



**CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
NOVEMBER 19, 2024 AT 5:30 PM**

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

- [1.](#) September 17th, 2024 Meeting Minutes

PUBLIC HEARING

- [2.](#) **Rezoning Request No. PRZN 24-01** by Ahmad Nassar d/b/a Detroit 75 Kitchen, on behalf of property owner Raghunath Singh, to rezone (1) parcel of land located at 32275 Stephenson Highway (TM# 44-25-02-101-036) from M-1, Light Industrial, to MUI-2, Mixed-Use Innovation 2.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

- [3.](#) Adoption of 2025 Meeting Calendar

MEMBER UPDATES

PLANNER UPDATES

- [4.](#) Safe Streets for All - Open House - November 21st, 6-7:30 - Active Adult Center

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

September 17, 2024 **(DRAFT)**
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Commissioner Eric Graettinger
Commissioner Cliff Oglesby
Commissioner Grant Sylvester

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Oglesby, seconded by Commissioner Graettinger to excuse Commissioners Marsh and Kalnasy.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Commissioner Graettinger, seconded by Marsh to approve the minutes of the regular Planning Commission meeting of August 20 2024.

Motion carries unanimously.

5. PUBLIC COMMENT - For items not listed on the agenda

Chair Champagne opened the floor for public comment at 5:31p.m. Seeing none, public comment was closed at 5:31 pm.

6. PUBLIC HEARING

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement:

- Section 7.03.10 – Use Specific Standards related to Detached One-Family Dwellings
- Section 7.03.43 – Use Specific Standards related to Temporary Uses
- Section 8.03 – Accessory Buildings, Structures, and Uses [Addressed in this Memo]
- Sections 12.06 and 12.07 – Signs

Discussion: ZTA 24-01 - Accessory Buildings, Structures and Uses - Gazebos, Pergolas, and Utility Structures

The proposed amendments to section Section 8.03, addressed in the packet, were discussed and reviewed. Under the old ordinance, gazebos and pergolas were treated as accessory structures (roofed, but open on all sides) subject to the same minimum setback standards as all other accessory structures, including detached garages or sheds: five (5) feet from side/rear property lines and ten (10) feet from the principal structures.

This proposed amendment would exempt small unenclosed accessory structures such as gazebos and pergolas from the building setback requirement and allow applicants to bring the gazebos and pergolas closer to the structure and reduce the need for future variances. Staff has confirmed with the Building Official and Fire Marshal that the proposed amendments are compatible with building and fire codes.

The second part of this amendment pertains to utility structures such as a generator or HVAC unit. Current ordinance language restricts utility structures to the rear yard, with the exception that such structures may be permitted in a side yard only if enclosed by a masonry enclosure. The amendment would allow screening methods to include wood, vinyl or landscaping such as arborvitae.

Chair Champagne opened the hearing for public comment at 5:36 pm. Seeing none, the public comment portion of this hearing was closed at 5:36 pm.

Motion by Commissioner Graettinger, seconded by Commissioner Sylvester to recommend approval of Zoning Text Amendment 24-01 to City Council as presented by Staff and as written in the packet.

Motion carries unanimously.

Discussion: ZTA 24-02 - Detached One-Family Dwelling Standards – Driveways

The proposed amendments to section Section 7.03.10, addressed in the packet, were discussed and reviewed by the Commission. Planner Lonnerstater explained that the current ordinance limits driveway widths to the outer edges of the garage door. The proposed amendment extends that limit a modest additional 18 inches width (on each side) beyond the edges of the garage door. Staff proposes this would allow for the storage of larger vehicles and provide for a paved area to step out from the vehicle without compromising the general intent of the width limitation.

Chair Champagne opened the hearing for public comment at 5:39 pm. Seeing none, the public comment portion of this hearing was closed at 5:39 pm.

Motion by Commissioner Sylvester, seconded by Commissioner Oglesby to recommend approval of Zoning Text Amendment 24-02 to City Council as presented by Staff and as written in the packet.

Motion carries unanimously.

Discussion: ZTA 24-03 - Use Specific Standards related to Temporary Uses

The proposed amendments to section Section 7.03.43, addressed in the packet, were discussed and reviewed by the Commission. When the zoning ordinance was updated, it became obvious that the language was restrictive for some more active and unique events that wished to occur weekly. The current language limits properties to three (3) special events per calendar year, with a fourteen (14) day gap between events.

New language would add a “recurring event” provision to the Special Events category, allowing business owners/property owners to hold a recurring event (1-2 consecutive days each) up to a total of ten (10) days per calendar year. A recurring event could be applied for under a single special event permit, which would count toward the total number of special events allotted per year.

Chair Champagne opened the hearing for public comment at 5:43 pm. Seeing none, the public comment portion of this hearing was closed at 5:43 pm.

Motion by Commissioner Sylvester, seconded by Commissioner Graettinger to recommend approval of Zoning Text Amendment 24-03 to City Council as presented by Staff and as written in the packet.

Motion carries unanimously.

Discussion: ZTA 24-04 - Signs - Wall Sign Allowances

The proposed amendments to section Section 12.06 and 12.07, addressed in the packet, were discussed and reviewed by the Commission. In the current ordinance, the maximum allowance for signs is based on the area of the street facing façade of the business. This proposed amendment changes the language from street-facing to “primary facing.” In order to adequately allocate wall signage allowances and to avoid the need for variances, staff recommended recategorizing building facades into “primary facades” and “secondary facades.” Primary facades would include any façade that fronts a public street or any façade that serves as a main entrance to a building or tenant space, regardless of street frontage. Secondary facades would include any other façade, typically along the side or rear of a building.

Chair Champagne opened the hearing for public comment at 5:47 pm. Seeing none, the public comment portion of this hearing was closed at 5:47 pm.

Motion by Commissioner Sylvester, seconded by Commissioner Graettinger to recommend approval of Zoning Text Amendment 24-04 to City Council as presented by Staff and as written in the packet.

Motion carries unanimously.

7. PLANNER UPDATES

11 Mile Streetscape Update

Planner Lonnerstater shared an update on the 11 Mile Streetscape Plan- Main Street Placemaking Grant. On July 18th the Oakland County staff informed the city that the Board of Commissioners approved our Placemaking Grant application for a total grant request of \$313,981.50. City Council approved this plan at their meeting on August 12, 2024.

This lane reconfiguration will focus on the area John R from Lorenz. The anticipated start date is sometime next Spring.

8. PUBLIC COMMENT

Seeing no further comments, Chair Champagne adjourned the meeting at 5:57 p.m.



MEMORANDUM

Date: November 12th, 2024
 To: City of Madison Heights Planning Commission
 Meeting Date: November 19th, 2024
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Rezoning Request PRZN 24-01 – 32275 Stephenson Hwy. – M-1 to MUI-2

Introduction

The applicant, Ahmad Nassar d/b/a Detroit 75 Kitchen, on behalf of the property owner, Raghunath Singh, requests to rezone one (1) parcel of land located at 32275 Stephenson Highway (TM# 44-25-02-101-36) from M-1, Light Industrial district, to MUI-2, Mixed-Use Innovation 2 district. The subject parcel is approximately 1 acre in size and is improved with a 3,300 square foot commercial building (currently operating as a restaurant and bar) and an associated parking lot. The property is located on the west side of Stephenson Hwy. just north of Whitcomb Ave.

Background

The applicant requests a rezoning to MUI-2, Mixed-Use Innovation 2 district, to permit the operation of a food truck in association with a brick-and-mortar restaurant on the property. Per the newly adopted Madison Heights Zoning Ordinance, accessory food trucks, formally called “Mobile Food Vehicles”, are only permitted to operate from approved “Mobile Food Sites.” A “Mobile Food Site” is defined as, “a private property which has been approved under the provisions of the Zoning Ordinance for operation of a single mobile food vehicle as an accessory use.” Mobile Food Sites are only permitted as an accessory use within the City Center, Mixed-Use Innovation 1 (MUI-1) and Mixed-Use Innovation 2 (MUI-2) zoning districts. The subject property’s current M-1, Light Industrial zoning designation does not permit Mobile Food Sites.

The applicant requests a rezoning to the MUI-2 zoning designation as the first step in obtaining Mobile Food Site approval on the property. Within the MUI-2 district, Mobile Food Site approval may be granted administratively without the need for additional Planning Commission or City Council action. However, additional approval through Community and Economic Development Department will be required.

Existing Street View



Subject Parcel – Aerial View



Map Amendment (Rezoning) Review Standards

Section 15.07 of the new Zoning Ordinance contains standards that the Planning Commission and City Council shall consider when reviewing and acting upon a rezoning request:

- (1) *Compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- (2) *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- (3) *Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistency with recent development trends in the area shall be considered.*
- (4) *The boundaries of the requested zoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- (5) *The requested zoning district is considered to be more appropriate from the city’s perspective than another zoning district.*

- (6) *If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- (7) *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- (8) *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- (9) *That the amendment will not be expected to result in exclusionary zoning.*

These standards are touched upon throughout this memo.

Zoning and Land Use Considerations

Per the Zoning Ordinance, the intent of the existing M-1, Light Industrial zoning district is to, “*primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.*”

The intent of the proposed MUI-2, Mixed-Use Innovation 2 district is to,

“[...]promote the redevelopment of moderate to larger-scale regional commercial centers into walkable, compact developments featuring a cohesive mix of commercial, residential, and recreational land uses. MUI-2 development standards are intended to allow for the creation of integrated mixed-use, walkable districts, which prioritize pedestrian connectivity over vehicle circulation and parking. The MUI-2 district is also intended as an alternative format for larger-scale commercial uses than that of the Business (B) zoning districts.”

While the applicant intends to continue operating a restaurant as the principal use of the site with the addition of an accessory food truck, the Planning Commission should consider all of the potential uses that could be developed on this site if it were to be rezoned to MUI-2. The Planning Commission should also consider the list of M-1 industrial uses currently allowed on-site which would no longer be permitted in an MUI-2 district. Some of these more intense uses and significant use departures are highlighted in the table below:

USE	M-1	MUI-2
CURRENT USE: Restaurant/Bar	P	P
PROPOSED ACCESSORY USE: Mobile Food Site		P
Residential Uses		
Townhomes		P
Multi-Family Dwellings		P
Residential/Commercial Mixed-Use		P
Senior Housing		P
Commercial Uses		
Auto Repair and Service	S	
Auto Sales	S	S
Banquet Halls		P
Commercial Kennels and Boarding Facilities	S	S
Drive-Through Facilities		P
General Retail		P

P = Permitted by Right S = Special Approval Required Blank = Not Permitted

USE	M-1	MUI-2
Hotels and Lodging		P
Indoor Recreation Business	P	P/S
Personal Service Establishments		P
Self-Storage Facility	S	
Veterinary Clinic or Animal Grooming		P
Industrial Uses		
Artisan Manufacturing/Makerspace	P	P
Light Industrial, Assembly, Repair and Manufacturing	P	
Lumber Yard	S	
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, RVs	S	
Research, Development and Testing Facilities	P	
General Warehouse and Distribution	P	
Wholesale Sales/Retail	S	S
Recycling Drop-Off Centers	S	

P = Permitted by Right S = Special Approval Required Blank = Not Permitted

The full Permitted Use Table is attached to this memorandum.

