SECTION 3.14

## DISTRIBUTION AND LOGISTICS FACILITIES

- A. **Definition:** A warehouse or other specialized building, often with refrigeration and/or air-conditioning, which is stocked with products or goods to be redistributed to wholesalers, retailers, or directly to consumers.
- B. **Examples:**
  - 1. Transportation and shipment centers for goods and materials
  - 2. Manufacturing facilities for management and handling of products
  - 3. Inventory management facilities
  - 4. Distribution network
  - 5. Warehouse used for cold storage
- C. **Standards:** Overhead doors shall face away from residential areas unless screened by a wall of at least 6 feet high or trees and shrubs planted along adjoining residential areas to provide similar appropriate screening.

## SECTION 3.15

## DONATIONS BINS

- A. **Definition:** Storage containers or bins used to temporarily collect and hold donated items and goods. Bins may be constructed from a variety of materials and are typically located on a commercial parcel or in a parking lot.

B. **Examples:**

- 1. Clothing
- 2. Footwear
- 3. Household goods
- 4. Appliances

C. **Standards:** Bins shall not be placed on any property without express written permission from the property owner and after receiving approval and a permit (sticker) from the city.

- 1. Bins shall only be allowed in the C-G, C-T, and C-D zoning districts.
- 2. There shall be not more than two bins per property.
- 3. Bins shall not be located adjacent to any public rights-of-way, public sidewalks, or greenways, to the maximum extent practicable.
- 4. Bins shall not be located within required parking spaces or landscape areas.
- 5. Each bin shall be placed on a paved, hard surface and not to exceed eight feet wide by five feet long and in a manner that is publicly accessible.
- 6. Bins shall not be located closer than 25 feet from the front or side street property line.
- 7. Except for a secure safety chute in which donations are deposited, bins shall remain locked at all times to prevent access by animals or unauthorized persons.
- 8. Bins shall be emptied and refuse around them collected and removed promptly.
- 9. Bin operator and property owner on which bins are located shall have two business days after receipt of a notice from the City to correct any violations of this section.
- 10. Applicant for a bin shall:
  - a) Provide a plan detailing:
    - i. The access route of the vehicle used to unload the contents of the bin.
    - ii. The dedicated parking space used for patrons to unload donations.
  - b) Provide a schedule for normal pick up of donations.
  - c) Provide written permission from the property owner, owner's agent or an officer, director, member, or manager of an entity owning the property.

### SECTION 3: DEFINITIONS AND USE STANDARDS

- d) File an application with the City each year. The filing of an application does not designate approval of a bin. Approval of a bin is only granted after an application is submitted, reviewed, and stamped “approved” by the Community Development Department of the City if all requirements are met. Upon approval of an application the applicant will receive a sticker from the City to be placed in the appropriate location on the bin.

#### 11. **Aesthetic Standards:**

- a) Bins shall not exceed six and one half feet in height.
- b) Bins shall be constructed of a durable material, such as metal, UV-resistant molded hard plastic or fiberglass material.
- c) Bins shall prominently display the name, address, and telephone number of the owner/operator of the bin in characters no less than one half inch in height and not greater than six inches in height.
- d) Bins shall at all times be maintained in good repair, and clean condition, and shall remain free of graffiti, or other markings.
- e) Bins shall not be utilized for the display of any advertising, signage or promotional materials other than the information of the owner/operator/charitable organization of the bin as stated in subsection 11c above.

#### 12. **Fee Required per Bin:**

- a) Initial application (one year period) and renewal as determined by a resolution from City Council.

### SECTION 3.16 DRIVE-THRU

- A. **Definition:** A window in the principal structure designed to serve customers while in their vehicles and utilizing a defined drive or lane.
- B. **Examples:**
  - 1. Fast food restaurants
  - 2. Banks
  - 3. Pharmacies
- C. **Standards:** The following regulations shall apply to businesses with drive-thru service.

- 1. **Location of Driveways.** Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).
- 2. **Control of Sound Level.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- 3. **Connectivity.** Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- 4. **Stacking Lanes.** For drive-thru windows, at least one separate stacking lane shall be provided to accommodate a minimum of seven (7) cars. The Planning Commission may alter this standard if the applicant can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area. All stacking lanes shall be a minimum of ten (10) ft. wide and shall be positioned in such a manner that stacking will not interfere with normal vehicular on-site traffic, off-site traffic and entering or exiting traffic.

### SECTION 3.17 GAS STATIONS

- A. **Definition:** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Filling stations may also incorporate other uses, such as a convenience store, provided they are clearly incidental to the filling station use, but no auto repairs shall be permitted.
- B. **Examples:**

Gas stations:

  - 1. Without auto repair
  - 2. With convenience stores
  - 3. With truck parking, excluding overnight
  - 4. With fast food restaurants
- C. **Standards:**
  - 1. The curb cuts for ingress and egress to a gas station shall not be permitted at such locations that shall create traffic hazards on the streets immediately adjacent.

2. Entrances shall be no less than twenty (25) feet from a street intersection (measured from the road right-of-way) or from an adjacent residential property line and shall be consistent with the access management plan.
3. All driveways providing ingress to or egress from a gas station shall not be more than thirty (30) feet wide at the property line. No more than one curb opening shall be permitted for each one-hundred fifty (150) feet of frontage or major fraction thereof along any street.
4. Pump islands shall be a minimum of twenty (25) feet from any public right-of-way or lot line and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while fueling.
5. Overhead canopies shall meet the following standards:
  - a) Edge of canopy shall be set back at least fifteen (15) feet from the public right-of-way and all other lot lines.
  - b) Lighting on or within the canopy shall comply with the requirements of this ordinance.
  - c) Signage on canopies shall comply with the Sign Ordinance.
  - d) The canopies shall be designed within a minimum height of twelve (12) feet and a maximum height of twenty (20) feet, and the building design, including finished construction, shall be related to or directly match the finish building materials and architectural style of the main building.
6. The exterior of the main building shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry-finished building materials in addition to glass and metal.
7. Retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall not be displayed or sold outside unless approved by the Citizens Planning Commission or Administrative Site Plan Review Committee.
8. The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling/service operations, in order to protect surface water and groundwater quality.
9. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, greenbelts and/or traffic islands.
10. All accessory uses (retail, restaurants, auto wash, etc.) shall be clearly incidental to the gas station use.

### SECTION 3.18 GOLF COURSES/DRIVING RANGE

- A. **Definition:** Establishments primarily engaged in the operation of golf courses (except miniature) along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf lessons and instruction.
- B. **Examples:**
  1. Public and private golf courses
  2. Country clubs with associated recreational activities
- C. **Standards:**
  1. Any accessory driving range shall be at least 200 feet from any residential building.
  2. Any maintenance buildings, cart storage buildings, or outdoor storage areas shall be set back at least two-hundred (200) feet from the property line of any abutting residential lot.
  3. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets to demonstrate that the design will comply with accepted design practices and ensure public safety to a reasonable degree.
  4. Site size shall be sufficient to retain errant balls within the site. The maximum height of any approved netting shall be fifty (50) feet, set back at least sixty (60) feet from a property line.
  5. The Citizens Planning Commission may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning. A lighted driving range is prohibited if the site abuts land used, or expected to be used, for residential development.

## SECTION 3: DEFINITIONS AND USE STANDARDS

### SECTION 3.19

## GOVERNMENT BUILDINGS

- A. **Definition:** Principal structures dedicated to government operations, which may include public access. For the purposes of this ordinance, government or public buildings shall include libraries, museums, municipal offices, county, state, or federal offices, police and fire stations, and other similar uses.
- B. **Examples:**
1. Public works buildings
  2. Municipal buildings
  3. City Halls
  4. Police stations
  5. Fire stations
- C. **Standards:** None

## HISTORIC SITES

See *Public Parks/Historic Sites*, Section 3.41

### SECTION 3.20

## HOME OCCUPATIONS

- A. **Definition:** An occupation, profession, activity, or use by a resident that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- B. **Examples:**
1. Hairdressing
  2. Tailoring, sewing and alterations
  3. Bookkeeping and accounting services
  4. Real estate and insurance sales
  5. Home office of a professional
  6. Arts and crafts
  7. Pottery making
  8. Antique collection
  9. Music, dance and art lesson
  10. Computer services (not including sales)
  11. Tutoring services
- C. **Standards:** Home occupations shall be permitted in detached single-family homes in all residential districts.
1. Only one home occupation per residence shall be allowed.
  2. The nonresidential use shall be incidental to the primary residential use.
  3. The home occupation shall not involve any employee who does not reside at the home.
  4. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
  5. The home occupation shall not involve deliveries by trucks greater than 25 feet in length.
  6. The home occupation shall not involve any outdoor activities or occupy any accessory building.
  7. The home occupation shall not occupy more than 25% of the first floor of the home in which it is located.
  8. Client traffic shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Deliveries shall be restricted to the hours of 8:00 a.m. to 5:00 p.m.
  9. The home occupation shall provide a minimum of three parking spaces on site. Parking spaces shall have an all-weather surface and be located in the driveway or rear yard. Parking areas shall be screened if located in the rear yard.
  10. The exterior appearance of the structure shall not be altered, nor shall the occupation within the residence to be conducted in a manner as to detract from the residential character or context of the neighborhood.
  11. No storage or display of goods within the dwelling unit shall be visible from outside the dwelling unit.
  12. The home occupation may have a sign with a maximum sign area of two square feet. Signs shall only have one side and shall be attached to the home.
  13. The home occupation shall not involve the storage of potentially hazardous or inflammable materials having the characteristics of ignitibility, corrosivity, reactivity or toxicity.
  14. Noise emanating directly as a result of the home occupation shall not exceed the applicable noise levels contained in Chapter 451, Noise, of the Code of the City of Monroe or Section 5.23.

### SECTION 3.21 HOSPITALS

- A. **Definition:** A facility for inpatient care and services for observation, diagnosis and active treatment of patients with a medical, surgical, obstetric or chronic condition requiring daily care and supervision by physicians and by a professional medical support staff. Hospitals may include twenty-four-hour emergency care services, inpatient/outpatient diagnostic and therapeutic services and medical clinics.
- B. **Examples:**
1. General medical and surgical hospitals
  2. Children's hospitals, general
  3. Specialty hospitals and clinics
- C. **Standards:**
1. Helipads shall be set back at least 100 feet from residential uses, and shall meet all state and federal regulations.
  2. Emergency rooms and ambulance bays shall be set back 200 feet from residential uses.

### SECTION 3.22 HOTELS

- A. **Definition:** A building or group of buildings with a common entrance or entrances containing rooms designed to provide transient lodging for compensation for periods of 30 days or less, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and/or bellhop service. A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room.
- B. **Examples:**
1. Hotels
  2. Motels
  3. Summer resort hotels
  4. Tourist lodges and resorts
- C. **Standards:** Shall meet any applicable local, State and Federal regulations.

### SECTION 3.23 INDOOR RECREATIONAL FACILITIES

- A. **Definition:** A facility located within an enclosed structure, which may be public or private and provide a variety of recreational, sports, or leisure activities. The facility may operate year round and include accessory uses, such as refreshment facilities, retail shops selling items related to the principal use, locker rooms, restrooms, administrative office, maintenance and storage facilities, spectator seating, and service areas.
- B. **Examples:**
1. Community centers
  2. Arcades
  3. Bowling alleys
  4. Laser tag
  5. Fitness centers
  6. Gymnasiums
  7. Billiard halls
  8. Archery and shooting ranges
  9. Swimming pools
  10. Tennis courts
  11. Skating rinks
  12. Driving ranges
- C. **Standards:** Shall meet any applicable local, State and Federal regulations.

### SECTION 3.24 LIBRARIES

- A. **Definition:** Establishments that store, record, and organize books or information for recreational or professional uses.
- B. **Examples:**
1. Municipal libraries
  2. Private libraries
  3. Public libraries
- C. **Standards:** Shall meet any applicable local, State and Federal regulations.



## SECTION 3: DEFINITIONS AND USE STANDARDS

### SECTION 3.25 MARINA

- A. **Definition:** A facility designed to accommodate recreational and commercial boating along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and waterfront recreational development.
- B. **Examples:**
1. Public marina
  2. Private marina
- C. **Standards:** The following shall be permitted per special use approval when established in conjunction with a marina operation.
1. Private / Public boat docks
  2. Private / Public launching ramps
  3. Boat fuel stations
  4. Winter storage

It being the specific intent that these uses shall not be permitted as an individual or freestanding use, and subject to site plan review by the Citizens Planning Commission at a duly advertised public hearing.

### SECTION 3.26 MANUFACTURING FACILITIES

- A. **Definitions:** The use of land, buildings or structures for the principal purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, fabricating or adapting for sale any goods, substances, articles, or other products. Manufacturing may be classified as: Light, General or Port Industrial depending upon the processes used.
- B. **Examples:**
1. Processing
  2. Fabrication
  3. Assembly
  4. Treatment
  5. Packaging
  6. Stamping
  7. Sales and distribution of such products
  8. Incidental storage
- C. **Standards:** Shall meet any applicable local, State and Federal regulations.

### SECTION 3.27 MEDICAL CLINICS

- A. **Definition:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, and other medical personnel, psychologists, or social workers; and where patients are not usually lodged overnight.
- Urgent care is a category of medical clinic focused on the delivery of ambulatory care in a dedicated medical facility outside of a traditional emergency department (emergency room). Urgent care centers primarily treat injuries or illnesses requiring immediate care, but not serious enough to require an emergency department (ED) visit.

### SECTION 3.28 MIXED USE BUILDINGS

- A. **Definition:** A building or structure that includes residential, as well as non-residential uses.
- B. **Examples:**
1. Residential / Commercial
  2. Residential / Office
  3. Residential / Retail
  4. Residential / Restaurant
- C. **Standards:** In buildings with mixed uses, the following conditions shall apply:
1. No dwelling unit shall occupy any portion of the first floor of a building located in the Central Business District (CBD).
  2. Shall meet any applicable local, State and Federal regulations.

### SECTION 3.29 MOBILE/MANUFACTURED DWELLINGS

Mobile/manufactured dwellings shall comply with the following:

1. New units must be certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development, as amended; or any similar successor or replacement standards which may be promulgated.

2. Pre-owned units must be certified by the manufacturer and/or appropriate inspection agency and found, on inspection by the Zoning Administrator or his or her designee, to be in excellent condition and safe and fit for residential occupancy.
3. Mobile/manufactured dwelling units shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with adopted building code. All attached wheels and exposed towing mechanisms, undercarriage or chassis must be removed. The foundation shall fully enclose the area below floor assembly.
4. Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code.

### SECTION 3.30 MULTIPLE-FAMILY DWELLINGS

- A. **Definition:** A building designed exclusively for and containing two or more dwelling units.
- B. **Examples:**
  1. Apartment buildings
  2. Condominiums
  3. Duplexes / Triplexes
  4. Multiple residential units in same building as non-residential uses.
- C. **Accessory Uses:** Community, maintenance, or recreational facilities, administrative offices and amenities provided to serve the residents of the complex, such as swimming pools, sports facilities, playgrounds and clubhouses.
- D. **Standards:**
  1. **Permitted Density and Unit Size.** There shall be no maximum density, provided that all dimensional and non-dimensional requirements are met, including a minimum of five-hundred (500) square feet of living space plus two-hundred (200) square feet per bedroom. Efficiency units shall be a minimum of five-hundred (500) square feet in area.
  2. **Building Length.** Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together.

3. **Setback.** Structures shall meet all setback requirements for the district in which they are located.

### SECTION 3.31 MUSIC/ DANCE/ MARTIAL ARTS STUDIOS

- A. **Definition:** Establishments primarily engaged in offering instruction in the arts, including dance, theater/drama, music/voice/singing and martial arts.
- B. **Examples:**
  1. Dance studios
  2. Martial arts studios
  3. Singing / Voice studios
  4. Theaters for performing arts
- C. **Standards:** None

### SECTION 3.32 NURSING, CONVALESCENT, AND PHYSICAL REHABILITATION FACILITIES

- A. **Definition:** A state-licensed facility for the care of the aged, infirm or those who need a wide range of health and support services, wherein residents are housed and provided with personal nursing care and/or physical rehabilitation.
- B. **Examples:**
  1. Homes for the aged with nursing care
  2. Hospices, inpatient care
  3. Rest homes with nursing care
  4. Retirement homes with nursing care
  5. Skilled nursing facility
  6. Physical rehabilitation, convalescent, and similar facilities
- C. **Standards:**
  1. **Frontage and Access.** Such uses shall front onto a paved street or thoroughfare.
  2. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of seventy-five (75) feet from all property lines.
  3. **State and Federal Regulations.** All of such facilities shall be constructed, maintained and operated in conformance with applicable state and federal laws.

## SECTION 3: DEFINITIONS AND USE STANDARDS

### SECTION 3.33

#### OFFICES (BUSINESS AND MEDICAL)

- A. **Definition:** A room, suite of rooms, or building for business or medical uses.
- B. **Examples:**
1. Financial
  2. Legal
  3. Insurance
  4. Medical
  5. Political
- C. **Standards:** Shall meet any applicable local, State and Federal regulations.

### SECTION 3.34

#### OUTDOOR PROCESSES, OTHER THAN LOADING TRUCKS

- A. **Definition:** Industrial activities that take place outside an enclosed structure, other than the loading and unloading of vehicles.
- B. **Examples:** Includes, but not limited to:
1. Outdoor vehicle repair
  2. Outdoor manufacturing
  3. Outdoor pallet racking
- C. **Standards:** Standards may be imposed by the Citizen's Planning Commission (CPC) on a case-by-case basis through the Special Use process.

### SECTION 3.35

#### OUTDOOR SALES

- A. **Definition:** Outdoor display and sale of products.
- B. **Examples:**
1. Auto sales (car dealerships)
  2. Outdoor garden/landscape supplies
  3. Accessory sales outside of a permitted retail facility (with CPC approval).
- C. **Standards:**
1. Site Plan approval shall be required.
  2. The storage or display areas shall not be permitted in the front yard setback and shall meet all requirements applicable to the zoning district.

3. All outdoor sales and display areas shall be paved and include an approved stormwater drainage system.
4. The outdoor sales area shall not impede the use of parking spaces, drive aisles, or pedestrian access.
5. All loading activities and parking areas, except in CBD, shall be on the premises.
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
7. The site shall include a principal building of at least 500 feet of gross floor area (excluding approved Temporary Uses).

### SECTION 3.36

#### OUTDOOR STORAGE FACILITIES

- A. **Definition:** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles, recycle or scrap materials, and other supplies.
- B. **Examples:**
1. Industrial storage
  2. Storage accessory to a permitted retail use
  3. Vehicle tow yards
- C. **Standards:**
1. Outdoor storage shall be screened on all sides by a solid wall or fence (height to be determined by the Citizens Planning Commission). When the facility abuts a street the fence or wall shall be setback at least eight feet and a planting strip provided on the street side of the fence. (See landscaping requirements for the zoning district.)
  2. A driveway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free and full access for fire trucks and emergency vehicles.
  3. All materials stored higher than 8 feet shall require special use approval. The applicant shall propose screening consisting of fencing, walls, berms, landscaping, or a combination thereof, as determined by the Citizens Planning Commission.
  4. Outdoor storage may be permitted as an accessory to permitted uses.

5. All stored vehicles shall be duly licensed pursuant to the applicable statute and shall not be wrecked, disabled, abandoned, worn out, junked or incapable of operating.

### SECTION 3.37 PARKING GARAGES

- A. **Definition:** A structure designed for the short-term parking of automobile vehicles, which may contain a booth, office, or similar ancillary space; and may be part of an office, commercial or mixed use development.
- B. **Examples:**
  1. Stand-alone parking garages
  2. Parking garage as an accessory to a principal use
- C. **Standards:** In the CBD, MU-1, and MU-2 districts, all parking garage frontages that abut a public street shall have space for an active, non-parking use on the first floor, including retail, office, or a public use.

### SECTION 3.38 PARKING LOT WITH NO PRINCIPAL STRUCTURE OR USE

- A. **Definition:** A parcel of land used exclusively for the parking of motor vehicles, which may contain a booth, gate or similar amenities. (Does not include accessory parking lots.)
- B. **Examples:**
  1. Downtown parking lots
  2. Surface parking lots
- C. **Standards:**
  1. Shall meet all landscaping requirements for parking lots in the district in which the lot is located.
  2. In CBD, MU-1, and MU-2 districts, lots shall have a three-foot high decorative screening wall along all adjacent sidewalks.
  3. In CBD, MU-1, and MU-2 districts, lots shall have at least one pedestrian entrance along all road frontages. The pedestrian entrance may be adjacent to the vehicle entrance if approved by the Citizens Planning Commission, however, the requirement to have an entrance on all frontages shall not be waived.

### SECTION 3.39 PERSONAL SERVICES

- A. **Definition:** A business where personal services are provided for profit and where the sale of goods is only accessory to the provision of such services, including but not limited to the following: barbershops, beauty shops, tailor shops, laundry or dry-cleaning shops, and shoe repair shops, licensed by the State of Michigan where applicable.
- B. **Examples:**
  1. Barbershops / Beauty salons
  2. Massage parlors / Wellness facilities / Spas
  3. Pet Grooming
  4. Small Appliance / Electronic repair
- C. **Standards:** None

### POLICE/FIRE STATIONS

(See *Government Building*, Section 3.19)

### SECTION 3.40 POWER PLANTS

- A. **Definition:** A facility, other than a wind or solar operation, for generating electricity for provision to the general power grid. Solar energy facilities are regulated in Section 3.50. Wind energy facilities are regulated in Section 3.57.
- B. **Examples:**
  1. Fossil fuel
  2. Hydroelectric
  3. Nuclear
  4. Natural gas
- C. **Standards:** The Citizens Planning Commission shall review the application during the special use process. All State and Federal requirements shall be met.

## SECTION 3: DEFINITIONS AND USE STANDARDS

### SECTION 3.41

#### PUBLIC PARKS/HISTORIC SITES

- A. **Definition:** A site open to the general public and used for outdoor recreation, education, events, and general gathering.
- B. **Examples:**
1. Conservation areas
  2. Parks
  3. Nature reserves
  4. Preserved sites of historic events
  5. Plazas
- C. **Standards:** None

### SECTION 3.42

#### RELIGIOUS INSTITUTIONS

- A. **Definition:** Any structure primarily and regularly used for religious assembly and/or activity. Accessory uses and structures commonly associated with religious institutions may include: parsonages, convents, and similar living arrangements; assembly halls, kitchens, food pantries, and similar food preparation facilities; and daycare, classrooms, gyms, and playgrounds.
- B. **Examples:**
1. Churches
  2. Mosques
  3. Synagogues
  4. Shrines
  5. Other places of worship
- C. **Standards:**
1. **Maximum Height.** Steeples, minarets, and similar structures may exceed the maximum height standard for the district in which they are located. (See Section 5.17.)
  2. **Accessory Uses.** The uses listed in the definition above shall be permitted as accessory to any religious institution.

### SECTION 3.43

#### RESEARCH AND DEVELOPMENT CENTERS

- A. **Definition:** Establishments primarily engaged in conducting research and development related to industry.

B. **Examples:**

1. Environmental
2. Automotive
3. Medical
4. General business and industry

C. **Standards:** None

### SECTION 3.44

#### RESTAURANTS AND BARS

- A. **Definition:** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a carry-out, drive-in, drive-thru, fast-food, or standard restaurant or bar/lounge/tavern, or a combination thereof. (Further defined in Section 7, Definitions.)

B. **Examples:**

1. Restaurants
2. Micro-Breweries and distilleries
3. Bars, pubs, and lounges
4. Carryout restaurants
5. Sandwich shops
6. Wineries, cideries, tasting rooms, and similar uses

C. **Standards:**

1. See Section 3.16 for Drive-Thrus.
2. See Section 5.26 for Outdoor Dining.
3. Shall meet any applicable local, State and Federal regulations.

### SECTION 3.45

#### RETAIL

- A. **Definition:** A use occurring primarily in a building in which merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such use, building or store.

B. **Examples:**

1. Specialty sales
2. Clothing stores
3. Shoe stores
4. Hardware stores
5. Grocery stores
6. Sporting goods/hobby stores

C. **Standards:** None

## SECTION 3.46

**SALVAGE / SCRAP / JUNK YARDS**

A. **Intent:** It is in the public interest to regulate the establishment, operation and maintenance of salvage / scrap / junk yards, in order to promote the public health, safety and welfare of the City. This section is specifically designed to:

1. Ensure compatibility (location, size and character) with adjacent uses of land;
2. Prevent negative impacts on existing adjacent properties and other uses reasonably anticipated in the future;
3. Protect the character and quality of residential districts;
4. Protect land values;
5. Provide safety;
6. Maintain salvage / scrap / junk yards activity within the site and off public right-of-ways;
7. Limit negative impacts to the site from activities associated with salvage / scrap / junk yards; and
8. Protect the natural environment.

B. Given the intensive and external impacts of salvage yards, the following conditions are required to ensure the establishment, operation, and maintenance of salvage / scrap / junk yards is sensitive to the community:

1. **Site Requirements.**

- a) Salvage / scrap / junk yards shall not be located within five-hundred (500) feet of any residential district.
- b) All ingress or egress shall be limited to one entrance onto a major thoroughfare. The Planning Commission may approve access to a local road if the Commission finds that such an access point will further minimize impacts on other properties.
- c) On lots where a salvage/scrap/junk yard operates, all roads, driveways, parking lots, and loading and unloading areas shall be paved, so as to limit the nuisance caused by wind-borne dust on adjoining lots and roads. All such access areas shall be at least twelve (12) feet wide to allow for emergency vehicle access.
- d) Adequate stacking space shall be provided on the site so that vehicles are not waiting on public right-of-way or street to enter.

2. **Buffering Requirements.**

- a) All materials and buildings shall be enclosed within a solid, unpierced fence or wall at least eight (8) feet and not more than twelve (12) feet in height. The enclosure shall remain neat in appearance, with no signs or symbols painted on it. All gates, doors and access ways through the enclosure shall be of solid, unpierced materials.
- b) All handling and processing of salvaged materials shall be kept within the enclosed area.
- c) Storage of materials shall be in such a manner that they will not exceed the height of the fence (excluding movable equipment within the enclosed lot).
- d) A greenbelt is required, per standards found in appropriate zoning district.

3. **Performance Standards.**

- a) The operator(s) shall be licensed by the City for scrap processors per Section 564-1 of the Ordinance of the City of Monroe, if applicable.
- b) If the site is designed to accept motor vehicles, the operator(s) shall be licensed by the Michigan Department of State to sell used vehicle parts or tow nonoperational vehicles.
- c) The operator(s) shall have a Michigan sales tax license.
- d) The operation shall be in accordance with the Nonferrous Metal Regulatory Act (2008 PA 429), as amended.
- e) The operation shall follow secondary containment procedures for any materials listed on the Michigan Critical Materials Register and submit a pollution incident protection plan with the appropriate State department, if applicable.
- f) Operations within a designated floodplain area must meet the requirements in Section 5.14, Flood Plain Regulations.
- g) Open burning is prohibited.
- h) All operations must conform to airborne and other waste emission requirements per Section 5.05; the hazardous substances and other waste requirements per Section 5.16; fire hazard standards per Section 5.13; and enclosure of hazards and nuisances per Section 5.10.

### SECTION 3: DEFINITIONS AND USE STANDARDS

- i) All fluids shall be drained from motor vehicles or vehicle parts within three (3) days after they are brought on any salvage / scrap / junk yards with fluids to be disposed of in compliance with all applicable laws.
  - j) Hours of operation shall be restricted to Monday thru Friday, 7:00 a.m. to 7:00 p.m., Saturday 8:00 a.m. to 5:00 p.m. and closed on Sunday and all federally recognized holidays.
  - k) Noise levels at the property line must comply with standards, per Section 451-18 of the Code of the City of Monroe; not to exceed 85 decibels from November 1 to April 30 and 80 decibels from May 1 to October 31 within the industrial district. Salvage / scrap / junk yards operations shall not create noise levels which exceed limitations for adjoining residential or commercial districts.
  - l) Stormwater inlets must be protected from sedimentation due to runoff.
  - m) The salvage/scrap/junk yard shall be designed and operated to meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards.
  - n) The operation shall comply with the Control of Junkyards Adjacent to Highways Act (PA 2019 of 1966).
4. **Nonconforming Salvage/Scrap/Junk Yards.**
- a) Any salvage/scrap/junk yard in business at the time of enactment of this section shall be allowed to continue operations on the parcel of land, or portion thereof, where it is presently located except in the following situations:
    - i. Ceases to operate for one year or more;
    - ii. Expands operations; or
    - iii. Relocates to different parcel of land that is not identified as legally nonconforming.

#### SECTION 3.47 SCHOOLS (K-12)

- A. **Definition:** An educational institution serving students in any combination of grades between kindergarten and high school. The institution may be public, private, charter, or any other similar type of school or educational facility that would fall under the common definition of “K-12 Schools.”

#### B. **Examples:**

1. Elementary schools
2. Middle schools
3. High schools

#### C. **Standards:**

1. Shall be designed to prevent negative impact to surrounding areas, including traffic noise, glare, and large gatherings of people.
2. Shall meet any applicable local, State and Federal regulations.

#### SECTION 3.48 SENIOR LIVING FACILITIES

- A. **Definition:** Housing constructed for the exclusive use of an individual 55 years of age or older or for a couple of which at least one of the individuals is over the age of 55. Senior living facilities may include personalized levels of care, but does not include adult foster care facilities, nursing, convalescent or physical rehabilitation facilities.

#### B. **Examples:**

1. Independent senior living facilities
2. Senior apartments
3. Semi-independent care facilities

- C. **Standards:** Shall meet any applicable local, State and Federal regulations.

#### SECTION 3.49 SINGLE-FAMILY DWELLINGS

- A. **Definition:** A detached residential dwelling designed for and used exclusively by one family.

#### B. **Examples:**

1. Platted subdivisions
2. Site condominiums
3. French claims

- C. **Standards:** None

#### SECTION 3.50 SOLAR ENERGY SYSTEMS (SMALL OR LARGE)

- A. **Definition:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy. Additionally:

1. A “solar energy system,” in the context of this ordinance, means the solar collectors and associated technology needed to harness the solar energy and make it usable.
2. A “solar panel” is a flat panel or other building material or system that converts solar radiation into usable energy and other active or passive building elements, components, or assemblies.
3. A “small solar energy system” is defined as producing 10kW or less.
4. A “large solar energy system” is defined as producing greater than 10kW.

**B. Examples:**

1. Solar panels
2. Water heating panels
3. Air heating panels
4. Photo-voltaic panels

**C. Standards:**

**1. Ground-Mounted Solar Energy Systems:**

- a) Ground mounted solar energy systems may be approved by Special Use in any zoning district.
- b) Solar energy systems shall meet the minimum front, side and rear yard setbacks for accessory structures within the zoning district.
- c) The height of the solar energy system and any mounts shall not exceed the maximum height allowed for accessory structures in the zoning district.
- d) Landscaping shall be provided to screen the solar energy system racking / framework from adjacent properties.
- e) Permits shall be required for installation of all solar energy systems.
- f) Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district in which they are located.

**2. Roof Mounted Solar Energy Systems:**

- a) Roof mounted solar energy systems may be approved by Special Use in any zoning district.
- b) Roof mounted systems shall not extend more than four (4) feet above the roofline. In no case shall a Solar energy systems protrude beyond the edge of the roof.
- c) Permits shall be required for installation of all solar energy systems.

3. **Batteries.** When solar storage batteries are included as part of the solar collector system, they shall be placed in a secure container or enclosure when in use, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
4. **Removal:** A solar energy system, which includes collectors, mounts, and associated equipment, shall be removed within ninety (90) days following twelve (12) consecutive month of non-operation.

**SECTION 3.51**

**TATTOO SHOP/PARLOR**

- A. **Definition:** An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist, or any place where tattooing is regularly conducted, whether or not it is in exchange for compensation.
- B. **Standards:** Tattoo parlors shall be at least one-thousand (1,000) feet, as measured lot line to lot line, from any other tattoo shop/parlor or adult regulated use, child care facility, school, religious institution, public park, community center, movie theater, or other places of public assembly frequented by children and/or teenagers.

**SECTION 3.52**

**THEATERS**

- A. **Definition:** A facility or building designed for patrons to view a theatrical performance or motion picture.
- B. **Examples:**
  1. Indoor cinemas and theaters
  2. Performing arts theaters
  3. Assembly halls for theatrical performances, dance recitals, social meetings and gatherings, and similar activities and functions
- C. **Standards:** None

**SECTION 3.53**

**TWO-FAMILY DWELLINGS**

(See *Multiple-Family Dwellings*, Section 3.30)

**SECTION 3.54**

**VETERINARY CLINIC**

Clinics shall be operated by a licensed or registered veterinarian.



### SECTION 3: DEFINITIONS AND USE STANDARDS

- A. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least 100 feet from abutting residential districts, churches or restaurants on the same side of the street, at least 50 feet from all property lines.
- B. Outdoor pet enclosures or runs are not permitted.
- C. Outdoor exercising shall be allowed only when the pet is accompanied by an employee, provided that no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- D. All indoor boarding shall be limited to that incidental to treatment or surgery.
- E. Any veterinary clinic building or structure which is used for the treatment or holding of animals and which is adjacent to a residential district shall have walls which are soundproofed to allow a maximum transmission of 65 dB measured at any point on the outside of the exterior wall. All doors must be solid core, and ventilation shall be by forced air only.

#### SECTION 3.55 WAREHOUSING

- A. **Definition:** The storage of goods and materials to be sold or distributed later.
- B. **Examples:**
  - 1. Dry storage
  - 2. Cold storage
  - 3. Rail storage
  - 4. Retail storage
- C. **Standards:** None

#### SECTION 3.56 WHOLESALE

- A. **Definition:** The sale of merchandise in bulk to the public or to a retailer for repackaging and resale in smaller quantities.
- B. **Examples:**
  - 1. Beverage bottling and/or distribution
  - 2. Food distribution
  - 3. Merchandise distribution
  - 4. Membership-only warehouse club
- C. **Standards:** None

#### SECTION 3.57 WIND ENERGY FACILITIES

The purpose of this section is to provide a safe, effective, and efficient use of wind energy turbines in order to reduce the consumption of fossil fuels in producing electricity; to preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a wind energy turbine; and to establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a wind energy turbine shall be governed.

- A. **Definitions:** As used in this section, the terms shall have the following meanings:

**Large Wind Energy Turbine:** A tower-, structure-, or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

**Medium Wind Energy Turbine:** A tower- or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed 250 kilowatts.

**Monopole:** Towers that are constructed of open steel truss work or a single hollow tube of welded steel.

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.

**Small Wind Energy Turbine:** A tower- or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed 30 kilowatts.

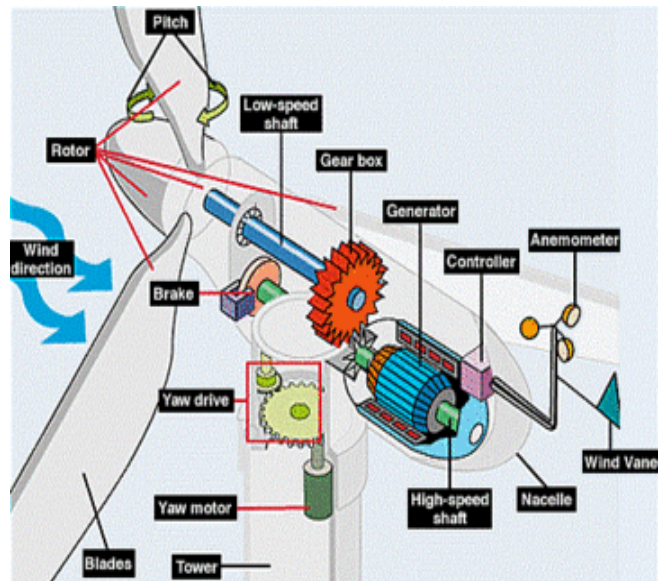
- B. **Standards:**
  - 1. Small wind energy systems shall be permitted as a special use in residential zoning districts.
  - 2. Small and medium wind energy systems shall be permitted in C-O, C-D, C-G, I-1, I-2, and I-W Zoning Districts as a special use.
  - 3. Small, medium, and large wind energy systems shall be permitted in the I-P Zoning District as a special use.

4. A public hearing is required for all wind energy turbines and/or systems.
5. Small, medium and large wind energy systems shall be permitted as a special use and subject to the following:
  - a) **Height, Type, Design.**
    - i. Only monopole construction shall be permitted.
    - ii. The total height of a wind energy system tower or similar device, including maximum extension of the top of the blade, shall not exceed the maximum height for structures or devices permitted in the zoning district.
    - iii. Wind energy systems shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
    - iv. Wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
    - v. No form of advertising shall be allowed on any part of the wind energy systems, except for reasonable identification of the manufacturer or operator of a large wind energy facility.
  - b) **Setbacks.** A wind energy system tower or similar device shall be set back a distance equal to its total height from:
    - i. Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road.
    - ii. Any overhead utility lines, unless written permission is granted by the affected utility.
    - iii. All property lines, unless written permission is granted from the affected landowner or neighbor.
    - iv. Support cables, if provided, shall be anchored to the ground no closer than 10 feet to any property line.
  - c) **Access.**
    - i. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - ii. The tower or similar device shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
  - d) **Speed Controls.** All systems shall be equipped with manual and automatic overspeed controls.
  - e) **Electrical Wires.** All electrical wires associated with a wind energy system shall be located underground, other than those necessary to connect the wind generator to the tower or similar device wiring, the tower wiring to the disconnect junction box, or the grounding wires.
  - f) **Signal Interference.** No wind energy facility shall be located in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
  - g) **Noise.**
    - i. Audible noise or the sound pressure level from the operation of the wind energy system shall not exceed a rating of 50 dBA, or the ambient sound pressure level plus 5 dBA, whichever is greater, for more than 10% of any hour, measured at the property line of the subject property.
    - ii. Proof from the manufacturer that the system is capable of meeting noise requirements shall be provided at the time a permit is requested.
  - h) **Shadow Flicker.**
    - i. At the time a permit is requested, the applicant shall conduct a written analysis of potential shadow flicker regarding structures or devices within 300 feet of the wind energy system.
    - ii. The analysis shall identify the location of shadow flicker that may be caused by the wind energy system and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.
    - iii. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures or devices and describe measures that shall be taken to eliminate or mitigate the problems at the time a permit is requested.
  - i) **Abandonment.**
    - i. A wind energy system that is out of service for a continuous twelve-month period will be deemed to have been abandoned.

### SECTION 3: DEFINITIONS AND USE STANDARDS

- ii. If the wind energy system is determined to be abandoned, the owner shall remove the wind generator and tower at the owner's sole expense within three months of receipt of a notice of abandonment.
- j) **Code Compliance.** Wind energy systems, including towers, shall comply with all of the applicable building codes.
- k) **Permit Requirements and Procedures.**
  - i. A building permit shall be required.
  - ii. An owner shall submit an application to the Building Official for a building permit for a wind energy system.
  - iii. The Building Official shall take action regarding the application within 60 days of Citizens Planning Commission approval or denial.
- l) **Inspection.** Large and medium wind energy systems shall have a biannual inspection of structural stability, at the cost of the owner/operator of the facility, with a report filed with the Building Department.
- m) **Penalties.**
  - i. Any wind generation facility, turbine, or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this chapter by any person, firm, association, corporation or their agent shall be deemed an unlawful structure or device.
  - ii. Any wind generation facility that does not meet the requirements of this chapter shall provide ground for revocation of the special use permit, thereby deeming the facility an unlawful structure or device.
  - iii. This section does not preclude the City of Monroe from maintaining any appropriate action to prevent or remove a violation of this section.
  - iv. Any violation of this chapter shall constitute a misdemeanor punishable by jail for a period not to exceed 93 days and/or a fine of \$500.

**WIND TURBINE COMPONENTS**



### SECTION 3.58 WIRELESS TELECOMMUNICATIONS FACILITIES

- A. **Definition:** As used in this section, the terms shall have the following meanings:

**Co-Locate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.

**Equipment Compound:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

**Wireless Communications Equipment:** 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.

- B. **Examples:**

1. Radio towers
2. Television towers
3. Telephone devices and exchanges
4. Microwave relay towers

C. **Standards:**1. **Approval.**

- a) After an application for a special land use approval is filed with the Community Development Department, staff shall determine if complete.
- b) The department shall consider an application complete when it has met the requirements of Section 6.16.C. If no decision is made within 14 business days, the application will be considered complete.
- c) If the application is determined incomplete, the Community Development Department shall notify applicant and request additional information.
- d) Application fees shall not exceed the actual, reasonable costs to review and process the application or \$1,000, whichever is less.
- e) The Citizens Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Citizens Planning Commission fails to approve or deny the application within the 60 days, the application shall be considered approved.

