

ARTICLE II

DEFINITIONS

Section 2.01 INTERPRETATION

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
- B. The present tense includes the future tenses. the singular number includes the plural and the plural includes the singular.
- C. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- D. Any word or term not defined herein shall have the meaning of common or standard use, which is reasonable for context in which used herein.
- E. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Zoning Board of Appeals.

Whenever used in these Zoning Regulations, the following words and phrases shall have the meaning ascribed to them in this Section:

Section 2.02 DEFINITIONS

Accessory use, building, or structure: A use, building, or structure, which is, clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an accessory use.

Accessory use or accessory: A use, which is, clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. Accessory use includes, but it is not limited to uses such as those that follow:

- A. Residential accommodations for servants and/or caretakers within the principal building.
- B. Swimming pools for the use of the occupants of a residence, or their guests.

- C. Domestic or agricultural 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 complex located on the site of the commercial or industrial complex.
- H. Accessory signs, subject to the City Sign Ordinance for the district in which the zoning lot is located.

Act: The term "Act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

Adult foster care facility: A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- A. **Adult Foster Care Home:** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- B. **Adult Foster Care Small Group Homes:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- C. **Adult Foster Care Large Group Family:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- D. **Congregate Care Facility:** See "Housing for the Elderly."

Adult day care: A facility, which provides care for over twelve (12) adults for less than 24 hours.

Adult regulated uses: As used in these Zoning Regulations, the following definitions shall apply to adult regulated uses:

- A. **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 within the definition of an 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 martial or performing arts, or in organized athletic activities;
 4. hospitals, nursing homes, medical clinics, or medical offices;
 5. barber shops or beauty parlors and salons, which offer massages to the scalp, the face, the neck or shoulders only;
 6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
 7. a masseuse licensed by the State of Michigan and not engaged in massaging "specified anatomical areas" or engaged in "specified sexual activities" as described in this section.
- B. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, 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" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

- C. **Cabaret:** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, 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, topless and/or bottomless waiters, waitresses and/or employees.
- D. **Adult motion picture theater or adult live stage performing theater:** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an 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.
- E. **Adult model studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- F. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- H. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).

- I. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- J. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- K. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. 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.
- L. **Specified anatomical areas:** Portions of the human body defined as follows:
1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- M. **Specified sexual activities:** The explicit display of one or more of the following:
1. human genitals in a state of sexual stimulation or arousal;
 2. acts of human masturbation, sexual intercourse, or sodomy;

3. fondling or other erotic touching of human genitals, public region, buttocks, or female breast;

Alley: A strip of land dedicated to public use, generally for the purpose of providing vehicular access to the rear of properties to which the principal access is provided by an abutting street.

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

Animal hospital: See Clinic, veterinary.

Apartment: See Dwelling, multiple-family.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of six (6) or more mechanical amusement devices. For the purposes of this definition, mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile or vehicle dealership: A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles to include outside storage of vehicles.

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 engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile service center (minor maintenance and repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; 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; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

Automobile service (gasoline) station: An establishment, which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Automobile wash: Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production fine methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

Basement: That portion of a building, which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earthbermed or earth-sheltered homes. A basement shall not be counted as a story.

Bed-and-breakfast: A single family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of Appeals: The Board of (Zoning) Appeals of the City of Dexter.

Buildable area: The space remaining on a lot after compliance with the minimum required setbacks of the Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

Building envelope: The area of a lot, which is defined by the minimum setback requirements within which building construction is permitted by the terms of these Zoning Regulations.

Building height: The vertical distance measured from the established grade of the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

Building line: A line formed by parallel to the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, main or principal: A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

Caliper: The diameter measured at four and one-half (4.5) feet above the natural grade for existing trees; twelve (12) inches above the average surrounding grade for new trees over four (4) inches in caliper and six (6) inches above the average surrounding grade for trees less than four (4) inches in caliper.

Care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. **Family foster care or family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- C. **Group foster care or family group home:** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- E. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Carport (attached): A roofed structure attached to a principal structure providing space for the parking or storage of currently licensed and registered motor vehicles, having no doors and open on at least one (1) side.

Carport (detached): A free standing roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on one (1) side and not more than 75% enclosed on the opposite side.

Cemetery: Land used or intended to be used for burial of the human dead including columbariums, crematories, and mausoleums and dedicated for such purposes.

Central Sanitary Sewerage System: Any person, firm corporation, municipal department or board duly authorized to furnishing under federal, state or municipal regulations to the public sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

Central Water System: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

Church (mosque or temple, etc.): Any structure wherein persons regularly assemble for religious activity.

Clinic, medical: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

Clinic, veterinary: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of animals, including those in need of medical or surgical attention.

Clinic, veterinary:

Small Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in common domestic house pets (see definition of pet). A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted. Farm animals including horses, cattle, sheep swine and similar livestock are not to be treated at a small animal clinic.

Large Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in farm animals, including horses, cattle, sheep, swine and similar livestock. A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted.

Club, private or fraternal organization and lodge halls: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in these Zoning Regulations.

Commercial use: An occupation, employment or enterprise that is carried on for profit by the owner.

Commercial vehicle: Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- A. truck tractor;
- B. semi trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- C. vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;
- D. tow trucks;
- E. commercial hauling trucks;
- F. vehicle repair service trucks;
- G. snow plowing trucks;
- H. any vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Condominium: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

- A. **Condominium act:** Shall mean Public Act 59 of 1978, as amended.
- B. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- C. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

- D. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common elements:** Portions of the condominium project other than the condominium units.
- F. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- G. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- I. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- J. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. **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.
- M. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Congregate housing: See Housing for the elderly.

Contractors yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent home: See Nursing Home.

Convenience store: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

Curb cut (driveway): The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Cul-de-sac: See Street.

Deck: A platform, constructed of wood, which is typically attached to a dwelling unit, which is commonly used for outdoor leisure activities.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public r.o.w. or easements. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

Detention basin: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

Dwelling, accessory apartment: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- D. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of these Zoning Regulations.

Dwelling, multiple-family: A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- B. **Efficiency unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, one-family or single-family: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, two-family or duplex: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

Dwelling unit, single-family attached or townhouse: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include storage yards, cellular telephone towers, recycling centers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales or business offices, or commercial buildings or activities or other similar uses.

Excavation: Any breaking of ground, except common household gardening and ground care.

Facade: The exterior wall of a building exposed to public view.

Family: means either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see Sec. 3.18 Fences).

Filling: The depositing or dumping of any matter onto or into the ground, except as part of common household gardening or ground care.

Flood Plain: The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a 100 year storm of a 24 hour duration. The flood plain shall include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

Floor Area, Gross – The total constructed area of a building. This area is computed by measuring to the outside finished surface of permanent outer building walls or from the centerline of walls separating two (2) buildings without any deductions except as noted. All enclosed floors of the building, including basements, garages (heated), mechanical equipment floors, penthouses, balconies, mezzanines, enclosed porches, accessory buildings attic floors space providing head room of at least 7’6” (whether or not floor has been installed) and the like are calculated.

Floor Area, Gross (for the purposes of computing parking only) – Gross floor area shall be the sum of the horizontal areas of each story of the building, measured from the exterior surfaces of the exterior walls. Gross floor area shall include all spaces noted above except for: exterior porches, attached garages, attics and basements that cannot accommodate commercial or office operations other than unoccupied incidental storage.

Fraternal organization: See Club.

Garage, private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Garden center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Gasoline service station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major- automobile repair.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Group home: See Care Organization.

Gym or gymnasium: A room or building equipped for gymnastics, exercise or sport.

Hazardous uses: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code adopted by the City.

Height of building: See Building Height.

Home occupation: A use conducted entirely within an enclosed building employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, business activity involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located.

Hospital: A facility offering 24-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term hospital shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals and ophthalmology centers.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing, short-term rental: A transient vacation rental or use in which overnight accommodations are provided in any dwelling or portion thereof to guests paying a fee or other compensation for a period of less than 30 consecutive days.

Housing, temporary employment: Housing for employees of theatre, where those employees occupy the housing on a temporary basis, during a theatre's production run. Short-term rentals are not included in this definition.

Housing for the elderly: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Housing for the elderly may include the following:

- A. **Senior apartments:** Multiple-family dwelling units occupied by persons 55 years of age or older.

- B. **Elderly housing complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- C. **Congregate housing:** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. **Dependent housing facilities (nursing homes):** Facilities, which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Indoor Recreation: An enclosed establishment, which provides indoor exercise facilities including court sport facilities; team sports activities; billiard halls; skating rinks; arcades; bounce arenas; climbing facilities; indoor golf; swimming facilities; bowling; shooting/archery ranges and similar activities.

Industry, heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ingress and egress: As used in these Zoning Regulations, "ingress and egress" generally is used in reference to a driveway, which allows vehicles to enter or leave a parcel of property, or to a sidewalk, which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition, which prevents their use for the purpose for which the product was manufactured.

Junk yard: An area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating private and commercial kennels Residents that own pets, as defined herein, are not considered kennels

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

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 plant material. 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, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material.

Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- A. **Berm:** A raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- B. **Buffer:** strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.
- C. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.
- D. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- G. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.

- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, fiber, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- I. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Planting:** A young tree, vine or shrub or other plant material that would be placed on or in the ground.
- K. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- L. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- M. **Sod:** An area of grass-covered surface soil held together by matted roots.
- N. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan.
1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- O. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

Live/Work Units: A combined live/work space or integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a single family, in a commercial or mixed used zoning district. Examples of live/work units include the following types:

A. The Live-Within Type: A workplace and living area completely overlapping, such that the demarcation line can be adjusted continuously on a daily cycle. This is the perfect business incubator type, with double functioning spaces that can be built roughly and cheaply.

