CITY OF MADISON HEIGHTS

CITY HALL - COUNCIL CHAMBERS, 300 W. 13 MILE RD.

CITY COUNCIL REGULAR MEETING AGENDA

MAY 13, 2024 AT 7:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILMAN MIER

APPROVAL OF THE AGENDA:

1. Additions/Deletions

PRESENTATIONS

2. 2024 National Police Week Proclamation

PUBLIC HEARINGS:

3. City Manager/Finance Director - Public Hearing for Fiscal Year 2025 Budget Resolution and Tax Levy
4. CED Director - Ordinance 2198 - New Zoning Ordinance and Zoning Map, Second Reading and Public Hearing
5. CED Director - Special Approval PSP 24-02 - Sheetz Gasoline Service Station - 30901 Dequindre Road

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE

MEETING OPEN TO THE PUBLIC:

CONSENT AGENDA:

6. Director of Public Services - 2024 National Public Works Week
7. Director of Public Services - 2024-25 Stormwater Services Proposal
8. Fire Chief - 2024 Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202 Interlocal Agreement
9. City Manager - Membership - Michigan Municipal Association for Utility Issues - MI-MAUI
10. City Council Regular Meeting Minutes of April 15, 2024

COMMUNICATIONS:

REPORTS:

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

11. City Manager - Civic Center Park Bandshell

ORDINANCES:

12. CED Director - Ordinance 2199 - Rezoning PRZN 23-02 - 1035 W. 12 Mile [B-3 to M-1], First Reading

UNFINISHED BUSINESS:

EXECUTIVE SESSION:

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.

DATE: May 8, 2024

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments - Regular Council Meeting of Monday, May 13, 2024

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, May 13, 2024.

PRESENTATIONS:

2024 NATIONAL POLICE WEEK PROCLAMATION

Congress and President of the United States have designated May 15th as Police Officers Memorial Day, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. The week in which it falls as Police Week and, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe May 12-18, 2024, as police week to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens. Police Chief LeMerise will be present to accept the Proclamation.

PUBLIC HEARINGS:

FISCAL YEAR 2025 BUDGET RESOLUTION AND TAX LEVY

This public hearing is scheduled to receive public comments on the Proposed Budget, to appropriate funds, to establish the tax levy for the budget appropriations, and to approve changes to water and wastewater fees and department fees. Although the City has the ability to levy 25.9381 mills, this budget is supported by a tax rate of 25.4572 mills for FY 2025. The proposed tax rate is a reduction from FY 2024, when the city rate was levied at 25.5288 mills. This budget also includes a 4.02% increase in water and Sewer rates, which are a pass-through of the rate increases from GLWA and GWK treatment. Pursuant to Section 8.4 of the City's Charter, a resolution has been drafted which, if approved, will adopt the FY 2025 Budget, appropriate funds, levy the property tax, and approve several fee adjustments.

Following the public hearing, staff recommends that Council approve the FY 2025 Budget Resolution.

SPECIAL APPROVAL PSP 24-02 – SHEETZ GASOLINE SERVICE STATION - 30901 DEQUINDRE ROAD

The applicant, Skilken Gold LLC/MC Development Holdings, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under Section

10.319(2) of the Madison Heights Zoning Ordinance, "gasoline service stations." The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant at the subject property, located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008. The property is zoned B-1, Local Business District.

At the guidance of staff, the applicant voluntarily presented the development concept to the Planning Commission at their November 21st, 2023 meeting for preliminary feedback prior to submittal. The Planning Commission's informal concerns and comments are summarized as follows:

- Concerns about 24-hour operation relating to impacts on the adjacent residential properties (impacts such as noise, light, and increased traffic), including the proximity of the gas pump canopy to the west property line.
- Discussion on whether the proposed use meets the goals and objectives of the City's Master Plan.
- Concerns about adding another gas station/vehicular-oriented business at the intersection.
- Questions pertaining to the length of the land lease.
- Questions pertaining to accommodating electric vehicle charging.
- Concerns about potential pollution.

The applicant has attempted to respond to several of these concerns in their formal submittal. For example, the applicant has rotated the locations of the convenience store and fuel pumps so that the convenience store acts as a screen between the fuel pumps/canopy and the adjacent residential condominiums. The locations of parking spaces and the dumpster enclosure have been shifted away from the condominiums to the west. Additionally, the applicant has provided a traffic study, noise study, and air emissions study.

While the required screen wall greenbelt will offset some visual impacts, staff echoes the Planning Commission's concerns regarding the proximity of a 24-hour fuel station/convenience store immediately adjacent to residential land uses and residential zoning. This is especially concerning given that the proposed development directly goes against the use-specific standard of Section 10.319(2)(c) which prohibits gas service stations adjacent to residential. Staff also questions whether a 24-hour fuel station and convenience store meets the intent of the B-1, Local Business district, which is to "meet the day-today convenience shopping and service needs of persons residing in adjacent residential areas." uses permitted by-right within the B-1 district are primarily neighborhood-oriented, including groceries, bakeries, hardware stores, beauty salons, restaurants, and professional offices.

Staff has previously expressed concerns about the proliferation of new auto-oriented uses and businesses within the city; these are uses that primarily focus on, or are explicitly designed to provide, services for customers in vehicles. Auto-oriented uses conflict with the Master Plan's goals for walkable corridors and transportation networks. While the convenience store component is not by itself auto-oriented (and is a use permitted by-right), its placement and orientation on the property in combination with the fuel pumps presents a site design that is not particularly friendly, comfortable, nor safe for customers outside of a vehicle.

Staff notes that there are six (6) existing gas stations along the two-mile stretch of 13 Mile Road between John R and Ryan Roads, two of which are located at the intersection of 13 Mile and Dequindre. Including the two gas stations at the intersection, there are seven (7) existing gas stations along the two-mile stretch of Dequindre Road between 12 and 14 Mile; this amounts to eleven (11)

existing gas stations within one linear mile of the subject site. Within the four (4) square miles, there are nineteen (19) existing gas stations (4.75 gas stations per square mile).

Further, the draft of the new Zoning Ordinance and Zoning Map, scheduled for a final public hearing at this meeting, has the subject property zoned as B-1, Neighborhood Business district. Within the new Zoning Ordinance, gasoline stations are no longer listed as a permitted or special land use in the B-1 district. Therefore, if both the proposed application and new Zoning Ordinance/Map are approved as presented, the gas station, once developed, would become a legally non-conforming use.

If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the B-1 zoning district and the spirit of the Zoning Ordinance:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(c), "the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district."
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Any action (approval or denial) taken should include precise findings based upon the Special Approval Review standards and criteria.

ORDINANCE NO. 2198, NEW ZONING ORDINANCE AND ZONING MAP, SECOND READING

On March 19th, 2024, City Council and the Planning Commission held a joint public hearing to discuss the complete draft of the new Zoning Ordinance and Map. At this meeting, staff and the City's planning consultants (McKenna) highlighted the key components of the new Zoning Ordinance and answered questions from Planning Commissioners and City Council. After the public hearing, the Planning Commission recommended approval of the new Zoning Ordinance and Map with conditions. City Council approved the First Reading of Ordinance No. 2198 at their April 8, 2024 meeting. Staff submits the attached Zoning Ordinance (Exhibit 1) and Zoning Map (Exhibit 2) for second reading and public hearing.

After the required public hearing, staff recommends that City Council adopt Ordinance No. 2198 upon second reading.

CONSENT:

2024 NATIONAL PUBLIC WORKS WEEK

Staff respectfully requests that Council adopt the proclamation declaring the week of May 19-25, 2024 as National Public Works Week in the City of Madison Heights, and encourage our residents, visitors, and City staff to acquaint themselves with, and pay tribute to our dedicated public works professionals in Madison Heights, and the work that they do for the benefit of the public.

2024-25 STORMWATER SERVICES PROPOSAL

Since 2012, the City of Madison Heights has engaged the services of a consulting engineering firm to maintain our required MS-4 permit. The overall budgetary requirement in the service proposal now exceeds the bid threshold as established under the City's purchasing ordinance, requiring Council approval. Due to the extensive history and work already undertaken, Staff firmly believes it is in the City's best interest to continue utilizing our current firm and stormwater consultant.

Staff recommends that Council waive the formal bid process, and award the 2024-25 Stormwater Services Proposal to DLZ Michigan, of Waterford, for a total amount of $17,600, and authorize the City Manager to sign on behalf of the City.

2024 OAKWAY MUTUAL AID ASSOCIATION AND MUTUAL AID BOX ALARM SYSTEM DIVISION 3202 INTERLOCAL AGREEMENT

The State of Michigan requires EMS agencies to adopt an up-to-date mutual aid arrangement every five years. In 2019, the City Council approved revisions to the 2012 Interlocal Agreement, creating the Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202 Mutual Aid Agreement. The Interlocal Agreement is between the political subdivision of the Cities of Birmingham, Farmington Hills, Ferndale, Madison Heights, Rochester Hills, Royal Oak, Southfield, and the Townships of Independence, Waterford, and West Bloomfield. Since its last adoption in 2019, the only change to the association is the addition of the Independence Township Fire Department to the group. No other language changes or edits have been made to the agreement.

Staff requests City Council to approve The 2024 Oakway Mutual Aid and Mutual Aid Box Alarm System Division 3202 Interlocal Agreement and authorize the City Manager and City Clerk to sign on behalf of the City.

MEMBERSHIP - MICHIGAN MUNICIPAL ASSOCIATION FOR UTILITY ISSUES - MI-MAUI

Madison Heights is joining a municipal pool, Michigan Municipal Association for Utility Issues (MI-MAUI). The biggest commitments are electric rates cases files by DTE and Consumers Energy. MAUI works to fund advocacy and litigation related to these utility issues and is currently developing an aggressive plan DTE rate case to advocate reliability and cost control. They plan also to argue for better information sharing with local governments, and project coordination.

Staff recommends City Council approve the City of Madison Heights' membership and support of the Michigan Municipal Association for Utility Issues (MI-MAUI) in the amount of $4,413.

REPORTS:

CIVIC CENTER PARK BANDSHELL

The City of Madison was awarded a $250,000 grant from Consumer Energy Foundation for the construction of a bandshell in Civic Center park. City Council approved the purchase of the basic bandshell structure on January 22, 2024. Since that time, we have worked with Frank Rewold and Sons on a construction proposal utilizing the Oakland County annual Construction Manager contract. City Council is being asked to approve the proposal from Frank Rewold & Sons in an amount not to exceed $286,317 with enhancements to the basic bandshell. Funding is available in the Park improvement line-item for this additional work.

Staff recommends that the City Council approve the proposal for the Amphitheater with Frank Rewold & Sons Inc. under the Oakland County Annual Contraction Management Contract in an amount not exceeding $287,317 and authorize the City Manager to sign on behalf of the City.

ORDINANCES:

ORDINANCE 2199 - REZONING PRZN 23-02 - 1035 W. 12 MILE [B-3 TO M-1], FIRST READING

The applicant and property owner, Isam Yaldo, requests to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business (Regional Business in proposed Zoning Ordinance) district, to M-1, Light Industrial district. The subject site consists of one (1) parcel which contains a total area of 0.93 acres and is improved with a 6,500 commercial/retail structure and associated parking lot. The property is located just west of the 12 Mile/I-75 interchange.

Staff recommends that City Council adopt Ordinance # 2199 (PRZN 23-02) upon first reading and schedule a public hearing and second reading for the June 10th, 2024 City Council meeting.

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/7/24

PREPARED BY: Brent LeMerise, Police Chief

AGENDA ITEM CONTENT: Proclamation Designating May 15th as Police Officers Memorial Day and May 12-18th, 2024 as Police Week in the City of Madison Heights

AGENDA ITEM SECTION: Presentations

BUDGETED AMOUNT: 0

FUNDS REQUESTED: 0

FUND:

EXECUTIVE SUMMARY:

Congress and President of the United States have designated May 15th as Police Officers Memorial Day, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. The week in which it falls as Police Week and, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe May 12-18, 2024, as police week to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens.

RECOMMENDATION:

Staff requested City Council proclaim that May 15th be designated as Police Officers Memorial Day and the week of May 12th - 18th, 2024 as Police Week in the City of Madison Heights.

PROCLAMATION

To recognize National Police Week 2024 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Madison Heights Police Department;

WHEREAS, since the first recorded death in 1786, there are currently 24,067 law enforcement officers in the United States that have made the ultimate sacrifice and been killed in the line of duty, including 1 member of the Madison Heights Police Department;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC;

WHEREAS, 282 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 118 officers killed in 2023 and 164 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36th Candlelight Vigil, on the evening of May 13th, 2024;

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be *observed* this year May 12th-18th;

WHEREAS, May 15th, 2024, is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE BE IT RESOLVED that the Madison Heights City Council declares the week of **May 12-18, 2024,** as **NATIONAL POLICE WEEK** in **MADISON HEIGHTS**, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Roslyn Grafstein
Mayor

Mark Bliss
Mayor Pro Tem

Sean D. Fleming
Councilman

William J. Mier
Councilman

Emily J. Rohrbach
Councilor

David M. Soltis
Councilman

Quinn J. Wright
Councilor

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Linda Kunath, Finance Director/Treasurer

AGENDA ITEM CONTENT: Public Hearing for Fiscal Year 2025 Budget Resolution and Tax Levy

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

This public hearing is scheduled to receive public comments on the Proposed Budget, to appropriate funds, to establish the tax levy for the budget appropriations, and to approve changes to water and wastewater fees and department fees. Pursuant to Section 8.4 of the City's Charter, a resolution has been drafted which, if approved, will adopt the FY 2025 Budget, appropriate funds, levy the property tax, and approve several fee adjustments.

RECOMMENDATION:

Following the public hearing, I recommend that Council approve the FY 2025 Budget Resolution.

ADOPTED FY 2024-25 Budget Resolution

A RESOLUTION TO ADOPT A BUDGET FOR MUNICIPAL PURPOSES FOR THE CITY OF MADISON HEIGHTS FOR THE FISCAL YEAR 2024-25 TO APPROPRIATE FUNDS FOR SAID PURPOSES AND TO PROVIDE FOR A LEVY OF TAXES FOR SAID BUDGET APPROPRIATIONS

WHEREAS, in accordance with Section 8.4 of the Charter of the City of Madison Heights, it is provided that the City Council shall adopt a budget for the fiscal year, appropriate funds for said purposes and provide for a levy of taxes for said Budget appropriations; and

WHEREAS, on May 13, 2024, a public hearing was held in accordance with Section 8.3 of the Charter of the City of Madison Heights, and the statutes of the State of Michigan for the fiscal year.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Budget hereto as Exhibit "A" is hereby adopted.

2. That the amounts set forth in said Budget are hereby appropriated for the purposes stated therein.

3. That 25.4572 mills per $1,000 State Taxable Valuation on the real and personal property in the City of Madison Heights be levied to provide funds for said Budget for municipal purposes:

General Operating	13.4674
Solid Waste	2.4711
Police & Fire Retiree Benefits	7.0000
Neighborhood Road Improvements	1.8681
Senior Citizens	0.4436
Chapter 20 Drain Debt	0.2070
Total	25.4572

4. That the City of Madison Heights approves the imposition, by the City Treasurer, of a one percent (1%) property tax administration fee for all property taxes levied in Fiscal Year 2024-25 and for the imposition of a late penalty charged, when applicable, in accordance with Public Act 1982, specifically Michigan Compiled Laws, Section 211.44(7).

5. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for the operation of the Police and Fire Pension System.

6. That the City of Madison Heights assigns the authority to the City Manager and/or Finance Director to assign amounts for fund balance to be used for specific purposes.

7. That the City of Madison Heights approves and establishes Water and Wastewater Charges, set forth in Exhibit "B", and Department Fee schedule.

8. That the City of Madison Heights approves the levying of taxes to cover the necessary expenses for principal and interest for the Chapter 20 Drain Debt Obligations.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to make budgetary transfers within the appropriation centers established throughout the Budget, and all transfers between appropriations may be made only by further action of the Council, pursuant to the provisions of the Michigan Uniform Accounting and Budget Act.

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION

FISCAL YEAR 2024-25

EXPENDITURES		REVENUES	
		GENERAL FUND	
General Government	$7,167,529	Property Taxes and Fees	$27,341,593
Public Safety	24,622,582	Intergovernmental Revenues	7,705,247
Community Services	5,717,453	Other	7,604,856
Cultural and Recreation	2,856,118	Use of Fund Balance	0
Community Development	1,259,906		
Debt Service	1,028,108		
TOTAL	$42,651,696		$42,651,696
		MAJOR STREET FUND	
Program Expenditures	$2,091,009	Intergovernmental Revenues	$2,681,857
		Use of Fund Balance	(590,848)
	$2,091,009		$2,091,009
		LOCAL STREET FUND	
Program Expenditures	$2,486,270	Property Taxes	$2,028,464
		Intergovernmental Revenues	1,203,720
		Other	5,000
		Use of Fund Balance	(750,914)
	$2,486,270		$2,486,270
		PARKS MAINTENANCE & IMPROVEMENT FUND	
Program Expenditures	$45,544	Other	$45,544
	$45,544		$45,544
		DOWNTOWN DEVELOPMENT AUTHORITY	
Program Expenditures	$570,974	Property Taxes	$239,521
		Intergovernmental Revenues	40,249
		Other	250
		Use of Fund Balance	290,954
	$570,974		$570,974

EXHIBIT "A"
CITY OF MADISON HEIGHTS
ADOPTED BUDGET RESOLUTION

FISCAL YEAR 2024-25

EXPENDITURES		REVENUES	
	DRUG FORFEITURE FUND		
Program Expenditures	$39,750	Other	$250
		Use of Fund Balance	39,500
	$39,750		$39,750
	COMMUNITY IMPROVEMENT FUND		
Program Expenditures	$148,924	Intergovernmental Revenues	$148,924
	$148,924		$148,924
	SPECIAL ASSESSMENT REVOLVING		
Program Expenditures	$30,000	Use of Fund Balance	$30,000
	$30,000		$30,000
	MUNICIPAL BUILDING BOND		
Program Expenditures	$482,500	Transfers In	$482,500
	$482,500		$482,500
	WATER AND SEWER FUND		
Program Expenditures	$13,690,254	Sales to Customers	$13,087,710
		Other	315,800
		Use of Retained Earnings	286,744
	$13,690,254		$13,690,254
	DEPARTMENT OF PUBLIC SERVICES		
Program Expenditures	$2,508,133	Other	$2,508,133
	$2,508,133		$2,508,133
	MOTOR AND EQUIPMENT POOL		
Program Expenditures	$1,220,442	Other	$1,220,442
	$1,220,442		$1,220,442
	CHAPTER 20 DRAIN DEBT SERVICE		
Program Expenditures	$223,440	Property Taxes	$223,440
	$223,440		$223,440

EXHIBIT "B"
CITY OF MADISON HEIGHTS
WATER AND WASTEWATER CHARGES AND DEPARTMENT FEES
FISCAL YEAR 2024-25

WATER AND WASTEWATER RATE CHARGES		
Description	**Old Rate**	**New Rate**
Water rate	$4.26	$4.44
Wastewater rate	$6.30	$6.56

The FY 2025 City of Madison Heights Fee Schedule will be effective July 1, 2024, unless otherwise noted. Revisions approved are listed below:

SUMMARY OF REVISIONS:

Section 1. Community Development Department Services

- Added "Pre-Construction" meeting fees $210 to cover costs of trade inspectors.

Section 2. City Clerk Service

Remove Domestic Hen Fee (No Longer License)
Add: Hotel Business License Fee $300
Increase Care Givers business license from $300 to $1,000

Remove 6 Month Spray/Neutered Fee $7.00

Add 1 Year Spray/Neutered Fee $15.00

Add 1 Year male/female (Not Spayed) Fee $25.00

Add 1 Year 1 year spayed/neutered Senior Citizen Discount $14

Add 1 year male/female Senior Citizen Discount $23

Eliminate 2-year license fee.

3-year spray/neutered cost Increased from $15.00 to $40

Add 3 year male/female (Not Spayed) Fee $70

Add 3 year spayed/neutered Senior Citizen Discount Fee $37

Add 3 year male/female Senior Citizen Discount Fee $64

Section 3. Water and Sewer

Water Rate Increase from $4.26 to $4.44 per unit
Sewer Rate Increase from $6.30 to $6.56 per unit

Section 4. Treasury and Assessing Services

No Changes

Section 5. Library Services

- Remove Fax Charge
- Decrease additional black and white page fee from $0.15 to $0.10 per page.
- Decrease additional color page fee from $0.50 to $.25 per page

Section 6. Fire Services

- No Change

Section 7. Police Services:

Remove Police Report Photograph $0.10 per photo charge

Section 8. Department of Public Services

No Change

Section 9. Parks and Recreation

No Change

Section 10. Active Adult Center Services

- Lunch Program No Longer offered.
- Rides: $1.00 each way within Madison Heights. $2.00 each way outside Madison Heights, up to a 7 mile radius of the Active Adult Center.

Section 11. General Government

- No Change

Section 1. COMMUNITY DEVELOPMENT DEPARTMENT SERVICES

SCHEDULE OF FEES FOR PERMITS AND SERVICES

BUILDING FEES AND INSPECTION SCHEDULE

Notice for all permits: A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within 180 days after issuance of the permit or if the authorized work is suspended or abandoned for a period of 180 days after the time of commencing the work. A permit will be closed when no inspections are requested and conducted within 180 days of the date of issuance or the date of a previous inspection. Closed permits cannot be refunded. The charge to re-open a closed permit is $75.00. Permits may be renewed, *prior to their expiration*, for a period of 180 days.

Developers/Contractors: For those interested in discussing a project in anticipation of submitting for plan review, Building Services offers a pre-construction meeting upon request for a fee of $210 (limit two meetings)

1.0 ELECTRICAL, MECHANICAL & PLUMBING PERMIT FEE SCHEDULE

Receipted to 101-017-476-4771

1.1 All permits shall be assessed a non-refundable application fee of $30.00.

1.2 The permit fees for any electrical, mechanical or plumbing permit shall be $70.00 per inspection. A minimum of one inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

1.3 Contractor registration fee shall be $15.00 for all categories of electrical, mechanical and plumbing contractors.

1.4 Permits shall be for the minimum number of inspections required in Section 3.

1.5 A fee of $70.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.0 BUILDING, MOVING, DEMOLITION AND SIGN PERMIT FEE SCHEDULE

Receipted to 101-017-476-4771

2.1 All permits shall be assessed a non-refundable application fee of $30.00.

2.2 The permit fees for building permits shall be an application fee plus the applicable permit fee. One inspection and the application fee are required on all permits. Permit renewals shall be $35.00. Permit fees are non-refundable after work has started and non-transferable.

2.3 Contractor registration fee shall be $15.00 for building, moving, demolition and sign contractors.

2.4 A fee of $70.00 per inspection shall be charged for the re-inspection of all failed inspections.

2.5 FEE SCHEDULE

Building Permit Fees Residential Alterations, Additions and Accessory Structures

Receipted to 101-017-476-4771

Accessory structures, remodels, repairs, alterations, and other small jobs based on improvement cost as follows:

$30.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $1,000.00	=	$70.00
$1001.00 up	=	$70.00 + $6.30 per thousand or fraction thereof, over $1000.00

Plan review fee when required = $55.00 Certificate of Occupancy including replacement certificates = $100.00

New One and Two Family Residential Construction
Receipted to 101-017-476-4771

$30.00 non-refundable application fee plus permit fees as follows:

$850.00 plus $1.15 per square foot over 1,000 square feet. For fee purposes all finished areas are included including habitable basement spaces and all attached garages.

Plan review fee when required = $80.00
Certificate of Occupancy including replacement certificates = $25.00

Exception: Permit and inspection fees for the construction of barrier free ramps serving one and two family dwelling units shall be waived.

Multiple Family, Commercial, and Industrial
Receipted to 101-017-476-4771

$30.00 non-refundable application fee plus permit fees as follows:

Improvement Cost		Fee
$0.00 to $6000.00	=	$78.00
$6,001.00 and above	=	$0.013 x construction cost

Plan review fee = .005 x cost, minimum $200.00, maximum $5,000.00 In the event that the Department requires review by outside consultants as part of the plan review, all costs for required outside architectural or engineering reviews shall be paid by the applicant in addition to the standard plan review fees.

Certificate of Occupancy - Multiple-Family, Commercial, Industrial
Receipted to 101-017-476-4771

Additions/New Construction/Change in use, owner or occupant: $200.00.
(Where only the ownership of a multi-tenant building changes, the building owner shall be responsible for obtaining a new certificate of occupancy for each tenant. The fee for each new tenant certificate shall be 20% of the regular fee. Where it has been less than one year since issuance of a certificate of occupancy for any tenant space, the fee and inspection will be waived for that tenant space.)
Attached residential condominiums: $25.00 per unit.
Replacement certificates: $25.00

Temporary Certificate of Occupancy
Receipted into 101-017-476-4770 with bonds in 705-000-265-2830

Single-family residential - $250.00 plus bond of $500.00 per incomplete item or 100% of cost, whichever is greater. Bondable items are concrete, sod and final grade in the winter months only. Bond for an as-built plot plan shall be $1000.00.

All other construction - $325.00 plus bond for 100% of incomplete work.

All temporary certificates are 90 days maximum with one renewal.

Signs

Receipted into 101-017-476-4770

All permits shall be assessed a non-refundable application fee of $30.00.

Permit Fees: Permit fees are non-transferable.

Permanent signs

Ground signs:	Up to 60 square feet	$200.00
Wall signs:	Up to 100 square feet	$200.00
	Over 100 square feet	$280.00

Re-Facing Permanent signs

Ground signs:	Up to 60 square feet	$185
Wall signs:	Up to 100 suare feet	$185
	Over 100 square feet	$265

Demolition

Receipted into 101-017-476-4770 with bonds in 705-000-265-2830

All permits shall be assessed a non-refundable application fee of $30.00.

Residential $210.00 (Includes pre-demolition, open hole and final site inspections. Additional inspections $70.00 each. The inspector shall estimate the number of visits required.)

Permit Fees:

Commercial and Industrial

Permit Fees: Up to 30,000 cubic square feet $210 (Includes pre-demolition, open hole and final site inspections. Additional inspections $70.00 each. The inspector shall estimate the number of visits required.)

Over 30,000 cubic square fee $210 plus $5 per 1,000 cubic square feet (Includes pre-demolition, open hole and final site inspections. Additional inspections $70.00 each. The inspector shall estimate the number of visits required.)

Performance Bond $5,000.00 (Note: Bond required for all demolition permits including homeowner permits. Bond may be reduced to $1,000.00 for qualified homeowners at the Department's discretion.)

Moving

Receipted into 101-017-476-4770 with bonds in 705-000-265-2830

All permits shall be assessed a non-refundable application fee of $30.00.

Permit Fees: $140.00 (Includes pre and post move inspection. Additional inspections $70.00 each. The inspector shall estimate the number of visits required)

Performance Bond $5,000.00

Utility Disconnect Fees for Demolition (established by Utility Department):
Receipted into 592-551-818-0000

See page 15, Miscellaneous Service Fees

Code Inspections
Receipted into 101-017-476-4770
$70.00 per inspector/per hour, or fraction thereof.

Overtime Inspections
Receipted into 101-017-476-4770
$105.00 per hour.

Additional/Add-on Inspections, All Permits
Receipted into 101-017-476-4770
$70.00 per inspection.

Appeal Boards
Receipted into 101-017-476-4770
Construction Board of Appeals. $250.00

3.0 INSPECTIONS: MINIMUM NUMBER AND WHEN REQUIRED

3.1 Electrical: Single-Family Residential

For new construction a minimum of three inspections are required, a service, rough and final inspection. An additional inspection shall be required if temporary service is provided.

Remodels shall require a minimum of two inspections, a rough and a final. For all other types of work of this class, inspections shall be required for each visit required from the electrical inspector.

3.2 Electrical: Multiple-Family, Commercial, and Industrial

For a multiple-family structure or multi-tenant commercial or industrial building, a minimum of two inspections, a rough and a final, shall be required for each living or work unit in such a structure. An inspection shall also be required for the service.

For all other buildings of this class, inspections shall be required for each visit required from the electrical inspector. The inspector shall estimate the number of visits required.

A separate inspection shall be required for temporary service.

3.3 Mechanical: Single-Family Residential

1. For new construction a minimum of three inspections, a rough, final, and gas line inspection shall be required for each heating system. A separate inspection shall be required for each cooling system. A heating or cooling unit without a distribution system shall require one inspection.

   Remodels shall require a minimum of a rough and final inspection. For all other types of work of this class, inspections shall be required for each visit required from the mechanical inspector.

2. Pre-fab fireplaces shall require a minimum of one inspection per dwelling unit. Multiple fireplaces in the same dwelling unit and inspected on the same visit shall require one inspection. Units may also require a gas line pressure test and inspection.

3.4 Mechanical: Multiple-Family, Commercial, Industrial

Each heating and/or cooling unit shall require one inspection. Each multi-family dwelling unit shall require a rough and final. Installation or modification of any distribution system not involving the associated heating/cooling unit shall require one inspection. Where an underground inspection(s) is required, an additional inspection shall be charged per visit. Gas lines require an additional pressure test and inspection per system.

Refrigeration units of one horsepower or greater shall require one inspection per unit. Concealed piping shall require an additional inspection per system.

3.5 Plumbing: Single-Family Residential

For new construction an underground, rough and final plumbing inspection shall be required.

Remodels shall require a minimum of two inspections, a rough and final. For all other types of work of this class, inspections shall be required for each visit required from the plumbing inspector.

3.6 Plumbing: Multiple-Family, Commercial, Industrial

Each unit in a multiple-family structure or in a multi-tenant structure shall require a rough and a final inspection. An additional inspection for underground plumbing shall be required for each unit in a strip center. A multiple-family structure or other multi-tenant building shall require an additional inspection for underground plumbing at the rate of one inspection per building. An additional inspection shall be required for sewer and water service.

All other commercial and industrial buildings shall be charged at the rate of one inspection for each visit required from the plumbing inspector. The inspector shall estimate the number of visits required.

3.7 Building: All Construction

Building inspections shall follow the schedule below to the extent applicable:

a. Footing - before footing is poured. Property lines must be identified for the inspection.

b. Backfill - before foundation wall is backfilled and before slab floors and with sill plate and foundation drain in place and anchor bolts installed.

c. Brick Ledge - after first course of brick, flashing, weep holes, and pea stone are installed.

d. Rough - before any framing is covered and after rough electrical, mechanical and plumbing inspections are approved.

e. Insulation - prior to covering insulation.

f. Slab - prior to pouring concrete slab with sub-base, forms and any reinforcement and insulation installed. g. Fireplace - Masonry - when damper and first flue liner are in place.

h. Drywall - fastener inspection before drywall is taped.

i. Final - after final electrical, plumbing, and mechanical inspections are approved.

j. Final Site/Certificate of Occupancy - when all inspections are approved and prior to Occupancy. It is illegal to occupy a building before a Certificate of Occupancy is issued. As built drawings including the approved, existing, final grade elevations must be received before an occupancy certificate can be issued.

CONCRETE PERMITS INCLUDING NON-TELECOMMUNICATION WORK IN R.O.W.

Receipted into 101-017-476-4770 with bonds in 705-000-265-2830

1.1 All permits shall be assessed a non-refundable application fee of $30.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.

Cutting, repair, sawing, removal, replacement or modification of street surface, aprons or curb and gutter:
$70.00 per required inspection
(Two inspections required minimum unless work is covered by a site plan and bond.)
$5,000 bond ($1,000 for qualified homeowner permits at the Departments discretion) required for r.o.w. work. Waived for registered contractors with annual bond posted and projects with site plan guarantee bonds posted.

Concrete flatwork $70.00 per inspection (fees waived for five (5) squares or less of public sidewalk)

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	Minimum $5,000.00 (Required for r.o.w.)

PRIVATE SEWER AND WATER SERVICE

Receipted into 101-017-476-4770-000 with bonds in 705-000-265-2830

1.1 All permits shall be assessed a non-refundable application fee of $30.00.

1.2 Permit Fees: Permit fees are non-refundable after work has started and non-transferable.
Private sewer and water leads (from the building to the storm sewer, sanitary sewer or water main) including replacements:

Storm or sanitary sewer lead	$70.00 each.
Water lead	$70.00 each.
Gate wells or structures	$70.00 each.

Public sewer and water mains: See non-telecommunication engineering fees below

1.3 Contractor registration fee:

Registration	$15.00
Performance Bond	$5,000.00 (Required for r.o.w.)

PLANNING FEES

Receipted into 101-030-628-6071

Site Plan Review

Residential (multi-family)	$700.00
Non-Residential	$850.00

Revised Site Plans (changes of 30% or more) 75% of original fee

Plats and Site Condominiums	$1,000.00 + $15 per unit for residential and $75 per acres for nonresidential
Easements:	
Vacations	$500.00
Encroachments	$ 50.00
Land Divisions	$500.00 plus $50 per resulting lot
Land Divisions with road	$750 plus $50 per resulting lot
Landscape Plan Review	$500.00

Variance Review (Single Family)	$300.00
Variance Review (Dimensional)	$400.00 plus $300 per variance
Use Variance Review	$1,000.00
Parking or Traffic Study Review	$500 minimum with actual cost due upon completion

ZONING FEES

Receipted into 101-044-680-6701

Z.B.A.