- 2. **Authorization.** The City of Monroe shall authorize the establishment of a nonessential wireless telecommunications antenna array, and, where permitted in this section, a support structure and its ancillary equipment, only when such facility is fully in compliance with the applicable requirements and guidelines of this section and only in a manner that will preserve the integrity, character, property values and aesthetic quality of the site, the area around it and the City at large.

- 3. **Recognition.** Recognizing the increasing number of providers authorized to establish and operate wireless telecommunications services within a defined area, it is the intent and purpose of this section to:

- a) Facilitate adequate and sufficient provision of sites for nonessential wireless telecommunications facilities;
- b) Establish predetermined locations for the placement of wireless telecommunications antenna arrays, and, when permitted, the erection of support structures, in accordance with the applicable requirements of this section;

- c) Ensure that wireless telecommunications facilities are appropriately located so as to minimize any adverse impact they may have on other land uses on the site or on surrounding properties;
- d) Promote the public health, safety and general welfare of the community;
- e) Provide adequate information about plans for the location of wireless telecommunications facilities in the City so that the City may determine the proper location and development of wireless telecommunications facilities in accordance with the location guidelines and applicable site requirements of this section;
- f) Minimize the adverse impact of technological obsolescence of such facilities in a timely manner, including requirements to remove and restore sites where such facilities are no longer in use, or which have become unnecessary; and
- g) Minimize the negative visual impact of wireless telecommunications facilities on residential areas, office, commercial and industrial sites, public and quasi-public sites, community landmarks, including historic sites, natural beauty areas and in public rights-of-way.

- 4. **Existing Facilities.** Achieving this end contemplates the establishment of as few tower types or support structures as reasonably feasible, instead relying on the use of existing support structures, buildings and other existing structures in the City or in adjoining communities that can meet the applicant's service area needs.

### SECTION 3: DEFINITIONS AND USE STANDARDS

5. **Adverse Impact.** The Monroe City Council believes that the presence of numerous wireless telecommunications support structures located throughout the City, and particularly in residential neighborhoods, would diminish the attractiveness of the community, thereby destroying its character. This, in turn, could have an adverse impact on property values. Therefore, the City Council believes it is necessary to minimize the adverse impact on the community that the presence of numerous relatively tall wireless telecommunications support structures with their characteristically low architectural and aesthetic appeal could have on the City, while at the same time recognizing that the absence of any regulation would likely result in a material impediment to the maintenance and promotion of property values, and further recognizing that this growing service is promoting economic gain and aiding in maintaining the health, safety and general welfare of the City.
6. **Location by Order of Priority.** A nonessential wireless telecommunications antenna array shall be permitted in one of the following locations by order of priority. The first location set forth in this subsection shall be considered as the first or top priority location with each location thereafter descending in the order of priority.
  - a) On an existing nonessential wireless telecommunications support structure located on land in any zoning district in the City, subject to review and approval by the Community Development Department.
  - b) An internal non-visible location within an existing building or structure in any zoning district, subject to review and approval by the City's Building Department. All equipment customarily accessory to an antenna array shall also be placed so as to not be visible beyond the exterior walls of the building.
  - c) An external location on an existing building or structure in an I-Industrial or B-Business zoning district, subject to review and approval by the Planning Commission.
  - d) An external location on an existing building or structure in an R-Residential zoning district, subject to review by the Planning Commission at a duly advertised public hearing, and approval by the Planning Commission.
  - e) On a proposed new nonessential wireless telecommunications support structure to be located in an I-Industrial District, subject to review by the Planning Commission at a duly advertised public hearing, and approval by the Planning Commission.
  - f) On a proposed new nonessential wireless telecommunications support structure to be located on public property in an R-Residential District, subject to review by the Planning Commission at a duly advertised public hearing and approval by the Planning Commission.
  - g) On a proposed new nonessential wireless telecommunications support structure to be located on private property in an R-Residential District, subject to review by the Planning Commission at a duly advertised public hearing and approval by the Planning Commission.
7. **Required Conditions.** The following standards shall apply, where applicable, to all applications to locate a nonessential wireless telecommunications antenna array or support structure in the City.
  - a) Before an applicant may locate on a site of lower priority than the site priority listed in Subsection 6(f), the applicant shall prepare and submit sufficient information to clearly show why the applicant shall locate at a lower priority site. For each location of lower priority than any higher priority location(s), sufficient explanation shall be provided as to why none of the higher priority locations can be used by the applicant. This information shall take into consideration any existing structure located beyond Monroe's corporate limits that could serve the applicant's needs.
  - b) For the priority sites listed in Subsection 6(a) and (b), plans, drawings and specifications requested by the Building Department shall be submitted by the applicant for review and approval by the Building Department.
  - c) For the priority site listed in Subsection 6(c), plans, drawings and specifications drawn to scale and containing sufficient information for review, including exterior structural or building wall elevation drawings illustrating how the antenna array will appear on the structure or building and all other applicable information set forth in Section 6.15 Site Plan Review, in this chapter, shall be submitted for review and approval by the Planning Commission. This shall include the statements mandated in Subsection 6(A). During its review, the Planning Commission may request that additional information be submitted that it deems reasonably necessary in conducting its review.

- d) For the priority sites listed in Subsection 6(d), (e), (f) and (g), all of the information outlined in Subsection 7 shall be submitted for review by the Planning Commission at a duly advertised public hearing. Planning Commission approval of the application is required.
- e) Any nonessential wireless telecommunications support structure, as permitted in the priority sites listed in Subsection 6(e), (f) and (g), shall:
- i. Be a monopole structure only;
  - ii. Consist only of non-wood materials;
  - iii. Not exceed 199 feet in overall height measured from the ground at the base of the structure to the highest point of the structure or any antenna attached to the structure;
  - iv. Provide co-location capacity for not less, nor more than, three antenna arrays;
  - v. Not require the use of any supporting guide wires; and
  - vi. Not be lighted in any way unless lighting is required to meet applicable Federal Aviation Association (FAA) guidelines, and if painted shall be light blue or light gray in color.
- f) A sufficient means of access shall be provided to any antenna array, support structure and to any ancillary structures used in conjunction with an antenna array. When the array is located in the interior of a property and access cannot be gained via a parking lot, alley or other driveway approach, a gravel lane shall be provided. When such a lane is necessary, care will be taken to make certain that its point of access to an alley, parking lot, street or other public way shall meet all applicable state and local requirements. Sufficient area shall be provided for the parking of a service vehicle, the location and extent of which will be subject to review and approval by the specified reviewing authority.
- g) Unless the antenna array and its ancillary equipment will be housed inside a building, or completely enclosed within an addition to the building, any outdoor or detached structures housing the equipment shall be placed within a fully enclosed compound. Enclosure may be provided by a wall or a fence. The wall or fence shall be not less than eight feet high measured from the ground at the base of the structure to the top of the structure. A wall shall consist of architecturally attractive masonry material approved by the Planning Commission. If a fence, it shall be a tightly woven wire (chain link) type of fence to discourage climbing. A fenced compound shall also be screened by evergreen planting materials in the manner set forth and regulated in 5.18, Landscaping in this chapter. The ground area of the compound will be of adequate size to house all of the necessary ancillary equipment for three antenna arrays.
- h) When a nonessential wireless telecommunications support structure shall be permitted as outlined in Subsection 6(e), (f) or (g), the compound in which the support structure is located shall observe the minimum building setback requirements of the district it is located in measured from the outside perimeter of the compound to all property lines, except when the support structure is located on property occupied by a residential dwelling or is located on a site on property next to property containing a residential dwelling, the support structure, but only the support structure, shall be separated from the residential dwelling by a distance equal to 1/2 the full height of the support structure. This distance shall be measured from the outer face of the support structure nearest the residential dwelling to the nearest wall of the residential dwelling. When the support structure will be located on property occupied by a nonresidential use in a nonresidential-oriented building, the support structure shall be set back not less than ten (10) feet from the nonresidential building, unless a greater setback is required by other applicable local, state or federal codes.
- i) An applicant shall submit written assurances that the owner or operator of any nonessential wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all applicable Federal Communications Commission (FCC) permits and conditions, including preventing any objectionable levels of interference.

### SECTION 3: DEFINITIONS AND USE STANDARDS

- j) An applicant shall submit written assurances that the owner or the operator of any wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all current state or federal regulations pertaining to non-ionizing electromagnetic radiation, and furthermore, the owner and/or operator agrees, in writing, that if more restrictive state or federal regulatory standards are adopted during the operating life of the facility, the applicant or owner shall commence efforts to bring the facility into compliance with the new standards within sixty (60) days of adoption of any such standards, and the owner or the operator agrees that he or she will bear the costs of testing and verification of compliance with such standards.
  - k) The applicant shall be responsible for maintaining the site in a structurally safe and attractive manner and shall maintain all landscaping and lawn areas in a living, growing condition, neat and orderly in appearance.
8. **Co-location sharing.**
- a) The policy of the City of Monroe towards nonessential wireless telecommunications facilities is for co-location. Therefore, the entity that owns a wireless telecommunications support structure shall not fail or refuse to alter its structure so as to accommodate other antenna arrays on the support structure, particularly when such alteration would permit the support structure to remain within the structural guidelines of this section.
  - b) Failure or refusal of the owner of a wireless telecommunications facility to alter its structure to accommodate co-location to the maximum extent permitted in this section shall be deemed to be in direct violation and contradiction of the City's co-location first policy. Consequently, the owner shall be regarded by the City as having taken full responsibility for the violation and contradiction and shall be prohibited by the City from securing any additional approvals for the location of any more of its antenna arrays or related support structures in the City for a period of not less than seven years, commencing on the date of failure or refusal to permit co-location on its support structure or structures in the City of Monroe. The entity may seek a variance and obtain relief from the Zoning Board of Appeals (ZBA), provided the owner can clearly demonstrate entitlement to a variance. To that extent, the owner shall demonstrate to the Zoning Board of Appeals (ZBA) that enforcement of the seven-year prohibition would unreasonably discriminate among providers of functionally equivalent nonessential wireless telecommunications services, or that such enforcement would have the effect of prohibiting the provision of any personal wireless telecommunication services to the City.
9. **Use Regulations.** The following use of property standards shall apply to all applicants to locate a nonessential wireless telecommunications antenna array or support structure in the City.
- a) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this chapter if all of the following requirements are met:
    - i. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
    - ii. The existing wireless communications support structure or existing equipment compound is in compliance with this chapter or was approved by the Planning Commission or Building Official.
    - iii. The proposed co-location will not do any of the following:
      - [1.] Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

- [2.] Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
  - [3.] Increase the area of the existing equipment compound to greater than 2,500 square feet.
- iv. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission or Building Official.
- b) Wireless communications equipment that meets the requirements of Subsection 9(a)(i) and (ii) but does not meet the requirements of Subsection 9(a)(iii) or (iv) is a permitted use of property if it receives special land use approval under Subsection 9(c) and (d).
  - c) An application for special land use approval of wireless communications equipment described in Subsection 9(b) shall include all of the following:
    - i. A site plan as required under Section 501 of Public Act 110 of 2006, including a map of the property and existing and proposed buildings and other facilities.
    - ii. Any additional relevant information that is specifically required by a zoning ordinance provision described in Section 502(1) or Section 504 of Public Act 110 of 2006.
  - d) Special land use approval of wireless communications equipment described in Subsection 9(b) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of all local ordinances and of federal and state laws before the wireless communications equipment begins operations.
10. **Surety.** Sufficient surety acceptable to the City shall be provided by the applicant to adequately cover the cost of removing the facility, along with any accessory equipment, including compound walls or fencing, and restoring the site when its usefulness as a wireless telecommunications facility is concluded. Estimates to remove the entire facility and carrying out restoration of the site shall be prepared and submitted to the City for review and acceptance by the City.
11. **Permits.** A use permit shall be issued by the City for an approved nonessential wireless telecommunications antenna array, and, where permitted, for a support structure and related equipment cabinets, but only after review and approval of an application, in the manner set forth in this section, has been approved by the City or by the Planning Commission.



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# 4

Section 4:  
**Historic Overlay  
District**

## SECTION 4: HISTORIC OVERLAY DISTRICT

### SECTION 4.01

## PURPOSE, APPLICABILITY, AND DEFINITIONS

- A. **Purpose and Intent.** The purpose and intent of the Historic Overlay District Ordinance (Overlay) is to protect the City's character and charm by ensuring that the historical assets of the community are preserved and enhanced. The Overlay is intended to base site-specific property dimensional regulations on the historical development pattern of the neighborhoods, encourage the preservation of historic architecture, prevent demolition of historic structures, encourage the building of new structures that complement the overall historic character of the neighborhoods, preserve and increase property values, and make the City's historic districts highly desirable places to live, visit, and do business.
- B. **Applicability.** The Overlay shall apply within any portion of the City that is listed on the National Register of Historic Places. A map of the district boundaries is included in this section. In the event that additional areas are added to the National Register of Historic Places, they shall be subject to this Overlay as well. Any boundary amendments shall be included on the Overlay district map.

The following actions shall be subject to the regulations in this Overlay:

1. New construction of any structure, including accessory structures, except those listed in Section 4.03 D.
  2. Additions to any principal structure.
  3. Exterior Renovations within the CBD (Central Business District) Zoning District.
  4. Demolition of a principal structure.
  5. Exterior renovations to existing structures in Zoning Districts other than the CBD (Central Business District), including, but not limited to, replacing windows, replacing roofs, painting, and re-siding, shall not be subject to the regulations of this Overlay.
- C. **Conflicting Regulations.** In the event of conflict between this Overlay and any other regulation in the Zoning Ordinance, the regulations in this Overlay shall govern. In the event of conflict between this Overlay and any regulation in the Historic District Ordinance (Chapter 383 of the City Code) the provision which is more restrictive or imposes a higher standard or requirement shall govern.
- D. **Definitions.** The following terms shall apply to this section only and are defined as:

1. **Building Line.** A line on the ground along the foundation of a structure, extending from lot line to lot line.
2. **Front Building Line.** The building line closest to the front lot line, not including open porches as defined in the Zoning Ordinance. (See Figure 1)
3. **Rear Building Line.** The building line farthest from the front lot line, except as otherwise noted in this Overlay, not including open porches as defined in the Zoning Ordinance. (See Figure 1)
4. **Side Building Line.** All building lines that do not meet the definition of front building line or rear building line. (See Figure 1)

All other terms shall have the definitions as given in Zoning Code.

### SECTION 4.02

## REQUIREMENTS AND STANDARDS

- A. **Existing Structures and Existing Fences.** All structures and fences within the boundaries of this Overlay and existing at the time of adoption of the Overlay shall be conforming with regard to dimensional standards such as setbacks and height. Any structure or fence existing at the time of this Overlay which is damaged by fire, flood, weather event, or accident may be rebuilt with the same dimensions, location, and building height, provided that the design meets the Architectural Standards of this Overlay.
- B. **Architectural Standards.** The following architectural standards shall apply within this Overlay:
1. Within the CBD, all new construction, additions, and exterior renovations to existing building and structures shall meet the Secretary of the Interior's Standards for Rehabilitation.
  2. New construction taking place in all other zoning districts shall meet the Secretary of the Interior's Standards for Rehabilitation.
- C. **Fences.** The following standards shall apply to fences:
1. Fences shall be permitted only in the following locations. (Building lines in this section shall always refer to the building lines of the principal building, see Figure 2a & b).
    - a) In a rear yard (i.e. between the rear building line and the rear lot line).

- b) In a side yard (i.e. between a side building line and side lot line, provided the fence extends no farther forward than the midway point between the front and rear building lines or three (3) feet beyond any doors in the adjacent side wall of the principal building).
  - 2. New fences shall not be erected in front yards (i.e. between the front building line and the front lot line.)
  - 3. Structures and properties (including front lawns) that have a historic fence or a combination of fences, walls and other fence elements may retain these historic fences:
    - a) Deteriorated or missing sections of historic fencing may be repaired, reconstructed, or replaced using materials, textures, and colors that complement the historic fence.
      - i. Repair of historic fencing is preferred over replacement.
    - b) For properties whose owners wish to reinstall or reconstruct missing fencing in original locations and/or configurations, photo documentation or contemporary drawings or paintings shall be submitted to the Community Development Department to assist in identifying the type, style, material, and location of the fence at the time of construction or during the property's period of significance.
    - c) If photo documentation is unavailable written histories, newspaper articles, title abstracts, anecdotal evidence, physical evidence, or other similar types of contemporary evidence describing the property and the type and location of fencing used may be submitted for consideration.
    - d) Fencing based upon conjecture shall not be approved.
    - e) Use of new or salvaged materials that create or convey a false sense of history or appearance are inappropriate and shall not be approved.
  - 4. On corner lots and through lots, fences along the secondary street frontage shall not be constructed closer to the right-of-way line than the following:
    - a) The average front building line for all principal structures up to three-hundred (300) feet on the same side of the street; or
    - b) The side building line of the principal structure parallel to the secondary frontage.
- D. **Fences shall not exceed the following heights** (see Figures 2a & b):
    - 1. Rear Yards (between the rear building line and the rear lot line): Six and a half (6.5) feet.
    - 2. Side Yards (between a side building line and a side lot line): Three (3) feet.
    - 3. Secondary Street Frontages (corner lots and through lots) (See Figure 3, Options A & B): Three (3) feet if between the side building line and the secondary street right-of-way line from the midpoint of the principal structure to the rear building line. Six and a half (6.5) feet if between the rear building line and the rear lot line.
  - E. **Signage and Decorative Lighting.**
    - 1. Signage within the Overlay shall meet all requirements of the Zoning Ordinance or Sign Ordinance, except when otherwise noted.
    - 2. Internal illumination of signage is prohibited.
    - 3. Decorative strings or tubes of light shall not be installed along the edges of windows, along rooflines, surrounding signage, or anywhere else on a building facade. Temporary lights installed between November 15 and January 15 shall be exempt from this prohibition. Decorative strings of light may also be strung overhead over outdoor seating areas, rear yards, or other outdoor gathering places.
  - F. **Dimensional Requirements** (Principal & accessory structures). The following requirements shall apply to all new construction or building additions within the Overlay. Existing structures shall be considered to have conforming dimensions in all respects, unless they are being expanded, in which case the standards of this section shall apply.
    - 1. **Principal Structures.**
      - a) **Front Building Line/Front Yard Setback.**  
For new construction unable to meet front building line setback established within the neighborhood, the average setback of all principal structures on the block may be used. In no case shall the front building setback be less than the average, nor more than a maximum of two (2) feet closer to the rear property line.  
  
On corner lots, this requirement shall apply to both the front building line and the building line facing the secondary street frontage.

**SECTION 4: HISTORIC OVERLAY DISTRICT**

- b) **Front Porches.** Open porches (i.e., porches without roof assemblies) shall not project closer to the front property line than the average of all front porches on the block. Enclosed porches shall meet the standards in paragraph (a) above.
- c) **Side Building Line / Side Yard Setback.** The side building line setback shall meet the minimum average setback of all principal structures on the same side of street and block.
- d) **Rear Building Line / Rear Yard Setback.** The rear building line for any principal structure shall be no closer to the rear lot line than the average setback of all principal structures on the same side of street and block.
- e) **Structure Height.** The maximum height of a principal structure shall not exceed the height of the tallest structure on the block, except within the CBD zoning district.

In the CBD, the maximum height for new construction may exceed the tallest structure on the block if it meets the following standards:

- i. It meets all other requirements of this Overlay.

- ii. It can be adequately served by the Fire Department or provides the required fire suppression system for a building of its height.
- iii. For buildings more than three (3) stories in height, each additional story shall have a minimum setback of fifteen (15) feet from the street elevation(s) and from each preceding story.

**2. Accessory Structures.**

- a) **Front Building Line / Setback .** Accessory structures shall be prohibited in front yards.  
  
On corner lots, this requirement shall apply to both the front, as well as, the secondary street yard.
- b) **Side Building Line / Setback.** The side building line for any new accessory structure shall comply with the setback requirements for the district in which it's located.
- c) **Rear Building Line / Setback.** The rear building line for any new accessory structure shall comply with the setback requirements for the district in which it's located.
- d) **Structure Height.** The maximum height of an accessory structure shall not exceed the height of the tallest accessory structure on the same side of street and block.

**Figure 1: Building Lines**

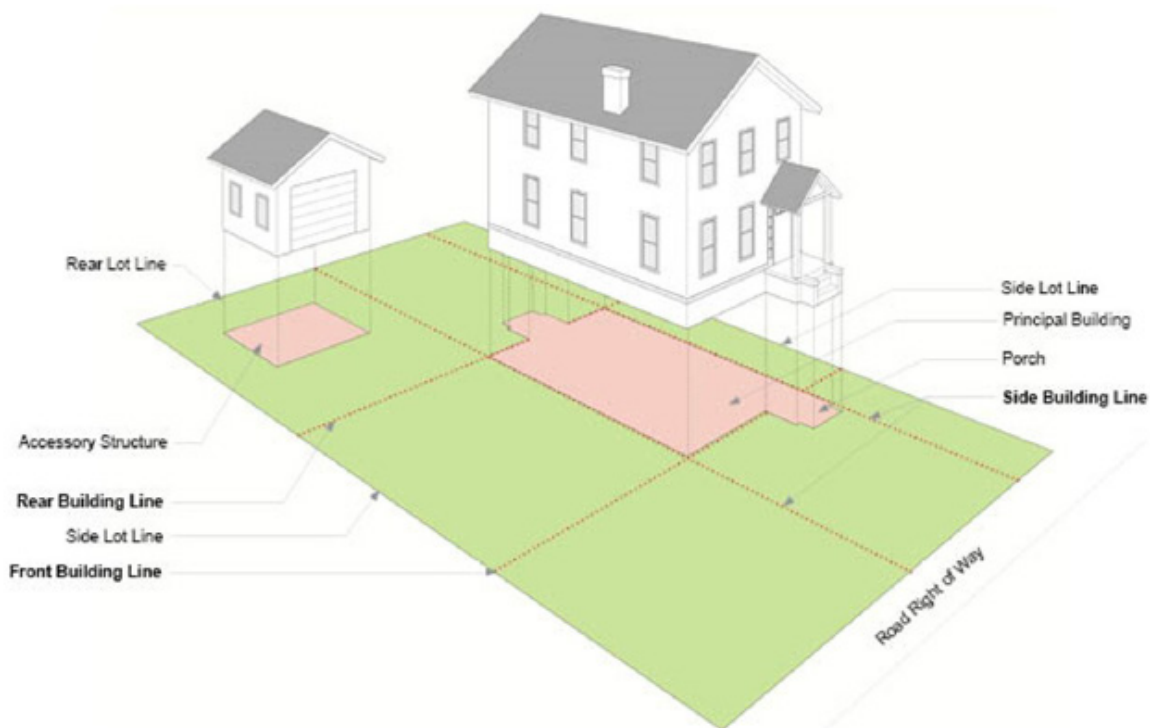
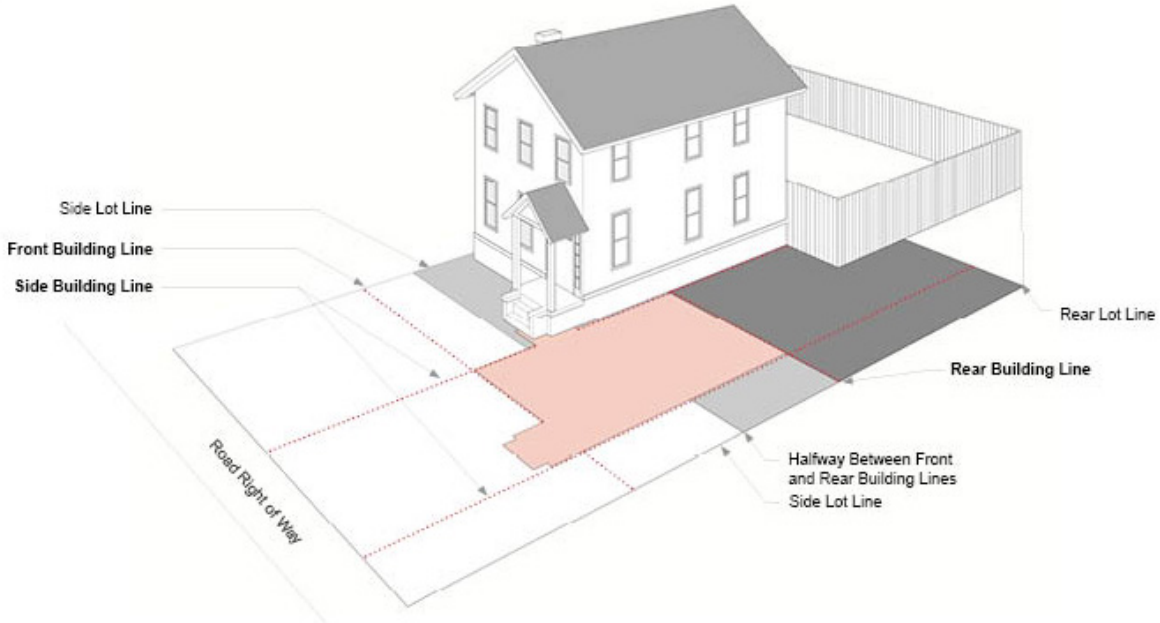


Figure 2.a: House on Interior Lot –Fence behind half-way point of front and rear building lines

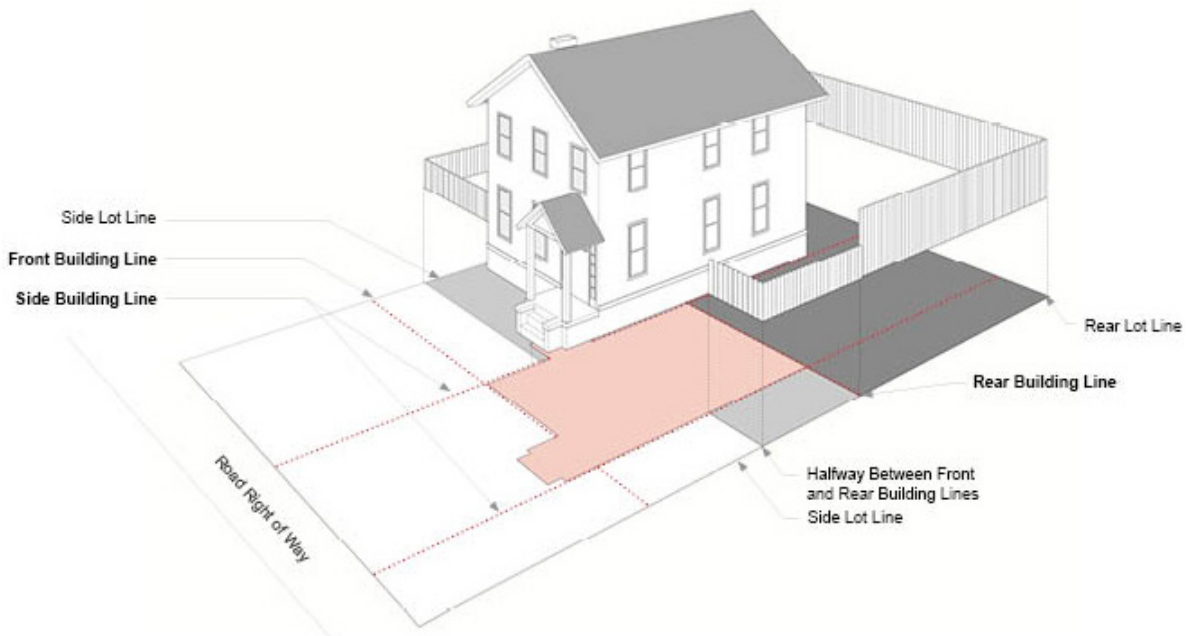
- No new fence permitted
- Three foot high fence permitted
- Six foot high fence permitted

**Option A**



- No new fence permitted
- Three foot high fence permitted
- Six foot high fence permitted

**Option B**



SECTION 4: HISTORIC OVERLAY DISTRICT

Figure 2.b: House on Interior Lot – Fence behind door in adjacent side wall

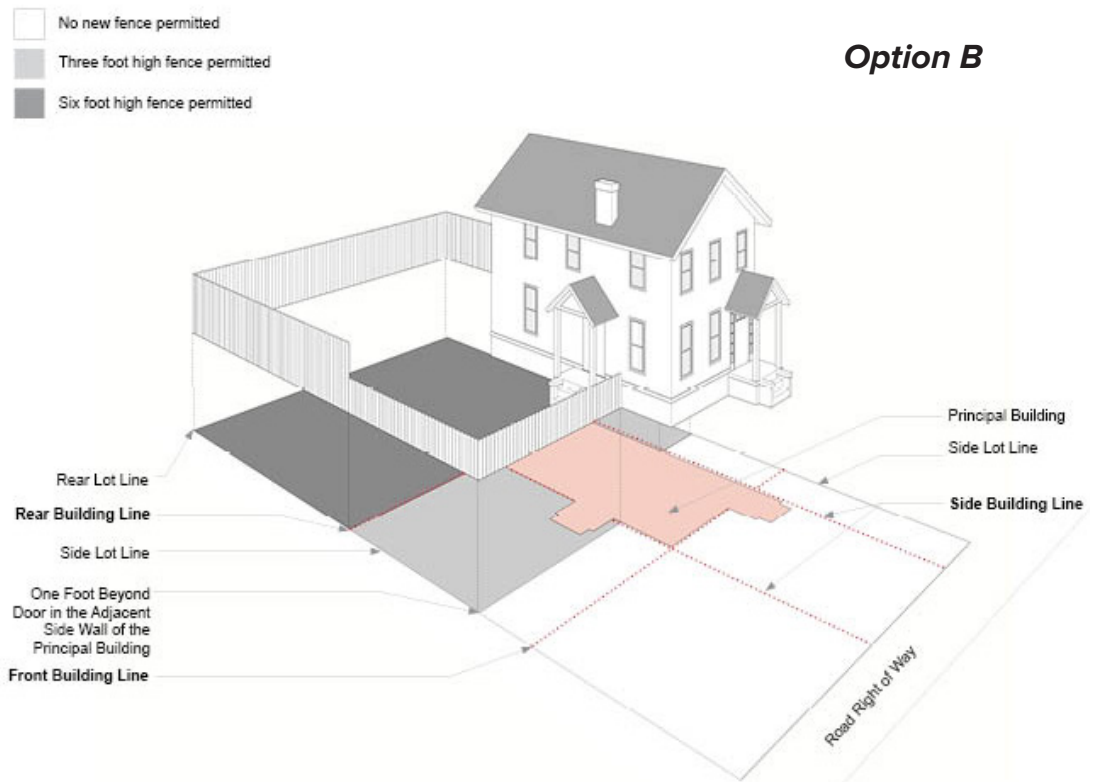
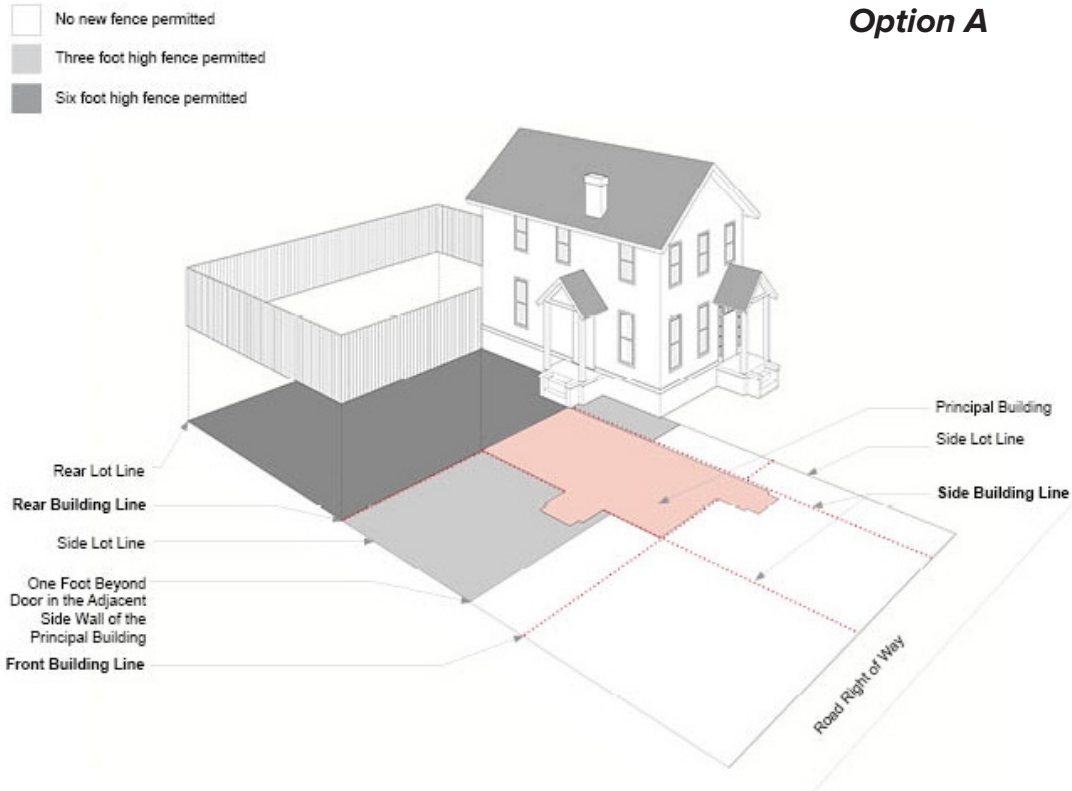


Figure 3: Corner lot fence along secondary frontage

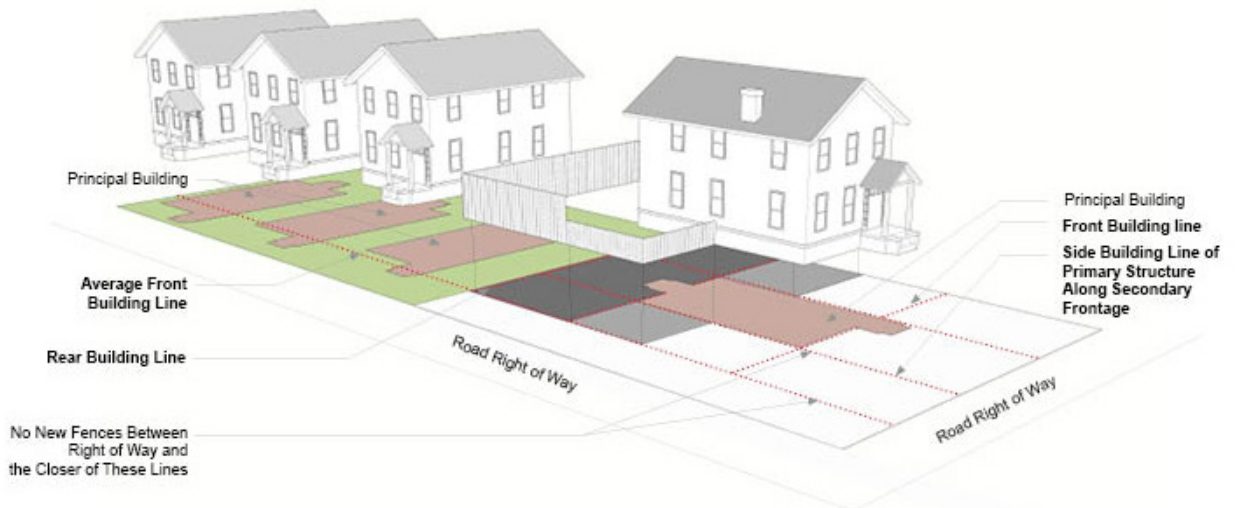
- No new fence permitted
- Three foot high fence permitted
- Six foot high fence permitted

**Option A**



- No new fence permitted
- Three foot high fence permitted
- Six foot high fence permitted

**Option B**





**SECTION 4: HISTORIC OVERLAY DISTRICT**

**SECTION 4.03**

**APPROVAL PROCESSES**

- A. **Application.** An application shall be submitted outlining the proposed project and include all pertinent information, which may include building elevations, site plan, types of materials, etc. There shall be no fee for this application.  
  
Staff and/or the Historic District Commission shall review the application and related materials and provide a recommendation to applicant regarding the proposed project.
- B. **Demolition.** Demolition of any principal structure within the Overlay shall require a recommendation by staff and/or Historic District Commission. A public hearing may be conducted by the Historic District Commission per the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).
  - 1. The Building Department (or its representative body) shall have the authority to waive the recommendation of staff and/or Historic District Commission upon determining that a structure needs to be demolished for life safety concerns. All structures existing at the time of this Overlay and determined unsafe may be demolished.
  - 2. A new structure may be built with the same setbacks, dimensions, and height, provided that the design meets the requirements of Section 4.02.B of this Overlay.
- C. If a new building is proposed on an existing or newly vacant lot, staff and/or the Historic District Commission shall determine whether the proposed building is compatible with the character of the neighborhood and consistent with the established historic character of the City.
- D. **Exceptions to Structure Regulations.** The following structures shall not be subject to the regulations of this Overlay, and shall not be used as the basis for determining the dimensional requirements for a new structure:
  - 1. Wireless telecommunications support structures, including distributed antenna systems
  - 2. Telephone / utility poles
  - 3. Radio communication towers
  - 4. Water towers
  - 5. Freestanding sign structures

**E. Administration and Enforcement.**

- 1. Appeals shall be to the Zoning Board of Appeals. Nothing contained in this Overlay shall modify the procedures for appeals of the Historic District Commission pursuant to Chapter 383 of the City Code, and any such appeals shall be administered independently from any appeals pursuant to this Overlay in accordance with Chapter 383 of the City Code and PA 169 of 1970.
- 2. The Zoning Board of Appeals shall have the power to grant variances from this Overlay using the criteria and process in Section 6 of the Zoning Ordinance.
- 3. Penalties for violations of the Overlay shall be determined based on Section 6 of the Zoning Ordinance.

**Table 4.1: Required approvals and recommendations for activities subject to this Overlay:**

X Approval O Recommendation	Building/ Demolition Permit	Historic District Commission	Staff/ Administrative HOD Review	Citizen Planning Commission or Administrative Site Plan
New Construction (Single Family Structures, Additions & Accessory Buildings)	X	O	O	
New Construction (Non-Single Family Principal Buildings & Additions)	X	O <sup>(a)</sup>		X
Fences, Signs & Decorative Lighting	X		O	
Exterior Renovations in CBD District	X	O <sup>(a)</sup>	O <sup>(a)</sup>	X
Demolition	X	O	O	

(a) When any federal or state program requires legislative approval, such as tax exemption certification or similar program, the Historic District Commission shall review and only make a recommendation on the proposed project. The recommendation shall then be forwarded to the City Council for final action.

- F. **Historic District Commission/Zoning Board of Appeals Authority.** Pursuant to MCL 399.213 and City Code 383-7, the City Council may prescribe powers and duties of the Historic District Commission, in addition to those prescribed in PA 169 of 1970, that foster historic preservation activities, projects, and programs in the City of Monroe. Pursuant to that authority and based on the intent of this article to preserve and enhance the historical assets of the community, the City Council hereby authorizes the Historic District Commission to hold hearings and issue determinations and decisions pursuant to this article. Pursuant to MCL 125.3603 and Section 6.22, the Zoning Board of Appeals has the authority to hear and decide questions that arise in the administration of the Zoning Ordinance.