- B. The Live-Above Type: The workplace is below the residential quarters. The separation between the two functions is complete, allowing the commercial section to be independently leased out for limited use.**
- C. The Live-Behind Type: The workplace in front of the residential quarters, thereby liberating the rear part of the lot for a conventional house. The demarcation between the two uses is complete, allowing the workspace to be leased to a separate entity for limited use.**
- D. The Live-In-Front Type: A single-family house where the workplace is typically behind the living quarters, along a rear alley. The house is intended to be fully compatible with a conventional house, with freestanding work quarters suitable for restricted uses. The demarcation between the two uses is adjustable to changes in the family life.**

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

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A condominium lot.
- E. A piece of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot, contiguous: Lots adjoining each other.

Definitions

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage: The part or percent of the lot occupied by buildings and/or structures, including accessory buildings and structures, such as, but not limited to decks, stairways, porches, breezeways and swimming pools, but excluding sidewalks and driveway within non-required yards. (effective 2016-12-15)

Lot depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot, interior: Any lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein:

- A. **Front lot line:** In the case of an interior lot, is the line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.
- B. **Rear lot line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Zoning Administrator.
- C. **Side lot line:** Any lot line other than the front lot line or rear lot line. A lot line separating the "side" of a structure from a street is a front lot line (i.e. corner lots have two front lot lines). A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, through: Any interior lot having frontage on two (2), more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Definitions

Lot width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Lot, zoning: A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Manufactured home: A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Master plan: The Comprehensive Community Plan adopted by the Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mechanical amusement device: Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- A. The device may be identified as a video, electronic or mechanical device.
- B. The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price.
- C. The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services.
- D. This definition does not apply to the following:
 - 1. a vending machine, which does not incorporate gaming or amusement features;
 - 2. musical devices or coin operated radios; or
 - 3. television sets in private quarters.

Medical Marihuana Home Occupation: Means the cultivation of medical marihuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), within a dwelling unit that is the registered primary caregiver's primary residence

Definitions

and which cultivation is in conformity with the restrictions and regulations contained in the Act, as amended and in the MDCH Administrative Regulations.

Medical Marihuana Home Use: Means a dwelling unit that is the primary residence of a qualifying patient, as defined in Sec. 3 of the Act, MCL §333.26423(h), who is registered with the Department of Community Health (MDCH). In his or her primary residence, a registered qualifying patient may lawfully cultivate medical marihuana for him or herself in accordance with the Michigan Medical Marihuana Act of 2008 and the MDCH Administrative Rules, as amended. In his or her primary residence, a registered qualifying patient may receive assistance from his or her primary caregiver with whom the registered qualifying patient is connected to through the MDCH registration process pursuant to MCL §333.26426(d) in accordance with the Michigan Medical Marihuana Act of 2008 and the MDCH Administrative Rules, as amended.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a trailer coach (recreational vehicle).

Mobile home sales: A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or renting mobile homes.

Mobile home park: A parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

Modular home: A premanufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

Mortuary or funeral home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Definitions

Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space, but typically not cooking facilities. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Natural features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Noncommercial Parks and Recreational Facilities – Any developed land used for active and/or passive recreational pursuits, within the jurisdiction and control of a governmental agency; commonly referred to as a “public park”. (effective May 26, 2016)

Nonconforming use and building: A use and/or a building, lawfully existing at the time of adoption of this Ordinance or any subsequent amendment hereto, which does not conform to the use, height, bulk placement, or yard provisions of the zoning district in which it is situated (see Article IV Non-Conformities).

Nursery, plant materials: A space, building or structure, or 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 Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, illumination, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursing home (convalescent or rest home): A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

Occupancy, change of: The term "change of occupancy" or "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

Occupied: Used in any manner at the time in question.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Definitions

Off-street loading space: A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

On-street loading space: A location within the public street right-of-way which has been approved by the City for the standing, loading or unloading of trucks, vans or other vehicles.

Off-street parking lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

On-street parking spaces: Spaces designated and signed for public parking within the public street right-of-way.

Open air business uses: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil trellises, lawn furniture, and Christmas trees and outdoor displays of structure and vehicles sold on the premises.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Open space: Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material recreational facilities, permitted signs, sidewalks, bike paths, and necessary drives and utility lines, unless as otherwise provided in this Ordinance. Where open space is required, no more than fifty percent (50%) of the required area shall be comprised of lakes, ponds, regulated wetlands or floodplain. Exceptions: The following structures may be located anywhere on the lot: open and unroofed terraces, patios, stoops and steps, ramps for handicapped access, awnings, flag poles, trellises, retaining walls, fountains, outdoor cooking equipment, sidewalks, mailboxes, light poles, and fences in accordance with Article 3. In residential districts, the following types of structures may be located anywhere on the lot except in required front open space; fire escapes, and mechanical equipment. Certain architectural features such as cornices, eaves, gutters, and chimneys may project two (2) feet into required open space.

Outdoor storage: The keeping, outside of an enclosed building, of any goods, junk, material merchandise or vehicles in the same place for more than 24 hours.

Outlot: A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Parcel: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

Definitions

Parking space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

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

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal fitness center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Pool or billiard hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

Planning Commission: The City of Dexter Planning Commission.

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

Property lines: The lines bounding a lot; the lot lines.

Public utility: A public corporation, franchise, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

Definitions

Reasonable access: An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

Reception antenna: An exterior apparatus that is capable of receiving communication for radio or television purposes including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from City regulation by applicable state, FCC or other federal laws or regulations.

Recreation land: Any publicly or privately owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking hiking, nature study, hunting, boating, and fishing.

Recreational vehicle: "Recreational Vehicles" shall include the following:

- A. **Travel trailers:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel recreational and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- B. **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 during the process of travel recreational and vacation uses.
- C. **Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Folding tent trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- E. **Boats and boat trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. **Other recreational equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Definitions

Recycling center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

Residential Cluster Development: A grouping of single-family residences on lots where area and width requirements have been reduced below the minimums required in the district in which located, with the excess land area which results from the lot size reductions placed into common open space. (See Section 8.11, Special Land Use Specific Requirements)

Restaurant: A restaurant is 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, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, 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.
- C. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.
- D. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.
- E. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
 - 1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
 - 2. the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Definitions

- F. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention basin: A pond, pool or basin used for the permanent storage of storm water runoff.

Right-of-way: The strip of land which an dedicated easement exists to allow facilities such as roads, crosswalks, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Salvage Yard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, packed, disassembled or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage yard includes junkyards and similar facilities including automobile wrecking yards and any open area of more than two hundred square feet for storage, keeping or abandonment of junk.

Seasonal or Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Service drive: Any private road that is generally parallel to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Semi-trailer: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Definitions

Service truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building lines or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (Refer to the Schedule of Regulations, Article XX, for minimum setbacks).

Shopping center: A grouping of retail businesses and service uses on a single site with common parking facilities.

Shoreline: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two (2) square feet shall not be considered signs.

For the purpose of this Ordinance, sign shall also include the following terms:

Abandoned Sign: A sign which no longer directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: An off-premises sign with an area in excess of two hundred (200) square feet.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

Definitions

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.

Building Sign: Any sign attached to any part of a building, as contrasted to a ground sign. Building signs shall include the following types of signs as defined in this section: Canopy, Projecting, Wall, permanent window, and channel letter signs.

Business Center Sign: A sign which identifies a group of two (2) or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of the individual establishments and which have common parking facilities, or which is a platted business subdivision.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

Casual Sales Sign: A temporary sign used for special sales, not scheduled with any regularity, and includes home garage sales, attic sales, flea market sales and other occasional casual sales whether or not commercially oriented. The sign must be located on the same lot as the special sale.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than one (1) time per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Channel Letter Sign: Any sign installed as a cabinet or as individual letters, with self-contained illumination. Some channel letters may be mounted on a raceway (wire way) while others may be mounted flat against the building wall. Channel letter signs shall not exceed more than twelve (12) inches from the building wall.

Commercial Activity Signs: A temporary sign which includes signs advertising the opening of a new business, sales, change in hours of operation, or the conduct of commercial activities during other than regular business hours. Temporary banners are included in this definition.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Definitions

Community Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, youth enrichment, community education, civic celebration, or cultural or community enrichment.

Flag: Any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Ground Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of a zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing" and other similar directives. No commercial message shall be considered incidental.

Incidental Business Sign: Signs associated with the drive-thru portion of a business, such as a menu-board sign.

Institutional Sign: Temporary signs announcing any youth enrichment, charitable, educational or religious event or function, including special events and community special events.

Integral Sign: Integral signs are names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.

Non-conforming Sign: Any sign that does not conform to the requirements of this Ordinance.

Off-site Sign (off-premises sign): A sign other than an on-site sign.

On-site Sign (on-premises sign): A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Definitions

Political Sign: A sign relating to the election of a person to public office or relating to a political party or relating to an issue or matter to be voted upon at an election called by a public body. Political signs are considered temporary signs.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

Projecting Sign: Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall, with the exception of channel letter signs.

Real Estate Sign: A sign advertising that the property said sign is located upon is for sale, rent or lease. Real estate signs are considered temporary signs.

Residential Development Sign: A sign at the entrance of a residential development for the purposes of identifying a subdivision, site condominium, multiple family development, or mobile home park.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: A sign that is intended to be displayed for a limited period of time.

Wall Sign: Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Definitions

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about a community activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Political signs, or other non-commercial advertising, shall not be deemed to be window signs for the purpose of this ordinance and shall not be subject to the provisions regulating window signs in this ordinance.

Site development plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; pedestrian and vehicular circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Special land use: Any land use, which requires approval by the City Council according to the standards listed in this Ordinance, and as authorized in the City or City Zoning Act.

Stable, commercial: A facility for the rearing and housing of horses, mules, ponies or for riding and training academies.

Stable, private: An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Washtenaw County, the State of Michigan or the federal government, but which meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior ordinance.
- B. **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Washtenaw County, State of Michigan or the federal government.
- C. **Arterial road:** A road, which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.

Definitions

- D. **Collector street:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- E. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
- F. **Local or minor street:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street line (right-of-way line): The dividing line between the street and a lot.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, sidewalk, street directional or street name sign, and landscape improvements. Essential public utility poles, regulatory signs, necessary drives, sidewalks, bike paths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

Structural addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substance abuse treatment facility: Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

Definitions

Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming pool: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and with a surface area greater than two hundred fifty (250) square feet, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Tasting room: An establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

Temporary building: A building, which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements listed in the County Building Code, as amended.