Variance Review (Single Family)	$300.00
Variance Review (Dimensional)	$400.00 plus $300 per variance
Use Variance Review	$1,000.00
Special Use Approvals	$750.00
Re-zonings	$1,500.00

BROWNFIELD REDEVELOPMENT AUTHORITY FEES

Receipted into 101-044-680-6701

Application fee: $1,500.00 plus $2,500.00 engineering escrow.

ENGINEERING FEES - (NON-TELECOMMUNICATION)

Receipted into 101-030-628-6701

Engineering Plan Review	Application fee (Non-refundable)	$400.00 for all projects
	Public projects - Review fee	2% of site construction cost
	Inspection fee	4% of site construction cost (see r.o.w. inspection below.)
	Private projects - Review fee	2% of site construction cost ($200.00 Minimum)
	Residential site/plot plan review	$75.00

Engineering Inspections: $70 / Inspection + $100 for each Compaction / Material Test

Landfill permits: $60.00 + $0.05 per cubic yard of fill.

RIGHT-OF WAY PERMITS – (NON-TELECOMMUNICATION)

Receipted into 101-030-628-6701

Application Fee:	$200.00 (non-refundable)
Review fee	2% of the cost of the project. Minimum $200.00
Inspection Fees:	4% of the cost of the project. If the inspection fees exceed 4% of the project cost, the permittee shall be charged 175% of the actual payroll costs (including but not limited to wages, fringe benefits and/or expenses) for all inspection fees exceeding the non-refundable 4% inspection fee.
	$100.00 for each road crossing/driveway compaction test
Bonds	Cash Bond $5,000
GIS Fee	$150.00.

LANDLORD LICENSING

Receipted into 101-017-476-4771

Four-Year Registration Fees:	New Registrations and Renewals Through Renewal Date*
Single-family	$200.00
2 to 4 units	$245.00
5 or more units	$47.50 per unit

*Code enforcement action will commence if the application and fee are not received before the current expiration date; if the renewal is not completed within thirty (30) days after the renewal date; or if a new application is not completed within thirty (30) days of the initial application date.

A fee of $70.00 per inspection shall be charged for all locked-out inspections and the second re-inspection of all failed inspections.

Note: All renewal licenses are for thirty-six (36) months. New and pro-rated licenses may be for less than thirty-six (36) months. All licenses for the same landlord will expire on the same date.

CODE ENFORCEMENT PROPERTY MAINTENANCE FEES

Service:	Cost: (Note: Mowing, labor and disposal costs are based on the current contract.)
Mowing	First Offense $100.00 Administrative Fee + Actual Contractor Charges Second Offense (same growing season) $200 + Actual Contractor Charges Third or more Offenses (same growing season) $300 + Actual Contractor Charges
Receipted into 101-030-626-6260	
Clean-up/Debris Removal (ROW)	$150.00 Administrative Fee + Actual Labor and Disposal Charges Repeat Offenders $250.00 Administrative Fee + Actual Labor and Disposal Charges
Clean-up/Debris Removal (PVT)	$250.00 Administrative Fee + Actual Labor and Disposal Charges * Repeat Offenders $500 Administrative Fee + Actual Labor and Disposal Charges * *Warrant required prior to contractor authorization
Receipted into 101-030-626-6270	
Snow Removal (Public Walks)	First Offense $100.00 Administrative Fee + Actual Contractor Charges Second Offense (same growing season) $200 + Actual Contractor Charges Third or more Offenses (same growing season) $300 + Actual Contractor Charges
Receipted into 101-030-626-6250	

HOTEL INSPECTIONS

Annual Building and Fire Inspections	$15 per unit / per year

MEDICAL & ADULT USE MARIHUANA FACILITY/MEDICAL& ADULT USE MARIHUANA GROW OPERATION

Application Fee	$500 nonrefundable
Annual License Fee	$5,000 per year

GEOGRAPHIC INFORMATION SYSTEM FEES

Receipted into 101-030-628-6075

Digital prices are for digital raw data of City of Madison Heights. Datasets are to be distributed "**AS IS"** at the time of sale. The cost DOES NOT include, updates to ongoing coverage projects. Creation of mapping products that do not exist; shall be $75.00 per hour plus printing costs.

Hardcopy Maps	**Small Format (11 x 17)**	**Large Format (24 x 36 & up)**
Aerial Photos (City wide)	NA	$25.00-$45.00
Existing Land Use Map	$5.00	$25.00
Future Land Use Map	$5.00	$25.00
Zoning Map	$5.00	$25.00
General Street Map	$5.00	$25.00
Utility ¼ Section Map	$5.00	$25.00
Benchmark Map	$5.00	$25.00
Street Map	$5.00	$25.00
Misc. (Future printed products)	$5.00	$25.00

Electronic File Format Prices (when available)

Layers	**Prices**	**Per Section**
Benchmarks (elevations)	$50.00	NA
Contours	$250.00	$75.00
Aerial Photos	$250.00	$75.00
Parcel Coverage (property lines)	$500.00	$135.00
Pictures of all parcels	$200.00	NA
Pavement Management (profiles)	$500.00	NA
Road Projects	$50.00	NA
Sidewalk Gap	$50.00	NA
Utilities (each)	$500.00	$135.00
City Fiber Network	$200.00	NA
Street ROW	$200.00	NA
Street light network	$200.00	NA
Street sign	$100.00	NA
Public Facilities (buildings, properties)	$100.00	NA
Zoning	$100.00	NA
Existing Land Use	$100.00	NA
Future Land Use	$100.00	NA

Section 2. CLERK DEPARTMENT SERVICES

Business License/Permits

Business Licenses:
Receipted into 101-014-476-4570
Business Licenses: $100.00 per year

Marihuana - Medical/Adult-Use Business License: $5,000.00 per year
Marihuana – Caregiver Business License: $1,000 per year + any applicable re-inspection fees
Massage Business License: $300 per year + $150 per licensed massage therapist.
Hotel Business License: $300

Late Fee is double the fee listed above.

Temporary/Seasonal Business Licenses $100.00
Home Solicitation Licenses $100.00

Medical or Adult-Use Marihuana Facility/Medical or Adult Use Marihuana Grow Operation Business License Application fee $500.00 non-refundable

Animal License/Permits

1.0 Dogs and Cats.
Receipted into 101-017-490-4800
All dogs and cats, six (6) months of age or older, must be licensed and have a current Rabies Vaccination Certificate. Residents must provide a valid rabies vaccination certificate signed by the veterinarian to obtain a license. Senior Defined as (65+) in age.
Tags can be purchased from December 1st to June 1st *Tags purchased after June 1st are subject to Oakland County Late Fees.

1 Year Spayed/Neutered $15
1 Year male/female $25
1 year spayed/neutered Senior Discount $14
1 Year male/female Senior Discount $23
3 Year Spayed/Neutered $40
3 Year male/female $70
3 year spayed/neutered senior discount $37
3 Year male/female senior discount $64

A $5.00 penalty per pet will be imposed if the license renewal occurs more than 30 days after the rabies vaccination expires

- Animal Tag Replacement $1.00 per tag

Miscellaneous Fees

1.0 **Bicycle Licenses**
Receipted into 101-017-490-4810

All bicycles to be ridden in the City on a street or public path shall be licensed.
Bicycle $2.00 one-time fee per bicycle

2.0 **Vital Health Statistics**
Receipted into 101-030-628-6078

Birth Certificates – First Copy	$15.00
Birth Certificates – Second and additional copies	$ 5.00
Death Certificates – First Copy	$15.00
Death Certificates – Second and additional copies	$ 5.00

3.0 **Video/Vending Machine**
Receipted into 101-014-476-4570

Distributor Licenses	$10.00
Amusement Devices (Pool Tables, Jukeboxes)	$20.00
Vending Machines	$20.00
Video/Electronic Amusement Devices	$62.50

4.0 **Voter Registration Records**

Processing Fee and Excel spreadsheet	$12.00
Electronic Media Storage and Excel spreadsheet	$12.00 + actual price of storage device

5.0 **Notary Fees**

Notarizing Documents	Residents	– first documents no-charge additional documents $10
	Non-resident	– each documents $10

6.0 **Copy Fees**

Copies	$0.10 per page

Section 3. WATER AND SEWER OPERATION SERVICE FEES

Utility Rates

1.0 Water and Sewer Rates

Residential water receipted into 590-010-642-6430
Commercial/industrial water receipted into 590-010-642-6440
Wastewater receipted into 590-020-630-6115

Residential customers of the City are billed quarterly depending on what district or area of the City they live. All residential customers that are connected to the City water/sewer system are subject to a minimum bill of 10 units per quarter.

Commercial customers of the City are billed monthly. All commercial customers that are connected to the City water/sewer system are subject to a minimum bill of 3.33 units per month.

Water and Wastewater are billed in units. 1 unit = 100 cubic feet = approximate 748 gallons.

Water	$4.44per unit
Wastewater	$6.56 per unit

2.0 Stormwater

Stormwater fees shall be eliminated.

Service Fees

1.0 Service Tapping Fees

Meter & Materials receipted into 592-000-273-5000
Service Connection receipted into 592-000-273-6000
Transmission receipted into 592-010-629-6113
Paving receipted into 592-010-626-6111
Sewer Privilege Fee receipted into 592-020-630-6117

If the service requires crossing a five (5) lane highway, additional charges will apply.

Supply/ Meter Size						
Description	1”	1 ½”	2”	3”	4”	6”
Meter & Materials	$1,250	$1,700	$2,300	$3,900	$4,900	$7,950
Service Connection	$900	$1,250	$1,500	-	-	-
Transmission	$72	$72	$72	-	-	-
Paving	$300	$300	$300	-	-	-
Sewer Privilege Fee	$622	$897	$1,183	$2,310	$3,493	$3,575
Total	$3,144	$4,219	$5,355	$6,210	$8,393	$11,525

2.0 Meter Fees

Receipted into 592-010-626-6111
GLWA pass through charges receipted into 592-010-642-6490

Description	5/8”	¾”	1”	1 ½”	2”	3”	4”	6”
Frozen Meter Charge w/service charge	$180	$180	$350	$725	$925	$3,000	$3,950	$6,500
Damaged/Missing Transmitter (R900)	$150	$150	$150	$150	$150	$150	$150	$150
Damaged Register Head *(Per Head if Compound)*	$115	$115	$115	$115	$115	$115	$115	$115
GLWA (Pass Through)	$3.64	$5.46	$9.10	$20.02	$29.12	$52.78	$72.80	$109.20

3.0 Miscellaneous Service Fees

Receipted into 592-010-626-6111

Fire Suppression Private Water Line Charge	$5 per month
Final Reading	$20 per account processed
"No Show" Charge for service calls	$30 per occurrence
Turn-Off/Turn-On	$60
Reinstall Meter with Turn-On	$60
Meter Bench Test (5/8 – 1 ½") – Reading within AWWA range	$60
Meter Bench Test (2" and above)– Reading within AWWA range	$350
Fire Suppression System – Turn-Off/Turn-On	$60
Construction Water Use	$125
Hydrant Meter Deposit	$2,000
Disconnect Water Service from Main (3/4"-2")	$700
Disconnect Water Service from Main (3"-6")	$1,000
Service Call Overtime Charge (Mon- Sat)	$100
Service Call Overtime Charge (Sun & Holidays)	$200
Hydrant Flow Test	$100
Hydrant Flow Test with Salt Needed	$175
Hydrant and Meter Rental	$5 per day + water consumption

Tampering with meter or water service:

Residential	50-unit penalty plus the City may prosecute
Commercial/Industrial	100-unit penalty plus the City may prosecute
Bypass violations	100 unit penalty plus the City may prosecute

Section 4. TREASURY AND ASSESSING SERVICE FEES

Property Affidavit Penalty

Receipted into 101-011-445-0000

A Property Affidavit must be filed within 45 days of the property transfer. Filing is mandatory and required Form 2766 from the Michigan Department of Treasury.

Penalty for failure to complete and submit all required paperwork to the City:

- Industrial and Commercial property:

If the sale is $100,000,000 or less - $20 per day for each separate failure beginning after the 45 days have elapsed up to a maximum of $1,000

If the sale is $100,000,000 or more - $20,000 after the 45 days have elapsed

- Real property other than industrial and commercial:

$5 per day for each separate failure beginning after the 45 days has elapsed, up to a maximum of $200.

Tax Administration Fee

Receipted into 101-011-447-0000

The City of Madison Heights bills and collects taxes on behalf of all taxing jurisdictions in the City. A 1% fee of all taxes billed is added to cover this service as allowed in the State of Michigan General Property Tax Act 211.4 (3).

Duplicate Bill Fee

Receipted into 101-044-680-6701

If a duplicate bill must be printed for payment or customer records the City charged a duplicate bill fee. This fee is set by the Department Head Based on an estimate of time and materials.

$3 per bill requested

Stop Payment Fee

Receipted into 101-044-680-6701

If the City must stop payment of a check issued a $25 stop payment fee may be charged to the payee of the check. This fee is set by the Department Head based on the fee the City is charged from our banking institution.

Returned Check/ACH Fee

Receipted into 101-044-628-6705

If a customer has a payment returned for any reason including (non-sufficient funds, closed account, wrong account information) a $25 returned check/ach fee will be charged to the customer. This fee is set by the Department Head based on the fee the City is charged from our banking institution.

Section 5. LIBRARY SERVICE FEES

Rental and Late Fee

Receipted into 101-030-628-6085

Library materials that are not returned within 21 days of date due or are returned damaged are charged the full replacement cost of item at the time of purchase. Damaged items needing repair instead of replacement will be charge the repair cost instead of replacement.

Program Fees

Receipted into 705-000-299-2000

Coffee Concerts	$5 per concert for children under 12 and senior citizens $10 per concert for adults $25 family rate per concert (two adults and up to six children)

Technology Material Fees

Receipted into 101-033-628-6086

Self-service copier pages *(Page: one side of paper)*	$0.10 per page, black and white $0.25 per page, color
Paper pages *(Page: one side of paper)*	First five pages are free-of-charge daily. $0.10 per additional page, black and white $0.25 per additional page, color
3D printing	$0.10 per gram
Buttons	$0.25 small button $0.30 medium button $0.50 large button
Sublimation paper	$1.00 per 8.5 x 11 sheet
Sublimation mug	$5.00 each
Laminating pouches	$0.25 per pouch (8.5 x 11)
Embroidery stabilizer	$1.00 per foot (12 in sq)
Cricut material (vinyl, transfer tape, etc.)	$2.00 per foot
SD card 32 GB	$10.00 each
USB drive	$5.00 each
Headphones or earbuds	$1.25 each

Miscellaneous

Arcadia Book Fees receipted into Historical Commission Escrow 705-000-291-9000
All other receipted into 101-030-628-6085

Library Card non-resident	$100 annual
Arcadia Book: *Images of America, Madison Heights*	$22

Section 6. FIRE SERVICE FEES

Ambulance and Emergency Response Fees

1.0 Advanced Life Support Services

Receipted into 101-044-638-6707

ALS Emergency Transport	$850
ALS Emergency Transport II	$1,200
ALS Non-Emergency Transport	$550
Treat No Transport	$400

2.0 Basic Life Support Services

Receipted into 101-044-638-6707

BLS Emergency Transports	$700
BLS Non-Emergency Transport	$450

3.0 Miscellaneous Fees

Receipted into 101-044-638-6707

Loaded Mile (scene to hospital fee per mile)	$17.50 per mile
Oxygen	$50
Extrication	$500
Defibrillator	$50
Cost Recovery for Structure Fires	$500

Miscellaneous Fees

1.0 **Cardiopulmonary Resuscitation (CPR) Course Courses**

Receipted into 101-044-637-6709

Course fees include supplies and materials used.

BLS for Healthcare Providers	$40 per participant
Heartsaver First Aid/CPR/AED	$60 per participant
Heartsaver CPR/AED	$50 per participant
Online CPR Practical Skills Verification	$30 per participant
Off-site Location Fee	$50 per class

2.0 **Inspections and Reporting**

Fire incident reports	See Section 12 – FOIA Fees
EMS reports	See Section 12 – FOIA Fees
Environmental Inspection Assessment	$25 per assessment
Fire Re-Inspection	no charge 1st and 2nd inspection 3rd inspection $100 each 4th inspection $200 each 5th or more inspection $300 each

False alarms – see fee schedule in the Police Department in Section 7.

Section 7. POLICE SERVICES FEES

False Alarm Fees

Number of alarms is determined on a rolling calendar year from the date of the first false alarm.

1st False Alarm	No Charge
2nd False Alarm	No Charge
3rd False Alarm	$100
4th False Alarm	$200
5th False Alarm	$300
6th False Alarm	$400
7th and all subsequent violations	$500

Police FOIA and Miscellaneous Fees

1.0 **FOIA**

In-Car Video Recordings	actual wages to prepare
Audio Tapes	actual wages to prepare
Photographs	actual wages to prepare
File size requiring an external drive	$7.50 in addition to actual wages to prepare

2.0 **Reports**

Accident Reports	$15 per report set by contract with Oakland County

Section 8. DEPARTMENT OF PUBLIC SERVICES

RV Lot Rental Fee

Receipted into 101-030-651-6285

RV Lot Rental based on availability	$250 annually with renewals on July 1
RV Lot Late Payment Fee	$50 late fee after renewal due date of June 30 each year

Brush Chipping Fee

Receipted into 101-030-626-6270

Curbside brush chipping service	$25 per every 15 minutes

Mobile Home Solid Waste Collection Fee

Receipted into 101-030-626-6240

Solid Waste Collection	$10.00 per unit

This fee is invoiced twice per year based on per unit count as verified by a representative of the Department of Public Services.

Section 9. PARKS AND RECREATION SERVICE FEES

The City of Madison Heights offers numerous classes and programs through our recreation department. The resident and non-resident fees are set each class cycle based on cost for instructors, program expenses and staff. These fees are published by class/program in the recreation brochure.

Meeting Room Rentals

The City of Madison Heights allows groups to use the Breckenridge Room, City Hall, Lower Level Rooms and Fire Department Room.
Pavilion and room rentals (except AAC) receipted into 101-036-633-3511

1.0 Groups for which No fee is charged:

Programs sponsored by the City
Meeting of Madison Heights non-profit (501 C3) political, educational organizations
Organizations where all members reside in Madison Heights (i.e. sports leagues, condo associations, etc.)
Service clubs that reside in Madison Heights
County, state and federal offices requesting usage for business use

2.0 Groups for which a $20 an hour/minimum of 2 hours will be charged:

Any non-profit groups (must provide a copy of 501-C3 documentation) that do not reside in Madison Heights (this would include organizations such as Toy Dog Club, Trout Unlimited, etc.)
Any adult* group/club providing an activity to make money for the club/group
Any adult* group desiring to have instructional or social activity for their own benefit where a fee is assessed to participants

3.0 Groups for which a $30 an hour/minimum of 2 hours will be charged:

Any group originating from a business establishment such as union meetings, company staff meetings
Groups other than civic, cultural, educational, political groups, deriving personal or financial gain
(such as sales meetings, investment clubs, training sessions, etc.)
Any group not comprised of 75% Madison Heights residents.

Park, Park Pavilion and Park Building Rentals

The City of Madison Heights allows the rental of Pavilions A, B and C at Civic Center Park and the Monroe Park Pavilion. Residents have first choice of reservations through March 31st each year. On or after April 1st each year rental is available to residents and non- residents on a first come first served basis.

Park Rental Fees $25/hour with a minimum of 2 hours up to 6 hours. Rentals exceeding 6 hours will incur an additional $20/hour up to a maximum of 14 hours + minimum $100 refundable damage deposit, subject to change based on the nature of the event.

Non-Resident Park Rental Fees $30/hour with a minimum of 2 hours up to 6 hours. Rentals exceeding 6 hours will incur an additional $25/hour up to a maximum of 14 hours + minimum $100 refundable damage deposit, subject to change based on the nature of the event.

Pavilion Rental Fees	$50 per pavilion + $50 refundable damage/cleaning deposit Non-
Resident Rental Fee	$100 per pavilion + $50 refundable damage/cleaning deposit
Cancellation Fee	$10 with one week (7 days) notice No refund will be given if cancelled in less than one week (7 days) of the rental date
Park Building Rental Fee	$50/2 hour block of time, rounded to each 2 hour period per building + $100 refundable damage/cleaning deposit
Non-Resident Park Building Rental Fee	$100/2 hour block of time, rounded to each 2 hour period per building + $100 refundable damage/cleaning deposit
Park Building Lost Key Fee	$25 if key is not returned
Special Event Fee (Resident)	$500 per day + $500 refundable security deposit
Special Event Fee (Non-Resident)	$750 per day + $500 refundable security deposit.

Nonprofit and volunteer groups that regularly volunteer in the City shall rent the (Breckenridge Room), Fire Station (Training Room), Park Buildings, and City Hall (Lower Level Rooms) at no cost if the rental does not require staffing. If staffing is required fees shall cover staffing cost. A refundable damage deposit of $100 is required.

Active Adult Center Rentals

The City of Madison Heights allows residents and groups to rent the Active Adult Center Building.
Receipted into 101-036-667-6530

$50 per hour	3 hour minimum for Madison Heights residents and businesses.
$25 per hour	3 hour minimum for civic groups, schools and scout troops
$200	Refundable damage deposit.

Sports Field Preparation

The City of Madison Heights will prepare any of its available sports fields to include dragging, lining, and/or striping. Groups wishing to have a field prepared must have a field permit and follow all guidelines to obtain such.
Receipted into 101-036-633-6511

Baseball/Softball Diamonds	$40 (Residents) $60 (Non-Residents) to have field dragged and lined
Soccer/Football Fields	$25/hour (Residents) $45/hour (Non-Residents)

Section 10. ACTIVE ADULT CENTER SERVICE FEES

The City of Madison Heights offers numerous trips, classes and programs through our Senior citizens Center. The resident and non-resident fees are set for each trip/program based on cost by the Center Coordinator.

Transportation

The City of Madison Heights transports residents who are age 50 and older and/or disabled Monday through Friday to banks, beauty shops, grocery stores, Active Adult Center and social service appointments.

Rides: Rides: $1.00 each way within Madison Heights. $2.00 each way outside Madison Heights, up to a 7-mile radius of the Active Adult Center.

Receipted into 101-036-628-6532

Miscellaneous

Trip Cancellation Fee	$5

Section 11. GENERAL GOVERNMENTAL SERVICE FEES

Message Board Greetings	
City Hall Message Board	Non-Roundtable members $10 for one per day or $20 for a week Roundtable members no charge

Wedding Ceremony	
Administration fee	$75 per wedding Plus $50 Payable to Mayor

Items for Sale	
Garbage Bags *Receipted into 101-033-642-6421*	Box of 100 Heavy Duty bags $20 per box
Recycling Bin and Lid *Receipted into 101-033-642-6422*	$20

Section 12. FOIA FEES

A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:

- Labor costs associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
- The cost of duplication or publication, not including labor, of paper copies of public records.
- Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- The cost to mail or send a public record to a requestor.

1.0 Labor Costs

- All labor costs will be estimated and charged in 15-minute increments with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

2.0 Non-paper Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media would be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.

3.0 Paper Copies

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will be $.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
- The City may provide records using double-sided printing, if cost saving and available.

4.0 Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Ordinance 2198- New Zoning Ordinance and Map - Second Reading and Public Hearing

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

On March 19th, 2024, City Council and the Planning Commission held a joint public hearing to discuss the complete draft of the new Zoning Ordinance and Map. At this meeting, staff and the City's planning consultants (McKenna) highlighted the key components of the new Zoning Ordinance and answered questions from Planning Commissioners and City Council. After the public hearing, the Planning Commission recommended approval of the new Zoning Ordinance and Map with conditions. Staff submits the attached Zoning Ordinance (Exhibit 1) and Zoning Map (Exhibit 2) for second reading and public hearing.

RECOMMENDATION:

Staff recommends that City Council adopt Ordinance #2198 (New Zoning Ordinance and Map) upon second reading after the required public hearing.

MEMORANDUM

Date: May 13th, 2024
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Ordinance 2198 - New Zoning Ordinance and Map – Second Reading and Public Hearing

INTRODUCTION

On March 19th, 2024, City Council and the Planning Commission held a joint public hearing to discuss the complete draft of the new Zoning Ordinance and Map. At this meeting, staff and the City's planning consultants (McKenna) highlighted the key components of the new Zoning Ordinance and answered questions from Planning Commissioners and City Council. A copy of the staff report from this joint meeting is attached.

After the public hearing, the Planning Commission **recommended approval** of the new Zoning Ordinance and Map:

> ***Motion by Commissioner Kalnasy, seconded by Commissioner Graettinger to move that pursuant to the processes set forth in the Michigan Zoning Enabling Act, PA Act 110 of 2006, together with the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19, 2024, the Planning Commission recommends that City Council approve the new Zoning Ordinance, including the Zoning Map, replacing the Zoning Ordinance and Zoning Map in its entirety subject to the condition that the permitted use table be revised to adequately reference the pertinent marihuana regulations/ordinances for adult use and medical marihuana facilities and primary caregivers.***

To address the condition of approval, staff has made the following modifications to the draft Zoning Ordinance:

- **Section 3.06 (Permitted Use Table); pg. 23/27:** Added a new footnote (†) for the "Medical Marihuana Caregiver" use indicating that such use is only permitted in the Primary Caregiver Marihuana Grow Overlay District.

- **Section 3.06 (Permitted Use Table); pg. 28:** Added a cross-reference to Section 7.03 for Medical Marihuana and Adult Use Marihuana Facilities; this use is no longer listed as a permitted or special use in the table.

At the joint public hearing, comments and questions were made regarding the accessory dwelling unit section and the Natural Preservation and Recreation zoning district. Upon approval of the new zoning ordinance, staff proposes to set aside at least two upcoming Planning Commission meetings to discuss revisions and touch-ups to the ordinance. This approach will allow the Planning Commission to send a comprehensive package of minor zoning amendments to City Council as opposed to piecemeal revisions.

In response to the comments relating to accessory dwelling units and the Natural Preservation and Recreation district, staff recommends including these topics (and potential text amendments) at one of the scheduled Ordinance "touch-up" meetings.

At the April 8th meeting, City Council approved the first reading of Ordinance #2198 and scheduled the second and final reading and public hearing for the May 13th, 2024 City Council meeting.

NEXT STEPS

Based on the Planning Commission's recommendation of approval at the March 19th, 2024 joint meeting and the revised draft Zoning Ordinance which address the condition of approval, staff recommends that City Council approve the second reading of Ordinance #2198 after the required public hearing at the May 13th, 2024 City Council meeting.

MEMORANDUM

Date: March 13th, 2024
To: City of Madison Heights City Council
City of Madison Heights Planning Commission
From: Matt Lonnerstater, AICP – City Planner
Subject: Zoning Ordinance Rewrite – Complete Draft for Public Hearing

INTRODUCTION

Staff is pleased to present the Planning Commission with the first complete draft of the new proposed Zoning Ordinance for a joint Public Hearing between the Planning Commission and City Council on March 19th, 2024.

As part of the Redevelopment Ready Communities (RRC) program, Madison Heights was fortunate to receive a $30,000 grant from the Michigan Economic Development Corporation for technical assistance for a new Zoning Ordinance and map. Over the past six months, staff has been meeting with the Zoning Ordinance Project Steering Committee (which included members of the Planning Commission) to review the draft ordinance article-by-article. Based on the recommendations of the Steering Committee and staff, the city's planning consultants, McKenna and Associates, have provided the attached full "Public Hearing" draft for review.

While certain elements of the existing Zoning Ordinance have been carried over to the new document, the updated Zoning Ordnance should be viewed as a new comprehensive ordinance as opposed to a simple amendment to the current code. The new Zoning Ordinance offers the following significant departures from the existing ordinance:

- The general structure and layout have been revised, including new article names and article order (*Table of Contents*).
- The number of zoning definitions has been greatly expanded to help with Zoning Ordinance administration and interpretation (*Article 2 – Definitions*).
- Zoning districts have been modified, including new districts, renamed districts, and eliminated districts (*Article 3 – Zoning Districts and Map* and the attached Zoning Map). New districts include the *Residential Mixed-Neighborhood*, the *Mixed-Use Innovation* districts, and the *City Center* form-based code district.
- A *Permitted Use Table* has been added to allow users to easily see the districts in which uses are – and are not – permitted (*Section 3.06*).
- A new *Planned Unit Development (PUD)* section has been added to allow the city to consider innovative mixed-use projects that could not be allowed under any of the traditional zoning districts (*Section 5.05*).

- A new *Form Based Code/City Center* district has been added which contains design standards to promote the development of a walkable, mixed-use downtown district (*Article 6 – Form Based Code District*).
- The *Standards Applicable to Specific Uses* article has been added that consolidates use-specific standards into a single chapter (*Article 7 – Standards Applicable to Specific Uses*).
- All administrative review and approval processes have been consolidated into Article 14 (*Administrative Organization*) and Article 15 (*Administrative Procedures*).

Note that section/article cross-references and hyperlinks have not yet been added (designated by yellow highlights throughout the document). These will be added and updated prior to final adoption of the Zoning Ordinance.

ZONING DISTRICTS

The table below compares the current zoning districts with those proposed in the draft Zoning Ordinance:

Existing Zoning District	Modification	Proposed Zoning District
Residential Districts		
R-1, R-2, R-3: One Family Residential	No Change	R-1, R-2, R-3: One-Family Residential
R-T: Two-Family Residential	Renamed	R-MN: Residential Mixed-Neighborhood
R-M: Multiple-Family Residential	Renamed	R-MF: Residential Multi-Family
H-M: Mobile Homes District	Renamed	H-M: Manufactured Home District
R-C: Residential Condominium	Eliminated	--
H-R: High-Rise	Eliminated	--
Non-Residential		
N-P: Natural Preservation	Renamed	N-P: Natural Preservation and Recreation
O-1: Office	No Change	O-1: Office
B-1: Local Business	Renamed	B-1: Neighborhood Business
B-2: Planned Business	Renamed	B-2: Community Business
B-3: General Business	Renamed	B-3: Regional Business
M-1: Light Industrial	No Change	M-1: Light Industrial
M-2: Heavy Industrial	No Change	M-2: Heavy Industrial
P-1, P-2: Vehicular Parking	Eliminated	--
Mixed-Use		
--	New District	CC: City Center Form-Based
--	New District	MUI-1: Mixed Use Innovation 1
--	New District	MUI-1: Mixed Use Innovation 2

New Districts:

City Center (CC) Form Based District: The City Center zoning district is considered a "form-based" district. Compared with conventional zoning districts that primarily focus on regulating uses, form-based districts place at the forefront standards relating to building form, massing, and the relationship between the building and the street. The overarching intent of the City Center district is to ensure that individual sites are developed

in a manner that, when taken together, help create a downtown area with a distinct pedestrian-oriented identity. Refer to *Article 6*.

Mixed-Use Innovation 1 (MUI-1) District: The MUI-1 district is established to promote the reuse of older, "character-giving" industrial structures that may no longer be suitable for their original purposes. The proposed MUI-1 district opens up a range of commercial, office, light industrial, and multiple-family residential uses in areas that are currently restricted to light industrial zoning. Refer to *Section 3.20*.

Mixed-Use Innovation 2 (MUI-2) District: The MUI-2 district is established to promote the redevelopment of moderate to large-scale commercial retail centers into walkable, compact developments featuring a mix of commercial, residential, and recreational land uses. As proposed, the MUI-2 district permits a range of commercial, office, artisan manufacturing, and multiple-family residential uses. Refer to *Section 3.21*.

Renamed Districts:

Residential Mixed-Neighborhood (R-MN) District: Renamed from the current R-T, Two-Family District, the R-MN district is designed to promote a variety of housing opportunities including single family attached and detached, townhomes, and two, three and four-family structures. The district is further intended to allow for more residential units in walking distance to adjacent business, mixed-use, and City Center districts. On the current zoning map, there is only one property currently zoned R-T. In the proposed zoning map, the R-MN district is significantly expanded around the City Center district and along collector streets. Refer to *Section 3.10*.

Manufactured Homes (H-M) District: Renamed from the current Mobile Homes district to reflect updated terminology and structure design. Refer to *Section 3.12*.

Natural Preservation and Recreation (N-P) District: Renamed from the current Natural Preservation district to allow for the inclusion of public park and recreation facilities. Most public park and civic facilities are presently zoned Residential, which is not appropriate. Refer to *Section 3.19*.

Neighborhood Business (B-1), Community Business (B-2), and Regional Business (B-3): Renamed to more accurately reflect the increasing intensity of permitted business uses in each district. Refer to *Sections 3.14, 3.15, and 3.16*.

Eliminated Districts:

Residential Condominium (R-C): Condominiums represent a form of ownership, not necessarily a building or land use type. Condominium-style ownership may be applied in any zoning district to many different layouts, including site condominiums and building condominiums. Separate processes for each are contained in the Zoning Ordinance.