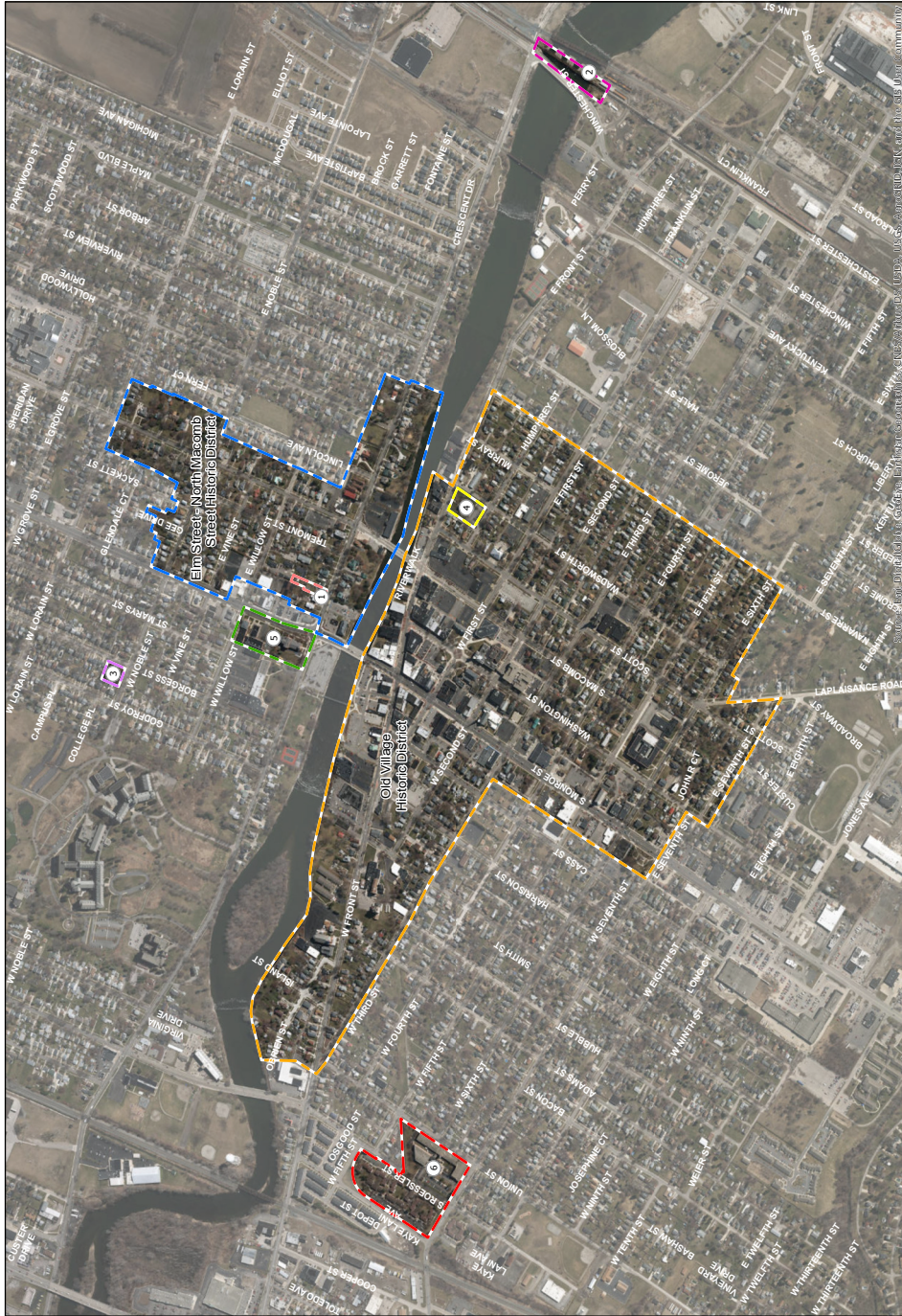
SECTION 4: HISTORIC OVERLAY DISTRICT

# Historic District Boundaries

City of Monroe, Michigan  
February 2, 2018

## Single Site Historic Districts

- 1 - McClelland house
- 2 - New York Central Raisin Railroad Bridge
- 3 - Nims, Rudolph House
- 4 - Sawyer House
- 5 - St. Mary's Church Complex
- 6 - Weis Manufacturing Company



**MCKENNA**  
COMMUNITAS FOR ALL

0 375 750 1500 Feet

Aerial Source: ESRI 2017  
Data Source: City of Monroe, Community Development

# 5

Section 5:  
**Supplemental  
Standards and  
Regulations**

**SECTION 5.01  
ACCESS MANAGEMENT**

A. **Intent.** The intent of this section is to establish standards for the number and spacing of access points for ingress / egress during the application and site plan review process. The standards of this section are intended to promote safe and efficient travel within the City; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and ensure reasonable access to properties, although it may not be the most direct.

1. **Standards for access points and driveways**

a) **General.** Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade.

Access points along U.S. 24 (Telegraph Road) shall be in conformance with the U.S. 24 Access Management Study prepared by the Michigan Department of Transportation (MDOT).

b) **Number.** The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles while preserving traffic operations and safety along the street.

c) **Spacing between Commercial Driveways.** The minimum spacing between two commercial driveways, measured between center lines, shall be at least 200 feet along Telegraph Road and North Dixie Highway and one hundred and twenty-five (125) feet along other major streets, or as determined by the City Engineer on a case-by-case basis.

d) **Spacing between Commercial Driveways and Intersections.** The minimum spacing requirements between an intersection and a proposed commercial driveway on Telegraph Road or North Dixie Highway, shall be based on the following table:

Type of Intersection	Minimum Spacing (feet)
From interchange ramps	300 feet or greater if required by MDOT
From a major street	250 feet for a full movement driveway
From a minor street	125 feet

Where applicable, the City Engineer may require corner lots to have access off of the minor street only.

Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near curb edge of the intersecting street or pavement edge for uncurbed sections.

2. **Modification of Standards by City Engineer.**

The standards set forth hereof may be modified by the City Engineer, on a case-by-case basis, depending upon analysis of existing and expected traffic operations and restrictions imposed by current development. In no case, however, shall the minimum distance be less than sixty (60) feet. The City Engineer may require a shared access system.

3. **Alignment.** To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one-hundred fifty (150) feet along major streets. Longer offsets may be required by the City Engineer, depending on the expected inbound left-turn volumes of the driveways.

4. **Shared Access Systems.** The Citizens Planning Commission or the Administrative Site Plan Review Committee may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system may involve a shared driveway, connections of parking lots or a drive connecting two or more lots or uses. Access from a side street and a shared driveway or service road connecting two or more properties or uses may be required.

5. **Traffic Impact Study.** The City may require analysis of the need for additional access or the proposed access location in a traffic impact study.

## SECTION 5.02

**ACCESS TO PUBLIC STREETS OR HIGHWAYS**

Any lot of record created prior to the effective date of this chapter without any frontage on a public street right-of-way shall not be occupied except where access to a public street right-of-way is provided by a public or private easement or other right-of-way no less than thirty (30) feet in width and which meets the City street construction requirements.

## SECTION 5.03

**ACCESSORY STRUCTURES/BUILDINGS**

**Note:** For maximum number, location, height and setbacks see See Section 2, Zoning Districts, "Accessory Structures," for the zoning district in question.

- A. **Relation to Principal Buildings.** Accessory structures, buildings and the use thereof are permitted only in connection with, incidental to, and on the same lot with a principal building, structure or use which is permitted in the zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory to is occupied or utilized.
- B. **Garage or Carport Location in Multiple-Family Developments.** In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard if, during site plan review, the Community Development Department determines the design and locations to be complementary with adjacent uses and will not detract from the view or visibility of motorists.
- C. **Yard Coverage and Footprint.** Accessory buildings shall be included in the maximum lot coverage calculations.
  - 1. Accessory buildings in a residential district shall not exceed 25% of the rear yard or nine-hundred (900) square feet which ever is less.
  - 2. In substandard lots, the accessory building shall not exceed 30% of the rear yard or nine-hundred (900) square feet which ever is less.
 

Staff may approve the increase upon finding it does not negatively impact surrounding properties, businesses or residences.
- D. **Drainage.** The placement and design of any accessory structure or building shall not significantly impact stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.

- E. **Restrictions on Use.** Accessory buildings shall not be occupied for dwelling purposes nor used for any business, profession, trade or occupation.
- F. **Permit required.** Any accessory structure or building shall require a permit issued by the Building Department.

## SECTION 5.04

**ADULT USE REGULATIONS**

- A. **Intent.** In the development and execution of these zoning regulations, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move from or to avoid the community, increase crime and contribute a blighting effect on the surrounding area. This section describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.
- B. **Applicability.** Adult regulated uses, as defined in Section 6, shall only be permitted as special uses. Such uses shall not be allowed in any zoning district permitting residential occupancy, and shall be subject to the following:
  - 1. **Required Spacing.** Adult regulated uses shall be least five-hundred (500) feet from the following, as measured from the property line: Other adult regulated uses; child care facilities; residential zoning districts and all residential uses, schools, religious institutions, public parks, community centers, movie theaters, ice- or roller-skating rinks and other places of public assembly frequented by children and/or teenagers.
  - 2. **Special Site Design Standards:**
    - a) The building and site shall be designed, constructed and maintained so that material such as displays, decorations or signs depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this chapter) cannot be seen off site.

## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

- b) Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building. The minimum size of the building shall not be less than three-thousand (3,000) square feet.
  - c) The site shall have access only onto an arterial street.
  - d) The color of the building materials shall be subject to approval by the Citizens Planning Commission.
  - e) No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.
  - f) Adult regulated uses shall comply with all applicable federal, state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval.
- 3. **Conditions of Approval.** The applicant shall be in full compliance with and have obtained a license under Chapter 160, Adult Entertainment Businesses, of this Code.
  - 4. **Minors on Premises.** No person under 18 years of age shall be allowed on the premises.
  - 5. **Procedure for Processing Applications.** All applications to establish an adult regulated use shall be processed as a special use in accordance with the provisions and procedures set forth in this article.

### SECTION 5.05

## AIRBORNE AND OTHER WASTE EMISSIONS

- A. **Smoke and Air Contaminants.** It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.
- B. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
- C. **Gases.** The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

- D. **All Waste Emissions.** Waste emissions shall not be permitted to exceed quantities established as safe by federal and/or state regulatory authorities.

### SECTION 5.06

## ANIMALS (KEEPING OF)

The keeping of animals shall be in accordance with the Monroe County Animal Control Ordinance.

- A. **Domestic Animals.** The keeping of domestic animals is permitted in any residential zoning district. However, the number of animals kept or housed in one dwelling unit in a residential zoning district shall not exceed a total of 6 (six) (six months of age or older), of which dogs shall not exceed three and cats shall not exceed five.
- B. **Wild, Exotic, Farm and Vicious Animals and Fowl.** The keeping of wild, exotic, farm, and vicious animals and fowl is prohibited in all zoning districts.

### SECTION 5.07

## APPROVAL OF PLATS

No proposed subdivision plat shall be approved unless all zoning district requirements and the regulations of Public Act 288 of 1967, as amended (See MCLA § 560.101 et seq) are met. Additionally, proposed subdivision plats shall comply with the ordinances of the City of Monroe, including Chapter 630, Subdivision and Land Development, of the Code of the City of Monroe.

### SECTION 5.08

## BUILDING GRADES AND FILLING OF LAND

- A. **In General.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. The grade at the building line in all residential districts shall not be less than eight (8) inches nor more than fourteen (14) inches above the curb or, if the street lacks curbs, the crown of the street.
- B. **New Buildings Adjacent to Existing Buildings.** When a new building or addition is constructed the grade shall match that of surrounding properties and shall not permit surface water runoff. On parcels where it can be demonstrated that water runoff will not be an issue, an increased elevation of the proposed finished grade may be approved after review by the Zoning Administrator or designee. (See Section 5.34, Stormwater Management).

- C. **Filling of Land.** No filling, other than minor work associated with routine landscaping in compliance with this section, shall be permitted in any zoning district unless a zoning compliance permit is obtained following approval by the Zoning Administrator. Fill material shall be approved by the City Engineering Department.
- D. **Final Grade Approval.** Final grades shall be approved by the Zoning Administrator, who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

**SECTION 5.09  
CLEAR VISION ZONE**

There shall be a clear vision zone, free of buildings, fences, walls, signs, structures, and landscaping, at access points along public streets as follows and illustrated in the figure following the text of this section:

- A. **Intersection of Two Public Streets.** All corners shall maintain a clear vision zone between a height of three (3) feet and ten (10) feet above the center line elevation of the intersecting streets within a triangular area twenty-five (25) feet in length, measured along abutting public street right-of-way lines, with the third side being a line connecting these two sides. A non-obscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.

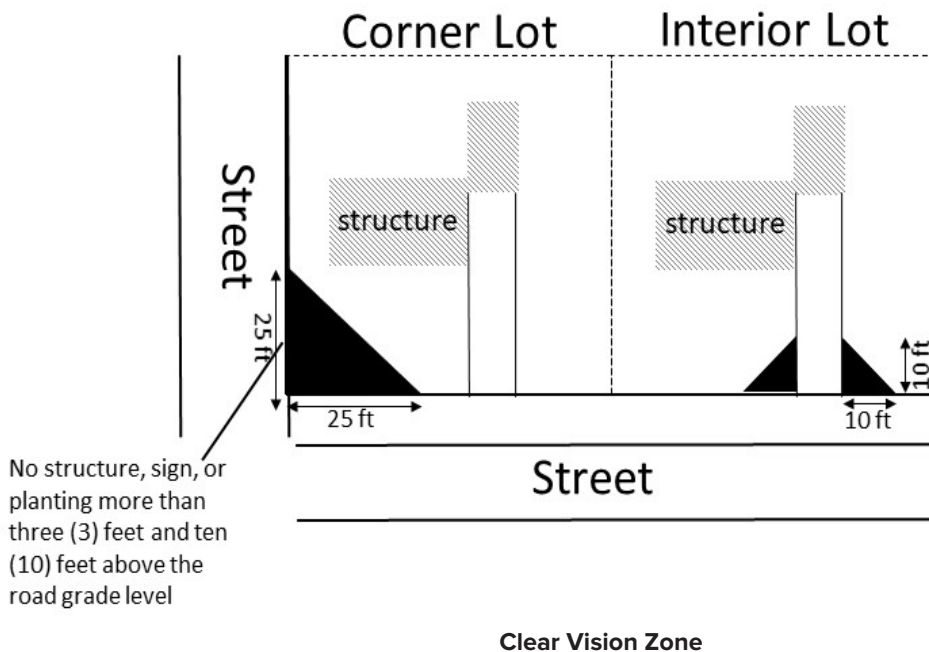
- B. **Non-Single-Family Driveways and Alleys.** The sides of any driveway or alley, except a driveway accessing a single-family dwelling, shall maintain a clear vision zone formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten (10) feet in length measured along the public street right-of-way line and the edge of the driveway and the third side being a line connecting these two sides.

**C. Trees, Landscaping, Signage, and Fences.**

1. Trees may be permitted in the triangular area specified above, provided that limbs and foliage are trimmed so that they do not extend into the clear vision zone. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.
2. No fence, wall, hedge, screen, sign, or other structure or planting shall be higher than three (3) feet, measured above the center line of either street or pavement, within the clear vision zone.

- D. **Modifications.** The required clear vision zone may be modified by the Community Development Department upon a recommendation of other departments such as Engineering or Police.

- E. **Exemption.** All lots in the CBD, MU-1, MU-2, C-M, and RMD districts shall be exempt from this section.





## SECTION 5.10

**ENCLOSURE OF HAZARDS AND NUISANCES**

Hazards or potential hazards and nuisances, such as construction sites, junkyards, landfills, sanitary landfills, demolition sites, incomplete/open basements, abandoned wells or cisterns, fire damaged structures, or sand, gravel, and stone pits or piles, are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

## SECTION 5.11

**FACILITIES OR AMENITIES FOR PHYSICALLY DISABLED PERSONS**

To accommodate the needs of persons with physical disabilities, amenities, such as ramps, lifts, and similar structures necessary to provide reasonable accessibility shall meet the following standards:

- A. Such amenities shall conform to applicable state and federal regulations.
- B. If the amenity is intended to be permanent, it shall conform to the required setbacks for principal buildings, and comply with Section 5.28, Permitted Yard Encroachments.
- C. If the amenity is intended to be temporary in order to provide access to a residential dwelling, a permit shall be required from the Building Department. The applicant shall provide documented evidence of the physical disability and agree in writing to the removal of the facility once no longer needed. The size or configuration of the amenity installed or constructed shall be the minimum necessary to accommodate reasonable access. The permit for the temporary amenity shall expire three years from the date of approval. Upon expiration the amenity shall be removed unless an extension has been granted by Zoning Administrator.
- D. Such amenities shall be designed, located and constructed of materials to minimize any negative appearance. Materials for a commercial or institutional building shall match the materials of the principal building.

## SECTION 5.12

**FENCES**

**Note:** For location, height and other standards see See Section 2, Zoning Districts, "Fences," for the zoning district in question. For fence standards within the Historic District Overlay, see Sections 4.02.C–D.

All fences erected within the City shall comply with the following standards:

- A. **Clear Vision Zones.** All requirements of Section 5.09, Clear Vision Zones, shall be met.
- B. **Materials.**
  1. Fence materials located in a front yard shall be consistent with the architectural style and/or neighborhood character.
  2. The running of barbed wire or electric current through any fence material is prohibited.
- C. **Position of Finished Side.** The finished side of any fence shall face the exterior of the lot. For commercial applications, fences shall be finished on interior and exterior sides. All cyclone or chain-link fences shall have a smooth or finished edge on the top side.
- D. **Permit Required.** No fence shall be erected unless an applicant has received a City-issued permit.
- E. **Condition/Maintenance.** All fences shall be properly maintained and in good repair.
- F. **Ordinary Maintenance and Repair.** Existing nonconforming fences may be repaired and/or replaced provided there are no increases in height and/or location. Fencing materials shall be approved by staff.
- G. **Corner Lot Fences.** For corner lots, fences shall be in compliance with Section 4.02.C-D.

## SECTION 5.13

**FIRE HAZARDS**

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting 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. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all state rules and regulations and adopted Codes.

## SECTION 5.14

**FLOODPLAIN REGULATIONS****A. Intent.**

1. The floodplains of the City are subject to periodic inundation of floodwaters that can result in loss of property, pose hazards to health and safety, disrupt commerce and governmental services, and impair the City's tax base.
2. It is the purpose of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968 and subsequent enactments, rules, and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and redesignated at 44 FR 31177, May 31, 1979.
3. The provisions of this section are intended to:
  - a) Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
  - b) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
  - c) Require that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
  - d) Protect individuals from buying lands that are designated to be unsuited for intended purposes because of flooding; and
  - e) Permit reasonable economic use of property located within a designated floodplain area.

**B. Delineation of Floodplain Areas.**

1. The boundaries of the floodplain areas are identified in the report titled, "Flood Insurance Study, City of Monroe," prepared by FEMA. The study, ordinances, and accompanying maps are adopted by reference and may be applicable to this chapter.
2. The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with flooding, a floodway is designated within the floodplain area.

**C. Application of Regulations.**

1. In addition to other requirements of this chapter applicable to development within a floodplain, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this chapter or any other chapter shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
2. The issuance of a land use permit within the floodplain area shall comply with the following standards:
  - a) The requirements of this section shall be met;
  - b) The requirement of the underlying districts and all other applicable provisions of this chapter shall be met; and
  - c) All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Environmental Quality under authority of Part 31, Water Resources Protection Floodplain Regulatory Authority, and the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
3. **Floodplain Management Administrative Duties.** All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Engineering Department and shall be open for public inspection.

**D. Floodplain Standards and Requirements.**

1. The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
  - a) All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:
    - i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

- ii. Be constructed with materials and utility equipment resistant to flood damage; and
  - iii. Be constructed by methods and practices that minimize flood damage.
- b) All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.
  - c) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters.
  - d) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
  - e) Adequate drainage shall be provided to reduce exposure to flood hazards.
  - f) The City Engineer or his representative shall review development proposals to determine compliance with the standards in this section and shall transmit his determination to the Zoning Administrator.
  - g) Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this article.
  - h) The flood-carrying capacity of any altered or relocated watercourse not subject to state and federal regulations designed to ensure flood-carrying capacity shall be maintained.
  - i) Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.
- j) New residential structures in a flood-risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the one-hundred-year flood elevation. All basement floor surfaces shall be located at or above the one-hundred-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air-conditioning, and other service facilities shall be either placed above the one-hundred-year flood elevation or be protected so as to prevent water from entering or accumulating within the system components during floods up to the one-hundred-year elevation. Duct insulation subject to water damage shall not be installed below the one-hundred-year elevation.
- 2. The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area:
    - a) All new construction and substantial improvements of nonresidential structures shall either:
      - i. Meet the requirements of new residential structures as provided for in Section 5.32.
      - ii. Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood-risk area, the structure is watertight and able to withstand hydrostatic pressure from a water level equal to the elevation defining the flood-risk area. All floor and wall penetrations for plumbing, mechanical, and electrical systems shall be made watertight to prevent flood water seepage or shall be provided with shutoff valves or closure devices to prevent backwater flow during flooding.
    - b) Mobile home standards: The following general standards and requirements shall be applied to mobile homes located within floodplain areas:
      - i. Anchoring shall meet HUD specifications, per Rule 605.
      - ii. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Monroe County Sheriff's Department for mobile home parks and

mobile home subdivisions.

- iii. Mobile homes within the one-hundred-year floodplain as designated on the Flood Insurance Rate Map shall be located in accordance with the following standards:

- 1) All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
- 2) Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
- 3) In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
- 4) In mobile home parks and mobile home subdivisions which exist at the time this section is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, the standards in the subsections above shall be complied with.

- c) The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area:

- i. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environmental Quality that the development proposed will not result in any increases in flood levels during a base flood discharge and of compliance with Act No. 245 of the Public Acts of 1929, as amended by Act No. 167 of the Public Acts of 1968. (See MCLA § 324.101, et seq.)
- ii. The placement of mobile homes shall be prohibited.

- iii. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

**E. Warning and Disclaimer of Liability.**

1. The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
2. These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages, nor shall the City or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made thereunder.

**SECTION 5.15**

**FRONTAGE ON PUBLIC OR PRIVATE STREETS OR HIGHWAYS**

In any zoning district, every use, building or structure shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street construction as specified by the City; and meets the requirements set forth in Section 5.02.

**SECTION 5.16**

**HAZARDOUS SUBSTANCES AND OTHER WASTES**

- A. All site plans for businesses or facilities which use, store, or generate hazardous substances shall be reviewed by the Fire Department, City Engineering Department, and any other appropriate experts determined necessary by the Citizens Planning Commission prior to approval.
- B. Any person, firm, corporation, or entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall obtain the necessary permits or approval from the appropriate federal, state, or local entity having jurisdiction.
- C. Upon submission of a site plan, a change of use or occupancy, or a change in how hazardous chemicals or substances are handled, a list of those substances used, stored, or generated shall be submitted to the City for review.

## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

- D. All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:
1. Above ground storage and use areas for hazardous substances.
    - a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
    - b) Secondary containment structures such as outbuildings, storage rooms, sheds, and pole barns shall not have floor drains.
    - c) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
  2. Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate federal, state or local authority.
  3. Areas used for loading and unloading hazardous substances shall be designed and constructed to prevent the harmful release of hazardous materials into the environment.

### SECTION 5.17 HEIGHT LIMITS

- A. **General.** No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.
1. "Penthouses" or similar roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building shall be exempt.
  2. Also exempt are fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures.

- B. **Rooftop Screening.** Where rooftop mechanical appurtenances are within fifteen (15) feet of the rooftop edge or extend more than five feet above the roof grade, screening may be required depending upon the aesthetic quality of the appurtenances and the degree to which they are visible on primary building elevations.
- C. **Airport Approaches.** The height of any building or structure in an approach or flight pattern associated with the airport shall also comply with any requirements of the Federal Aviation Administration (FAA) and the Michigan Aeronautics Commission.

### SECTION 5.18 LANDSCAPING

- A. **Intent.** The purpose of this section is:
1. To promote the public health, safety, and general welfare by reducing noise and air pollution, and visual intrusions, such as light glare;
  2. To moderate and improve air quality and temperature;
  3. To prevent soil erosion and increase water retention;
  4. To improve the appearance of on-premises parking, vehicular use areas, and property abutting public rights-of-way;
  5. To improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;
  6. To require buffering between incompatible land uses;
  7. To protect residential privacy;
  8. To encourage the use of native landscape materials;
  9. To encourage the integration of existing trees and woodlands in landscape plans; and
  10. To encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- B. **Landscaping Definitions.** See Section 7.

**C. Requirements.**

1. Landscape requirements shall apply to all uses for which site plan review is required under Section 6, Site Plan Approval, and subdivision plat review as required under Chapter 630, Subdivision and Land Development.
2. No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements herein. The Citizens Planning Commission or Administrative Site Plan Review Committee shall have the authority to modify the requirements of this section, but only upon determining that the proposed landscaping will be sufficient to meet the purpose and intent of this section.

**D. Landscape Plan.** A separate, detailed landscape plan shall be submitted to the City as part of the site plan review or tentative preliminary plat review. The document(s) shall be reviewed and approved by the Citizens Planning Commission or Administrative Site Plan Review Committee prior to issuance of a building/zoning permit. The plan shall be drawn at a scale of no less than one (1) inch equals forty (40) feet and include, but not necessarily be limited to the following items:

1. Location, spacing, size, root type (bare root, balled and burlapped, or container), and descriptions (botanic and common name) for each plant type proposed.
2. Typical straight cross section, including slope, height, and width of berms.
3. Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
4. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials, including watering method.
5. Identification of existing trees and vegetative cover to be preserved.
6. Identification of turf grass and other ground cover and method of planting.
7. Identification of landscape maintenance program, including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.

**E. Landscape Elements.** The following minimum standards shall apply:

1. **Quality.** Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeastern Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Native vegetation shall be used where possible.
2. **Composition.** A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation.
3. **Berms.** Berms shall be constructed with slopes not to exceed a gradient of 1:3. Berm slopes shall be protected with sod, seed, mulch or other form of natural ground cover.
4. **Existing Trees.** The preservation and incorporation of existing trees are encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
  - a) Paving or other site improvements shall not encroach upon the dripline of retained tree(s).
  - b) Existing plant material on the site plan labeled "To Remain" by either the applicant or the City shall require protective techniques, such as fencing or barriers placed at the dripline around the perimeter of the plant material during construction. No parking or storage within the dripline of the plant material shall be permitted. Other protective techniques may be used upon approval by the Citizens Planning Commission or Administrative Site Plan Review Committee.
  - c) In the event that healthy trees and plant material labeled "To Remain" are cut down, removed, destroyed, damaged or excavated within the dripline, the contractor shall replace with comparable trees or plant materials.
  - d) To further encourage the preservation of quality and mature trees, a credit for preserved trees may be used toward meeting landscape requirements. Any preserved trees used for credit which are lost within two (2) years after construction shall be replaced by the landowner with trees as required. Credit for preserved trees shall be as follows:

**SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS**

Caliper of Preserved Tree (inches)	Number of Trees Credited
Over 12	3
8 to 11.9	2
2.5 to 7.9	1

**5. Determining Caliper Size.**

- a) Existing trees shall be measured at four-and-a-half (4.5) feet above the average surrounding grade;
- b) New trees shall be measured twelve (12) inches above the average surrounding grade after planting if the tree caliper is more than four (4) inches; and
- c) New trees shall be measured six (6) inches above the average surrounding grade after planting if the tree caliper is less than four (4) inches.

**6. Landscape Requirements for Noncovered Land Surfaces.** All areas of a lot which are not to be covered by buildings, walks, or parking areas shall be landscaped and maintained unless this requirement is specifically waived by the Citizens Planning Commission or Administrative Site Plan Review Committee.

**7. Installation, Maintenance and Completion.**

- a) All landscaping required by this chapter shall be planted before obtaining a certificate of occupancy, or the appropriate performance guarantee, shall be placed in escrow in the amount of the cost of landscaping. The performance guarantee will be released upon landscaping completion.
- b) All landscaping and landscape elements shall be planted, and earthmoving or grading performed according to accepted planting and grading procedures.
- c) Landscaping required by this section shall be maintained in a strong and healthy condition, free from refuse, debris, and insects. All diseased or dead plant materials shall be replaced within thirty (30) days or the next appropriate planting period, whichever comes first, upon written notice by the Zoning Administrator or designee.
- d) Tree stakes, guy wires and tree wraps are to be removed after one (1) year.
- e) All landscaped areas shall be provided with an automatic irrigation system or maintain a readily available water supply within one-hundred (100) feet of all plant material.

- f) Culs-de-sac, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions in Southeast Michigan.
- g) Landscaping within the site shall be approved in consideration of:
  - i. Adequate sight visibility of signage and adjacent uses;
  - ii. Clearance for motorists;
  - iii. Size of planting area;
  - iv. Location of sidewalks and adequate clearance for pedestrians;
  - v. Maintenance of adequate overhead clearance;
  - vi. Accessibility to fire hydrants;
  - vii. Compatibility with the visual character of the surrounding area;
  - viii. Maintenance-performance guarantee; and
  - ix. Curbing around landscape areas.
- h) Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six inches at maturity.

**F. Recommended & Prohibited Trees and Shrubs.** The following trees and shrubs are recommended:

**For parking areas**

- London Plane Tree
- Sweetgum
- Snowdrift Crabapple
- Honey Locust
- Hawthorn
- Hibiscus
- Linden Tree
- Junipers
- Hardy Rubber Tree
- Scotch Pine
- Dwarf Callery Pear

**Recommended trees and shrubs for greenbelt and interior landscape areas**

- Amur Maple
- Bayberry
- Beauty Bush
- Bristly Locust
- Cottoneaster
- Dwarf Callery Pear
- Eastern Ninebark
- Euonymus
- European Hornbeam
- European Linden
- Ginko (male varieties)
- Goldenrain Tree
- Hackberry
- Hardy Rubber Tree
- Hawthorn
- Hedge Maple
- Henry St. Johnswort
- Honeylocust
- Junipers
- Lilac
- Little Leaf Linden
- London Plane Tree
- Mockorange
- Mugo Pine
- Pin Oak
- Red Maple
- Scarlet Oak
- Serbian Spruce
- Smoke Tree
- Snowdrift Crabapple
- Sugar Maple
- Swamp White Oak
- Sweetgum
- Tulip Tree
- Viburnums (except Compact European)
- White Spruce
- Zelkova

**Recommended salt-resistant trees and shrubs**

- Black Locust
- Hibiscus
- Honey Locust
- Juniper
- Pinus Nigra
- Sweetgum
- Tamarix

**Recommended trees and shrubs for shady areas**

- Alpine Currant
- Amelanchier
- Arborvitaes
- Cottoneaster
- Dogwoods
- Euonymus
- Honey Locust
- Oregon Grapeholly
- Viburnums

**Trees and shrubs not permitted.**

- Ash
- Box Elder
- Buckthorn
- Burning Bush
- Catalpa
- Elms
- Horse Chestnut
- Japanese Honeysuckle
- Norway Maple
- Poplars
- Privet
- Trees of Heaven
- Willows

**G. Banked Landscaping.** If the Citizens Planning Commission (CPC) or Administrative Site Plan Review Committee (ASPR) determines there is insufficient space to meet landscaping requirements, the CPC or ASPR may permit an applicant to “bank” trees in one of the following ways:

1. Make payment to the City on a per-tree basis in an amount to be determined by the City Council. Monies received shall be used for the purchase of trees and planting materials for City Parks or locations as determined appropriate by the City administration.
2. Trees and similar materials may be planted elsewhere within the City, if approved by City administration, provided the following standards are met:
  - a) All trees shall satisfy current American standards for nursery stock, the planting recommendations of this Section, and the following:
    - i. Nursery grown or comparable, or relocated from the same parcel.
    - ii. Number one (1) grade, with a straight, unsecured trunk and a well-developed uniform crown.
    - iii. Guaranteed for one (1) year from the time of planting.



**SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS**

H. Minimum Size and Spacing Requirements	Minimum Size Allowable				Recommended On-Center Spacing			
	Height/Caliper				(feet)			
Trees	6'	3'-4'	2"	2.5"	30	25	15	10
<i>Evergreen Trees:</i>							X	
Fir	X						X	
Spruce	X						X	
Pine	X						X	
Hemlock	X						X	
Douglas Fir	X						X	
<i>Narrow Evergreen Trees:</i>								
Red Cedar		X						X
Arborvitae		X						X
Juniper (selected varieties)		X						X
<i>Large Deciduous Trees:</i>								
Oak				X	X			
Maple				X	X			
Beech				X	X			
Linden				X		X		
Ginko (male only)				X	X			
Honeylocust (seedless, thornless)				X	X			
Birch				X		X		
Sycamore				X	X			
<i>Small Deciduous Trees (ornamental):</i>								
Flowering Dogwood			X				X	
(disease -resistant)			X					
Flowering Cherry, Plum, Pear			X			X		
Hawthorn			X				X	
Redbud			X			X		
Magnolia			X				X	
Flowering Crabapple			X				X	
Mountain Ash			X				X	
Hornbeam			X			X		

SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

Minimum Size and Spacing Requirements	Minimum Size Allowable				Recommended On-Center Spacing				
	Height/Caliper				(feet)				
Shrubs	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
<i>Large Evergreen Shrubs:</i>									
Pyramidal Yew		X			X				
Hicks Yew				X				X	
Spreading Yew			X				X		
Alberta Spruce		X						X	
Chinensis Juniper Varieties			X			X			
Sabina Juniper				X			X		
Mugha Pine				X		X			
<i>Small Evergreen Shrubs:</i>									
Brown's, Ward's, Sebion Yews				X					X
Horizontal Juniper Varieties				X		X			
Boxwood				X				X	*
Euonymous, spreading varieties				X			X		
<i>Large Deciduous Shrubs:</i>									
Lilac			X		X				
Sumac			X			X			
Pyracantha				X			X		
Weigela		X						X	
Flowering Quince			X			X			
Cotoneaster (peking and spreading)			X				X		
Dogwood (Red Oyster & Grey)			X			X			
Viburnum varieties			X			X			
<i>Small Deciduous Shrubs:</i>									
Barberry				X			X		
Dwarf Winged Euonymus				X			X		*
Spirea				X				X	
Fragrant Sumac				X					
Japanese Quince				X					X
Cotoneaster (rockspray, cranberry)				X			X		X
Potentilla				X					X

\* For hedge plantings

## SECTION 5.19

**LIGHTING (EXTERIOR LIGHTING & GLARE)****A. Light from Indirect Sources.**

1. The design and/or screening of a development shall ensure that glare from vehicle headlights shall not be directed onto any adjacent property, particularly residential. As such, the site design may need to incorporate berms, knee walls, landscaping or similar shielding devices to ensure the elimination of glare.
2. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, or adjacent properties.
3. Glare (or heat) from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed behind solid, non-combustible walls or visual barriers so as not to be seen from any point beyond the property line and as not to create a nuisance or hazard to adjacent properties.

**B. Light from Direct Sources.**

1. Subject to the provisions of this section, 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.
2. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians and nearby properties. The lighting source shall not be visible from adjoining properties. These provisions are not intended to apply to public street-lighting.
3. The following standards shall apply:
  - a) Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be downward directional and/or shielded away from adjoining properties, and so as not to cause glare for motorists.

- b) The light intensity provided at ground level shall be a minimum of 0.3 footcandles anywhere in the area to be illuminated. Light intensity shall average a minimum 0.5 footcandles over the entire area, measured five (5) feet above the surface. Not more than one (1) footcandle shall be allowed at the property line. Where light fixtures are fifteen (15) feet in height or less, light wattage shall not exceed 250; where light fixtures are greater than fifteen (15) feet in height, but not more than twenty-five (25) feet in height, light wattage shall not exceed 400.
- c) For residential uses or the portions of a nonresidential use adjacent to residential areas, lighting fixtures shall not exceed a height of fifteen (15) feet. Lighting fixtures shall not exceed a height of twenty-five (25) feet. Height shall be measured from the parking lot surface to the center line of the lighting source.
- d) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to determine the effects of such lighting upon adjacent properties and traffic. Building-or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes is not permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provision.

- C. Parking lot, building, signage and landscaping illumination shall be illustrated in a photometric plan and described on the site plan, detailing the type of fixtures, shielding, the height of fixtures and poles, light wattage, footcandles, and any other proposed illumination.
- D. All wiring shall meet the requirements set forth in the City's current electrical code.
- E. Illumination of buildings, structures, signs or outdoor features, activities or events shall not be of a flashing, intermittent or moving type. All illumination shall be directed or shaded so as not to interfere with the vision of motorists or occupants of nearby properties.
- F. Rotating searchlights or similar devices emitting beams of light into the sky shall be prohibited. Airports meeting FAA regulations may be exempt.

## SECTION 5.20

**LOT COVERAGE CALCULATIONS FOR PARCELS ABUTTING ALLEYS**

One-half the width of an alley shall be included in the lot coverage calculation for those parcels abutting alleys.

## SECTION 5.21

**MOVING OF BUILDINGS OR STRUCTURES**

Any building or structure shall not be moved or removed and/or placed upon any parcel until a building permit has been obtained. Any such building or structure shall fully conform to all the provisions of this chapter.

## SECTION 5.22

**MULTIPLE-FAMILY CONVERSION FROM SINGLE-FAMILY DWELLING**

Conversion of single-family residences into multiple-family units, up to four (4), may occur within the RM and RMD Districts by Special Use Approval, provided that the special use standards in Section 6.16 are met, as well as the following dimensional requirements:

- A. **Minimum Lot Area, Height, Width and Setbacks.** A conversion may only occur when the following standards are met:
1. **Minimum lot size per unit:**
    - a) Area: 12,000 square feet
    - b) Width: 60 feet
  2. **Maximum building height:**
    - a) Stories: two (2)
    - b) Feet: 25
  3. **Setback:** Setbacks shall comply with the standards for the zoning district in which it's located.
  4. **Maximum lot coverage:** Lot coverage shall comply with the standards for the zoning district in which it's located.
- B. **Parking Standards.** Parking shall comply with all applicable parking regulations.
- C. **Exterior Appearance.** The exterior of the residence shall not be dramatically altered by the conversion. Exterior stairways or fire escapes shall not be permitted on the front elevation or on a visible side elevation. For properties fifty (50) years or older the Historic District Commission may be requested to review and provide comment on exterior changes.

## SECTION 5.23

**NOISE AND VIBRATION**

- A. Noise which is objectionable as determined by the City due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled and shall be subject to the noise regulations as contained in Chapter 451, Noise, of the Code of the City of Monroe.
- B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent properties or uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement.
- C. Noise and vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

## SECTION 5.24

**OFF-STREET PARKING AND LOADING**

- A. **Intent.** The City of Monroe declares that the purpose and objectives of off-street parking and loading design criteria are to:
1. Clarify design standards and requirements for off-street parking facilities;
  2. Ensure quality design of off-street parking facilities in an effort to relieve traffic congestion and parking problems on surrounding streets;
  3. Enhance the circulation within parking areas and also ensure that additional vehicular traffic does not impair the flow of traffic on abutting or adjacent streets;
  4. Discourage monotonous, drab, unsightly, dreary and inharmonious parking areas by ensuring that well-designed landscaped buffers and acceptable screening methods are incorporated into the parking areas; and
  5. Define parking requirements to minimize excessive parking areas in an effort to conserve land and natural resources and lessen the loads on the storm sewer system caused by paving and other methods of hard surfacing.
- B. **Off-Street Requirements.** In all zoning districts, at the time of erection, enlargement or change to a more intense use of any principal building or accessory building which generates parking demand, off-street parking in conformance with this section shall be provided prior to the issuance of a certificate of occupancy. All such parking shall be in accordance with the following standards:

## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

1. Determination of number of spaces required:
  - a) The number of parking spaces provided shall as established for each zoning district (See Section 2). For those uses not specifically listed, the requirements for off-street parking facilities shall be in accordance with a similar use as determined by the Citizens Planning Commission or based on a number supported by national parking generation studies.
  - b) For the purpose of computing the number of parking spaces required, all references to floor area, unless otherwise indicated, shall mean usable floor area (UFA) . All instances where gross floor area (GFA) is the standard are indicated as such.
  - c) Any reference to employees shall be based on the number of employees in the largest shift.
2. Permitted capacity shall mean the maximum number of people for a building or use as defined by local, county or state fire, building or health codes.

### C. Deviations from Numerical Requirements.

1. The Citizens Planning Commission may reduce the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based upon the level of current or future employment, the expected level of customer traffic or observed parking use rates.
2. Off-Street parking requirements may be reduced when two or more property owners or uses agree by letter of agreement to share off-street parking. The Citizens Planning Commission may approve a reduction of up to 25% of the required parking based upon evidence provided by the applicant.

### D. Location of Parking.

1. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport or a combination thereof and shall be located on the premises they are intended to serve. Parking areas shall not be located in the required front yard or street-side yard.
2. For multi-family residential, commercial or industrial uses, off-street parking shall be either on the same lot or within three-hundred (300) feet of the property it is intended to serve.
3. Off-street parking, including maneuvering lanes, shall not be located within the required front greenbelt; nor shall parking be permitted on lawns or other landscaped areas.

### E. Other Standards.

1. The amount of required off-street parking spaces shall be illustrated on the site plan and shall be irrevocably reserved for such use. Ownership of properties to be used for parking shall be identified on site plan.
2. If a use changes or a building is expanded, an expansion of the parking lot may be required to meet additional parking needs.
3. Loading zones shall not be used when calculating off-street parking requirements.

F. **Truck and Equipment Parking.** Open storage or parking of semi-trucks and commercial trailers, construction equipment or machinery shall not be permitted in a residential district, on a residentially used property, or on any public street. These standards shall not apply to pickup or panel trucks. Additionally, construction equipment storage containers or semitrailers used for storage shall be allowed provided a valid building permit is in effect.