Temporary uses and seasonal events: Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

Theater: An enclosed building used for presenting performances or motion pictures, which are observed by paying patrons from seats situated within the building.

Time Limits: Time limits stated in this Ordinance shall mean calendar days, weeks, months or years, whichever are applicable, unless otherwise specified herein.

Topographical map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Definitions

Townhouse: A residential structure, or group of structures, each of which contains three (3) or more attached one family dwelling units with individual rear yards and or front yards designed as an integral part of each one family dwelling unit.

Toxic or hazardous waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

Transition zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Urgent medical care center: A medical clinic, which offers emergency type care.

Use: The principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

Utility trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Veterinary hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding for treatment.

City Council: The governing body of the City of Dexter, Michigan.

Wall: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete with a continuous foundation in contrast to a fence which may be constructed of wood.

Definitions

Waste receptacle (Dumpster): Any accessory exterior container used for the temporary storage of rubbish, pending collection, having capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Wetland: shall mean land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less 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 the MDNR has so notified the owner.

Warehouse: A building used primarily for storage of goods and materials.

Wholesale sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- A. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **Side yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Act: The Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

Definitions

Zoning Administrator: The City Official(s) designated by the City Council to administer and enforce the City Zoning Ordinance of the City or his or her designee.

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Article III

GENERAL PROVISIONS

Section 3.01 ADMINISTRATIVE REGULATIONS

A. Scope of Regulations

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Zoning Compliance for the use for which the building was originally designated, subject thereafter to the provisions of Article IV concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

C. Relationship To Other Ordinances or Agreements

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance 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.

E. Continued Conformity With Yard and Bulk Regulations

1. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have (a) narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
3. No part of yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

F. Division and Consolidation of Land

The division and consolidation of land shall be in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

Section 3.02 ACCESSORY STRUCTURES

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- A. Relation to principal building:** Accessory buildings, structures and uses 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 particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

- B. Maximum number and coverage:** There shall be a maximum of one (1) detached building of over one hundred (100) square feet and a maximum of two (2) total detached accessory buildings on any lot. The combined total of all accessory buildings, structures and uses, excluding swimming pools, shall occupy a maximum of twenty five percent (25%) of a required rear yard (as defined by minimum set backs).
- C. Restrictions on placement:** Accessory buildings shall not be erected in any right-of-way, easement, or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In the case of attached residential dwelling developments, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission recommends approval of the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- D. Required setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g. a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses.
- E. Required setbacks (detached):** Detached accessory buildings shall be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line, at least three (3) feet from any side or rear lot line, at least fifty (50) feet from any shoreline and at least ten (10) feet from the boundary of a wetland regulated by the Michigan Department of Natural Resources or the federal government.
- F. Maximum, height:** The maximum building height of any detached accessory building or structure in any One-Family Districts shall be fourteen (14) feet, measured from the average height between the eaves and the ridge. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals' review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- G. Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- H. Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation.

- I. **Permit required:** Any accessory building or structure greater than one hundred (100) square feet shall require a building permit.

Section 3.03 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT

A. **Incompletely Constructed Structures**

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Final Zoning Compliance and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 3.06.

Section 3.04 SINGLE FAMILY DWELLING DESIGN STANDARDS

Single family dwellings, whether mobile homes, manufactured homes, modular homes or site ("stick") built homes, located outside a mobile home park, shall conform to the standards of this Section in addition to HUD standards or the County Building Code, as appropriate. In order to preserve the substantial investment of property owners in single-family neighborhoods, single-family homes erected in residential districts shall be similar in appearance to the exterior design and appearance of existing detached single family homes in the surrounding area.

The standards herein are intended to prevent dissimilar dwelling designs which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Dexter Master Plan.

- A. **Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
- B. **Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the County Building Code and other building regulations.
- C. **Certification:** If the dwelling unit is a mobile home, the mobile home must either be (1) new and certified by the manufacturer and/or appropriate inspection

agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (2) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (3) above, and found, on inspection by the Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy.

- D. Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article XX for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- E. Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
- F. Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage and chassis.
- G. Architectural Compatibility:** In the event that such dwelling unit shall be a manufactured, modular or mobile home as defined herein, each such home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. Surrounding area shall be defined as within five hundred (500) feet of the subject dwelling unit; with measurements made from the edge of the lot in each direction. The determination shall be made by the Zoning Administrator based on the following factors:
1. The residential floor area of the proposed dwelling shall be at least seventy five percent (75%) of the average square footage of constructed single-family dwellings in the surrounding area.
 2. The type of material used in the proposed dwelling is not grossly dissimilar to the type of materials used in single family homes in the surrounding area, provided the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel.
 3. The design and position of windows shall not be grossly dissimilar in relation to other single-family homes in the surrounding area.

4. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
5. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling.
6. The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City and County Building Code (BOCA).
7. An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision.
8. The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

H. Sewage disposal and water supply: Each such dwelling unit shall be connected to a public sewer and water supply.

I. Exceptions: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 3.05 HOME OCCUPATION

- A. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions.
- (1) Application and approval of the home occupation is received from the City of Dexter in accordance with this section.
 - (2) Certain uses by the nature of their operation have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations: medical care services (unless otherwise permitted by law and City ordinance), mortuaries, funeral homes, tea rooms (café's & coffee houses), antique shops, restaurants, private clubs, veterinary

clinics, animal grooming establishments, barbers shops or beauty parlors with more than one stylist, clinics or hospitals, commercial stables or kennels, real estate offices, restaurants, vehicle repair or painting shops, retail sales, landscape installation and maintenance businesses, snow removal businesses, construction contractors, trailer rentals, funeral homes, nursing homes, private clubs, adult regulated uses and repair shops in general. However, this section is not intended to prohibit offices related to the administration of construction contracting, landscaping, maintenance, or snow removal businesses. Note, this list does not include every use that is prohibited as a home occupation.

- (3) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the dwelling unit may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
- (4) A home occupation shall be conducted completely within the principal structure.
- (5) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas, including the expansion of off-street parking areas in excess of residential standards.
- (6) No article shall be sold or offered for sale on the premises except such as is primarily produced within the dwelling.
- (7) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- (8) Signs not customarily found in residential areas shall be prohibited. However, one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
- (9) There shall be no deliveries to or from a home occupation with a vehicle larger than a 15,000-pound truck with not more than two (2) axles.
- (10) In no case shall a home occupation be open to the public earlier than 8:00 a.m., nor later than 7:00 p.m.
- (11) No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises. The home occupation shall not be visible from the street.
- (12) Bed & Breakfast operations shall be permitted in Residential Districts as regulated in Section 8.11 of this Ordinance.

- (13) No more than one other person shall be employed or involved with such activity on premises other than a member of the immediate family residing in the dwelling unit.
- (14) Services and transactions shall be conducted by appointment only, walk-in retail trade shall be prohibited.

B. Medical Marihuana Home Occupation. The intent of the zoning ordinance is to regulate medical marihuana home occupations by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates the potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marihuana Act, MCL 333.26421, et seq. In addition to the requirements in Section 3.05(1), Medical marihuana home occupations shall be subject to the following requirements:

- (1) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (2) Medical Marihuana Home Occupations are not permitted within 1000 feet of a public school or public library in accordance with the Drug Free School Zone Act (MCL 333.7410).
- (3) All medical marihuana shall be contained within the main building in an enclosed, locked facility.
- (4) The registered primary caregiver may cultivate marihuana for compensation, for up to 5 patients, plus themselves, to whom the primary caregiver is connected through the Michigan Department of Community Health registration system.
- (5) No patients to whom the primary caregiver is not connected through the Michigan Department of Community Health registration system shall be permitted to visit the home as a customer. No other patients to whom the primary caregiver is not connected through the Michigan Department of Community Health registration system are allowed to purchase or receive medical marihuana at the home, nor are any patient to patient transfers of any kind allowed at the home except between the primary caregiver and the patients connected to the primary caregiver.
- (6) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm and 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a

distraction for adjacent residential properties.

- (8) That portion of the residential structure where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with the Michigan Fire Protection Code.
- (9) Any person who violates any provision of this article shall be responsible for violations as set forth in Chapter 22, Section 22-10a.
- (10) Revocation of Permit; Appeal: Permits issued pursuant to this section may be revoked by the City upon finding based upon competent, material and substantial evidence of the following clauses:
 1. Any fraud, misrepresentation or false statement contained in the application or in connection with the home occupation being permitted;
 2. Any violation of this section;
 3. Conviction by the permittee of any felony;
 4. Conducting the home occupation in an unlawful manner or in such a manner as to constitute breach of the peace.
 5. Conducting the home occupation in a manner that does not comply with the Medical Marihuana Act, MCL 333.26421 *et seq.* and Michigan Administrative Rules, R 333.101 *et seq.*
 6. If the medical marihuana home occupation is held invalid or unconstitutional by any court of competent jurisdiction.
 7. Notice of revocation of permit shall be given in writing, setting forth specifically the grounds for the revocation; such notice shall be mailed to the permittee at the address provided in the application. Any permittee whose permit has been revoked as herein provided shall have the right to appeal the revocation to the City Council at a public hearing. City Council shall submit to the applicant a written statement of its findings and determinations. The Council's determination shall be based upon competent, material and substantial evidence showing failure to comply with the requirements.

Section 3.06 TEMPORARY STRUCTURES AND USES

A. General Requirements

Temporary buildings and structures shall comply with the following requirements:

1. Temporary Structures Used for Residential Purposes

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Zoning Administrator.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

- a. Such permits may be issued by the Zoning Administrator for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed twelve (12) months.
- c. Temporary structures shall comply with the setback standards for the district in which they are located.
- d. The Zoning Administrator shall approve electrical and utility connections to any temporary structure.
- e. An approved temporary structure may be moved onto a site fourteen (14) days prior to commencement of construction and shall be removed within fourteen (14) days following issuance of a Certificate of Occupancy for the permanent dwelling.