High-Rise (H-R) District: With the addition of the City Center and Mixed-Use Innovation districts which allow for greater building heights and a mix of uses within the same building, the High-Rise district became redundant. Properties presently zoned H-R are proposed as Mixed-Use Innovation 1 or 2 or Multi-Family Residential

Vehicular Parking (P-1/P-2) Districts: In the proposed Zoning Ordinance, stand-alone parking lots are permitted as special land uses in certain districts with use-specific standards, eliminating the need for separate parking zoning districts. Refer to *Section 10.06, Parking as a Principal use*)

ALIGNMENT WITH MASTER PLAN

The draft Zoning Ordinance aims to implement many of the action items contained in the adopted 2021 City of Madison Heights Master Plan. These action items, and the related proposed zoning ordinance standard(s) are listed in the tables below:

Housing & Neighborhoods	
Master Plan Action Item	**Zoning Ordinance Implementation**
Develop zoning standards for "missing middle" housing, including duplex, triplex, and quadplex dwellings. This may require the development of a new district.	• The new *R-MN – Residential Mixed Neighborhood District* allows duplexes, triplexes, and quadplexes by right. (*Section 3.10*). • Accessory Dwelling Units (ADUs) are permitted by right in all residential districts. (*Section 7.03*).
Amend single family zoning districts to allow multiple family as a special land use when fronting on a collector street	• The R-MN district is proposed adjacent to City Center district and along portions of Lincoln and Gardenia (collector roads). Refer to Zoning Map.

Additional Notes:

- The proposed Zoning Ordinance emphasizes the need for additional housing in the city. This is done by permitting a greater number of housing styles in certain areas of the city, thus increasing the number of residential units and allowing for a greater variety of housing types. This change includes allowing for duplexes, townhomes, multiplexes (3 and 4 unit buildings) and Accessory Dwelling Units (ADUs).
- The *H-R – High-Rise* district has been eliminated. Properties previously zoned H-R are now proposed as *R-MF, Multiple-Family*, or *MUI-2, Mixed-Use Innovation 2*. Refer to Zoning Map.
- Additional development and dimensional standards have been added to the HM, Manufactured Homes District (*Section 3.12*).
- Minimum lot area and lot width requirements in the R-1, R-2, and R-3 districts have been reduced to align with existing development patterns, reducing the number of non-conforming lots (*Article 4*).
- Residential design standards have been added for one-family, duplex, multiplex, and multi-family structures (*Article 7*).

Community Character	
Master Plan Action Item	**Zoning Ordinance Implementation**
Review and amend the Zoning Ordinance as needed to require high quality building materials and design standards for all new development	General design standards are proposed in *Article 7.* Additional design standards are contained in the Mixed-Use Innovation districts and City Center districts.
Create a form-based code for city center that promotes the area and enhances the pedestrian experience.	The City Center Form-Based Code district has been added in *Article 6*.

Review and amend the Zoning Ordinance as needed to ensure creative and appropriate uses and building designs can be achieved	The list of permitted uses has been modified to permit flexible, modern uses in appropriate zoning districts. Refer to *Permitted Use Table, Section 3.06.*

Additional Notes:

- *Section 7.02* contains general design standards for various land uses, building, and development types. For example, there are design standards listed for "Commercial, Mixed-Use, and Public/Quasi-Public" buildings, "Multi-Buiding Developments", "Residential/Commercial Mixed-Use", "Industrial", and "Residential/Industrial Mixed-Use." Where use-specific design standards or district specific design standards are stricter, they take precedence.

Commercial and Industrial Development	
Master Plan Action Item	**Zoning Ordinance Implementation**
Update industrial zoning to accommodate a modern mix of tech, research, and light industrial uses	The list of uses permitted in the M-1/M-2 districts includes modern industrial uses (*Section 3.06*). The MUI-1 and MUI-2 districts permit a flexible list of uses, including residential, commercial, and light manufacturing. *Section 3.20* and *Section 3.21*.
Develop flexibility in parking standards and other side standards for redevelopment sites to enable new uses on physically constricted sites. Lower barriers to positive redevelopments.	Flexible parking standards, including reduced minimum parking requirements, parking maximums, and parking waivers, are included in *Article 10.*
Ensure that non-residential districts provide for innovation; directly permit shared kitchen facilities, entrepreneur incubators, and co-working spaces.	The list of uses permitted in the M-1/M-2 districts include modern industrial uses (*Section 3.06).*
Review building design standards to promote high-quality design.	Commercial and industrial building design standards are contained in *Section 7.02*.
Use frontage landscaping standards to improve the appearance of commercial and industrial areas.	Frontage landscaping requirements are included in *Article 11*.
Adopt maintenance requirements for landscaping.	Installation and maintenance requirements are included in *Section 11.10.*
Adopt more robust, detailed lighting standards; require a photometric plan for non-residential development to reduce light pollution into the neighborhoods.	Exterior lighting standards are contained in Section *8.04*.
Consider permitting additional height in the B-3 district.	While additional height has not been added in the B-3 district, additional building height is allowed in the City Center and Mixed-Use Innovation districts to promote redevelopment.

Additional Notes:

- *Article 7, Standards Applicable to Specific Uses* contains design and operation regulations that pertain to specific uses.

Public Services & Facilities	
Master Plan Action Item	**Zoning Ordinance Implementation**
Amend landscaping provisions to encourage more natural stormwater management practices, increase tree canopy, and reduce overall impervious surface on developed sites.	Storm water management standards are contained in *Section 11.03* and under *Section 14.04*, site plan review process.
Explore requirements for commercial development that improve non-motorized access and safety within development sites.	*Section 10.10* contains access management requirements, including sidewalk, cross-access, and driveway standards.
Update parking standards to minimize parking areas and reduce stormwater runoff.	Article 10*, Parking, Loading and Access Management,* contains maximum parking requirements which limit surface parking areas and require low-impact stormwater management. *Section 10.04*.

Additional Notes:

- The City of Madison Heights has adopted Oakland County's stormwater management requirements, which will be applied to all major site plans.

Transportation	
Master Plan Action Item	**Zoning Ordinance Implementation**
Review and amend the Zoning Ordinance as needed to require improved access and connectivity throughout the city.	Article 10, Parking, Loading, and Access Management, contains standards for shared parking facilities, cross-access, pedestrian access, bicycle parking infrastructure, and driveway design.

PLANNED UNIT DEVELOPMENTS (PUDs)

Section 5.05 allows for the city to consider Planned Unit Developments (PUDs) in accordance with the Michigan Zoning Enabling Act. PUDs essentially act as unique, stand-alone zoning districts applied to a specific site or development. PUDs enable projects that could not be accommodated under one of the base zoning districts, whether it be due to the types of proposed uses or site and dimensional constraints. PUDs offer flexibility in site planning and design in exchange for innovative projects that benefit the city and promote the goals of the Master Plan. Staff notes, however, that the use of PUDs should be limited to those projects that truly cannot meet the requirements of one of the base zoning districts, as the overuse of PUDs can limit the effectiveness of the Zoning Ordinance.

OTHER REGULATIONS OF NOTE

Regulated Adult Uses: The section on Regulated Adult Uses (*Section 5.03*) has been modified to reflect previous discussions at the Planning Commission. Modifications include the removal of pool and billiard halls, tattoo parlors, used goods uses, and certain massage establishments from the list of regulated uses. "Deferred Presentment Service Transaction Facilities" have been added as a regulated use.

While not listed as a Regulated Adult Use, use-specific and location/separation standards have been added for certain land uses, such as firearm retail sales, indoor shooting ranges, and tobacco/smoke shops or smoke lounges (refer to *Article 7 – Standards Applicable to Specific Uses*).

Primary Caregiver Marihuana Grow Overlay District: The boundaries of the Medical Marihuana Caregiver Grower Overlay District (*Section 5.01*) have been reduced.

Signs: *Article 12, Signs*, includes user-friendly regulation tables which are separated by zoning district and sign type. The section includes new provisions relating to murals (defined as "painted wall signs") to encourage additional public art.

Fences: *Section 8.05, Fences*, includes modified, simpler standards for fences within the city. Because most fences do not require permits, meaning no department-level review, simpler standards are intended to allow for a better understanding of fence requirements, especially for residential property owners, ultimately leading to less code violations and civil disputes.

Nonconforming Site Elements: *Article 13, Nonconformities*, includes standards relating to nonconforming site elements (e.g. landscaping, parking, use-specific standards). These standards are missing within the current ordinance.

Special Land Uses: Under the current Zoning Ordinance, special land use applications proceed directly to City Council for action. Under the proposed ordinance, special land use requests will start at the Planning Commission (at a public hearing), who will then make a formal recommendation to City Council. Refer to *Section 15.05*.

Text Amendments, Rezonings and Conditional Rezonings: The current Zoning Ordinance does not contain procedural standards for zoning text amendments or map amendments (rezonings). The proposed ordinance contains both procedural and substantive standards for text amendments and rezonings and offers a conditional rezoning process. *Refer to Section 15.07*.

Use Variances: The proposed Zoning Ordinance removes the option to obtain a use variance through the Zoning Board of Appeals (ZBA). Text amendments or rezonings should be utilized instead of use variances in accordance with best practices. Refer to *Section 15.06.*

NEXT STEPS

Staff and the city's planning consultants intend to overview the complete draft with City Council and the Planning Commission at the joint public hearing scheduled for March 19th, 2024. After the public hearing and discussion, the Planning Commission may make a recommendation of adoption to City Council (refer to the template motion provided below); the recommendation may include conditions relating to desired text or map modifications. The City Council would act on final adoption of the new Zoning Ordinance at a

separate meeting. Alternatively, the Planning Commission and City Council may request modifications to the proposed draft, which can be incorporated into future drafts; in this case, the Planning Commission may move to postpone action on the draft.

Draft Motion – Recommendation of Approval to City Council

I MOVE THAT:

Pursuant to the processes set forth in the Michigan Zoning Enabling Act, PA Act 110 of 2006, together with the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19th, 2024, the Planning Commission recommends that City Council **APPROVE** the updated Zoning Ordinance, replacing the current Zoning Ordinance in its entirety [subject to the following changes (identify sections to remove and/or sections and text to modify)]:

1) _____
2) _____
3) _____

Draft Motion – Postpone Action

I MOVE THAT:

Based on the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19th, 2024, the Planning Commission moves to **POSTPONE** on the updated Zoning Ordinance, as presented, to allow staff time to address the following:

1) _____
2) _____
3) _____

Ordinance No. 2198
City of Madison Heights
Oakland County, Michigan
New Zoning Ordinance and Map

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, to adopt and enact a new City of Madison Heights Zoning Ordinance and Zoning Map.

The City of Madison Heights ordains:

Section 1. Adoption and Enactment of the new City of Madison Heights Zoning Ordinance and Zoning Map

Appendix A of the Code of Ordinances, Ordinance 571, City of Madison Heights, Michigan, is hereby amended to adopt and enact the new City of Madison Heights Zoning Ordinance attached as **Exhibit A** and the new Zoning Map attached as **Exhibit B**. The Zoning Map is incorporated within and is an integral part of the new Zoning Ordinance.

Section 2. Enabling Authority

The new City of Madison Heights Zoning Ordinance and Zoning Map are adopted pursuant to the Michigan Zoning Enabling Act (Act 110 of 2006, as amended).

Section 3. Repeal and Replacement

The former City of Madison Heights Zoning Ordinance and Zoning Map that exists as of this date will be repealed and replaced by the new City of Madison Heights Zoning Ordinance (Exhibit A) and Zoning Map (Exhibit B) respectively when such new City of Madison Heights Zoning Ordinance and Zoning Map become effective.

Section 4. Severability

Should any portion or part of the new City of Madison Heights Zoning Ordinance or Zoning Map be declared invalid or unconstitutional by a court of competent jurisdiction, that shall not affect the balance of the new Zoning Ordinance or Zoning Map, and the remaining portions of the new Zoning Ordinance and Zoning Map shall remain intact and in full force and effect.

Section 5. Effective Date

Following adoption of this ordinance, the ordinance shall be filed with the clerk of the City of Madison Heights, and a "Notice of Ordinance Adoption" shall be published in a newspaper of general circulation, in the local unit of government, within ten (10) days after adoption, per the City Charter. The Zoning Ordinance and Zoning Map shall take effect seven (7) days after publication in the newspaper of general circulation.

Section 6. Enactment

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between 12:30 p.m. and 4:30 p.m. on regular business days.

_____ _____

Roslyn Grafstein, Mayor Cheryl Rottmann, City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on _____ _, 2024.

_____

Cheryl Rottmann, City Clerk

(Ordinance 2198)
Joint City Council/Planning Commission Public Hearing: March 19th, 2024
City Council First Reading: April 8th, 2024
City Council Second Reading and Public Hearing: May 13th, 2024
Adopted: TBD
Published: TBD
Effective: TBD

MADISON HEIGHTS
MICHIGAN

Zoning Ordinance 2024

CITY OF MADISON HEIGHTS, MICHIGAN

SECOND READING DRAFT FOR ADOPTION [CITY COUNCIL] · 05.13.24

MCKENNA

235 East Main Street, Suite 105
Northville, MI 48167
mcka.com

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Article 1.
Title, Purpose and Scope

Section 1.01 Short Title

This Ordinance shall be known and may be cited as the "City of Madison Heights Zoning Ordinance."

Section 1.02 Repeal of Prior Ordinance

The Zoning Ordinance adopted by the City of Madison Heights known as Ordinance No. 252 and all amendments thereto, are hereby repealed as far as they conflict with this Ordinance. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 1.03 Purpose

The fundamental purpose of the Zoning Ordinance is to promote the health, safety, and welfare of the inhabitants of the City by:

1. Promoting the orderly development of the City by implementing the goals and action steps identified in the City of Madison Heights' Master Plan, following City policies, and identifying land uses suitable for properties to protect allowable uses against incompatible uses of land;
2. Encouraging citywide resiliency through smart, low impact development and stormwater management that preserves and protects the natural and built elements of the City;
3. Promoting the economic progress of the City by preserving and growing the established commercial business districts and developing additional commercial business and residential mixed use districts throughout the City;
4. Preserving and establishing walkable areas by intentionally focusing on building form, urban design, and how the building frontages interact with the public street;
5. Enhancing the City’s multimodal network and providing for the efficient movement and parking of vehicular and non-motorized transportation;
6. Beautifying the City by enhancing its urban tree canopy and being attentive to site design and landscaping; and
7. Reducing the hazards to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards.

Section 1.04 Scope.

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

Section 1.05 Interpretation

In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

Section 1.06 Vested Right

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

Section 1.07 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Section 1.08 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations that are imposed or required by the provisions of any other City Ordinance, then the provisions of this Ordinance shall govern.

Section 1.09 Legal Basis

This Ordinance is enacted pursuant to Public Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended, and Public Act 33 of the Public Acts of 2008, the Michigan Planning Enabling Act.

Section 1.10 Effective Date

This Ordinance, which specifically includes the Zoning District Map, was adopted on (insert date) by The Madison Heights City Council and shall take effect 7 days following its publication in accordance with the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of 2006.

Article 2. Definitions

Section 2.01 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure" and "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," "association," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot," includes the words "plot" or "parcel;" the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

Terms not herein defined shall have the meanings customarily assigned to them.

1. **Accessory Building:** Refer to Building, Accessory.
2. **Accessory Dwelling Unit:** A residential dwelling unit, but not a mobile home, located on the same lot as, and incidental to, a detached single-family dwelling unit, either within the same building as the single-family dwelling or in a detached building in accordance with the provisions of this Ordinance.
3. **Adult Day Care Centers:** A facility designed to provide care and companionship for older adults who need assistance or supervision during the day. Day care centers will only be considered a day care center when they are state licensed.
4. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
5. **Alterations:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
6. **Apartments:** Portion of a building consisting of one or more rooms and occupied by one or more persons as a Dwelling Unit, separate and set apart from other rooms or groups of rooms within a building.
7. **Artist Studio:** A space used as a studio and/or display area for the creation, display, and sale of works of art and instruction by the resident artist(s).
8. **Artisan Manufacturing/ Makerspace:** Non-residential space designed to be used for personal-scale, low-impact artisan production of wholesale goods.
9. **Assembly Plant:** A second stage manufacturer who receives a partially assembled product from the manufacturer for the purpose of completing the assembly to meet certain owner specifications.
10. **Auto Repair and Service Facilities:** A facility involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; tire repair or replacement; oil and lubricant services; painting and undercoating of automobiles; and similar vehicle repair and service activity. Auto Repair and Service Facilities are further classified as “light” and “heavy” below.
    A. **Auto Repair and Service Facilities (Minor***):* A facility where services such as, but not limited to, motor vehicle engine repair, wheel alignment, brake servicing, exhaust system repair, tire repair and/or replacement, and/or oil change or lubrication services are conducted. Prohibited activities include, but are not limited to, motor vehicle body

repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar services classified as heavy repair, below.

B. **Auto Repair and Service Facilities (Major):** A facility where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted. All uses listed under Auto Repair and Service Facilities (light repair) shall also be permitted at heavy repair and service facilities.

11. **Auto Wash:** A facility used to clean the exterior, and in some cases the interior of cars. Auto washes include automated tunnel wash buildings and self-service facilities.

12. **Automotive Sales (New):** A facility that is engaged in the display, sale or rental of new motor vehicles.

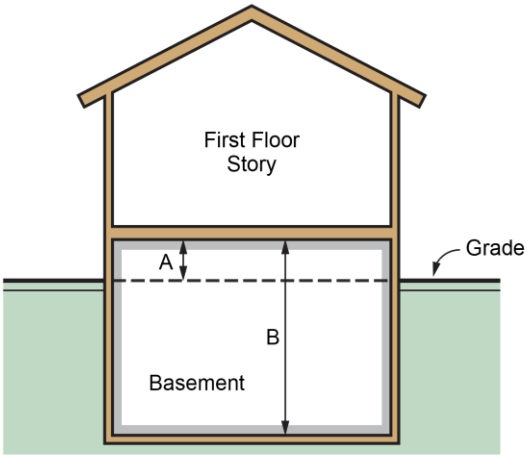
13. **Automotive Sales (Used):** A facility that is engaged in the business of purchasing, selling, exchanging, or dealing in used motor vehicles.

14. **Awning/Canopy:** An architectural projection protruding from and supported by the exterior wall of a Building, located on a storefront or above individual window openings. An awning/canopy may be supported by one or more supporting poles. For the sake of this Ordinance, a roofed structure providing cover for fueling station pumps shall not be considered an awning/canopy, but rather shall be considered a principal structure.

15. **Banquet/Assembly/Meeting Halls:** An establishment available to the public for rental for the purpose of holding meetings, banquets, and receptions.

16. **Bars and Taprooms:** Establishment where majority of sales come from alcoholic products.

17. **Basement:** That portion of a building which is partly or wholly below grade but located so that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the bottom of the joists supporting the ceiling. A basement shall not be counted as a story.



Basement

If "A" is less than 1/2 of "B," then "B" is a basement.

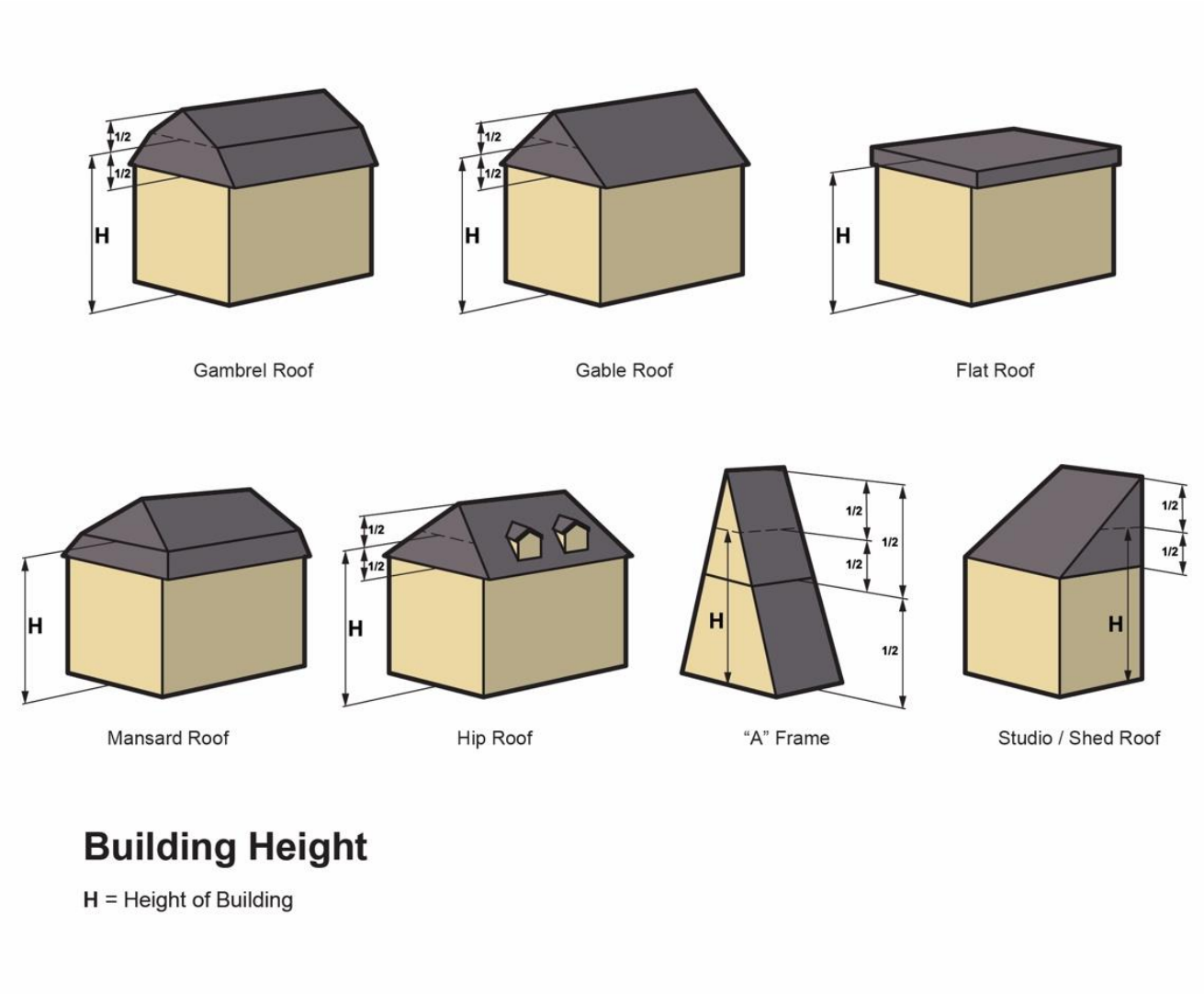
18. **Brick and Mortar Restaurant:** A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.

19. **Building.** Any structure having a roof, supported by columns or by walls, and intended for the shelter, housing or enclosure of any person, animal, or goods.

20. **Building Official.** The Building Official of the City of Madison Heights or his authorized representative.

21. **Building, Accessory:** A subordinate building or structure that is physically attached or detached from a principal building on the same parcel, the use of which is clearly incidental to the principal building/use, including, but not limited to, garages, sheds, carports, and utility buildings.

22. **Building Height***:* Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge, gable, hip, and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



23. **Building, Principal:** Is a building in which is conducted the main use of the lot on which it is situated.

24. **Building Line:** Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds eight feet in width and projects more than two feet beyond the foundation, the face of such projection shall form said building line. For the purposes of this Ordinance, a building line is the same as a front setback line.

25. **Catering Facility**: A business where food is prepared at the business address and transported for serving off-site locations.

26. **Child Day Care Facilities:**

    A. **Child Day Care Centers:** A facility, other than a private residence, receiving more than one (1) child for care and supervision for periods less than twenty-four (24) hours, and where parents or guardians are not immediately available to the child.

    B. **Child Family Day Care Home:** A private home in which at least one (1) but not greater than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

    C. **Child Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

27. **Commercial Kennel and Boarding Facility:** A premises on which three (3) or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, with overnight boarding, either for sale, breeding, boarding, training, hobby, protection, grooming or as pets; and may offer provision for minor medical treatment. Includes animal shelters and pet daycare facilities.

28. **Commercial Vehicle:** Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name, or other business identification (except "for sale" signs if otherwise permitted in this Ordinance), or which has attached to it, carries or transports, people, material, or equipment used in the conduct of any business including taxi cabs and limousines. Commercial vehicles include but are not limited to:

    A. Truck tractor.

    B. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

    C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit, or similar vending supply or deliver trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors.

    D. Tow trucks.

    E. Commercial hauling trucks.

    F. Vehicle repair service trucks.

    G. Snow plowing trucks.

29. **Club:** An organization of people for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

30. **Community Recreation Centers and Private Noncommercial Recreational Areas:** A facility that is used for recreational or community activities. Community recreation centers and private noncommercial recreational areas can also include swimming pools.

31. **Compostables:** means leaves, grass clippings, brush, woodchips, tree limbs under two inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a Special Land Use Approval.

32. **Contractor's Office**: Office space utilized by a contractor or general tradesperson to conduct the administrative operations associated with their business, but shall not include outdoor storage of materials, equipment, and/or construction vehicles unless otherwise permitted in the zoning district.

33. **Day Care Home**: Refer to "Child Day Care Facilities."

34. **Distillery:** An establishment that manufactures not more than 60,000 gallons of spirits annually. A distillery may include retail sales and a restaurant, bar, or tap-room where permitted in the zoning district.

35. **District:** Is a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

36. **Drive-In:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved rather than within a building or structure.

37. **Drive-Through Facilities:** A business (such as a bank or restaurant) that is designed with an element where customers can be served while remaining in their cars.

38. **Dwelling:** A building, or part of a building, designed or primarily used for human habitation containing permanent facilities for living, sleeping, cooking, and sanitation, by one family.

    A. Duplex/Two-Family Dwelling: A residential structure designed with two dwelling units, for or occupied by two families, with separate living, sleeping, cooking, and sanitation facilities for each dwelling unit.

    B. Live/Work Unit: A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio with a dwelling unit on the upper floors.

    C. Multi-Family: A building containing five (5) or more dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and often called apartments, lofts, condominiums, or stacked flats. For the sake of this Zoning Ordinance, Multi-Family buildings do not include duplexes, multiplexes, townhomes, mixed-use buildings or upper story residential.

    D. Multiplex Dwelling: A residential structure containing three or four dwelling units that may have the appearance of one house from the street.

    E. One-Family Detached: One dwelling unit, accommodating only one family, that is within a separate building and having open areas on all sides.

    F. Townhouse: A building where the dwelling units are joined side-by-side and separated by shared walls. Each dwelling unit has independent access to the frontage and may have small yards.

39. **Elevation:** The appearance of any exterior wall of a building as viewed from the exterior.

40. **Erect.** To build, construct, attach, hang, place, suspend, affix, paint or alter.

41. **Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

42. **Essential Public Utility Services:** Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; or wireless cellular or personal communications service (PCS) telecommunications antenna towers.

43. **Façade:** Any building elevation that is located along street frontage.

44. **Family:**

    A. One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit, i.e., biological family.

    B. Any collective number of individuals living together in one house, whose relationship is of permanent and distinct domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature, i.e., functional family.

45. **Fence:** a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter.

    A. **Ornamental Fence** shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences

shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

B. **Partition Fence** shall mean a fence located along the line dividing two lots or parcels of land whether subject to an easement or not.

C. **Privacy Fence** shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way.

46. **Financial Institution:** Any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution. Examples include, but are not limited to, banks, savings and loan office, credit unions, mortgage or loan companies, and stock brokers, including branch offices and automated teller machines.

47. **Firearm Retail Sales:** The sale, transfer, lease, offer or advertising for sale or lease of a firearm, which includes a gun, pistol, revolver, rifle or any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

48. **Fleet and Recreational Vehicle Storage Yard**: A facility, typically including outdoor storage areas, dedicated towards the long-term and/or overnight storage of delivery or service vehicles owned by a commercial establishment, or the long-term storage of personal recreational vehicles, including but not limited to boats, boat trailers, utility trailers, motorized homes, and camper trailers.

49. **Floor Area, Gross:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and measured from the exterior faces of the exterior walls.

50. **Floor Area, Usable:** The gross floor area, minus the area used for or intended be used for storage, hallways, vestibules, elevators, stairs, mechanical equipment, sanitary facilities, or utilities.

51. **Foster Care Facility:** A residential care facility licensed by the State of Michigan under PA 287 of 1972 as amended, or PA 116 of 1973, as amended, which provides resident care services for twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

A. **Foster Care Family Home:** A state licensed foster care facility providing resident services to six (6) or fewer persons.

B. **Foster Care Group Home:** A state licensed residential facility providing resident services to more than six (6) persons.

52. **Funeral Home:** An establishment engaged in undertaking services such as preparing the human dead for burial or cremation, and arranging, managing, and hosting funeral services.

53. **Garage, Private:** An accessory building used for parking or storage of motor vehicles, but not for commercial servicing or repair.

54. **Garden Center:** A retail facility that sells plants and related products for the domestic garden as its primary business. Plant stock is typically propagated elsewhere, such as by specialist nurseries or wholesalers.

55. **Gasoline/Recharging Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels or use of vehicle charging equipment directly to the users of motor vehicles, and also including the accessory sale of minor accessories.

56. **General Retail:** Business that sells retail goods, including but not limited to groceries, meats, dairy products, baked goods or other foods, dry goods, used goods, and hardware. General Retail does not include Tobacco/ Smoke Shops, as defined in this Ordinance.

57. **General Retail, Small to Mid-Format**: A general retail building of 30,000 square feet or less that is most commonly associated with one or more smaller retail tenants.

58. **General Retail, Large Format:** A general retail building of greater than 30,000 square feet that is most commonly associated with one or more larger commercial tenants. A large-format general retail building may have several commercial uses in the building or have in-line retail.

59. **Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.

60. **Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

61. **Health Club:** Refer to "Recreational Business".

62. **Heavy Industrial and Manufacturing:** A use characterized by manufacturing, mining, or compounding processes of raw materials that often involves outdoor operations as part of the process.

63. **Home Improvement Center:** A retail facility engaged in the retail sale of various building supplies, such as tools, lumber, hardware, paint, household appliances, garden supplies, landscaping equipment, and similar items.

64. **Home Improvement Center, Small to Mid-Format:** A Home Improvement Center of 30,000 square feet or less.

65. **Home Improvement Center, Large Format:** A Home Improvement Center of greater than 30,000 square feet.

66. **Home Occupation:** A business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of this Zoning Ordinance.

    A. **Home Occupation, Major:** A home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home. Examples of major home occupations include, but are not limited to, offices and storage for small landscaping or contracting businesses, medical and dental offices, hair or makeup stylists, and organized classes with up to six (6) students at a time.

    B. **Home Occupation, Minor:** A home occupation that is wholly contained within the main residential structure, is not generally evident to the surrounding area, and as a maximum of one (1) non-resident employee. Examples of minor home occupations include, but are not limited to, administrative and technical office facilities (excluding medical or dental offices), preparation of food or food products to be sold or served off site, artists, craftsmen and sculptors, tailoring and sewing, and individual tutoring or instruction.

67. **Hospital:** A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospitals may include 24-hour emergency care services.

68. **Hotels and Lodging Facilities:** A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels and lodging facilities may include a high level of guest services and amenities such as pools, restaurants, fitness centers, and similar features as accessory uses.

69. **Incubator Kitchen:** An establishment that rents or otherwise makes available commercial-grade kitchen space for the primary purpose of food preparation, including menu planning, training, taste testing, product development, or any other food-related purpose.

70. **Incubator Workspaces:** A facility that provides start-up or emerging businesses with shared office or industrial equipment, support, and business development services, such as management and marketing assistance, for a limited period of time.

71. **Indoor Shooting Range (Firearms and Archery):** A specialized indoor facility specifically for firearm and archery usage qualifications, training, practice or competitions.

72. **Industrial Tool and Equipment Sales and Rental:** A business establishment specializing in the sale and rental of tools, small equipment and machinery, but shall not include outdoor storage of materials, equipment, and/or construction vehicles unless otherwise permitted in the zoning district.

73. **Institution of Higher Learning:** A post-secondary educational institution, such as a university or college, which grants associate, bachelor, master, or doctoral degrees.

74. **Junk, Tow or Salvage Yard:** Is an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

75. **Light Industrial and Manufacturing:** The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from adjacent properties.

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

77. **Loft Dwelling:** A dwelling unit that was converted to residential use from a commercial, manufacturing, or warehouse use.