A rezoning to the Mixed-Use Innovation 2 district would limit the amount of light industrial-related uses that could be established on the site but would open the site to commercial and mixed-use (including residential) uses. The existing restaurant use would remain a use permitted by-right.

Existing Land Use and Zoning

Existing adjacent land uses and zoning designations are denoted in the table below:

Existing Land Uses and Zoning

	Existing Land Use	Existing Zoning
Site	Restaurant	M-1, Light Industrial
North	Light Industrial	M-1, Light Industrial
South	Mobility Equipment Supplier	M-1, Light Industrial
East (Across Stephenson)	Industrial Wholesale	M-1, Light Industrial
West	High School	R-2, One-Family Residential

Adjacent land uses on Stephenson Highway consist primarily of light industrial uses. However, there are several hotels (zoned MUI-2 or B-3) along the stretch of Stephenson between 13 and 14 Mile Roads. As Stephenson approaches 14 Mile Road to the north, the zoning transitions to MUI-2 and B-3, Regional Business District, and the character becomes more commercial in nature. Additionally, properties to the south at the intersection of Stephenson and 13 Mile Road are currently zoned MUI-2.

Future Land Use and Master Plan

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

Future Land Use

	Future Land Use
Site	Industrial
North	Industrial
South	Industrial
East (across Stephenson)	Industrial
West	Public & Schools

The future land use designation of the subject site is *Industrial*. Per the Master Plan, the Industrial designation is intended to, “accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities. These more intense uses are intended for existing industrial areas along Stephenson, I-75 and 14 Mile Road.”

Adjacent future land use designations are primarily industrial.

Pertinent Goals & Objectives from the Master Plan include:

Community Character:

- Enhance the city’s commercial corridors to support walkability and improve community identity.
- Promote the city’s positive identity in the region.

Commercial & Industrial Development:

- Encourage entrepreneurship and growth for diverse businesses of all sizes to promote a balanced local economy.
- Provide incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.
- Promote the mix of commercial, office, and industrial uses in a way that fosters collaboration and business growth, while creating a desirable environment for the local workforce.

Transportation

Per the 2021 Master Plan, this stretch of Stephenson Highway is designated as a minor arterial road and typically handles through-traffic for local traffic generators. Per SEMCOG, this stretch of Stephenson Highway accommodates approximately 12,400 vehicles per day.

Staff Discussion and Policy Analysis

The subject property is located mid-block along the primarily industrial Stephenson Highway corridor. Stephenson Highway transitions to more a regional commercial character approximately a quarter mile to the north as it approaches 14 Mile Road. The east side of Stephenson between Whitcomb Ave. and 14 Mile Rd. contains several MUI-2-zoned parcels, improved with hotel uses, as well as B-3, Regional Business zoned parcels at the intersection of 14 and Stephenson. The proposed MUI-2 district is better aligned with

the existing and proposed restaurant use than the existing M-1 district. However, the Planning Commission should be cognizant that the permitted uses in the MUI-2 district are more commercial in nature, potentially allowing for a commercial redevelopment in the middle of an industrially-zoned corridor.

In lieu of a rezoning to the MUI-2 district, the Planning Commission may wish to consider an alternate rezoning to the MUI-1, Mixed-Use Innovation 1 district. The MUI-1 district permits Mobile Food Sites similar to the MUI-2 district but continues to permit light industrial and flexible industrial uses that are more consistent with the Stephenson Highway industrial corridor and the Industrial future land use classification; this is in comparison to the requested MUI-2 district which generally restricts light industrial type uses. Please refer to the full Permitted Use Table is attached to this memorandum.

The intent of the Mixed-Use Innovation 1 (MUI-1) zoning district is to:

“Promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The MUI-1 district is intended to provide for an eclectic mix of uses reflective of long-established development patterns at a pedestrian scale, including the adaptive reuse of existing, smaller industrial spaces into new commercial, residential, artisan industrial, and mixed-use projects. The MUI-1 district supports a variety of residential, commercial, and light industrial uses that are compatible with surrounding neighborhoods, and accounts for the appropriate mitigation of other potential adverse impacts on adjacent residential uses.”

As an alternative to rezoning, the Planning Commission could consider a text amendment to permit Mobile Food Sites as an accessory use in the M-1, Light Industrial zoning district.

If the rezoning request is approved, any major redevelopment on the subject parcel will be subject to site plan approval through the Site Plan Review committee and, if necessary, special land use approval through the Planning Commission and City Council. Further, the proposed Mobile Food Site would be subject to administrative approval through the Community and Economic Development Department.

Next Step

After the public hearing and discussion, the Planning Commission may make a recommendation on the proposed rezoning to City Council. **Any motion which includes a recommendation to City Council shall include concise findings of facts.**

Template Motion | Findings and Recommendations to City Council

Template motions for recommendations of approval and denial, including findings of fact, are provided below. An alternate motion to recommend approval of a rezoning to MUI-1 in lieu of MUI-2 is also provided:

MUI-2 REZONING:

Move to recommend to City Council [APPROVAL/DENIAL] of the requested rezoning of 32275 Stephenson Highway (parcel #44-25-02-101-36) from M-1, Light Industrial, to MUI-2, Mixed Use Innovation 2, after the required public hearing, based upon the following findings:

(1) The rezoning **[SATISFIES/DOES NOT SATISFY]** the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that the proposed MUI-2 district **[SATISFACTORILY ADDRESSES/DOES NOT ADDRESS]** the following standards:

- Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).
- The boundaries of the requested zoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.
- The rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- The amendment will not be expected to result in exclusionary zoning.

MUI-1 REZONING [IN LIEU OF MUI-2]:

In lieu of the requested rezoning to the MUI-2, Mixed-Use Innovation 2 district, move to recommend to City Council approval of the rezoning of 32275 Stephenson Highway (parcel #44-25-02-101-36) from M-1, Light Industrial, to MUI-1, Mixed Use Innovation 1, after the required public hearing, based upon the following findings:

(1) A rezoning to MUI-1 satisfies the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that, in lieu of the requested MUI-2 district, a rezoning to MUI-1 more satisfactorily addresses the following standards:

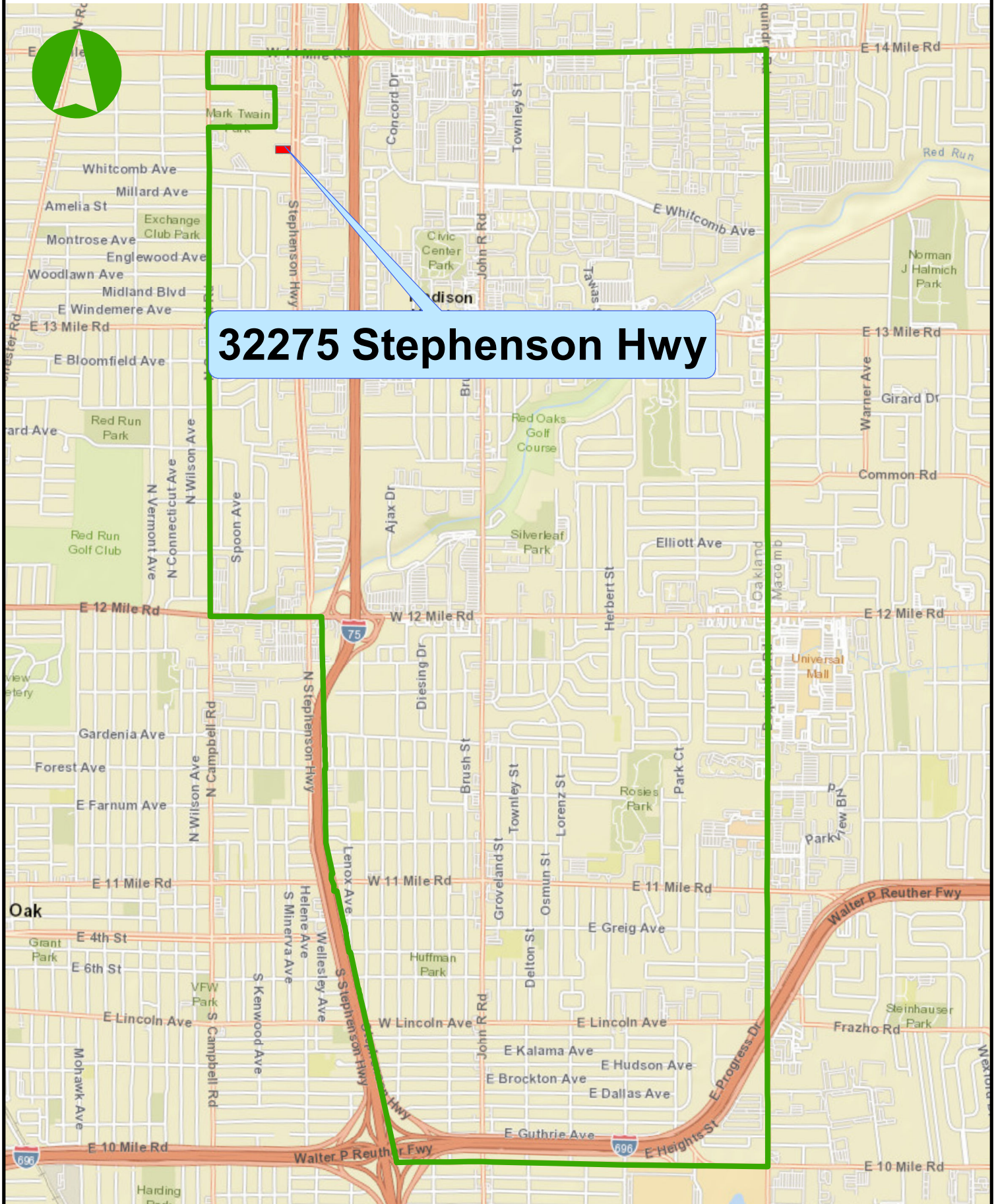
- Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).