G. **Recreational Vehicle Parking / Storage.** Recreational vehicles (See Definitions, Section 7) shall not be kept on private property or on a public street except under the following conditions:

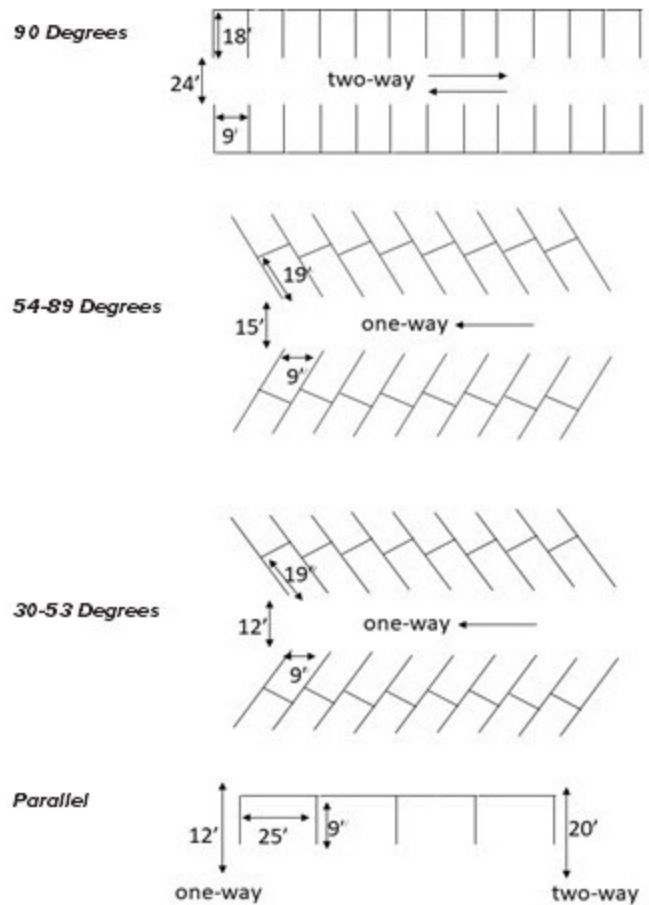
1. **Loading and Unloading.** A recreational vehicle may be loaded or unloaded on a public street or in any driveway on a private property with the permission of the property owner for the purpose of loading, unloading, and basic preventative maintenance of the vehicle. This parking shall not exceed 24 hours on a public street or 48 hours on any private property. Parking of the vehicle for other purposes shall be considered storage under the section and shall be subject to the limitations provided in this section.
  - a) Notwithstanding any provision to the contrary contained herein, any use described in section 1 above shall occur no more than 50 feet from the property line to which the recreational vehicle is registered to the occupant of the private property.
2. **Storage.** Recreational Vehicles may not be stored on a public street. Recreational vehicles may be stored on private property provided:
  - a) Each vehicle shall be stored fully within the rear yard, or within an interior side yard on an approved hard surface.

- b) When stored within a rear yard, the vehicle shall meet the setback requirements of an accessory structure as set forth in the appropriate zoning district outlined in Section 2.
  - c) When stored in an interior side yard, the vehicle shall not project beyond the front building line of the principal structure or extend above the height allowance of an accessory structure in the appropriate zoning district outlined in Section 2, measured from the surface of the driveway to the highest point of the vehicle, including the trailer, but excluding vehicle masts, antennas and open windshields extending upwards from the main deck.
  - d) The storage of such vehicles as indicated in this section shall not occupy more than 25 percent of a required rear yard, or 40 percent of any non-required rear yard, or exceed the ground floor area of the primary structure.
  - e) When a storage area is located on a corner lot, the storage area shall not project beyond the front building line required on the lot to the rear of such corner lot. In no instance shall a storage area be located nearer than ten feet to a street right-of-way line.
  - f) Vehicles shall not be used to store flammable or explosive fuels or materials that are contrary to federal, state or local regulations.
  - g) Vehicles shall be fully operable and kept in a state of proper repair and shall be secured to prevent unauthorized entry. Vehicles shall not be allowed to become a nuisance or blight as provided for in the City Code.
  - h) Vehicles shall display the current license plate and/or registration as may be appropriate under state law for the particular type of vehicle.
  - i) At no time shall a vehicle be used for living or housekeeping purposes, nor shall it be connected to water, gas, electrical or sanitary sewer facilities, except for the purposes set forth in Section 5.24 G.1 - Loading & Unloading.
  - j) Other than in an enclosed building, no person shall park or store more than two units upon any private property. For purposes of this limitation, units used in conjunction with one another such as a boat mounted upon a boat trailer shall be considered as one unit.
3. **Requests for Exceptions, Special Approvals or Variances.** Notwithstanding the provisions of Section 6.22, Zoning Board of Appeals in this chapter, no requests for exceptions or special approval shall be heard or granted by the zoning board of appeals and adjustments regarding the enforcement of the provisions of this section. However, nothing in this section shall be construed to prohibit or prevent persons from bringing administrative or variance appeals to the zoning board of appeals and adjustments in accordance with the applicable sections in Section 6.22 of this chapter.
  4. **Waiver of Regulations.** The provisions concerning location may be waived for a period of up to two weeks to permit the preparation of the owner's or occupant's recreational vehicle. Permits for any such waiver shall be obtained from the Building Division. Not more than two permits shall be issued per address per calendar year. Permits shall be valid for a period of not more than two weeks in duration. Such vehicles shall be located in the driveway of the applicant's residence and shall not block the sidewalk, or have fixed utilities.
  5. **Violations.** Violations of the provisions of this section are a municipal civil infraction for which the fine shall be altered upon annual citation evaluation each fiscal year as voted upon by City Council.
- H. **Off-Street Loading and Unloading Requirements.** On non-residential properties involved in the receipt or distribution of goods there shall adequate space provided for loading, unloading or standing in order to avoid interference with public rights-of way or parking areas.
1. **Plan Requirements.** Plans and specifications shall be submitted showing required loading and unloading areas.
  2. **Dimensions.** Loading and unloading areas shall be an area ten (10) feet by fifty (50) feet, with a fourteen (14) foot height clearance. The Citizens Planning Commission may permit a reduction in the loading area size to ten (10) feet by thirty (30) feet for office buildings and other facilities in which loading and unloading will be limited to smaller trucks and vans.
  3. **Number of spaces.** The number of spaces shall be provided according to the following schedule:

**SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS**

Gross Floor Area (GFA) of Building (sq. ft.)	Required Number of Loading/ Unloading Spaces
Up to 2,000	None
2,001 to 20,000	1
20,001 to 100,000	1; and 1 per each 20,000 sq. ft. of GFA in excess of 20,000 sq. ft.
100,001 to 500,000	5; and 1 per each 40,000 sq. ft. of GFA in excess of 100,000 sq. ft.
Over 500,000	15; and 1 per each 80,000 sq. ft. of GFA in excess of 500,000 sq. ft.

4. **Location.** A loading and unloading area shall not be located in a required front or secondary street yard. The I-P, Port Industrial District, shall be exempt provided a twenty-five (25) foot setback is maintained.
5. **Backing onto a Public Street.** Backing out of a loading and unloading area onto a public street shall be prohibited.
6. **Travel Route Labeled on the Plan.** Site plans shall illustrate that the expected turning radius of loading or unloading vehicles can be accommodated without conflicting with parking and accessory structures.
7. **Materials.** Loading dock approaches and loading area shall be surfaced with asphalt or concrete paving so as to provide a permanent, durable and dustless surface with a base sufficient to accommodate expected vehicle weight.
8. **Parking Lot Design.**
  1. **Layout.** Wherever off-street parking is required, the parking area shall be designed, constructed and maintained in accordance with the standards and regulations of this section and the parking table and layout illustrations, as follows.



Parking Pattern	Maneuvering Lane Width (feet)		Parking Space Dimensions (feet)	
	One-Way	Two-Way	Width	Length
0° (parallel)	12	20	9	25
30° to 53°	12	n/a	9	19
54° to 89°	15	n/a	9	19
90°	15	24	9	18

2. **Surface Construction.** Parking areas, driveways, drives and loading zones shall be constructed of an asphalt or concrete surface with concrete curbs and gutters, in accordance with the current design practices of the City Engineering Department.
3. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings or across sidewalks or other areas intended for pedestrian circulation. All parking lots shall be graded and shall provide enclosed stormwater drainage, catch basins and storm sewer taps when necessary, according to current City Engineering standards and specifications.
4. **Lighting.** Lighting shall be provided in all parking lots and shall meet the standards of Section 5.19.
5. **Driveway Location.** Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Driveways shall be spaced, as required by Section 5.01. Driveways for uses other than a single-or two-family home shall not face single-family residences. The design standards required for driveway approaches shall conform to all applicable sections contained in Chapter 625, Streets and Sidewalks, Part II, Sidewalk, Driveway, Crosswalk and Curb Construction, of this Code.
6. **Cart Corrals.** When a use involves shopping carts, the Citizens Planning Commission may require cart corrals. Overnight outdoor storage of shopping carts in a parking lot is prohibited.
7. **Outdoor Storage or Display.** Parking lots shall not be used for outdoor storage or display.
8. **Landscaping.** The parking area shall include landscaping in accordance with the appropriate requirements in Section 2 and Section 5.18.
9. **Barrier-free Parking Requirements.** Parking areas shall meet all local, State and Federal barrier-free design requirements. Parking requirements may be increased by the Citizens Planning Commission (CPC) for uses where the expected need will exceed required State and Federal requirements (e.g., medical facilities, churches, etc.).

## SECTION 5.25

**OPEN SPACE RETENTION**

Any land area designated to meet an open space provision shall remain open space in perpetuity and may not be counted toward meeting the open space requirements of future development.

## SECTION 5.26

**OUTDOOR DINING/ SIDEWALK CAFÉS**

- A. **Accessory Use.** Outdoor dining shall be permitted as an accessory to any established restaurant, provided the standards of this section are met.
- B. **Permit Issuance.** The Building Official may issue to a restaurant a revocable sidewalk café permit to occupy a portion of private property or adjacent City, County, or State right-of-way to place tables and chairs for selling and consuming food and beverages under the terms and conditions provided in this chapter. An application depicting the location and layout of the café facility shall be submitted to the Building Department. A right-of-way permit from the City, County, or State, depending on the jurisdiction of the right-of-way, shall be obtained where applicable.
- C. **General Prohibitions.** The requested occupancy of the City right-of-way shall not:
  1. Interfere with the use of the right-of-way for pedestrian or vehicular travel. At least five (5) feet of sidewalk shall be left clear or meets ADA requirements, whichever is greater.
  2. Unreasonably interfere with the view from, access to, or use of property adjacent to said street.
  3. Interfere with street cleaning or snow removal activities.
  4. Cause damage to the street or sidewalk or to the trees, benches, landscaping, or other objects lawfully located in the right-of-way.
  5. Cause a violation of any state law or local Charter, ordinance or resolution.
  6. Conceal or detract from the appearance of landscaping features in or adjacent to the street.
  7. Be in or adjacent to property zoned exclusively for residential purposes.
  8. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
  9. Interfere, in any way, with the existing required exits from adjacent buildings.



## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

10. Cause increased risk of theft or vandalism.
  11. Operate outside of the normal operating hours of the establishment.
- D. **Permit Fee.** Prior to issuance of a sidewalk cafe permit, a permit fee shall be paid as established by City Council resolution.
- E. **Liability Insurance.**
1. Each permit applicant shall provide the City with a certificate of public liability insurance protection in an amount to be determined solely by the City. The certificate of insurance shall be in effect for at least the period of the permit to be issued and additionally insured.
  2. The Council shall determine, by resolution, the necessary amount of liability insurance coverage. Each certificate shall meet the approval of the City Attorney or the Director of Finance.
- F. **Enclosure of Permitted Area of Operation.** For all businesses selling food and/or beverages in an area located on a public sidewalk, such areas shall be enclosed by a structure approved by the Building Official. Prior to approval, written plans and specifications of such structure and any additional construction shall be submitted to the Department. Plans and specifications shall include outdoor lighting designs. All construction shall conform to existing building and electrical codes and regulations of the City and shall not be permanent.
- G. **Trash Receptacles Required.** It is hereby declared the duty of any owner, lessee, occupant or any other person having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the City to provide adequate receptacles for the deposit of trash or litter of any kind in a convenient place located near such establishment.
- H. **Accumulation of Dirt or Trash on Sidewalks Adjoining Commercial Establishments.** It is hereby declared to be the duty of any owner, lessee, occupant, or any other person having charge of any lot or parcel of land being used for commercial or business purposes of any nature within the City to not permit or allow an unsightly amount of dirt, rubbish, trash or debris of any nature to accumulate on the sidewalk adjoining such establishment. The presence of the aforementioned items upon any sidewalk adjoining any business or commercial establishment within the limits of the City is hereby declared to be a public nuisance.
- I. **Permit Duration, Transfer and Display.** A permit shall remain in effect unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein. Every permit issued under this chapter shall be displayed in a conspicuous place in the food service establishment.
- J. **Appeals.** Persons who are refused a permit or have had their permit revoked may request, in writing, a hearing on the determination before the City Manager. The decision of the Manager may be appealed to the City Council. Requests for a hearing or an appeal shall be made in writing within five (5) business days of the questioned decision.
- K. **Enforcement Procedures.** The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are authorized to issue and serve appearance tickets with respect to violations of this chapter pursuant to Section 1 of Act No. 147 of the Public Acts of 1968, as amended [MCLA § 764.9c(2); MSA § 28.868(3)(2)].
- L. **Appearance Tickets.** Appearance Tickets shall be in such form as determined by the City Attorney, and shall be in conformity with all statutory requirements.

### SECTION 5.27 PARCEL OR LOT DIVISIONS

No parcel or lot division shall be made or created which results in a nonconforming parcel in accordance with the provisions of this chapter or in violation of Chapter 630, Subdivision and Land Development, of the Code of the City of Monroe.

### SECTION 5.28 PERMITTED YARD ENCROACHMENTS

For all zoning districts, the following yard encroachments are permitted:

- A. **Architectural Features.** Bay windows, windowsills, belt courses, cornices, eaves, overhanging eaves and other architectural features may project into the required setbacks as follows:
1. Two (2) inches for each foot of the side yard.
  2. Thirty-six (36) inches (maximum) for front or rear yards.
- B. **Building Accessories.** Open/uncovered porches, terraces, decks and light-control fixtures may project into the front or rear yards by up to 20% of the required yard setback. When a building accessory is located in a front yard, the height shall not exceed three (3) feet above finished grade.

- C. **Covered or enclosed porches, decks, etc.** All covered or enclosed porches, decks or similar structures shall meet the required setbacks for the principal building.

## SECTION 5.29

**PONDS AND WATER GARDENS**

- A. **Depth of Water Gardens.** A water garden shall have a maximum depth of thirty-six (36) inches.
- B. **Code Compliance.** Ponds and water gardens shall comply with all building, electrical, plumbing and heating codes and regulations in effect in the City of Monroe and require permits, as applicable.
- C. **Fencing.** Ponds and water gardens shall be completely enclosed by a fence or located in a yard which is completely enclosed by a fence of not less than four (4) feet nor more than seven (7) feet in height. Fencing shall be installed to meet the Building Code's minimum of four (4) feet from the outside wall of the pond or water garden. Gates included in such fencing shall be self-latching. The requirement for fences around ponds or water gardens may be waived upon a finding that the pond has stable side slopes, no steeper than three (3) horizontal feet to one (1) vertical foot, extending into the water to a depth of two (2) feet below the surface of the water at the lowest sustainable water level.

## SECTION 5.30

**PRINCIPAL BUILDINGS, STRUCTURES, AND USES**

- A. No lot or parcel shall contain more than one (1) principal building, structure or use, except for the following:
1. Site condominium or condominium developments
  2. Approved home occupations, bed-and-breakfast inns, or care facilities
  3. Multiple-family dwellings under the same ownership
  4. Mobile home parks
  5. Hospitals or medical complexes
  6. Office complexes
  7. Places of worship
  8. Shopping centers
  9. Auto dealerships
  10. Gasoline service stations with approved auto wash buildings

11. Industrial uses
12. Radio, television and cellular telephone towers
13. Planned unit developments
14. Any use that may be determined by the Citizens Planning Commission (CPC), upon recommendation by staff, to be of the same general character

## SECTION 5.31

**REMOVAL OF SOIL, SAND, AND OTHER MATERIALS**

- A. **General.** The use of land for the removal of topsoil, sand, gravel, or other similar material from any zoning district shall not be permitted unless a zoning compliance permit is obtained from the Building Department.
- B. **Removal Standards.** If soil is to be removed, it shall not be removed below the normal established grade, nor shall such removal cause stagnant water to collect or leave the surface of the land in a vulnerable state for erosion. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Zoning Administrator and a building permit has been issued.

## SECTION 5.32

**RESIDENTIAL DESIGN STANDARDS**

- A. **Intent.** In order to preserve the substantial investment by property owners in single-family neighborhoods, any single-family home erected in a residential zoning district shall not be grossly dissimilar to the exterior design and appearance of other homes in the surrounding area. The term "grossly dissimilar," as used in this section, shall mean a difference which is immediately obvious to professionals in the building trades, planning fields or general public.

These standards are intended to prevent grossly dissimilar dwellings which may:

1. Adversely affect the property values within the surrounding area.
2. Adversely affect the desirability of an area for existing or prospective homeowners.
3. Adversely affect neighborhood stability.
4. Lessen the opportunity for realizing the development pattern and goals envisioned by the City of Monroe Master Plan.

## SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS

- B.** Residential structures and dwelling units shall comply with the following:
1. The roof pitch of a residential structure shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet six (6) inches, except where the specific housing design dictates otherwise (i.e., Second Empire, Italianate, etc.).
  2. Residential structures shall have an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), and is in reasonable conformity with the configuration of dwelling units in the surrounding residential neighborhood. A dwelling unit shall have a minimum width of twenty (20) feet.
  3. Residential structures shall have exterior finish materials and roof designs and materials that are not grossly dissimilar to homes in the surrounding residential neighborhood.

**C. Review of Architectural Compatibility.** The Planning Department may request a review by the Historic District Commission for any residential structure or dwelling unit so as to determine compliance with this section. The Historic District Commission shall not seek to discourage architectural variation, but rather promote architectural compatibility thereby protecting property values of surrounding residential uses and the City-at-large. In reviewing such dwelling units, the Community Development Department may require the applicant to furnish plans, elevations and similar documentation as deemed necessary.

### SECTION 5.33

## SIDEWALKS AND PEDESTRIAN FACILITIES

Sidewalks shall be required in all zoning districts along public rights-of-way and in front of buildings where pedestrian activity is expected. Sidewalks shall be designed and constructed in conformance with the current standards of the City Engineering Department and all applicable state and federal requirements to ensure reasonable accessibility by persons with physical disabilities. Pedestrian facilities shall also be provided within the site to connect public sidewalks with building entrances, protect pedestrians within parking lots, as well as facilitating safe pedestrian travel between multiple developments.

### SECTION 5.34

## STORMWATER MANAGEMENT

All development resulting in physical modifications to one (1) or more acres of land are subject to review under the requirements of this section and shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required to protect the site shall be based upon the natural features, wetlands, and watercourses found thereon; and the potential for on-site and off-site flooding, water pollution, and erosion.

- A. Standards:** The design of storm sewers, detention facilities, and other stormwater management practices shall comply with the standards of the City:
1. Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
  2. The use of swales and vegetated buffer strips is encouraged in cases where the Citizens Planning Commission deems them to be safe and otherwise appropriate as a method of stormwater conveyance. Such conveyances shall: decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and remove pollutants.
  3. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
  4. Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner proposes measures to reduce and trap pollutants, the owner shall meet the requirements of all appropriate State departments. Such a proposal shall be submitted and reviewed by the Director of Water and Wastewater Utilities, with consultation of appropriate experts.
  5. Drainage systems shall be designed to protect public health and safety and to be visually attractive.
  6. Outfall protection shall be established by the City for sites where stormwater discharges directly into a river, lake, or county drain.
  7. Water run-off from patios, driveways, downspouts or gutters shall not discharge directly, or indirectly onto adjacent properties. Water may drain onto front or rear yards or may be discharged into an approved storm sewer system.

8. Foundation drainage systems shall only discharge into an approved storm system, providing one is available to service the property. In the event of a storm sewer not being available, other design methods may be used to disperse water, if approved.
- B. **On-site Stormwater Detention.** For the purpose of controlling drainage to off-site properties and drainageways, all properties which are developed under this section, whether new or improved, shall provide for on-site detention of stormwater in accordance with the current City standards.
- C. **Retention or Detention Basin.** All stormwater retention or detention ponds in multiple residential dwelling, commercial, or industrial districts shall be designed in accordance with City engineering standards. Landscaping to screen such ponds may be required through site plan review.

### SECTION 5.35 STREET CLOSURES

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of the vacated area. The vacated area shall then be subject to all appropriate regulations of the that district.

### SECTION 5.36 SWIMMING POOLS, HOT TUBS, WHIRLPOOLS AND WATER FEATURES

- A. **Exempted Pools.** All inflatable pools, kiddie pools, or other similar water features which are temporary or seasonally erected and dismantled and do not exceed 24 inches in depth are exempt from the provisions of this section.
- B. **Swimming Pool Erection; Permit Required.** All pools more than twenty-four (24) inches in depth shall be permitted as an accessory use. An application for a swimming pool permit shall be required to install a swimming pool. Such application shall include all pertinent information, including site plans and specifications for the swimming pool, fence, and other accessories.
- C. **Location of Swimming Pools.** Swimming pools shall be permitted in the rear yard only for corner and interior lots. Pools shall maintain a minimum setback of eight (8) feet from any lot line and ten (10) feet from any building and appropriate distances from overhead lines.

- D. **Hot Tubs, Whirlpools and Similar Water Features.** Hot tubs, whirlpools and similar water features shall meet the same setback requirements as required for pools (Section 5.36.C).
- E. **Fencing.** All swimming pools requiring a permit shall be enclosed by a fence or located in a rear yard which is enclosed by a fence of not less than forty-eight (48) inches or more than seventy-eight (78) inches in height. Fencing and gates used as barriers shall be installed so as to meet Swimming Pool Code requirements.
- F. **Code Compliance.** Swimming pools and other water features shall comply with all applicable building, electrical, plumbing, and mechanical codes and regulations. Permits shall be required as applicable.

### SECTION 5.37 VOTING PLACES

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

### SECTION 5.38 WASTE RECEPTACLES

- A. **General.** Receptacles, including waste receptacles, waste compactors, and recycling bins, shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on a site plan for each proposed receptacle. A change in receptacle location or size shall require modification of the enclosure, as noted in this section.
- B. **Location.**
1. Waste receptacles shall be located in the rear yard or non-required side yard. The Citizens Planning Commission may approve an alternate location at their discretion. In no case shall an alternate location be less than twenty (20) feet from any residential use.
  2. Bollards or similar protective devices shall be installed to prevent damage to the enclosure.
- C. **Access.** Waste receptacles shall be easily accessed by refuse vehicles without damaging the enclosure or automobiles parked in designated parking spaces.
- D. **Base Design.** The receptacle base shall be at least one (1) foot wider than the enclosure with a concrete apron projecting outward a minimum of ten (10) feet from the gate. The base shall be constructed with a minimum of six (6) inch, reinforced concrete

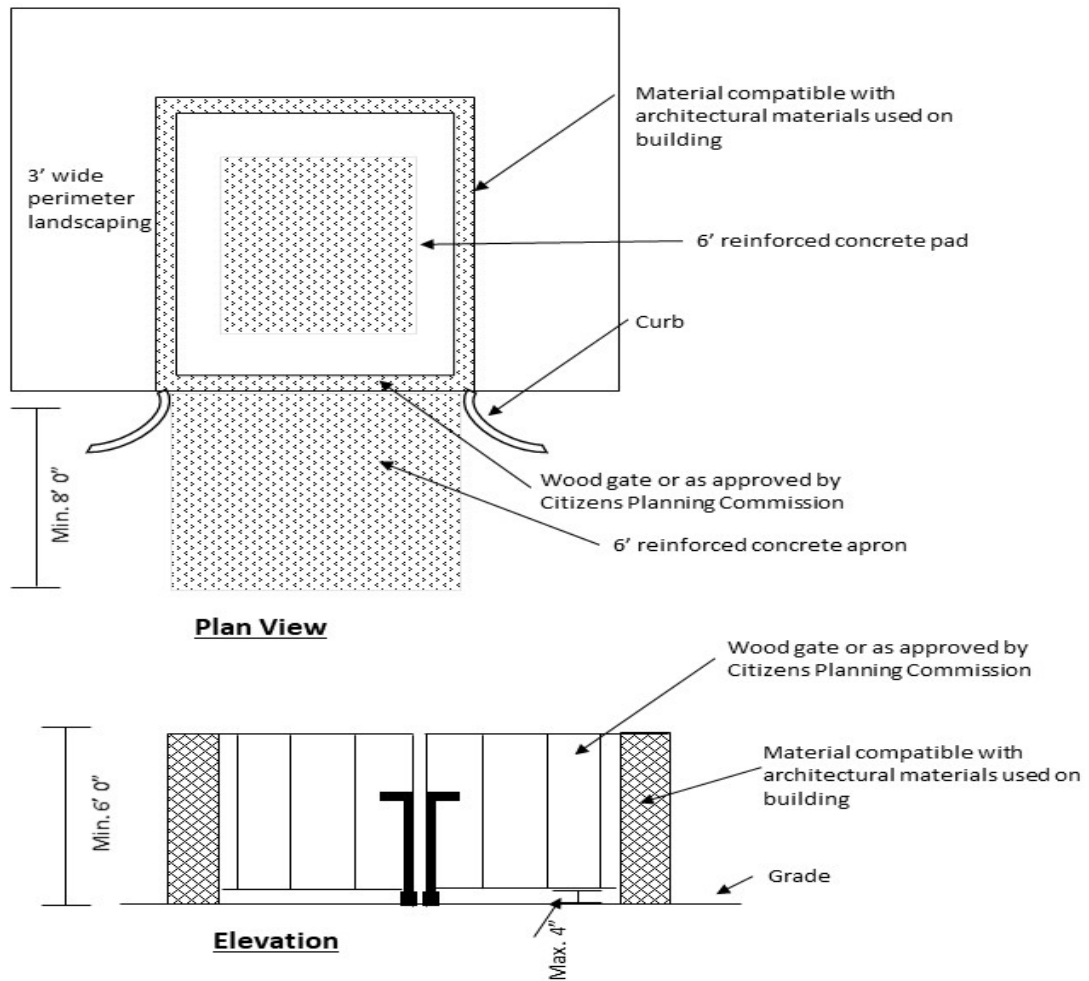
**SECTION 5: SUPPLEMENTAL STANDARDS AND REGULATIONS**

- E. **Lids or Covers.** Each waste receptacle shall have an enclosing lid or cover.
- F. **Screening.** In addition to the requirements above, screening for waste receptacles shall be according to the following standards:
  1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall and gate at least one (1) foot higher than the receptacle, but no less than six (6) feet in height, whichever is higher, and at least three (3) feet larger than the receptacle.
  2. Materials of the enclosure shall be similar or compatible with the appearance of building materials used on the principal structure as determined by City staff. A wooden enclosure may be used if approved by the Administrative Site Plan Review Committee or the Citizens Planning Commission.

3. Landscaping shall be provided within three feet of the perimeter of the waste receptacle and shall consist of evergreen trees or large evergreen shrubs consistent with Section 5.18.

If waste receptacle is located on hard surface parking lot and landscaping is not possible, landscaping requirements may be modified, banked, or waived at the discretion of the Administrative Site Plan Review Committee or the Citizens Planning Commissions.

**Waste Receptacle Guideline**



**SECTION 5.39**

**WETLAND PROTECTION**

This section is intended to comply or act in compliance with Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (See MCLA § 324.101, et seq.).

The City encourages placement of buildings so as to protect and preserve state regulated wetlands.

- A. Any disturbance of soil, removal of landmark trees or stumps, grading, modification of water either into or away from a wetland regulated by the State of Michigan or U.S. Army Corps of Engineers; or an activity prohibited by Section 324.30304 of 1994 PA 451, as amended; or an activity undertaken without a permit from the State of Michigan or Army Corps of Engineers, may result in a stop-work order issued by the City and/or require restoration of the wetland, in accordance with standards of the State of Michigan and/or the United States Army Corps of Engineers standards (See MCLA § 324.30304).
- B. Where stormwater is planned to drain into a wetland, a filtration strip or other material shall be used to control sediment runoff. Maintenance of these filtration materials shall be addressed in a deed or as a condition of site plan approval.
- C. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this section or state regulations.

# 6

Section 6:  
**Administration,  
Enforcement, and  
Processes**

**SECTION 6.01  
ZONING ADMINISTRATION**

- A. The provisions of this chapter shall be administered by the City Council, the Citizens Planning Commission and such personnel as designated by the City Council in accordance with the Michigan Planning Enabling Act, Act No. 33 of the Public Acts of 2008 (See MCLA §125.3801, et seq.) and the Michigan Zoning Enabling Act, Act No. 110 of the Public Acts of 2006 (See MCLA §125.3101, et seq.).
- B. The City Manager shall assign the duty of the Zoning Administrator as deemed appropriate. The Administrator shall be responsible for the enforcement of this section.
- C. Duties of the City Council, the Citizens Planning Commission, City Staff, Administrative Site Plan Review Committee, and Zoning Board of Appeals are delineated in the table below.

**Table 6.1: Roles and Responsibilities**

Responsibilities	City Council	Citizens Planning Commission	Admin. Site Plan Review Committee	City Staff	Zoning Board of Appeals
Rezoning	X	0		0	
Planned Unit Development (PUD)	X	0		0	
Temporary uses and sales; temporary buildings; seasonal and special events			1	X	
Approve public utility uses and buildings		1	X	0	
Site plan review for Special Land Uses		X		0	
Site plan review for permitted uses		1	X	0	
Minor variations of an approved site plan or development plan			X	0	
Subdivisions	X	0		0	
Site condominiums	X	0		0	
Zoning Code amendments	X	0		0	
Zoning Code interpretation				0	X
Modify parking requirements		X		0	
Variances				0	X
Appeals				0	X
Repair, expansion, etc., of nonconforming buildings				0	X
Issue zoning, occupancy and re-occupancy permits (including new uses in existing buildings)				X	
Issue building permits				X	
Enforcement / performance bonds				X	

- X Lead group, final action
- 0 Reviews, makes recommendations
- 1 May review and/or provide final action if deemed applicable

**SECTION 6.02  
DUTIES OF ZONING ADMINISTRATOR**

- A. As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator or designee. In carrying out designated duties, the Administrator or designee shall enforce the Ordinance as adopted.
- B. Zoning compliance, occupancy and re-occupancy permits and inspections.
  - 1. The Zoning Administrator or designee shall have the power to grant zoning compliance permits and inspect properties. It shall be unlawful for the Zoning Administrator to approve plans or issue zoning compliance permits for any excavation or construction until such plans are inspected in detail and found to be in conformity with this chapter.
  - 2. The owner/occupant shall make an application for a zoning compliance, occupancy or re-occupancy permit for any excavation, construction, moving, alteration, change in use, or change of occupancy. The application shall include written statements and a site plan, site sketch or plot plan as determined by staff. Plans shall be drawn to an engineering scale providing sufficient detail to illustrate the proposed work, use or change and its conformance with this section, as follows:
    - a) The shape, location and dimensions of the parcel.
    - b) The shape, size and location of all current and proposed buildings, structures and site features, including relocations and modifications.
    - c) The existing and intended use of the parcel as well as identifying buildings, structures and site features, including the number of dwelling units for multi-family residential buildings.
    - d) Calculations for parking, including parking lot design.
    - e) Information concerning the parcel or adjoining parcels to determining compliance with this section. Requested information should include floor plans, building elevations, driveway and access design, parking lot and driveway materials or cross sections and utility locations and connections as required by staff.



- C. If a proposed project or use is in compliance with this chapter, the Zoning Administrator shall issue a building, zoning compliance, occupancy or re-occupancy permit. If an application is denied, the Zoning Administrator or designee shall provide the reason for denial. Denial shall be in writing. Issuance of a permit shall not be construed as waiving any provision of this section. The Zoning Administrator is not permitted to grant exceptions, nor make changes to regulations contained in this chapter.
- D. No site preparation or building construction shall be started without issuance of a building, zoning compliance, occupancy or re-occupancy permit and, when required, site plan and/or special land use approval.

**SECTION 6.03  
CERTIFICATES OF OCCUPANCY**

- A. **Certificate Required.** No certificate of occupancy shall be issued unless the activity requiring a certificate is in compliance with this chapter and the use has received a building, zoning compliance, occupancy or re-occupancy approval.
- B. **Application and Issuance.** Applications for certificates of occupancy shall be obtained from the Community Development Department and will be reviewed in a timely manner. A certificate shall be issued once the requirements of this section have been met.

**SECTION 6.04  
FEES**

City Council shall establish the fees by resolution. Application and review fees shall be collected by the Community Development Department prior to the review or issuance of such permits, certificates, or approvals.

**SECTION 6.05  
RECORDS**

The Community Development Department shall maintain a complete record for each certificate, permit or approval issued.

**SECTION 6.06  
CITIZENS PLANNING COMMISSION**

- A. **Duties.** The activities of the Citizens Planning Commission shall comply with PA 110 of 2006 (MCLA §125.3101, et seq.) and duties outlined in this section or prescribed by City Council.

- B. **Officers.** The Citizens Planning Commission shall elect a Chairperson, Vice Chairperson and Secretary by majority vote no later than the fourth month of the calendar year. The duties of officers shall be define in the Citizens Planning Commission Bylaws.
- C. **Meetings.** The Citizens Planning Commission shall meet on a regular basis. All meetings shall be noticed as required by the Open Meetings Act and the Citizens Planning Commission Bylaws. (See MCLA § 15.261, et seq.).

**SECTION 6.07  
USE OF CONSULTANTS**

The Community Development Department or the Citizens Planning Commission may employ consultants as appropriate to assist the Commission and staff.

**SECTION 6.08  
PERFORMANCE GUARANTEES**

Performance guarantees may be required to ensure completion of improvements in compliance with this chapter and any condition imposed hereunder. Guarantees may take the form of a cash deposit, certified check, or surety bond equal to a percentage of the site improvement costs, as determined by the City Council.

A performance guarantee shall be deposited with the City Clerk at the time of the issuance of the permit authorizing the project. The City shall rebate the deposit at completion of the work or a portion of the deposit equal to the percentage of work satisfactorily completed, as determined by the City.

As used in this chapter, “improvements” are features or actions associated with a project considered necessary, and may include roadways, lighting, utilities, sidewalks, screening, drainage and similar activities.

**SECTION 6.09  
WITHHOLDING OF REQUIRED APPROVALS**

The Citizens Planning Commission, the Zoning Board of Appeals, or City Council may withhold approval of any use, special land use, site plan, planned unit development, variance or other approval authorized under this chapter, pending compliance with all regulations that may be imposed by local, county, state, or federal agencies or departments.

**SECTION 6.10  
ENFORCEMENT**

- A. **Violations as Nuisances.** A building or structure erected, altered, moved, razed or converted, or any other use or modification of land or premises in violation of this chapter or the Code of the City is hereby declared unlawful and a nuisance per se.
- B. **Violations and Penalties Classified as Municipal Civil Infractions.** Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this chapter; or any permit, license or exception granted hereunder; or any lawful order issued by the Zoning Administrator, the Citizens Planning Commission, the Zoning Board of Appeals or City Council shall be guilty of a municipal civil infraction.

**SECTION 6.11  
MUNICIPAL CIVIL INFRACTIONS**

- A. Whoever is responsible for a municipal civil infraction, as set forth in Section 6.10, shall be subject to the payment of a civil fine in accordance with the following schedule:
  - 1. First violation within a two-year period: \$100.
  - 2. Second violation within a two-year period: \$250.
  - 3. Third and subsequent violations within a two-year period: \$500 each.
- B. The two-year period referenced in Subsection A shall be determined by the date of the first violation. For illustrative purposes only: If the first violation occurs on July 1, 2020, the two-year period shall be from July 1, 2020, to June 30, 2022.
- C. Each day that a violation exists, occurs or continues constitutes a separate offense and shall be subject to the penalties or sanctions.
- D. Whoever violates this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized and provided for under Michigan law.

**SECTION 6.12  
CIVIL PROCEEDINGS**

The Community Development Department may institute a civil proceeding seeking to enjoin, abate, remedy, correct or remove any violation of this chapter, together with the recovery of costs and damages. The judgment may provide the City with a lien upon the subject real property to the extent that the City has incurred costs and expenses in the abatement, removal or correction of the violation.

**SECTION 6.13  
TRAFFIC IMPACT STUDIES**

- A. **Intent.** The City requires studies in certain cases to assist in decision-making to identify potential traffic impacts. This section is intended to provide specific direction for the preparation of traffic impact studies when such studies are determined necessary. Traffic impact studies may also be used by the applicant to justify additional access points, as outlined in Section 5.01, Access Management.
- B. **When Required.** A traffic impact study may be required by the Citizens Planning Commission, the City Engineering Department or Staff for any use that may increase traffic or create operational problems related to a site.
- C. **Submittal Procedures.** The study shall be submitted with the site plan or other materials as requested.
- D. **Qualifications of Preparer.** The person responsible for preparation of the traffic impact study shall have specific training or experience in transportation, such as a professional transportation planner (AICP) or registered professional engineer (PE) and shall be a member of one or more professional transportation-related organizations. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered professional engineer (PE), with specific training in traffic engineering.
- E. **Contents.** The extent of information to be provided depends upon the expected trip generation or potential operational problems related to the proposed project. The information provided in the traffic impact study shall include:

1. A description of the site, surroundings and study area. Illustrations and narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should also include zoning, surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
  2. A description of the requested use which relates to traffic generation, such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
  3. A description of existing peak-hour traffic volumes (and daily volumes, if applicable) at intersections and on streets adjacent to the site. The existing level of service analysis shall be provided for intersections in the vicinity, which are expected to experience an increase in traffic of at least 5% due to the proposed project. Existing traffic counts shall not be over one (1) year old from the date of submittal of the report.
  4. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include: Existing rights-of-way, lane configurations, geometries, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.
  5. For projects that will be completed and occupied within one (1) year of a traffic impact statement submittal, an analysis of background traffic (i.e., the expected increase in traffic volumes related to approved projects and historic annual percentage increases) shall be included in the traffic study.
  6. Forecasted trip generation of the proposed use may be required for peak hours. A weekend forecast may also be required if circumstances warrant. The forecasts shall be based on one standard deviation above the average rate, outlined in the most recent edition of *Trip Generation*, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data from at least three (3) similar projects in southeastern Michigan. The determination of typical uses shall be made by the Community Development Department.
  7. Any trip reduction for pass-by trips, transit, ridesharing, other modes of transportation, internal capture rates, etc., shall be based both on ITE findings and other documented survey results acceptable to City Staff. The community may accept in whole or in part the trip reduction rates used.
- F. **Distribution of Traffic.** The projected traffic generation shall be distributed (inbound v. outbound; left turn v. right turn) onto the existing street network to project turning movements at site access points and nearby intersections. Projected peak hour turning movement volumes shall also be illustrated in the report along with standard engineering procedures used for determining traffic distribution.
  - G. **Capacity Analysis.** A level of service (before and after) or capacity analysis at the proposed access points and nearby intersections shall be completed using the procedures outlined in the most recent edition of the *Highway Capacity Manual*, published by the Transportation Research Board.
  - H. **Mitigation; Alternatives.** The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items, such as: Roadway widening or reduction, bypass lanes, or deceleration taper/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use.
  - I. **Waiver of Study Requirements.** The requirement for a traffic impact study or the study elements listed in this section may be waived or modified by the Citizens Planning Commission or the Administrative Site Plan Review Committee. Reasons for the waiver or modification shall be documented, and the following factors may be considered:
    1. Roadway improvements are scheduled and expected to mitigate impacts associated with the proposed project.
    2. The existing level of service is not expected to be significantly impacted by the proposed project.
    3. A similar traffic study was previously prepared for the site and is still considered applicable.

**SECTION 6.14  
ESSENTIAL SERVICES**

Essential services shall be permitted in any zoning district as authorized under any franchise and in compliance with all applicable state and federal laws and ordinances of the City of Monroe. If an essential service involves the construction of above-ground buildings, plans for such buildings shall be reviewed and approved by the Building Department and shall comply with all provisions of this chapter where feasible.

**SECTION 6.15  
SITE PLAN APPROVAL**

**A. Purpose and Intent**

1. **Intent.** The intent of this article is to require review of a proposed land use or development activity for consistency with the Master Plan; and to ensure compliance with this chapter, other local ordinances, state and federal statutes and promotion of the public health, safety, welfare, and convenience.

The intent of this article is to ensure that development taking place within the City of Monroe is designed to be safe, efficient and environmentally sound and is designed in such manner as to protect adjacent properties and the general public from substantial and adverse impacts.

2. **Purpose.** The purpose of site plan approval shall include furthering the beauty and health of the City through the use of screening, buffering and landscaping of sites and parking lots; privacy; efficiency for the public and local government servicing; preservation of trees and historic landscapes; maintenance of the traditional, Midwestern small town character of the City; emergency access; preservation of a safe and expansive pedestrian environment for all, particularly for the handicapped and elderly; effective drainage; vehicular safety and convenience; control of temporary flooding; prevention of stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors; and reduction of glare and exposure to toxic particles, substances and wastes.
3. Special provisions are provided in Section 6.15.D when there is a change in use or a minor expansion.