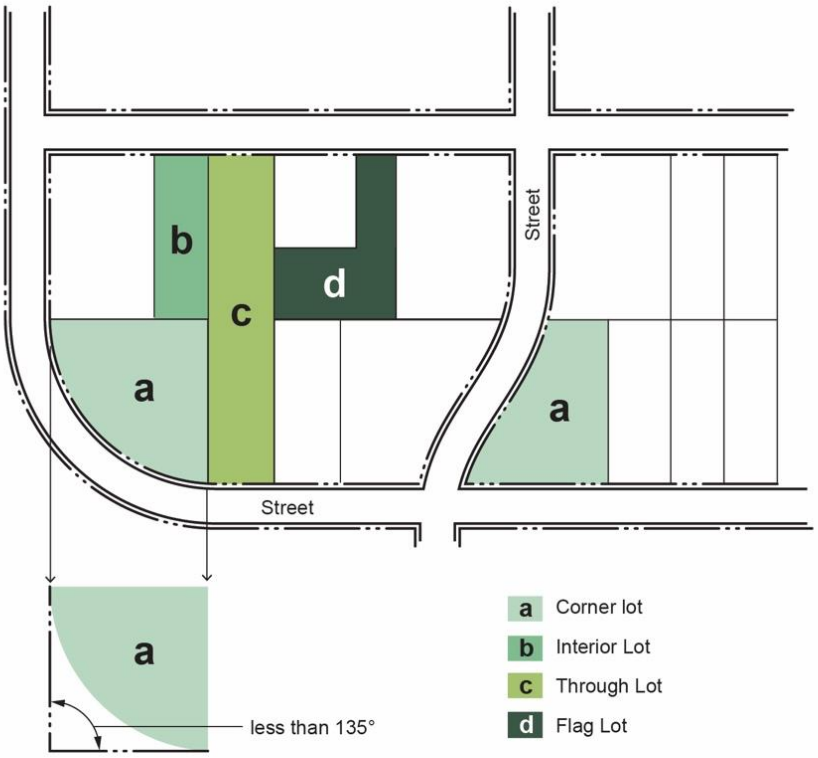
78. **Lot:** Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. For the purposes of this Ordinance, lot and parcel are used interchangeably.

79. **Lot, Corner:** A lot where the interior angle of two adjacent sides as the intersection of the two streets in less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

80. **Lot, Flag:** A lot of shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.

81. **Lot, Interior***:* Any lot other than a corner lot.

82. **Lot, Through:** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of through lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.



Corner, Interior, and Through Lots

83. **Lot Area:** The total horizontal area within the lot lines of the lot.

84. **Lot Coverage***:* The part or percent of the lot occupied by roofed buildings, including accessory buildings.

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

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

87. **Lot Lines:** The lines bounding a lot as defined herein.

    A. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, that line separating said lot from that street which is designated as the front street in the plat or in an application for a building permit or zoning approval.

    B. **Rear Lot Line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

    C. **Side Lot Line:** Any lot lines other than the front lot line or rear lot line.

        (1) Exterior lot line or side street lot line: A side lot line separating a lot from a street.

        (2) Interior lot line: A side lot line separating a lot from another lot or lots.

88. **Lot Width:** The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines.

89. **Lumber Yard:** A retail operation, typically including an outdoor component, dedicated to the retail and wholesale of wood.

90. **Major Thoroughfare:** Is an arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. For purposes of this Ordinance, major thoroughfares shall be considered to be section line roads and roads of 120 feet right-of-way or more.

91. **Marquee.** See “Awning/ Canopy”.

92. **Manufactured Home:** A structure manufactured off-site and designed for use as a dwelling unit which is transportable in one (1) or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation. The term does not include modular homes, travel trailers, or recreational vehicles, as defined elsewhere in the Madison Heights Code of Ordinances. Manufactured homes are regulated by the State of Michigan and are subject to the rules of the Michigan Manufactured Housing Commission.

93. **Manufactured Housing Park:** A parcel of land designed for the placement of manufactured homes for residential use.

94. **Manufacturing:** An establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resin, etc.

95. **Massage Therapist, Licensed:** An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.

96. **Massage Therapy:** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupressure, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.

    Massage therapy does not include the following: (1) Persons duly licensed by the State of Michigan to practice medicine, surgery, osteopathy, chiropractic, physical therapy, nursing, or podiatry; and (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

97. **Massage Therapy Facility, Licensed:** A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.

98. **Massage Therapy Facility, Unlicensed:** A place of business in which massage therapy is practiced by employees that are not licensed massage therapists, as defined herein.

99. **Master Plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the City of Madison Heights, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the city council.

100. **Medical Office:** Any outpatient facility, physician's office, or facility for medical, dental, or psychiatric diagnosis and treatment utilized by a Health Professional. Medical offices also encompass medical laboratories. Medical offices do not include hospitals.

101. **Medical Supply Store:** Establishment selling items for medical use that are suitable for use in a health care facility or in the home and that are disposable or semi-disposable and are non-reusable. For the purposes of this Ordinance, medical supply stores are classified as general retail.

102. **Metal Plating, Buffing, and Polishing:** Premises on which metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodized, colored, or otherwise coated or finished.

103. **Microbrewery:** A brewery that produces less than 30,000 barrels of beer or ale per year, as allowed by state law. A microbrewery may include retail sales and a restaurant, bar, or tap-room where permitted in the zoning district.

104. **Mixed-Use Developments:** A building or structure used, designed or intended for use for both residential and non-residential uses.

105. **Mobile Food Court:** A private property which has been approved under the provisions of this Ordinance for the operation of one or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.

106. **Mobile Food Site:** A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.

107. **Mobile Food Vehicle:** A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream trucks).

108. **Mobile Food Vendor:** An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.

109. **Modular Home:** A dwelling unit which consists of prefabricated or factory-built modules which are transported to the site and assembled for permanent location on a residential parcel. A modular home shall bet all codes and regulations applicable to conventional single-family home construction.

110. **Natural Areas:** Areas that contain ecological, geological, or other features of scientific, scenic, or natural history value. Including related display or educational facilities, field trails for nature study and hiking as well as other uses normally associated with nature areas.

111. **Noncombustible Material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

112. **Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional regulations of this Ordinance.

113. **Nonconforming Lot:** Any lot, which, prior to the time of the adoption of this Ordinance, was in existence and in conformance with the provisions of all applicable laws, ordinances, regulations, and other restrictions, but which does not conform to the provisions of this Ordinance.

114. **Nonconforming Use:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

115. **Open Air Business:** A business establishment, other than a drive-in or gasoline service station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.

116. **Outdoor Storage and Display:** The keeping of goods, materials, or equipment outside of a Building for display or for sale. The definition of outdoor storage and display does not include the outdoor storage or display of vehicles for sale or lease.

117. **Painting, Varnishing, and Undercoating Shops:** Establishments engaged in the painting, varnishing, and undercoating of motor vehicles.

118. **Parking Space:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

119. **Party Wall**: A wall on a property boundary, constructed without openings, as a common support to structures or parts of structures on both sides for the common benefit of both.

120. **Personal Service Establishment:** An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, tattoo/body art shops, licensed massage therapy facilities, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, millinery, and tailor and dressmaker shops.

121. **Pharmacy:** A drug store in which drugs and medicines are sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

122. **Planning and Zoning Administrator:** The Planning and Zoning Administrator of the City of Madison Heights, with duties as defined in this Ordinance, or his/her authorized representative.

123. **Portable On-Site Storage Unit (PODS):** An enclosed unit of durable construction or material, typically eight feet in width by eight feet in height, and not exceeding 16 feet in length, designed for temporary storage, which are transported by truck and left on site or are filled and removed and stored at a central location. May be known by the name PODS (Portable On Demand Storage Units).

124. **Principal Frontage:** The lot line, of any lot in question, in common with the right-of way line along the public thoroughfare that represents the street of address for that lot.

125. **Principal structure:** A structure or building wherein a use for which the district is designated is conducted and/or which is used for occupancy.

126. **Professional Office:** A commercial use for the provision of services to customers or for administrative duties to an organization or business. The term professional office does not include medical offices, government/public offices, financial institutions, research and development facilities, nor buildings dedicated to educational purposes.

127. **Public Utility:** Is any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

128. **Planned Unit Development (PUD):** A zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Council, and documented in a PUD agreement between the City and site owner/developer, in accordance with the provisions of this Zoning Ordinance. Planned Unit Developments shall address needs in the City that could not otherwise be addressed in other conventional zoning districts and shall achieve compatibility with the Master Plan and surrounding land uses.

129. **Recreational Business, Indoor:** an indoor facility for leisure, exercise, and/or entertainment, such as but not limited to: bowling alleys, skating rinks, billiard halls, indoor health and fitness centers, dance and martial arts and sports studios, climbing gyms, and other indoor recreational facilities

130. **Recreational Business, Outdoor:** An outdoor facility for leisure, exercise and/or entertainment. Examples include golf courses, private nature preserves, skateboarding parks, water parks, go-karts, batting cages, driving ranges, and private sports facilities. Outdoor theaters shall be included in the definition of outdoor recreational businesses.

131. **Recycling Drop-Off Center:** means a site containing one or more self-contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

132. **Recyclable Materials:** means high grade paper, glass, plastic, newspaper, corrugated paper, and other materials as may be specified in conditions established as part of a Special Land Use Approval.

133. **Recycling Processing Facility:** means a facility designed and used for the collection, sorting, processing, and temporary storage of recyclable materials; and the redistribution of processed materials to off-site locations for re-use. As used herein, processing means changing the physical or chemical character by separation, treatment or other means, so as to make it re-usable as a resource.

134. **Recycling Transfer Facility:** means a structure used for the transfer of recyclable materials from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected recyclables.

135. **Religious Institution:** Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, including, as an accessory use, child care, dining and assembly areas, and educational facilities. Accessory child care and educational facilities shall be conducted by the religious organization, where children are in attendance for not greater than four (4) hours per day while persons responsible for the children are attending religious classes or services.

136. **Regulated Use:** A use which has serious objectionable operational characteristics, as explicitly listed and further defined in ***Section 5.03*** of this Zoning Ordinance.

137. **Research, Development, and Testing Facilities:** Research, developing, and testing related to such fields as chemical, pharmaceutical, medical, bio-medical, liquid, telecommunication, software, electrical, transportation, and engineering.

138. **Restaurant:** An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast-food restaurant, sit-down restaurant, bar/lounge, or combination thereof, as defined below:

    A. **Restaurant, Fast Food:** A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and in which the patron consumes while seated in the restaurant or off the premises. Fast food restaurants may include drive-through and take-out establishments.

    B. **Restaurant, Sit-Down:** A business establishment in which a patron purchases food or beverages, which is then prepared after the patron's order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

    C. **Bar/ Lounge:** An establishment which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks.

139. **Secondary Frontage:** Any lot line, of any lot in question, in common with any right-of way line along any public thoroughfare that does not represent the street of address for that lot.

140. **Self-Storage Facility:** A building or group of buildings containing fully enclosed, compartmentalized units or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office, and/or local commercial activities.

141. **Senior Housing, Assisted:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

142. **Senior Housing, Independent:** Housing for the elderly that includes attached or detached cottage-type dwellings, townhouses, or apartments. Apartments, or congregate living arrangements, may feature common service areas accessory to the dwelling units, including, but not limited to, central dining areas, recreational rooms, and central lounges.

143. **Setback:** The distance required to obtain front, side, or rear yard open space provisions of this Ordinance. See definition for "Yard".

144. **Sight-Obscuring**: Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four inches in width) equals or exceeds the width of said boards, slats, etc., measured at 90-degree angles.

145. **Sign:** Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state, or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this Ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

    A. **Abandoned Sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted.

B. **Awning/Canopy Sign.** A sign painted or attached to the surface of an awning or canopy. An awning/canopy sign may be attached flush to an awning/canopy, attached above, or suspended below an awning/canopy. Awning/Canopy signs shall include marquee signs.

C. **Bench Sign:** A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.

D. **Billboard:** A freestanding sign, whether utilized as a principal use of the property or as a secondary use, which exceeds 100 square feet in area.

E. **Decorative Post Signs:** A low-profile freestanding sign mounted on two poles at the outermost sides of the sign face.

F. **Ground Sign:** A freestanding sign supported by one or more uprights, braces, poles, or pylons, located in or upon the ground and not attached to any building. Ground signs comprise of monument signs and decorative post signs.

G. **Marquee Sign:** See awning/canopy sign.

H. **Monument Sign:** Freestanding sign mounted to the ground that does not have any exposed poles or pylons.

I. **Mural Sign:** Refer to "Wall Sign, Painted"

J. **Portable Sign:** Any sign not permanently attached to the ground or a building.

K. **Projecting Sign:** A sign other than an awning/ canopy sign which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.

L. **Pylon Sign:** Freestanding outdoor sign with either one or two poles for support.

M. **Roof Sign:** A sign which is erected, constructed, painted, placed, or maintained on any portion or surface of the roof of a structure. Awning/Canopy signs that project above an awning or canopy shall not be considered roof signs. A sign attached to a mansard roof is counted as a wall sign, not a roof sign.

N. **Temporary Sign:** A free-standing sign, banner, or other device, constructed of cloth, canvas, fabric, plastic, wood, paper, or other material, with or without a structural frame, or any other sign intended for a limited period of display.

O. **Wall Sign:** A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be attached to the building wall or structure. A sign attached to a mansard roof is counted as a wall sign, not a roof sign.

P. **Wall Sign, Painted:** A type of wall sign consisting of painted graphics or any other images that are painted directly on the surface of a wall.

Q. **Window Sign:** A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.

R. **Yard Sign.** A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground.



Monument Sign



Projecting Sign



Wall Sign



Window Sign

146. **Sign Erector:** Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.

147. **Site Condominium:** A development in compliance with the Condominium Act containing or designed to contain structures or other improvements and in which co-owner owns exclusive rights to an area of land on which a structure or structures may be constructed as a site condominium unit.

148. **Site Condominium Unit:** A specific area of land, described in a master deed and established in compliance with the Condominium Act, which is under private ownership and is part of a larger development connected by other site condominium units, limited common elements, and general common elements.

149. **Smoke Lounge:** An establishment that is dedicated, in part or in whole, to selling tobacco and providing an area for the recreational smoking of tobacco products, including, but not limited to, cigar lounges, tobacco bars, and hookah lounges.

150. **Source Separated:** means recyclable materials that are separated at the source of generation.

151. **Special Land Use:** A use that would be detrimental to other uses permitted in the same zoning district and/or adjacent properties and/or adjacent transportation networks unless carefully controlled as to number, area, size, exterior design, and location or relation to adjacent properties and to the neighborhood.

152. **Split-Zoned Parcel:** An individual parcel of land that is geographically divided into more than one underlying zoning district (not including overlay zoning districts).

153. **Story:** Is the part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent by cubic content is below the height level of the adjoining ground.

154. **Story, Half:** Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet six inches.

155. **Street:** Is a public or private road including, but not limited to, public and private roads that are dedicated or platted, or private access easements; all measurements with reference to which shall commence at the right-of-way line.

156. **Structure:** Anything constructed or erected and designed for a permanent location on the ground, except screening and retaining walls and pavement.

157. **Structural Amenity:** A non-plant element such as outdoor art, paintings, sculpture fountains and similar water features, benches, arbors, doghouses, playsets, library boxes, and similar amenities as determined by the Planning and Zoning Administrator, and which meets the requirements of ***Section 8.01(7).***

158. **Tattoo/Body Art Shops:** A business property licensed by the State of Michigan involving body tattoos, piercings, and similar activities. Tattoo/body art shops shall be included in the definition of Personal Service Establishments, as defined herein.

159. **Temporary Building or Use:** Is a structure or use permitted by the city council to exist during periods of construction of the main building or use, or for special events.

160. **Theater:** A building or room for the presentation of live performances, including dramatic, dance, or musical, or for the presentation of motion pictures.

161. **Tobacco/ Smoke Shop:** A store primarily selling tobacco products and smoking equipment. General retail establishments, including grocery stores, convenience stores, or markets that include tobacco sales as an ancillary use are not included in the definition of a tobacco/smoke shop.

162. **Trailer Coach (Mobile Home):** Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

163. **Trailer Court:** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

164. **Trucking Facilities:** An establishment where trucks and/or transports are stored, rented, leased, kept for hire, or parked for a fee or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.

165. **Tutoring and Instructional Service**: A professional service, other than a school, that offers tutoring or training/instructional services in one-on-one and/or group settings. Examples include, but are not limited to, educational tutoring centers and vocal or musical instruction.

166. **Use:** Is the purpose for which land or a building is designed, arranged, or intended, or for which land or a building is or may be occupied.

167. **Use, Accessory:** Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

168. **Use, Principal:** Is the main use to which the premises are devoted and the principal purpose for which the premises exist.

169. **Use, Temporary:** A use that is established for a fixed period of time, with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

170. **Variance**: A modification to the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals in compliance with the provisions of this Zoning Ordinance, where strict enforcement would cause undue hardship and/or practical difficulty owing to circumstances unique to the individual property for which the variance is granted. A variance is not justified unless it can be shown that compliance with the Zoning Ordinance would create an undue hardship and/or practical difficulty due to unique circumstances applying to the property.

171. **Veterinarian Clinic:** An establishment providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds.

172. **Visible Light Transmission (VLT):** The amount of light that is or will be allowed to pass through a specified sheet of glass, from one side to the other, that has, in turn, not been blocked by the tinting of that glass pane, the addition of reflective material on any surface, or the inherent composition of that glass material. Synonym: Transparency.

173. **Wall** A completely obscuring structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

174. **Warehousing:** The storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption.

175. **Wholesale Establishments:** Business establishments that generally sell commodities and material in large quantities to customers, retailers, other wholesale establishments, or manufacturing establishments. Commodities may be sold for re-sale, for use in the fabrication of a product, or for use by a business service.

176. **Winery**: A licensed establishment that manufactures and sells at that establishment wine pursuant and subject to the requirements established by the State of Michigan. A winery may include retail sales and a restaurant or bar where permitted in the zoning district.

177. **Wireless Communication Facilities:** The following definitions are related to wireless communication facilities:

    A. Alternative tower structure" means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

    B. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

    C. "Height" means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

    D. "Pre-existing towers and pre-existing antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance codified in this title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

    E. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

178. **Yard Waste Transfer Facility:** means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

179. **Yard Waste Composting Facility:** means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than 24 hours.

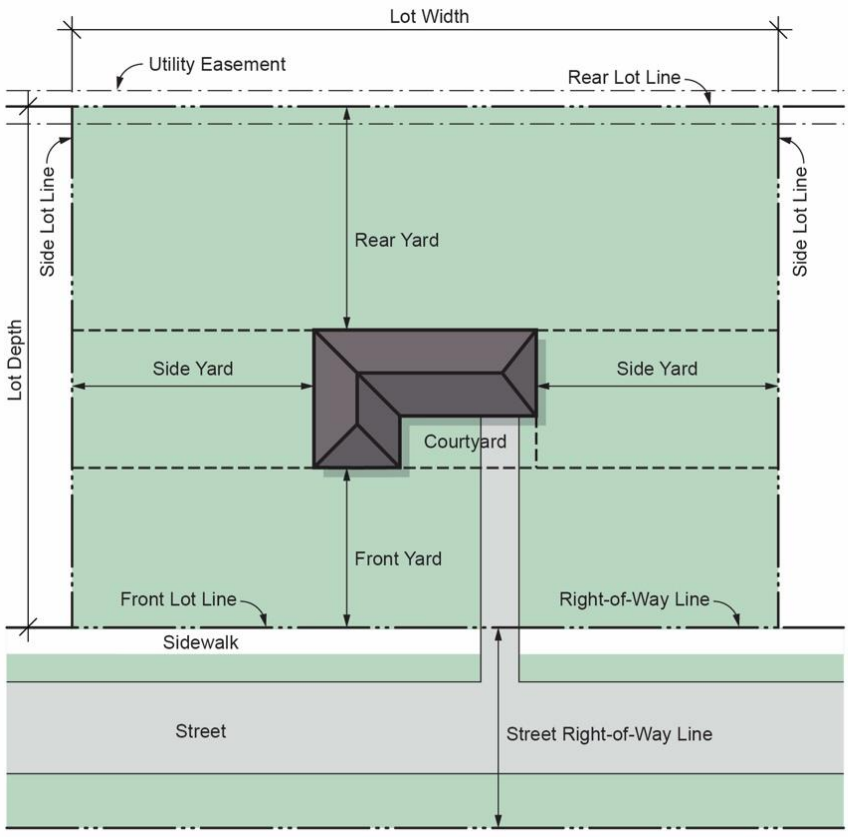
180. **Yards:** Is an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with an existing or proposed building, group of buildings, or structure, which open space lies in the area between the building, group of buildings, or structure and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, or defined below:

    A. **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or street and the nearest point of the closest structure. Where the lot does not abut a public or private street and is served by a private easement, the front lot line shall be the lot line abutting the easement.

    B. **Rear Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.

    C. **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

    D. **Street Side Yard:** Is an open space between a main building and the side lot line that is adjacent to a street.



Yard Terms – Interior Lot

Article 3.
Zoning Districts and Map

Section 3.01 Districts.

For the purpose of this Ordinance, the City of Madison Heights is hereby divided into the following categories of zoning districts:

1. **Residential Zoning Districts**
   - *A.* ***R-1 One Family Residential District***
   - *B.* ***R-2 One Family Residential District***
   - *C.* ***R-3 One Family Residential District***
   - *D.* ***R-MN Residential – Mixed Neighborhood District***
   - *E.* ***R-MF Residential – Multi-Family District***
   - *F.* ***H-M Manufactured Homes District***
2. **Non-Residential Zoning Districts**
   - *A.* ***O-1 Office Building District***
   - *B.* ***B-1 Neighborhood Business District***.
   - *C.* ***B-2 Community Business District***
   - *D.* ***B-3 Regional Business District***
   - *E.* ***M-1 Light Industrial District***
   - *F.* ***M-2 Heavy Industrial District***
   - *G.* ***N-P Natural Preservation and Recreation District***
3. **Mixed-Use Districts**
   - *A.* ***MUI-1 Mixed Use Innovation***
   - *B.* ***MUI-2 Mixed Use Innovation District***
   - C. *CC - City Center* (See ***Section 6.02***)

Section 3.02 Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map which accompanies this Zoning Ordinance and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

1. Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads, or such lines extended, and the limits of the City of Madison Heights.

2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion, by the Zoning Board of Appeals, after recommendation by the planning commission.

Section 3.03 Zoning of Vacated Areas

Whenever any street, alley or other public way within the City of Madison Heights shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches. Where the vacated area does not attach to an existing property, the area shall automatically be classified as an R-1 District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

Section 3.04 Zoning of Annexed areas

Any area annexed to the City of Madison Heights shall immediately upon such annexation, be automatically classified as an R-1 District until a zoning map amendment for said area has been adopted by the city council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to the planning commission by the city council.

Section 3.05 Split-Zoned Parcels

1. The zoning map may not be amended to divide a single lot into two or more base zoning districts. However, a portion of a single lot may be zoned as N-P, Natural Preservation, solely for the protection of unique natural features or the preservation of natural buffers between incompatible uses and/or zoning districts, subject to the recording of a conservation easement. The minimum depth of all such N-P-zoned areas shall be twenty (20) feet. Overlay zoning districts may be fully or partially applied to a single parcel.

2. Notwithstanding the N-P, Natural Preservation district, the split-zoning of any newly created parcel (via combination, lot line adjustment, or division) is prohibited.

3. Where a single parcel in existence at the date of adoption of this Zoning Ordinance is split into two or more base zoning districts, the following options apply, at the owner's option:

    A. Each of the separately-zoned areas on the parcel may be treated as a separate zoning lot and developed in accordance with their respective zoning district regulations. However, no setbacks or buffers are required between such zoning districts on a single parcel; or

    B. The zoning district with the more restrictive provisions pertaining to use, as determined by the Planning and Zoning Administrator, may be applied to the entire parcel; or

    C. When one zoning district applies to at least 75% of the total parcel area, and the other zoning district occupies no more than 5,000 square feet of the total parcel area, the regulations of the zoning district occupying the larger portion of the parcel may be applied to the entire parcel.

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*	MUI-1	MUI-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*	MUI-1	MUI-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*	MUI-1	MUI-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 3.07 R-1 One Family Residential District

PREAMBLE		
The R-1 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Child Family Day Care Homes *7.03(7)* • Detached One-Family Dwelling *7.03(10)* • Essential Public Utility Services • Foster Care Family Homes *7.03(14)* • Government Office Building/Courthouse/Public Police and Fire Services • Public Parks • Temporary Buildings and Uses *7.03(43)*	• Cemetery • Child Group Day Care Homes *7.03(7)* • Child/Adult Day Care Center and Preschools *Section 7.03(6)* • Foster Care Group Homes *7.03(14)* • Home Occupation, Major *7.03(18)* • K-12 Schools, Public or Private • Parking as a Principal Use *7.03(34)* • Public Library, Museum, Art Center, Community Center • 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)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Accessory Dwelling Unit *7.03(1)* • Home Occupation, Major *7.03(18)* • Home Occupation, Minor *7.03(18)*

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.)	43,560 sq. ft.	Front Yard (ft.)	25 ft. *(A)*
Min. Lot Width (ft.)	150 ft.	Side Yard (one) (ft.)	10 ft. *(E)*
Max. Lot Coverage	25%	Side Yard (total of 2) (ft.)	25 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. *(B)*
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	50 ft.
Max. Building Height (stories)	--		
Footnotes: Refer to *Section 4.01* wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.08 R-2 One Family Residential District

PREAMBLE		
The R-2 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Child Family Day Care Homes *7.03(7)* • Detached One-Family Dwelling *7.03(10)* • Essential Public Utility Services • Foster Care Family Homes *7.03(14)* • Government Office Building/Courthouse/Public Police and Fire Services • Public Parks • Temporary Buildings and Uses *7.03(43)*	• Cemetery • Child Group Day Care Homes *7.03(7)* • Child/Adult Day Care Center and Preschools *7.03(6)* • Foster Care Group Homes *7.03(14)* • Home Occupation, Major *7.03(18)* • K-12 Schools, Public or Private • Parking as a Principal Use *7.03(34)* • Public Library, Museum, Art Center, Community Center • 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)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Accessory Dwelling Unit *7.03(1)* • Home Occupation, Major *7.03(18)* • Home Occupation, Minor *7.03(18)*

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.)	7,200 sq. ft.	Front Yard (ft.)	25 ft. *(A)*
Min. Lot Width (ft.)	60 ft.	Side Yard (one) (ft.)	5 ft. *(E)*
Max. Lot Coverage	35%	Side Yard (total of 2) (ft.)	14 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. *(B)*
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	30 ft.
Max. Building Height (stories)	--		
Footnotes: Refer to *Section 4.01* wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.09 R-3 One Family Residential District

PREAMBLE		
The R-3 residential district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Child Family Day Care Homes *7.03(7)* • Detached One-Family Dwelling *7.03(10)* • Essential Public Utility Services • Foster Care Family Homes *7.03(14)* • Government Office Building/Courthouse/Public Police and Fire Services • Public Parks • Temporary Buildings and Uses *7.03(43)*	• Cemetery • Child Group Day Care Homes *7.03(7)* • Child/Adult Day Care Center and Preschools *7.03(6)* • Foster Care Group Homes *7.03(14)* • Home Occupation, Major *7.03(18)* • K-12 Schools, Public or Private • Parking as a Principal Use *7.03(34)* • Public Library, Museum, Art Center, Community Center • 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)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Accessory Dwelling Unit *7.03(1)* • Home Occupation, Major *7.03(18)* • Home Occupation, Minor *7.03(18)*

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.)	5,000 sq. ft.	Front Yard (ft.)	25 ft. *(A)*
Min. Lot Width (ft.)	40 ft.	Side Yard (one) (ft.)	3 ft. *(E)*
Max. Lot Coverage	40%	Side Yard (total of 2) (ft.)	12 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. *(B)*
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	20 ft.
Max. Building Height (stories)	--		
Footnotes: Refer to *Section 4.01* wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.10 R-MN Residential – Mixed Neighborhood District

PREAMBLE

The residential mixed-neighborhood district is designed to promote a variety of housing opportunities including single family attached and detached, townhomes, and two, three and four-family dwelling structures and will serve as zones of transition between the higher density residential / nonresidential districts and lower density single-family districts. The R-MN district is further intended to allow for a residential density to support nearby business and the City Center district.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• Child Family Day Care Homes *7.03(7)* • Detached One-Family Dwelling *7.03(10)* • Duplexes *7.03(12)* • Essential Public Utility Services • Foster Care Family Homes *7.03(14)* • Government Office Building/Courthouse/Public Police and Fire Services • Multiplexes *7.03(29)* • Public Parks • Temporary Buildings and Uses *7.03(43)* • Townhomes, Attached One-Family Dwellings *7.03(45)*	• Child Group Day Care Homes *7.03(7)* • Child/Adult Day Care Center and Preschools *7.03(6)* • Foster Care Group Homes *7.03(14)* • Home Occupation, Major *7.03(18)* • K-12 Schools, Public or Private • Live/Work *7.03(23)* • Parking as a Principal Use *7.03(34)* • Public Library, Museum, Art Center, Community Center • 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)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Accessory Dwelling Unit *7.03(1)* • Home Occupation, Major *7.03(18)* • Home Occupation, Minor *7.03(18)*

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 *(D)*

Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,000 sq. ft.	Front Yard (ft.)	25 ft. *(A)*
Min. Lot Width (ft.)	40 ft.	Side Yard (one) (ft.)	3 ft. *(E)*
Max. Lot Coverage	40%	Side Yard (total of 2) (ft.)	12 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. *(B)*
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	20 ft.
Max. Building Height (stories)	--		

Footnotes: Refer to *Section 4.01* wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.11 R-MF Residential – Multi-Family District

PREAMBLE
The R-MF Multiple-Family Residential District is designed to provide sites for multiple-dwelling structures which will serve as zones of transition between the nonresidential districts and lower density single-family districts.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• Child Family Day Care Homes *7.03(7)* • Detached One-Family Dwelling *7.03(10)* • Duplexes *7.03(12)* • Essential Public Utility Services • Foster Care Family Homes *7.03(14)* • Government Office Building/Courthouse/Public Police and Fire Services • Multi-Family Dwellings *7.03(30)* • Multiplexes *7.03(29)* • Post Office • Public Parks • Senior Housing, Independent *7.03(42)* • Temporary Buildings and Uses *7.03(43)* • Townhomes, Attached One-Family Dwellings *7.03(45)*	• Child Group Day Care Homes *7.03(7)* • Child/Adult Day Care Center and Preschools *7.03(6)* • Foster Care Group Homes *7.03(14)* • Home Occupation, Major *7.03(18)* • K-12 Schools, Public or Private • Live/Work *7.03(23)* • Parking as a Principal Use *7.03(34)* • Public Library, Museum, Art Center, Community Center • 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)* • Senior Housing, Assisted *7.03(41)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Accessory Dwelling Unit *7.03(1)* • Home Occupation, Major *7.03(18)* • Home Occupation, Minor *7.03(18)*

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 *(D)(F)*			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	7,200 sq. ft.	Front Yard (ft.)	25 ft. *(A)*
Min. Lot Width (ft.)	60 ft.	Side Yard (one) (ft.)	10 ft. *(C)*
Max. Lot Coverage	45%	Side Yard (total of 2) (ft.)	20 ft. *(C)*
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft. *(B)*
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	30 ft.
Max. Building Height (stories)	--		
Footnotes: Refer to *Section 4.01* wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.12 H-M Manufactured Homes District

PREAMBLE		
The H-M Manufactured Homes District is designed to provide for the development of manufactured housing parks and to promote manufactured housing development consistent with the character of residential neighborhoods. All manufactured housing parks shall comply with applicable local, County and State regulations.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Essential Public Utility Services • Government Office Building/Courthouse/Public Police and Fire Services • Manufactured Homes • Public Parks • Temporary Buildings and Uses ***7.03(43)***	• Home Occupation, Major ***7.03(18)*** • Parking as a Principal Use ***7.03(34)*** • Public Library, Museum, Art Center, Community Center	• Accessory Buildings, Structures and Uses ***Section 8.03*** • Home Occupation, Major ***7.03(18)*** • Home Occupation, Minor ***7.03(18)***

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.

1. **Sale Provisions.** The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of manufactured home parks shall be prohibited. New or used manufactured homes located on lots within the manufactured home park to be used and occupied on the site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured home park provided the park's regulations permit the sale.

2. **Greenbelts and Landscaping.** The manufactured home park shall provide a greenbelt buffer separating the manufactured home park from adjacent property in accordance with ***Section 11.04***. Landscaping, including frontage and parking lot landscaping, shall be further provided in accordance with Article 11

3. **Minimum Area.** The minimum parcel area for a manufactured home park shall be five (5) acres. The minimum area of an individual manufactured home lot/site shall be 5,000 square feet.

4. **Setbacks.** Manufactured home parks, and individual manufactured homes, are subject to the following setback standards.

    A. Exterior Setbacks: All permanent structures (such as offices, community centers, etc.) and all manufactured homes shall be set back a minimum of fifty (50) feet from public road rights-of-way and twenty (20) feet from all other property lines.

    B. Internal Setbacks: Manufactured homes shall comply with the following internal setback minimum requirements:

        i. Twenty (20) feet from another manufactured home, or any structure attached thereto used for living purposes.

        ii. Ten (10) feet from an attached or detached structure or accessory structure of an adjacent manufactured home which is not used for living purposes.

        iii. Fifty (50) feet from permanent park-owned structures (e.g., community centers, offices, etc.).

        iv. Ten (10) feet from the curb of an internal street.

        v. Seven (7) feet from the inner edge of a common pedestrian walkway.