2. Temporary Structures Used for Nonresidential Purposes

Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Zoning Administrator. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

3. Permits

Permits for the utilization of temporary structures shall be issued by the Zoning Administrator. The permit shall specify a date for the removal of the temporary structure, and the Zoning Administrator shall require posting of a bond to ensure removal. A Certificate of Occupancy shall be required for such structures.

- a. The applicant shall furnish the City with a performance guarantee in the amount of five hundred dollars (\$500.00) to assure removal of the temporary structure.
- b. The Zoning Administrator may require a performance bond to assure proper clean-up.

4. Use as an Accessory Structure

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

5. Special Events and Other Temporary Uses

The Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses, as defined in Article II of this Ordinance, subject to the following general conditions:

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the Zoning Administrator.

The following conditions apply to specific temporary uses:

- a. Carnival or Circus
 - Maximum duration: 10 days.
 - Operator or sponsor: Non-profit entity
 - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- b. Sidewalk Display and Sale of Bedding Plants
 - Maximum duration: 90 days.
 - Location: In commercial districts only.
 - Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
- c. Christmas Tree Sales
 - Maximum duration: 45 days.
 - Location: Shall not be located in or adjacent to any developed residential area.
 - Clean-up: Stumps, branches, and other debris shall be completely removed from site.

Section 3.07 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A. General Requirements

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

1. Determination of Compatibility

In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

2. Conditions by which Use May Be Permitted

If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

Section 3.08 YARD AND BULK REGULATIONS

A. General Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

1. Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

2. Number of Principal Uses per Lot

Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single-family site condominium

project, only one principal building shall be placed on each condominium lot, as defined in Article II.

3. Clear Vision Areas

All corners at an intersection of two public streets shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping. The clear vision zone shall be provided vertically between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets. The clear vision area shall be provided 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.

4. Relocation of Existing Buildings Into the City

No existing building or structure shall be relocated upon any parcel or lot in City of Dexter unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

Section 3.09 STREETS, ROADS AND OTHER MEANS OF ACCESS

- A. In all districts, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty (60) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance. This provision does not include alleys.
- B. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.
- C. Curb cuts and driveways may be located only upon approval by the Zoning Administrator and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.
- D. Concrete curb and gutter shall be required for all private roadway and parking lot construction in the City of Dexter. This requirement shall apply to all zoning districts in the City with the following exception:

In RD district, private roadway and parking lots may be constructed without concrete curb except for the approach and the first fifty (50) feet beyond the radii of any approach connecting a private drive to a public street. In the absence of concrete curb and gutter, site improvements must be designed, engineered, and

constructed in such a manner as to properly and completely collect and convey all on-site storm-water runoff to approved points of discharge.

- E. Concrete curb and gutter shall be constructed to a configuration, dimension, and material which complies with the Michigan Department of Transportation Standard Plan Curb and Gutter, either Detail C4 or D2, as such standard may be amended from time-to-time and the City engineering standards.
- E. Proper storm management shall be installed with all roadway and parking lot construction which requires concrete curb and gutter. The storm water runoff from all proposed site development shall be collected and conveyed by means of storm sewers to approved points of discharge. Where an approved point of discharge is not available to a development site as determined by City engineers, such necessary improvements shall be constructed or installed so as to properly and safely dissipate or retain storm water runoff on-site.

Section 3.10 ESSENTIAL PUBLIC SERVICES

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the City, subject to regulation as provided in any law of the State of Michigan the list of uses within each zoning district or in any other City Ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.

Public and On-Site Utilities: Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the City.

The location and installation of wireless communication towers, poles, and related facilities is not considered an essential public service as defined and regulated by this ordinance. Regulations pertaining to the location, construction, and use of wireless communication facilities within the City may be found in Section 3.26 of this zoning ordinance.

Section 3.11 PROPERTY MAINTENANCE

Every parcel of property including buildings, vacant or occupied, and every part thereof, shall be kept clean and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, area of alleys connected therewith or belonging to the same. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall also be responsible for complying with the provision of this section except that the tenants shall

be responsible for the cleanliness of those parts of the premises which they occupy and control. Any hazardous places that are necessary during the construction must be fenced or boarded up. Property owners and/or occupants shall be held responsible for the condition, cleanliness and maintenance of the areas between their lot lines and adjoining streets and curbs, where existing.

Section 3.12 SIDEWALKS

For all developments requiring site plan approval, except those located in the RD District zoning classification, either a new public concrete sidewalk or the reconstruction of existing sidewalks shall be required to be constructed to City engineering standards along the perimeter of the lot which abuts any paved public right-of-way. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways. The planning commission may waive the requirement for sidewalks in areas not already served by sidewalks or if the installation of sidewalks would serve no public benefit.

If existing infrastructure, natural impediments, topography or mature trees would make construction of a sidewalk impractical and the City concurs in such a determination, the Owner shall be required to provide the sidewalk in an alternative on-site route which adequately provides a proper connection to the existing City sidewalk system.

Section 3.13 NATURAL FEATURES PRESERVATION: WETLANDS

The City of Dexter intends to promote compliance with Part 303 Wetlands Protection, of the Natural Resources and Environmental Protection Act of 1994, Public Act 451 as amended. The City encourages placement of buildings to protect Michigan Department of Environmental Quality regulated wetlands and non-regulated wetlands between two acres and five acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Dexter Master Plan.

- A. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetlands or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDNR, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with MDNR standards.
- B. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.
- C. Where stormwater is planned to drain into a wetlands, a approved filtration method shall be used to control runoff of sediment and the wetlands. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.

- D. 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 the MDNR regulations.

Section 3.14 NATURAL FEATURES PRESERVATION: GRADING, REMOVAL AND FILLING OF LAND

Any grading which changes site elevation by more than three (3) feet, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Zoning Administrator in accordance with a topographic plan, approved by the Zoning Administrator and City engineer, submitted at a scale of not less than one (1) inch equals fifty (50) feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Administrator. Such certificate may be issued in appropriate cases upon the filing with the application of a performance or surety bond in an amount as established by the Zoning Administrator sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. The form of the bond shall be approved by the City Attorney. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Zoning Administrator.

Section 3.15 RECEPTION ANTENNAE

In all zoning districts, the installation or use of a reception or transmission antenna facility shall be permitted only as an accessory use, and only when meeting the standards of this section. Upon review of the application, the Zoning Administrator shall grant approval if it is found that the plans comply in all respects with this Ordinance. It is the intent and purpose of this section to provide reasonable regulations for the mounting of reception antenna facilities.

- A. **Intent:** The intent of this section is to regulate reception antenna facilities to achieve the objectives listed below.
1. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from building or structural mountings due to wind load, snow load or other factors.
 2. Promote utilization of ground mounting for antennae facilities where reasonably feasible.
 3. Require screening of ground-mounted facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.

4. Exclude from provisions of this section, conventional VHF and UHF television antennae, FM reception antennae and short wave radio antennae used by amateur radio operators based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; amateur radio operators provide benefits to emergency service providers, and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.
5. Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein.
6. Promote and protect the public health, safety and welfare by the exercise of City police powers in relation to a property owner's right to construct and use reception antennae to receive signals without reasonable restriction.

B. Ground-mounted facilities shall be subject to the conditions listed below.

1. The maximum diameter shall be ten (10) feet for a dish type receiver where diameter can be measured.
2. The maximum height of any part of the facility shall be fourteen (14) feet.
3. The antenna facility shall be located only in the rear yard and shall not be located in a required yard setback area.
4. An antenna facility within fifty (50) feet of a residential property line or public street right-of-way shall be screened from view by a wall, fence, berm, evergreen plantings, or a combination of these elements, provided, if there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Zoning Administrator or if the antenna is mesh type, screening need not exceed six (6) feet in height.
5. The color of all antennae shall be of tones similar to the surroundings. Ground-mounted antennae shall not be white unless they are of a mesh type or unless the background consists primarily of a white building. Bright colors shall not be used in any instance.
6. If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Board of Zoning

Appeals provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

7. All electrical and antenna wiring shall be placed underground, where applicable, and grounded to meet County Building Code requirements.
8. The antenna shall be located and designed to meet manufacturer specifications to withstand a wind force of one hundred (100) miles per hour.
9. No advertising or identification display shall be placed on any portion of the antenna or tower except the name and logo of the manufacturer and the serial number.

C. Roof or structure mounted facilities in residential districts: In one-family residential districts, reception antenna facilities mounted on a roof of a building, or on a structure more than three (3) feet in height, shall be subject to the following regulations.

1. The antenna facility itself shall not be larger than ten (10) feet in height or diameter width. Moreover, the facility shall be of perforated, mesh or rod and/or pole construction, and shall not be of solid sheet or panel construction.
2. A roof-mounted antenna facility shall be located on that portion of the roof adjacent to the rear yard on the property, and a structure-mounted facility shall be located in the rear yard area but shall not be located in a required yard setback area.
3. No part of the antenna facility shall extend higher than three (3) feet above the ridge and/or peak of the roof, but in no event higher than the maximum height limitation in the zoning district in the case of a building mounted facility; and/or seventeen (17) feet above grade in the case of a structure mounted facility.

D. Roof or structure-mounted facilities not situated in residential districts.

1. Roof mounted reception antenna shall be a maximum ten (10) feet in diameter.
2. The top of the antenna shall be within the maximum height for principal buildings permitted in the district.
3. Reception antennae shall be of a color to match the building.
4. No advertising may be applied or attached to the antenna.

- E. **Interpretation guidelines.** The provisions of this section shall be interpreted to carry out the stated objectives of this section, and shall not be interpreted so as to impose costs on the applicant which are excessive in light of the purchase and installation cost of the antenna facility and accessory equipment.
- F. **Exemption.** Up to three (3) conventional VHF or UHF television antennae, FM reception antennae and antennae used by amateur radio operators licensed by the FCC which have width and height dimensions of not more than one hundred thirty-five (135) inches and ten (10) feet, respectively, which are situated on that portion of the roof adjacent to the rear yard on the property, and which do not extend higher than three (3) feet above the ridge and/or peak of the roof or the maximum height limitation in a residential zoning district or ten (10) feet above the roof in a nonresidential district, shall be exempted from the requirement of applying for and receiving approval under this section.
- G. **Variance.** If a hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this ordinance is impossible because satellite reception signals are blocked, then a variance may be sought from the Zoning Board of Appeals.