**B. Uses Requiring Site Plan Approval; Submittal Requirements**

1. **Site Plan Approval and Administrative Site Plan Approval.** To improve efficiency and remove unnecessary review procedures, this chapter provides for two site plan approval procedures. The first, “site plan review” and “approval,” is used in this chapter to indicate the process requiring approval by the Citizens Planning Commission. The second, “administrative site plan review” and “approval,” is used in this chapter to indicate the process requiring approval by the Administrative Site Plan Review Committee. The Administrative Site Plan Review Committee shall be composed of five members designated by the City Manager.
2. **Site Plan Review Requirements by Use or Development Activity.** The list of uses or development activities in Table 6.1 indicates those requiring site plan approval, administrative site plan approval, or staff review.
3. **Content.** The information which shall be submitted for either site plan approval or administrative site plan approval shall be as indicated in Section 6.15.K. The Citizens Planning Commission may request additional information if determined necessary to properly review and evaluate a plan.

See “Table 6.1: Uses or Activities Requiring Site Plan Approval”.

**C. Site Plan Approval Procedure**

1. The applicant shall submit a completed application, fee and site plan, as described in Section 6.15.K, to the Community Development Department. The number of copies required shall be determined by the Community Development Department.
2. The Community Development Department shall determine if the project is eligible for administrative site plan review and/or whether a pre-application meeting is required.

**D. Eligibility for Administrative Site Plan Review:**

1. The Community Development Department shall schedule meetings of the Administrative Site Plan Review Committee (ASPR) when necessary. A majority vote of the Committee shall be required to approve, postpone, or deny the site plan. The Community Development Department shall forward a report of the action taken to the Citizens Planning Commission at the next available meeting.

2. If action on the site plan is postponed by the ASPR, the applicant may submit a revised plan addressing any identified concerns.
  3. If the site plan is denied by the ASPR, the applicant may request further review by the Citizens Planning Commission.
    - a) A new application for the Citizens Planning Commission shall be required.
  4. The Community Development Department or the Administrative Site Plan Review Committee shall have the option to require review by the Citizens Planning Commission.
- E. If the site plan requires a pre-application meeting:**
1. The Community Development Department shall determine whether a pre-application meeting is necessary based on the scope of the plan, the type of use proposed, and other similar issues and circumstances pertaining to the project.
  2. The Community Development Department will invite the applicant and all appropriate City departments.
  3. Following the meeting, a site plan shall be submitted in compliance with the requirements of this section.
- F. If the site plan requires Citizens Planning Commission review:**
1. The Community Development Department shall first transmit the site plan to appropriate City departments for review and comment.
  2. If a complete site plan has been submitted, the project shall be placed on the agenda of the next available Citizens Planning Commission meeting.
  3. The Citizens Planning Commission shall review the site plan for compliance with the standards set forth in Section 6.15.J. After consideration and public comment, the Citizens Planning Commission shall take action to approve, postpone, or deny the proposed plan.
  4. If action on the site plan is tabled by the Citizens Planning Commission, the applicant may submit a revised plan for further review which addresses identified concerns.
  5. The Community Development Department shall notify the applicant in writing of the action taken.
- G. Final Action and Plan Distribution.** When a site plan has been reviewed by the Administrative Site Plan Review Committee and/or the Citizens Planning Commission and all steps completed, three (3) copies of the application and plans will be marked approved or denied for the following distribution:
1. Two (2) copies forwarded to the Community Development Department.
  2. One (1) copy returned to the applicant, upon request.
- H. Performance Guarantee.** The Citizens Planning Commission, the Administrative Site Plan Review Committee, or the Community Development Department may require a performance guarantee to ensure completion of all site improvements.
- I. Effect of Approval.** Upon approval of the site plan, construction or expansion of any permitted or special land use shall conform to the site plan and any approval conditions. The approval or conditional approval by the Citizens Planning Commission or the Administrative Site Plan Review Committee of a site plan shall expire one (1) year after the date of such action, unless construction has commenced or an extension has been requested by the applicant, in writing, prior to the expiration of such extension. Only one (1) extension shall be granted for an approved plan where work has not commenced.
- J. Criteria for Approval of Site Plans.** The following criteria shall be used by the Citizens Planning Commission, the Administrative Site Plan Review Committee and the Community Development Department as a basis upon which site plans shall be reviewed and approved or denied. The City shall require adherence to sound planning principles but may allow for design flexibility in the administration of the following standards:
1. **Compatibility.** All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size and type of the lot, the character of adjacent sites and buildings, and shall be consistent with the established historic character of the City. Sites shall be developed so as not to impede the normal and orderly operation, development or improvement of surrounding lots. All plans shall include a clear demonstration that remaining adjacent parcels can be developed in the future in a practical, efficient and coordinated manner.

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2. **Compliance with Dimensional Standards.** The site plan shall comply with the district requirements for minimum floor area, height, lot area, open space, density, setbacks, and all other requirements set forth in the Schedule of Regulations, Section 2, unless otherwise provided in this chapter.
3. **Protection of Environmental and Historic Resources.** The site shall be designed to preserve and protect historic and environmental resources to the extent feasible (see Section 4). The Community Development Department may request review by the Historic District Commission for new construction located in defined areas or areas specified by City Council.
4. **Landscaping.** Land development patterns in the City of Monroe may require landscaping and related features to protect and enhance sites and provide safety and privacy for occupants and users. Landscaping, such as fences, walls, barriers and hedges may be used to provide visual screening, separation and sound attenuation. All landscaping shall be provided in accordance with Section 5.18. The Citizens Planning Commission may, at their discretion, waive or reduce landscaping requirements if a practical difficulty can be demonstrated.
5. **Emergency Access.** All buildings or groups of buildings shall be arranged so as to provide emergency vehicle access.
6. **Pedestrian Safety and Access.** In order to ensure public safety within the public rights-of-way and on private sites, improvements such as, signage, sidewalks, chains, fences, posts and bollards shall be utilized to protect pedestrians from vehicular circulation systems.
7. **Accessibility.** The site shall be designed to facilitate access by physically disabled persons in accordance with applicable state and federal laws.
8. **Drainage.** Site drainage, approved by the City Engineering Department, shall be provided to ensure that surface waters are removed from the site and will not adversely affect adjoining lots, sidewalks, pedestrian areas, streets, alleys or the capacity of the public or natural storm drainage systems. Provisions shall be made for a storm drainage system, which may include the construction of stormwater facilities, which may also assist in the prevention of erosion and control of dust. Surface water on all paved areas shall be collected at intervals so as not to obstruct vehicles or pedestrian traffic, or create ponding or ice on pedestrian walkways. Final grades shall not discharge or negatively impact adjacent properties.
9. **Off-Street Parking and Loading.** The amount and design of off-street parking lots and loading zones shall be in accordance with Section 2.
  - a) Off-street parking, loading and unloading areas and outside storage areas or other storage areas that abut, face or are visible from adjacent residential districts or from public thoroughfares shall be screened by walls or landscaping of effective height as required in Section 5.18. In addition, the Citizens Planning Commission or Administrative Site Plan Review Committee may reduce the requirements of Section 2 as a part of the review, provided that sufficient evidence in support of a reduced number of parking spaces is provided by the applicant. Such evidence may include pertinent information related to the use or a parking study conducted by a certified architect, engineer or planner.
10. **Waste receptacles.** Waste receptacles shall be located and screened in accordance with Section 5.38.
11. **Traffic and Access.** Internal circulation shall promote safe and efficient traffic flow. Access points shall be located to minimize disruption of through traffic and reduce potential hazards in driveways.
12. **Exterior Lighting.** Exterior lighting shall be of an appropriate scale and arrangement so as to direct light away from adjoining properties and not impede the vision of drivers along adjacent streets and roadways. Site lighting shall be in accordance with Section 5.19.

13. **Utilities.** Utility services, such as water, sanitary sewers, gas and electricity, shall be connected to or provided, located and constructed with sufficient capacity and durability to adequately serve the development.
14. **Downtown Designs.**
- a) Buildings within the Central Business District (CBD) shall respect the existing character by:
    - i. Locating the front facade of all buildings to the front lot line.
    - ii. Providing at least one pedestrian entrance from the public sidewalk(s) or an abutting street.
    - iii. Providing a second pedestrian entrance to any abutting public off-street parking.
    - iv. Exposing original facade materials, as practical.
    - v. Using appropriate and compatible building materials, and not using exterior insulation and finishing systems (EIFS), or other unsuitable materials on the first floor.
    - vi. Providing 50% transparent glass for first floor elevations.
  - b) Where a redevelopment plan does not meet these standards, it shall be directed to the Historic District Commission for review. The Historic District Commission shall consider a deviation from the above standards based on its impact to the site or to adjoining properties, as well as the ability to meet the Secretary of the Interior's Standards for Rehabilitation. In instances where the proposed deviation is not approved by the Historic District Commission, the applicant may appeal to the Zoning Board of Appeals.
  - c) In addition, building architecture shall be consistent with the recommendations in the City of Monroe Downtown Facade Study and Secretary of the Interior's Standards for Rehabilitation.
15. **Phasing.** All development phases shall be designed in logical sequence to ensure that each will independently function in a safe, convenient, efficient and visually compatible manner without being dependent upon subsequent phases. Should the phased development be changed or modified, a revised plan shall be submitted in accordance with Section 6.15.L.
16. **Compliance with Other Regulations.** Any use shall comply with all applicable federal, state, county and City laws and regulations including, but not limited to, noise, smoke, particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, airborne matter, toxic and hazardous materials, erosion control, flood control and fire safety.
- K. **Information Required on Site Plans.**
1. Plans submitted for approval shall contain the data indicated below.
  2. Site plans shall consist of an overall plan for the entire development. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches with a plan view drawn to a reasonable scale. The site plan will include all dimensions, as well as the following:
    - a) **General Information:**
      - i. Name of development.
      - ii. Proof of ownership of the property to be utilized or evidence of a contractual agreement for acquisition or use, such as an option, lease or purchase agreement.
      - iii. Applicant's name, address, telephone number, and email address.
      - iv. Preparer's name, address, telephone number, and email address, including, when appropriate, a seal from a planner, architect, engineer, surveyor, or landscape architect.
      - v. Date (month, day and year), including revisions.
      - vi. Title block.
      - vii. Scale.
      - viii. North point.
      - ix. Location map drawn at a scale of one inch equals 2,000 feet with North point indicated for the site and area within 1/2 mile.
      - x. Complete and current legal description and size of property in acres.
      - xi. Existing lot lines, building lines, structures, parking areas, etc., on the parcel and within 100 feet of the site.
      - xii. Proposed lot lines, property lines and all structures, parking areas, etc., within the site and within 100 feet of the site.

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- xiii. Center line and existing and proposed lines.
- xiv. Zoning classification of petitioner's parcel and all abutting parcels (including properties across any streets).
- xv. Gross acreage.
- xvi. Proximity to major thoroughfare and/or section corners.
- xvii. Phasing details, if applicable.
- xviii. Any additional graphics or written materials requested by the Community Development Department to assist in determining the appropriateness of the project, including: aerial photography, market studies, impact on schools and utilities, traffic impacts, architectural details, or other details.

### b) Physical Features:

- i. Location of existing and proposed access drives; street intersections; rights-of-way lines; driveway locations; sidewalks; signs; curbing; and acceleration, deceleration, and passing lanes within one-hundred (100) feet of the site.
- ii. Location of existing and proposed buildings and above-and below-ground service facilities, including: storage, loading, and disposal areas for chemicals, hazardous substances, salt, and fuels; water mains, hydrants, pump houses, standpipes, and building services and sizes; sanitary sewers and pumping stations; stormwater control facilities and structures, including storm sewers, swales, retention and detention basins, drainageways, and other facilities, including calculations for sizes; and location of all easements.
- iii. All buildings with dimensioned floor plans, setback and yard dimensions, and typical elevation views of proposed structures.
- iv. Dimensioned parking spaces and calculations, drives, and method of surfacing.
- v. Exterior lighting locations, illumination patterns, and when determined appropriate, a photometric plan.
- vi. Location and description of all existing and proposed landscaping, including berms, fencing, and walls.

- vii. Sidewalks, walking paths/trails, and bike paths.
- viii. Waste receptacle pad location and method of screening.
- ix. Transformer pad location and method of screening.
- x. Dedicated road or service drive locations.
- xi. Entrance/exit details, including sign locations and size.
- xii. Designation of fire lanes.
- xiii. Site accessibility for public transportation.
- xiv. Any other pertinent physical features.

### c) Natural Features:

- i. Existing topography with a maximum contour interval of two feet indicated. Topography on the site and beyond the site for a distance of one-hundred (100) feet in all directions shall be indicated.
- ii. On parcels of more than one (1) acre, a grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
- iii. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, floodplain elevation, and ordinary high-water mark.
- iv. Location of other natural resource features, including woodlands. A tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of trees greater than six (6) inches in diameter may be required by the Community Development Department or Citizens Planning Commission.
- v. General location and type of existing and proposed landscaping, such as evergreen and deciduous trees, berms, fences and walls, etc. should be noted on the plan, along with the method of preserving live planting materials.
- vi. Size, type and location of proposed identification signs.



d) **Additional Requirements for Residential Developments:**

- i. Density calculations by type of unit and bedroom count.
- ii. Designation of units by type in each building.
- iii. Carport/garage locations and details.
- iv. Recreation space and locations, including size and type of recreation facilities to be provided.
- v. Locations and size of community rooms, swimming pools, and accessory structures, if proposed.

e) **Additional Requirements for Commercial and Industrial Developments:**

- i. Location and size of loading/unloading zones.
- ii. Gross and usable floor area.
- iii. Number of employees in largest working shift.

- L. **Amendment of Approved Plan.** A proposed amendment to a site plan may be approved by the Citizens Planning Commission, the Administrative Site Plan Review Committee or Community Development Department staff in accordance with the same procedures as the original application.

Minor changes to the plan may be approved administratively by Community Development Department staff without Citizens Planning Commission or Administrative Site Plan Review Committee review. However, all such approved changes shall be reported in writing by Community Development Department staff to the Citizens Planning Commission at their next meeting or within a reasonable time thereafter. For the purpose of administering this section, the following items shall be deemed minor changes:

1. Movement of a building, drive, road or off-street parking area by up to (ten) 10 feet during construction due to an unanticipated constraint, to improve safety, or to preserve natural features.
2. A change in the internal floor plan which does not increase the intensity or density of the use or parking requirements.
3. An increase or decrease in the number of parking spaces of 10% or less provided the number of parking spaces meets the required minimum.

4. Expansion, replanting or alteration of landscaping areas or a change in plant materials to a similar species, consistent with the other requirements of this chapter.
5. Relocation of a waste receptacle to a more inconspicuous location.
6. Relocation of a sign or light fixture meeting the dimensional and locational standards of this chapter.
7. Relocation of sidewalks, walking paths, or bicycle paths with the effect of improving convenience or safety.
8. Minor modifications to comply with City, state or federal regulations.

- M. **Revocation of Site Plan Approval.** An approved site plan may be revoked by the Citizens Planning Commission, the Administrative Site Plan Review Committee or Community Development Department staff if construction, development or use is not in conformance with the approved plans.

- N. **Inspection of Improvements.** Community Development Department staff shall be responsible for inspecting all improvements for conformance with the approved final site plan. All subgrade improvements, such as utilities, subbase installations for drives and parking lots, and similar improvements, shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.

- O. **Site Maintenance.** It shall be the responsibility of the owner of the lot or lots for which site plan approval has been granted to maintain the site, in accordance with the approved site plan, on a continuing basis until the property is cleared, until new zoning regulations supersede existing regulations, or until a new site plan is approved. This maintenance requirement applies to use, landscaping, walls, fences, pavement, pavement markings, signs, building materials and facades, drainage facilities and all other elements related to the site. Any property owner who fails to maintain a property in accordance with an approved plan shall be in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate for a use violation.

- P. **Building Permit.** Site plan approval does not constitute building approval. Final construction plans shall be submitted to the Building Department for review and approval prior to obtaining a building permit.

**SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES**

**Table 6.1: Uses or Activities Requiring Site Plan Approval**

Use or Activity	Approval Responsibility
1. Construction or erection of permitted accessory building and structures for two-family dwelling units and mobile homes within an approved mobile home park	X
2. Construction, reconstruction, erection and/or expansion of one- or two-family dwelling on parcel used solely for residential purposes	X
3. Development regulated by the Subdivision Control Act of 19667 (Now the Land Division Act. See MCLA § 560.101 et seq.), as amended, and Chapter 630, Subdivision and Land Development of this Code (See Note 1 below)	City Council
4. New construction of a permitted industrial, commercial, office of multiple-family development	A
5. All special land uses	CPC
6. Change in use to a special land use	CPC
7. Changes of use to a permitted use	A
8. An increase in area over 1,000 square feet or over 25% of existing gross floor area, whichever is less, in a Special Land Use	CPC
9. Increase in floor area not covered in Item 8 above	A
10. Cellular telephone tower, essential service substations, transmission lines, utility company buildings and storage yards	CPC
11. Improvements to outdoor public recreational uses and public parks	A
12. Expansion, replacing or alteration of landscaping areas consistent with this chapter	A
13. Improvements or installation of walls, lighting, or curbing	A
14. Alterations to off-street parking layout or installation of pavement provided the total number of spaces shall remain constant and the construction plans and lot construction are approved by the City staff	A
15. Relocation of a waste receptacle to more inconspicuous locations or installation of screening	X
16. Changes to facade architectural features or wall signs (elevation plan showing changes and construction materials is required)	A
17. City-approved changes to private utility systems	A
18. Grading, excavating, filling., soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet in horizontal area	A
19. Change from a nonconforming use to another nonconforming use	A
20. Modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or other federal, state, or county regulations	A
21. Construction of accessory building or structure for the keeping of animals	A
22. Grading, excavating, filling., soil removal, creation of swimming pool, creation of ponds, or tree clearing within an area under 100 square feet, provided such activity is normally and customarily incidental to single-family use on the site	X
23. Preliminary plans for a mobile home park	CPC
24. Erection of essential public service local distribution lines	X
25. Construction, erection, or relocation of permitted accessory buildings and structures less than 200 square feet in area accessory to multiple-family, commercial, office, essential public service, or municipal or industrial use	X
26. Permitted family foster care homes, family daycare homes, and adult daycare homes in single-family zoning districts	X
27. Internal construction or changes in the floor plan that do not increase gross floor area, increase the intensity of use or affect parking requirements on a site	X
28. Repairing or restriping of parking lots	X
29. Construction or erection of directional signs, retaining walls, fences, sidewalks, antennas, lights, piles, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other City standards	X
30. A change in permitted use within an approved shopping center (if parking is adequate and signs and landscaping are conforming)	X
31. Uses and facilities which use, store, or generate hazardous substance in quantities greater than 250 pounds per month or 25 gallons per month, whichever is less	A
32. Industrial development within 500 feet of a residential district (whether a permitted or Special Land Use)	CPC

CPC Citizens Planning Commission Approval  
A Administrative Site Plan Review Committee Approval  
X Exempt from Site Plan Review

## SECTION 6.16

**SPECIAL LAND USES**

- A. In addition to the permitted uses specified in each zoning district, there are other uses which may be necessary or desirable in these locations and districts. However, due to their potential to impact neighboring uses or public facilities, there is a need for greater review and regulation. These uses may be established provided they meet certain specified conditions. It is the intent of this article to provide additional regulations and review to address such uses, which are referred to as “Special Land Uses.” It is further the intent of this section to provide the Citizens Planning Commission with the standards upon which to make these decisions and to approve, approve with conditions, or disapprove the proposed use.
- B. The following commercial uses may be approved as special land uses in any zoning district through the process described in Section 6.15, provided they meet applicable standards in the sections noted below:
1. Solar Energy Facilities: Section 3.50.
  2. Wind Energy Facilities: Section 3.57.
  3. Wireless Telecommunications Facilities: Section 3.58.
- C. **Application.** A request for special land use approval shall be made to the Citizens Planning Commission by application. Said application shall be made by an owner, lessee or other person with a legal interest in the property and who has the owner’s consent, in writing. Such application shall include the following:
1. Necessary fees, as determined by the City Council.
  2. The name, address, phone number, and email address of the applicant and proof of ownership or interest in the subject parcel.
  3. A site plan drawn to scale.
  4. A description of the proposed use(s).
  5. Any other studies or information which City staff or the Citizens Planning Commission determines necessary to evaluate compliance with the standards of this article. City staff or the Citizens Planning Commission may require submittal of an impact assessment, traffic impact study, or other similar assessment as deemed appropriate and in accordance with Section 6.13.
- D. **Procedures.** The application process for a special land use shall be as follows: (Also see Table 6.2)
1. The applicant may request a pre-application conference with the City staff.
  2. The applicant submits all required materials.
  3. Community Development Department staff reviews the proposed application to determine if all required information has been supplied and then distributes application materials to appropriate departments for review.
  4. Community Development Department staff distributes application materials and staff review to the Citizens Planning Commission.
  5. The City shall publish notice of a public hearing as required by state statutes and local ordinances.
  6. The Citizens Planning Commission shall conduct a public hearing as required by state statute and local ordinance.
  7. The Citizens Planning Commission shall review the special land use request in consideration of the general standards listed in Subsection D. The decision 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.
  8. The Citizens Planning Commission shall take one of the following actions:
    - a) Postpone request and direct the applicant to provide additional information if needed to make a full review and determination.
    - b) Approve the special land use.
    - c) Approve the special land use with conditions. Such conditions shall be minor and related to the potential impacts of the proposed use.
    - d) Deny the special land use request if the Citizens Planning Commission determines the request does not meet the standards of this ordinance or may be injurious to the public health, safety and welfare, or the orderly development of the City.
  9. The decision of the Citizens Planning Commission shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. Any decision which denies a request or imposes conditions upon approval shall specify the basis for the denial or the conditions requested.
  10. If the special land use is approved, the applicant shall submit a site plan in accordance with Section 6.15.

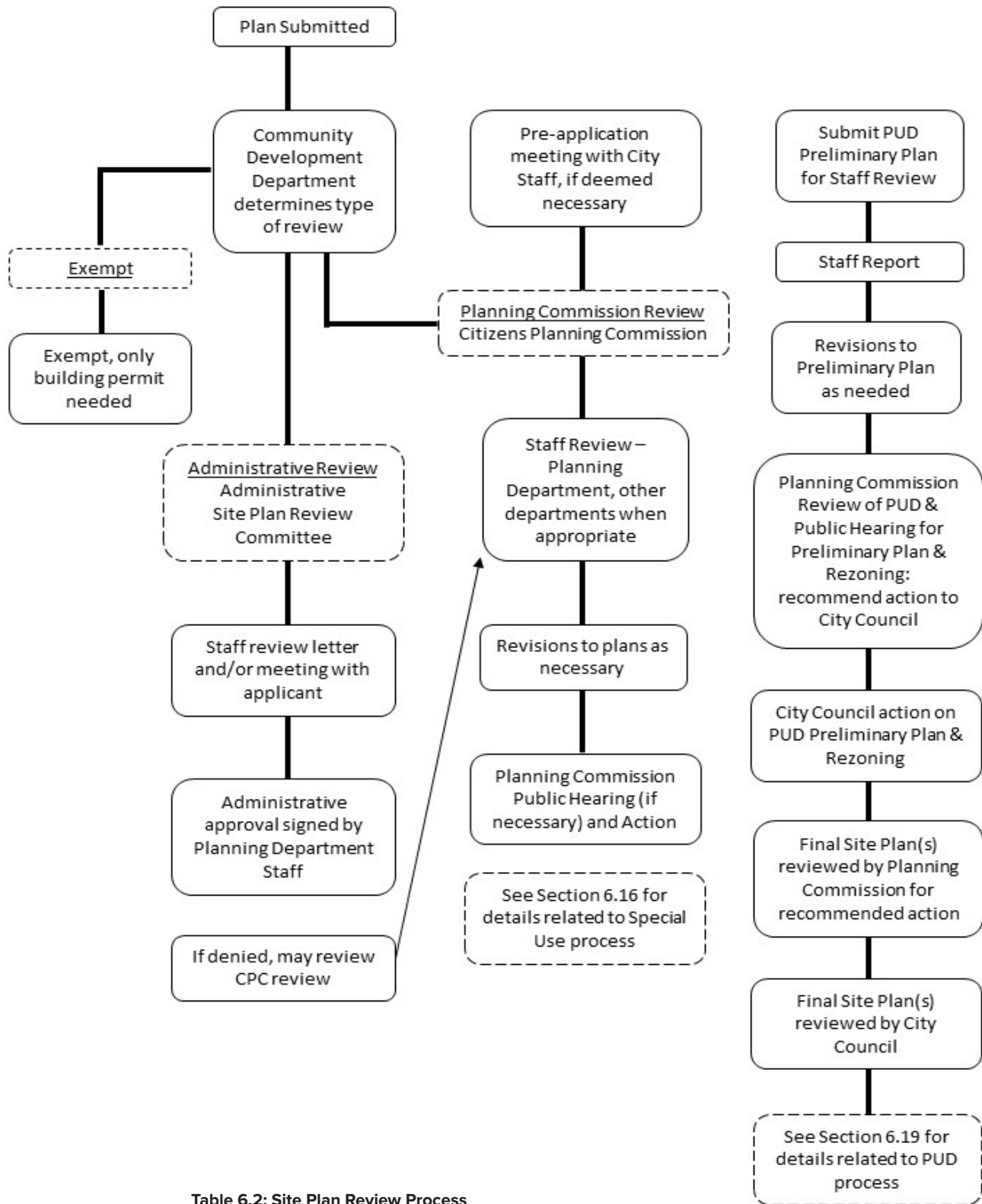
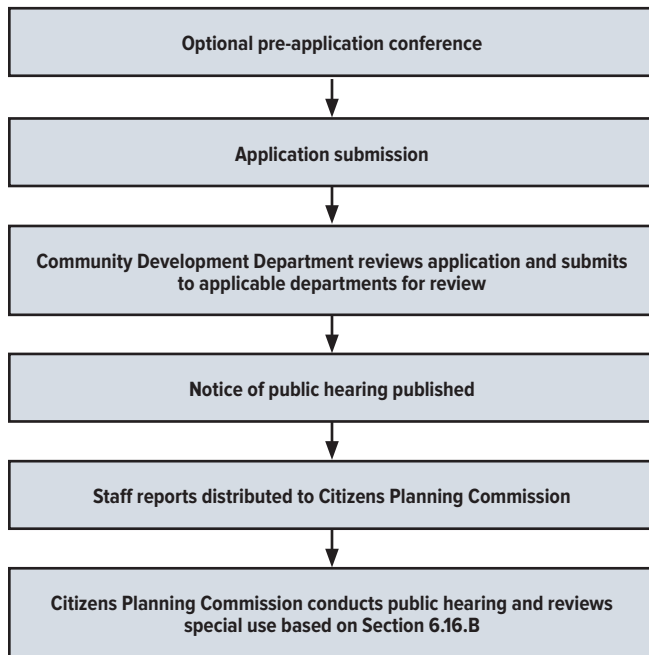


Table 6.2: Site Plan Review Process

- E. **Basis of Determination.** The Citizens Planning Commission shall review each case individually and shall permit a special land use which is in compliance with this chapter and is found to be:
1. 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.
  2. Designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or future character of the general vicinity and will not change the essential character of the area.
  3. Consistent with and promotes the intent and purpose of this chapter and other applicable codes.
  4. Compatible with the capacities of public services and facilities affected by the proposed use.
    - a) The special land use shall be served by essential public services and facilities; or the persons responsible for the establishment of the proposed use will provide any such service or facility; and
    - b) The special land use shall not create excessive additional public costs and shall not be detrimental to the economic welfare of the City.
  5. Consistent with vehicular turning patterns, traffic flow, intersections, view obstructions, ingresses and egresses, off-street parking and other existing conditions in the district.
  6. Designed, located and planned to be operated so that the public health, safety and welfare is protected.
  7. Consistent with the goals, objectives and future land use plan.
- F. **Conditions and Safeguards.** The Citizens Planning Commission may impose additional conditions and safeguards as deemed necessary for the general welfare, the protection of individual property rights, and to ensure that the purposes of this chapter and the general spirit and purpose of the district are met. Such conditions shall conform to the standards found in the Michigan Zoning Enabling Act, Public Act 110 of 2006. The Citizens Planning Commission may summarize the conditions of approval and may require the Chairperson of the Citizens Planning Commission and the applicant to sign.
- G. **Voiding and Extensions of Permit:**
1. Unless otherwise specified by the Citizens Planning Commission, any special use approval granted under this article shall be null and void unless the property owner shall have made application for all required permits within one (1) year from the date of the approval. The Community Development Department may give notice to the holder of a special use approval action before expiration. The applicant may also have the right to request an extension of the approval from the Citizens Planning Commission prior to expiration. The Citizens Planning Commission may grant an extension thereof for good cause for a period not to exceed six (6) months. Only one (1) extension shall be granted.
  2. The Community Development Department may suspend or revoke a permit issued under the provisions of this article whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent or is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the City.
- H. **Reapplication.** No application for a special use approval which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Citizens Planning Commission.
- I. **Appeals.** Any person aggrieved by a decision of the Citizens Planning Commission may appeal to the Zoning Board of Appeals on the following basis:
1. The Citizens Planning Commission violated a rule of its procedure;
  2. Notice, as required by this section, was not given; or
  3. The findings of fact of the Citizens Planning Commission, as established after review of standards or the basis of determination, were against the greater weight of evidence.
- J. **Appeal Process.** The process for appeal shall be according to Section 6.22, Zoning Board of Appeals. The Citizens Planning Commission shall be given sufficient notice of all such appeals and the decisions thereof.

Table 6.3: Special Use Process



**SECTION 6.17  
DETERMINATION OF SIMILAR USES**

In recognition that every potential use cannot be listed in this chapter, the Citizens Planning Commission is authorized to determine if a specific use not listed in a zoning district is sufficiently similar to others found within that district. The CPC shall make a recommendation to the City Council for final administrative action, without requiring amendment to this chapter, based upon the following standards:

1. A finding that the proposed use is not listed as a permitted or special use in any other zoning district.
2. The proposed use closely resembles an already existing use in the district. To make this determination, the Citizens Planning Commission or City Council may request additional documentation or studies from the applicant or City staff. An evaluation of potential impacts associated with the proposed use may also be requested.

If a similar use is determined, that use shall comply with any special conditions or standards that apply to similar uses within the zoning district. City Council may also determine that the use is not similar and therefore not permitted.

**SECTION 6.18  
TEMPORARY USES**

Temporary uses and sales, temporary buildings, and seasonal or special events as shown in table 6.4 may be allowed upon issuance of a permit and when meeting the standards of this section.

A. **Submitted Information.** All required information shall be submitted to the review body indicated in Table 6.1. The applicant shall submit all of the following information to the Community Development Department or the Clerk/Treasurer’s office, as applicable:

1. An application form and required fee.
2. A written statement describing the requested use and the proposed start and end dates.
3. A written description of the procedures to be used for traffic and parking management, waste disposal, security and similar measures to minimize any negative impacts, as applicable.
4. Proof of ownership or written authorization from the property owner, if the applicant is not the property owner, to allow such an event.
5. Documentation that liability insurance coverage will be in effect.
6. A site plan (to scale) illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, boundaries of proposed sales and activity areas, location of any proposed buildings or structures, any proposed lighting, calculation of required parking based on the standards of Section 5.24, proposed traffic circulation, location of fire hydrants, location and size of any proposed signs, and any other information deemed to be necessary.
7. A performance guarantee or escrow if determined appropriate by the applicable review body. The performance guarantee shall be deposited prior to the issuance of a permit, and shall be used by the City to pay the cost of returning the property to its condition prior to the event. The performance guarantee, or any remaining part thereof, shall be refunded to the applicant upon compliance with the requirements of this chapter and other applicable ordinances.

**B. Standards and Procedures for Review and**

**Operation.** In reviewing proposed temporary uses and sales, temporary buildings, and seasonal or special events, the review body shall find that the following information and standards are met and have been submitted. These include the following:

1. The proposed temporary use or event will be on a lot with a permitted principal building or, if on a vacant lot, will meet the minimum required setback for buildings in the zoning district.
2. The proposed use, layout, hours of operation and site improvements are designed to help ensure compatibility with surrounding land uses.
3. Adequate off-street parking and circulation will be provided.
4. Adequate provisions have been made for trash disposal, sewage disposal and security.
5. Temporary buildings or structures shall comply with the provisions of all applicable City building codes and ordinances.
6. The length of a temporary use or sales event shall not exceed fourteen (14) days during a calendar year, except that sales of Christmas trees, wreaths, and grave blankets are permitted for up to forty-five (45) days. Uses and events which are to occur on a regular schedule (such as every weekend), or over a period longer than fourteen (14) days, shall be permitted only in commercially zoned districts.
7. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with temporary uses or seasonal events shall be removed from the premises and the site returned to its original condition within five days following the event. Items not removed from the property or repairs made thereafter shall be undertaken by the City and charged against the performance guarantee or escrow.

The Zoning Administrator shall immediately issue a notice to stop operations of a use, building or event which does not conform to these standards.

**SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES**

**Table 6.4: Temporary Uses and Sales; Temporary Buildings; Seasonal or Special Events**

Type of Temporary Situation	Required Information/Standards	Review Body
<b>Temporary Uses and Sales</b>		
Accessory fruit, flower or craft sales		Administrative Site Plan Review Committee
Christmas tree, wreath, and grave blanket sales	Shall be in a C-T, C-G, C-M, C-D, or RMD Zoning District.	Administrative Site Plan Review Committee
Garage sales, estates and auctions	<ul style="list-style-type: none"> <li>• Duration of sale not more than 7 continuous days, and not more than 14 days in a calendar year.</li> <li>• Only goods of the property owner or tenant shall be sold.</li> <li>• All signs shall meet requirements.</li> </ul>	No permit required
Outdoor cafes and eating areas	See Section 5.26	Building Official
Tent or outdoor sale on vacant land		Administrative Site Plan Review Committee
Tent or sidewalk sale accessory to permitted use	Maximum 10 feet from buildings. Shall not cover required parking. Goods shall be stored inside during nonbusiness hours.	Administrative Site Plan Review Committee
Transient merchant sales	See Chapter 374 of the City of Monroe Code of Ordinances.	City Clerk/ Treasurer
<b>Temporary Buildings / Structures</b>		
Temporary buildings and structures for nonresidential use, including mobile office or construction trailer, semi-trucks/ trailers and concrete batch plants	<ul style="list-style-type: none"> <li>• Permitted only when the intended use is by a contractor or builder in conjunction with a project in the City.</li> <li>• Such temporary buildings and structures shall be removed within 7 days of completion of the construction project.</li> <li>• A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.</li> </ul>	Administrative Site Plan Review Committee
Temporary residence during repairs due to flood, fire, or vandalism, and during construction (including mobile homes) on sites for which a building permit has been issued for construction, major repair or remodeling a new dwelling unit	<ul style="list-style-type: none"> <li>• Permits shall be for 6 months; one additional six-month period is permitted if work is proceeding in an expeditious manner determined by the Building Official.</li> <li>• Structure shall meet district setback requirements.</li> <li>• All electrical and utility connections shall be approved.</li> <li>• Structure shall be moved onto site no more than 14 days prior to commencement of construction and removed within 14 days following issuance of a certificate of occupancy.</li> </ul>	Administrative Site Plan Review Committee
Temporary accessory structures on residential properties, including mobile storage units	<ul style="list-style-type: none"> <li>• Permitted a maximum of 120 days per calendar year.</li> <li>• Located in rear yard only (except for mobile storage units).</li> <li>• Setbacks per zoning districts.</li> <li>• Anchoring required, as applicable.</li> <li>• Zoning or building permit required.</li> <li>• Bond may be required.</li> </ul>	Community Development Staff



## SECTION 6.19

**PLANNED UNIT DEVELOPMENTS (PUD)****A. Intent**

1. The intent of the Planned Unit Development District (PUD) is to permit flexibility in the regulations for development which either includes a mix of land uses, creative design elements, or is proposed for a site containing unique natural features which the developer and the City desire to preserve. The standards of this article are intended to encourage innovative design and to create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.
2. The PUD standards are not intended to be used as a technique to circumvent the intent of this chapter, to avoid imposition of specific Zoning Code standards, or the planning upon which this chapter is based. Thus, the provisions of this article are designed to promote land use substantially consistent with recommendations of the City's Master Plan and the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the City.

**B. PUD Regulations**

1. A PUD may be applied for in any zoning district. The approval of a PUD application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Citizens Planning Commission and approval of the City Council.
2. Generally, proposed uses shall be consistent with the underlying zoning designation before application for PUD and the Future Land Use Map in the Master Plan. However, it is recognized that the PUD option may allow mixed uses and flexibility in use. In this regard, mixed or different uses may be allowed as part of a PUD application, provided that uses are consistent with the goals and objectives of the Master Plan and subject to adequate public health, safety, and welfare protection mechanisms, which are designed into the development to ensure the compatibility of varied land uses both inside and outside the development.

**C. Eligibility Criteria.** The applicant for a PUD shall demonstrate each of the following criteria:

1. The subject site is under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one integral unit.
2. Granting the PUD will result in at least one (1) of the following:
  - a) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. Benefits may include special sensitivity to adjacent land uses, well-designed access and circulation systems, and/or integration of various site features into a unified development;
  - b) Long-term protection and preservation of natural resources and natural features of a significant quantity, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations;
  - c) Long-term protection of historic structures or significant architecture worthy of historic preservation;
  - d) The PUD will provide a complementary mixture of uses or housing types within a unique, high-quality design that could not occur without the use of the PUD option; or
  - e) A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
3. There is a finding that the proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
4. The proposed PUD shall not result in an unreasonable negative environmental impact; nor loss of a historic structure(s) on the subject site or surrounding land.
5. The proposed PUD shall not result in an unreasonable negative economic impact upon surrounding properties.
6. The proposed use or uses shall be of such location, size, density and character as to be in harmony with the zoning district in which they are situated, and shall not be detrimental to the adjoining zoning districts.
7. The proposed development shall be consistent with the intent of the Master Plan.

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- 8. The proposed PUD shall be harmonious with the public health, safety and welfare of the City.
- 9. The proposed PUD is not an attempt by the applicant to circumvent the strict application of zoning standards.

**D. PUD Standards**

**1. Residential Uses.**

- a) All residential uses may be permitted with the following minimum lot sizes per unit, based upon a discretionary twenty-five-percent (25%) density credit from the zoning district in which the property is situated immediately prior to classification under this article. In the event that the property is already zoned PUD, density shall be allowed at the discretion of the Citizens Planning Commission and City Council, based on the Master Plan and surrounding land use densities and character. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.

**Table 6.5: Minimum Residential Lot Sizes - PUD**

District	Minimum Lot Size per Unit
R-1	6,800 square feet
R-2	5,400 square feet
R-3	4,500 square feet
RM	5,400 square feet

- b) Additional density greater than specified above may be allowed at the discretion of the Citizens Planning Commission and City Council based upon a demonstration by the applicant of design excellence and conformance to the standards listed in Section 6.19.C, Eligibility Criteria, as well as conformance to the Master Plan.
2. The Citizens Planning Commission and City Council may allow a residential PUD in areas having a nonresidential base zoning subject to compliance with the Master Plan or a determination by the Citizens Planning Commission and City Council that the proposed development meets the general intent of Section 6.19.C, Eligibility Criteria.

- 3. A planned unit development incorporating nonresidential uses, such as commercial, institutional or a mix of nonresidential and residential uses, may also be allowed subject to compliance with the Master Plan or a determination by the Citizens Planning Commission and City Council that the proposed development meets the general intent of Section 6.19.C, Eligibility Criteria.

**E. Project Design Standards.** Any planned unit development shall comply with the following project design standards:

- 1. **Eligibility.** The proposed PUD meets the Eligibility Criteria of Section 6.19.C.
- 2. **Harmony with Surrounding Uses.** The uses and design of the PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other similar criteria.
- 3. **District and Use Standards.** All regulations within this article applicable to ordinance standards shall be met:
  - a) Setbacks, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the criteria listed in the zoning districts in which the use is listed or proposed. In all cases, the strictest provisions shall apply. However, it is recognized that the PUD option may allow flexibility in use and design.
  - b) The number and dimensions of off-street parking shall be sufficient to meet the minimum required for the most restrictive parking requirement for each use, as listed in Section 2. However, when warranted, overlapping or shared parking arrangements or calculations may reduce the required number of parking spaces.
  - c) Thoroughfare, drainage, and utility designs shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
  - d) Deviations with respect to ordinance regulations may be granted as part of the overall approval of the PUD. The deviations may be considered, provided that there are features or elements demonstrated by the applicant and deemed adequate by the Citizens Planning Commission and City Council for the purpose of achieving the objectives of this article.