5. **Height.** Permanent structures or manufactured home shall not exceed a height of twenty-five (25) feet. Accessory structures shall not exceed a height of fifteen (15) feet but shall in no case exceed the height of the structure unto which it is accessory.

6. **Parking.**

    A. A minimum of two (2) parking spaces shall be provided for each manufactured home site.

B. A minimum of one (1) guest parking space shall be provided for every five (5) manufactured home sites in a convenient location for homes served thereby.

C. Additional parking shall be provided for park maintenance vehicles and at community centers/offices for visitors and employees.

7. **Access, Internal Streets, and On-Street Parking**. Internal circulatory streets within a manufactured housing park shall be curbed and drained and shall comply with the following standards:

A. Individual mobile home sites within the manufactured home park shall be accessed internally rather than directly from public roads.

B. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.

C. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one side of the street, and thirty-three (33) feet where parallel parking is permitted along both sides.

D. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.

E. All streets within the manufactured housing park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications.

F. Internal concrete sidewalks shall be constructed within the manufactured home park to provide adequate access between individual manufactured home lots and community facilities.

8. **Outdoor Storage and Accessory Buildings**. Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured home park, but shall be limited to use only by residents of the manufactured home park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard required around the perimeter of the manufactured home park. Such storage area shall be adequately screened from view from adjacent residential properties. Each manufactured home lot shall be permitted one (1) detached storage building, not including a garage or carport.

9. **Utility Standards.** All individual manufactured home sites shall be provided with municipal water and sanitary sewer service.

10. **Housing Design Standards.** Any manufactured home installed in a manufactured home park shall comply with the construction standards of all State and Local authorities applicable to the construction of manufactured homes and the current standards of the Manufactured Home Construction and Safety Standards as adopted by the Housing and Urban Development (HUD) Department. Further, all manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.

11. **Site Plan Review.** Manufactured Home Parks are subject to Major Site Plan review, per ***Section 15.04***

Section 3.13 O-1 Office Building District

PREAMBLE		
The O-1 Office Building District is designed to accommodate office uses, office sales and basic personal services.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Artist Studio • Business or Trade Schools • Child/Adult Day Care Center and Preschools *7.03(6)* • Contractor's Office *7.03(9)* • Essential Public Utility Services • Financial Institutions • Government Office Building/Courthouse/Public Police and Fire Services • Institutions of Higher Learning • K-12 Schools, Public or Private • Medical Marihuana and Adult Use Marihuana Safety Compliance Facility *7.03(25)* • Medical Office • Personal Service Establishments • Pharmacy • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center • Public Parks • Restaurant • Temporary Buildings and Uses *7.03(43)* • Tutoring and Instructional Services	• Banquet/Assembly/Meeting Halls (less than 75 persons) *7.03(5)* • Drive-Through Facilities *7.03(11)* • Funeral Homes *7.03(15)* • Hospital *7.03(19)* • Incubator Kitchen or Catering Facility • Outdoor Sales and Display *7.03(33)* • Parking as a Principal Use *7.03(34)* • Religious Institutions, Private Clubs, and Lodges (less than 75 persons) *7.03(39)* • Senior Housing, Assisted *7.03(41)* • Veterinary Clinic or Animal Grooming *7.03(46)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Drive-Through Facilities *7.03(11)* • 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	--	Front Yard (ft.)	20 ft.
Min. Lot Width	--	Side Yard (one) (ft.)	5 ft. *(A)*
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	10 ft. *(A)*
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	20 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 3.14 B-1 Neighborhood Business District.

PREAMBLE		
The B-1 Business District is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The B-1 District shall encourage uses and design that are compatible with, and accessible to, nearby residential uses, thus reducing the number of vehicle trips required in these areas.		
PERMITTED USES	**SPECIAL LAND USES**	**ACCESSORY USES**
• Artist Studio • Child/Adult Day Care Center and Preschools ***7.03(6)*** • Contractor's Office ***7.03(9)*** • Essential Public Utility Services • Financial Institutions • 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)*** • Incubator Kitchen or Catering Facility • Indoor Recreational Business ***7.03(21)*** • Live/Work ***7.03(23)*** • Medical Office • Personal Service Establishments • Pharmacy • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center • Public Parks • Residential/Commercial Mixed-Use ***7.02(2)*** • Restaurant • Temporary Buildings and Uses ***7.03(43)*** • Tutoring and Instructional Services	• Banquet/Assembly/Meeting Halls (less than 75 persons) ***7.03(5)*** • Bars and Taprooms • Business or Trade Schools • Drive-Through Facilities ***7.03(11)*** • Indoor Recreational Business ***7.03(21)*** • Institutions of Higher Learning • K-12 Schools, Public or Private • Microbreweries, Wineries and Distilleries • Outdoor Sales and Display ***7.03(33)*** • Parking as a Principal Use ***7.03(34)*** • Religious Institutions, Private Clubs, and Lodges (less than 75 persons) ***7.03(39)*** • Theater • Veterinary Clinic or Animal Grooming ***7.03(46)***	• Accessory Buildings, Structures and Uses ***Section 8.03*** • Drive-Through Facilities ***7.03(11)*** • 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.)	5 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	5 ft. ***(A)***
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	10 ft. ***(A)***
Min. Floor Area/Unit		Street Sides (ft.)	5 ft.
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	15 ft. ***(B)***
Max. Building Height (stories)			
Footnotes: Refer to ***Section 4.02*** wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.15 B-2 Community Business District

PREAMBLE
The B-2 Community Business District is designed to cater to the needs of a larger consumer population than is served by the Neighborhood Business District and may be characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 district is intended along, and at the intersections of, major arterial streets.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• 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/Adult Day Care Center and Preschools ***7.03(6)*** • Contractor's Office ***7.03(9)*** • Essential Public Utility Services • Financial Institutions • Firearm Retail Sales ***7.03(13)*** • General Retail, Small to Mid-Format (up to 30,000 sq. ft.) and Large-Format (>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.) and Large Format (>30,000 sq. ft.) ***7.03(17)*** • 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 • Medical Office • Microbreweries, Wineries and Distilleries • Personal Service Establishments • Pharmacy • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center • Public Parks • Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) ***7.03(39)***	• 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)*** • Funeral Homes ***7.03(15)*** • Gasoline/Recharging Stations ***7.03(16)*** • Hospital ***7.03(19)*** • Hotels and Lodging Facilities ***7.03(20)*** • K-12 Schools, Public or Private • Outdoor Recreational Business ***7.03(32)*** • Parking as a Principal Use ***7.03(34)*** • Regulated Uses ***7.03(38)***	• Accessory Buildings, Structures and Uses ***Section 8.03*** • Drive-Through Facilities ***7.03(11)*** • Outdoor Dining and Seating ***7.03(31)*** • Outdoor Sales and Display ***7.03(33)***

• Religious Institutions, Private Clubs, and Lodges (less than 75 persons) *7.03(39)* • Residential/Commercial Mixed-Use *7.02(2)* • Restaurant • Temporary Buildings and Uses *7.03(43)* • Theater • Tobacco/Smoke Shop or Smoke Lounge *7.03(44)* • Tutoring and Instructional Services • Veterinary Clinic or Animal Grooming *7.03(46)*		

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.)	10 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	10 ft. *(A)*
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	20 ft. *(A)*
Min. Floor Area/Unit		Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	20 ft. *(B)*
Max. Building Height (stories)			

Footnotes: Refer to *Section 4.02* wherever a footnote is referenced in parentheses after one of the design regulations

Section 3.16 B-3 Regional Business District

PREAMBLE
The B-3 Regional Business District is designed to provide sites for large-scale commercial establishments that provide goods and services to local residents as well as residents of other surrounding communities. The B-3 District is generally grouped around major interstate highway interchanges, generating a considerable volume of vehicular traffic.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• Artist Studio • Auto Repair and Service (Minor) *7.03(2)* • 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/Adult Day Care Center and Preschools *7.03(6)* • Contractor's Office *7.03(9)* • Essential Public Utility Services • Financial Institutions • Firearm Retail Sales *7.03(13)* • General Retail, Small to Mid-Format (up to 30,000 sq. ft.) and Large-Format (>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.) and Large Format (>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 • Medical Office • Microbreweries, Wineries and Distilleries • Personal Service Establishments • Pharmacy • Post Office • Professional Office • Public Library, Museum, Art Center, Community Center	• Auto Repair and Service (Major) *7.03(2)* • Auto Sales (New and Used) and Rental *7.03(3)* • Auto Wash *7.03(4)* • Commercial Kennels and Boarding Facilities *7.03(8)* • Funeral Homes *7.03(15)* • Gasoline/Recharging Stations *7.03(16)* • Hospital *7.0319)* • Indoor Shooting Range *7.03(22)* • K-12 Schools, Public or Private • Outdoor Recreational Business *7.03(32)* • Parking as a Principal Use *7.03(34)* • Regulated Uses *7.03(38)* • Self-Storage Facility *7.03(40)*	• Accessory Buildings, Structures and Uses *Section 8.03* • Drive-Through Facilities *7.03(11)* • Outdoor Dining and Seating *7.03(31)* • Outdoor Sales and Display *7.03(33)*

• 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 • Temporary Buildings and Uses *7.03(43)* • Theater • Tobacco/Smoke Shop or Smoke Lounge *7.03(44)* • Tutoring and Instructional Services • Veterinary Clinic or Animal Grooming *7.03(46)* • Wholesale Sales/Retail		

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.)	20 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	15 ft. *(A)*
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	30 ft. *(A)*
Min. Floor Area/Unit	--	Street Sides (ft.)	20 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	20 ft. *(B)*
Max. Building Height (stories)	--		
Footnotes: Refer to *Section 4.02* wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.17 M-1 Light Industrial District

PREAMBLE
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.
REQUIRED CONDITIONS
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***

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• 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)***	• 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	• 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 3.18 M-2 Heavy Industrial District

PREAMBLE
The M-2 Heavy Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.
REQUIRED CONDITIONS
Any use established in the M-2 District after the effective date of this Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in ***Article 9***

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• 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 • Heavy Industrial, Assembly, Repair and Manufacturing • 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)***	• 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)*** • Junk, Tow, or Salvage Yard • Lumber Yard ***7.03(17)*** • Parking as a Principal Use ***7.03(34)*** • Recycling Drop Off Centers • Recycling Transfer and Processing Facilities • Self-Storage Facility ***7.03(40)*** • Wholesale Sales/Retail • Yard Waste Transfer and Composting Facilities	• 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.)	60 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 3.19 N-P Natural Preservation and Recreation District

PREAMBLE

The purposes of this Zoning District are:

2. To protect and sustain those lands and water bodies most suitable for public recreational purposes and the preservation of natural features.
3. To provide for the protection, preservation, proper maintenance and use of trees, woodlands and other natural lands located in the City of Madison Heights in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.
4. To protect the woodlands (including trees and other form of vegetation) of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, or geological, ecological, or historical significances.
5. To provide for the paramount public concern for these natural resources in the interest of health, safety, and general welfare of the residents of this city.

REQUIRED CONDITIONS

The following specific standards are hereby established to guide the use and development of woodlands and other natural areas designated as N-P in this city, including the spacing of trees, the clearing of shrubs and brush, the density of vegetation growth and preservation per acre, forestry, and tree replacement practices. However, since the environmental values, soil characteristics, tree growth, and related natural resource parameters will remain unique for each parcel of land and for each development application, each site shall be reviewed on an individual basis. Nonetheless, the following criteria must be considered and balanced with respect to each proposal under this Ordinance:

1. Residential living units shall blend into the natural setting of the landscape for the enhancement of sound, orderly economic growth, and development and for the protection of property values in this city.
2. The preservation of woodlands, trees, similar wood vegetation and related natural resources and values shall take priority over all forms of development.
3. The protection and conservation of irreplaceable natural resources from pollution, impairment or destruction shall remain the paramount factor.
4. No proposal shall be denied solely on the basis that some trees are growing on the private or public property under consideration. Other factors which demonstrate a public need for woodland preservation must be stated.
5. The total acreage of woodlands and other natural areas per capita existing in the city shall be considered.
6. The relationship of streets, highways and other transportation corridors to the natural area shall be considered, along with alternatives for new transportation routes and for the location of the proposed development.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• Child Family Day Care Homes ***7.03(7)***	• Child Group Day Care Homes ***7.03(7)***	• Accessory Buildings, Structures and Uses ***Section 8.03***
• Essential Public Utility Services	• Detached One-Family Dwelling ***7.03(10)***	• Home Occupation, Major ***7.03(18)***
• Foster Care Family Homes ***7.03(14)***	• Foster Care Group Homes ***7.03(14)***	• Home Occupation, Minor ***7.03(18)***
• Government Office Building/Courthouse/Public Police and Fire Services	• Home Occupation, Major ***7.03(18)***	
• Public Parks	• Public Library, Museum, Art Center, Community Center	
• Temporary Buildings and Uses ***7.03(43)***		

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.)	43,560 sq. ft.	Front Yard (ft.)	25 ft.
Min. Lot Width (ft.)	150 ft.	Side Yard (one) (ft.)	10 ft.
Max. Lot Coverage	20%	Side Yard (total of 2) (ft.)	25 ft.
Min. Floor Area/Unit	--	Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	25 ft.	Rear Yard (ft.)	50 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
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.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• 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	• 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	• 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)***

• 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)***		

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		

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

   A. 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.

   B. 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.

   C. 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.

2. **Design Standards.** The following design standards apply to buildings and sites within the MUI-1 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 (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
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.

PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
• 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	• 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	• 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)***

• 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)***		

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.

Article 4.
Schedule of Regulations

Section 4.01 Residential Districts Schedule of Regulations

District	Minimum Lot Size		Maximum Building Height (ft.)	Minimum Yard Setback (ft.)					Maximum Lot Coverage
	Area (sq. ft.)	Width (ft.)		Front	Sides			Rear	
					One	Total	Street		
R-1	43,560	150	25	25 *(A)*	10 *(E)*	25	10 *(B)*	50	25%
R-2	7,200	60	25	25 *(A)*	5 *E)*	14	10 *(B)*	30	35%
R-3	5,000	40	25	25 *(A)*	3 *(E)*	12	10 *(B)*	20	40%
R-MN *(D)*	4,000	40	30	25 *(A)*	3 *(E)*	12	10 *(B)*	20	40%
R-MF *(D)(F)*	7,200	60	40	25 *(A)*	10 *(C)*	20 *(C)*	10 *(B)*	30	45%
H-M	Refer to *Section 3.12*								

Notes applicable to all Districts:

1. Refer to *Article 7* for standards applicable to specific uses.
2. Refer to *Section 8.01* for exceptions to area, setback, and height requirements.
3. Refer to *Section 8.03* for accessory buildings, structures and uses.
4. Refer to *Article 10* for parking area setback requirements.
5. Refer to *Article 11* for landscaping, buffering and screening requirements.
6. Refer to *Article 13* for Nonconforming Structures and Lots.

Footnotes

A. If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.

B. In the case of a rear yard abutting a side yard of an adjacent lot, the street side yard shall not be less than the required front yard setback of that district. The front yard setback averaging provision of Footnote (A) shall be available to the street side yard setback.

C. Where a side yard in an R-MF district abuts a property zoned R-1, R-2 or R-3, the minimum side yard setback shall be increased to 20 feet.

D. Townhome structures are subject to the dimensional standards of ***Section 7.03(45).*** Where the dimensional/design standards of the zoning district and the use-specific standards for townhomes conflict, the use-specific standards for townhomes shall take precedence.

E. The distance between principal structures located on adjacent lots shall not be less than twelve (12) feet.

F. One-family, duplex, and multi-plex structures within the R-MF district shall be subject to the setback standards of the R-MN district, including footnote (E) above.

Section 4.02 Mixed-Use and Non-Residential Districts Schedule of Regulations

District	Minimum Lot Size		Maximum Building Height (ft.)	Minimum Yard Setback (ft.)					Maximum Lot Coverage
	Area (sq. ft.)	Width (ft.)		Front	Sides			Rear	
					One	Total	Street		
CC	Refer to ***Section 6.02***								
MUI-1	Refer to ***Section 3.20***								
MUI-2	Refer to ***Section 3.21***								
O-1	--	--	30	20	5 ***(A)***	10 ***(A)***	10	20	--
B-1	--	--	30	5	5 ***(A)***	10 ***(A)***	5	15 ***(B)***	--
B-2	--	--	40	10	10 ***(A)***	20 ***(A)***	10	20 ***(B)***	--
B-3	--	--	40	20	15 ***(A)***	30 ***(A)***	20	20 ***(B)***	--
M-1	--	--	40	50	20 ***(A)***	40 ***(A)***	50	25	--
M-2	--	--	60	50	20 ***(A)***	40 ***(A)***	50	25	--
NP	43,560	150	25	25	10	25	10	50	20%

Notes applicable to all Districts:

1. Refer to ***Article 7*** for standards applicable to specific uses.
2. Refer to ***Section 8.01*** for exceptions to area, setback, and height requirements.
3. Refer to ***Section 8.03*** for accessory buildings, structures and uses.
4. Refer to ***Article 10*** for parking area setback requirements.
5. Refer to ***Article 11*** for landscaping, buffering and screening requirements.
6. Refer to ***Article 13*** for Nonconforming Structures and Lots.

Footnotes

A. For side yards abutting residential districts:

(1) In the O-1, B-1, B-2 and B-3 districts, the minimum side yard shall be increased to 20 feet.

(2) In the M-1 and M-2 districts, the minimum side yard shall be increased to 50 feet.

B. For rear yards abutting residential districts:

(1) In the B-1 district, the minimum rear yard setback shall be increased to 20 feet.

(2) In the B-2 and B-3 districts, the minimum rear yard setback shall be increased to 25 feet.

(3) In the M-1 and M-2 district, the minimum rear yard setback shall be increased to 50 feet.

Article 5.
Supplemental Zoning District Standards

Section 5.01 Primary Caregiver Marihuana Grow Overlay District

1. **Findings, Purpose, and Intent.** The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical marihuana and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the city, does not directly conflict with the MMMA's requirement that marihuana plants be kept in an enclosed, locked facility. The city finds that the average residence in the city is not aptly suited to the safe and favorable cultivation of 72 marihuana plants that a primary caregiver is permitted to grow under the MMMA. The city further finds that the cultivation of 72 marihuana plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.

2. **Definitions.** For the purpose of the provisions of this article, all words and phrases herein shall be construed to have the meanings as provided for in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended.

3. **No Effect on Patients.** This article does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA, shall be permitted to cultivate, at the patient's primary residence, who shall also be full-time resident of the dwelling, no more than the 12 allowed marihuana plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition.

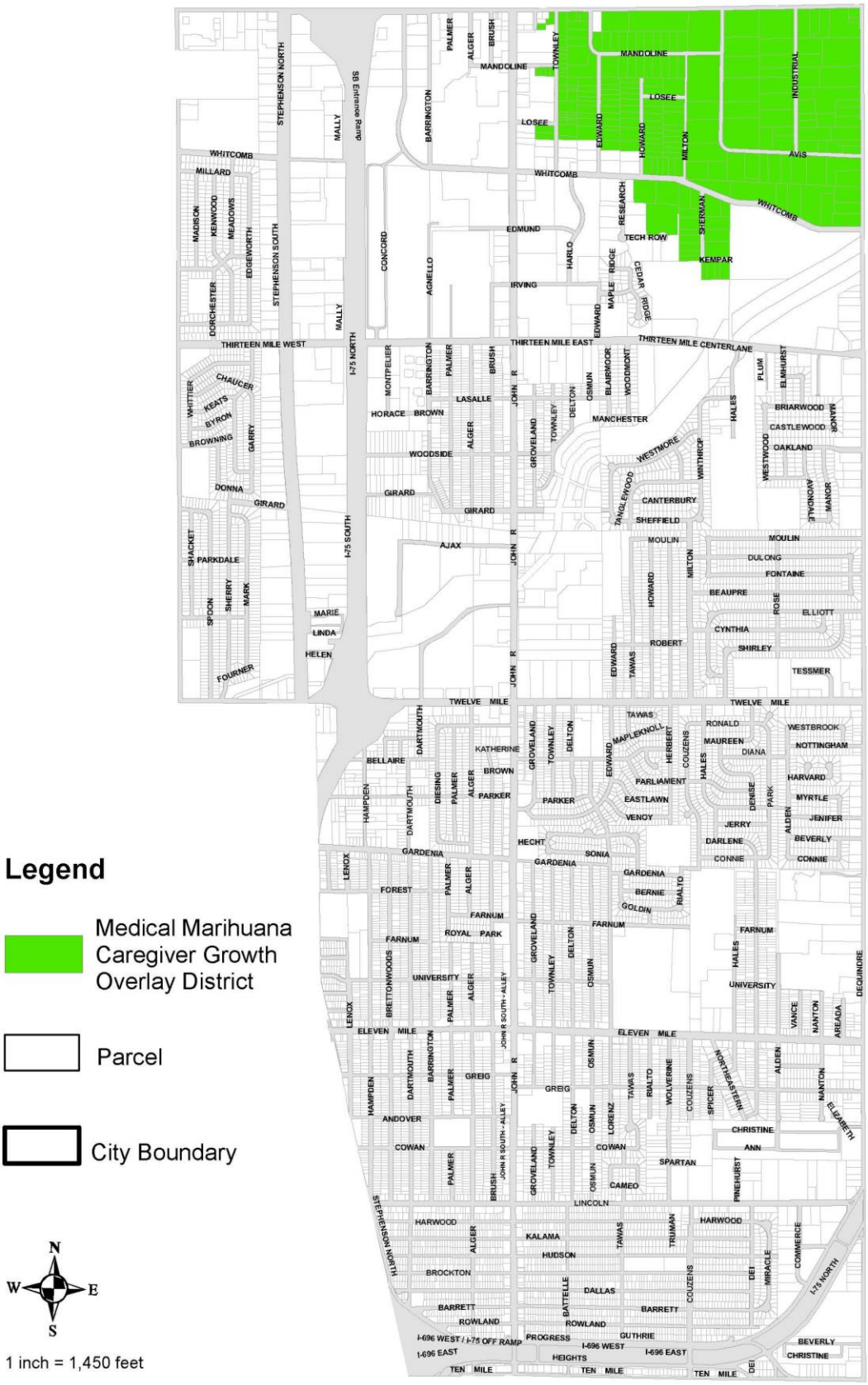
4. **Caregiver Marihuana Grow Overlay District.** The Caregiver Marihuana Grow Overlay District boundaries shall be the parcels indicated as established in the following overlay district map:

5. **Caregiver Marihuana Grow Overlay District requirements.** The following standards and requirements shall apply to any location at which the cultivation of medical marihuana is conducted by a primary caregiver.

   A. Registered primary caregivers authorized under this Section shall be located in an M-1 or M-2 zoning district and shall be located at a parcel that is identified within the Caregiver Marihuana Grow Overlay District map.

   B. The cultivation of medical marihuana by a caregiver shall always comply with the MMMA and the MMMA General Rules, as amended.

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C. Not more than one registered primary caregiver shall be permitted to operate at any one parcel located with the Caregiver Marihuana Grow Overlay District. Further, a registered primary caregiver shall only be permitted to operate at one parcel within the City.

D. The cultivation of medical marihuana by a primary caregiver shall be conducted entirely within an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA. The number of marihuana plants shall not exceed the number of marihuana plants permitted by the MMMA in total aggregate at any location or multiple locations whether located in the city or outside of the city.

E. No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical marihuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

F. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the parcel where medical marihuana is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where medical marihuana is cultivated to purchase, smoke, consume, obtain, or receive possession of any marihuana.

G. No on-site consumption or smoking of marihuana shall be permitted within the parcel (or on the property) where medical marihuana is cultivated, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.

H. Medical marihuana shall not be grown, processed, handled, or possessed at the location where medical marihuana is cultivated beyond that which is permitted by law.

I. A Certificate of Occupancy, together with a required site plan review, shall be obtained from the city and all necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.

J. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

K. Related merchandise or products shall not be sold or distributed from the property.

L. There shall be no exterior storage or parking of materials or equipment.

M. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time.

N. The entire parcel and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.

O. Where it is found that a legally non-conforming registered primary caregiver is operating in violation of this Article or the MMMA, the Planning and Zoning Administrator, Building Official, or other designated City official may revoke the non-conforming status and require the elimination of the non-conforming use. Certificates of Occupancy may be revoked in accordance with ***Section 15.03(7)***.

6. **Principal Uses Permitted.** All principal uses permitted in the underlying Zoning District(s) are permitted by right in the Overlay Districts, provided they comply with all applicable requirements of the Underlying Zoning District.

Section 5.02 Residential Cluster Subdivision Option

1. **Purpose and Intent.** The purpose of this Section is to allow for an alternative development option for single-family residential development that promotes creativity in design and increased preservation of open space. At the option of the landowner, this Section allows for the same number of dwelling units to be built on a portion of the land, with the remainder of land set aside as open space. To accomplish this, modifications to the single-family residential development standards may be permitted.

2. **Qualifying Conditions.** Land may be developed under the provisions of this Section only if each of the following conditions is satisfied:

   A. The land is located in the R-1 or R-2 District or within an area annexed or to be annexed into the City.

   B. At least 20 percent (20%) of the land proposed for development shall remain in a perpetually undeveloped state. For purposes of this Section, "undeveloped state" means a natural state preserving the natural resources, natural features, or scenic or wooded conditions of the land, agricultural uses, passive or active open space, or a similar use or condition.

   C. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension.

   D. The Cluster Development Option shall not have previously been exercised on the subject site.

3. **Permitted Density.**

   A. Permitted density shall be based on the percentage of the overall site preserved as open space. The maximum permitted density shall be 50 percent (50%) higher than what would otherwise be permitted under existing zoning regulations.

Open Space	Permitted Density (Dwelling Units/Acre)
20%	6 d.u./ac
30%	7 d.u./ac
40%	8 d.u./ac
50%	9 d.u./ac

   B. **Density Calculation.** The maximum number of dwelling units allowable within a cluster development shall be determined by the entire gross area of the site, including the area preserved as open space. Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

4. **Open Space Standards.** At least 20 percent (20%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state ("open space"). The following standards shall apply to the open space required pursuant to this Section.

   A. The open space may consist of passive or active open space, including: recreational trails, picnic areas, children's play areas, dog parks, greenways, natural areas, agricultural use, or other use which, as determined by the Planning Commission, is substantially similar to these uses.

   B. The open space shall be available for use by all residents of the development. The open space may be, but is not required to be, dedicated to the use of the public.

   C. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided. Regulated wetlands or other natural feature areas need not have pedestrian access.

   D. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

   E. The following areas shall not be considered as open space:

      (1) All areas within all public street rights-of-way.

      (2) All areas within all private road easements.

      (3) Any easement for overhead utility lines, unless adjacent to open space.

      (4) Off-street parking areas.

(5) Detention and retention ponds.

(6) Club houses or other community buildings.

5. **Development Standards.**

A. **Compliance with Zoning District.** The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except setback and lot area requirements may be adjusted to allow for the open space preservation permitted herein.

B. **Uniform Lot Size.** Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.

C. **Lot Width.** Each lot shall have a minimum width equal to no less than seventy percent (70%) of the minimum lot width specified for the zoning district in which the land is located.

D. **Street Grid.** The layout of new interior streets within a Cluster Development shall be designed as a connected grid network to the greatest extent possible. While not prohibited, cul-de-sacs and dead ends are discouraged to help disperse traffic and fit with the traditional development patterns of the City.

E. The Planning Commission may allow lot width, area, and setbacks no less than 70% of that required per the Schedule of Regulations.

6. **Application.** The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Site Plan Review, ***Section 15.04***, except as otherwise provided in this Subsection.

A. **Site Plan.** A Site Plan for a Cluster Development shall be submitted, including the following minimum information:

(1) The portion(s) and total acreage of the land proposed to remain in a perpetually undeveloped state and the portion(s) and acreage of the land to be used for clustered development. The percentage of each, as compared to the total site acreage, shall be indicated.

(2) Lots and proposed building envelopes, showing the lot area, width, and yard setbacks for each lot. The size of lots may be reduced from what could otherwise be developed in the zoning district.

(3) Location and type of all proposed non-dwelling unit structures and improvements, including but not limited to all proposed public street rights-of-way and private street easements.

(4) Location of all public utilities, including water and sewer, to serve the development.

B. **Open Space Agreement.** A copy of the Conservation Easement, Plat Dedication, Restrictive Covenant, or other legal instrument that would run with the land to perpetually preserve the open space in an undeveloped state. The legal instrument shall:

(1) Indicate the proposed permitted use(s) of the undeveloped open space.

(2) Require that the open space be perpetually preserved in an undeveloped state, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.

(3) Specify the entity or entities responsible for maintenance of the open space.

(4) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.

C. Site Condominium Application. If the Cluster Development is proposed as a Site Condominium Development, the applicant must also submit all information required under ***Section 5.04***.

7. **Review Procedures.**

A. **Planning Commission Review.** The Planning Commission shall review the Site Plan and open space preservation plan in accordance with the requirements of this Section. If a Site Plan for a Cluster Development satisfies all applicable requirements of this Section, the Planning Commission shall recommend the plan to City Council for approval.

B. **City Council Approval.** The City Council shall review the Cluster Development Site Plan and open space agreement and approve, approve with conditions, or deny the Cluster Development. The City Council may require performance guarantees for any public improvements associated with the Cluster Development. Once approved by City Council, the open space agreement shall be recorded with the Washtenaw County Register of Deeds.

C. **Final Plan/Plat Approval.** Within a period of two (2) years following approval of the Cluster Development Plan by City Council, final plats and/or Final Site Plans shall be submitted. Final Site Plans shall comply with the standards of ***Section 15.04*** and final plats shall comply with the City of Madison Heights Subdivision approval process provided in Chapter 24 the Code of Ordinances.

D. **Site Condominium Approval.** If the Cluster Development is proposed as a Site Condominium Development, the applicant shall demonstrate compliance with all requirements of ***Section 5.04***, as applicable, before the City Council may approve the Cluster Development Plan. Final Site Plan approval for Site Condominium Cluster Developments shall also comply will all standards of ***Section 5.04***, as applicable.

E. **Subdivision Regulations.** An application for a residential cluster subdivision may be submitted in conjunction with subdivision plat in accordance with the Subdivision Regulations of Madison Heights.

Section 5.03 Regulated Uses.

1. **Purpose of Ordinance.** In the development and execution of the amendment to this Ordinance, it is recognized that certain uses because of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the planning commission and city council has received information from the Community and Economic Development Department, the city assessor, and the police department, including information associating blight and increased crime with sexually oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, council has received further information that certain types of adult businesses, including pawnbrokers have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

2. The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

3. **Definitions.** As used in this section:

   A. **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “sexually explicit activities” or “specified anatomical areas.”

   B. **Adult Bookstore or adult video store** means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:

      (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”, or

      (2) Instruments, devices, or paraphernalia, which are designed for use in connection with “specified sexual activities.”

      Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specific anatomical areas” and still be categorized as “adult bookstore” or “adult video store”. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing “specified sexual activities” or “specified anatomical areas”. For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict

or describe “specified sexual activities” or “specified anatomical areas” notwithstanding any more restrictive definition set forth herein.

C. **Adult cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features any of the following:

(1) Persons who appear in a state of nudity, or

(2) Live performances characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or

(3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of “specified sexual activities” or specified anatomical areas.”

D. **Adult motel** means a hotel, motel, or similar commercial establishment which:

(1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Permit patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for electronic transmission over the World Wide Web; or

(3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten hours; or

(4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

E. **Adult motion picture theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas.”

F. **Adult retail store** means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as “sexually explicit activities” or “specified anatomical areas.”

G. **Adult theater** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

H. **Deferred Presentment Service Transaction Facility** means any business engaged in providing Deferred Presentment Service Transactions as defined and regulated by the State of Michigan’s Deferred Presentment Service Transactions Act (Act 244 of 2005). A Deferred Presentment Service Transaction is a transaction between a business and a customer under which the business agrees to do all of the following:

(1) Pay to the customer an agreed-upon amount in exchange for a fee; and

(2) Hold a customer’s check for a period of time before negotiation, redemption, or presentment of the checks.

I. **Escort** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

J. **Escort agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

K. **Establishment** means and includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) The addition of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

L. **Massage therapy facility, unlicensed** means an unlicensed massage therapy facility as defined in ***Article 2*** of this Zoning Ordinance.

M. **Nude model studio** means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by any other person who pays money, or any other form or consideration.

N. **Nudity or state of nudity** means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

O. **Pawnbroker** means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

P. **Person** means any individual, proprietorship, partnership, corporation, association, or any other legal entity.

Q. **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast as well as portions of the body covered by supporting straps or devices.

R. **Sexual encounter center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.

S. **Specified sexual activities** means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. Above.

(5) Any activity intended to arouse, appeal to, or gratify a person's lust, passions, or sexual desires.

T. **Regulated uses** means any of the following:

(1) "Adult arcades".

(2) "Adult bookstores and adult video stores".

(3) "Adult cabarets".

(4) "Adult motels".