Section 3.16 DUMPSTER AND WASTE RECEPTACLES

Dumpster, 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 site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- A. **Location:** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.
- B. **Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- C. **Base Design:** The receptacle base shall be at least twelve (12) feet (twenty feet for a dual dumpster corral) by eight (8), constructed of six (6) inches of reinforced concrete pavement. A base apron shall extend ten (10) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- D. **Enclosure:** Waste receptacles shall meet the following standards:

1. Each waste receptacle shall have an enclosing lid or cover.
2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
3. The enclosure shall be constructed of brick, concrete or decorative precast panel with brick effect or a wooden enclosure provided the lumber is treated to prevent decay or is determined by the Zoning Administrator to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle.
4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
5. The enclosure shall be screened with five (5) foot high evergreens planted a minimum of six (6) feet apart wherever the enclosure wall is visible to a public street or residential district. See section 6.09 waste receptacles and mechanical equipment screening.

Section 3.17 FENCES

Fences are permitted subject to the following regulations:

- A. Permits:** The erection, construction or alteration of any fence shall require a permit and shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance. All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a survey showing the location of the proposed fence. Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, with the submission of written consent from all adjacent property owners or a certified survey verifying the location of the property lines. The fee for the fence permit shall be set by resolution of the City Council.
- B. General Fence Requirements:**
 1. Fence height shall be measured from the surrounding grade at every point along the fence line.
 2. Chicken wire fences are strictly prohibited.
 3. Fences that have one finished and one decorative side shall be erected with the finished or decorative side facing to the exterior of the lot to which the fence is associated. Any reconstruction of a non-conforming fence shall be require a permit and must meet current ordinance standards,

unless otherwise specified in the ordinance.

4. There shall be a maximum of one fence per property line.
5. Fence ownership shall be determined by the fence permit applicant.

C. Location in front yards*: Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of thirty-six (36) inches, provided that for corner lots adequate clear vision is provided as described in Section 3.08. No front yard fence shall be erected closer than six (6) inches to any public sidewalk or the property line, and shall not cross any public rights-of-way. Front yard fences are to be ornamental fences of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:

1. Post and rail
2. Split rail
3. Picket
4. Wrought iron
5. Other types of ornamental fences must be approved by the Planning Commission prior to placement in the front yard area.

*Exception – Corner lot are defined as having two (2) front yards. Both street frontages on a corner lot are considered the front yard. For the purpose of front yard fencing on corner lots, fences are permitted to meet the side yard fence requirements from the rear building line to the rear lot line. Four (4) foot fencing is not permitted past the rear building line.

D. Side Yard fence standards: Fences may be located in the side yard up to a height of six (6) feet, four (4) feet for corner lots. Fences shall only extend along the side property line equal distance to the length of the principle building and not extend beyond the front building line. A six (6) foot fence may extend perpendicular from the property line to the front building line.(refer to Figure 3.17a).

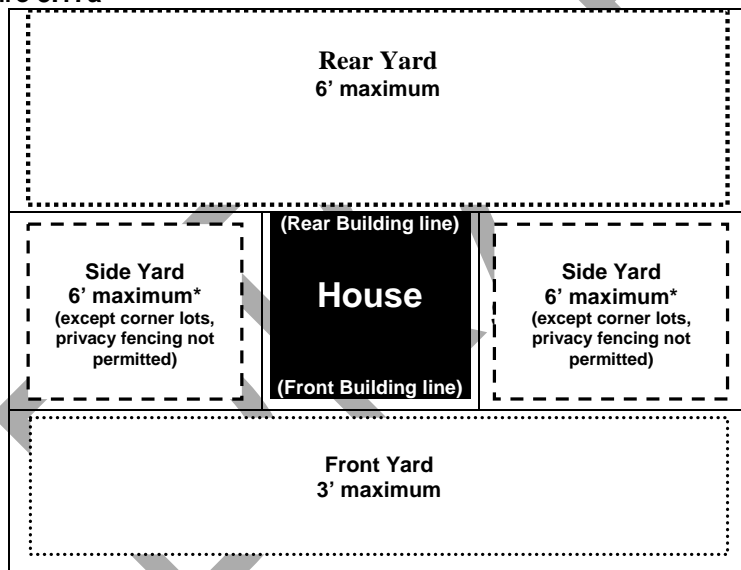
E. Rear Yard Fence standards: Privacy fences may be erected in a rear or side yard on any lot of record provided the privacy fence does not extend beyond the rear building line. Privacy fences shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line. All other fence types are permitted (refer to Figure 3.17a).

F. Prohibition in right-of way: Fences shall not be erected in public rights-of-way.

G. Location/height in industrial districts: Fences in I-1, and RD Districts with a maximum height of eight (8) feet may be located in any yard except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is maintained in good condition and does not constitute an unreasonable hazard or nuisance.

- H. **Public fences:** Fences which enclose public parks, public institutions, playgrounds or other public areas, may be a maximum eight (8) feet in height, measured from the surrounding grade at every point along the fence line. Such fence shall not obstruct vision to an extent greater than twenty-five (25%) percent of the total fence area.
- I. **Restrictions:** Fences shall not contain electric current or charge of electricity. Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence. Fences protecting public utilities and property may use barbed wire or other security fencing measures.
- J. **Maintenance:** All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence, which is not maintained, as determined by the Zoning Administrator, shall be removed or replaced (any required fence shall be replaced) at the owner's expense.

Figure 3.17a



Section 3.18 RECREATIONAL VEHICLE PARKING AND STORAGE

The outdoor parking or storage of a mobile home, camper trailer, motor home, race cars, snowmobiles, boats, ATV's and similar recreational vehicles for periods exceeding forty-eight (48) hours in the front yard on lands not approved for such use is prohibited, except that the Zoning Administrator may issue a temporary permit which shall allow the parking of such a recreational vehicle on private property for a period not exceeding two (2) consecutive weeks. Any parked or stored recreational vehicle shall be legally operable and licensed and shall not be connected to any sanitary facilities.

Recreational vehicles may be stored over 48 hours provided the vehicles shall be stored only within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further comply with the side and rear yard setback applicable to accessory buildings.

Section 3.19 EXTERIOR LIGHTING

Site Lighting Requirements: Exterior site lighting shall be permitted in any zoning district subject to the restrictions provided in this section.

- A. **Purpose and Intent.** The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent of this section is to encourage lighting that provides safety and security; also to prevent glare on public roadways, protect the privacy of residents; and reduce atmospheric light pollution and light trespassing.
- B. **Definitions:**
- 1) **FULLY SHIELDED FIXTURE.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.
 - 2) **LIGHTING DIAGRAM.** A plan showing all exterior proposed on-site lighting and the area to be illuminated by each lighting source. The lighting diagram will also show proposed site lighting - location, type, height, intensity, direction, and typical details.
 - 3) **GLARE.** Light that causes annoyance, discomfort, or loss in visual performance and ability because the luminance is sufficiently greater than the luminance to which the human eyes are adapted.
 - 4) **OUTDOOR LIGHTING FIXTURE.** An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot, flood, and area lighting.
 - 5) **RECESSED CANOPY FIXTURE.** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- C. **Outdoor Lighting Compliance Statement.** The applicant for any permit work involving outdoor lighting fixtures governed by this Section shall submit, as a part of the site plan, evidence that the proposed work will comply with this Section. This information shall contain but not be limited to the following:

- 1) The location, height, make, model, lamp type, intensity, direction, and wattage of each outdoor lighting fixture overlaid on the proposed site plan; and
- 2) A photometric lighting diagram indicating the outermost limits of exterior illumination provided by all exterior lighting sources on a site. (in foot candles)
- 3) Additional information that the City may determine is necessary, including but not limited to illuminance level profiles.

D. **Approved Materials and Methods of Construction.** The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Section, provided any such alternate has been approved. The City may approve any such proposed alternative provided it:

- 1) Provides at least approximate equivalent to the applicable specific requirement of this Section; and
- 2) Is otherwise satisfactory and complies with the purpose and intent of this Section.

E. **General Requirements.**

- 1) All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary as determined by the City. Outdoor lighting in residential districts shall be exempt from the provisions of this subsection, PROVIDED that any on-site lighting does not project onto adjacent properties or create glare on an adjacent roadway and motorists.
- 2) Auto/Truck filling stations. Island canopy ceiling fixtures shall be recessed.
- 3) Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
- 4) On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:
 - a. It is the goal of the City to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which

creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the character of the City.

- b. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
- c. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.

Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The City Council, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Council determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

For the purposes of this ordinance, all lighting measurements shall be taken at ground level.

- d. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of twenty (20) feet measured from the ground level to the centerline of the light source. The City Council, after receiving a recommendation from the Planning Commission, may allow a pole height up to twenty-two (22) feet when the Council determines that the applicant has demonstrated that greater height is necessary.
- e. Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.
- f. Building or roof-mounted lighting intended to attract attention to the

building and/or use and not strictly designed for security purposes shall not be permitted.

- g. Street lighting in all subdivisions, site condominiums, or other development is required. All street lighting shall conform to the City's Community Street Lighting Program. The City Council, after receiving a recommendation from the Planning Commission, may allow deviations to City street lighting standards when the Council determines that the applicant has adequately demonstrated that alternative lighting plans will meet the intent and purpose of this ordinance and will provide sufficient lighting necessary for safety and security purposes.

F. Exemptions. The following uses shall be exempt from the provisions of this ordinance:

- 1) Roadway and airport lighting;
- 2) Temporary circus, fair, carnival, or civic uses;
- 3) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
- 4) Temporary lighting and lighting associated with agricultural activities.