- *The boundaries of the requested zoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- *The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.*
- *The rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- *The amendment will not be expected to result in exclusionary zoning.*

Attachments

- *Rezoning Application PRZN 24-01*
- *Compiled Maps*
- *Public Hearing Notice*
- *Section 15.07 – Zoning Ordinance Amendments (Map and Text)*
- *Section 3.06 – Permitted Use Table*
- *Section 3.17 – M-1 Light Industrial District*
- *Section 3.20 – MUI-1 Mixed Use Innovation District 1*
- *Section 3.21 – MUI-2 Mixed Use Innovation District 2*

PRZN 24-01: 32275 Stephenson Hwy



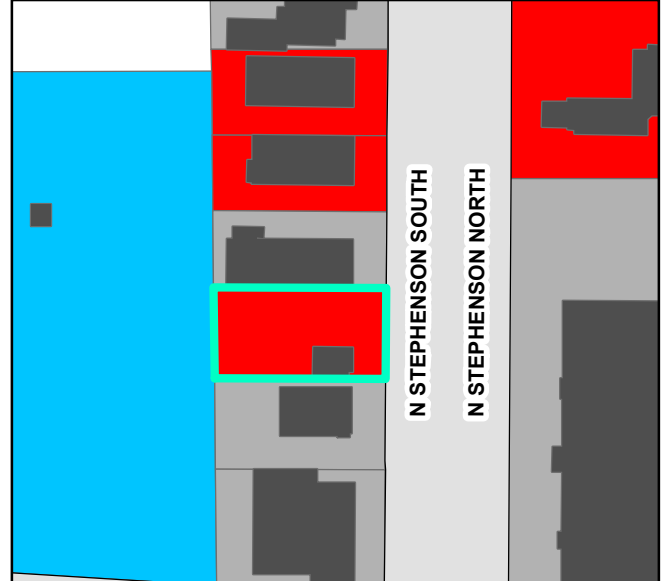
Site Address: 32275 Stephenson Hwy



Aerial



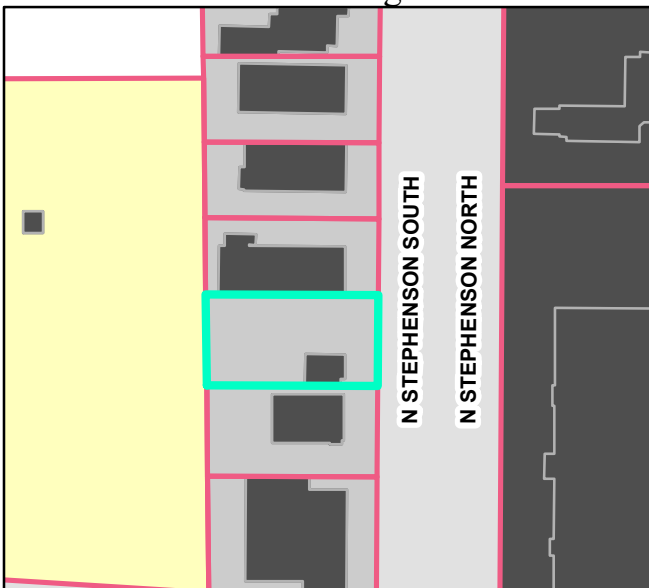
Existing Land Use



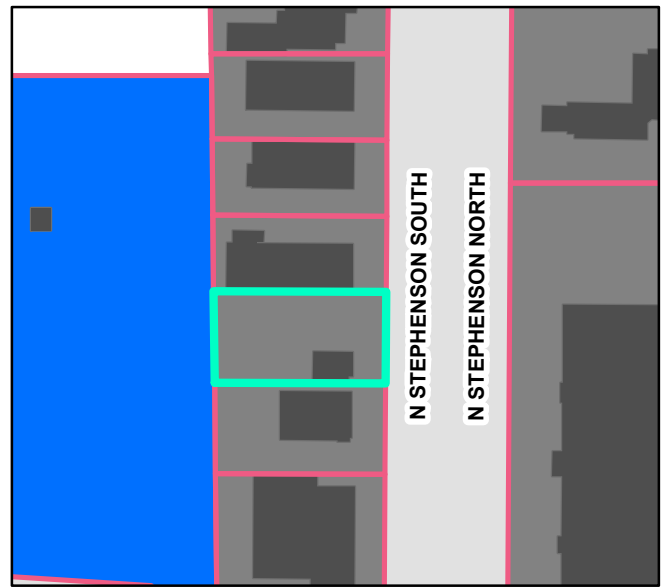
- 32275 Stephenson Hwy
- Parcels
- Industrial

- 32275 Stephenson Hwy
- Commercial
- Buildings
- Industrial
- Quasi -Public

Zoning



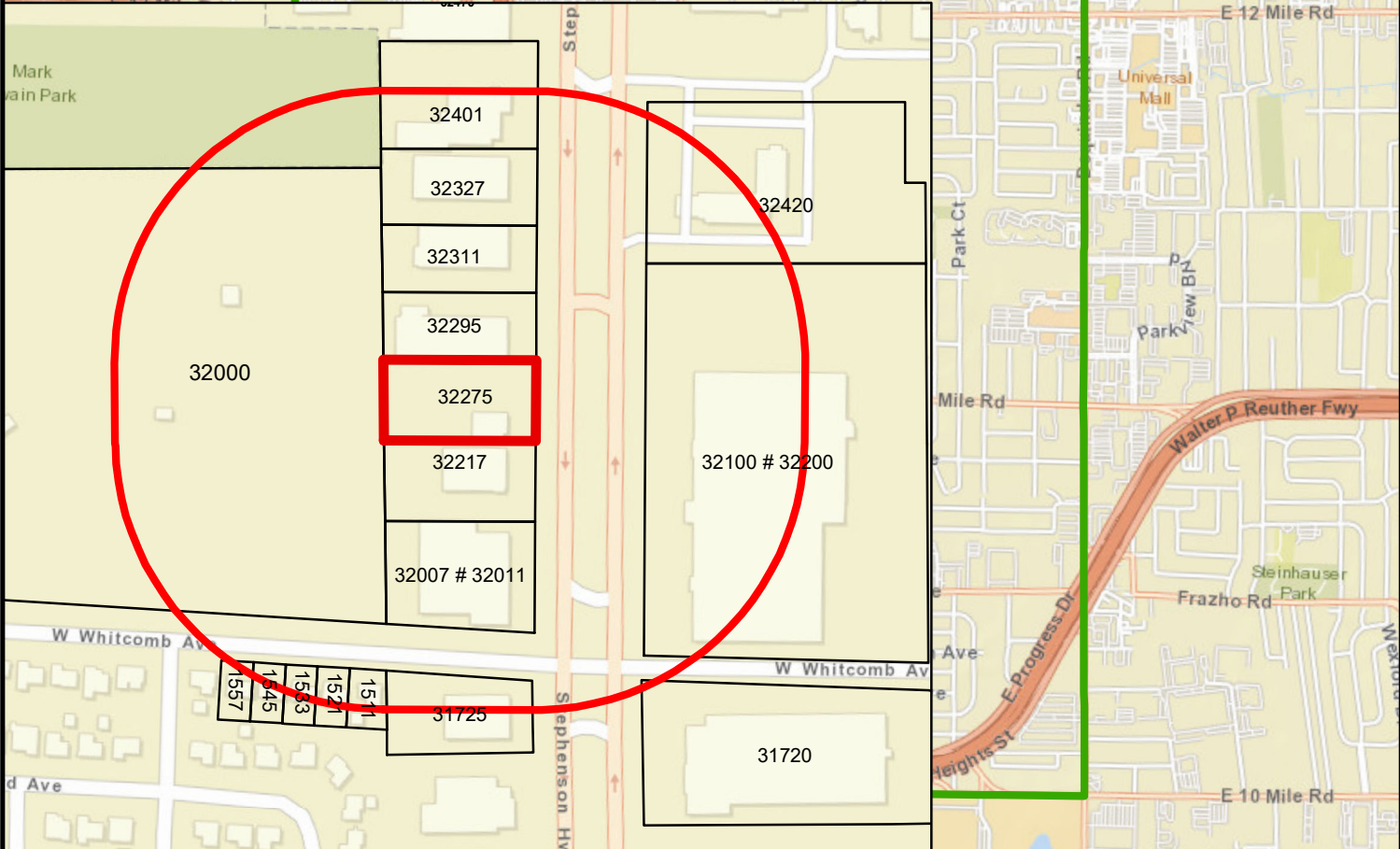
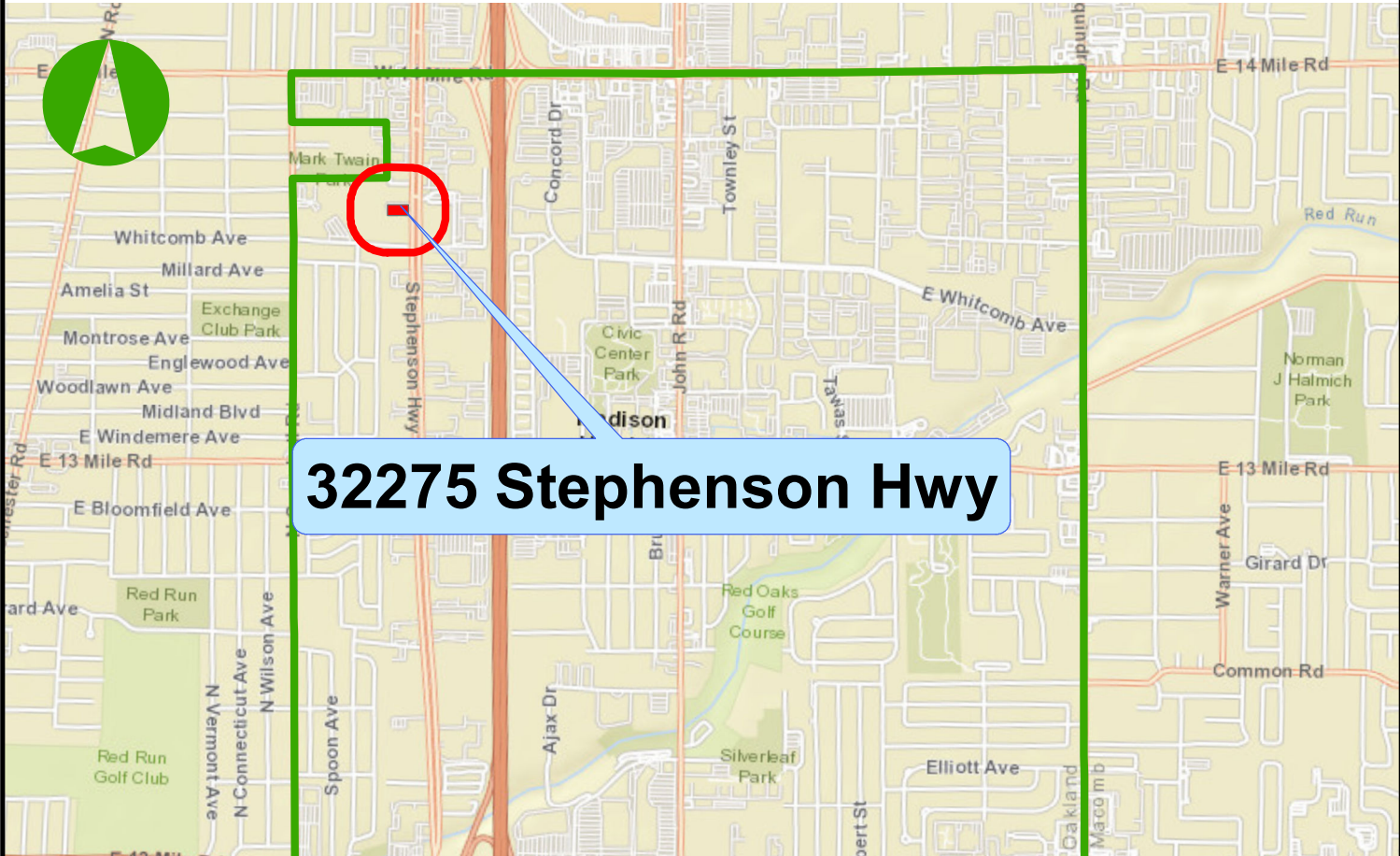
Future Land Use