(5) "Adult motion picture theaters".

(6) "Adult retail store".

(7) "Adult theaters".

(8) "Deferred presentment service transaction facility".

(9) "Escort agencies".

(10) "Massage therapy facility, unlicensed.

(11) “Nude model studios”.

(12) “Pawnbrokers”;

(13) “Sexual encounter centers”.

(14) “Any establishment that permits patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specific anatomical areas” for transmission over the World Wide Web;

(15) Other sexually oriented businesses described herein or as determined by city council.

U. **Specified anatomical areas** means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or

(2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

4. **Location of Regulated Uses:**

A. The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.

B. Regulated uses shall be permitted in B-2 and B-3 Districts after Special Land Use Approval by City Council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of any of the following:

(1) A religious institution ;

(2) A public or private elementary or secondary school;

(3) The boundary of a residential zoning district;

(4) A public park;

(5) The property line of a lot in residential use;

(6) A childcare facility.

5. **Miscellaneous requirements.**

A. No person shall reside in, or permit any person to reside in, the premises of a regulated use.

B. All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district.

Section 5.04 Site Condominium Regulations.

Site Condominiums are subject to the State of Michigan Act (Act 59 of 1978). The review, design, development, and maintenance of a site condominium project shall also conform with the provisions of this section.

1. **Review Process.** Review and approval as provided in this section shall be required to construct, expand, or convert a site condominium project. The review process shall involve three phases: preliminary plan review, site plan review, and final engineering plan review.

A. **Preliminary Plan Review and Approval.**

(1) **Application.** A developer of a proposed site condominium project shall submit to the city an application for preliminary plan approval on an application form provided by the city. The application form shall include all information called for on the form and shall be accompanied by 12 copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the

preliminary plan review process. The city may require electronic (digital) submittal of applications and plans as the city develops the technological capabilities.

(2) **Preliminary Plan Content.** The preliminary plan shall include:

(a) Project name and location.

(b) Name, address and phone number of the developer and the name, address, phone number and seal of the surveyor or engineer who prepared it.

(c) The plan and layout shall be of sufficient detail on a topographic plan to determine whether the project meets requirements for lot size, lot shape, drainage, and the design of the proposed street network.

(d) Scale of not more than 100 feet to one inch.

(e) Legal description of the parcel of land to be developed.

(f) Proposed layout of the individual building sites, streets, wetlands and schematic location of proposed drainage, water, and sanitary sewer service.

(g) Location of existing streets, lots, buildings, walls, utilities, major landscaping, and wooded areas within 100′ of the site.

(h) In addition, the application and plan shall include other information deemed necessary by the planning commission for preliminary review.

(3) **Preliminary Plan Review Process.**

(a) The application form and preliminary plan shall be forwarded to the Technical Review Committee for their review. Review comments shall be forwarded to the developer to be addressed prior to planning commission review.

(b) Following review and recommendation by the Technical Review Committee, the preliminary plan shall be reviewed by the planning commission for conformance with all applicable laws and Ordinances, including design standards relative to density, building site size and layout, streets, and drainage.

(c) The planning commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform with all applicable Ordinance requirements relative to building site size, shape and layout, and street design.

(d) If the preliminary plan conforms with all applicable Ordinance standards, it shall be approved by the planning commission. If the preliminary plan fails to conform, the planning commission may either deny the application or grant approval with conditions. This provision does not authorize the planning commission to grant variances from this Ordinance.

(e) Preliminary plan approval shall confer upon the developer an approval, for a period of one year, of the proposed size and shape of building sites and street layout. Such preliminary plan approval may be extended if applied for by the proprietor within one year of the initial approval and approved by the planning commission.

B. **Site Plan Review and Approval.**

(1) After preliminary plan approval by the planning commission, the developer shall submit an application for site plan review in accordance with ***Section 15.04***, Site plan review.

(2) Application for site plan review shall include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with the register of deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the city, including, without limitation, ongoing preservation and maintenance of drainage, detention, landscaping, wetland and other natural areas, and maintenance of general and limited common elements.

(3) The Technical Review Committee shall review the site plan, master deed and by-laws and shall approve the proposed condominium project if it conforms with all applicable Ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform with said standards and

conditions, the Technical Review Committee may deny the proposed condominium project or refer the proposal back to the planning commission for reconsideration of the preliminary plan.

(4) Site plan approval shall be effective for a period of one year.

C. **Final Engineering Plan Review and Approval.**

(1) Following site plan approval, the developer shall submit an application for final engineering approval to the city. The application shall include plans and information in sufficient detail to determine compliance with all applicable laws, codes, Ordinances, rules, and regulations enforceable by the city subject to applicable provisions of subsection (2) below.

(2) The city's engineering consultant shall review the final engineering plans and shall approve the plans when they conform with all applicable Ordinance standards, requirements, and conditions of site plan approval.

(3) A building permit for construction of individual condominium units may be applied for when the final engineering plan has been approved, all applicable permits and approvals have been secured from other government entities, and all improvements for the project have been constructed. The city may determine that certain improvements need not be constructed prior to issuance of building permit for an individual condominium unit, provided that all improvements shall be completed prior to issuance of a Certificate of Occupancy for any condominium unit and the developer posts a performance guarantee for the timely completion of such improvements.

2. **Additional Site Condominium Regulations.**

A. Each site condominium unit shall front on and have direct access to a public street constructed to City of Madison Heights and applicable Road Commission for Oakland County standards.

B. Each site condominium unit shall be considered equivalent to a single lot and shall comply with all of the regulations, including Schedule of Regulations, of the zoning district in which it is located and other provisions of this Ordinance and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" or "building site," and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit." In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.

C. Prior to any grading or land development activity and/or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.

D. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.

E. Within 60 days following final inspection and approval of all improvements, the developer shall submit to the city an "as-built" survey, including dimensions and elevations of each improvement and the boundaries of the building sites. The corners of each site condominium unit shall be staked in the customary manner in connection with a survey performed for the project.

F. The fees for all reviews shall be established by resolution adopted by the city council.

G. Amendments of plans or the master deed which have received final approvals and which would have substantive impact upon any matter reviewed or approved under this section shall be reviewed and approved by the planning commission prior to recording.

Section 5.05 Planned Unit Development (PUD)

1. **Purpose and Intent.** The intent of this Section is to implement the provisions of Public Act 110 of 2006, as amended, authorizing the use of a Planned Unit Development ("PUD") to allow regulatory flexibility in the consideration of proposed developments within the City consistent with the requirements of the City's Master Plan. It is the intent of the City that the standards of the zoning ordinance may be increased, decreased, waived, or otherwise modified under the provisions of this Section. The objectives of PUDs are as follows:

   A. Provide flexibility in regulation of land development.

   B. Encourage innovation in site planning and development, especially in housing.

   C. Encourage the mixing of commercial, educational, and recreational facilities conveniently located in relation to housing.

   D. Conserve natural features and encourage provision of open space.

   E. Provide other recognizable benefits beyond those afforded by development which adheres to the minimum requirements of the underlying zoning classification applicable to the property.

2. **Qualifying Conditions.** A PUD shall not be accepted for consideration unless all of the following requirements are met:

   A. Land use patterns established by the PUD development shall be compatible with existing and planned uses on and adjacent to the site.

   B. Use of this option shall not be for the sole purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.

   C. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

   D. The application must demonstrate that the proposed PUD site or area is a site where an innovative, unified, and planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.

   E. The PUD site shall be capable of being planned and developed as one integral, comprehensive site in accordance with the approved PUD Plan.

   F. The PUD shall be under single ownership or control such that there is a single person or entity having responsibility for ensuring completion of the project in conformity with this Ordinance.

   G. The proposed development must demonstrate at least three (3) of the following conditions:

      (1) The PUD contains two (2) or more distinct, but compatible land use types, such as, but not limited to, mixed-use developments with residential and non-residential uses, or a mixture of commercial, recreational, and a variety of housing types.

      (2) The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical; this includes property with poorly dimensioned parcels or property with difficult site conditions.

      (3) The proposed design of the PUD includes innovative development concepts that substantially forward the purpose and intent of this Section, further the goals and objectives of the Master Plan, and permit an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under conventional zoning.

      (4) The proposed PUD involves adaptive re-use or redevelopment of a building or site, or redevelopment of a brownfield or greyfield site, in ways which would be difficult to achieve under traditional zoning districts.

      (5) The proposed PUD heavily incorporates pedestrian and/or transit-oriented design.

(6) The proposed PUD involves significant use of sustainable building and site design features such as, but not limited to: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.

3. **PUD Review Process.** Any person owning or controlling land in the City may make application for consideration of a PUD in accordance with the following review processes:

A. **Pre-application Conference**. Prior to submitting an application for a PUD Determination of Qualification, the applicant shall request a pre-application conference with the Planning and Zoning Administrator to obtain information and guidance regarding land development regulations, the City's Master Plan, and the PUD review process. An applicant may request further pre-application review by the Planning Commission.

B. **Determination of Qualification.** The applicant shall submit a Request for a Determination of Qualification in accordance with the following: A written and graphic request shall be submitted to the Technical Review Committee through the Community and Economic Development Department. The Technical Review Committee shall review the applicant's request and make a preliminary determination as to whether or not a conceptual PUD plan qualifies for the PUD option. The submittal shall include all of the following:

(1) Substantiation that the criteria set forth in Criteria for Qualifications (***Section 5.05(2)***) are or will be met.

(2) A schematic/conceptual land use plan containing enough detail to explain the location of land uses, streets providing access to the site, pedestrian and vehicular circulation within the site, dwelling unit density and types, and buildings or floor areas contemplated, as applicable.

(3) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.

(4) The proposed phasing of the project.

The Technical Review Committee shall issue its determination to the applicant, which shall be included within the formal submittal of a PUD Plan and forwarded onto the Planning Commission for their consideration. The Technical Review Committee's determination shall be deemed as a recommendation to the Planning Commission. Upon the Technical Review Committee's review of the Determination of Qualification, an applicant shall be eligible to submit a PUD Plan in accordance with Section 5.05(3)(C), below. The Technical Review Committee may alternatively postpone action on the Determination of Qualification for additional information. A favorable determination made by the Technical Review Committee shall not constitute formal approval of a PUD Plan.

C. **PUD Plan.** Upon obtaining a determination of qualification from the Technical Review Committee, an applicant shall submit a PUD Plan application containing all of the information and documents listed in ***Section 5.05(4)*** and in accordance with the following:

(1) Upon receipt of a completed PUD Plan application, the Planning and Zoning Administrator shall schedule a public hearing in accordance with ***Section 15.01*** at the next available Planning Commission meeting.

(2) Planning Commission Review and Public Hearing: After the public hearing, the Planning Commission shall make a recommendation to City Council of approval, approval with conditions, or denial of the PUD, with findings based upon the submitted PUD Plan and accompanying materials. The Planning Commission may postpone action on the PUD Plan for additional information. The Planning Commission shall base the recommendation on the PUD Plan's compliance with Qualifying Conditions (***Section 5.05 (2)***) and PUD Project Design Standards (***Section 5.05 (6)***)

(3) City Council Review and Public Hearing. Upon receipt of the Planning Commission's recommendation, the City Council shall hold a first reading on the PUD Plan and schedule a public hearing. After the public hearing, City Council shall make a decision on the PUD application. The City Council may approve, approve with conditions, deny, or postpone action on the PUD Plan. The City Council shall base the decision on the PUD Plan's compliance with Qualifying Conditions (***Section 5.05 (2)***) and PUD Project Design Standards (***Section 5.05 (6)***). Upon approval by the City Council, the property shall be rezoned to the PUD District and developed in accordance with the approved PUD Plan. Upon approval, the City Council shall authorize the City Attorney to execute the Final PUD Agreement, which shall incorporate any conditions of approval.

D. **PUD Site Plan Review.** Following City Council approval of the PUD Plan and execution of the Final PUD Agreement, a Final Site Plan shall be submitted for Planning Commission review pursuant to ***Section 15.04*** for each phase(s) of an approved PUD plan.

E. **Enforcement.** The Planning and Zoning Administrator shall review all permits for an approved PUD project for compliance with the terms of the approved PUD agreement, and any other applicable codes and ordinances.

4. **PUD Plan Submittal Requirements.** The PUD Plan application shall include all of the following information. The Planning and Zoning Administrator may waive or modify submittal requirements upon determining that such information is not necessary for consideration of the PUD:

A. **Application Form and Required Fee.**

B. **Project Narrative.** The project narrative shall include substantiation that all PUD Qualifying Conditions and Project Design Standards will be met.

C. **PUD Plan.** An area plan showing a layout of the uses and structures in the PUD and their locations. The plan shall include all information required for major site plans in ***Section 15.04(4)(B).*** The Planning Commission may waive requirements or require additional information that may be necessary for a full and complete consideration of the proposed PUD and its impact on the immediately surrounding area and the city as a whole.

D. **Zoning Comparison Table.** A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or landscaping which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.

E. **Easements.** Written verification of access easements or agreements, if applicable.

F. **Copy of Determination of Qualification from Technical Review Committee.**

G. **Community Impact Statement.** The application for PUD review shall include a community impact statement. The statement shall be derived from a study of the city based on information from the following community elements:

(1) Planning and zoning issues, including conformance with the Master Plan, Zoning Ordinance, and other applicable City codes and policies.

(2) Land development issues, including topographic, soil conditions, and site safety concerns.

(3) Private utilities consumption, including electrical needs and natural gas utilization.

(4) Noise level conditions.

(5) Air quality conditions.

(6) Environmental design and historic values including visual quality and historic resources.

(7) Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.

(8) Public safety needs, including police, fire, and emergency medical services.

(9) Open space landscaping and recreation, including cultural elements.

(10) Traffic impacts.

H. **Draft PUD Agreement.** Draft PUD agreement between the City and the applicant, which shall include, among other items, a provision as to such revisions to the site plan that may be approved administratively by the Planning Commission, and any specific terms and conditions relating to an approved PUD including specific terms relating to the administration of the project.

5. **Regulatory Flexibility**. The City Council may increase, decrease, waive, or otherwise modify the current standards within the zoning ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, project design standards of Section 5.05(6), and landscape standards provided the modification is found to improve the quality of development beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article.

6. **Project Design Standards.** PUDS shall satisfy the following design standards:

   A. **Use.** The uses proposed shall be consistent with the city's master plan.

   B. **Impact on Surrounding Uses.** The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and transportation systems, surrounding properties, or the environment.

   C. **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by the zoning ordinance. The PUD may take advantage of shared parking, parking waivers as permitted by ***Article 10***. The Planning Commission or City Council may further adjust the required number of parking spaces if other factors exist that would support an additional waiver. All streets and parking areas within the Planned Unit Development shall meet the minimum construction and other requirements of City ordinances, unless modified by the City Council.

   D. **Landscaping.** Existing landscaping shall be preserved and/or improved or additional landscaping be provided to ensure that proposed uses will be adequately buffered, where buffering is appropriate from and between surrounding public and private property. The quality and/or quantity of landscaping materials shall exceed the minimums otherwise required by the zoning ordinance.

   E. **Existing Features.** The PUD plan shall demonstrate that the plan will preserve significant natural, historical, and architectural features, if any, and the integrity of the land to the best of the applicant's ability.

   F. **Circulation.** Safe, convenient, uncongested, and well-defined vehicular, non-motorized and pedestrian circulation within and into the site shall be provided in accordance with the following:

      (1) Drives, streets, and other elements within the property shall be designed to promote safe and efficient traffic operations within the site and at its access points.

      (2) Circulation patterns should complement and reflect rectilinear street grid layout of the city.

      (3) Sidewalks or multi-purpose paths shall be provided along, and connect to, public streets and private within the development to provide safe and efficient non-motorized circulation.

      (4) The Plan shall promote walking, biking, and other forms of non-motorized transportation, in a highly visible manner.

7. **Expiration of Plan Approvals.**

   A. The right to submit a PUD Plan shall be valid for a period of one (1) year from the date of the Technical Review Committee's issuance of a Determination of Qualification.

   B. Final Site Plans shall be submitted in accordance with this Section within two (2) years of execution of the Final PUD Agreement. If such plans have not been submitted within the two-year period, the right to develop under the approved PUD Plan shall be terminated by the City in accordance with ***Section 5.05 (10)***, below. For phased plans, the PUD Plan shall remain effective for an additional two (2) years after each subsequent Final Site Plan approval. Final Site Plan expiration is subject to ***Section 15.04*** (Site Plan Review).

   C. Upon the developer's showing of good cause, the Planning Commission may recommend, and the City Council may grant, an extension of two (2) years for the submission of Final Site Plans consistent with the approved PUD Plan.

   D. Should an approved PUD Plan expire, no permits for any development of the property shall be issued, and the City shall commence rezoning the property back to its previous zoning classification, or another zoning classification, in accordance with ***Section 15.07*** (Zoning Ordinance Amendments).

8. **Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Planning and Zoning Administrator. The Planning and Zoning Administrator shall determine whether the proposed modification is of such minor nature as to not affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning and Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Council to approve or deny the changes. The Planning and Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.

A. **Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking areas. Minor amendments for good cause may be authorized by the Planning and Zoning Administrator without notice or hearing, provided such changes shall not substantially increase the size or height of structures, modification of residential density, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, encroach on natural features proposed by the plan to be protected, or alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The Planning and Zoning Administrator shall inform the Planning Commission and City Council of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Minor Site Plan that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Planning and Zoning Administrator.

B. **Major Amendment.** Any amendment not qualifying as a minor amendment shall be considered a major amendment and shall be reviewed by the Planning Commission and approved by the City Council, to be amended according to the procedures authorized by this section for original approval of a PUD.

9. **Termination by Applicant.** An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community and Economic Development Department. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Council and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification in accordance with ***Section 15.07*** (Zoning Ordinance Amendment).

10. **Revocation.** The City Council, upon a breach of the PUD Agreement, may revoke a PUD or any portion thereof. The city shall commence a rezoning of the subject property in accordance with ***Section 15.07*** (Zoning Ordinance Amendment).

11. **Violations and Enforcement.** Any violation or deviation from an approved PUD Plan or written conditions, except as authorized in this section, shall be considered a violation. Furthermore, any such deviation may be grounds to invalidate the PUD designation.

12. **Appeals.** The Zoning Board of Appeals has no authority in matters covered by this Section. Modifications to plans or proposals submitted and approved under this article shall be processed in accordance with the amendment procedures covered above in Section 5.05(8). Appeals regarding a decision relating to a Planned Unit Development may be taken to Circuit Court.

13. **Phasing.** A PUD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health safety and welfare of the users of the project and residents of the surrounding area, including sidewalk connections and roadway improvements.

    The applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a PUD has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PUD Area Plan.

14. **Performance Guarantee.** The City Council may require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantee to the City as a condition of PUD Plan approval pursuant to ***Section 15.04(7)*** (Site Plan Guarantee). The amount of the performance guarantee shall be recommended to City Council by the City Attorney after discussion with the applicant, Community and Economic Development Department, and other involved departments and parties.

15. **Development Agreement.** As part of PUD Plan approval, or as a separate resolution, City Council shall authorize the City Attorney to execute a final PUD Agreement between the City and the applicant setting the conditions upon which such approval is based. The Agreement shall include the following elements:

    A. Project Summary

    B. Identification of the plans and documents that are a part of the approval.

    C. The terms and conditions under which the approval was granted and the project will be allowed to be implemented.

D. The entity that is responsible for constructing each element of the project, including the public facilities and infrastructure.

E. Project details and dimensions that are mandatory.

F. Identification of the entities that will own and be responsible for maintenance of any public open space, common areas, and facilities, and the method of financing such maintenance work.

G. Terms and conditions regarding the expiration or revocation of PUD approval.

Article 6.
Form Based Code Districts

Section 6.01 Overview

1. **Purpose and Intent.** The purpose of form-based development standards is to create clear and simple design regulations for redevelopment or new construction projects in Form Based Districts (including the CC City Center District and any future Form Based Districts). These standards are intended to be consistent with the community's vision for high-quality, pedestrian-oriented, mixed-use development. The standards are intended to promote the following objectives:

   A. Create unique, pedestrian-oriented mixed-use districts that include residential, retail, entertainment, office, and other compatible uses that support the economic vitality of the City.

   B. Promote the preservation and renovation of historic buildings.

   C. Encourage a transition from automobile-oriented to pedestrian-oriented development.

   D. Encourage accessible housing options.

   E. Ensure proper land use transitions and design treatment.

   F. Discourage automobile-oriented development through pedestrian-oriented building and site design principles and accommodations.

2. **Applicability.** All buildings and developments in the CC District or any future Form Based District shall comply with the requirements of this Article. Standards for specific Form Based Districts begin in ***Section 6.02***. Where there is a conflict between the standards of the Form Based Districts and other articles of this Zoning Ordinance, the standards of the Form Based Districts shall apply.

   A. **New Construction.** Unless exempted below, all developments that require major site plan approval per ***Section 15.04*** after the Effective Date of this Ordinance shall fully comply with the design standards set forth in this Article.

   B. **Expansions of Developed Sites.** Buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:

      (1) Less than 25 percent (25%) of existing condition. Any development activity on a developed site that would increase the gross floor area of the existing building or the area of existing site improvements (e.g. parking areas) by less than 25 percent (25%) need not comply in full with the requirements of this Article. However, any improvements made shall result in the site being more compliant and shall not result in the site being less compliant with the requirements of this Article, based upon the determination of the Planning and Zoning Administrator.

      (2) Greater than 25 percent (25%) of existing condition. Whenever a building or site improvement expansion of greater than 25 percent (25%) of the existing condition is proposed, the activity shall comply with the requirements of this Article.

   C. **Redevelopment of Existing Sites.** Redevelopment of existing buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:

      (1) Less than 50 percent (50%) of existing condition. Whenever 50 percent (50%) or less of the existing gross area of a building will be demolished, replaced, or renovated, the development activity need not comply in full

with the requirements of this Article. However, any changes that may occur as a result of the development activity shall result in the site being more compliant and shall not result in the site being less compliant, with the requirements of this Article, based upon the determination of the Planning and Zoning Administrator.

(2) Greater than 50 percent (50%) of existing condition. Whenever more than 50 percent of the existing gross area of a building will be demolished or replaced, the development activity shall comply with all of the requirements of this Article.

D. **Alternative Review Standards for Adaptive Reuse.** Should the Planning and Zoning Administrator determine that it is not possible for an existing structure to meet or come into further compliance with the standards of this Article, the Planning and Zoning Administrator may evaluate the project based on the architectural standards for another building type permitted within the district in which its located. Should that be the case, both of the following must be met:

(1) The development shall meet all other applicable design standards required by this Article.

(2) The development must bring the site into greater compliance with, and shall not result in the site being less compliant with, the Building Type Standards.

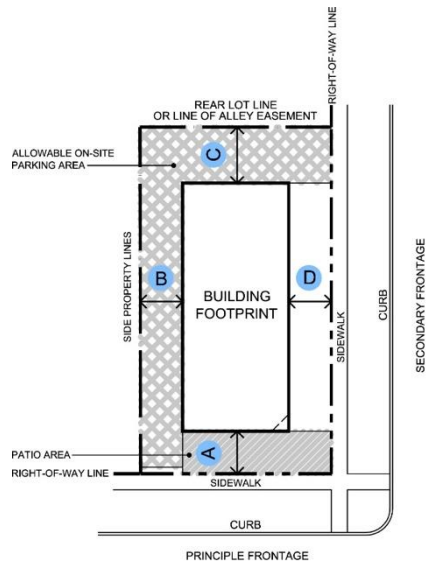
3. **Building Types.** The following Building Types are prescribed for the Form Based Districts. Specific building types permitted by district are prescribed later in this Article beginning in ***Section 6.02***.

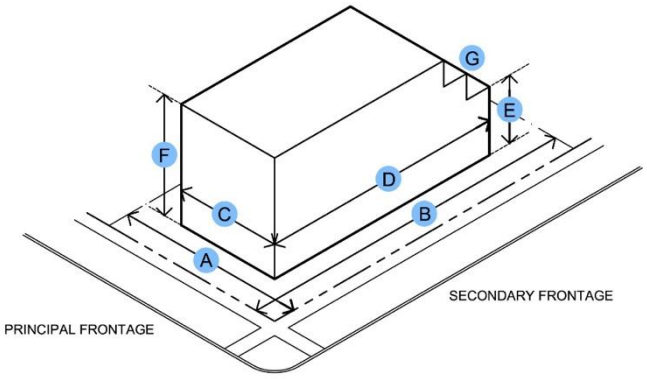
A. **Bank.** The Bank Building Type is intended to accommodate the unique needs of financial institutions on the ground floor, with office uses above. The purpose of this Building Type is to allow an exception to shopfronts within walkable commercial districts and to allow for a dedicated use within. Financial institution uses may also be located within other Building Types, and other uses are allowable within the Bank Building Type. The Bank Building Type is employed within walkable commercial districts and is intended as a supplemental component in the creation of such districts.



Bank Building Types are subject to the following design standards:

Bank Building Type – Illustrated Design Standards
1. Opaque façades shall be provided through which window and door openings appear to have been “punched” (as through paper in a ring binder). 2. Main entrance articulation shall be provided. 3. Traditional building façade treatments shall be provided (including masonry reliefs and/or motifs). 4. A building cornice shall be provided at top of building of substantial height and decoration. 5. A minimum of one horizontal molding or accent material projection shall be provided dividing the façades into layers. 6. Window groupings are encouraged, with groups of up to 3 allowable. There shall be 35% to 50% window glass on building elevations. a) The maximum distance between any two windows shall be 5 feet. b) The maximum distance between a window and the edge of the wall shall be 10 feet. c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT). 7. Main entrances shall be at grade for accessibility, working in conjunction with interior lobby and elevator(s).





Building Disposition			Building Configuration		
Applicable Regulation		**Standard**	**Applicable Regulation**		**Standard**
A	Maximum Front Setback (Build-to-Zone)*	0'-0" to 10'-0"	**A**	Width of Lot	-
B	Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise	**B**	Depth of Lot	-
C	Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	**C**	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of lot width
D	Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"	**D**	Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
*	A minimum of 75% of the building width shall be within the front "build-to-zone"		**E**	Maximum height at rear setback line or residentially-zoned property line	Maximum 25'-0"
			F	Maximum building height	4 stories / 48'-0"
			G	Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.



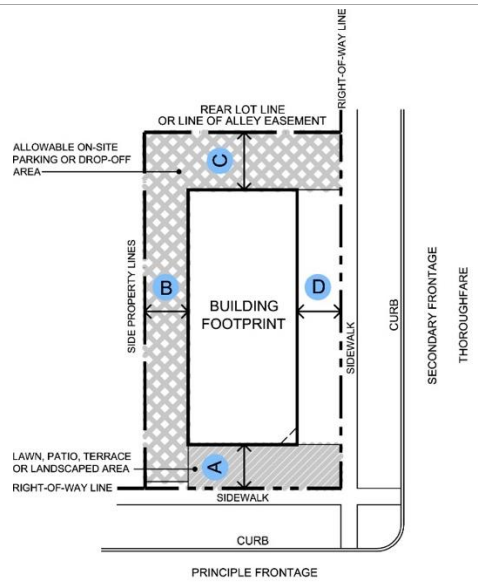


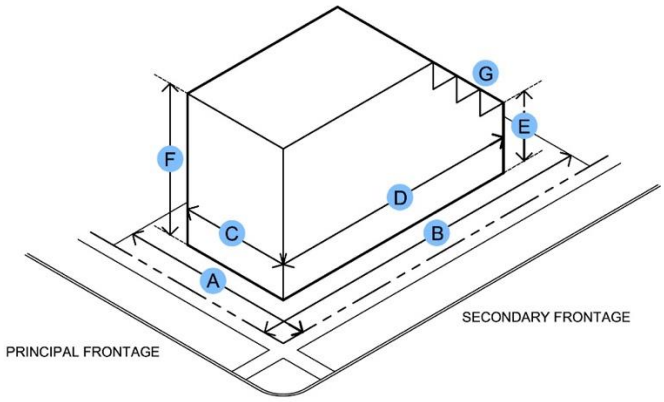
B. **Hotel.** The purpose of the Hotel Building Type is to provide for short-term lodging within a walkable, mixed-use environment, and to allow for an exception to plate-glass storefronts within such districts. The Hotel Building Type may be employed within walkable commercial districts and is intended as a supplemental component in the creation of such districts. The Hotel Building Type shall provide a lobby on the Principal Frontage connecting the corresponding sidewalk to an interior elevator, lift or ramp.



Hotel Building Types are subject to the following design standards:

Hotel Building Type — Illustrated Design Standards
1. Main entrances shall be located along the street of building address. Main entrances at grade for accessibility, working in conjunction with interior lobby and elevator. 2. Opaque façades shall be provided through which window and door openings appear to have been “punched” as through paper in a ring binder. 3. A building cornice shall be provided at top of building of substantial height and decoration. (Feature excepted on Art Deco style buildings). 4. A minimum of one horizontal molding or accent material projection dividing the façade into layers. 5. Pattern of solids and voids generated by the vertical and horizontal alignment of windows and doors in repeating sizes. 6. Window groupings are encouraged, with groups of up to 3 allowable. There shall be 35% to 50% window glass on building elevations. i) The maximum distance between any two windows shall be 5 feet. ii) The maximum distance between a window and the edge of the wall shall be 10 feet. iii) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT). 7. Ground Floor Units (finished floor) shall be a minimum 30” above average grade along frontages. 8. Main entrance articulation shall be provided.





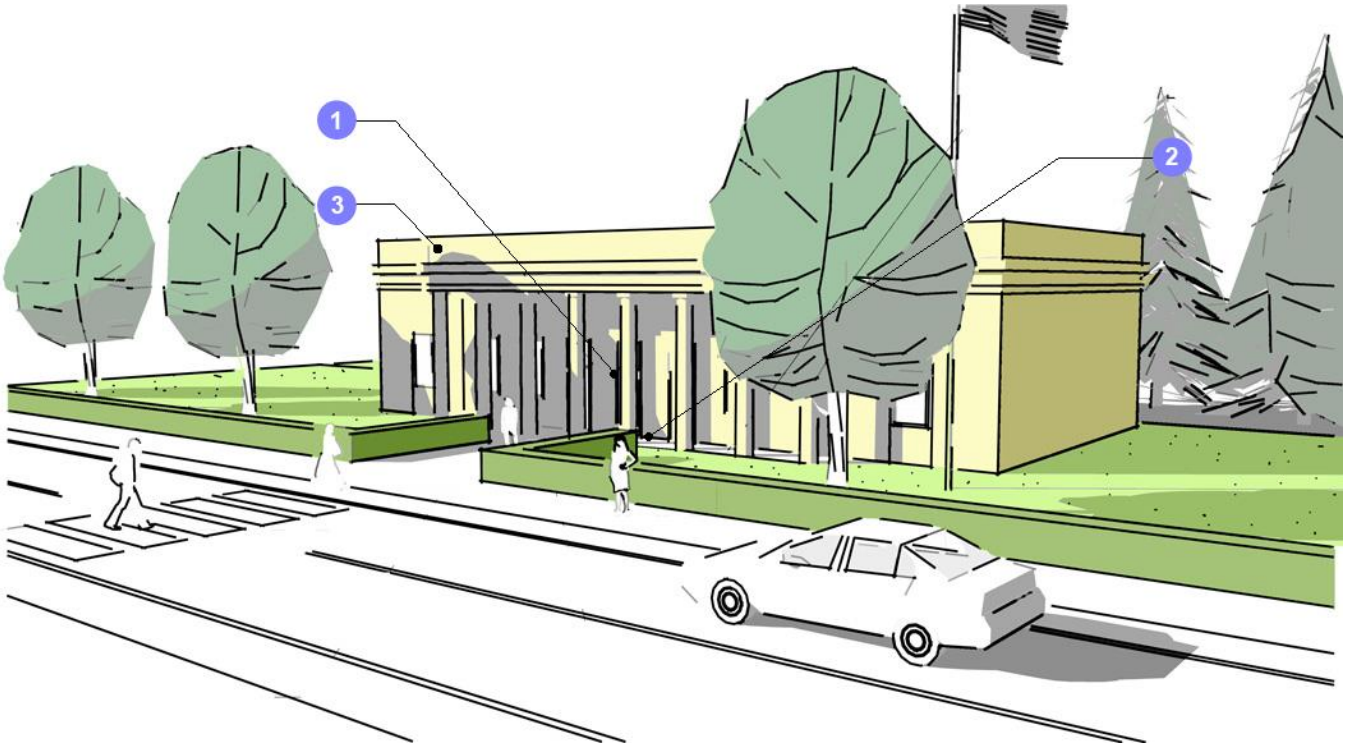
Building Disposition			Building Configuration		
Applicable Regulation		**Standard**	**Applicable Regulation**		**Standard**
A	Maximum Front Setback (Build-to-Zone)*	0’-0” to 10’-0”	**A**	Width of Lot	-
B	Minimum Side Yard Setback (Lot Line)	Minimum 0’-0” (where sharing party wall); 5 ft. otherwise	**B**	Depth of Lot	-
C	Minimum Rear Yard Setback	Minimum 5’ from Alley, 15’ from Residential Lot	**C**	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of lot width
D	Side Yard Setback (ROW) (Build-to-Zone)	0’-0” to 5’-0”	**D**	Minimum Width of building façade (secondary frontage)	Minimum 27’-8”
	*A minimum of 75% of the building width shall be within the front build-to-zone.		**E**	Maximum height at rear setback line or residentially-zoned property line	Maximum 25’-0”
			F	Maximum building height	5 – stories / 60’-0”
			G	Building Stepback	Above 25 ft. building height, each additional story (up to 15 feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.