Section 3.20 PERFORMANCE STANDARDS

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts shall comply with the following performance standards:

A. Fire Hazard

1. Does not constitute a fire hazard per se;
2. Complies with the applicable laws of the State of Michigan (Act 207, P.A. 1941, as amended) and the rules and regulations promulgated thereunder by all authorized agencies - state and local.
3. Is protected by adequate and proper fire suppression and fire fighting equipment;
4. Provides isolated and approved storage for all flammable, explosive and corrosive materials and substances.

B. Water Pollution

1. Conforms to the applicable laws of the State of Michigan, (Act 245, PA. 1929, as amended) and rules and regulations promulgated thereunder by an authorized agencies - state and local.

C. Air Pollution

1. Conforms to the applicable laws of the State of Michigan, (Act 250, PA 1965, as amended, and Act 348, P.A. 1965, as amended).
2. Does not emit or cause fumes, gas, mist, odor, smoke, vapor, and dust including road or other earth dust or any. combination thereof in excess of minimum standards established under the authority of the laws of the State of Michigan, or in such volume as to create a public nuisance.

D. Noise Abatement

1. Is provided with noise abatement materials and equipment;
2. Will not generate unpleasant and objectionable noise greater in volume or intensity than the average traffic noises at exterior property lines;

E. Vibrations: No vibrations shall be permitted which are discernible without instruments on any adjoining lot or property.

F. Glare: No direct or reflected glare shall be permitted which is visible from any property, or from any public street, road or highway.

G. Radioactive Hazards: Any use or operation which involves the use, possession, or transportation of any form of radioactive materials or substances is expressly prohibited unless the use is in conformity to specifications, regulations and standards promulgated by the Nuclear Regulatory Commission of the United States and by the Michigan Department of Public Health or their successors.

H. Electrical Disturbances: Manufacturing and processing machinery, other equipment and domestic appliances using electrical power which generates radio frequency interferences at levels In excess of those approved by the Federal Communications Commission are prohibited.

I. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Any use of land shall be in accordance with the provisions of the Soil Erosion and Sedimentation Control Act of 1972, Act 347, P.A. 1972.

Section 3.21 SANITARY SEWER AND WATER FACILITIES

All uses put in place on or after the effective date of adoption or amendment of this Ordinance in any district, shall be connected to the public sanitary sewer and water supply systems. On-site facilities and privately owned and operated sewer and water

systems are prohibited. Any on-site system which is legal at the time of adoption of this Ordinance may be kept in operation until such system fails. Upon failure of such on-site system the use must be connected to the public system.

Section 3.22 COMPLETION OF CONSTRUCTION

Nothing in this ordinance shall require a change in plans, construction, or designated use of any building for which actual construction was lawfully beginning prior to the effective date of operation of this Ordinance or later amendment which may apply.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be in effect three hundred sixty-five (365) days following the effective date of adoption or amendment of this ordinance, unless a permit for the actual construction of a new building has been issued by the Zoning Administrator.

Where a building permit has been issued in accordance with the law within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to provisions of Article IV, Nonconformities, herein, If applicable.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than twelve (12) months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

Section 3.23 ENGINEERING DESIGN SPECIFICATIONS

The Dexter City Council shall, by ordinance, establish comprehensive, minimum engineering design specifications for site improvements applicable to all zoning districts in the City of Dexter. These standards shall constitute the minimum requirements adopted for promotion and preservation of the public health, safety, and general welfare of the City of Dexter. The standards shall not repeat, abrogate, annul or in any manner interfere with existing regulations, ordinances, or laws of the City of Dexter, nor conflict with any statutes or regulations of the State of Michigan or Washtenaw County; provided, that these standards shall control where they impose higher standards than provided by said existing regulations, ordinances, statutes, or laws. Proprietors are encouraged to design facilities which take into consideration actual site conditions. Where such conditions warrant, the proprietor is encouraged to design and construct

improvements which are compatible and appropriate and not merely in compliance with the standards.

The minimum engineering design specifications may, by ordinance of the Dexter City Council, be amended from time-to-time to reflect updates in the accepted state of construction standards, materials, and design.

Section 3.24 WIRELESS COMMUNICATION FACILITIES

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

A. Definitions

1. **Wireless Communication Facilities** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
2. **Attached Wireless Communications Facilities** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
3. **Wireless Communication Support Structures** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
4. **Collocation** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the

overall number of structures required to support wireless communication antennas within the community.

B. Authorization. Subject to the standards and conditions set forth in this section, wireless communication facilities shall be permitted uses in the following circumstances. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

1. Permitted Uses By Right. The following uses are specifically permitted:

a. Antennas or towers located on property owned, leased, or otherwise controlled by the City, provided a license or lease authorizing such antenna or tower has been approved by the City Council.

2. Administratively Approved Uses.

a. Locating a tower or antenna, including the replacement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.

b. Locating antennas on existing structures or towers consistent with the terms below:

(i) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multiple family structure of eight or more dwelling units, provided the antenna: does not exceed more than thirty (30) feet above the highest point of the structure; complies with all applicable FCC and FAA regulations; and complies with all applicable building codes.

(ii) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning administrator. A tower which is modified or reconstructed to accommodate the collocation of additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole. An existing tower may be modified or rebuilt to a taller height not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

- (iii) A tower which is being rebuilt to accommodate the collocation of an additional antenna. Such towers may be moved onsite within fifty (50) feet of its existing location. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

- 3. **Uses Approved by Special Use Permit.** If a tower is not a permitted use or permitted administratively as defined in items 1 and 2 of this subsection, a special use permit shall be required for the construction of a tower or the placement of an antenna.

C. **Standards for Approval.**

- 1. **Administratively Approved Uses.** The following provisions shall govern the issuance of administrative approval for towers and antennas:
 - a. The Zoning Administrator may administratively approve only those uses stipulated in this ordinance.
 - b. Each applicant for administrative approval shall apply to the zoning Administrator providing the information set forth in this ordinance and a non-refundable fee as established by Resolution of the City Council to reimburse the City for the costs of reviewing the application.
 - c. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Section 3.26 C.
 - d. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approval or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 - e. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements, up to fifty percent (50%).
 - f. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

- g. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Article 8 prior to filing an appeal that may be available under this ordinance.

- 2. **Special Use Permits.** Applications for special use permits under this section shall be subject to the procedures and requirements of Article 8 of this Ordinance. In granting a special use permit, the City Council may impose conditions to the extent the Council considers such conditions to be necessary to minimize any adverse effect of the proposed tower on adjoining properties.

In addition to any standards for consideration of special use permit applications pursuant to Article 8, the Planning Commission and Council shall consider the following factors in determining whether to issue a special use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this ordinance are better served thereby:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. No new towers shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the City Council, that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An application shall submit information requested by the Planning Commission and City Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower structure or alternative

technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements;
 - (ii) Existing towers or structures are not of a sufficient height to meet applicant's engineering requirements;
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment;
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (v) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs which exceed new tower development or tower lease costs are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- i. The applicant for a special use permit shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
- (i) Proximity to an interstate or major thoroughfare
 - (ii) Areas of population concentration
 - (iii) Concentration of commercial, industrial, and/or other business centers
 - (iv) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions
 - (v) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate

- (vi) Other specifically identified reason(s) creating facility need
- j. In single-family residential neighborhoods, site locations shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - (i) Municipally owned site
 - (ii) Other governmentally owned site
 - (iii) Religious or other institutional site
 - (iv) Public park and other large permanent open space areas when compatible
 - (v) Public or private school site
 - (vi) Other locations if none of the above is available

C. General Regulations. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission or City Council in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
5. **Height.** The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to

enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

6. **Setback, Residential.** The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
7. **Setback, Non-residential.** Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
8. **Access.** There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts; minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
9. **Property Size Requirements.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
10. **Roof Mounted Equipment.** Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
11. **Aesthetics.** The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

12. **Code Compliance.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
13. **Maintenance.** A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
14. **Signs.** No signs shall be allowed on an antenna or tower.
15. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The provisions of this section shall not prohibit security lighting for unmanned equipment shelters.
16. **Fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate devices to discourage climbing, provided however that the City Council may waive such requirements as it deems appropriate.
17. **Landscaping.** Unless otherwise stipulated by this ordinance, the following requirements shall govern the landscaping surrounding towers for which a special use permit is required.
 - a. Tower facilities shall be landscaped with a type A buffer as described in Article 6, Section 6.05.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. This determination must be made by the City Council.

18. Buildings or Equipment Storage.

- a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - (i) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height;
 - (ii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment shall not occupy more than 10 percent of the roof area; and
 - (iii) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b. Antennas mounted on utility or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 - (i) In residential districts, in a side or rear yard, provided the cabinet or structure is no greater than 12 feet in height or 50 square feet of gross floor area and the cabinet/structure is located a minimum of 5 feet from all property lot lines. The cabinet/structure shall be screened by an evergreen hedge with a planted height of at least 36 inches.
 - (ii) In all other zoning districts, the equipment cabinet or structure shall be no greater than 15 feet in height or 400 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height and an evergreen hedge as stipulated above.
- c. Antennas located on towers. The related unmanned equipment structure shall not contain more than 400 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

19. Collocation. All proposals shall be reviewed in conformity with the collocation requirements of this ordinance.

D. Application Requirements for uses permitted by right, administratively approved uses, and uses requiring special use permit approval.

1. Site Plan. A site plan prepared in accordance with Article 21 shall be submitted, including the location, size, screening and design of all buildings and structures, including fences and outdoor equipment.

2. Landscaping Plan. The site plan shall also include a detailed landscaping plan where the support structure is being placed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

3. Fencing. Fencing shall be shown on the plan, which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

4. Engineering Statement. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

5. Security. The application shall also include a description of security to be posted at the time the facility is to be removed when it has been abandoned or is no longer needed. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.

6. Inventory. The application shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

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

7. **Collocation Statement.** A notarized statement by the applicant as to whether construction of the owner will accommodate collocation of additional antennas for future users.

E. Collocation

1. **Statement of Policy.** It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress.

In light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the City. The provisions of this subsection are designed to carry out and encourage conformity with this policy.

2. **Feasibility of Collocation.** Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained in this ordinance.