- 32275 Stephenson Hwy
- Parcels
- R-2 Residential
- Buildings
- M-2 Heavy Industrial
- M-1 Light Industrial

- 32275 Stephenson Hwy
- Parcels
- Public and Schools
- Industrial

PRZN 24-01: 32275 Stephenson Hwy Buffer: 500 FT





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
ZONING MAP AMENDMENT (REZONING) APPLICATION

I. APPLICANT INFORMATION

Applicant Ahmad Nassar / Detroit 75 Kitchen
Applicant Address 4800 West Fort Street
City Detroit State MI ZIP 48209
Interest in Property (owner, tenant, option, etc.) Next Owner
Contact Person Ahmad Nassar
Telephone Number 313-587-1862 Email Address ahmad@detroit75.com

II. PROPERTY INFORMATION

Property Address(es) 32275 Stephenson Hwy
Tax ID(s) 25-02-101-036 Zoning District M-1 Light Industrial District
[PROVIDE SURVEYS AND LEGAL DESCRIPTIONS OF ALL PROPERTIES ON SEPARATE SHEETS]
Owner Name (if different than applicant) Raghunath Singh
Address 5249 Orchard Ridge Dr
City Rochester State MI Zip 48306
Telephone Number (248) 925-7261 Email Address singh.rs05@gmail.com

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name _____ Company _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Email Address _____

IV. NATURE OF REQUEST

- Standard Rezoning
- Rezoning with Conditions

Current Zoning Designation M1 - Light Industrial Proposed Zoning Designation MUI-2 Mixed Use Innovation

V. PROJECT DESCRIPTION AND SCOPE OF WORK

Brief description explaining need for proposed map amendment:

Please see attached document for response.

Required Attachments:

- Plot Plan/Survey** specifying the boundaries of the site, with legal descriptions of all properties subject to the request.
- Review Standards Response Form** (Standard Rezoning or Rezoning with Conditions Form)
- For Rezoning with Conditions Only:** Rezoning with Conditions Agreement and, if proposed, Rezoning with Conditions Site Plan

VI. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Map Amendment application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s).

Printed Name Ahmad Nassar Signature _____ Date 10/17/204

VII. PROPERTY OWNER CERTIFICATION

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name Notarized Letter of Authorization Attached Signature _____ Date _____

Notary for Property Owner:

Subscribed and sworn before me, this ___ day of _____, 20__.

Notary Stamp

A Notary Public in and for _____ County, Michigan.

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]	
FILING FEE (\$1,500): _____	REZONING NO.: PRZN # _____
DATE APPLICATION RECEIVED: _____	RECEIVED BY: _____

STANDARD REZONING: RESPONSE FORM

Section 15.07.3.B of the Zoning Ordinance contains review standards/ criteria for standard map amendments. Please provide responses to the following review standards for consideration by staff, the Planning Commission, and City Council. (Provide additional sheets, if necessary).

- A. Describe how the site’s physical, geological, hydrological and other environmental features are compatible with the uses permitted in the proposed zoning district.

Please see attached document for responses.

- B. Describe how the uses permitted in the proposed zoning district are compatible with surrounding uses and zoning districts in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

Please see attached document for responses.

- C. Describe how the proposed zoning district is compatible with the goals, policies and objectives of the Madison Heights Master Plan (including the Future Land Use Plan) and any sub-area or corridor plans. If conditions have changed since such plans were adopted, describe how the proposed rezoning is consistent with recent development trends.

Please see attached document for responses.

- D. Describe how the boundaries of the requested zoning district will be reasonable in relationship to surrounding districts and explain how construction on the site will be able to meet the dimensional regulations of the proposed district.

Please see attached document for responses.

E. Describe how the requested zoning district is considered to be more appropriate for the site than the existing zoning district.

Please see attached document for responses.

F. If a rezoning is requested to allow for a specific use, explain why rezoning the land is considered to be a more appropriate mechanism than amending the list of permitted or special land uses in the current zoning district to allow the use.

Please see attached document for responses.

G. Describe how the requested rezoning will not create an isolated or incompatible zone in the neighborhood. Explain how the map amendment will not result in exclusionary zoning.

Please see attached document for responses.

H. Explain how the capacity of the street system will be able to safely and efficiently accommodate the expected traffic generated by the uses permitted in the requested zoning district.

Please see attached document for responses.

Notarized Letter of Authorization

To: The City of Madison Heights
Community & Economic Development Department

Subject: Authorization for Zoning Amendment Application Submission

I, **Raghunath Singh**, the current legal owner of the property located at **32275 Stephenson Highway, Madison Heights, Oakland County, MI**, hereby grant **Ahmad Nassar** the authority to submit The City of Madison Heights Zoning Amendment Application on my behalf.

Ahmad Nassar, along with an entity to be formed, is in the process of purchasing the above-listed property and is authorized to submit this application for review by the city.

Signatures:

Raghunath Singh
Signature: [Handwritten Signature]
Date: 10/17/2024

Ahmad Nassar
Signature: [Handwritten Signature]
Date: 10/17/2024

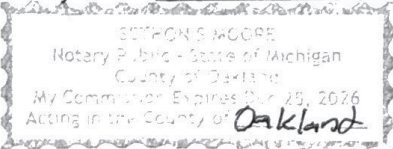
Notary Acknowledgment:

State of Michigan
County of Oakland

On this 17th day of Oct, 2024 ^{S.S.M}, before me personally appeared Raghunath Singh, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above instrument, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public, State of Michigan
Signature: [Handwritten Signature]
Date: 10/17/2024
My Commission Expires: 12/26/2026
Notary Seal: _____



TOPOGRAPHICAL SURVEY

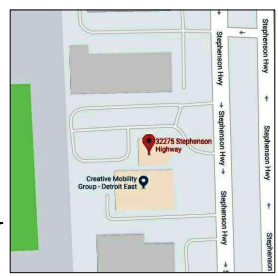
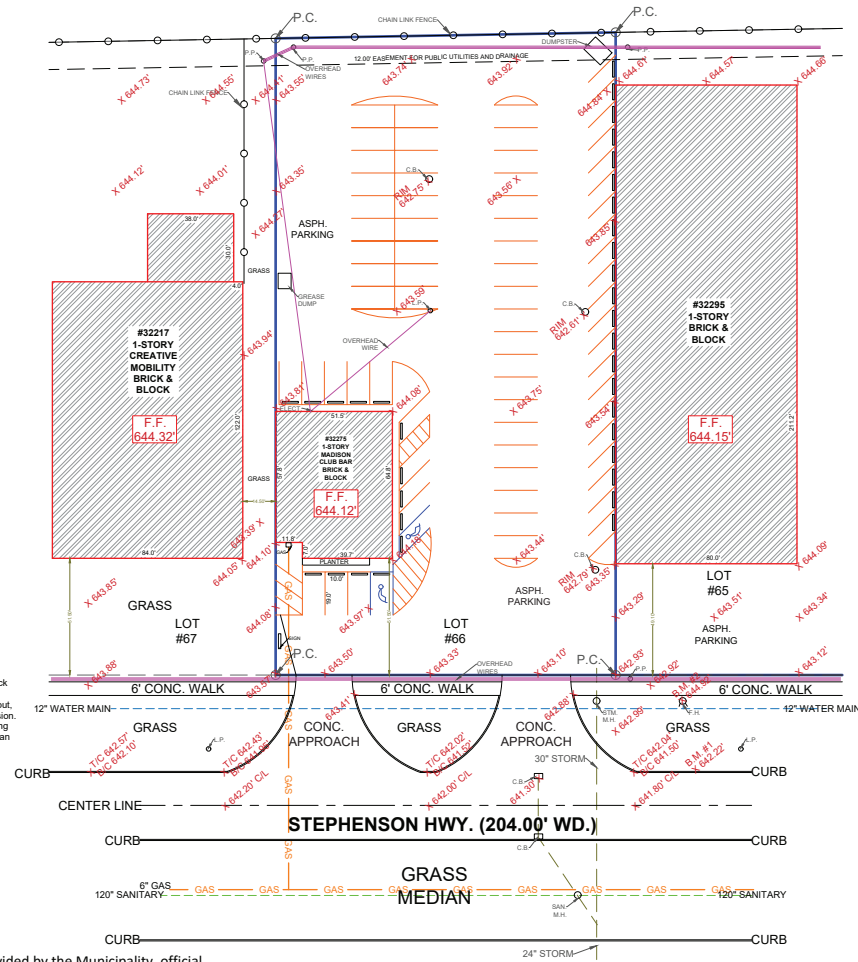
- LEGEND**
- STREET LIGHT
 - LIGHT POLE
 - HYDRAUNT
 - CLEANOUT
 - WATER VALVE
 - UTILITY MAIN HOLD
 - CATCH BASIN
 - PA, PROPERTY LINE
 - SETBACK LINE
 - FENCE LINE
 - WATER LINE
 - STORM LINE
 - SANITARY LINE
 - GAS LINE
 - P.C. PROPERTY CORNER
 - FOUNDATION
 - SET IRON
 - OVERHEAD WIRE
 - FOUNDATION
 - RECORD DATA
 - MEASURED DATA
 - CALCULATED DATA
 - (CAL) CENTERLINE
 - (TIC) TOP OF CURB
 - (B.C.) BOTTOM OF CURB
 - FINISHED FLOOR

ZONING AND SETBACK INFORMATION
 Zoning and Setback information was obtained from the Municipal Official, it is the clients responsibility to insure that this information is correct.

This Property is Zoned as:
 (M-1) Light Industrial

- Minimum Lot Size Per Dwelling Unit:** -----
- Maximum Height of Principal Structure:** -----
- Minimum Yard Setbacks**
- Front Yard: 40 feet (see foot note h)
 - Side Yard Least One: 50 feet (see foot note e, l, j)
 - Total two: 20 feet (see foot note i)
 - Rear Yard (see foot note j and l)
- Minimum Floor Area:** -----
- Maximum Percentage Of Lot Coverage:** -----

- Foot Notes:**
- (h) Planned development involving five acres or more under One ownership shall be subject to the approval of the Zoning board of appeals, after public hearing, regarding Modifications with respect to height regulations.
 - (i) Parking shall be prohibited within the required front yard setback. Parking shall be permitted in the front yard. In areas in excess of the required setback, after approval of the parking plan layout. Points of access and means of screening by the plan commission. The setback shall be measured from the nearest side of existing or proposed right-of-way lines as outlined in the city master plan Right-of-way plan.
 - (j) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property line abuts a residential district.



LOCATION MAP NOT TO SCALE

LEGAL DESCRIPTION (32275 Stephenson Hwy)

Lot 66 of MALLYS INDUSTRIAL SUBDIVISION No 2, City of Madison Heights, Oakland County, Michigan, As recorded in Liber 110, Pages 36, 37, and 38 of Plats, Oakland County Records. Parcel I.D. 25-02-101-036.



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 152, HAVE BEEN COMPLIED WITH.