RAMADA
PLAZA HOTEL
OJIBWAY

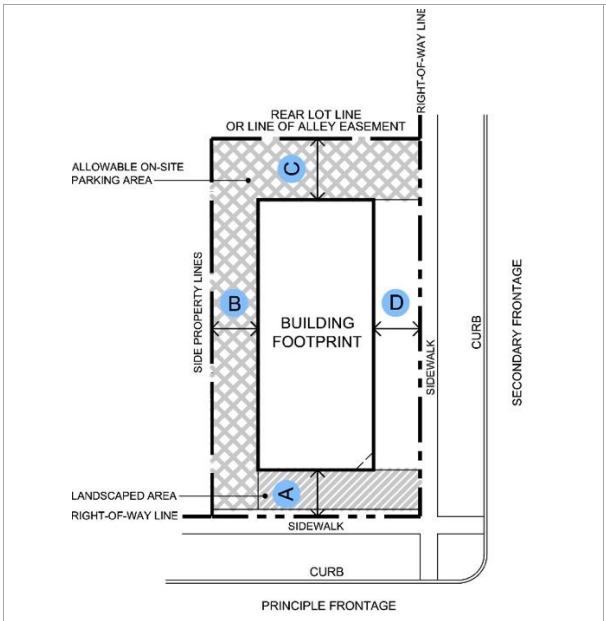

POLICE

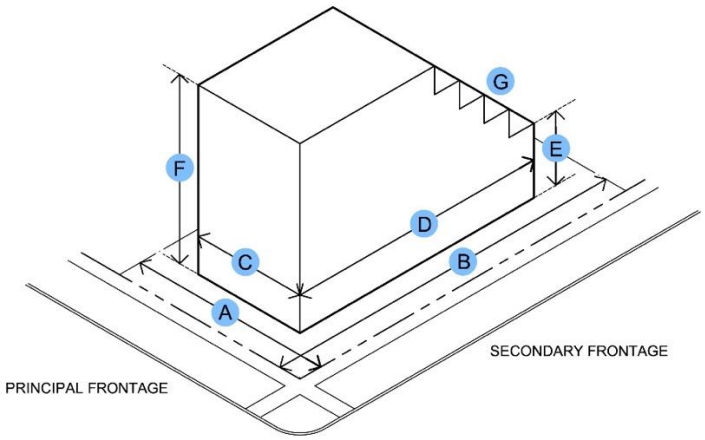
C. **Landmark.** The Landmark Building Type is intended for non-commercial uses. Landmark Buildings are required to have a lobby located along their principal frontage and to provide visibility and access to the main entrance from the corresponding street.



Landmark Building Types are subject to the following design standards:

Landmark Building Type – Illustrated Design Standards:
1. A prominent, main entrance shall be provided along the Principal Frontage or at a corner of two frontages and, if the building is setback from the right-of-way, the entrance shall be connected to a public sidewalk with a paved path minimum 5'-0" in width.
2. The main entrance shall be provided at grade for accessibility.
3. Bell towers, clock towers, and other vertical building elements may exceed the maximum allowable building height by up to 35%, provided they do not occupy in excess of 1,600 square feet of site area.





Building Disposition		
Applicable Regulation		**Standard**
A	Front Setback	–
B	Side Yard Setback (Lot Line)	–
C	Rear Yard Setback	Minimum 5’ from Alley, 15’ from Residential Lot
D	Side Yard Setback (ROW)	–

Building Configuration		
Applicable Regulation		**Standard**
A	Width of Lot	–
B	Depth of Lot	–
C	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of lot width
D	Minimum Width of building façade (secondary frontage)	–
E	Maximum height at rear setback line	Maximum 25’-0”
F	Maximum building height	5 – stories / 60’-0”
G	Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.





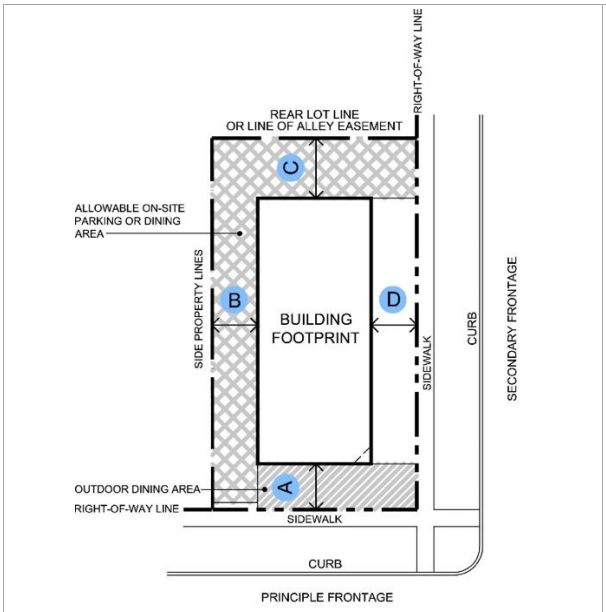


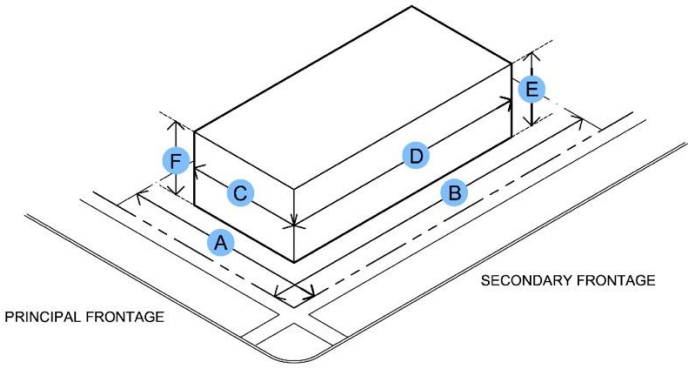
D. **Maker Space.** The Maker Space Building Type combines craft-scale production operations with retail sales in a walkable, urban context. Therefore, the frontage may be divided between a plate-glass storefront and an industrial façade, which may or may not include a garage door. The illustrations below show the Maker Space Building Type with access to the craft production area, via a garage door, directly from the Principal Frontage.



Maker Space Building Types are subject to the following design standards:

Maker Space Building Type – Illustrated Design Standards:
1. Storefronts shall provide a minimum of 50% glass between 2'-0" and 10'-0" above average grade.
2. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along Principal Frontage. The main entrance shall be along the principal frontage or at the corner of two frontages.
3. Brick relief shall be required as part of façade design along Principal Frontage.
4. Garage door(s) shall be permitted along frontages and rear of building. A minimum of 50% of garage doors along frontages must be transparent to foster a pedestrian experience. Front-facing garage doors shall primarily serve as an amenity to retail/commercial-oriented uses rather than for loading/unloading.
5. The main level shall be accessible at grade.
6. All windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).





Building Disposition		
Applicable Regulation		**Standard**
A	Maximum Front Setback (Build-to-Zone)*	0’ to 10’
B	Minimum Side Yard Setback (Lot Line)	Minimum 0’ (where sharing party wall); 5 ft. otherwise
C	Rear Yard Setback	Minimum 5’ from Alley, 15’ from Residential Lot
D	Side Yard Setback (ROW) (Build-to-Zone).	0’-0” to 5’0”

* A minimum of 75% of the building width shall be within the front “build-to-zone”

Building Configuration		
Applicable Regulation		**Standard**
A	Width of Lot	–
B	Depth of Lot	–
C	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of lot width
D	Minimum Width of building façade (secondary frontage)	Maximum 27’-8”
E	Maximum height at rear setback line	Maximum 25’-0”
F	Maximum building height	1 story / 25’-0”



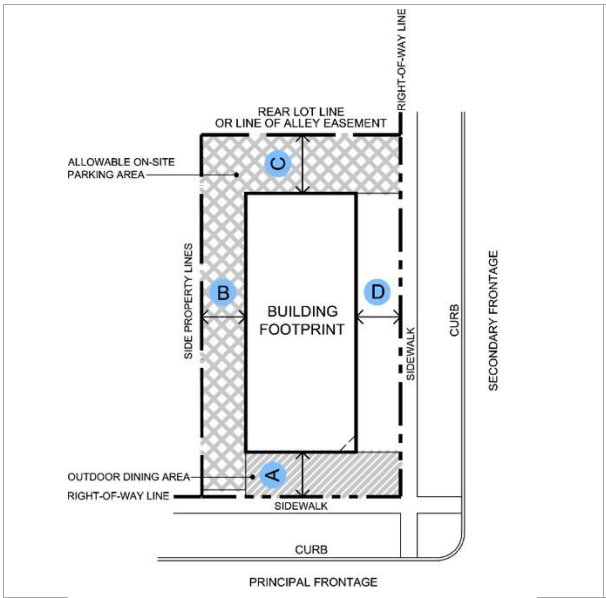


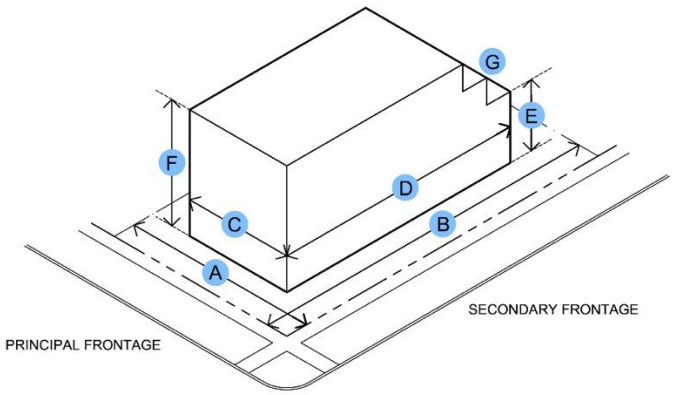
E. **Mixed Use.** The Mixed-Use Building Type is a multi-story building with plate-glass storefronts extending along the length of the Principal Frontage. The Mixed-Use Building Type is employed within walkable commercial districts and is integral in the creation of such districts.



Mixed-Use Building Types are subject to the following design standards:

Mixed Use Building Type – Illustrated Design Standards:
1. Traditional building façade treatments (including masonry reliefs and/or motifs) shall be provided along Principal Frontages and Secondary Frontages. Side and rear entrances shall be subordinate. A main entrance at the corner may substitute for that listed above.
2. Main entrance doors shall remain operational during business hours.
3. Main level shall be accessible at grade.
4. There shall be a minimum of 50% window glass on front building elevations.
a) The maximum distance between any two windows shall be 5 feet.
b) The maximum distance between a window and the edge of the wall shall be 10 feet.
c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).
5. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along the Principal Frontage. The main entrance shall be along principal frontage or at the corner of two frontages.
6. A minimum of one additional horizontal molding or accent material band projection shall be provided, casting a secondary horizontal shadow line, dividing the façade into layers.
7. Garage doors shall be permitted along frontages and rear of building. A minimum of 50% of garage doors along frontages shall be transparent to foster a pedestrian experience. Front-facing garage doors shall primarily serve as an amenity to retail/commercial-oriented uses rather than for loading/unloading.





Building Disposition		
Applicable Regulation		**Standard**
A	Maximum Front Setback (Build-to-Zone)	0’ to 10’
B	Side Yard Setback (Lot Line)	Minimum 0’ (where sharing party wall); 5 ft. otherwise.
C	Minimum Rear Yard Setback	Minimum 5’ from Alley, 15’ from Residential Lot
D	Maximum Side Yard Setback (ROW) (Build-to-Zone)	0’-0” to 5’0”

* A minimum of 75% of the building width shall be within the front “build-to-zone”

Building Configuration		
Applicable Regulation		**Standard**
A	Width of Lot	–
B	Depth of Lot	–
C	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of lot width
D	Minimum Width of building façade (secondary frontage)	Minimum 27’-8”
E	Maximum height at rear setback line	Maximum 25’-0”
F	Maximum building height	4 stories / 48’-0”
G	Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.


CUTLER'S

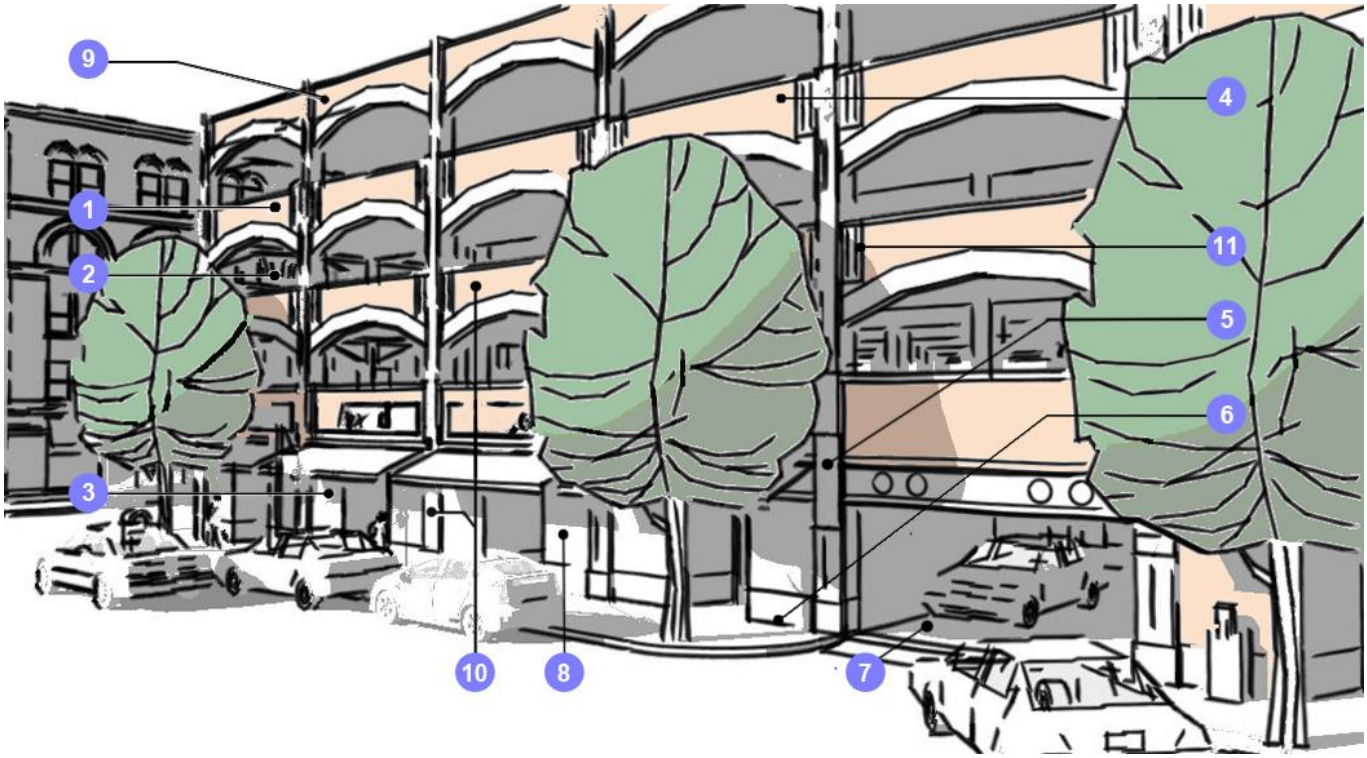



CHERRY REPUBLIC


Zingerman's DELICATESSEN
422 ZINGERMAN'S DELICATESSEN 422
STOP

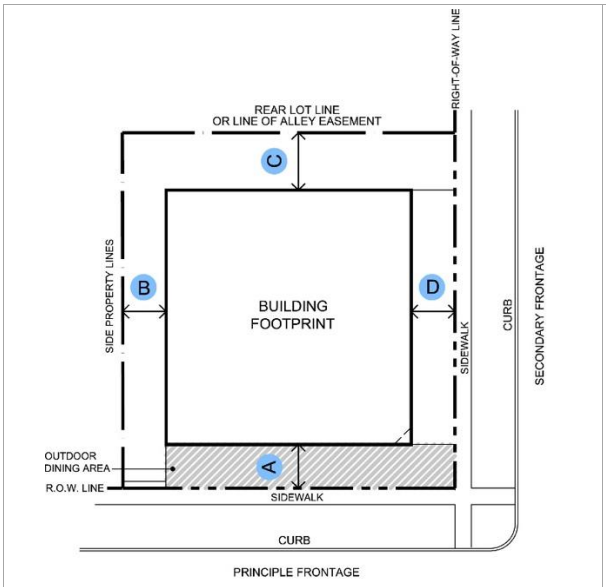

C.O.R.E.

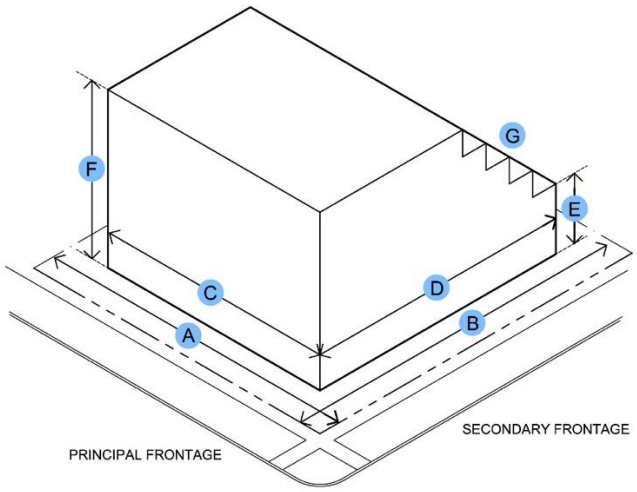
F. **Parking Garage.** The Parking Garage Building Type has structured parking located behind and above retail and restaurant uses. The purpose of the Parking Garage Building Type is to accommodate a customer base large enough to render retail, restaurant, office, and entertainment uses viable within walkable, mixed-use environments, as well as to provide long-term parking for residents.



Parking Garage Building Types are subject to the following design standards:

Parking Garage Building Type – Illustrated Design Standards:
1. A functional building form shall be provided with level floors (to accommodate adaptive reuse of individual floors for future uses) and dedicated up and down lanes on sloped ramps.
2. Masonry openings shall be able to accommodate windows at some point in the future.
3. Ground floor shopfronts shall be provided along all street frontages. The ground floor shall be made-up of storefronts with minimum 50% glass between 2'-0" and 10'-0" above average grade and shop entrances recessed from the façade min. 3'-0".
4. Brick upper facades shall be provided along street frontages.
5. Decorative articulation and relief shall be provided along street frontages.
6. The Main level shall be accessible at grade.
7. Vehicular entrances and exits shall be from secondary frontages or alleys and pedestrian crossings shall be designed to ensure safety.
8. All windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT). Portions of the window covered by permitted window signage shall be exempt from these requirements.
9. A parking structure in a building with non-parking uses above the first story shall be subject to the requirements of the building type that most closely matches the proposed design, rather than these requirements.
10. Exterior materials shall be minimum 50% brick with the remainder natural concrete. Shopfront frames, sashes and doors shall be of a regular, dark finish.
11. Façades with decorative reliefs shall be required along all frontages.





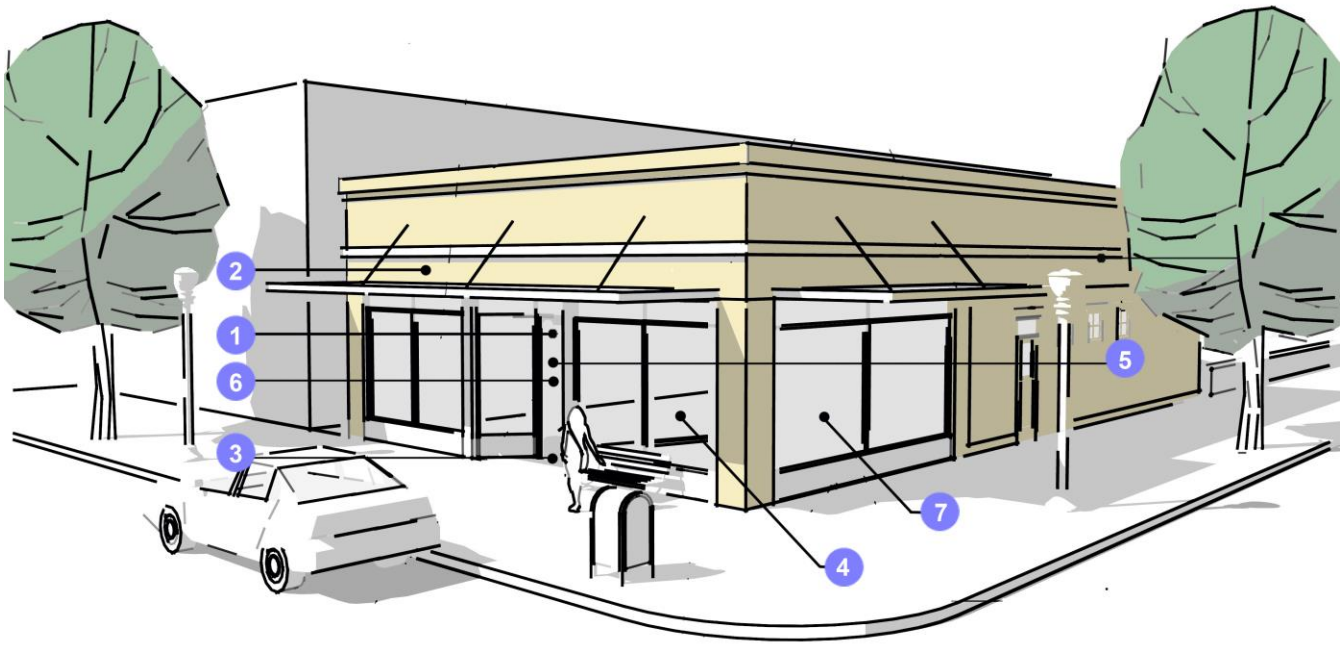
Building Disposition		
Applicable Regulation		**Standard**
A	Maximum Front Setback (Build-to-Zone)*	0’ to 10’
B	Minimum Side Yard Setback (Lot Line)	Minimum 0’ (where sharing party wall); 5 ft. otherwise
C	Rear Yard Setback	Minimum 5’ from Alley, 15’ from Residential Lot
D	Side Yard Setback (ROW) (Build to Zone)	0’-0” to 5’0”

* A minimum of 75% of the building width shall be within the front “build-to-zone”

Building Configuration		
Applicable Regulation		**Standard**
A	Width of Lot	–
B	Depth of Lot	–
C	Minimum Width of Building Facade (Principal Frontage)	Minimum 75% of lot width
D	Minimum Width of building façade (secondary frontage	Minimum 60’-0”
E	Maximum height at rear setback line or residentially-zoned property line	Maximum 25’-0”
F	Maximum building height	6 stories / 68’-0”
G	Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.

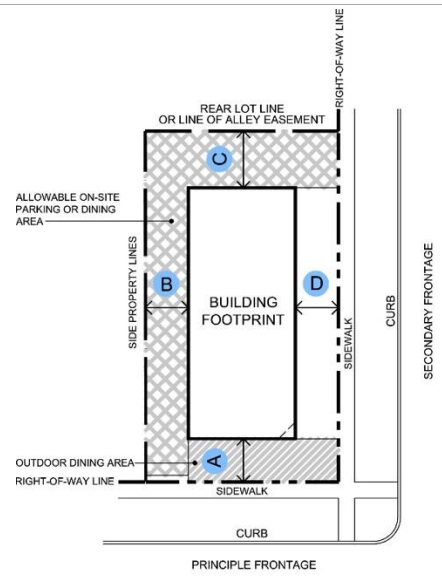


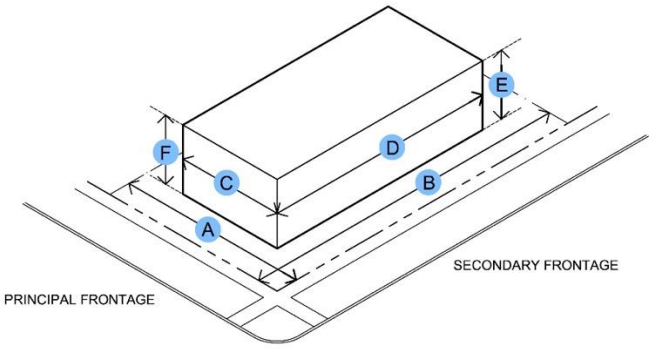
G. **Pedestrian Oriented.** The Pedestrian-Oriented Building Type is a single building designed for retail or office uses, which has a storefront built up to (or near) an urban sidewalk along the entirety of its Principal Frontage. The building itself must be built close to the right-of way along all frontages, but may be set back up to 10'-0" along the Principal Frontage. Common entrances and other spaces may be shared between uses.



Pedestrian Oriented Building Type – Illustrated Design Standards:

1. Where the building is set back five (5) or less feet from the front property line, the main entrance shall be recessed a minimum of 3'-0" along the Principal Frontage. The main entrance shall be along principal frontage or at the corner of two frontages.
2. Traditional building façade treatments (including masonry reliefs and/or motifs) shall be provided.
3. The Main level shall be accessible at grade.
4. Open, plate-glass shopfronts shall be, provided at ground-floor level along street of building address.
5. Main business entrances shall be located along streets of corresponding building address. Side And rear entrances shall be subordinate. Main entrance at corner may substitute for that listed above.
6. Main entrance doors shall remain operational during business hours.
7. There shall be a minimum of 50% window glass on front building elevations.
   a) The maximum distance between any two windows shall be 5 feet.
   b) The maximum distance between a window and the edge of the wall shall be 10 feet.
   c) All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).





Building Disposition			Building Configuration		
Applicable Regulation		**Standard**	**Applicable Regulation**		**Standard**
A	Maximum Front Setback (Build-to-Zone)	0'-0" to 10'-0"	**A**	Width of Lot	-
B	Minimum Side Yard Setback (Lot Line)	Minimum 0'-0" (where sharing party wall); 5 ft. otherwise	**B**	Depth of Lot	-
C	Minimum Rear Yard Setback	Minimum 5' from Alley, 15' from Residential Lot	**C**	Minimum Width of Building Facade (Principal Frontage)	Minimum 50% of Lot Width
D	Maximum Side Yard Setback (ROW) (Build-to-Zone)	0'-0" to 5'-0"	**D**	Minimum Width of building façade (secondary frontage)	Minimum 27'-8"
* A minimum of 75% of the building width shall be within the front "build-to-zone"			**E**	Maximum height at rear setback line	Maximum 25'-0"
			F	Maximum building height	1 Story / 25'-0"



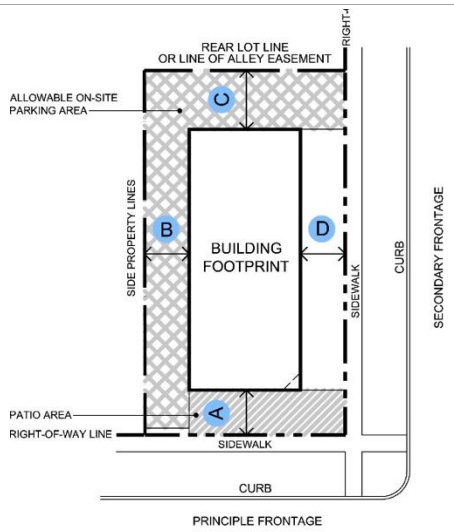


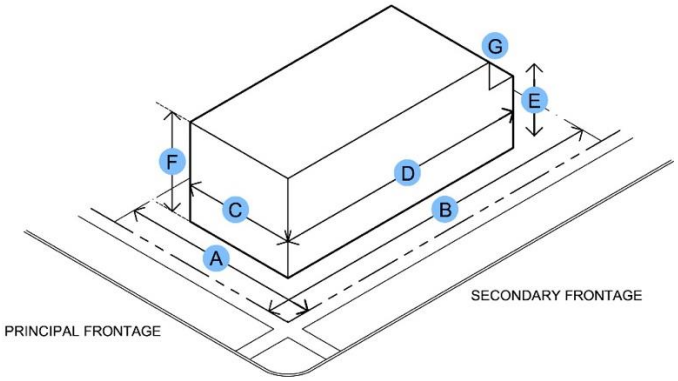
H. **Theater.** The Theater Building Type is intended to provide an exception to the storefronts and otherwise well fenestrated buildings prevalent within walkable mixed-use environments. Accordingly, the side and rear walls of this Building Type may appear blank and without windows. This Building Type shall provide a lobby along the Principal Frontage with partially transparent exit doors.

The purpose of the Theater building type to contribute to a walkable mixed-use environment, in keeping with precedents established by historic downtowns. The Theater Building Type is intended to accommodate lobby, retail, and restaurant uses along its principal frontage with auditorium or arena uses behind and office uses above.



Theater Building Type – Illustrated Design Standards:
1. Traditional building façade treatments (including masonry reliefs and/or motifs), as well as main business entrance, shall be provided along the Principal Frontage. Side and rear entrances shall be subordinate to the main entrance. A main entrance at the corner may substitute for that listed above.
2. An exterior ticket booth / will call shall be allowable along frontages.
3. A marquee, with illuminated vertical sign, shall be permitted above main entrance and 8'-0" clear above sidewalk.
4. The main level shall be accessible at grade.
5. All first story windows and windows facing towards a public street shall be designed so that the entire window allows at least 80% Visible Light Transmission (VLT).

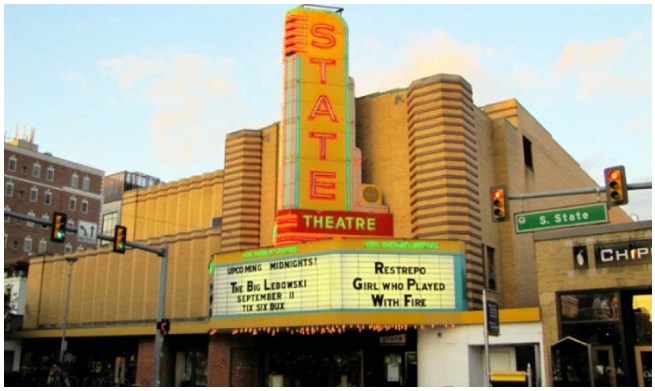




Building Disposition		
Applicable Regulation		**Standard**
A	Maximum Front Setback (Build-to-Zone)*	0’-0” to 10’-0”
B	Minimum Side Yard Setback (Lot Line)	Minimum 0’-0” (where sharing party wall); 5 ft. otherwise
C	Rear Yard Setback (Build-to-Zone)	Minimum 5’ from alley, 15’ from residential lot
D	Maximum Side Yard Setback (ROW) (Build-to-Zone)	0’-0” to 5’-0”

* A minimum of 75% of the building width shall be within the front “build-to-zone”.

Building Configuration		
Applicable Regulation		**Standard**
A	Width of Lot	–
B	Depth of Lot	–
C	Minimum Width of Building façade (Principal Frontage)	Minimum 50% of lot width
D	Minimum Width of building façade (secondary frontage	Minimum 27’-8”
E	Maximum height at rear setback line or residentially-zoned property line	Maximum 25’-0”
F	Maximum building height	3 stories / 38’-0”
G	Building Stepback	Above 25 ft. building height, each additional story (up to fifteen (15) feet in height) shall be further stepped back a distance of ten (10) feet from the rear setback line or the property line of a residentially-zoned parcel.





I. **DETERMINATION OF BUILDING TYPE:**

(1) The reviewing body may designate an existing structure as a specified building type upon a finding that the structure is substantially similar in form and design to one of the permitted building types for the district in which the structure is located.

(2) Should the reviewing body designate an existing structure as a specific building type, then all further improvements on the property associated with the existing structure must be constructed and/or brought into conformance with the requirements of this chapter to the maximum extent practicable, as determined by the required reviewing body.

4. **Permitted Uses by Building Types.**

Key:
P = Principal Uses Permitted
S = Uses Permitted on Special Land Use Approval
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

*Existing Buildings erected prior to Adoption of FBC that do not meet a specific building type.