3. Requirements for Collocation.

- a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility fails or refuses to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless

communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. **Offer of Collocation Required.** An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation.
5. **Approval.** Final approval for a wireless communication support structure shall be effective for a period of six (6) months.
6. **Incentive.** Review of an application for collocation, and review of an application for a permit for use of an existing facility shall be expedited by the City.

F. Removal

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - b. Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Official.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost

and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 3.25 LIVE/WORK UNITS

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A. Purpose. Live/Work Units are intended to provide the following:

- 1.** Provide for the appropriate development of units that incorporate both living and working space.
- 2.** Provide flexibility for the development of live/work units, particularly within existing buildings.
- 3.** Provide locations where appropriate new businesses can start up.
- 4.** Provide opportunities for people to live in mixed use commercial areas when it is compatible with existing uses.
- 5.** Protect existing and potential commercial uses and nearby residential uses from conflicts with one another.
- 6.** Ensure the exterior design of live/work buildings is compatible with the exterior design of commercial and residential buildings in the area.

B. Location. Live/Work Units are allowed as a permitted use in the VC, Village Commercial district.

C. Uses. The commercial component of the live/work unit must be a use permitted by right or by special land use in the VC, Village Commercial district. If a special land use, the applicant must request approval from the Planning Commission and City Council, in accordance with Article 8.

D. Requirements.

- 1. Parking.** One (1) off-street parking space shall be required for each dwelling unit proposed, as part of the live/work development.
- 2. Zoning Compliance.** At least one (1) resident in each live/work unit shall maintain a valid zoning compliance permit for a business on the premises.

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Article XV

VC VILLAGE COMMERCIAL DISTRICT

Section 15.01 INTENT

The intent of the Village Commercial District (VC) is to promote the orderly development, redevelopment, and continued maintenance of Dexter's commercial district. This District is also intended to serve the comparison, convenience, and service needs of the Dexter Area. The VC district shall complement the CBD district with less intense office, service, and retail uses, all within a safe pedestrian environment and within convenient walking distance from the CBD district.

Proposed building and site design must be sensitive to the district's historical significance. Additions or modifications to historic buildings should be harmonious with the original structure as well as the surrounding neighborhood. Additions or modifications should be designed and constructed so that the character defining features of the historical building are retained and enhanced by the new construction.

Because of the variety of uses permitted in the VC district, special attention must be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Off-street parking shall be located on the side or rear yard although participation in the public parking program is strongly encouraged. (Refer to section 5.1). Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities and services, or the overall image and function of the district. A mixture of uses within a building, such as retail, office and residential is encouraged.

Section 15.02 PERMITTED PRINCIPAL USES

- A. Retail establishments for the sale of such products as art/supplies, hardware, books, stationary, flowers, clothing, shoes, music, sporting goods, painting and wallpaper supplies, drugs, and notions, gifts, and home entertainment supplies and rental, and similar specialty retail shops.
- B. Personal service establishments such as barber shops, beauty salons, and dry cleaners; including repair shops for watches, bicycles, jewelry, and other such items.
- C. Food establishments, retail up to 2,000 square feet of gross floor: such as for the sale of groceries, fruit, meat and fish; baked goods; and dairy products.
- D. Restaurants, sit down which do or do not serve alcohol.

- E. Banks, savings and loan institutions, and credit unions without drive up windows.
- F. Business and professional offices such as administrative, legal, architecture, engineering, insurance, real estate, accounting, medical, dental, Computer and Internet Services and other similar offices.
- G. Printing and photographic reproduction establishments.
- H. Public buildings and offices, post offices, museums, libraries and community centers and Senior Centers.
- I. Schools, commercial: such as dance, art, and music.
- J. Theaters, cinemas.
- K. An integration of upper floor residential dwelling, commercial/retail, and office uses within a building.
- L. Off-street parking and loading see Article V.
- M. Signs subject to the provisions of Article VII.
- N. Live/Work Units, subject to the regulations in Article III, Section 3.25.

Section 15.03 SPECIAL USES

The following uses may be permitted upon review by the Planning Commission and approval by the City Council in accordance with the general standards for all Special Land Uses listed in Section 8.03, and the standards for the specific uses listed in Section 8.11.

- A. Food establishments, retail over 2,000 square feet of gross floor area but not to exceed 10,000 square feet of gross floor area: such as for the sale of groceries, fruit and meat; baked goods; and dairy products.
- B. Restaurants, carryout.
- C. Bars/Taverns/Lounges.
- D. Vocational and technical training facilities.
- E. Banks, savings and loan institutions, and credit unions with drive-up windows.
- F. Service Establishments of an office/workshop/retail outlet or showroom nature, such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, hose appliance and similar establishments of similar character subject

to the provision that not more than fifty (50) percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.

- G. Outdoor eating areas.
- H. Small animal clinics
- I. Private clubs, fraternal organizations, and lodge halls.
- J. Bed and Breakfast Inns.
- K. All buildings over 10,000 square feet gross floor area require a special use permit per Article 8.
- L. Commercial outdoor recreational facilities, such as, but not limited to, canoe/kayak/liveries, concession stands, swimming pools; provided that any necessary facilities or accessory buildings, structures or uses are constructed and located so as to cause minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties. The standards of Section 8.11, sub-section B.27 shall not apply to commercial outdoor recreation facilities in the VC Zoning District. (effective 2016-12-28)

M. Multiple-Family Dwellings

Section 15.04 REQUIRED CONDITIONS

- A. ~~All new buildings shall have at least 70 percent of their 1st floor facade on the street facing sidewalk as non-reflective/non-tinted glass. Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors and finish materials. Review of architectural concepts colors and materials will be part of site plan review.~~
 - 1. ~~New construction, additions and modifications to buildings shall be architecturally compatible with the historic scale and nature of other structures in the vicinity. Additions may be made to building facades not facing a street. Additions to a structure may be permitted except that additions to a structure's façade (the front side of the building facing a street) may be made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:~~
 - a. ~~Whether modifications are consistent with the existing architectural motif.~~

Comment [MA1]: Moved Section 15.04H and renumbered last line of remaining Section 15.04 A as 15.04.A.4.

- b. Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered.
- c. Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building.
- d. Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.

2. General architecture, front facade, and overall building appointments should be harmonious with the historic nature of other structures in the vicinity. Architectural concepts to be reviewed include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, colors and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding and glass. Exterior materials that should not be used on large applications, but can be used as detail material or as small applications include EIFS (exterior insulation finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass.

3. Surface Covering. Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists. Exterior color must be derived from a historical color palette and shall ordinarily be consistent with the majority of the established buildings. "Non-traditional" or "Non-historic" colors are not permitted. The use of paint to attract attention or advertise using geometric shapes and color or is other ways inconsistent with the surrounding architecture is prohibited.-

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4. The use of reflective/tinted glass on the first floor, front, side and rear building windows requires Planning Commission approval.

- B. No new mid-block curb cuts are permitted. Shared driveways are strongly encouraged. Access changes are permitted where drives can be consolidated or repositioned for sharing, improved safety, or more on-street parking can be provided.
- C. All new buildings shall have at least one pedestrian entrance on the front. Rear or side entrances should be provided where parking is on the side or rear of the building.

- D. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- E. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- F. Exterior walls facing public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should be screened on a side of the building that faces residentially-zoned or used property, or mounted and screened on the roof.
- G. The site design shall be sensitive to pedestrian and bicycle needs. Bicycle hoops are required per Section 5.03 of the Parking and Loading Standards.

~~H. Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors and finish materials. Review of architectural concepts colors and materials will be part of site plan review.~~

~~1. New construction, additions and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Additions may be made to building facades not facing a street. Additions to a structure may be permitted except that additions to a structure's façade (the front side of the building facing a street) may be made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:~~

- ~~a. Whether modifications are consistent with the existing architectural motif.~~
- ~~b. Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered.~~
- ~~c. Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building.~~
- ~~d. Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.~~

~~2. General architecture, front facade, and overall building appointments should be harmonious with the historic nature of other structures in the~~

~~vicinity. Architectural concepts to be reviewed include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, colors and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding and glass. Exterior materials that should not be used on large applications, but can be used as detail material or as small applications include EIFS (exterior insulation finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass.~~

- ~~3. Surface Covering. Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists. Exterior color must be derived from a historical color palette and shall ordinarily be consistent with the majority of the established buildings. "Non-traditional" or "Non-historic" colors are not permitted. The use of paint to attract attention or advertise using geometric shapes and color or in other ways inconsistent with the surrounding architecture is prohibited.~~

DRAFT

ARTICLE XV (D)

BAKER ROAD CORRIDOR OVERLAY DISTRICT

Section 15(D).01 STATEMENT OF PURPOSE

The Baker Road Corridor Overlay District (BRC District) is intended to promote and foster new development and redevelopment in accordance with the “Baker Road Corridor” goals and objectives as described in the City of Dexter Master Plan. It is recognized that this special mixed-use area is considered a gateway into the City Center. As a gateway into the City Center, the overlay district is established in order to provide for the following:

- A. The development of unified design elements within the corridor reflecting its pedestrian scale. Design elements shall promote the continuation of the downtown streetscape theme.
- B. New development within the corridor shall be done in a way that provides improved access management, i.e. minimize curb cuts along Baker Road and to promote shared access drives. New parking shall be developed in a flexible manner to allow shared parking between businesses, where possible.
- C. Improved pedestrian access and non-motorized transportation. Due to the mixed-use nature of this corridor and close proximity to residential areas, new development within the overlay district must provide continuous pedestrian access along Baker Road. Pedestrian access from Baker Road extending east and west into the residential areas must be provided, when possible.
- D. A mixed-use corridor to compliment the core downtown area of the City. Uses are permitted or special as found in the underlying Zoning Districts.

Section 15(D).02 ARCHITECTURAL STANDARDS

The architectural standards contained in this section are intended to integrate the BRC District into the existing fabric of the City, contributing to the cohesive historic identity of Dexter. All proposed development within the BRC District shall visually relate to the majority of buildings in the Central Business District and the City Commercial District. However, because of the planned lower density of development along the corridor, structures shall possess architectural quality and variety to establish its own identity and create a positive image for the City’s BRC District.