William J. Coulter
 WILLIAM J. COULTER R.L.S. # 14760

CHECKED BY: SK	32275 Stephenson LLC	LAND S.E.A. SURVEY 2326 ROSEWOOD ST OAK PARK, MICHIGAN 48237 (506) 559-9990 (248) 981-7728 sea0730@yahoo.com
DATE: 6/12/2024		EXISTING TOPOGRAPHICAL SURVEY 32275 Stephenson Highway Madison Heights, Oakland County Michigan Job No 2024 0024
REVISED		

Note: Underground utility information was Provided by the Municipality, official.

No Guarantee can be made to the completeness of exactness of those records.

The contractor must verify the location of all leads and mains before construction.

FLOOD DATA: THIS PROPERTY IS LOCATED IN ZONE X OF THE FLOOD HAZARD MAPS, MAP 2620C0303 WHICH HAS AN EFFECTIVE DATE OF 09/29/2006 AND THAT THIS PROPERTY IS NOT LOCATED IN A DANGER FLOOD HAZARD AREA.

STANDARD REZONING: RESPONSE FORM

City of Madison Heights Community & Economic Development Department

Brief description explaining need for proposed map amendment.

The proposed map amendment seeks to rezone the property from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) to support a \$1.3 million investment in Madison Heights. This change will allow a food truck to operate during property renovations for a full-service restaurant, aligning with the city's goals for vibrant, mixed-use areas. The rezoning enables both short-term and long-term business plans, fostering economic growth and enhancing community value.

Describe how the site's physical, geological, hydrological, and other environmental features are compatible with the uses permitted in the proposed zoning district.

The property is well-suited for rezoning to MU2 (Mixed Use Innovation District 2) based on its physical, geological, and environmental characteristics:

- Physical Features: Existing infrastructure supports both short-term food truck use and long-term restaurant development.
- Geological and Hydrological Features: No significant concerns or risks that would impact development. Proper stormwater drainage systems are in place.
- Environmental Compatibility: No constraints hindering development. Aligns with Madison Heights' sustainability goals through efficient land use and walkability promotion.

These features ensure the site is fully compatible with MU2 zoning and the city's goals for creating dynamic, mixed-use spaces.

Describe how the uses permitted in the proposed zoning district are compatible with surrounding uses and zoning districts in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

The proposed rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) is highly compatible with surrounding uses and zoning districts:

- Land Suitability and Use: MU2 zoning aligns with nearby industrial and business areas. The restaurant and food truck operations support local businesses without disrupting the industrial character.

- Density and Traffic: Moderate density maintains balance with the existing layout. Traffic increase will be minimal, primarily serving nearby workers and utilizing existing infrastructure.
- Environmental Impact: Minimal impact due to existing infrastructure. MU2 zoning promotes sustainable practices and efficient land use.
- Aesthetics and Infrastructure: MU2 design standards will enhance the property's visual appeal. Existing utilities support both short-term and long-term uses.
- Property Values: The rezoning and new restaurants will likely positively influence area property values, attracting visitors and encouraging further development.

This rezoning aligns with Madison Heights' goals for creating dynamic, attractive, and economically viable mixed-use spaces.

Describe how the proposed zoning district is compatible with the goals, policies and objectives of the Madison Heights Master Plan (including the Future Land Use Plan) and any sub-area or corridor plans. If conditions have changed since such plans were adopted, describe how the proposed rezoning is consistent with recent development trends.

The proposed rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) aligns with the Madison Heights Master Plan:

1. Master Plan Goals: Supports creating vibrant, mixed-use environments that foster economic development and community engagement. The project integrates commercial uses (restaurant and food truck) with community spaces, promoting the "third place" concept and adaptive reuse of existing buildings.
2. Future Land Use Plan: Contributes to the vision of mixed-use developments in key areas, allowing flexible land use that blends commercial and light industrial uses. The property's location is ideal for transitioning to mixed-use, improving the area's character.
3. Sub-Area and Corridor Plans: Enhances pedestrian connectivity and economic diversity, particularly along commercial corridors. Supports streetscape improvements and business growth.
4. Adaptation to Changing Conditions: Reflects the shift towards mixed-use innovation and flexible business models, aligning with the Economic Development Plan's focus on innovative business uses and local enterprise retention.

This rezoning will capitalize on recent development trends towards mixed-use spaces, ensuring the property contributes to Madison Heights' strategy for modern, sustainable development and catalyzing further investments in the area.

Describe how the boundaries of the requested zoning district will be reasonable in relationship to surrounding districts and explain how construction on the site will be able to meet the dimensional regulations of the proposed district.

The proposed rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) is reasonable and appropriate for the following reasons:

1. **Surrounding Context:** The area already contains several MU2-zoned properties, making this rezoning a natural extension of the existing pattern.
2. **Consistency with Vision:** The change supports the area's evolution towards a vibrant, mixed-use corridor, enhancing its appeal for workers and residents.
3. **Dimensional Compliance:** The property has ample space to meet MU2 zoning requirements for setbacks, lot coverage, building height, and parking. The existing layout can accommodate both the short-term food truck operation and long-term restaurant use while complying with MU2 design standards.

This rezoning would ensure harmony with surrounding districts and support Madison Heights' vision for well-planned, sustainable growth.

Describe how the requested zoning district is considered to be more appropriate for the site than the existing zoning district.

The requested rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) is more appropriate for the site for the following reasons:

- **Alignment with Intended Use:** MU2 zoning is designed for mixed-use purposes, better fitting both the restaurant and food truck operations. Unlike M-1, it permits temporary food truck operation, critical for business continuity during renovations.
- **Compatibility with Surroundings:** The property is located in an area where MU2 is already present, creating a more cohesive fit with nearby developments and supporting the area's transition toward mixed-use innovation.
- **Flexibility and Economic Potential:** MU2 provides more flexibility for future development and adaptations, allowing for diverse and innovative uses. This aligns with the city's goals of business growth and community engagement, enhancing the property's economic potential beyond what M-1 zoning allows.

Overall, MU2 zoning better supports the property's intended use, fits the surrounding context, and aligns with Madison Heights' vision for sustainable, community-centered development.

If rezoning is requested to allow for a specific use, explain why rezoning the land is considered to be a more appropriate mechanism than amending the list of permitted or special land uses in the current zoning district to allow the use.

Rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) is more appropriate than amending M-1 permitted uses for the following reasons:

1. **Comprehensive Alignment:** MU2 zoning supports the broader goal of creating a dynamic, mixed-use space, aligning with Madison Heights' Master Plan. Amending M-1 would only address the food truck issue without supporting the overall vision.
2. **Flexibility for Future Growth:** MU2 allows for a wider range of uses and future expansion possibilities, whereas amending M-1 would provide only a limited, short-term solution.
3. **Consistency with Surroundings:** Rezoning to MU2 ensures harmony with nearby mixed-use properties, contributing to a unified district vision.
4. **Targeted Solution:** Rezoning this specific property avoids broader changes to M-1 zoning that could affect other industrial areas undesirably.

In summary, rezoning to MU2 better supports the city's long-term vision, allows for growth and flexibility, and maintains consistency with surrounding developments.

Describe how the requested rezoning will not create an isolated or incompatible zone in the neighborhood. Explain how the map amendment will not result in exclusionary zoning

The requested rezoning from M-1 (Light Industrial) to MU2 (Mixed Use Innovation District 2) will not create an isolated or incompatible zone for the following reasons:

1. **Compatibility with Surrounding Zones:** The area already includes MU2-zoned properties, making this rezoning a natural extension of the existing pattern. The property will integrate seamlessly into the broader mixed-use district, aligning with the city's Master Plan for mixed-use development.
2. **Inclusive Zoning:** MU2 zoning allows for a broader range of uses, supporting the city's goal of fostering diverse, multi-functional spaces. This rezoning enhances access to amenities for local workers and residents, creating a more inclusive environment that aligns with the city's objectives of business retention, community engagement, and economic diversity.
3. **Harmonious Coexistence:** The MU2 district allows for light industrial uses alongside commercial and retail, ensuring compatibility with nearby industrial properties and maintaining the area's character.
4. **Community-Oriented Development:** The rezoning will create a community-focused business, offering spaces for workers and residents to gather, dine, and interact. This promotes the city's vision of vibrant, mixed-use areas serving both economic and social purposes.

By enabling a variety of developments that meet the broader community's needs, the mixed-use nature of MU2 zoning inherently prevents exclusionary practices and fosters an integrated, diverse neighborhood.

Explain how the capacity of the street system will be able to safely and efficiently accommodate the expected traffic generated by the uses permitted in the requested zoning district

The street system around the property can safely and efficiently accommodate the traffic expected from uses permitted in the requested MU2 (Mixed Use Innovation District 2) zoning district:

1. **Existing Roadway Infrastructure:** The property is well-served by major thoroughfares, including I-75 and 14 Mile Rd, providing convenient access for workers and visitors. These roads are designed to handle significant traffic volumes. The site's location along Stephenson Hwy, a major commercial corridor, ensures it can accommodate the mix of traffic generated by MU2 uses.
2. **Traffic Generation:** MU2-permitted uses, such as restaurants and small-scale commercial operations, typically generate moderate levels of traffic within local street capacity. Peak times for the restaurant and food truck will likely coincide with meal periods, generally not overlapping with nearby businesses' peak commuting hours, helping distribute traffic more evenly throughout the day.
3. **Pedestrian and Alternative Transportation:** MU2 zoning encourages walkable spaces, reducing reliance on vehicle traffic. Many nearby workers and residents can access the site by foot or bicycle, easing demand on the street system.
4. **Safety and Traffic Flow:** The property has ample onsite parking, preventing overflow onto local streets and ensuring safe, efficient traffic flow. The site layout allows for the safe movement of both vehicles and pedestrians, minimizing potential congestion.

The traffic impact will be minimal compared to other MU2-permitted commercial uses and can be safely managed by the existing infrastructure without major modifications.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Planning Commission** for the City of Madison Heights will hold a public hearing on **Tuesday, November 28, 2024 at 5:30 p.m.** in the City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48070 to consider the following rezoning requests:

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Item 2.

Request No. PRZN 24-01 by Ahmad Nassar d/b/a Detroit 75 Kitchen, 4800 West 13 Mile Road, Detroit, MI 48209 on behalf of property owner Raghunath Singh, to rezone one (1) parcel of land located at 32275 Stephenson Highway (TM# 44-25-02-101-36) from M-1, Light Industrial district, to MUI-2, Mixed-Use Innovation 2 district.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community and Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC
City Clerk
(248) 583-0826

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

- (1) Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
- (2) Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.

- 3. **Use Variances Prohibited.** The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district. However, the Zoning Board of Appeals may consider expansions or alterations of non-conforming uses in accordance with [Section 13.01](#).
- 4. **Approval Period.**
 - A. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
 - B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
- 5. **Appeals of Decisions to Circuit Court.** The decision of the ZBA shall be final. An appeal of a decision of the Zoning Board of Appeals shall be taken to the Oakland County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material, and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the ZBA. As a result of this review required by this Section, the court may affirm or modify the decision of the ZBA.
- 6. **Resubmittal.** No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 15.07 Zoning Ordinance Amendments (Map and Text)

The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, Planning and Zoning Administrator, other City Staff, or any interested person or organization.