4. **Cohesive and Attractive Design Features.** The PUD shall use design features that foster attractiveness and usability throughout the project and create compatibility with adjoining properties.
    - a) There shall be underground installation of utilities, including electricity, cable, telephone, and the like, unless otherwise permitted by the City.
    - b) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares.
    - c) Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving a quality, integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
    - d) Where residential uses in a proposed PUD adjoin nonresidential uses, noise reduction and visual screening mechanisms, such as berms, decorative walls, and landscaping shall be employed in accordance with Section 5.18.
    - e) The proposed PUD shall provide a minimum of 20% of the gross site acreage as open space. Gross site area for the purposes of computing required open space does not include private and public rights-of-way. Such open space will remain undisturbed and reserved for passive enjoyment of the users of the development but shall not include required yards around residential building lots or other similar features. This open space requirement may be waived by the Citizens Planning Commission and City Council, if determined not to be applicable.
  5. **Natural and Historic Features.** The development shall be designed to promote the preservation of any significant natural or historic features on the site. Vegetation shall be preserved and/or new landscaping generously provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
  6. **Infrastructure.** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the PUD. All streets and parking areas within the proposed PUD shall meet the minimum construction and other requirements of City ordinances, unless modified by the Citizens Planning Commission and City Council.
  7. **Uses Permitted.** Any residential, office, commercial, or industrial use is permitted, upon a determination that the uses would meet the intent of this article.
  8. **Additional Considerations.** The Citizens Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; natural drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.
- F. **PUD Rezoning Submittal and/or Plan Approval Procedures.** Applications for a PUD shall be processed as follows (see the flow charts following this section):
1. **Initiated by Property Owner.** For properties where PUD rezoning and approval are requested by the property owner(s), the process is as follows:
    - a) **Pre-application Conference.** Prior to formal submission of an application for PUD approval, a meeting between the applicant, City staff and consultants shall be held. The City may charge a fee to cover administrative costs.
    - b) **Neighborhood Review.** The applicant is encouraged to meet with any neighborhood associations and surrounding landowners in order to gather input pertaining to the design and the potential impacts to the surrounding area prior to submittal of preliminary plans to the Citizens Planning Commission.

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- c) **Submittal of PUD Rezoning Request and Preliminary Plan.** The applicant shall prepare and submit a preliminary site plan of the proposed PUD to the Community Development Department. The applicant shall also prepare and submit a rezoning request. A narrative report shall accompany the site plan providing a description of the project, discussion of the market concept of the project, and explanation of the manner in which the criteria set forth in the preceding design standards have been met. The preliminary site plan for the PUD shall contain at a minimum the following information:
- i. A completed PUD application form and application fee.
  - ii. Site drawings shall be twenty-four (24) inches by thirty-six (36) inches and include graphics and scale.
  - iii. The plans and narrative shall provide all information required according to Section 6.14.K, Information Required on Site Plans.
  - iv. The project narrative shall also include the following information:
    - 1) An explanation of how the project meets the criteria set forth in 6.19.C, Eligibility Criteria.
    - 2) An explanation of why the submitted PUD plan is superior to a plan that could have been prepared under adherence to the underlying zoning district.
    - 3) A list of anticipated deviations from this chapter which would otherwise be applicable.
- d) **Community Development Department Review**
- i. The PUD concept plan shall be reviewed by the Community Development Department to determine if the site warrants any further historic preservation analysis. If the PUD plan submitted provides no evidence of historical significance, then the Community Development Department shall note such fact by a letter inserted in the file.
  - ii. Evidence of historic significance may include, but is not limited to, a listing in the State Register of Historic Sites or the National Register of Historic Places or otherwise deemed to have historical significance by the community.
  - iii. If the PUD site plan submittal or existing records provide evidence of historical significance, the Community Development Department may require further information, such as additional historical research, an archaeological survey, or photographic documentation. Costs of any additional analysis or studies will be incurred by the developer.
  - iv. The Community Development Department shall review the documents provided above and assess them along with the proposed PUD concept plan. The department may assist the developer in creating a preservation plan for the site. This plan may address the preservation of any historic structures, items, goods, equipment, articles, documents or other property that could be removed, replaced, marked or moved within the proposed PUD site.
- e) **Citizens Planning Commission Review.** The Community Development Department shall submit the information to the Citizens Planning Commission. The Citizens Planning Commission shall review the PUD rezoning request and preliminary plan, conduct a public hearing, and make a recommendation for approval, approval with conditions, table, or denial to the City Council based on the review standards of this section.
- f) **City Council Review.** Following receipt of a recommendation from the Citizens Planning Commission on the PUD rezoning and preliminary plan, the City Council shall also conduct a public hearing and shall take one of the following actions:
- i. **Approval.** Upon finding that the preliminary plan meets the criteria and standards set forth in this chapter, the City Council shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed with preparation of the final plan.
  - ii. **Approval with Changes or Conditions.** The City Council may recommend conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in this chapter.
  - iii. **Tabling.** Upon finding that the preliminary plan does not meet the

- criteria and standards set forth in this chapter, but could meet such criteria if revised, the City Council may table action until a revised preliminary plan is resubmitted.
- iv. **Denial.** Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in this chapter, the City Council shall deny preliminary approval.
  - g) **Effective Period of Approval.** Upon approval by the City Council, the PUD rezoning shall remain valid for a period of two (2) years. If a final site plan is not submitted during that time frame, the rezoning becomes void. If a final site plan is submitted during that time frame and is approved, the rezoning to PUD shall remain in effect. A one (1) year extension may be approved by City Council upon request.
  - h) **Submittal of Final Site Plan to Citizens Planning Commission.** If the rezoning and preliminary site plan are approved by City Council, the applicant shall submit a site plan for final PUD review and recommendation by the Citizens Planning Commission. The CPC shall recommend approval, tabling, or denial of the project. If the plan is tabled, the applicant shall submit a revised plan to the Citizens Planning Commission addressing its concerns.
  - i) **Submittal of Final Site Plan to City Council:**
    - i. The City Council shall review the final site plan and shall take one of the following actions:
      - 1) **Approval.** Upon finding that the final plan meets the criteria and standards set forth in this chapter, the City Council shall grant final approval. If the final PUD is in the form of a subdivision, final approval shall also grant the applicant permission to submit for approval of additional phases of plat review, including final preliminary plat and final plat, in accordance with Chapter 630, Subdivision and Land Development, of this Code.
      - 2) **Tabling.** Upon finding that the final plan does not meet the criteria and standards set forth in this section, but could meet such criteria if revised, the City Council may table action until a revised final plan is submitted.
  - 3) **Denial.** Upon finding that the final plan does not and cannot meet the criteria and standards set forth in this section, the City Council shall deny final approval.
  - 4) All actions on the preliminary plan or final plan by the Citizens Planning Commission and the City Council shall state the reasons for approval, conditional approval, tabling, or denial within the body of the motion. Approval of the final PUD by the City Council shall constitute amendment of the Official Zoning Map. The applicant shall then be authorized to proceed with any necessary permits, such as final platting or construction permits through the Community Development Department.
  - j) **Amendments.** If the applicant proposes changes to the approved PUD, they shall submit an application to amend the PUD following the same procedures outlined above.
  - k) **Change in Ownership.** An approved PUD plan runs with the land, not with the landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.
2. **Initiated by City.**
    - a) **Administrative Rezoning Request.** Planning situations may arise where the City Council or the Citizens Planning Commission finds it appropriate to initiate a PUD rezoning in the absence of a PUD plan. In such situations, the Community Development Department shall prepare and submit the following information to the Citizens Planning Commission for a review of the proposed administrative rezoning request of a parcel or parcels to a PUD zoning classification. The municipality shall prepare and submit the following:
      - i. A PUD application for rezoning. Upon receipt of a rezoning application, a file will be created for the administrative rezoning request. The file shall include the following information:

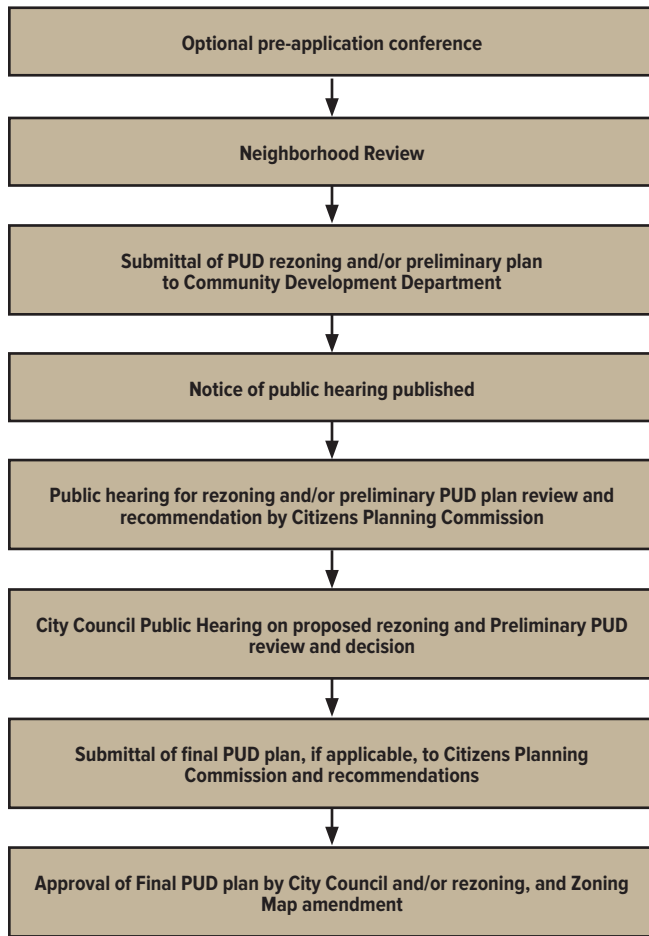
## SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES

- 1) A copy of proof of notification to the owner(s) of record, in writing, informing the owner(s) that a proposed PUD rezoning is to be undertaken and informing the owner(s) of the date that the process could begin. Proof of notification to all adjacent property owners of the proposal shall also be included.
  - 2) A completed rezoning application.
  - ii. A site analysis report that includes a site map identifying the location of buildings, structures, rights-of-way, easements, surrounding land uses and zoning classifications, other buildings and structures, and property ownership within one-hundred (100) feet of the subject site.
  - iii. Any written reviews or statements by the City's Engineering Department, Community Development Department, Attorney, or any other review parties involved that explain the intent and support for the rezoning request. Materials submitted with this statement could include other maps, plans, studies or reports that may be required to make a determination on the rezoning request.
  - iv. Any other information which the Citizens Planning Commission or City Council may need to review in order to determine if the project meets the eligible requirements of the proposed PUD rezoning request.
- b) **Community Development Department Review.**
- i. The Community Development Department shall determine if the site warrants further historic preservation analysis. If the analysis provides no historic significance, then the Community Development Department shall note such situation by letter inserted in the file.
  - ii. If the Community Development Department determines that the site warrants further historic preservation analysis, the Community Development Department shall note the same, by letter inserted in the file. The letter should inform the municipality or any interested parties of such situation and outline requirements for evaluation of any future uses proposed at the site.
- c) **Citizens Planning Commission Review.**  
The Community Development Department shall submit the information to the Citizens Planning Commission, which shall review the PUD rezoning request, conduct a public hearing and make a recommendation to the City Council based on the criteria for amendment to the Official Zoning Map set forth in Section 6.23.
- d) **City Council Review.**
- i. Following receipt of a recommendation from the Citizens Planning Commission on the PUD rezoning request, the City Council shall conduct a public hearing and shall take one of the following actions:
    - 1) **Approval.** Upon finding that the PUD rezoning meets the criteria and standards set forth in this section, the City Council shall grant approval.
    - 2) **Tabling.** Upon finding that the rezoning does not meet the criteria and standards set forth in this section but could meet such criteria if revised, the City Council may table action until a revised plan is submitted.
    - 3) **Denial.** Upon finding that the PUD rezoning does not and cannot meet the criteria and standards set forth in this section, the City Council shall deny preliminary approval.
  - ii. The City Council may impose reasonable conditions to ensure that public services and facilities will be capable of accommodating increased facility and service loads, the natural environment will be protected, proposed uses will be compatible with those adjacent, and uses will be socially and economically desirable when practical.
- e) **Status of Rezoning.** Upon approval by the City Council, the PUD rezoning shall have the same standing and application as all other districts shown in the Official Zoning Map.
3. **Initiation of Site Plan and Application Submittal in an Existing PUD Zoning District.** For PUD districts which have been previously approved and shown on the Official Zoning Map, the process for submittal and review of a site plan shall include the following:

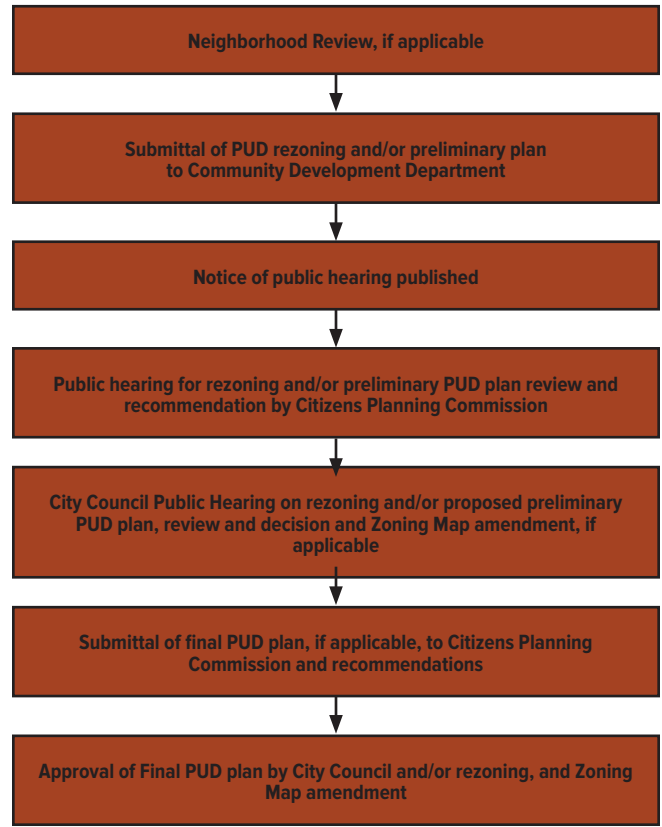
- i. A completed PUD application, which includes a narrative and other information required for site plan approval in accordance with Section 6.15.
  - ii. Any information required to complete a full review and determination.
- a) **Community Development Department Review.**
- i. A copy of the proposed PUD site plan will be reviewed by the Community Development Department to determine if the site warrants historic preservation review and analysis. If there is no evidence of historical significance, the Community Development Department shall note such findings by letter to be included in the project file.
  - ii. Evidence of historical significance may be demonstrated by listing in the State Register of Historic Sites, the National Register of Historic Places, or as recognition by the City of Monroe.
  - iii. If the PUD site plan submittal or existing records provide evidence of historical significance, the Community Development Department may require further information, such as additional historical research, an archaeological survey, or photographic documentation. Costs of any additional analysis or studies will be incurred by the developer.
  - iv. The Community Development Department shall review the documents provided above and assess them along with the proposed PUD concept plan. The department may assist the developer in creating a preservation plan for the site. This plan may address the preservation of any historic structures, items, goods, equipment, articles, documents or other property that could be removed, replaced, marked or moved within the proposed PUD site.
- b) **Citizens Planning Commission Review.**  
The Community Development Department shall submit information to the Citizens Planning Commission. The Citizens Planning Commission shall review the PUD rezoning request and preliminary plan, conduct a public hearing, and make a recommendation to City Council to approve, approve with conditions, table, or deny the request based on the review standards of this section.
- c) **City Council Review.** Following a recommendation from the Citizens Planning Commission regarding the PUD preliminary plan, the City Council shall also conduct a public hearing and shall take one of the following actions:
- i. **Approval.** Upon finding that the preliminary plan meets the criteria and standards set forth in this chapter, the City Council shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed with preparation of the final plan.
  - ii. **Approval with Changes or Conditions.** The City Council may recommend conditional approval subject to modifications by the applicant in order to meet the established criteria in this chapter.
  - iii. **Tabling.** Upon finding that the preliminary plan does not meet the criteria and standards set forth in this chapter, but could meet such criteria if revised, the City Council shall table action until a revised preliminary plan is submitted.
  - iv. **Denial.** Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in this chapter, the City Council shall deny preliminary approval.
- The City Council may impose reasonable conditions to ensure that public services and facilities will be capable of accommodating increased facility and service loads, the natural environment will be protected, proposed uses will be compatible with those adjacent, and uses will be socially and economically desirable when practical.

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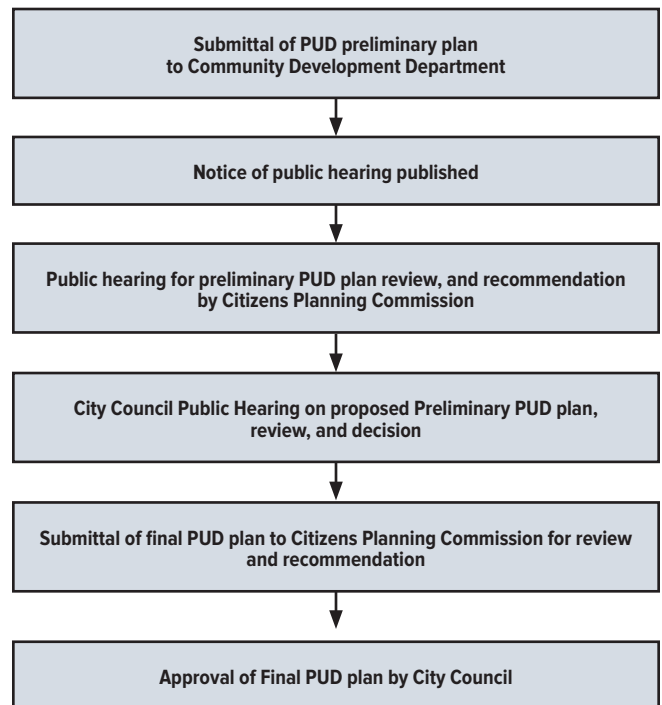
**PUD Process – Initiated by Private Owner**



**PUD Process – Initiated by City**



**PUD Process – Initiation of Site Plan and Application Submittal in Existing PUD Zoning Districts**





**G. PUD Conditions**

1. Reasonable conditions may be imposed to ensure that public services and facilities will be capable of accommodating increased facility and service loads, the natural environment will be protected, proposed uses will be compatible with those adjacent, and uses will be socially and economically desirable when practical.
2. Permit may identify conditions of approval and use.
  - a) Conditions may stipulate that the PUD is to be used for selective land uses, provided the PUD does the following:
    - i. Advances, rather than injures, the interests of adjacent landowners;
    - ii. Is a means of harmonizing private interests in land, thus benefiting the public interest;
    - iii. Fulfills the purposes and intent of this article and thus benefits the public interest; and/or
    - iv. Possesses a reasonable relationship to the promotion of the public health, safety, and welfare.
  - b) A change of land use from that which was approved will render the PUD null and void, or will require application for a revised PUD.
3. Conditions imposed shall be designed to protect natural resources, as well as, the public health, safety, and welfare of individuals in the project area and those immediately adjacent.

Conditions shall be reasonably related to the PUD and necessary to meet the intent and purpose of this section.

All conditions imposed shall be made a part of the written record for the approved planned unit development.

4. In the event that conditions are not met, the Zoning Administrator or enforcing officer shall have the right to follow enforcement procedures pursuant to Sections 6.10 and 6.11. Additional conditions may be imposed by the City Council, or the applicant may be required to submit a new PUD application.

**H. Authority of Zoning Board of Appeals Regarding Variance**

1. The Zoning Board of Appeals shall have the authority to hear and decide appeals. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, perimeter landscaping, or setbacks. Such changes shall require an amendment to the PUD plan.

**I. Phasing and Commencement of Construction**

1. **Phasing.** Where a project is proposed in phases, the planning and designing shall be such that upon completion, each phase shall stand on its own in terms of services, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area. In addition, the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable by the City Council after recommendation from the Citizens Planning Commission.
2. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a PUD, and shall proceed in conformance with the schedule set forth by the applicant. If construction has not commenced within such time, approval shall expire and be considered null and void. An extension may be granted by the Citizens Planning Commission upon good cause shown if such request is made prior to the expiration of the initial period. If an approved site plan has expired, the City Council shall take action to reclassify the property to its previous zoning designation by adopting an amendment to the chapter after Citizens Planning Commission review and public hearing(s), as required by this ordinance.

- J. **Violations.** A violation of the PUD plan or agreement shall be considered a violation of this chapter.

## SECTION 6.20

**SITE CONDOMINIUM****A. Applicability to Site Condominium Subdivisions**

1. Pursuant to the authority conferred by Section 141 of Public Act 59 of 1978, as amended (the Condominium Act), being MCLA § 559.241, as amended, all site condominium subdivisions shall be required to comply with all provisions of this chapter.
2. The intent of this article is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This article is required because of the different design terms which are used for site condominium subdivisions.

**B. Site Condominium Requirements**

1. All design standards and required improvements that apply to a subdivision, under Chapter 630, Subdivision and Land Development, of this Code, and other design specifications adopted by the City shall apply to any condominium development.
2. Each condominium lot shall be located within a zoning district that permits the proposed use.
3. In the case of a condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.
4. Each condominium lot shall front on and have direct access to a public street.
5. All regulations pertaining to dwelling or building height, width or size, and all other requirements as established by the City shall apply to a condominium structure.
6. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:
  - a) The front yard setback shall be measured from the building envelope to the nearest road right-of-way line.
  - b) The side yard setback shall be measured from the side of the building envelope to the side building site line.
  - c) The rear yard shall be measured from the rear line of the building envelope to the rear line of the building site.

d) Building-to-building spacing shall be measured from building envelope to building envelope.

7. Each condominium unit shall be connected to City water, sanitary and storm sewers. Utility standards stated in the Building Code shall apply to all condominium units proposed for location on any property that is not subdivided and recorded or any property that is to be further subdivided.

**8. Monuments.**

- a) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
- b) The City may grant a delay in the setting of required monuments or irons, not to exceed one (1) year, on condition that the developer deposits a form of security deposit acceptable to the City, in an amount as determined by the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Citizens Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

9. Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall declare easements to the City for all public water and sanitary sewer lines and appurtenances.
10. Site condominium subdivisions may be reviewed as a planned unit development, subject to the regulations contained in Section 6.19.

- C. **Changes to Layout or Design.** The City, in reviewing a condominium project or site condominium subdivision plan, may require changes to the layout or design to ensure that it complies with this chapter and meets the intent of the applicable district regulations.

**D. Condominium Review Procedures**

1. The draft condominium documents shall be submitted to the City for review by the City Attorney and other appropriate staff.
2. The Community Development Department shall distribute the conceptual site plan to appropriate departments for review and comment.
3. The conceptual site plan and staff reports shall be submitted to the Citizens Planning Commission for review and public hearing.
4. The Citizens Planning Commission shall recommend approval, approval with conditions or denial of the conceptual site plan within sixty (60) days following review by the CPC.
5. The City Council shall approve, approve with conditions or deny the conceptual site plan.
6. If the conceptual site plan is approved, the applicant shall submit a final site condominium subdivision plan with information similar to a final preliminary plat as described in Chapter 630, Subdivision and Land Development, to the Community Development Department.
7. The Community Development Department shall submit the final site condominium subdivision plans and staff analyses to the Citizens Planning Commission for review and comment.
8. The Citizens Planning Commission shall recommend to approve, table or deny the site condominium subdivision plan to City Council. If the plan is tabled, the applicant shall submit a revised plan to the Citizens Planning Commission addressing its concerns.
9. The City Council shall then approve or deny the final site plan.
10. The City Council, as a condition of final approval of the site plan, shall require the applicant to provide a performance guarantee for the completion of improvements associated with the proposed use.
11. Following approval of the final site plan, the final condominium documents and engineering plans shall be approved by the City Attorney and Engineering Department, respectively.
12. Following construction of infrastructure and other site improvements, as-built plans shall be submitted to appropriate departments if necessary.

**E. Revision of Site Condominium Subdivision Plan.**

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the City Council before any building permit may be issued.

**F. Amendment of Condominium Documents.**

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the City Attorney and City Council before any building permit may be issued. The City Council may require Citizens Planning Commission review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

**G. Relocation of Boundaries.**

Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, (See MCLA § 559.148.) shall comply with all regulations of the zoning district in which it is located and shall be approved by the Citizens Planning Commission upon recommendation of the City Assessor. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

**H. Option for Site Condominium PUD.**

Site condominium subdivision or construction plans shall have the option of being reviewed as a planned unit development, subject to the regulations contained in Section 6.19.

**I. Subdivision of Condominium Lot.**

Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, (See MCLA § 559.149) shall comply with all regulations of the zoning district in which it is located and shall be approved by the Citizens Planning Commission. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

**SECTION 6.21****NON-CONFORMING USES, STRUCTURES, AND LOTS**

- A. Intent.** It is the intent of this section to permit legal nonconforming lots, structures, or uses to continue until they are removed. It is also the goal of this section to further the removal of illegal nonconforming uses, structures and lots. Tables 6.6-6.8 provide lists of common situations of nonconformity and regulatory responses.

**SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES**

1. It is recognized that within districts established by this chapter, there are existing lots, structures and uses previously lawful, but which would be prohibited, regulated, or restricted under the terms of this chapter and its amendments. It is the intent of this section to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival, or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided for.
2. Any lot, use, building, structure or combination thereof that was not lawful at the date of adoption of this chapter or any amendments thereof shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this section. Such an illegal nonconformity shall be in violation of this section and shall be terminated and removed.

**B. Buildings Under Construction.** To avoid undue hardship, nothing in this section 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 chapter and upon which actual building construction has been diligently carried on. "Actual construction" is hereby designed to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has begun prior to rebuilding. Such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**Table 6.6: Required Side Yard Setbacks for Substandard Interior Lot Widths**

Lot Width (feet)	Buildable Width (feet)	Minimum Side Yards (feet)	Other Side Yards (feet)	Total (ft.)
49	35	5	9	14
48	34	5	9	14
47	34	4	9	13
46	33	4	9	13
45	32	4	9	13
44	31	4	9	13
43	31	3	9	12
42	30	3	9	12
41	29	3	9	12
40	28	3	9	12
39	28	3	8	11
38	27	3	8	11
37	26	3	8	11
36	26	3	7	10
35	26	3	6	9
34	26	3	5	8
33	26	3	4	7
32	26	3	3	6
31	25	3	3	6
30	24	3	3	6

**Table 6.7: Required Side Yard Setbacks Where the Street Side Yard Adjoins an Interior Lot**

Lot Width (ft.)	Buildable Width (ft.)	Minimum Side Yards (ft.)	Other Side Yards (ft.)	Total (ft.)
46	26	5	15	20
45	26	5	14	19
44	26	5	12	18
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14
39	26	3	10	13

**Table 6.8: Required Side Yard Setbacks Where Lot Adjoins Another Corner Lot**

Lot Width (ft.)	Buildable Width (ft.)	Minimum Side Yards (ft.)	Other Side Yards (ft.)	Total (ft.)
46	29	5	12	17
45	28	5	12	17
44	27	5	12	17
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14
39	26	3	10	13

**C. Non-Conforming Lots of Record.** A permitted principal building and use, and permitted accessory structures and uses, may be erected or placed on a lot of record which existed at the date of adoption or amendment of this chapter, provided that 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 the minimum setback requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals, except as provided for single-family dwellings in Section 6.19.D.

**D. Non-Conforming Lots in Single-Family Residential Districts.** In single-family residential districts, all nonconforming lots shall be subject to the following regulations:

1. **Single-family dwelling on substandard lot.**
    - a) A single-family dwelling may be erected in a single-family residential district on a substandard lot or parcel which is of record at the time of the adoption of this chapter and under separate ownership from a contiguous vacant lot, provided that the required side yards meet the minimums prescribed in Tables 6.7, and 6.8 for both interior and corner lots and provided further that:
      - i. No side yard shall be less than three (3) feet nor any corner lot side yard less than ten (10) feet;
      - ii. The lot area is not less than 50% of the minimum specified for the district; and
      - iii. All other requirements for the district are complied with, except that off-street parking requirements may be waived where interior lots are less than thirty-seven (37) feet in width; provided, however, that vacant lots having, in the aggregate, continuous frontage of more than nine-hundred (900) feet shall not be subject to this exception.
    - b) The purpose of this provision is to permit utilization of lots of record or parcels which lack adequate width or other dimensional requirements of this chapter.
  2. At the time of the adoption of this chapter, a lot or parcel of record in a single-family residential district which is of insufficient size to permit a building of at least thirty-six (26) feet in depth (front building wall to rear building wall), the required rear yard setback may be reduced by not more than six feet provided the lot area is not less than 50% of the minimum specified and that all other requirements for the district shall be complied with.
- E. Non-Conforming Contiguous Lots Under Same Ownership**
1. If two or more lots, or a combination of lots, with contiguous frontage in single ownership, are of record at the time of adoption or amendment of this chapter, and if all or parts of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this chapter. No portion of said parcel shall be used, occupied or sold in a manner which diminishes compliance with the lot width and area requirements established by this chapter, nor shall any division of a parcel be made which creates a lot with a width or area less than the requirements stated in this chapter.

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2. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home. In addition, lots of thirty (30) feet or greater in frontage, established prior to January 1, 2000, shall not be subject to these provisions, provided that they are determined to be appropriate with the dimensional standards of adjacent parcels in the existing neighborhood.

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

1. Nonconforming use shall not be enlarged or increased, or extended to occupy a greater area of land.
2. No accessory use, building or structure shall be established.
3. Nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
4. Nonconforming uses which are discontinued for a period of more than one year shall lose their nonconformity.

G. **Non-Conforming Uses of Structures and Land.** If use of a structure or of a structure and land in combination exists at the effective date of adoption or amendment of this chapter, the use may continue subject to the following provisions:

1. A single-family residential building in a non-single-family district may be expanded to occupy the floor area necessary for living purposes, subject to the approval of the Zoning Board of Appeals.
2. Replacement or repair of a nonconforming residential use and building in a nonresidential district damaged by flood, fire or vandalism shall be permitted upon approval of the Zoning Board of Appeals, in accordance with Section 6.22.
3. No existing structure devoted to a use not permitted by this chapter in the district in which it is located, except single-family dwellings, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except when becoming more conforming or a permitted structure.

4. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

5. A nonconforming use shall not be established, except as follows: if no structural alterations are made, any nonconforming use of a structure, or of a structure and land in combination, may be changed to a more conforming use, as determined by the Zoning Board of Appeals, upon finding that the proposed use is more appropriate at the specific location than the existing nonconforming use. In permitting such a change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure or land, or a structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

6. Any nonconforming use which ceases or changes to a more conforming use cannot be resumed or reinstated.

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

8. When a nonconforming use of a structure, or of a structure and land in combination, is discontinued for one (1) year, the structure, or the structure and land in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

H. **Non-Conforming Structures.** Where a structure is lawful at the time of adoption or amendment of this chapter, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. **Permitted Expansions.**

- a) No such structure may be enlarged or altered in a way that increases its nonconformity, unless a variance is granted by the Zoning Board of Appeals. Nonconforming structures may be enlarged or altered in a way which decreases their nonconformity or which does not increase their nonconformity. (Example: If the side yard setback is nonconforming, the structure may be extended on the other side, rear or front yard, provided that those setbacks remain conforming.)
- b) For the purposes of this chapter, adding second story space over a portion of a one-story building which is already nonconforming by reason of building setback infringement shall not be deemed to be an increase in nonconformity and may be permitted. However, such an addition cannot create a new nonconformity, such as exceeding the maximum building height limitation.

2. **Reconstruction or Replacement of Damaged Nonconforming Single-Family Dwellings.**

A single-family dwelling and its accessory structures which do not conform to one or more dimensional requirements of this chapter may be continued, replaced, repaired or remodeled if damaged by flood, fire or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such a nonconforming single-family building shall commence within one (1) year of the date of damage, and work shall be diligently pursued toward completion. Failure to complete replacement or to diligently work toward completion shall result in the loss of legal nonconforming status, unless good cause for the delay is determined by the Zoning Board of Appeals.

3. **Reconstruction or Replacement of Damaged Nonconforming Buildings and Structures.**

Except as noted in Section 6.21.H.2, hereof, a nonconforming building or structure which is damaged by flood, fire or vandalism to an extent of more than 60% of its fair market value, as determined by the City Assessor, exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this chapter. The Zoning Administrator may require that an estimate of fair market value be provided, at the applicant's expense, from a certified appraiser and/or licensed contractor. Such nonconforming building may be replaced, provided that replacement is commenced within one (1) year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, nonconforming status, unless good cause for the delay is determined by the Zoning Board of Appeals.

4. **Relocation of Nonconforming Buildings and Structures.**

Should any nonconforming building or structure be relocated or moved, for any reason or for any distance, it shall thereafter conform to the regulations for the district where it's relocated.

I. **Non-Conforming Sites**

1. This chapter may create a number of situations where an existing developed site does not conform to all of the various current site design standards (such as site lighting, landscaping, waste receptacle screening, sidewalks and access management). This section permits the Citizens Planning Commission, with input from City staff, to work with the applicant toward compliance with site-related requirements. Full compliance shall be required for any improvement determined to be safety related.
2. A change in use of, improvements to, or expansions of an existing building may be permitted without a complete upgrade of all site elements under the following conditions:
  - a) The applicant is proposing reasonable site improvements in relation to the scale and construction cost of the building improvements or expansion.
  - b) The applicant has addressed safety-related site issues.
  - c) The applicant has upgraded the site landscaping consistent with Section 5.18.

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- d) The improvements or minor expansion will not increase noncompliance with site requirements.
- e) A site plan has been submitted in accordance with Section 6.15.

### J. Repairs and Maintenance

1. "Routine repairs, maintenance and modernization" shall include activities such as new roofing, new siding, painting, installation of new climate control equipment, landscaping, concrete repair and repair or replacement of nonbearing walls, fixtures, wiring or plumbing. These activities shall be exempt from the requirements of this section.
2. Ordinary or routine maintenance and repairs shall be permitted on a building which contains a conforming use but does not conform to all the various dimensional requirements, provided that the repair or replacement within any twelve (12) month period does not exceed 60% of the value of the building and does not increase or expand the nonconformity.
3. When a nonconforming structure has deteriorated to a point exceeding 60% of the structure's value and has been condemned by the Building Department, the structure shall not be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.
4. Non-routine repairs to a building or structure containing a nonconforming use shall require approval of the Zoning Board of Appeals.
5. The value of the building and cost of repairs shall be the fair market value as determined by the City. The City may require verification of fair market value from a certified appraiser and/or licensed contractor, at the applicant's expense.
6. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public health, safety, and welfare upon order of such official.

### K. Change of Tenancy, Management, or Ownership.

There may be a change of tenancy, management, or ownership of any existing nonconforming use of land, structure, or premises, provided that there is no change in the nature or character of such nonconforming use except in conformity with the provisions of this chapter.

### L. Determination of Non-Conforming Uses or Structures.

Failure on the part of a property owner to provide the Community Development Department with necessary information to determine legal nonconforming status may result in the denial of required or requested permits.

### M. Variances.

An approved variance shall not be considered a nonconformity.

### N. Elimination of Nuisances.

In order to eliminate nonconforming uses and structures which constitute nuisances or are detrimental to the public health, safety and welfare, the City of Monroe may acquire properties containing nonconformities by condemnation or other means. The property may then be leased or sold for a conforming use or retained by the City for public use. (This is in accordance with Public Act 272 of 1947, as amended [MCLA § 125.583a; MSA § 5.2933(11)], (Section 125.583a of the statutes was repealed by Public Act 110 of 2006, the Zoning Enabling Act. See MCLA § 125.3101, et seq.)).



**Table 6.9: Summary of Nonconforming Regulations**

Nonconforming Situation	Reference	Regulatory Response
Illegal nonconforming use, building, or accessory	Section 6.19.F	Use shall cease
Request to construct a single-family home on a nonconforming lot of record in a single-family district which has not been owned by a contiguous property owner	Section 6.19.D	Residential building may be constructed; setbacks determined by Tables 6, 7 and 8
Request to construct a non-single-family building on a nonconforming lot of record, which has not been owned by a contiguous property owner	Section 6.19.C	Building may be constructed if other dimensional requirements are met
Request to build on a nonconforming lot of record which has been owned by a contiguous property owner	Section 6.19.E	Lots are considered to be combined
Expansion of nonconforming use on lot or parcel	Section 6.19.F	No expansion or new structures allowed, shall cease and all nonconforming rights are terminated if use is discontinued for 1 year
Use of single-family home in a nonresidential district	Section 6.19.H.2	Allowed to continue; expansion requires ZBA approval
Rebuilding a single-family home in a nonresidential zoning district where home has been damaged by catastrophe	Section 6.19.H.2	Requires ZBA approval (see section 6.22)
Expansion of nonconforming use through expansion of the building or adding an accessory building or use	Section 6.19.G	Not permitted
Expansion of nonconforming use within a conforming building	Section 6.19.G	Permitted
Establishment of a new nonconforming use	Section 6.19.G	Not permitted. Change to an equal or more conforming use may be permitted
Change from a nonconforming use to a conforming one, or removal of a nonconforming building or use	Section 6.19.G	Nonconforming rights terminated
A nonconforming use in a building or structure, or a nonconforming building or accessory structure that has been abandoned or discontinued for one (1) year or longer	Section 6.19.H	Nonconforming rights terminated
Request to expand a nonconforming building	Section 6.19.H	Expansion may be permitted per section requirements
Replacement of a single-family dwelling destroyed by flood, fire or vandalism which did not conform to 1 or more dimensional requirements	Section 6.19.G	Requires ZBA approval
Repair or replacement of nonconforming buildings damaged by flood, fire or vandalism	Section 6.19.G	Shall conform if damage exceeds 60% of replacement cost
Relocation of a nonconforming use or building	Section 6.19.H	Shall conform
Structural repairs to a nonconforming building or structure containing a conforming use	Section 6.19.J	Permitted up to 60% of building or structure value
Structural repairs to a nonconforming building or structure containing a nonconforming use	Section 6.19.J	Requires ZBA approval
Change in ownership of a nonconforming lot, use or building	Section 6.19.K	No effect on conformity or rights

## SECTION 6.22

**ZONING BOARD OF APPEALS**

- A. **Establishment.** A Zoning Board of Appeals shall be established, which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended<sup>1</sup>, so that the objectives of this chapter shall be observed, public safety secured and substantial justice done.
- B. **Membership.** The Zoning Board of Appeals (ZBA) shall consist of five (5) members and two (2) alternate members. Alternate members may act in an official capacity if a member is absent or unable to vote due to a conflict of interest. Initial terms shall be staggered as described in Public Act 110 of 2006, as amended. As each term expires, reappointment shall be for a term of three (3) years. The members and terms appointed under the previous Zoning Code shall apply and continue.
- C. **Terms of Office.**
1. The members, plus alternates, shall serve for three (3) year terms. The three (3) year terms shall be staggered so that no more than two (2) members are appointed each year (vacancies excluded).
  2. Should a vacancy occur, the Council shall appoint a replacement within sixty (60) days to fill the unexpired term.
- D. **Removing members.** Members of the Zoning Board of Appeals shall be removable by the City Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- E. **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct of office.
- F. **Officers.** The Zoning Board of Appeals shall elect a Chairperson, Vice Chairperson and Secretary by majority vote no later than the fourth (4th) month of each calendar year. The duties of these officers shall be specified in the Zoning Board of Appeals rules of procedure or bylaws.
- G. **Meetings.** The Zoning Board of Appeals shall meet on a regular basis. All meetings shall be noticed as required by the Open Meetings Act. A special meeting on a nonscheduled date may also be called by the Chairperson or by written request of at least two (2) members of the board. Such special meetings shall be scheduled to ensure adequate notification for any public hearing required. All meetings shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote. Minutes shall state the reasons for approval, approval with conditions or denial of each appeal, and shall also include any other official actions taken by the board. All records of the proceedings shall be filed in the office of the City Clerk/Treasurer as soon as practicable, and shall become part of the public record.
1. Three (3) members of the Zoning Board of Appeals shall constitute a quorum to conduct business. A vote of three (3) members shall be necessary to approve a variance or take action regarding any other power or duty assigned to the ZBA consistent with the rules of procedure as adopted.
  2. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony; and may require the submission of evidence, such as books, papers, files and similar documentation pertinent to the case before it.
- H. **Effect of Appeal.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Circuit Court, on notice to the officer from whom the appeal is taken, when due cause can be shown.
- I. **Public Hearing and Notice.** The Zoning Board of Appeals or Planning Department shall schedule a public hearing and provide notification in accordance with Section 6.23.C. The Zoning Board of Appeals shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Citizens Planning Commission shall be notified of any such hearing.