The architectural character of buildings shall portray a high quality image. Individual creativity and identity are encouraged, but care must be taken to maintain design integrity and compatibility among projects in order to establish a clear, unified image throughout the community.

Architecture (where adjacent to pedestrian walks and paths) should complement the pedestrian environment to create an aesthetically pleasing image and should be of human scale, show attention to detail, and materials and colors should relate to the natural features of the region.

Development in the district, including new buildings, additions and renovations, shall be designed to preserve or complement the intended design character of corridor development, provide visual harmony between old and new buildings, and protect the investment of adjacent landowners. These structures shall be reviewed by the Planning Commission under the following criteria:

- A. **Building Orientation:** The intent of the BRC is to contribute to the desirability of pedestrian activity within the Baker Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale described in this section. The following shall be considered:
1. Buildings shall front towards and have at least one (1) pedestrian entrance facing onto the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.
 2. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.
 3. ~~The façade of All buildings facing or fronting upon the sidewalk and/or street shall have at least 70 60 percent of their 1st floor façade on the street-facing sidewalk as non-reflective/non-tinted glass, between one-foot (1-ft.) and eight feet (8 ft.) from the finished grade.~~ The use of highly reflective, mirror type glass is prohibited.
- B. **Building Scale:**
1. Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings. The predominating surface plane of all building walls over forty (40) feet in

length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.

2. The height to width ratio of these subdivided facades of single story buildings shall not exceed 1:2. The height to width ratio of these subdivided facades of two story buildings shall not exceed 1:1.
3. Design Standards.
 - a) Building articulation shall be accomplished through combinations of the following techniques:
 - 1) Façade modulation. Stepping portions of the façade to create shadow lines and changes in volumetric spaces,
 - 2) Use of engaged columns or other expressions of the structural system.
 - 3) Horizontal and vertical divisions. Use of textures and materials, combined with façade modulation.
 - 4) Dividing facades into storefronts with visually separate display windows.
 - 5) Providing projections such as balconies, cornices, covered entrances, pergolas, arcades, and colonnades.
 - 6) Variations in the rooflines by use of dormers windows, overhangs, arches, stepped roofs, gables and other similar devices.

C. Building Materials and Design: The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor. This shall be accomplished by the following:

1. Variety in building design shall be provided by architectural features, details and ornaments such as archways, colonnades, towers, and cornices
2. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place. Entrances shall be designed with one or more of the following:
 - a) Canopy, overhang or arch above the entrance (pillars & columns),
 - b) Recesses or projections in the building façade surrounding the entrance,
 - c) Peaked roof or raised parapet structures over the door,
 - d) Windows surrounding the entrance.
3. All awnings that do not contain sign copy shall be made of woven cloth or architectural metal. Design, color and materials shall be compatible with the building to which it is attached.

4. Roof shape and materials shall be architecturally compatible with the District and enhance the predominant streetscape. Consideration should be given to surrounding buildings when determining roof shape.
5. Exterior building materials and treatment shall maintain a consistent overall appearance within the BRC. Any individual side of a principal building, at least eighty percent (80%) of the facade shall be constructed of, or covered with, one or more of the following materials:
 - a) Brick: smooth, hard, uniform, red, dark-red, or brown brick
 - b) Cut stone: carved and smooth finish stone
 - c) Siding: Natural wood and/or Cement-based Artificial wood siding
 - d) Glass windows and/or doors: non-reflective, clear or slightly tinted
 - e) Other materials similar to the above as determined by the Planning Commission.
6. The use of EIFS (Exterior Insulation Finishing System) shall be limited to vertically sloped architectural elements only and shall be limited to no more than 5% of each exterior building elevation.
7. Building Materials and Colors.
 - 1) "Full veneer" brick or other similar high quality masonry materials such as quarried stone (i.e. granite, etc.), shall comprise one of the four required basic materials.
 - 2) The percentage of high quality materials to be used on the building's exterior walls (i.e. brick veneer, quarried stone, glass, precast concrete) shall be at least 80%.
 - 3) Basic materials shall include, but not be limited to the following materials:
 - i. Preferred Building Materials
 1. Quarried Stone
 2. Cultured Stone
 3. Full veneer brick
 4. Composite lap siding
 5. Architectural concrete (with recessed panels and reveal lines)
 6. Colored CMU block and architectural CMU block (i.e. split face, fluted, scored, honed, etc.)

7. Architectural metals and standing seam metal roofing
8. Dimensional Shingles

ii. Preferred Accent Materials

1. Precast concrete, cast stone, natural stone accents
2. Glass accents.

iii. Prohibited Materials

1. Plain, flat faced CMU block (painted CMU).
2. Brick tiles
3. Metal walls
4. EIFS (if used no more than 5% permitted and must be used as an accent.

- 8 The applicant shall provide a schedule indicating percentage of façade materials totaling 100% and the applicant shall provide a sample board to the Planning Commission. Architectural Design and Building Character.

D. National Tenant/National Franchise Architecture

1. Franchise architecture (building designs that are prototypical or identifiable with a particular chain or corporation) shall be revised if the proposed building design does not conform with these design standards. Building architecture that does not comply will not be approved by the City of Dexter.
2. The developer shall provide color pictures of other national tenant buildings (non-prototype examples) that have been built in other cities and states.
3. Large retail establishments (i.e. Big Boxes, where possible, are encouraged to provide multiple entrances as they, reduce walking distance to cars, facilitate pedestrian and bicycle access from public sidewalks, provide convenience where certain entrances offer access to individual stores or identified departments of a store, mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties

ARTICLE XX SCHEDULE OF REGULATIONS

SECTION 20.01 SCHEDULE OF REGULATIONS FOR PRINCIPAL BUILDINGS - RESIDENTIAL										
DISTRICT	MINIMUM LOT SIZE PER DWELLING UNIT (D.U.)		MAXIMUM BUILDING HEIGHT (5)		PRINCIPAL STRUCTURE MINIMUM YARD SETBACK (in feet) (3)(4)			MAX LOT COVERAGE BY ALL BLDGS. PERCENT	MINIMUM FLOOR AREA (PER UNIT, sq. ft.)	
	MIN. LOT AREA (sq. ft.)	WIDTH (feet)	STORIES	FEET	FRONT (6)	SIDE	REAR			
PP Public Park	NA	NA	2	30	10**	10**	10**	30%	--	
R-1A One Family Residential Large Lot	12,000 sq. ft.	75	2.5	35	25	15	35	25%	1,000	
R-1B One Family Residential Small Lot	7,800 sq. ft.	60	2.5	35	15	10	25	30%	1,000	
VR Village Residential - Single Family Detached Dwelling	7,800 sq. ft.	60	2.5	35	15	10	25	30%	1,000	
Two Family Dwelling	4,500 sq. ft. per D.U.	60	2.5	35	15	min on e 7	min b oth 17	25	50%	700
Multiple Family Dwellings	9,800 sq. ft.	--	2.5	35	15	10	20	25	60%	--
R-3 Multiple Family Residential	45,560 (1)	200 feet	2.5	35	40 for 1 story 50 for over 1 story	25	50	50 for 1 story; 80 for over 1 story	30	--
MHP Mobile Home Park Residential	20 Acres	200	SEE ARTICLE XIII						--	

* All residential lots fronting a residential street with a 66-foot right-of-way shall provide a minimum 25-foot front setback.

** Exemptions include: access for pedestrians, boating, fishing.

Article XX SCHEDULE OF REGULATIONS

Section 20.01 SCHEDULE OF REGULATIONS FOR PRINCIPAL BUILDINGS - NON-RESIDENTIAL										
DISTRICT	MINIMUM LOT SIZE PER DWELLING UNIT (D.U.)		MAXIMUM BUILDING HEIGHT		PRINCIPAL STRUCTURE, MINIMUM YARD SETBACK IN FEET				MAX LOT COVERAGE BY ALL BLDGS. PERCENT	MINIMUM LOT FOOTPRINT (sq. ft.)
	MIN. LOT AREA (sq. ft.)	WIDTH (feet)	STORIES	FEET	FRONT	SIDE		REAR		
						Min. One	Min. Both			
C-1 General Business and PB Professional Business	2 acre	200	2.5	35	25	10	20	25 (2)	--	--
VC Village Commercial (See Note 6)	--	--	3.0	45	15 max.	5	10	10 ft.	80%	See Note 4-7
CBD Central Business District (See Note 6)	--	--	3.0max and 2.0 min.	45	1 max.--	--	--	--	100%	See Note 1
I-1 Limited Industrial	21,780	150	2	35	50	50	100	35 (2)	25	--
RD Research & Development	43,560	150	2	40	50	22.5	45	35	35	--

Note 1: Min Lot Footprint = Frontage (in feet) x 40 feet (For corner lots, the frontage shall be determined by the location of the street number)

FOOTNOTES: The notes below are part of Section 20.01

1)

Multiple Family Residential District: Density and Lot Area Regulations for Dwelling Units (DU) in Multiple Family District		Minimum Lot Area (Square foot Per D.U.)
DISTRICT	NO. OF BR/D.U	MULTIPLE FAMILY
R-3	studio and 1	3,630
	2	4,840
	3 or more	7,260

2) Landscaped buffer per section 6.05.

3) Yard requirements

All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections three (3) feet in length from the structure wall.

4) Yard requirements - Where lot adjoins more restricted zone

Where lot adjoins a lot of parcel in a more restricted zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restricted zone.

5) Height of building or structures

The limitations affecting the height of the structures shall not apply to the following appurtenant and structures provided they comply with all other provisions of this or any other applicable Ordinances: Parapet walls, chimneys, smokestacks, church spires, flag poles, penthouses for mechanical equipment and water tanks.

6) Corner Lots

A corner lot shall maintain front yard requirements for each street frontage, except in the VC and CBD District.

7) Density for multiple-family and Live/Work developments shall be based on the requirement of one (1) off-street parking space per dwelling unit.