1. **Application for Amendment.** An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Community and Economic Development Department on the forms provided by the Department and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning and Zoning Administrator, Planning Commission, and City Council may request additional information with the application.
2. **Amendment Review Procedures.** The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Article and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
 - A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to the Technical Review Committee for review, comment, and recommendations. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated city consultants for review.
 - B. **Public Hearing.** A public hearing shall be held at a Planning Commission meeting in accordance with [Section 15.01](#)
 - C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Council.
 - D. **City Council Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. City Council may, but is not required to, hold an additional public hearing. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
3. **Standards of Review for Amendments.**
 - A. **Text Amendments.** In considering any petition for an amendment to the text of this Ordinance, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
 - (1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
 - (2) Consistency with the basic intent and purpose of this Zoning Ordinance.
 - (3) Consideration of changing conditions since the Zoning Ordinance was adopted or a finding that there is an error in the Zoning Ordinance that justifies the amendment.
 - B. **Map Amendments.** In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.
 - (1) Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
 - (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

- (3) Consistency with the goals, policies and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
- (4) The boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- (5) The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.
- (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- (9) That the amendment will not be expected to result in exclusionary zoning.

C. **Rezoning with Conditions.** The Planning Commission and City Council recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(1) **Authorization and Eligibility.**

- (a) The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with the submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.
- (b) In order to be eligible for consideration of a Rezoning with Conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a Rezoning with Conditions Agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:
 - (i) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.
 - (ii) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.
 - (iii) Preservation of open space, natural resources and/or natural features.
 - (iv) Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.
 - (v) Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City Ordinance.
 - (vi) Limitations on permissible uses of the property.
 - (vii) Any other conditions that may be voluntarily proposed by the property owner.

(2) **Application and Review Procedures.**

- (a) Application.

- (i) At the time of making application for amendment of this ordinance seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a Rezoning with Conditions to apply in conjunction with the rezoning.
 - (ii) The application, which may be amended by the applicant during the process of consideration, shall specify the Rezoning Conditions proposed by the applicant, recognizing that Rezoning Conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
 - (iii) An application for a Rezoning with Conditions shall include a Rezoning with Conditions Agreement (“the Agreement”). The Agreement shall set forth the rezoning conditions and may incorporate a Rezoning with Conditions Plan.
 - (iv) The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.
- (b) Technical Review Committee Review. The proposed Rezoning with Conditions will become an agenda item for the Technical Review Committee, with comments forwarded to the Planning Commission.
- (c) Planning Commission Review.
- (i) The proposed Rezoning with Conditions shall be noticed for public hearing in accordance with [Section 15.01](#) before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance.
 - (ii) Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed Rezoning with Conditions.
- (d) City Council Review. Upon recommendation by the Planning Commission, the City Council shall make a final determination to approve or deny the Rezoning with Conditions as offered by the applicant. The City Council may only consider the conditions offered by the applicant and may not attach any other conditions to the rezoning other than those offered by the applicant. Any new conditions voluntarily offered by the applicant shall require Planning Commission review and a new public hearing. The City Council’s deliberations shall include, but not be limited to, a consideration of the review criteria for a Rezoning with Conditions.
- (3) **Review Criteria.** A Rezoning with Conditions shall only be approved if it meets the following requirements and standards:
- (a) The proposed Rezoning with Conditions will further the goals and objectives of the City Master Plan.
 - (b) Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement).
 - (c) The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:
 - (i) Development and use of the property shall be subject to the more restrictive requirements shown or specified in the Rezoning with Conditions Agreement, and/or in other conditions and provisions set forth in the Rezoning with Conditions Agreement required as part of the Rezoning with Conditions approval. Such Rezoning with Conditions Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
 - (d) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.
 - (e) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Conditions. In determining whether approval of a proposed application would be in the public interest, the benefits

which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

- (f) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.
 - (g) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.
 - (h) The offered condition(s) are beneficial to the public good and likely to be enforceable.
 - (i) The condition does not have the same effect as a use variance.
 - (j) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.
- (4) **Effect of Approval.** Approval of the Rezoning with Conditions and Rezoning with Conditions Agreement confirms only the rezoning of the property, subject to any conditions reflected in the Rezoning with Conditions Agreement. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The Zoning Map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Neighborhood Business District (CR, Rezoning with Conditions)", with a Zoning Map Designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set forth in the Rezoning with Conditions Agreement. No development or use of the land inconsistent with the conditions of the Rezoning with Conditions Agreement shall be permitted.

(5) **Compliance with Conditions.**

- (a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Rezoning with Conditions Agreement. Any failure to comply with a condition contained within the Rezoning with Conditions Agreement shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (b) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Rezoning with Conditions Agreement.

(6) **Period of Approval.**

- (a) The Rezoning with Conditions and Agreement shall expire after a period of one (1) year from the effective date of the Rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two (2) years unless development of the property is substantially begun within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
- (b) In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one (1) year and bona fide development has not commenced within two (2) years from the effective date of the rezoning, the Rezoning with Conditions and the Rezoning with Conditions Agreement shall be void and of no effect.
- (c) The property owner may apply for a one (1) year extension two (2) times. The request must be submitted to the Community and Economic Development Department before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Council finds that there has not been a change

in circumstances that would render the Rezoning with Conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

- (d) An extension request shall be considered by the City Council following a recommendation by the Planning Commission.
 - (e) If the Rezoning with Conditions becomes void in the manner provided in this section, the following procedures shall apply:
 - (i) The property owner may seek a new rezoning of the property within thirty (30) days of the expiration of the period of approval.
 - (ii) If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.286i (as amended). The City Council shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Ordinance.
 - (iii) Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.
- (7) **Rezoning with Conditions Agreement Requirements.** A Rezoning with Conditions Agreement shall be executed between the applicant and the City at the time of City Council approval of a Rezoning with Conditions.
- (a) Rezoning with Conditions Agreements shall, at a minimum, contain all of the following items:
 - (i) Identification of the requested zoning district and a listing of the conditions offered by the applicant.
 - (ii) A statement acknowledging that the Rezoning with Conditions was proposed by the applicant, and further agreement and acknowledgment that the conditions and Rezoning with Conditions Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.
 - (iii) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the Rezoning with Conditions Agreement.
 - (iv) Agreement and understanding that the approval and Rezoning with Conditions Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
 - (v) If the City Council grants an extension of approval, a new Rezoning with Conditions Agreement with the new expiration date shall be recorded.
 - (vi) Agreement and understanding that, if a Rezoning with Conditions becomes void, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
 - (vii) Agreement and understanding that each of the requirements and conditions in the Rezoning with Conditions Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - (viii) A legal description of the property affected by the Rezoning with Conditions.
 - (ix) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.
 - (x) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the Agreement. A Rezoning with Conditions Plan may be included as an exhibit to the Agreement.
 - (b) The Rezoning with Conditions Plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a Rezoning with Conditions Plan as an exhibit to a Rezoning with Conditions Agreement shall not replace the

requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

- (8) **Amendment of Rezoning with Conditions Agreement.** Amendment of a Rezoning with Conditions Agreement shall be proposed, reviewed and approved in the same manner as a new Rezoning with Conditions.
 - (9) **Recordation of Rezoning with Conditions Agreement.** A Rezoning with Conditions shall become effective following publication in the manner provided by law, and, after recordation of the Rezoning with Conditions Agreement, whichever is later.
 - (10) **Termination.** The City Council shall be the only body with the authority to terminate a Rezoning with Conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The Termination shall comply with any applicable provisions of this ordinance or the Rezoning with Conditions Agreement.
 - (11) **City Right to Rezone.** Nothing in the Rezoning with Conditions Agreement or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Rezoning with Conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.
 - (12) If land that is subject to a Rezoning with Conditions Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Rezoning with Conditions Agreement, the Rezoning with Conditions Agreement attached to the former zoning classification shall cease to be in effect.
4. **Notice of Adoption of Amendment.** Following adoption of an amendment by the City Council, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall include all of the following information:
- A. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Madison Heights."
 - B. In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

Section 15.08 Temporary Use Permits

1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of temporary use permits in the City of Madison Heights. Temporary use permits may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.
2. **Use-Specific Standards.** Temporary uses are subject to the use-specific standards of [Section 7.03\(43\)](#)
3. **Planning and Zoning Administrator/Technical Review Committee Review.** The Planning and Zoning Administrator may review and approve certain temporary uses addressed in Section 7.03(XXXX). The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Technical Review Committee or Planning Commission for review and approval.
4. **Planning Commission Review.** The Planning Commission shall review and act upon temporary use permit requests where the applicant seeks approval for a time period longer than otherwise allowed by [Section 7.03\(43\)](#) or for a temporary use not specifically permitted in [Section 7.03\(43\)](#) nor deemed similar by the Planning and Zoning Administrator; provided, that the temporary use complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.

Section 3.06 Permitted Use Table

Uses not listed in a particular Zoning District but permitted elsewhere in the Zoning Ordinance shall be considered prohibited in that Zoning District. However, the Planning and Zoning Administrator or their designee may determine that a use which is not specifically mentioned in this Ordinance is comparable to a permitted or prohibited use in any district, either by right or as a Special Land Use. The Planning and Zoning Administrator may refer a use interpretation to the Zoning Board of Appeals.

The City Center Zoning District is regulated in [City Center District, Section 6.02](#)

Key:

- P** = Principal Uses Permitted By-Right
- S** = Uses Permitted on Special Land Use Approval
- A** = Permitted as an Accessory Use
- P/S** = May be Permitted By-Right or as a Special Land Use. Refer to use-specific standards
- A+S** = Permitted as an Accessory Use upon Special Land Use Approval
- [blank]** = Not Permitted
- * = Refer to City Center, [Section 6.02](#), for additional use matrix based on building type.
- † = Only permitted in Primary Caregiver Marihuana Grow Overlay District, [Section 5.01](#)