- J. **Powers and Duties.** The Zoning Board of Appeals, established in Section 6.22, is a body of limited powers. The Board shall have the following specific powers and duties:
1. **Review.** The ZBA shall hear and decide appeals from and review any order, requirement, decision, or determination made by the administrative official or body charged with the enforcement of this chapter, however:
    - a) The Zoning Board of Appeals shall not have the authority to reverse or modify the Citizens Planning Commission decision to approve or deny a special land use permit; and
    - b) The Zoning Board of Appeals shall not have authority to grant variances to any special land use standards or conditions of special land use approval.
  2. **Interpretation.** The ZBA shall have powers to interpret the provisions of this chapter and to grant variances from the strict application of any provisions of this chapter, except as otherwise provided. The Board may request written recommendations from the City Attorney or other staff or departments to assist in such interpretation. The ZBA shall:
    - a) Hear and decide upon appeals for the interpretation of the provisions of this chapter.
    - b) Determine the precise location of the boundary lines between zoning districts. In these instances, the ZBA shall interpret the Zoning Map after a recommendation from the Citizens Planning Commission.
  3. **Variances.** The ZBA shall have the power to authorize, upon appeal, specific variances for use and non-use/dimensional standards.
    - a) **Use Variances.** Variances of uses shall be permitted when an applicant can demonstrate that an unnecessary hardship exists preventing use of the land in accordance with the requirements of this chapter. Use variances shall require the affirmative vote of two-thirds of the full membership of the Zoning Board of Appeals. Furthermore, any variance granted shall meet each of the following standards:
      - i. The property cannot be used for a conforming use in the zoning district where it is located.
      - ii. The plight of the property is due to unique circumstances and not general neighborhood conditions.
      - iii. The use to be authorized by the variance will not alter the essential character of the area.
      - iv. The alleged hardship has not been created by any person presently having an interest in the property.
    - b) **Non-use dimensional variances.** Variances from lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking, loading space, landscaping standards, and other such requirements shall be permitted only if a practical difficulty in complying with this chapter can be demonstrated. Furthermore, any variance shall meet all of the following standards:
      - i. The restrictions of this chapter unreasonably prevent the owner from using the property for a permitted purpose.
      - ii. The variance would do substantial justice for the applicant as well as other property owners in the district; and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners.
      - iii. The plight of the landowner is due to the unique circumstances of the property.
      - iv. The alleged practical difficulty has not been created by any person presently having an interest in the property.
      - v. The variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this chapter.
      - vi. The variance will not cause any adverse effect to property in the vicinity or in similar zoning districts in the City.
      - vii. The variance will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
      - viii. The variance will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

## SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES

- ix. A variance granted by the ZBA under which premises are not used or work is not commenced within six (6) months, or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
4. **Exceptions.** The Zoning Board of Appeals shall have the authority to grant exceptions to certain requirements of this chapter upon finding that the result will be in harmony with the general purposes and intent of this chapter, so that public health, safety and welfare are secured and substantial justice done. Specifically, the ZBA shall have the authority to:
  - a) Permit the erection and use of a building or the use of premises for public utility purposes upon recommendation of the Citizens Planning Commission and upon resolution that such building or use is reasonably necessary for the public convenience or welfare.
  - b) Permit such modification of the height, area and yard space regulations on existing nonconforming lots of record as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved.
  - c) Permit temporary buildings and uses.
5. **Conditions.** The Zoning Board of Appeals may, in acting on any appeal in connection with a request for waiver, attach conditions to its approval. The Zoning Board of Appeals shall consider the standards set forth in MCLA § 125.3101, et seq. with respect to the imposition of such conditions. All conditions shall be stated in the record and shall be considered reasonable and related to the request.
6. **Miscellaneous.** In exercising the above powers, the ZBA may reverse or affirm, wholly or in part; or may modify an order, requirement, decision or determination appealed and take such action so as to be in accordance with this chapter.
- K. **Appeals to Circuit Court.** The decision of the Zoning Board of Appeals rendered pursuant to this article shall be final. However, a person having an interest affected by the decision may appeal to the Circuit Court. An appeal shall be filed with the Circuit Court within thirty (30) days of the Zoning Board of Appeals' decision. The Circuit Court shall review the record and decision to ensure that the decision meets all of the following requirements:
  1. Complies with the Constitution and laws of the State of Michigan and those of the United States.
  2. Is based upon proper procedure.
  3. Is supported by competent materials and substantial evidence on the record.
  4. Represents the reasonable exercise of discretion granted by law to the Board of Appeals.
- L. **Finding in Compliance with Determination of Circuit Court.** If the Court finds the record of the Zoning Board of Appeals inadequate or determines there is additional evidence that is material and was not presented to the Zoning Board of Appeals and which the court considers proper, the Zoning Board of Appeals shall modify its findings and make a decision in accordance with this chapter.

### SECTION 6.23 AMENDMENTS

#### A. Authority/Amendment Proposal

1. Only the City Council may amend this chapter. Proposals for amendments or changes may be initiated by the City Council, the Citizens Planning Commission, the Zoning Board of Appeals, the Community Development Department or by petition of one or more owners of property seeking the proposed amendment.
2. The City Council may adopt a proposed amendment, supplement or change with or without amendments or refer the same again to the Citizens Planning Commission for further study and report; provided, however, that if the City Council proposes to adopt any such proposal with an amendment enlarging its scope, then such proposal shall be referred again to the Citizens Planning Commission for further hearing, study and review. Final action thereon shall not be taken prior to receiving such report from the Citizens Planning Commission.

**B. Amendment Procedure**

1. The procedure for making amendments to this chapter shall be in accordance with Public Act 110 of 2006 (MCLA § 125.3401), as amended.
2. A petition shall be filed with the Community Development Department. The department shall review the request as to form and, when complete, shall transmit the same to the Citizens Planning Commission for review and action. The Community Development Department shall then establish a date for a public hearing on the petition and shall give proper notice of the hearing as provided in Public Act 110 of 2006 (MCLA § 125.3103), as amended. The Community Development Department shall also give notice thereof, and of the public hearing, to the petitioner. If pertaining to a specific parcel, the Community Development Department shall also give notice to all persons owning real property within three-hundred (300) feet of the premises in question and to the occupants of all structures within three-hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the petition 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:
  - a) Describe the nature of the request.
  - b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist, however, if there are no street addresses, other means of identification shall be used.
  - c) State when and where the request will be considered.
  - d) Indicate when and where written comments will be received concerning the request.
3. Requirements of written notice to property owners shall not apply to comprehensive revisions to this chapter or to eleven (11) or more parcels considered for rezoning at one time. Public hearing requirements shall also apply to amendments initiated by the City Council or the Citizens Planning Commission.

**C. Notice of Hearing**

1. The Community Development Department shall give notice of hearing in the following manner:
  - a) By one publication in a newspaper of general circulation in the City to be printed not less than fifteen (15) days before the date of the hearing. The notice is to contain the time, date, place and purpose of the hearing.
  - b) By mailing a notice of hearing to each electric, gas, pipeline, public utility company, telecommunication service, railroad, and airport manager that registers its name and mailing addresses with the City Clerk.
2. The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
3. *An affidavit of publication* of all publications and mailings shall be maintained by the Zoning Administrator.

**D. Information Required for Zoning Map Changes.** The petitioner shall submit a detailed description of the petition to the Community Development Department. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property’s location within the City.
3. The name and address of the petitioner.
4. The petitioner’s interest in the property, and if the petitioner is not the owner, the name and address of the owner.
5. Date of filing with the Community Development Department.
6. Signature of petitioner and owner certifying the accuracy of the required information.
7. The desired change and reasons for such change.

**E. Steps.** The following steps shall be followed in making a change under this article:

1. Petitioner submits application and fee.
2. The Community Development Department transmits the application to the Citizens Planning Commission, sets hearing date and publishes notices of hearing.

## SECTION 6: ADMINISTRATION, ENFORCEMENT, AND PROCESSES

3. The Citizens Planning Commission holds hearing, makes a decision, and transmits decision to the City Council as a recommendation to approve or deny the proposed amendment.
4. City Council either approves or denies the proposed change as an ordinance amendment. If approved, the City Clerk's office shall publish the text or map as applicable pursuant to state statutes.

### F. Findings of Fact Required

1. In reviewing any petition for a zoning amendment, the Citizens Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendations for disposition of the petition, to the City Council within sixty (60) days of the date of determination.
2. The facts to be considered by the Citizens Planning Commission shall include, but not be limited to, the following:
  - a) Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
  - b) The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
  - c) The ability of the City or other government agencies to provide any services, facilities, and/or programs that might be required if the amendment is approved.
  - d) Effect of approval of the amendment on the adopted developmental policies of the City and other governmental units.
3. All findings of fact from the meetings shall be made a part of the public record of the Citizens Planning Commission and City Council. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the City or of other civil divisions, where applicable.

### G. Submission of Proposed Conditions by Applicant.

An applicant may opt to submit conditions in order to induce approval of a rezoning by the City. The conditions may not be edited or altered by the City. If approved, the conditions shall form a "Conditional Rezoning Agreement" which shall govern the site.

## SECTION 6.24 ZONING MAP

The boundaries of the districts are hereby established as shown on the Zoning Map of the City of Monroe. A copy of the map is provided in the Zoning Code. Such map, with all notations, references and other information shown thereon, shall be applicable as if fully described herein.

## SECTION 6.25 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in any shoreline, shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- G. Boundaries indicated as being parallel to, or extensions of, features indicated above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- H. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by the above, the Zoning Board of Appeals shall interpret the district boundaries following a recommendation from the Citizens Planning Commission.

- I. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way or any railroad line.

#### **SECTION 6.26**

### **ZONING OF ANNEXED AREAS**

Whenever any area is annexed to the City of Monroe, the annexed area shall automatically be classified as R-1. The annexed land can be rezoned by action of the City Council following a public hearing and recommendation by the Citizens Planning Commission.

#### **SECTION 6.27**

### **ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the City of Monroe shall be vacated, such street, alley or other public way, or a portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches. Ownership of vacated rights-of-way shall be offered to adjacent property owner or owners unless other arrangements are specified by the City.

#### **SECTION 6.28**

### **INTERPRETATION, COMPLIANCE WITH DISTRICT REQUIREMENTS**

- A. Use of land shall only be permitted in the zoning districts indicated. Permitted and special uses are grouped by category where appropriate. Only the specific uses listed in the category in the applicable district shall be permitted.
- B. No building or land shall be used or occupied, and no building or part thereof shall be erected, moved or altered, unless the same is in conformity with the regulations specified for the district in which it is located and is in compliance with all applicable regulations of this chapter.

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# 7

Section 7:  
**Definitions**

**SECTION 7.01  
CONSTRUCTION OF LANGUAGE**

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

- A. The particular shall control the general.
- B. In case of any differences of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive, as determined by the appropriate City official, the Citizens Planning Commission, Council or the Zoning Board of Appeals.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” or “either...or,” the conjunction shall be interpreted as follows:
  - 1. “And” indicates that all the connected items, conditions, provisions or events shall apply.
  - 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination (“or” also includes “and/or”).
  - 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
  - 4. The phrase “such as” shall mean “such as, but not limited to.”
  - 5. The word “including” shall mean “including, but not limited to.”
- I. Terms not herein defined shall have the meaning customarily assigned to them.

**SECTION 7.02  
DEFINITIONS**

For the purpose of this chapter, certain words and terms are herewith defined:

**ACCESS MANAGEMENT** — A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

**ACCESSORY BUILDING OR STRUCTURE** — An unattached building or structure, or any portion thereof, that is supplementary and/or subordinate to a principal building or structure on the same lot and that is occupied or devoted exclusively to an accessory use.

**ACCESSORY USE** — A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking or loading spaces) located on the same zoning lot as the principal use to which it is related. When the word “accessory” is used in this text, it shall have the same meaning as “accessory use.” “Accessory use” shall include, but it is not limited to, uses such as those that follow:

- A. Residential accommodations for staff and/or caretakers within the principal building.
- B. Swimming pools for the use of the occupants of a residence or their guests.
- C. Domestic storage in a barn, shed, tool room or similar accessory building or other structure.
- D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- E. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- G. Uses clearly incidental to a principal use, such as offices of an industrial or commercial use within an industrial or commercial building or a small area devoted to accessory sales or display in an office or industrial use.
- H. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

**ADDITION** — An extension or increase in the floor area or the height of a principal building or structure.

**ADMINISTRATIVE SITE PLAN REVIEW COMMITTEE** — A group of individuals designated by the City Manager who shall conduct administrative reviews of site plans.

**ADULT REGULATED USE** — An establishment which is required to exclude and/or does exclude minors by virtue of age and is further defined as follows:

- A. **Adult book or supply store:** An establishment having 20% or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- B. **Adult motion-picture theater or adult live stage performing theater:** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.
- C. **Adult cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- D. **Adult physical culture establishment:** Any establishment, club or business, by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of “adult physical culture establishment”:
  1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  2. Electrolysis treatment by a licensed operator of electrolysis equipment;
  3. Continuing instruction in material or performing arts or in organized athletic activities;

4. Hospitals, nursing homes, medical clinics or medical offices; and

5. Barbershops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.

**AIRPORT** — Business establishments primarily engaged in (1) operating international, national, or civil airports, or public flying fields or (2) supporting airport operations, such as rental of hangar space, and providing baggage handling and/or cargo handling services.

**ALLEY** — A dedicated public way which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.

**ALTERATION** — Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls, partitions, columns, beams or girders, or any change which is referred to herein as “altered” or “reconstructed.” This definition excludes aesthetic changes to the building facade.

**ANIMAL, DOMESTIC** — A traditionally North American animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans and has been traditionally kept as a tame, household pet, such as dogs, cats, hamsters, gerbils, mice, nonbreeding (under human control) rabbits, parakeets, parrots, canaries, love birds, finches, non-carnivorous fish, nonpoisonous and non-constricting reptiles (under three feet in length) and nonpoisonous spiders.

**ANIMAL HOSPITAL** — see Veterinary Clinic.

**ANIMAL SHELTER** — A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**ANIMAL, WILD OR EXOTIC** — Any animal not domesticated or tamed which is incapable, by its feral nature, of being completely domesticated and which is normally found in the wild, including but not limited to: Alligators, badgers, bears, beavers, bobcats, chinchilla, chipmunks, cougars, coyotes, crows, deer, doves, dog-wolves, eagles, elk, ferrets, foxes, gophers, grouse, hares, hawks, jaguars, kangaroos, lions, lynx, mink, muskrats, opossums, owls, partridges, peacocks, pheasants, porcupines, prairie dogs, quails, raccoons, skunks, squirrels, tigers, weasels, wild turkeys, wolverines, wolves and woodchucks, or any animal that has been bred to a wild animal. Poisonous spiders and reptiles, predatory animals, and endangered species are included, as well.

## SECTION 7: DEFINITIONS

**ANTENNA** — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, but excluding facilities considered to be essential public services or facilities preempted from City regulation by applicable state, Federal Communications Commission (FCC) or other federal laws or regulations.

**ANTENNA SUPPORT STRUCTURE OR TOWER** — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structures and any support thereto. All such structures may be attached to the ground, attached to a roof or otherwise attached to a building.

**APARTMENT** — A building with multiple residential units as defined herein:

- A. **Apartment, efficiency unit:** A dwelling unit consisting of not more than one room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one-room unit.
- B. **Apartment, one-bedroom unit** — A dwelling unit consisting of not more than two rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a two-room unit.
- C. **Apartment, two-bedroom unit** — A dwelling unit consisting of not more than three rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three-room unit.
- D. **Apartment, three or more-bedroom unit** — A dwelling unit wherein for each room in addition to the three rooms permitted in a two-bedroom unit, and for the purpose of computing density, such three-bedroom unit shall be considered a four-room unit, and each increase in a bedroom over three shall be an increase in the room count by one over the four.

**APPEAL** — To request a variance or waiver from the regulations of this chapter.

**APPLICANT (PETITIONER or DEVELOPER)** — A person, agent, firm, association, partnership, corporation, government agency or any combination thereof, which may have interest in or ownership of land or property.

**ARCADE** — Any place, premises, establishment, or room within a structure in which three or more amusement devices are located. For purposes of this definition, “amusement device” shall mean any game, motion picture, music, performance or similar entertainment device, machine or apparatus operated by a patron. The term does not include vending machines used to dispense food, candy and similar consumables; toys, kiddie rides, jukeboxes, bowling games, or pool tables.

**ARCHITECTURAL FEATURES** — Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and other decorative ornaments and detailing.

**AS-BUILT PLANS** — Revised construction plans in accordance with all approved field changes.

**ASSEMBLY, BANQUET, OR DANCE HALL** — A structure which provides rental space for such functions as, but not limited to: Concerts, dancing, weddings, receptions, conferences, club meetings and other similar gatherings, and may include the catering of food services both on and off the premises.

**AUTOMOBILE** — Includes cars, trucks, vans, motorcycles, and similar motor vehicles, unless specifically indicated otherwise.

**AUTOMOBILE (GAS STATION) CONVENIENCE MART** — A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises or in combination with the retailing of items typically found in a convenience market, carry-out restaurant or supermarket.

**AUTOMOBILE/VEHICLE DEALERSHIP** — A building or premises used primarily for the sale of new or used cars, trucks, vans, motorcycles, off-road vehicles, and similar types of transportation.

**AUTOMOBILE/VEHICLE FILLING STATION** — A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate additional uses as permitted and regulated by this chapter.

**AUTOMOBILE/VEHICLE REPAIR ESTABLISHMENT, MAJOR** — An automotive repair establishment which may conduct activities defined herein as minor repairs and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and

repair, overall painting and undercoating of automobiles, major overhauling of engines requiring removal of the cylinder head or crankcase pan, recapping or retreading of tires, steam cleaning and similar activities.

**AUTOMOBILE/VEHICLE REPAIR ESTABLISHMENT, MINOR** — A building or premises used primarily to provide general maintenance on automobiles and vehicles, such as oil changes and lubrication; servicing and repair or replacement of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; detailing; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; and wheel alignment, balancing and undercoating, but excluding any major mechanical repairs, collision work or painting. An automobile maintenance establishment may also sell gasoline but is distinct from an automobile gasoline station (i.e., a gas station without repair).

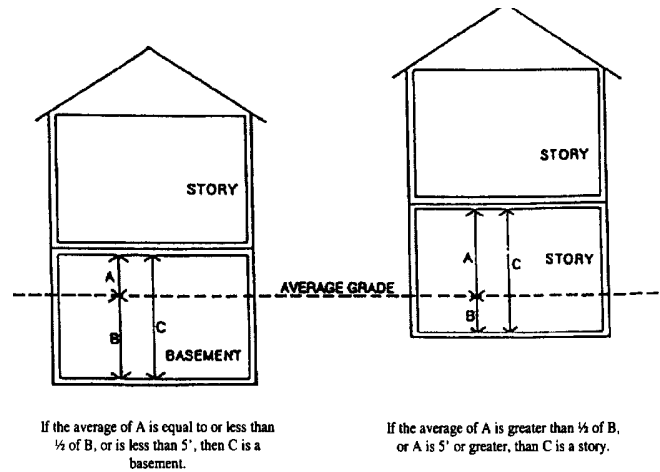
**AUTOMOBILE SERVICE (GAS) STATION** — Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance and service may be provided. May also include a convenience mart or store.

**AUTOMOBILE WASH** — Any building, structure or portion thereof, either as a principal or an accessory use, containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam-cleaning device or other mechanical washing devices, and shall also include coin- and attendant-operated drive-thru, self-serve, track-mounted units and similar high-volume washing establishments, but shall not include hand-washing operations. An automobile wash may include accessory automobile detailing, upholstery cleaning or vacuuming).

- A. **Automatic wash:** Any facility, its structures, accessory uses, or paved areas used wholly or partly to wash, clean and dry the exterior of automobiles, using conveyors to move the vehicle, or equipment that moves over or around the vehicle, or other automated equipment intended to mechanically wash vehicles.
- B. **Self-Service wash:** Any facility, its structures, accessory uses or paved areas used wholly or partly to wash, clean or dry the exterior of automobiles using hand-held equipment.

**BAR/TAVERN/LOUNGE/TASTING ROOM** — An establishment which sells or dispenses primarily alcoholic beverages for consumption on the premises, but may also include the sale of foods or snacks. When included as part of a larger dining facility, it shall be defined as such. Examples include: Cocktail lounges, bars, taverns, saloons, breweries, distilleries, wineries, and fraternal and social clubs.

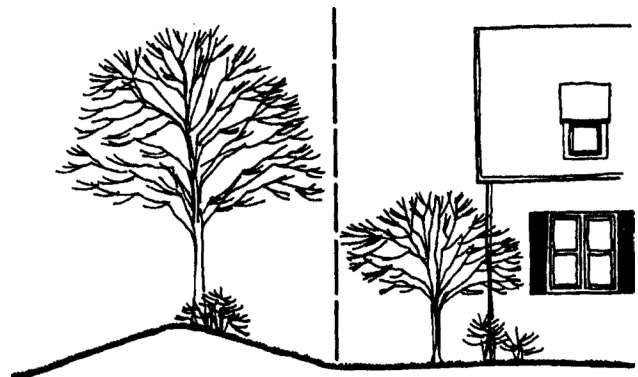
**BASEMENT** — The portion of a building located partly below grade but located so as the vertical distance from the average grade to the basement floor is greater than the vertical height from the average grade to the basement ceiling; provided, however, that if the vertical distance from the average grade to the basement ceiling is five feet or more, such basement shall be considered as a story.



#### Determining a Basement

**BED-AND-BREAKFAST INN** — A single-family dwelling which is owner occupied or maintained by a resident manager and provides, for compensation, eight or fewer sleeping rooms for transient guests for stays of short duration, which provides breakfast for its guests at no additional cost.

**BERM** — A continuous and raised earthen mound comprised of nontoxic materials, with a flattened top and sloped sides, that is capable of supporting landscape material and plantings.



**BILLIARD (POOL) HALL** — An establishment wherein the substantial or significant portion of all usable floor area is devoted to the use of pool or billiard tables. Such establishment may also include accessory food and

**SECTION 7: DEFINITIONS**

drinking service.

**BLOCK** — Property abutting one side of a street and lying between the two nearest intersecting streets or between one intersecting street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development, or the corporate boundary lines of the City.

**BOARDINGHOUSE** — A dwelling where meals, or lodging and meals, are provided for compensation to three or more persons for periods greater than seven (7) days. A boardinghouse shall be distinguished from a hotel, motel, bed-and-breakfast inn, care facility, or a nursing home.

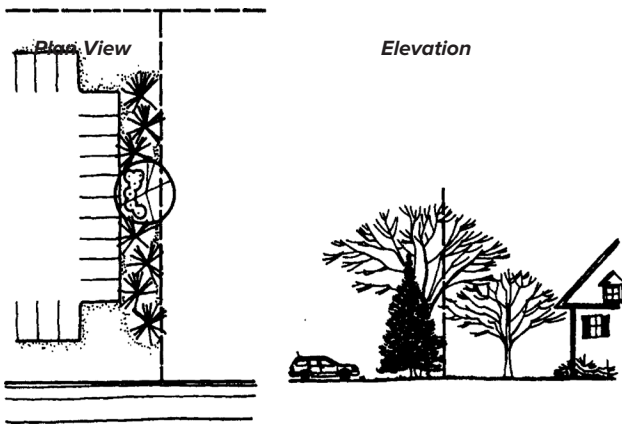
**BODY PIERCING** — The perforation of human tissue other than an ear for a non-medical purpose.

**BODY PIERCING ESTABLISHMENT** — An establishment where the perforation of human tissue, other than an ear for a non-medical purpose, is performed.

**BOULEVARD** — A street providing 2 one-way lanes of traffic separated by a median, which may be landscaped.

**BRAND or BRANDING** — The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.

**BUFFER** — A landscaped area composed of living plant material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between zoning districts.



*Buffer*

**BUILDABLE AREA** — The space remaining on a lot after compliance with the minimum required setbacks of this chapter.

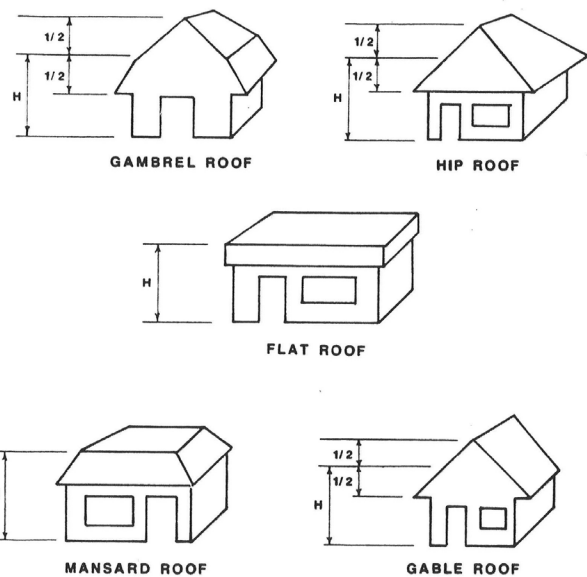
**BUILDING** — Any structure, either temporary or permanent, having a roof supported by columns, walls or any other supports which is used for the purpose of housing, sheltering, storing or enclosing persons, animals or personal property or carrying on business activities. This definition shall include tents, awnings, or mobile homes used for such purposes. When any portion of a building is completely separated from every other part of the building by division walls having no openings, each portion of such building shall be deemed a separate building.

**BUILDING CODE** — The latest edition of the Michigan Building Code, or any other code adopted by the municipality.

**BUILDING COMPONENT** — Any system or assembly designed for use in or as part of a structure, which may affect the health and safety of users or occupants. Systems may include: structural, electrical, mechanical, plumbing, and fire protection components.

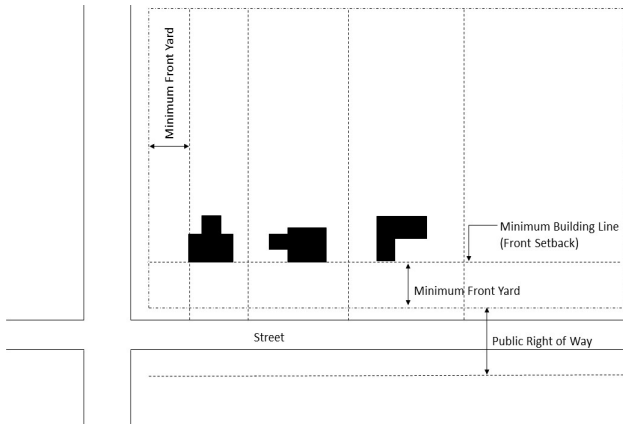
**BUILDING ENVELOPE** — The area of a lot which is defined by minimum setback and spacing requirements and within which building construction is permitted by this chapter. For condominium developments, the building envelope shall be illustrated on a site plan.

**BUILDING HEIGHT** — The vertical distance from grade as measured from the center of the front of the building to the highest point of a flat roof; the decline of a mansard roof; or the mean height level, as measured between the eaves and ridge, of a gable, gambrel or hip roof.



*Determining Building Height*

**BUILDING LINE** — A horizontal line generally parallel to a front, side or rear lot line which is located at the point of the principal building foundation nearest the front, side or rear lot line.



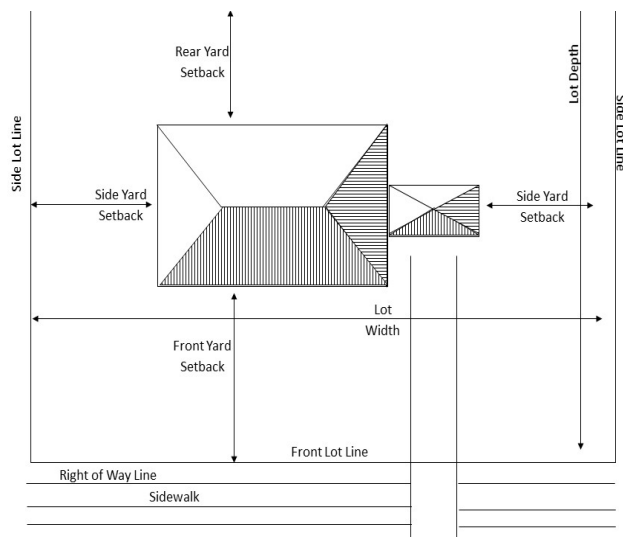
**Determining Building Line**

**BUILDING OFFICIAL** — The Building Official of the City of Monroe, as designated by the City Council, or his or her authorized representative.

**BUILDING PERMIT** — The written authority issued by the Building Official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this chapter.

**BUILDING, PRINCIPAL** — A building or structure in which the principal or main use is located or occurring.

**BUILDING SETBACK LINE** — The line established by the minimum required setbacks forming the area within a lot in which a building may be located.



**Building Setbacks**

**BUILDING SYSTEM** — Plans, specifications and documentation for a system of pre-manufactured units or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of a building system.

**BUSINESS CENTER** — A grouping of two or more business establishments on one or more parcels of land, which may share parking and access and are linked architecturally or which otherwise present the appearance of a unified grouping of businesses.

**CALIPER** — The diameter of a tree trunk.

**CARPORT** — An automobile shelter with at least two sides open which may be either freestanding (detached) or formed by the extension of the roof from the side or rear of a building. A detached carport shall conform to the setback requirements for a garage.

**CHURCH OR SIMILAR RELIGIOUS INSTITUTION** — A structure where persons regularly assemble for religious activities.

**CITIZENS PLANNING COMMISSION** — The Citizens Planning Commission of the City of Monroe, appointed by the City Council.

**CLEAR VISION ZONE** — The clear vision zone (sometimes called the “sight triangle”) is a triangular-shaped area on corner lots. Objects shall not be allowed between the heights of three feet and 10 feet above the road grade level so that drivers stopped at an intersection can see oncoming traffic.

**CLINIC** — An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions. A clinic shall not include overnight boarding facilities.

**CLUB** — An organization of persons assembled for an activity, but not for profit.

**COLUMBARIUM** — A structure designed for the purpose of storing the ashes of human remains that have been cremated.

**COMMERCIAL VEHICLE** — Any vehicle possessing a commercial license plate and in excess of one ton gross vehicle weight or greater than 22 feet in length. Excludes recreational vehicles.

**COMMUNITY GARDEN** — Land that is gardened by a group of individuals sharing responsibilities for the site either independently or under the auspices of a public or nonprofit organization.

## SECTION 7: DEFINITIONS

**COMPOSTING, COMMERCIAL** — An activity in which the primary function is to receive organic matter (such as leaves or food processing wastes) from multiple sources and to degrade such matter using microorganisms. Commercial composting involves breaking down organic matter to reduce, in volume, the wastes received; to alter the form of the waste to a less objectionable form; and to create compost products which can subsequently be sold or used for other purposes. Commercial composting businesses, when eligible for consideration within a zoning district, shall be considered only if they are proposed to be operated out of doors.

**CONDOMINIUM** — The following condominium terms shall apply in the application of this chapter:

- A. **Condominium Documents** — The master deed, as defined, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.
- B. **Condominium Lot** — The condominium unit and the contiguous limited common elements surrounding the condominium unit, which shall be the counterpart of “lot” as used in connection with a project developed under the Subdivision Control Act, Public Act 288 of 1967, as amended. (See MCLA § 560.101, et seq.)
- C. **Condominium Unit** — The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- D. **General Common Elements** — A portion of the common elements reserved in the master deed for the use of all of the co-owners.
- E. **Limited Common Elements** — A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- F. **Master Deed** — The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act (See MCLA § 559.108).
- G. **Site Condominium** — A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

**COURT** — An open space, other than a yard, on the same lot with and bounded on two or more sides by a building or group of buildings.

**CREMATORIUM** — A building fitted with the proper appliances for the purpose of the cremation of human remains.

**CUL-DE-SAC** — A minor street of short length having a common ingress and egress and a turnaround at the end.

**DECK** — A structure intended for use as or expansion of outdoor living space, which may be attached to or separate from a building.

**DENSITY, GROSS** — The number of dwelling units built on, or to be built on, a specified area of land (expressed in dwelling units per acre).

**DENSITY, NET** — The number of dwelling units built on, or to be built on, a specified area of land (expressed in dwelling units per acre) exclusive of land devoted to streets, alleys, public open space and 75% of the acreage comprised of open water, land within the one-hundred-year floodplain elevation and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, being Public Act 203 of 1979, as amended (The Goemaere-Anderson Wetland Protection Act [MCLA § 281.701 et seq.] was repealed by Public Act 451 of 1994, added by Public Act 59 of 1995. See MCLA § 324.30101, et seq).

**DEVELOPMENT** — The construction or relocation of a building or buildings on an appropriately zoned lot. or utilization of open land that is appropriately zoned for a new use.

**DRIPLINE** — The outermost branches of a tree, where rainwater drips off.

**DRIVE-IN RESTAURANT** — A business establishment whose method of operation involves delivery of prepared food for consumption in a motor vehicle or elsewhere on the premises, but primarily outside of an enclosed building. A drive-in restaurant may also have interior seating.

**DRIVE-THRU ESTABLISHMENT** — An establishment that accepts or dispenses items, products, or services to patrons who remain in vehicles. Drive-thrus shall be accessory to the principal use or business on-site and may include banks, dry cleaners, pharmacies, and other retail and service establishments.

**DRIVE-THRU RESTAURANT** — A drive-thru restaurant is a business establishment whose method of operation involves the delivery of prepared food to a customer in a motor vehicle, typically through a window for consumption off the premises.

**DRIVEWAY** — A passageway (primarily for the use of vehicles) over private property leading from a street or other public way, which is intended to provide access to a parking space, garage, or dwelling.



**DRY CLEANING DISTRIBUTION CENTER** — A building or part of a building used only for the purpose of collection and distribution of articles to be dry cleaned.

**DRY-CLEANING OR LAUNDRY ESTABLISHMENT** — A building or part of a building used for the purpose of receiving clothing, articles, or goods of fabric to be dry cleaned, laundered, dyed, or pressed on-site.

**DWELLING (UNIT)** — A building or portion thereof designed for occupancy by one family for residential purposes, which has cooking and bath facilities. In no case shall a recreational vehicle, automobile, tent or other portable building, garage, or accessory building be considered a dwelling unit. In the case of mixed use occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed as such and shall comply with the provisions thereof relative to dwellings. The following additional definitions are provided:

- A. **Dwelling, Multiple-Family:** A building designed exclusively for and containing two or more dwelling units. Multiple-family dwellings are typically of two basic styles:
  1. **Apartment style (garden style):** A building containing dwelling units which have common walls and which are typically accessed by a common hallway and/or stairwell.
  2. **Townhouse:** Two or more attached, single-family dwelling units with each typically having one or more common walls, a front and rear door, front and rear yard, and separate utility connections. Townhouses may include basements.
- B. **Dwelling, Single-Family Attached:** Two or more attached, single-family dwelling units with each typically having one or more common walls, a front door, and separate utility connections. Single-family attached units may also include: Front and rear yards, front and rear doors, and basements.
- C. **Dwelling, Single-Family Detached:** A detached residential dwelling designed for and used or held ready for use by one family only.
- D. **Dwelling, Two-Family:** A detached building designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.
- E. **Dwelling, Site-Built:** A structure constructed in accordance with the State of Michigan Construction Code in which elementary building materials and parts are transported to the building site where they are used to construct the total dwelling unit, including its major individual components and systems.

F. **Manufactured:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code, or the State of Michigan Construction Code. Mobile homes shall not be included in this definition.

G. **Mobile Home:** A dwelling unit fabricated in an off-site manufacturing facility for installation in a mobile home park and bearing the seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code, or the State of Michigan Construction Code.

**DWELLING UNIT** — Any building or portion thereof having cooking facilities which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, motor home, recreational vehicle, trailer coach, automobile, tent or other portable building be considered a dwelling in residential zoning districts. In the case of mixed use occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed as such and shall comply with the provisions thereof relative to dwellings.

**EASEMENT** — The right to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

**EQUIPMENT RENTAL** — A building or part of a building where residential, industrial and commercial equipment is kept for rental. Equipment may include lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, scaffolding, and plumbing and power tools.

**ESSENTIAL SERVICES (UTILITIES OR MUNICIPALITIES)** — Underground, surface or overhead gas, electrical, steam or water transmission or distribution and collection systems; public or franchised communications; supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, antennas and other similar equipment and accessories. Main rail lines are included in this definition, but railyards are excluded from this definition. Buildings shall not be considered essential unless they are necessary to house or protect a service or utility. Telecommunications towers and antennas are not defined as an essential service for purposes of this chapter.

**EXCAVATION** — The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land or road, whichever shall be higher. Excavation does not include normal garden or lawn maintenance.

## SECTION 7: DEFINITIONS

**EXCEPTION** — An exclusion from the normal rules and regulations of this chapter. Exceptions permit particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions as may be approved by the Zoning Board of Appeals. A variance is not required for uses or structures which are permitted because of an exception.

**FAÇADE** — The front of a building or any face of a building given special architectural treatment extending from grade to top of the building elevation.

**FAMILY** — An individual or a number of individuals living together whose relationship is of a continuing nontransient, domestic character. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or limited duration, such as school terms or other similar definable periods.

**FENCE** — A structure of definite height and location intended as a screening device, physical barrier, or enclosure, which may be constructed of wood; wire; metal; vinyl; or bollard and poles, connected by chains or a combination of other materials.

**FENCE, DECORATIVE** — A structure of definite height and location intended as a screening device, physical barrier, enclosure, or architectural element, which may be constructed of wrought iron, brick, masonry, stone or other traditional materials. For purposes of this chapter, solid masonry walls are not considered a decorative fence.

**FILL** — Matter or material deposited or placed onto or into the ground, such as soil, gravel, sand and stone.

**FITNESS CENTER (INDOOR)** — A facility which provides indoor exercise activities and equipment, such as weight-lifting, treadmills, rowing and cycling machines, and physical activity programs supervised by a fitness instructor or specialist in sports medicine. As defined herein, “fitness center” shall not include spectator seating for sporting events. A fitness center may or may not be enclosed within a gym.

**FLOODPLAIN** — Any land area susceptible to being inundated by floodwaters from any source, but typically flat areas or lowlands adjoining the channel or watercourse of a body of water. These areas are defined as flood hazard zones by the Federal Emergency Management Administration (FEMA) based upon the following:

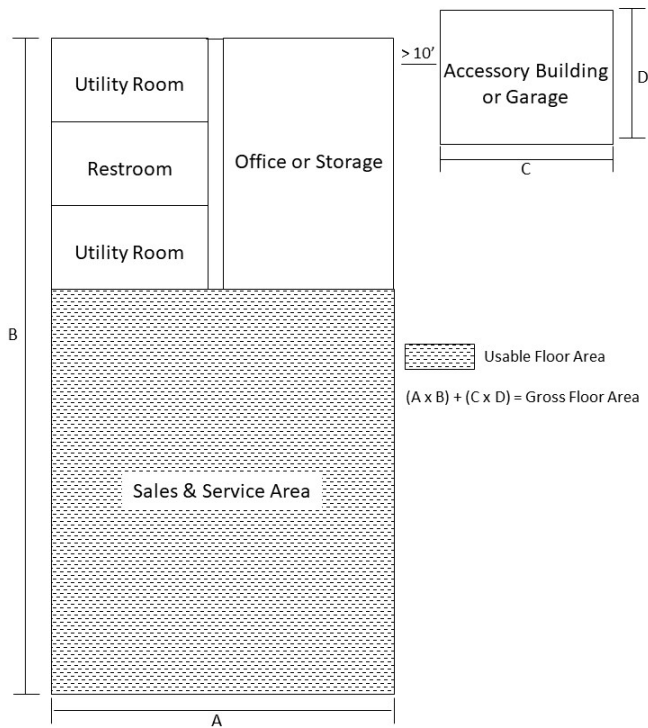
- A. Contiguous areas paralleling major rivers or streams that constitute at their maximum edge the highest flood levels experienced in a period of 100 years.
- B. Principal wetland areas that are part of the river flow system.

- C. Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

**FLOODWAY** — A naturally occurring or designed channel of any watercourse and those portions of the floodplain adjoining the channel, which carry and discharge floodwater.

**FLOOR AREA** — The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and open and enclosed porches.

- A. **Floor Area, Gross:** For the purpose of computing parking, the area that is the sum of the horizontal areas of each story of the building, measured from the interior surfaces of the exterior walls. “Gross floor area” shall include hallways, stairways, interior lobbies, and similar areas but shall exclude exterior porches, attached garages, attics and basements, which cannot accommodate commercial or office operations other than storage.
- B. **Floor Area, Usable:** For the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of usable floor area. Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale or display of merchandise and/or the area used to serve patrons or clients shall be measured to determine necessary parking spaces. A figure of 80% of gross floor area shall be permitted for usable floor area in instances where determining usable floor area by measurement is not possible.



#### Usable Floor Area

**FRONTAGE** — The linear dimension of a parcel or lot measured along the public street right-of-way line.

**GARAGE, PRIVATE** — An accessory building or portion of a main building that is designed or used primarily for the parking or storage of motor vehicles, boats, lawn equipment, tools, and residential items used by occupants of the primary structure.

**GARAGE, PUBLIC** — A building designed for the short-term parking of motor vehicles, which may contain a booth, office, or similar ancillary space; which may be freestanding or part of an office, commercial or mixed use development.