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
	Residential Uses																
Accessory Dwelling Unit	A	A	A	A	A												7.03(1)
Detached One-Family Dwelling	P	P	P	P	P											S	7.03(10)
Townhomes, Attached One-Family Dwellings				P	P						P	P					7.03(45)
Duplexes				P	P												7.03(12)
Multiplexes				P	P												7.03(29)
Multi-Family Dwellings					P					P*		P					7.03(30)
Residential/Commercial Mixed-Use							P	P	P	P*	P	P					7.02(2)
Live/Work				S	S		P				P	P					7.03(23)
Manufactured Homes															P		3.12
Senior Housing, Assisted					S	S						S					7.03(41)
Senior Housing, Independent					P					P*		P					7.03(42)
Child Family Day Care Homes	P	P	P	P	P						P	P				P	7.03(7)
Child Group Day Care Homes	S	S	S	S	S						S	S				S	7.03(7)
Foster Care Family Homes	P	P	P	P	P						P	P				P	7.03(14)
Foster Care Group Homes	S	S	S	S	S						S	S				S	7.03(14)
Commercial Uses																	
Artist Studio						P	P	P	P	P*	P	P	P	P			
Auto Repair and Service (Minor)								S	P		S		S	S			7.03(2)
Auto Repair and Service (Major)								S	S		S		S	S			7.03(2)
Auto Sales (New and Used) and Rental								S	S		S	S	P/S	P/S			7.03(3)
Auto Wash								S									7.03(4)
Banquet/Assembly/Meeting Halls (less than 75 persons)						S	S	P	P	P/S*	P	P	P	P			7.03(5)
Banquet/Assembly/Meeting Halls (greater than 75 persons)								P	P	P/S*	S	P					7.03(5)
Bars and Taprooms							S	P	P	P/S*	P	P	P	P			
Business or Trade Schools						P	S	P	P	P*	S	P	P	P			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUJ-1	MUJ-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Child/Adult Day Care Center and Preschools	S	S	S	S	S	P	P	P	P	P*	S	P					7.03(6)
Commercial Kennels and Boarding Facilities								S	S			S	S	S			7.03(8)
Drive-Through Facilities						A+S	A+S	A	A		A+S	A					7.03(11)
Financial Institutions						P	P	P	P	P*	P	P	P	P			
Firearm Retail Sales								P	P				A	A			7.03(13)
Funeral Homes						S		S	S			S					7.03(15)
Gasoline/Recharging Stations								S	S								7.03(16)
General Retail, Small to Mid-Format (up to 30,000 sq. ft.)							P	P	P	P*	P	P					
General Retail, Large Format (>30,000 sq. ft.)								P	P		S	S					
Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.)							P	P	P	P/S*	P	P	S	S			7.03(17)
Home Improvement Centers and Garden Centers, Large Format (>30,000 sq. ft.)								P	P		S	S	S	S			7.03(17)
Hotels and Lodging Facilities								S	P	P/S*	S	P					7.03(20)
Incubator Kitchen or Catering Facility						S	P	P	P	P*	P	P	P	P			
Indoor Recreational Business							P/S	P	P	P/S*	P/S	P/S	P	P			7.03(21)
Indoor Shooting Range									S				S	S			7.03(22)
Medical Office						P	P	P	P	P*	P	P					
Microbreweries, Wineries and Distilleries							S	P	P	P*	P	P	P	P			
Mobile Food Court (Principal Use)										S*	S	S					7.03(27)
Mobile Food Site (Accessory Use)										A*	A	A					7.03(28)
Outdoor Dining and Seating						A	A	A	A	A*	A	A	A	A			7.03(31)
Outdoor Recreational Business								S	S			S					7.03(32)
Outdoor Sales and Display						A+S	A+S	A	A	A*	A	A	A	A			7.03(33)

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Personal Service Establishments						P	P	P	P	P*	P	P					
Pharmacy						P	P	P	P	P*	P	P					
Professional Office						P	P	P	P	P*	P	P	P	P			
Restaurant						P	P	P	P	P*	P	P	P	P			
Self-Storage Facility									S				S	S			7.03(40)
Tutoring and Instructional Services						P	P	P	P	P*	P	P					
Tobacco/Smoke Shop or Smoke Lounge								P	P	S*	S	P					7.03(44)
Theater							S	P	P	P*	P	P					
Veterinary Clinic or Animal Grooming						S	S	P	P	P*	P	P					7.03(46)
Industrial Uses																	
Artisan Manufacturing/Makerspace										P*	P	P	P	P			
Contractor's Office						P	P	P	P	P*	P	P	P	P			7.03(9)
Light Industrial, Assembly, Repair and Manufacturing											P		P	P			
Heavy Industrial, Assembly, Repair and Manufacturing														P			
Lumber Yard													S	S			7.03(17)
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.													S	S			
Research, Development and Testing Facilities										S*	P		P	P			
General Warehouse and Distribution											P		P	P			
Wholesale Sales/Retail									P		S	S	S	S			
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution								P	P	S*	S	P	P	P			
Incubator Workspaces								P	P	P*	P	P	P	P			
Yard Waste Transfer and Composting Facilities														S			
Junk, Tow, or Salvage Yard														S			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUJ-1	MUJ-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Recycling Drop Off Centers													S	S			
Recycling Transfer and Processing Facilities														S			
Public & Quasi-Public Uses																	
Hospital						S		S	S								7.03(19)
Public Library, Museum, Art Center, Community Center	S	S	S	S	S	P	P	P	P	P*	P	P	P	P	S	S	
Government Office Building/Courthouse/Public Police and Fire Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Post Office					P	P	P	P	P	P*	P	P	P	P			
Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	S	S	S	S	S	S	S	P	P	P*	P	P	P	P			7.03(39)
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	S	S	S	S	S			P	P	S*	S	P					7.03(39)
K-12 Schools, Public or Private	S	S	S	S	S	P	S	S	S	S*	S	S					
Institutions of Higher Learning						P	S	P	P	S*	P	P					
Public Parks	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Cemetery	S	S															
Essential Public Utility Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Other Uses																	
Accessory Buildings, Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	8.03
Temporary Buildings/Uses	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	7.03(43)
Home Occupation, Minor	A	A	A	A	A					A*	A	A			A	A	7.03(18)
Home Occupation, Major	A+S	A+S	A+S	A+S	A+S					A+S*	A+S	A+S			A+S	A+S	7.03(18)
Parking as a Principal Use	S	S	S	S	S	S	S	S	S	S*	S	S	S	S	S		7.03(34)
Regulated Uses								S	S								7.03(38)
Wireless Communication Facilities	Refer to Section 7.03(47)																
Medical Marihuana Caregiver											P ⁺	P ⁺	P ⁺	P ⁺			7.03(24)
Medical Marihuana and Adult Use Marihuana Safety Compliance Facility						P					P	P	P	P			7.03(25)

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUJ-1	MUJ-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Medical Marihuana and Adult Use Marihuana Facilities	Refer to Section 7.03(26)																

Section 3.17 M-1 Light Industrial District

PREAMBLE		
<p>The M-1 Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.</p>		
REQUIRED CONDITIONS		
<p>Any use established in the M-1 District shall be operated so as to comply with the performance standards set forth hereinafter in Article 9</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> • Artisan Manufacturing/Makerspace • Artist Studio • Auto Sales (New and Used) and Rental 7.03(3) • Banquet/Assembly/Meeting Halls (less than 75 persons) 7.03(5) • Bars and Taprooms • Business or Trade Schools • Contractor's Office 7.03(9) • Essential Public Utility Services • Financial Institutions • General Warehouse and Distribution • Government Office Building/Courthouse/Public Police and Fire Services • Incubator Kitchen or Catering Facility • Incubator Workspaces • Indoor Recreational Business 7.03(21) • Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution • Light Industrial, Assembly, Repair and Manufacturing • Medical Marihuana and Adult Use Marihuana Safety Compliance Facility 7.03(25) • Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) 7.03(24) • Microbreweries, Wineries and Distilleries • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center • Public Parks • Religious Institutions, Private Clubs, and Lodges (less than 75 persons) 7.03(39) • Research, Development and Testing Facilities • Restaurant • Temporary Buildings and Uses 7.03(43) 	<ul style="list-style-type: none"> • Auto Repair and Service (Major) 7.03(2) • Auto Repair and Service (Minor) 7.03(2) • Auto Sales (New and Used) and Rental 7.03(3) • Commercial Kennels and Boarding Facilities 7.03(8) • Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment. • Home Improvement Centers and Garden Centers, Small and Mid-Format (up to 30,000 sq. ft.) and Large-Format (>30,000 sq. ft.) 7.03(17) • Indoor Shooting Range 7.03(22) • Lumber Yard 7.03(17) • Parking as a Principal Use 7.03(34) • Recycling Drop Off Centers • Self-Storage Facility 7.03(40) • Wholesale Sales/Retail 	<ul style="list-style-type: none"> • Accessory Buildings, Structures and Uses Section 8.03 • Firearm Retail Sales 7.03(13) • Outdoor Dining and Seating 7.03(31) • Outdoor Sales and Display 7.03(33)

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	50 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	20 ft. (A)
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	40 ft. (A)
Min. Floor Area/Unit	--	Street Sides (ft.)	50 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	25 ft.
Max. Building Height (stories)			

Footnotes: Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.20 MUI-1 Mixed Use Innovation

PREAMBLE		
<p>The Mixed-Use Innovation-1 (MUI-1) District is established to promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The MUI-1 district is intended to provide for an eclectic mix of uses reflective of long-established development patterns at a pedestrian scale, including the adaptive reuse of existing, smaller industrial spaces into new commercial, residential, artisan industrial, and mixed-use projects. The MUI-1 district supports a variety of residential, commercial, and light industrial uses that are compatible with surrounding neighborhoods, and accounts for the appropriate mitigation of other potential adverse impacts on adjacent residential uses.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> • Artisan Manufacturing/Makerspace • Artist Studio • Banquet/Assembly/Meeting Halls (less than 75 persons 7.03(5)) • Bars and Taprooms • Child Family Day Care Homes 7.03(7) • Contractor’s Office 7.03(9) • Essential Public Utility Services • Financial Institutions • Foster Care Family Homes 7.03(14) • General Retail, Small to Mid-Format (up to 30,000 sq. ft.) • General Warehouse and Distribution • Government Office Building/Courthouse/Public Police and Fire Services • Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) 7.03(17) • Incubator Kitchen or Catering Facility • Incubator Workspaces • Indoor Recreational Business 7.03(21) • Institutions of Higher Learning • Light Industrial, Assembly, Repair and Manufacturing • Live/Work 7.03(23) • Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) 7.03(24) • Medical Marihuana and Adult Use Marihuana Safety Compliance Facility 7.03(25) • Medical Office • Microbreweries, Wineries and Distilleries • Personal Service Establishments • Pharmacy • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center • Public Parks 	<ul style="list-style-type: none"> • Auto Repair and Service (Major) 7.03(2) • Auto Repair and Service (Minor) 7.03(2) • Auto Sales (New and Used) and Rental 7.03(3) • Banquet/Assembly/Meeting Halls (greater than 75 persons) 7.03(5) • Business or Trade Schools • Child Group Day Care Homes 7.03(7) • Child/Adult Day Care Center and Preschools 7.03(6) • Drive-Through Facilities 7.03(11) • Foster Care Group Homes 7.03(14) • General Retail, Large-Format (>30,000 sq. ft.) • Home Improvement Centers and Garden Centers, Large Format (> 30,000 sq. ft.) 7.03(17) • Home Occupation, Major 7.03(18) • Hotels and Lodging Facilities 7.03(20) • Indoor Recreational Business 7.03(21) • Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution • K-12 Schools, Public or Private • Mobile Food Court (Principal Use) 7.03(27) • Parking as a Principal Use 7.03(34) • Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) 7.03(39) • Tobacco/Smoke Shop or Smoke Lounge 7.03(44) • Wholesale Sales/Retail 	<ul style="list-style-type: none"> • Accessory Buildings, Structures and Uses Section 8.03 • Drive-Through Facilities 7.03(11) • Home Occupation, Major 7.03(18) • Home Occupation, Minor 7.03(18) • Mobile Food Site (Accessory Use) 7.03(28) • Outdoor Dining and Seating 7.03(31) • Outdoor Sales and Display 7.03(33)

<ul style="list-style-type: none"> • Religious Institutions, Private Clubs, and Lodges (less than 75 persons) 7.03(39) • Research, Development and Testing Facilities • Residential/Commercial Mixed-Use 7.02(2) • Restaurant • Temporary Buildings and Uses 7.03(43) • Theater • Townhomes, Attached One-Family Dwellings 7.03(45) • Tutoring and Instructional Services • Veterinary Clinic or Animal Grooming 7.03(46) 		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	—	Front Yard	Minimum: 0 ft. Maximum: 10 ft.
Min. Lot Width	—	Side Yard (interior)	0 ft (where sharing party wall); 5 ft. otherwise
Max. Lot Coverage	—	Side Yard (street)	Minimum: 5 ft.
Max. Building Height (ft.)	45 ft.	Rear Yard	5 ft. (alley-loaded); 15 ft. otherwise
Max. Building Height (stories)	4		

- Footnotes to Dimensional Regulations.** The following supplemental standards apply to the MUI-2 dimensional regulations:

 - Any portion of a building within twenty (20) feet of a residentially-zoned property shall not exceed twenty-five (25) feet in height. Each additional story above twenty-five (25) feet (up to fifteen (15) feet in height per story) shall be further stepped back a distance of ten (10) feet from this setback line.
 - Townhome structures are further subject to the dimensional standards of [Section 7.03\(45\)](#). Where the dimensional/design standards of the MUI-1 district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.
 - Rear yard setbacks may be reduced to 10 feet where alley loaded, or adjacent to E. Heights Street or the I-696 service drive, with the exception of footnote A above.
- Design Standards.** The following design standards apply to buildings and sites within the MUI-1 districts.

 - Façade Design.**

 - Large expanses of highly reflective wall surface material, including mirrored glass on exterior walls, are prohibited.
 - Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of 4 inches in depth a maximum of every 25 linear feet.
 - The ground floor of the front façade must maintain a minimum transparency of 30%, measured between 2 and 10 feet in height from grade.
 - Portions of the front façade at second floor or higher must maintain a minimum transparency of 15% of the wall area on each story.

- (5) Only the following principal exterior wall building materials shall be permitted:
- (a) Rock face block, natural finish.
 - (b) Solid brick or brick veneer.
 - (c) Portland Cement Stucco, natural finish.
 - (d) Decorative metal siding (up to 20% of total wall area)
 - (e) Finished Concrete (up to 20% of total wall area).
 - (f) Steel or painted wood windows and storefronts.
 - (g) Cedar lap siding and shingles, painted or stained.
 - (h) Painted wood trim.
 - (i) Limestone and terra cotta for decorative elements and trim
 - (j) Other principal materials which, at the determination of the Planning and Zoning Administrator, are compatible and consistent with the aforementioned materials in both appearance and quality.

B. Roof Design (flat roofs).

- (1) Green roof, blue roof, and white roof designs are encouraged.
- (2) Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.

C. Entrance Design.

- (1) Public entrances and primary building elevations must be oriented toward public streets or private streets. Main entrances to the building must be well defined.

D. Site Design. Parking areas shall be placed in the interior side yard or rear yard, per Section 10.01.

Section 3.21 MUI-2 Mixed Use Innovation District

PREAMBLE		
<p>The Mixed-Use Innovation-2 (MUI-2) District is established to promote the redevelopment of moderate to larger-scale regional commercial centers into walkable, compact developments featuring a cohesive mix of commercial, residential, and recreational land uses. MUI-2 development standards are intended to allow for the creation of integrated mixed-use, walkable districts, which prioritize pedestrian connectivity over vehicle circulation and parking. The MUI-2 district is also intended as an alternative format for larger-scale commercial uses than that of the Business (B) zoning districts.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> • Artisan Manufacturing/Makerspace • Artist Studio • Banquet/Assembly/Meeting Halls (greater than 75 persons) 7.03(5) • Banquet/Assembly/Meeting Halls (less than 75 persons) 7.03(5) • Bars and Taprooms • Business or Trade Schools • Child Family Day Care Homes 7.03(7) • Child/Adult Day Care Center and Preschools 7.03(6) • Contractor’s Office 7.03(9) • Essential Public Utility Services • Financial Institutions • Foster Care Family Homes 7.03(14) • General Retail, Small to Mid-Format (up to 30,000 sq. ft.) • Government Office Building/Courthouse/Public Police and Fire Services • Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) 7.03(17) • Hotels and Lodging Facilities 7.03(20) • Incubator Kitchen or Catering Facility • Incubator Workspaces • Indoor Recreational Business 7.03(21) • Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution • Institutions of Higher Learning • Live/Work 7.03(23) • Marihuana Safety Compliance Facility 7.03(25) • Medical Marihuana Caregivers (Primary Caregiver Marihuana Grow Overlay District only) 7.03(24) • Medical Office • Microbreweries, Wineries and Distilleries • Multi-Family Dwellings 7.03(30) • Personal Service Establishments • Pharmacy • Post Office 	<ul style="list-style-type: none"> • Auto Sales (New and Used) and Rental 7.03(3) • Child Group Day Care Homes 7.03(7) • Commercial Kennels and Boarding Facilities 7.03(8) • Foster Care Group Homes 7.03(14) • Funeral Homes 7.03(15) • General Retail, Large-Format (>30,000 sq. ft.) • Home Improvement Centers and Garden Centers, Large Format (> 30,000 sq. ft.) 7.03(17) • Home Occupation, Major 7.03(18) • K-12 Schools, Public or Private • Mobile Food Court (Principal Use) 7.03(27) • Outdoor Recreational Business 7.03(32) • Parking as a Principal Use 7.03(34) • Senior Housing, Assisted 7.03(41) • Wholesale Sales/Retail 	<ul style="list-style-type: none"> • Accessory Buildings, Structures and Uses Section 8.03 • Drive-Through Facilities 7.03(11) • Home Occupation, Major 7.03(18) • Home Occupation, Minor 7.03(18) • Mobile Food Site (Accessory Use) 7.03(28) • Outdoor Dining and Seating 7.03(31) • Outdoor Sales and Display 7.03(33)

<ul style="list-style-type: none"> Professional Office Public Library, Museum, Art Center, Community Center Public Parks Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) 7.03(39) Religious Institutions, Private Clubs, and Lodges (less than 75 persons) 7.03(39) Residential/Commercial Mixed-Use 7.02(2) Restaurant Senior Housing, Independent 7.03(42) Temporary Buildings and Uses 7.03(43) Theater Tobacco/Smoke Shop or Smoke Lounge 7.03(44) Townhomes, Attached One-Family Dwellings 7.03(45) Tutoring and Instructional Services Veterinary Clinic or Animal Grooming 7.03(46) 		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	–	Front Yard	Minimum: 10 ft. Maximum (arterial/collector streets only): 25 ft.
Min. Lot Width	–	Side Yard (interior)	0 ft (where sharing party wall); 5 ft. otherwise
Max. Lot Coverage	–	Side Yard (street)	5 ft.
Max. Building Height (ft.)	100 ft.	Rear Yard	15 ft.
Max. Building Height (stories)	10		

1. **Footnotes to Dimensional Regulations.** The following supplemental standards apply to the MUI-2 dimensional regulations:
 - A. Front setbacks of buildings shall be measured from an existing or new street right-of-way line (or to a line established 10' from existing service drive pavement edge).
 - B. Any portion of a building within twenty (20) feet of a residentially-zoned property shall not exceed twenty-five (25) feet in height. Each additional story up to fifteen (15) feet in height shall be further stepped back a distance of ten (10) feet from this setback line.
 - C. Townhome structures are further subject to the dimensional standards of [Section 7.03\(45\)](#). Where the dimensional/design standards of the MUI-2 district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.

2. **Design Standards.** The following design standards apply to buildings and sites within the MUI-2 districts.
- A. **Façade Design.**
- (1) Large expanses of highly reflective wall surface material, including mirrored glass on exterior walls, are prohibited.
 - (2) Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of 4 inches in depth a maximum of every 25 linear feet.
 - (3) The ground floor of the front façade must maintain a minimum transparency of 30%, measured between 2 and 10 feet in height from grade.
 - (4) Portions of the front façade at second floor or higher must maintain a minimum transparency of 15% of the wall area on each story.
 - (5) Only the following principal exterior wall building materials shall be permitted:
 - (a) Rock face block, natural finish.
 - (b) Solid brick or brick veneer
 - (c) Portland Cement Stucco, natural finish
 - (d) Decorative metal siding (maximum 20% of total wall area)
 - (e) Finished Concrete (maximum 20% of total wall area).
 - (f) Steel or painted wood windows and storefronts.
 - (g) Cedar lap siding and shingles, painted or stained.
 - (h) Painted wood trim.
 - (i) Limestone and terra cotta.
 - (j) Other principal materials which, at the determination of the Planning and Zoning Administrator, are compatible and consistent with the aforementioned materials in both appearance and quality.
- B. **Roof Design (flat roofs).**
- (1) Green roof, blue roof, and white roof designs are encouraged.
 - (2) Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- C. **Entrance Design.**
- (1) Public entrances and primary building elevations shall be oriented toward public streets or private streets. Main entrances to the building shall be well defined.
- D. **Site Design.** Parking areas shall be placed in the interior side yard or rear yard, per Section 10.01.
3. **New Street Standards.** Where new internal streets are proposed, the following standards shall apply:
- A. Street spacing max 500' o.c.
 - B. Allowable Right-Of Way widths: 66' to 100'.
 - C. Allowable pavement widths: 17' to 46'.
 - D. On-street parallel parking required. (For pavement less than 25' in width, one side parking shall be deemed sufficient).
 - E. Street trees shall be planted 40' to 66' o.c. at regular intervals.

- F. Multiple streets must be laid out forming an interconnected network of streets and blocks, block sizes max. 500' in any direction (measured to and from street centerlines).
- G. Sidewalks and curbs are required on both sides of new streets.
- H. New Cul-de-sacs shall be prohibited.
- I. New streets must terminate at other streets or extend to a lot line or development limit to accommodate off-site connections.

**MADISON HEIGHTS PLANNING COMMISSION
2025 MEETING SCHEDULE**

Third Tuesday of each month at 5:30 p.m. (unless otherwise noted or canceled)

Council Chambers – 300 W. 13 Mile Road (unless otherwise noted)
Madison Heights, MI 48071

MEETING DATE	APPLICATION DEADLINE (By close of business)	NOTICES PUBLISHED
January 21 st	TBD	TBD
February 18 th	TBD	TBD
March 18 th	TBD	TBD
April 15 th	TBD	TBD
May 20 th	TBD	TBD
June 17 th	TBD	TBD
July 15 th	TBD	TBD
August 19 th	TBD	TBD
September 16 th	TBD	TBD
October 21 st	TBD	TBD
November 18 th	TBD	TBD
DECEMBER – NO MEETING	TBD	TBD

Adopted: _____

FOR AN OPEN HOUSE

Join us Thursday

6-7:30PM

What would make Southeast Oakland
County streets safer for pedestrians,
bicyclists, transit riders, and drivers?

Thursday, November 21 at 6pm
Madison Heights Active Adult Center
260 W 13 Mile Rd, Madison Heights, MI 48071