**GARAGE, REPAIR** - See "AUTOMOBILE/VEHICLE REPAIR ESTABLISHMENT"

**GARDEN CENTER** — A retail establishment selling trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment, home garden supplies, and related yard equipment.

**GOVERNMENTAL USE** — Any use by the federal, state, county or city government necessary to carry out the functions of government.

**GRADE** — A line, slope, or elev used in reference to a property or parcel.

- A. **Grade, slope:** The degree of rise or descent of a sloping surface.
- B. **Grade, average:** The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, where the foundation line is less than five feet from the lot line. Average grade shall be used in determining building height and number of stories.
- C. **Grade, finished:** The final elevation of the ground surface after development.
- D. **Grade, road:** The elevation of the curb at the midpoint of the front of the lot. Where no curb exists, the grade shall be the average elevation of the road adjacent to the property line.

**GREENBELT** — A landscape area located between the property line or public right-of-way and a building setback, which is intended to provide a transition area between public and private property and/or an area between a conflicting land use or an existing or proposed land use.

**HABITABLE SPACE** — Space in a dwelling used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage, utility space, or similar areas are not considered as habitable.

**HAZARDOUS SUBSTANCE** — Any substance or material, whether liquid, solid, or gas, that may be a risk to health, safety, property or the environment due to its toxic, caustic, corrosive, abrasive, or otherwise injurious properties. Substances may include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the United States Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 Stat 2767, as amended. (The Environmental Response Act (P.A. 307, MCLA § 299.601 et seq.) was repealed by P.A. 1994, No. 451. See now MCLA § 324.20101.)

**HELICOPTER** — A type of aircraft which derives both lift and propulsion from one or more sets of horizontally revolving overhead rotors. It is capable of moving vertically and horizontally, the direction of motion being controlled by the pitch of the rotor blades.

## SECTION 7: DEFINITIONS

**HELIPAD** — An area of land, water or a fixed structure used or intended to be used for the landing and take off of helicopters or other rotary-wing aircraft.

**HOME IMPROVEMENT CENTER** — A facility of more than 30,000 square feet of gross floor area engaged in the retail sale of various building supplies, such as tools, lumber, hardware, paint, household appliances, garden supplies, landscaping equipment, and similar items.

**HOME OCCUPATION** — An occupation, profession, activity, or use by a resident that is clearly incidental and secondary to the residential use, and does not alter the exterior of the property or affect the residential character of the neighborhood. Valid agricultural enterprises are not included in this definition.

**HOSPITAL, GENERAL** — A state-licensed facility for inpatient care and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric or chronic condition requiring daily care and supervision by physicians and professional medical support staff. A hospital includes twenty-four-hour emergency care services, inpatient/outpatient diagnostic and therapeutic services, and medical clinics.

**HOSPITAL, PSYCHIATRIC** — A facility offering inpatient and outpatient mental health services and is licensed by the State of Michigan.

**HOSPITAL, SPECIALTY** — A state-licensed facility offering health care services to a specific group of patients classified by disease or patient category, such as eye, rehabilitation, cardiac care, ear, nose, throat, pediatric, oncology, orthopedic, skin, cancer, burn centers, neonatal care, children's hospitals, ophthalmology centers, and similar specialized care services. Psychiatric hospitals and substance abuse centers are considered to be a distinct use separate from specialty hospital. (See "substance abuse center.")

**HOTEL** — A building or group of buildings with a common entrance or entrances containing rooms designed to provide transient lodging for compensation for periods of 30 days or less and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and bellhop service. A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room.

**HOUSING FOR THE ELDERLY** — A building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the Federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the State of Michigan.

**INDEPENDENT LIVING FACILITY** — A building providing care up to 24 hours a day for five to 11 children, minors or adults who are unattended by a parent or guardian.

**INDOOR RECREATION CENTER** — This use includes, but is not limited to, indoor recreation facilities, community centers, senior centers, gymnasiums, indoor tennis or racquet courts, indoor sports arenas, swimming pools, or similar uses which are enclosed in buildings and are open to all community residents or those living within certain developments or neighborhoods. "Indoor recreation center" shall include any accessory uses, such as snack bars, pro shops, accessory offices and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

**JUNKYARD** — A lot and accessory buildings where waste, used or secondhand materials, including but not limited to automobiles, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange.

**KENNEL, COMMERCIAL** — Any building and/or land used, designed, or arranged for the boarding, breeding, or care of more than five dogs, cats, or other domestic animals for profit but shall not include those animals raised for agricultural purposes.

**KENNEL, PRIVATE** — Any building and/or land used, designed or arranged for the boarding, breeding, or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables or animals raised for agricultural purposes), provided that no more than three such animals six months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale.

**LABORATORY** — An establishment devoted to research and experimental studies, including testing and analyzing, but not manufacturing (with the exception of prototype development).

**LAND DIVISION** — The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or building development where the act of division creates five or more parcels of land, each of which is 10 acres or less in area, or where five or more parcels of land, each of which is 10 acres or less in area, are created by successive divisions within a period of 10 years.

**LAND DIVISION ACT** — The Subdivision Control Act, being Public Act 288 of 1967, as amended. (See MCLA § 560.101, et seq.)

**LANDSCAPING** — The treatment of the ground surface with live plant materials such as, but not limited to, grass ground cover, trees, shrubs, vines and other live plantings. In addition, a landscape design may include other decorative, man-made materials, such as: wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, decorative features, benches, and street features shall also be considered a part of landscaping if provided in combination with live plant material.

**LARGE-SCALE RETAIL ESTABLISHMENT** — A retail establishment commonly referred to as a “big box store” which exceeds 65,000 square feet in gross floor area for a single tenant.

**LAUNDRY (COIN-OPERATED)** — A building or part of a building in which coin operated washing machines and dryers are made available to the public. A laundromat or laundry may include a dry cleaning outlet as an accessory use.

**LEVEL OF SERVICE** — A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

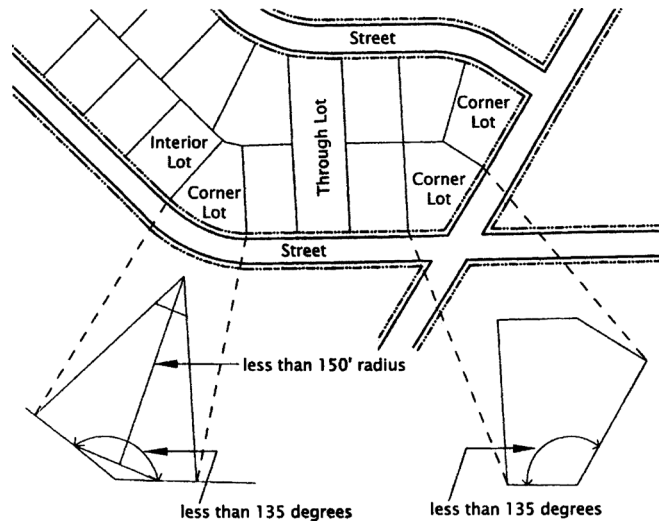
**LOADING SPACE** — An off-street space on the same lot with a building or groups of buildings that is used for temporary parking of a commercial vehicle while loading or unloading merchandise or materials for pickup or delivery.

**LOOP** — A minor street that has ingress and egress at two points on the same collector street. Segments of the minor street often run parallel to one another ultimately connecting to create a “loop.”

**LOT** — A designated parcel, tract or area of land established by plat or subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. A lot shall have frontage on a dedicated road or public right-of-way. The following additional definitions are provided:

- A. **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135°.
- B. **Lot, Flag:** A lot, located behind other lots or parcels, having access to a public street by means of a narrow strip of land or drive which does not meet the minimum width for a lot at the front lot line. Flag lots are not permitted in the City.
- C. **Lot, Interior:** Any lot other than a corner lot which meets the requirements of this chapter.

- D. **Lot, Through or Double Frontage:** An interior lot having frontages on two parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.



*Lot Types*

**LOT AREA** — The total horizontal area within the lot lines of the lot, exclusive of any abutting public street or alley right-of-way, private road easements or the area of any body of water. A state-regulated wetland can be included in a minimum lot area if a building envelope, meeting all required setbacks and minimum floor area, can be provided exclusive of the wetland area. (See also “density, gross” and “density, net.”)

**LOT, CONFORMING** — Any lot or parcel of record which meets the minimum required size and dimensional standards for lots as contained in this chapter.

**LOT COVERAGE** — The percent of the lot permitted to be occupied by buildings or structures, including accessory buildings and structures.

**LOT DEPTH** — The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINE** — Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot. The property lines bounding a lot are defined as follows:

## SECTION 7: DEFINITIONS

- A. **Lot Line, Front:** In the case of an interior lot, a front lot line is that line separating said lot from the street. In the case of corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat or in the application or, if necessary, as designated by the Zoning Administrator.
- B. **Lot Line, Rear:** That lot line which is opposite from and parallel with the front lot line of the lot. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot, shall be considered as the rear lot line for the purpose of determining the depth of the rear yard. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line.
- C. **Lot Line, Side:** Any lot line other than a front or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. **Lot Line, Street or Alley:** A lot line separating the lot from the right-of-way of a street or an alley.

**LOT OF RECORD** — A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds and had not been modified or altered.

**LOT, WATERFRONT** — A lot having frontage directly upon a lake, river, or other reasonably sized body of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

**LOT WIDTH** — The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front yard setback line.

**LUMBERYARD** — A building, structure, or location where lumber, building materials and hardware, and wood-related products used in construction and/or home improvement projects may be processed, stored, and offered for retail sale to consumers.

**MANUFACTURED HOME SALES** — Business establishments engaged in the display and sale of factory-built, single-family structures that are manufactured under the authority of the National Manufactured Housing and Construction Standards Code. For the purposes of this definition, mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this chapter and definition.

**MANUFACTURING** — The use of land, buildings or structures for the principal purpose of manufacturing, assembling, making, preparing, inspecting, finishing,

treating, altering, repairing, fabricating or adapting for sale any goods, substance, articles, raw or processed materials or substances.

### **MANUFACTURING, FABRICATION AND LIGHT** —

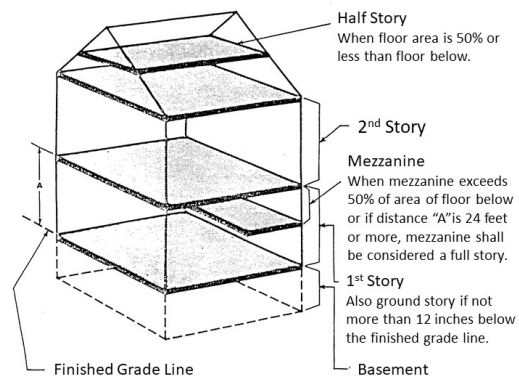
Manufacturing shops employing low-intensity methods, including small tool and die shops, food products, pharmaceutical or jewelry manufacturing, dental, surgical and optical goods; manufacturing and fabrication of paper products from raw materials produced elsewhere, but not including pressing or stamping operations.

**MARINA** — A private or publicly owned facility located adjacent to a body of water for the purposes of storing, servicing, fueling, berthing, launching, loading, and securing boats and recreational watercraft for the public or members of the marina.

**MASTER PLAN** — The Master Plan of the City of Monroe, adopted by the Citizens Planning Commission, which provides the City's long-range goals and objectives and provides a future land use map. The Master Plan includes any downtown, river corridor, roadway corridor, coastal zone, historic, or subarea plans adopted by the Citizens Planning Commission as part of the Master Plan.

**MAUSOLEUM** — A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

**MEZZANINE** — An intermediate floor or level between the floor and ceiling of any story and not exceeding 1/3 of the floor area of the room in which it is located. A mezzanine shall be deemed a full story if it covers more than 33% of the area of the room in which it is located; or if the vertical distance of the room in which it is located, measured from floor to the ceiling, is 24 feet or more.



**Mezzanine**

**MOBILE HOME** — A prefabricated, factory-built structure assembled on a chassis, which is permanently attached and capable of being transported. A mobile may or may not be placed on a permanent foundation, but is typically manufactured with complete plumbing, heating, air conditioning, and electrical systems, which are then connected to public or private utilities when the structure is placed on-site for permanent or semi-permanent use.

**MOBILE HOME PAD** — That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions.

**MOBILE HOME PARK** — A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made; together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a seasonal trailer park pursuant to MCLA § 125.2301, et seq.

**MOBILE HOME SITE** — The entire area which is designated for use by a specific mobile home.

**MOBILE HOME SUBDIVISION** — A mobile home park, except that the mobile home lots are subdivided, surveyed, recorded and sold in accordance with the Michigan Subdivision Control Act of 1967, MCLA § 560.101 et seq.

**MORTUARY/MORGUE** — A place where dead bodies are stored and prepared before cremation or burial.

**MOTEL** — A building or group of buildings containing residential rental units, in which each rental unit contains a bedroom and a bathroom, designed to provide transient lodging for compensation for periods of 30 days or less.

**NATURE PRESERVE/NATURAL AREA** — An area containing important natural features, such as woodlands, wetlands, floodplains, and open space.

**NEIGHBORHOOD COMMERCIAL** — Small-scale retail or service uses permitted within selected mixed-use/residential areas.

**NEW CONSTRUCTION** — The erection of, addition to, or extension of any building or structure and the excavation or grading of land in preparation for such erection, addition or extension.

**NIGHTCLUB** — A place of entertainment open at night for eating, drinking, and dancing, and usually having live entertainment.

**NONCONFORMING LOT** — A lot created prior to the effective date of this zoning ordinance, or amendments thereto, which does not conform to current lot area

regulations for the district in which it is located.

**NONCONFORMING STRUCTURE** — A structure or part of a structure constructed and existing at the effective date of this chapter, or amendments thereto, which does not conform to the area, placement, height regulations, off-street parking and loading requirements, and/or other applicable requirements of the district in which it is located.

**NONCONFORMING USE** — A structure, building, lot, or other parcel of land occupied by a use at the effective date of this chapter, or amendments thereto, which does not conform to the use regulations of the district in which it is located.

**NURSERY, PLANT MATERIAL** — A space, building or structure, or a combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of “nursery,” within the meaning of this chapter, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**NURSING HOME or CONVALESCENT HOME** — A state-licensed home for the care of the aged, infirm or those who need a wide range of health and support services, wherein two or more persons are housed and furnished with personal nursing care.

**OCCUPANCY PERMIT** — A required permit, issued by the Building Official, allowing the use of a building or structure, after having determined that all the requirements of applicable ordinances have been met.

**OFFSET** — The distance between the center lines of driveways or streets when located across a street or road from one another.

**OFF-STREET LOADING SPACE** — A designated area or areas adjacent to a building where commercial vehicles may park temporarily to load or unload cargo or merchandise.

**OFF-STREET PARKING LOT** — A vehicular parking area, together with access aisles and drives, which is located outside of street rights-of-way providing parking accommodation for two or more vehicles. Off-street parking areas may also include loading areas and associated maneuvering space.

**OPACITY** — The state of being impervious to sight.

## SECTION 7: DEFINITIONS

**OPEN AIR BUSINESS** — Business operated on a seasonal or year-round basis which is not conducted from an enclosed building. Open air businesses may include, but are not limited to:

- A. Product sales or rentals;
- B. Outdoor product display;
- C. Fruit and vegetable markets;
- D. Nurseries and garden supplies and equipment; and
- E. Commercial recreation businesses.

**OPEN CONSTRUCTION** — A method of constructing units, buildings, building components, assemblies or systems in such a manner that all portions can be readily inspected at the building site without disassembly, damage or destruction.

**OPEN SPACE** — An area that is intended to provide light and air and that is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to lawns, decorative planting beds, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

**OUTDOOR RECREATION CENTER** — Active recreation facilities which are not enclosed in buildings and are open to the public or operated on a commercial or membership basis for the use of persons not residing on the same lot on which the recreation use is located. Facilities may include golf courses, driving ranges, swimming pools, tennis courts, playing fields or courts, and the like as well as accessory uses such as concession stands, equipment rental or storage, pro shops, and clubhouses used primarily by the patrons of the principal recreational use.

**OUTDOOR STORAGE** — The keeping of any goods, materials, merchandise, supplies, vehicles, or junk in an unenclosed area for more than twenty-four hours. For purposes of this chapter, outdoor storage does not include temporary construction sites where materials and/or equipment may be stored for limited periods of time during the project.

**PARCEL OF RECORD** — An area of land described by a metes and bounds description, which is not necessarily a lot of record in a subdivision plat recorded at the County Register of Deeds.

**PARKING LOT, ACCESSORY** — A tract of land, other than a street, designed and used for the parking of motor vehicles, for the use of occupants, employees and patrons of the building or premises to which it is accessory.

**PARKING LOT, PUBLIC** — A tract of land, other than an accessory parking lot or a street, used for the parking of motor vehicles for general public use, either free or for remuneration.

**PARKING SPACE** — An area of definite length and width, exclusive of drives, aisles, or entrances which shall be fully accessible for the parking of vehicles.

**PARK, PUBLIC** — A tract of land designated and used by the public for active and passive recreation. For purposes of this chapter, parks may include: neighborhood, community, regional, and special parks or areas.

**PAVED SURFACE AREA** — An area covered with cobblestone, clay-fired bricks, concrete precast pavers, including, poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

**PAWNBROKER** — Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any article of personal property as security for the payment or repayment of money.

**PAWNSHOP or COLLATERAL LOAN AND/OR EXCHANGE ESTABLISHMENT** — Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security or by receiving such personal property.

**PEAK HOUR** — A one-hour period representing the highest hourly volume of traffic flow on a designated section of street during the morning (a.m. peak hour), the afternoon or evening (p.m. peak hour), or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

**PERFORMANCE GUARANTEE** — A financial guarantee to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with City ordinances and regulations and the approved plans and specifications of a development.

**PERMITTED USE** — Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON** — Includes any individual, corporation, or partnership.

**PERSONAL SERVICE ESTABLISHMENT** — A business where personal services are provided for profit and where the sale of goods is only accessory to the provision of



such services, including but not limited to the following: barbershops, beauty shops, tailor shops, laundry or dry-cleaning shops, and shoe repair shops. Services may be licensed by the State of Michigan when applicable.

**PERSONAL SERVICE ESTABLISHMENT, ASSOCIATED USE** — Area set aside for the provision of services relating to the main product or service of the establishment, including those of an office, showroom or workshop nature which are occupied by an electrician, decorator, dressmaker, tailor, baker, painter or upholsterer or which are for the purpose of radio or home appliance repair, plumbing, heating and cooling, glass or photographic reproduction, and similar establishments.

**PLANNED UNIT DEVELOPMENT (PUD)** — A form of development usually characterized by the flexible application of zoning regulations and unified site design for a number of housing units, or where buildings may be clustered, providing common open space, and a mix of building types and land uses. PUDs permit the planning of a project and the calculation of densities over the entire development rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site plan review, in which the City will have considerable involvement in determining the nature and design of the development.

**PLANT MATERIAL** — A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover and non-woody annual and perennial bedding plants.

**PLANT NURSERY** — A place where young trees or other plants are raised for experimentation, transplantation, or sale.

**PLAYGROUND** — An area of landscaped open space equipped with children’s play equipment, such as slides, swings, wading pools or similar recreation equipment and game areas.

**PORCH, COVERED** — A covered entrance to a building or structure that is open on three sides with a roof that projects out from the main wall of a principal building or structure. The roof assembly is typically supported by columns and may be separate from the roof of the principal building or integrated with it.

**PORCH, ENCLOSED** — A covered entrance to a building or structure that is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN** — A entrance to a building or structure that is open on all sides and has no roof assembly.

**PREMISES** — A lot, parcel, tract, or plot of land together with the buildings and structures thereon, which is typically under common ownership.

**PRINCIPAL USE** — The primary or most predominant use of a parcel.

**PRIVATE CLUB, FRATERNAL HALL OR UNION HALL** — A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, political, educational, recreational, or cultural enrichment of its members and their guests and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.

**PRIVATE DRIVE** — A privately constructed and maintained street that has not been accepted by the municipality or other governmental unit. Often found in condominium developments, private drives are not permitted in the City of Monroe.

**PRIVATE MEDICAL PRACTICE** — A business for the purpose of providing direct patient care by a physician or similar medical professional to the local community, but not to sell medical devices as a primary purpose.

**PROFESSIONAL OFFICE** — Office facilities for doctors, lawyers, architects, financial managers or similar recognized professions of disciplines.

**PUBLIC UTILITY** — Any municipal department, public entity or franchised corporation duly authorized to furnish and furnishing to the public, under federal, state or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water and other similar services and commodities. Telecommunications towers and antennas are not defined as a public utility.

**QUARRY EXCAVATION** — The removal of any soil or rock from a site for the purpose of resource extraction. (See “excavating”)

**REASONABLE ACCESS** — An access management term defined as ensuring that a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent his or her visiting an establishment. Reasonable access may not always be the most direct access but may involve use of a shared driveway or service drive.

**RECREATIONAL EQUIPMENT** — One or more of the following, or modifications thereof: travel trailer, camp trailer, tent trailer, camper, pickup camper, folding tent trailer, utility trailer, boat, boat trailer, personal watercraft, float and/or raft, including transportation equipment; manufactured motorized home, or manufactured motor bus, all designed to be used as a temporary dwelling for

## SECTION 7: DEFINITIONS

travel, recreational and vacation use or periodical and occasional family recreational and vacation use.

**RECREATIONAL VEHICLE** — These uses shall be defined as follows:

- A. **Boats and Boat Trailers:** Includes boats, floats, rafts, and canoes, plus the normal equipment to transport them on the highway.
- B. **Folding Tent Trailer:** A canvas folding structure mounted on wheels and pulled behind another vehicle and designed for travel and vacation use.
- C. **Motor Home:** A recreational vehicle mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Intended for temporary human habitation, sleeping and/or eating, Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Other Recreational Equipment:** Includes snowmobiles, all-terrain or special terrain vehicles, and utility trailers, plus the equipment to transport them on the highway.
- E. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for recreation and vacation uses.
- F. **Travel Trailer:** A portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, or for recreation, and vacation uses and which may be identified as a “travel trailer” by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**RECYCLING COLLECTION CENTER** — Any lot, land or structure, or part thereof, used for the collection of household and commercial recyclable materials for later delivery to a permanent processing site. Household and commercial recyclable materials do not include scrap iron, automobiles, inoperable equipment, wood and sewage waste. [Amended 7-7-2014 by Ord. No. 14-004]

**REFUSE** — All rubbish, refuse, waste material, and garbage, including but not limited to the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes; and discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home composting for on-site use.

**RESOURCE RECOVERY CENTER** — A building, and all associated structures, designed and operated for the purpose of processing or collecting wastes in such a way as to produce materials or energy which may be used

in manufacturing, agriculture, heat production, power production or other productive processes or for any purpose designed to reuse materials or products or to conserve natural resources.

**RESTAURANT** — Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast-food, or standard restaurant or bar/lounge/tavern, or a combination thereof, as defined below:

- A. **Bar/Lounge/Tavern** — A bar, lounge or tavern is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages but in which the sale of prepared food or snacks may also be permitted. If a bar, lounge or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
- B. **Carry-Out** — A carry-out restaurant is 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 and for consumption primarily off the premises, but in which seating for up to 30 persons may be provided.
- C. **Drive-In** — A drive-in restaurant is 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 limited interior seating.
- D. **Drive-Through** — A drive-through restaurant is a business establishment whose method of operation involves the delivery of prepared food to a customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- E. **Sidewalk Cafe** — An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.
- F. **Standard Restaurant** — A standard restaurant is 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 acquisition of prepared food by customers in a cafeteria line where food is subsequently consumed by the customers at tables within a completely enclosed building.

**RETAIL ESTABLISHMENT** — A building where merchandise is offered or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

**RETAIL ESTABLISHMENT, CONVENIENCE AND SPECIALTY** — A retail establishment including specialty items or more limited scope of goods, including art/office supplies, computer equipment and supplies, beverages (including liquor outlets), confections, drugs, dry goods, flowers, grocery and specialty foods, bakeries, gifts, hardware, major appliances, jewelry, leather goods, musical, notions, paint, recordings, periodicals, books, household and small electrical appliances, sewing machines (noncommercial), sporting goods, stamps or coins, stationery, sundries, small household articles, tobacco and wearing apparel.

**RETAINING WALL** — A structure (wall) constructed and erected between differing elevations of land to protect structures, prevent erosion, and hold back soil.

**RIGHT-OF-WAY** — A legal right of one to pass over the property of another; a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer, storm sewer, and other similar utilities and uses.

**ROADSIDE STAND**— A temporary or permanent building which is used to sell agricultural products, craft goods or similar goods which have been grown or provided on the premises on which the stand is located. Such use shall not be considered a commercial activity and shall not be considered justification for establishment of a commercial district.

**SEASONAL EVENT** — A temporary use intended for limited duration during certain times of the year, including Christmas tree sales, flower sales, festivals, etc.

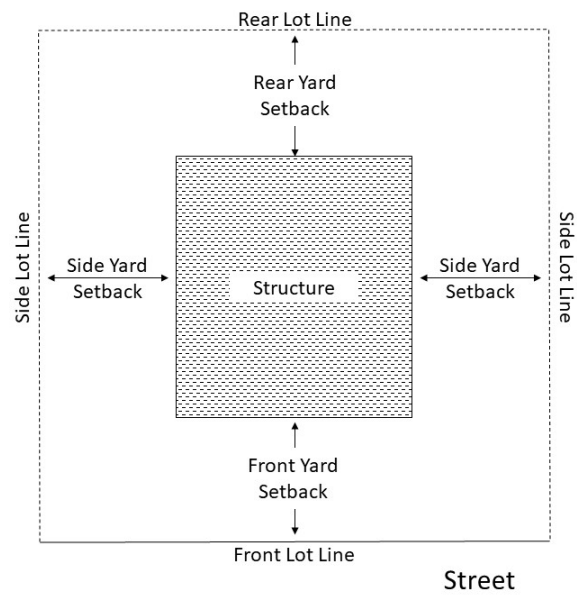
**SEASONAL WATER STRUCTURE** — Includes any type of dock, boat hoist, ramp, raft or other recreational structure which is placed into an inland lake, river, or stream and removed at the end of the boating season.

**SECONDHAND STORE** — Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

**SELF-STORAGE/MINI-STORAGE FACILITY** — A building or group of buildings in a controlled-access compound, each of which consists of several individual storage units, each with a separate door and lock, which can be leased on an individual basis. Facilities may have interior or exterior access.

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

**SETBACK** — The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Driveways and pedestrian walkways may be located within the setback, but the remainder of the area shall be deemed open space.



**Setbacks**

## SECTION 7: DEFINITIONS

**SHOPPING CENTER** — A grouping of two or more business establishments developed in accordance with an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

**SHOPPING MALL, ENCLOSED** — A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

**SIGN** — Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**SITE CONDOMINIUM** — See “condominium.”

**SPECIAL LAND USE** — A use of land for an activity, which under normal circumstances may be necessary or desirable in a zoning district, but due to its potential impact on neighboring uses or public facilities requires additional review by the Citizens Planning Commission (CPC). The CPC will base its decision upon standards, which allow the special use to be developed in a manner consistent with surrounding uses, assures adequate infrastructure capacity, and protects the community overall.

**SPECIFIED ANATOMICAL AREAS** — Includes any one or more of the following:

- A. Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** — Includes any one or more of the following:

- A. The fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy;
- C. Human masturbation, actual or simulated;
- D. Human excretory functions as part of, or as related to, any one of the activities described above; and

- E. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

**STATE CONSTRUCTION CODE** — The latest edition of the Michigan Building Code adopted by the State of Michigan in R408.30401 of the Michigan Administrative Code.

### **STATE-LICENSED DAY-CARE FACILITIES** —

**Adult Day-Care Facility:** Includes the following definitions:

- A. **Adult Family Day-Care Home:** A private home in which six or fewer adults 18 years of age or older receive care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day-care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of “adult day-care center.”
- B. **Adult Group Day-Care Home:** A private home in which seven but not more than 12 adults 18 years of age or older receive care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of “adult day care center.”
- C. **Adult Day-Care Center:** A facility, other than a private residence, receiving one or more persons, 18 years of age or older, for care for periods of less than 24 hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of “adult day care center.”

**Child Day-Care Facilities:** Includes the following definitions as defined and regulated by Public Act 116 of 1973, as amended (See MCLA § 722.111, et seq.):

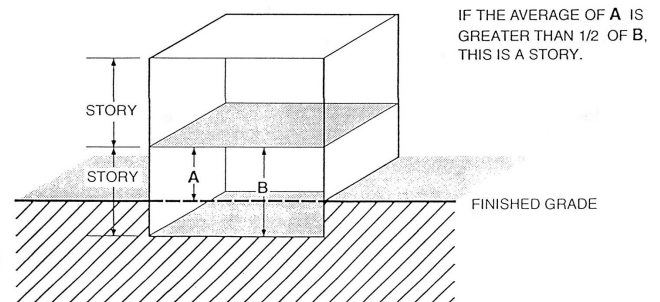
- A. **Child Family Day-Care Home:** A state-licensed, owner-occupied private residence in which one but not more than six minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- B. **Child Group Day-Care Home:** A state-licensed, owner-occupied private residence in which seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting 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 weeks in a calendar year.
- C. **Child Care Center:** Also known as “day care center,” a state-licensed facility, other than a private residence, receiving one or more minor children for care and supervision for periods less than 24 hours and where the parents or guardians are not immediately available to the child.
- D. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week for two or more consecutive weeks for compensation.
- E. **Child Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage or who are not placed in the household pursuant to the Adoption Code, Chapter X of Act No. 288 of the Public Acts of 1939, being MCLA §§ 710.21 to 710.70, are given care and supervision 24 hours a day, four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- F. **Child Foster Family Group Home:** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care 24 hours a day, four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

**STATE-LICENSED FOSTER CARE FACILITIES** - Any building constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). The following additional definitions shall apply in the application of this chapter:

- A. **Adult Foster Care Small Group Home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.
- B. **Adult Foster Care Large Group Home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week, for two or more consecutive weeks for compensation.
- C. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection in addition to room and board, 24 hours a day, five or more days a week for two or more consecutive weeks for compensation. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**STORAGE FACILITY** — An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals.

**STORY** — That part of a building (except a mezzanine or basement as defined herein) included between the surface of one floor and the surface of the next floor or, if there is no floor above, then the ceiling next above.



**Determining a Story**

**STORY, HALF** — An uppermost story lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

## SECTION 7: DEFINITIONS

**STREET** — A public thoroughfare, or approved private thoroughfare, which provides for traffic circulation and the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other public thoroughfare, except an alley.

- A. **Boulevard:** A street developed to two two-lane, one-way pavements, separated by a median.
- B. **Collector:** A street used primarily to carry traffic from minor streets to major thoroughfares.
- C. **Cul-De-Sac:** A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.
- D. **Dead End:** A street with only one access point.
- E. **Loop:** A minor street of short length with two openings to traffic beginning from the same street, projecting parallel to each other and connecting at their termination by a loop.
- F. **Major:** As defined on the Act 51 Map for the City of Monroe.
- G. **Marginal Access:** A minor street, parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection from through traffic.
- H. **Minor or Local:** As defined on the Act 51 Map for the City of Monroe.
- I. **Private Drive:** A privately constructed and maintained drive within an approved condominium project. (Note: private roads are not permitted in the City.)
- J. **Turnaround:** A short boulevard street permanently terminated by a vehicular turnaround.

**STRUCTURAL ALTERATION** — Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders; any change in the number of exits; any substantial roof change; or any expansion to the structure.

**STRUCTURE** — Anything constructed or erected, the use of which requires a permanent location on the ground or an attachment to something having a permanent location on the ground.

### STRUCTURE, HISTORIC

- A. **Significant Historic Structure:** A structure which is identified by any study conducted by the City of Monroe and/or listed the state or National Register of Historic Places and which is determined to be a contributing structure.

- B. **Contributing Historic Structures:** Those buildings which, while not possessing the importance of significant historic structures, make a positive contribution to the purpose of this chapter due to age or physical integrity. With appropriate repairs and restoration, such buildings may be designated significant at the request of the owners.
- C. **Noncontributing Structures:** All structures not identified as significant or contributing.

### SUBSTANCE ABUSE CENTER OR TREATMENT FACILITY

— A facility offering counseling, care and treatment for individuals addicted to drugs and alcohol which is licensed by the State of Michigan. A treatment facility may also include detoxification services. A pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

**SWIMMING POOL** — Any structure or container, permanent or temporary, portable or nonportable, storable or nonstorable, capable of holding water to a depth of 24 inches or more located above or below grade. This definition excludes structures with a surface area of 50 square feet or less, such as a spa or hot tub.

**TATTOO PARLOR** — An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist, or any place where tattooing is regularly conducted, whether or not it is in exchange for compensation.

**TATTOO, TATTOOED OR TATTOOING** — Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin or the production of scars or scarring, other than by branding.

**TEMPORARY BUILDING OR STRUCTURE** — A building which is not permanently affixed to the property and which is permitted to exist for a specific reason for a period of time specified by the Administrative Site Plan Review Committee or other applicable review board. A temporary structure shall include tents, manufactured units and similar structures.

**TEMPORARY USE** — Uses intended for limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses may include carnivals, circuses, art fairs, craft shows, sidewalk sales, antique sales, estate sales, auctions and similar events.

**THEATER OR ASSEMBLY HALL** — A facility designed to accommodate groups of people viewing an artistic performance, display, or motion picture. Theaters may be drive-in or indoor.

**TRANSITION HOUSE** — A residential dwelling used exclusively for the rehabilitation, supervision, guidance and counseling, or for programs designed for short-term residency, participants, and where lodging and meals are provided by prearrangement for defined periods.

**TRANSPARENT GLASS** — A type of glass which is clear or allows viewing through windows or doors.

**USE** — The purpose or activity for which land or buildings are designed, arranged or intended or is for which land or buildings are.

**USE, CHANGE IN** — The transformation from one type of use to another. This transition may occur between permitted and special uses and shall be regulated according to Section 6, Site Plan Approval.

**VARIANCE** — Permission to depart from the literal requirements of the Zoning Ordinance granted by the Zoning Board of Appeals. The variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary hardship or practical difficulty.

**VETERINARY CLINIC (HOSPITAL)** — A facility providing diagnosis, treatment, surgery and similar veterinary care for domestic animals, which may have overnight indoor boarding.

A clinic may be further defined as a building wherein domestic animals and pets are given medical or surgical treatment and used for short-term boarding incidental to treatment. Such hospitals include only those under direction of a licensed veterinarian registered in the state.

Animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**WALL, OBSCURING** — A structure constructed of masonry or brick, of definite height and location, to serve as an obscuring screen in carrying out the requirements of this chapter.

**WAREHOUSE** — A building used primarily for the storage of goods and materials.

**WATERCOURSE** — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**WETLAND (STATE OR FEDERALLY-REGULATED)** — Land characterized by the presence of surface water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, commonly referred to as a “bog,” “swamp” or “marsh” and which is any of the following:

- A. Contiguous to the Great Lakes or to an inland lake, pond, river or stream.
- B. Not contiguous to the Great Lakes or to an inland lake, pond, river or stream and more than five acres in size.
- C. Not contiguous to the Great Lakes or to an inland lake, pond, river or stream and more than five acres in size, if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment or destruction and if the MDNR has so notified the owner.

**WIRELESS COMMUNICATION FACILITIES** — All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals shall be considered wireless communication facilities. This may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are citizens band radio facilities, short-wave facilities, ham and amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this chapter, the following additional terms are defined:

- A. **Attached Wireless Communications Facilities:** Wireless communication facilities that are affixed to existing structures, such as buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **Wireless Communication Support Structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but are not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

## SECTION 7: DEFINITIONS

**C. CO-LOCATION** — The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

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

- A. **Yard, Front** — A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
- B. **Yard, Rear** — A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- C. **Yard, Side** — A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
- D. **Yard, Street Side** — A space extending from the front yard to the rear yard between the principal building and the side street lot line and measured perpendicular from the side street lot line to the closest point of the principal building.

**YARD, REQUIRED** — The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

**ZONING ADMINISTRATOR** — The Building Official or other appointed official, responsible for administering this chapter.

**ZONING BOARD OF APPEALS** — The Zoning Board of Appeals as provided under provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, with powers and duties as defined in those statutes, except as modified herein.

**ZONING DISTRICT** — A specifically delineated area or section of the City, as shown on the Official Zoning Map, within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.



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






















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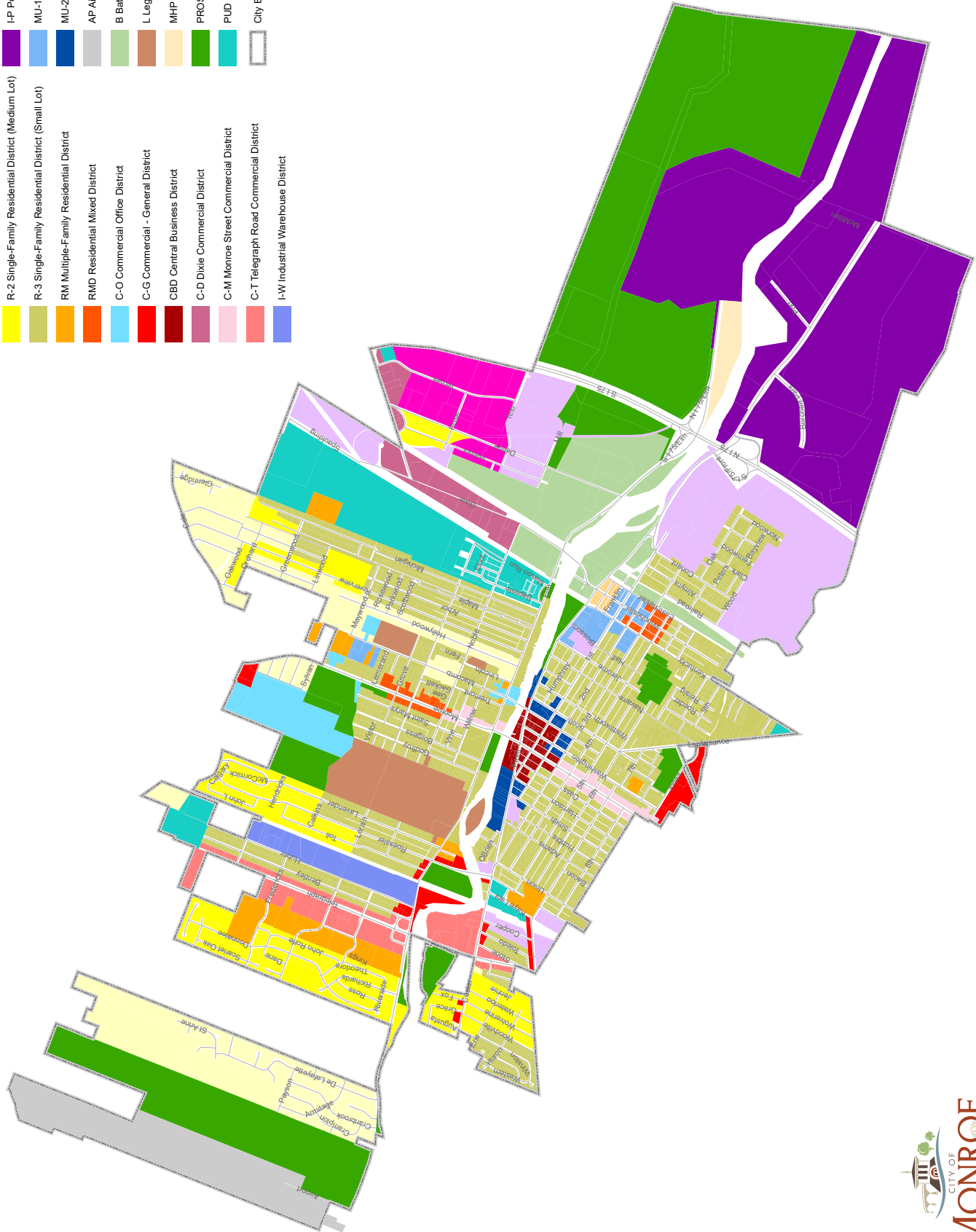
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 R-1 Single-Family Residential District (Large Lot)	 I-2 General Industrial District
 R-2 Single-Family Residential District (Medium Lot)	 I-P Port Industrial District
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 RM Multiple-Family Residential District	 MU-2 Corridor Mixed Use District
 RMD Residential Mixed District	 AP Airport District
 C-O Commercial Office District	 B Battlefield District
 C-G Commercial - General District	 L Legacy District
 CBD Central Business District	 MHP Mobile Home Park District
 C-D Dixie Commercial District	 PROS Public Recreation and Open Space District
 C-M Monroe Street Commercial District	 PUD Planned Unit Development District
 C-T Telegraph Road Commercial District	 City Boundary
 I-W Industrial Warehouse District	



Map by: City of Monroe Information Services Department & Community Development Department July 2021