Land Use	Building Type															Use Standards
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage		Pedestrian Oriented	Theater		Existing Buildings*		
	Ground Floor	Upper Stories	Ground Floor	Upper Stories			Ground Floor	Upper Stories	Ground Floor	Upper Stories		Ground Floor	Upper Stories	Ground Floor	Upper Stories	
Residential Uses																
Multiple-Family Dwellings		P		P				P					P		P	
Senior Housing, Independent		P		P				P					P		P	7.03(42)
Commercial Uses																
Artist Studio	P	P	P	P		P	P	P	P		P	P	P	P	P	
Banquet/ Assembly / Meeting Halls (less than 75 persons)	P	P	P	P	P	P	P	P	P		P	P	P	P	S	
Banquet/Assembly/Meeting Halls (greater than 75 persons)	S	S	S	S	S	S	S	S	S		S	S	S	S	S	7.03(5)
Bars and Taprooms	P	P	P	P		P	P	P	P		P	P	P	P	S	
Business or Trade Schools	P	P	P	P		P	P	P	P		P	P	P	P	P	
Child/Adult Day Care Center and Preschools	P	P	P	P		P	P	P	P		P	P	P	P	P	7.03(6)
Financial Institutions	P	P	P	P		P	P	P	P		P	P	P	P	P	
General Retail, Small to Mid-Format (up to 30,000 sq. ft.)	P	P	P	P		P	P	P	P		P	P	P	P	P	

Land Use	Building Type															Use Standards
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage		Pedestrian Oriented	Theater		Existing Buildings*		
	Ground Floor	Upper Stories	Ground Floor	Upper Stories			Ground Floor	Upper Stories	Ground Floor	Upper Stories		Ground Floor	Upper Stories	Ground Floor	Upper Stories	
Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.)						P	P	P	P		P	P	P	P	P	7.03(17)
Hotels and Lodging Facilities	S	S	S	S			S	S						S	S	7.03(20)
Incubator Kitchen or Catering Facility	P	P	P	P		P	P	P	P		P	P	P	P	P	
Indoor Recreational Business	P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S		P/S	P/S	P/S	P/S	P/S	7.03(21)
Medical Office	P	P	P	P		P	P	P	P		P	P	P	P	P	
Microbreweries, Wineries and Distilleries	P	P	P	P		P	P	P	P		P	P	P	P	P	
Mobile Food Court (Principal Use)	Refer to Section 7.03(27)															
Mobile Food Site (Accessory Use)	Refer to Section 7.03(28)															
Outdoor Dining and Seating	A	A+S	A	A/S	A	A	A	A+S	A		A	A	A+S	A	A+S	7.03(31)
Outdoor Sales and Display	A		A			A	A		A		A	A		A		7.03(33)
Personal Service Establishments	P	P	P	P		P	P	P	P		P	P	P	P	P	
Pharmacy	P	P	P	P		P	P	P	P		P	P	P	P	P	
Professional Office	P	P	P	P		P	P	P	P		P	P	P	P	P	
Restaurant	P	P	P	P		P	P	P	P		P	P	P	P	P	
Tutoring and Instructional Services	P	P	P	P		P	P	P	P		P	P	P	P	P	
Tobacco/Smoke Shop or Smoke Lounge	S		S			S	S		S		S	S		S		7.03(44)
Theater	P	P	P	P	P	P	P	P	P		P	P	P	P		
Veterinary Clinic or Animal Grooming	P	P	P	P		P	P	P	P		P	P	P	P	P	7.03(46)
Industrial Uses																
Artisan Manufacturing/ Makerspace	P	P	P	P		P	P	P	P		P	P	P	P	P	
Incubator Workspaces	P	P	P	P		P	P	P	P		P	P	P	P	P	

Land Use	Building Type															Use Standards
	Bank		Hotel		Landmark	Makerspace	Mixed Use		Parking Garage		Pedestrian Oriented	Theater		Existing Buildings*		
	Ground Floor	Upper Stories	Ground Floor	Upper Stories			Ground Floor	Upper Stories	Ground Floor	Upper Stories		Ground Floor	Upper Stories	Ground Floor	Upper Stories	
Industrial Tool and Equipment Sales, Service, Storage, and Distribution						S								S		
Research, Development and Testing Facilities						S								S		
Contractor's Office	P	P	P	P		P	P	P	P		P	P	P	P	P	7.03(9)
Public & Quasi-Public Uses																
Public Library, Museum, Art Center, Community Center	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Government Office Building/Courthouse/Essential Services	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	P	P	P	P	
Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	P	P	P	P	P	P	P	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	S	S	S	S		S	S	S	S	S	7.03(39)
K-12 Schools, Public or Private					S									S	S	
Institutions of Higher Learning	S	S	S	S	S	S	S	S	S		S	S	S	S	S	
Essential Public Utility Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Other Uses																
Accessory Buildings, Structures and Uses	Refer to Section 8.03															
Temporary Buildings and Uses	Refer to Section 7.03(43)															
Home Occupation, Minor		A		A				A		A			A		A	7.03(18)
Home Occupation, Major		A+S		A+S				A+S		A+S			A+S		A+S	7.03(18)
Parking as a Principal Use	Refer to Section 7.03(34)								S	S	Refer to Section 7.03(34)					7.03(34)
Wireless Communications Facilities	Refer to Section 7.03(47)															

5. **Corner Treatments.** While not required, buildings at intersections may have an entrance facing the corner. Additionally, acceptable corner architectural features include the following.

   A. Peaked or decorative roof.

   B. Additional glass.

   C. Clock tower or similar feature.

   D. Support column for upper floors.

   E. Vertical façade differentiation so that the corner stands out.

6. **Waivers.** The Planning and Zoning Administrator or Planning Commission may grant waivers from certain requirements of this Section. Waivers under this Article are separate from dimensional variances and are intended to permit reasonable use of property where altered design standard will still meet the intent and purpose of this Article.

   A. **Waivers Permitted.** A total of 3 Waiver Requests are permitted per project and may only be considered for the following standards:

      (1) The Planning and Zoning Administrator or Planning Commission may grant a waiver of up to five feet (5') from any build-to-zone requirement. A waiver from a build-to-zone requirement may also be granted for the provision of a patio or outdoor seating area.

      (2) Percentage of window glass required.

      (3) Window location.

      (4) Building materials

   B. **Waivers Not Permitted.** No waivers may be granted from the following requirements. In the event that an applicant wishes to vary from any of the following requirements, they must seek a variance from the Zoning Board of Appeals.

      (1) Maximum Building Height.

      (2) Building Types. All new or redeveloped buildings shall be constructed as one of the permitted building types.

      (3) Build-to-zone variances exceeding five feet (5').

   C. **Criteria.** The Planning and Zoning Administrator or Planning Commission may grant a Waiver Request upon a finding that the following criteria are met:

      (1) One of the following criteria is met:

         (a) The building or property is subject to a unique circumstance, not caused by the owner, developer, or designer, which renders compliance with a standard of this Article impossible or not practical; or,

         (b) The Waiver Request will have the impact of increasing the safety of pedestrians and non-motorized transportation systems of the property and surrounding district.

      (2) Both of the following criteria are met:

         (a) The building and site design clearly still meet the intent of the Form Based Code district even though all standards will not be met; and

         (b) The Waiver will not create an unsafe and/or unwelcoming pedestrian environment.

      (3) Approval of the waiver will result in development that is compatible with or will positively impact existing or potential future development in the vicinity of the property to be developed.

      (4) A lesser waiver will not accomplish the same purpose as the requested waiver.

   D. **Review Procedures.** The applicant shall clearly identify all requested waivers on the application and site plan. The Planning and Zoning Administrator or Planning Commission shall evaluate the requested waivers and approve,

approve with conditions, or deny the waiver request. In evaluating a waiver request, the Planning and Zoning Administrator or Planning Commission shall ensure that the criteria listed above are satisfied.

(1) The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Article.

7. **Conflicts.** The form-based development standards in this Article are meant to complement and supplement applicable standards found elsewhere in this Zoning Ordinance. Where conflicts exist between this Article and other sections of the Zoning Ordinance, the standards in this Article shall govern.

8. **Review Process.** Review procedures are contained in ***Article 15***. Site plans may be deemed minor or major in accordance with ***Section 15.04***. Site plans shall be reviewed and acted upon by the Planning and Zoning Administrator and/or Planning Commission in accordance with ***Section 15.04***

Section 6.02 City Center District

1. **Purpose.** The City Center District covers a concentrated area for commercial and residential activities in the Downtown Development Authority (DDA) area centered at 11 Mile and John R Roads. Per the Master Plan, this area is envisioned to contain a mix of residential, office, retail, restaurants, entertainment, gathering spaces, and recreation areas. Ground floor uses will be uniformly active, containing shopfront retail, restaurants, and cultural amenities; residential and office uses will be in the rear or on the second story or higher. It is also envisioned that 11 Mile and John R Roads will function in such a way as to facilitate a vibrant, compact, pedestrian oriented downtown area.

   A standard of excellence in urban and architectural design will be required of new buildings, and a high standard of appearance and upkeep will be required for existing buildings, which will be enforced through future form-based zoning.

   This Zoning District will incorporate:

   A. Standards for high-quality, traditional mixed-use development at a variety of scales and intensities.

   B. High standards of appearance and upkeep for new and existing buildings.

   C. New parking maximum standards.

   D. Redevelopment of buildings that incorporate street furnishings such as benches, lighting, and public art.

2. **Permitted Uses and Building Types.** Uses permitted in the CC District are regulated by building type in ***Section 6.01(4)*** The following building types are permitted in the CC City Center district:

   A. Bank. See ***Section 6.01(3)(A)***

   B. Hotel. See ***Section 6.01(3)(B)***

   C. Landmark. See ***Section 6.01(3)(C)***

   D. Maker Space. ***See Section 6.01(3)(D)***

   E. Mixed Use. See ***Section 6.01(3)(E)***

   F. Parking Garage. See ***Section 6.01(3)(F)***

   G. Pedestrian Oriented. See ***Section 6.01(3)(G)***

   H. Theater. See ***Section 6.01(3)(H)***

3. **Design Standards.** In addition to the building type design standards contained in ***Section 6.01(3)*** the following standards shall apply to development and redevelopment within the City Center District:

   A. **Encroachments.** The following building elements may encroach into a required minimum setback area, if applicable:

      (1) **Balconies.** Balconies on upper stories may encroach up to three (3) feet into any required yard, provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.

(2) **Stoops.** Unenclosed and uncovered front stoops may encroach up to five (5) feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of way line.

(3) **Bay Windows.** Bay windows on the ground floor may encroach up to three (3) feet into any setback area but may not encroach into a right-of-way area. Bay windows on upper floors may encroach up to three feet into any setback or right-of-way area provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.

(4) **Eaves.** Roof eaves may encroach up to three (3) feet into any setback provided a minimum of 10 feet of clearance is maintained between buildings and/or accessory buildings.

B. **Awnings.** Awnings may be added to buildings over windows or doors on the ground floor or over upper story windows. Awnings shall comply with the following standards.

(1) Awnings shall be proportional in height and depth to the overall building façade.

(2) Awnings shall be of an opaque material. Translucent or internally lit awnings are prohibited.

(3) Awnings shall meet the requirements of ***Section 12.05***, Signs, including, but not limited to, minimum ground clearance and maximum projection standards.

C. **Site Design**

(1) **Sidewalks.** Sidewalks shall be required along all public street frontages, and pedestrian connections shall be provided from the street frontage to all front building entrances, parking areas and drives, usable open spaces, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destinations in accordance with ***Section 10.10, Access Management***

(2) **Street Furnishings.** Public plazas, amenity zones, pedestrian pathways, and other public open spaces may include amenities such as water features, public art, gazebos, shade trees, shade structures, drinking fountains, trash receptacles, benches, lights, trellises, or other similar features.

(3) **Pedestrian Protection.** Bollards, street trees, planters, and/or street furniture shall be used as a barrier to protect pedestrians and buildings where needed.

(4) **Off-Street Parking.** Off-street parking shall only be permitted in the side or rear yard, in accordance with ***Section 10.01***. Parking areas within a side yard shall be located behind the front line of the principal building, but in no case less than five (5) feet from the front or street property line.

(5) **Landscaping.** Landscaping shall be provided in accordance with ***Article 11,*** Landscaping.

Article 7.
Standards Applicable to Specific Uses

The intent of this Article is to house the regulations that pertain to specific uses that are identified in the permitted use table and zoning district summary tables.

Section 7.01 General Standards

1. The use-specific standards listed in this Article apply to those uses listed in the Permitted Use Table of ***Section 3.05*** and the permitted use table(s) contained within Form Based Code districts of ***Article 6.***

2. **Resolution of Conflicting Standards:**

   A. Where there is a conflict between the use-specific standards of this Article and the development and design standards contained in ***Article 8*** (General Provisions), ***Article 9*** (Performance Standards), ***Article 10*** (Parking, Loading and Access Management), ***Article 11*** (Landscaping), and/or ***Article 12*** (Signs), the use-specific standards of this Article shall apply, unless otherwise noted.

   B. Where there is a conflict between the use-specific standards of this Article and the development and design standards contained in the Form Based Districts, ***Article 6***, the standards of the Form Based Code district shall apply.

   C. Where there is a conflict between the use-specific standards of this Article and the development and design standards of the MUI-1 and MUI-2 Districts, Section 3.18 and Section 3.19, the standards of the MUI-1 and MUI-2 District shall apply.

Section 7.02 General Design Standards

1. **Commercial, Mixed Use, and Public/Quasi-Public Design Standards**

   A. **Applicability.** The standards of this sub-section shall apply to each principal building or development in which a majority of the gross floor area is intended to be occupied by uses classified in the Permitted Use Table as Commercial or Public & Quasi-Public Uses, or where an individual building contains a mix of commercial and residential uses. This sub-section shall not apply to buildings/developments in the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards. Where there is conflict between these general design standards and use-specific standards of Section 7.03, the use-specific standards shall apply, unless otherwise noted.

   B. **Design Standards.** All commercial, commercial/residential mixed-use, and public/quasi-public buildings shall be designed in accordance with the following standards:

      (1) **Building Façade Materials:**

         (a) At least 75% of each street-facing facade and primary facades containing the principal entrance shall incorporate high-quality materials, including brick, natural stone, cultured stone, smooth wood siding, fiber cement siding, or non-reflective/opaque glass. Accent materials (up to 25% of the net façade) may

include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator or approving body may consider alternative accent materials keeping with the intent of high-quality facades.

(b) High architectural quality shall be expressed on all facades visible from a public right-of-way. Materials on the primary façade shall not change at outside corners and shall continue along any side façade visible from a street right-of-way for at least ten (10) feet.

(2) **Articulation:**

(a) Each primary or street-facing facade greater than one-hundred (100) feet in length shall incorporate wall-plane recesses, offsets, projections, or other building material treatments that visually interrupt the wall plane. Recesses, offsets, and projections shall be at least two (2) feet deep and at least ten (10) feet wide. Alternatives to building offsets may include roofline or roof plane variations that align with a change in façade material or colors.

(b) Any principal building greater than thirty (30) feet in height shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top when viewed from the abutting street. This may be achieved by a mid-façade cornice or trim, a change in material, style or color, or a façade step-back.

(3) **Transparency:**

(a) The ground floor of a primary façade and all facades facing a street shall maintain a minimum transparency of 30% measured between 2 and 10 feet in height, from grade. Mirrored or opaque glass shall not count towards the minimum transparency requirement.

(b) Portions of the primary façade, and all facades facing a street, at second floor or higher shall maintain a minimum transparency of 15% of the wall area on each story. Mirrored or opaque glass shall not count towards the minimum transparency requirement.

(4) **Rooftop Equipment:** Rooftop mechanical equipment shall be substantially hidden from view from any adjacent right-of-way or adjacent residentially-zoned property utilizing pitched roofs, parapet walls, or alternative screening method as approved by the Planning and Zoning Administrator or approving body.

(5) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, adjacent residential properties, and street rights-of-ways.

C. **Multi-Building Development.** In addition to the design standards above, developments composed of multiple buildings or outbuildings shall be designed in accordance with the following standards:

(1) The site shall be broken up into a series of smaller blocks, defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes. Pedestrian connections shall be provided between each building.

(2) Primary building entrances shall be oriented towards a street along the perimeter of the development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

(3) To the maximum extent possible, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering, plazas, or seating between buildings.

(4) Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

2. **Residential/Commercial Mixed-Use Standards.** In addition to the design standards above, buildings composed of a mix of commercial and residential uses shall be subject to the following standards:

A. Residential uses may be permitted on the first floor if the non-residential use, which shall be a permitted use in the district, comprises at least 25 percent of the gross ground floor area, with a usable entrance on the front façade.

B. A maximum of one drive-through accessory use, if permitted in the district, shall be permitted in a residential mixed-use development.

C. A separate, private pedestrian entranceway shall be provided for the residential use.

D. **Planning Commission Review and Action.** Major site plans for mixed-use developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per ***Section 15.04***

3. **Industrial Design Standards**

A. **Applicability.** The standards of this sub-section shall apply to each principal building or development in which a majority of the gross floor area is intended to be occupied by uses classified in the Permitted Use Table as Industrial uses, or where an individual building contains a mix of industrial and residential uses. This sub-section shall not apply to buildings/developments in the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards. Where there is conflict between these general design standards and use-specific standards, the use-specific standards shall apply, unless otherwise noted.

B. **Design Standards.** All industrial and industrial/residential mixed-use buildings shall be designed in accordance with the following standards:

(1) **Building Façade Materials:**

(a) Facades serving as the principal entrance and facades visible from a public right-of-way (excluding alleys) or an adjacent residentially zoned property shall incorporate high-quality primary materials, including brick, natural stone, cultured stone, smooth wood siding, fiber cement siding, or non-reflective/opaque glass. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, wood paneling, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator may consider alternative accent materials keeping with the intent of high-quality facades.

(b) Facades that do not serve as a primary entrance and are not visible from a public right-of-way (excluding alleys) or an adjacent residentially zoned property may incorporate as primary materials CMU, EIFS, pre-cast/poured concrete, stucco, wood paneling, or clear and lightly tinted glass, in addition to those materials listed above. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, or corrugated metal. The Planning and Zoning Administrator may consider alternative accent materials.

(2) **Horizontal Articulation***:* Any façade greater than one hundred (100) feet in length, measured horizontally, shall incorporate at least two (2) of the following articulation techniques:

(a) Wall plane projections or recesses having a depth of at least two (2) feet and extending at least ten (10) feet.

(b) Height variations, with a minimum height difference of four (4) feet, extending a width of at least ten (10) feet.

(c) Variation in building material and/or color.

(d) Landscaping at intervals adjacent to the façade that incorporates a mix of evergreen and deciduous trees of at least six (6) feet in height at the time of installation.

(3) **Vertical Articulation:** Any principal building greater than thirty (30) feet in height shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top when viewed from the abutting street. This may be achieved by a mid-façade cornice or trim, a change in material, style or color, or a façade step-back.

(4) **Transparency:** Facades serving as the principal entrance and facades facing a public right-of-way (excluding alleys) shall maintain a minimum transparency of 25% measured between 2 and 10 feet in height, from grade. Mirrored or opaque glass shall not count towards the minimum transparency requirement.

(5) **Building Entryways:** Principal building entrances shall be clearly defined and visible from the public right-of-way and shall include a unique architectural element such as an awning, roof overhang, portico, raised parapet, arches, or a canopy. The Planning and Zoning Administrator or approving body may consider similar architectural features not found on the remainder of that building façade.

(6) **Rooftop Equipment:** Rooftop mechanical equipment shall be substantially hidden from view from any adjacent right-of-way (excluding alleys) or adjacent residentially-zoned property utilizing pitched roofs, parapet

walls, or alternative screening method as approved by the Planning and Zoning Administrator or approving body.

(7) Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, adjacent residential properties, and street rights-of-ways.

4. **Residential/Industrial Mixed-Use Standards:** In addition to the design standards above, developments composed of a mix of industrial and residential uses shall be subject to the following standards:

A. Residential uses may be permitted on the first floor if the non-residential use, which shall be a permitted use in the district, comprises at least 25 percent of the gross ground floor area, with an entrance on the front façade.

B. A maximum of one drive-through accessory use, if permitted in the district, shall be permitted in a residential mixed-use development.

C. A separate, private pedestrian entranceway shall be provided for the residential use.

D. **Planning Commission Review and Action.** Major site plans for mixed-use developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per ***Section 15.04***

Section 7.03 Use-Specific Standards

1. **ACCESSORY DWELLING UNITS**

A. **ADUS Permitted:**

(1) One (1) ADU is permitted per parcel, and only on parcels that are improved with a single-family detached dwelling unit. ADUs shall not be permitted on parcels improved with a duplex, townhouse, multiplex, or multi-family structure.

(2) An ADU may be integrated into the principal dwelling structure, attached to the principal dwelling structure, or located in, or above, a detached accessory structure.

(3) Mobile homes, recreational vehicles, and travel trailers shall not be used as ADUs.

B. **Ownership and Occupancy:**

(1) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through a land division, condominium, or other means.

(2) Prior to leasing either the principal dwelling unit or ADU, the property owner shall file for a landlord license in compliance with City Ordinances.

C. **Location and Setbacks:**

(1) **Attached ADUs.** ADUs attached to the principal dwelling shall comply with the setback and lot coverage standards for the principal structure.

(2) **Detached ADUs.** ADUs located within a detached accessory structure shall comply with the location, lot coverage, and setback standards for accessory structures, Section 8.03. However, ADUs located within a detached accessory structure, including those on a second floor, shall be located at least five (5) feet from the side and rear property lines, with eaves no closer than four (4) feet to such property lines.

D. **Height:**

(1) **Attached ADUs.** ADUs attached to the principal dwelling shall comply with the height standards for the principal structure.

(2) **Detached ADUs.** ADUs located within a detached accessory structure shall comply with the following height standards:

(a) A single-story accessory structure featuring an ADU shall not exceed a height of fifteen (15) feet.

(b) An accessory structure featuring an ADU on the second floor shall not exceed a height of twenty-two (22) feet.

(c) In no case shall the height of a detached ADU exceed the height of the principal building.

E. **Size.** The floor area of the ADU shall not exceed 750 sq. ft., or 50% of the gross floor area of the principal dwelling, whichever is less. When an ADU is located above a detached accessory structure or otherwise attached to the principal or accessory structure, the square footage of the remainder of that structure does not count towards the floor area of the ADU. Staircases and landings up to 36 sq. ft. shall not count towards the floor area of the ADU.

F. **Nonconforming Detached Structures.** A nonconforming detached accessory building existing prior to the Effective Date of this ordinance which is greater than 250 sq. ft. may be converted into an ADU as long as the change in use does not increase the nonconformity of the structure, or if a variance is received from the Zoning Board of Appeals. In considering such requests, the City may require fencing and/or landscape screening around the structure along neighboring property lines. The fence or landscaping shall be at least six (6) feet in height and achieve a high level of opacity to obscure views from neighboring properties.

G. **Entry and Design:**

(1) **Attached ADU.** The primary entry, and any associated external staircases, for an attached unit shall be placed at the side or rear of the principal structure. An attached ADU shall be designed to maintain the appearance of the detached single-family home.

(2) **Detached ADU:**

(a) The primary entry for a detached unit shall be oriented towards the front or interior of the lot. This standard does not apply to side street lot lines or rear lot lines with alley access.

(b) A detached ADU shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house.

(c) No rooftop or second-story decks are permitted on a detached ADU unless oriented towards the interior of the lot and designed to limit visibility from properties sharing a common side or rear lot line. This standard does not apply to side street lot lines or rear lot lines with alley access.

(3) ADUs shall be designed of high-quality, natural materials. Metal siding shall not be permitted as a primary building material.

H. **Utilities.** An ADU shall be connected to an approved water and sewer system. However, utilities for the ADU shall not be metered separately from the principal structure.

I. **Parking.** Additional off-street parking is not required for ADUs.

J. **Requirements for Occupancy.** The following shall be required prior to occupancy of an ADU:

(1) Building Permit

(2) Landlord License

(3) Certificate of Occupancy

2. **AUTO REPAIR AND SERVICE FACILITIES (MINOR AND MAJOR):**

A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of an auto repair/service facility (e.g., buildings, access drives, parking area) and the property line of a residentially-zoned or used parcel, screened and landscaped in accordance with ***Section 11.04*** (Transitional Landscaping).

B. **Location of Repair and Servicing.** All repair and servicing operations shall be conducted entirely within an enclosed building. All equipment used in the servicing and repair of vehicles shall be located within an enclosed building.

C. **Outside Storage Prohibited:**

(1) Outside storage or parking of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted with the exception of those areas specifically designated for said purpose on an approved site plan. Such areas shall be screened in accordance with ***Section 8.03(6)*** (Accessory Outdoor Storage).

(2) Outdoor storage of materials, such as tires, barrels, or other materials used or sold on the premises, shall not be permitted with the exception of those areas specifically designated for said purpose on an approved site plan. Such areas shall be screened in accordance with ***Section 8.03(6)*** (Accessory Outdoor Storage).

D. **Hours of Operation.** No auto repair or maintenance services shall be performed before 7 a.m. or after 9 p.m.

E. **Service Bays:**

(1) Service bays that are oriented toward a public street shall be screened from the right-of-way, at minimum, in accordance with perimeter parking lot screening standards, ***Section 11.06.***

(2) Doors to repair service bays shall be closed when providing services to vehicles, except for conveyance into and out of the service bays.

F. **Vehicular Access and Circulation:**

(1) Auto repair and service facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five feet from the intersection of the property lines at the corner.

(2) A maximum of one (1) curb cut is permitted per street frontage. All curb openings shall not exceed thirty-five (35) feet in width at the property line.

(3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line.

(4) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a repair or service bay.

(5) All maneuvering areas, stacking lanes, and exit driveways shall be located within the auto repair and service facility property.

G. **Vehicles awaiting repair.** All vehicles awaiting repair or service shall be parked on site. No vehicles shall be parked on a public street, including those towed to the facility.

3. **AUTO SALES (NEW AND USED) AND RENTAL:**

A. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 20,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.

B. **M-1/M-2 Special Land Use when abutting Residential.** Within the M-1 and M-2 zoning districts, special land use approval shall be required when the auto sales parcel shares a property line with a residentially-zoned or used parcel.

C. **MUI-1 and MUI-2 Indoor Display/Sales Only.** Auto sales uses within the MUI-1 and MUI-2 districts shall not involve outdoor sales or display lots. All vehicle sales, displays, and storage shall occur within an enclosed showroom.

D. **Vehicular Access and Circulation:**

(1) Auto sales facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the intersection of the property lines at the corner.

(2) A maximum of two (2) curb cuts are permitted per street frontage.

E. **Paving.** Auto display, parking, and circulation areas shall be paved with a durable surface.

F. **Vehicle Display and Storage.** Outdoor vehicle display, sales and storage areas, when permitted, shall be located a minimum of 10 feet from all property lines and right-of-way lines and shall be screened in accordance with ***Section 11.06*** (Parking Lot Landsacping). Within the M-1/M-2 zoning districts, vehicle display areas may be permitted in the front yard a minimum of 20 feet from right-of-way lines. All display vehicles shall be parked in

designated display spaces and shall not be parked in required parking spaces. Vehicles displayed for sale shall not be artificially elevated above grade.

G. **Sales Office.** A minimum of 500 square foot permanent structure shall be provided on the lot to serve as offices and restrooms for vehicle sales use.

H. **Accessory Auto Repair and Service.** Auto repair and service associated with the auto sales use shall receive separate approval for "auto repair and service facility", in districts where permitted, and shall be subject to the use-specific standards for "auto repair and service facilities" in ***Section 7.03(2)***

4. **AUTO WASH**

A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of an auto wash facility (e.g., buildings, access drives, vacuuming areas, parking areas) and the property line of a residentially-zoned or used parcel, screened and landscaped in accordance with ***Section 11.04*** (Transitional Landscaping). Vacuum stations shall be further setback in accordance with Section 7.03(4)(D) below.

B. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 14,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the facility.

C. **Auto Wash Design**

(1) All washing services, except vacuuming and hand-towel drying, shall be completely within an enclosed building.

(2) Bay doors facing a right-of-way shall be adequately screened with landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of ***Section 11.06.***

(3) The site shall provide a dry-off area sufficient in size and drainage to prevent build-up of surface water or ice on the exit driveway.

D. **Vacuum Stations.** Outdoor vacuum station areas shall comply with the minimum setbacks for the principal structure, with the following additional provisions:

(1) Vacuum areas shall be set back a minimum of fifty (50) feet from the property line of a residentially-zoned or used parcel.

(2) Outdoor vacuum stations shall not be permitted between the principal building and the principal street right-of-way, nor project closer to the principal street right-of-way line than the principal building.

(3) Outdoor vacuum stations and related equipment visible from a street or adjacent residential property shall be adequately screened by landscaping and/or masonry walls, at minimum, in accordance with perimeter parking lot screening of ***Section 11.06.***

E. **Vehicular Access and Circulation**

(1) Auto wash facilities, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the intersection of the property lines at the corner.

(2) A maximum of one (1) curb cut is permitted per street frontage. All curb openings shall not exceed thirty-five (35) feet in width at the property line.

(3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.

(4) A bypass lane shall be provided to allow vehicles a way to enter and exit the site without having to turn around on the site or travel through a car wash tunnel or bay.

(5) All maneuvering areas, stacking lanes, and exit driveways shall be located within the auto wash property. Exit driveways leading immediately from the auto wash building shall not directly connect to the public right-of-way.

F. **Hours of Operation.** No auto wash services or vacuuming shall be performed before 7 a.m. or after 10 p.m.

G. **Water Recycling.** Auto washes are required to have operational recycled water systems where a minimum of fifty (50) percent of water utilized is recycled.

5. **BANQUET/ ASSEMBLY/MEETING HALL.** For the requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal and/or Building Official.

6. **CHILD DAY CARE CENTERS AND PRESCHOOLS**

A. Outside activity areas shall be set back a minimum of fifty (50) feet from any R-1, R-2, R-3 or R-MN residential zoning district and in an area that is safe and protected from vehicles.

B. For child-care centers, appropriate fencing shall be provided for the safety of the children.

C. The applicant shall submit a copy of the State license for the facility upon application for a Certificate of Occupancy.

7. **CHILD FAMILY AND GROUP DAY CARE HOMES**

A. The licensee must permanently reside as a member of the household.

B. The limit on the number of children does not include children who are related to an adult member of the family by blood, marriage, or adoption.

C. Family and Group Day Care Homes include care to unrelated minor children for more than 4 weeks in a calendar year.

D. The applicant shall submit a copy of the State license for the facility upon obtaining a Certificate of Occupancy.

8. **COMMERCIAL KENNELS AND BOARDING FACILITIES**

A. Buildings in which animals are kept, boarded, and provided with care services, and any outdoor areas used as animal runs or exercise areas, shall be set back a minimum of one hundred (100) feet from any residentially-zoned or used property.

B. Outdoor runs, kennels, and storage areas shall not be visible from streets or adjacent properties. All outdoor areas shall be surrounded by a six-foot-tall fence or wall.

C. Outdoor areas shall only operate between the hours of 7 a.m. and 9 p.m.

9. **CONTRACTOR'S OFFICE.** Accessory outdoor storage shall only be permitted in the MUI-1, M-1 and M-2 zoning districts in accordance with Section 8.03(6).

10. **DETACHED ONE-FAMILY DWELLINGS**

A. **DWELLING UNIT DESIGN:**

(1) Dwelling units that front a public street shall have at least one (1) entrance facing, or visible from, the public street.

(2) **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete. The Planning and Zoning Administrator may consider alternative accent materials.

B. **GARAGES:**

(1) **Detached Garages.** Detached garages shall comply with the Accessory Buildings standards, Section 8.03.

(2) **Attached Garages.** Garages shall not be the prominent feature of the front elevation of the home or of the street frontage. Attached garages shall comply with the following standards:

(a) Attached garages are subject to the minimum building setback provisions for the principal structure.

(b) The total width of front-loaded attached garages shall not occupy more than 50% of the total width of the front façade of the house, as measured along any building line that faces the street, which excludes any architectural elements such as bay windows or unenclosed porches. The width of the garage is measured at the width of the door and not necessarily the space it occupies in the dwelling behind the

door. Garage width may be increased to not more than 60% of the total width of the front façade on parcels with a lot width of 40 ft. or less.

(c) Front-loaded attached garages shall be recessed at least two (2) feet from the front façade of the house. Front porches may be considered the front façade and be used as the point of measurement for those homes where the porch comprises at least 30 percent of the front façade.

C. **DRIVEWAYS**

(1) Minimum driveway width at the right-of-way line: 9 feet.

(2) All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete.

(3) Driveways shall be set back a minimum of one (1) foot from side and rear lot lines, except in cases where the driveway is accessed from a rear alley or where a driveway is shared between two or more properties. Driveways shall not be permitted within the front yard, except as permitted within this Section.

(4) Driveways leading to an Attached Garage: A driveway providing access to an attached garage shall be no wider than 20 feet at the front or street side lot line but may taper to the width of the garage door opening beginning at a distance of 5 feet from the property line adjacent to the street. However, in no case shall any part of the driveway exceed the width of the garage door, except where an additional parking pad is permitted, below.

(5) Driveways leading to a Detached Garage: A driveway that provides access to a detached garage shall be no wider than twelve (12) feet in width at the property line but may taper to the width of the garage in the side and rear yard. However, in no case shall any part of the driveway exceed the width of the garage, except where an additional parking pad is permitted, below.

On a corner property, a driveway leading to a detached garage facing a side street shall be no wider than 20 feet at the side street property line but may taper to the width of the garage door opening at a distance of 5 feet from the side street property line. However, in no case shall any part of the driveway exceed the width of the garage, except where an additional parking pad is permitted, below.

(6) Driveways on Properties without a Garage: Where no garage exists, a driveway shall be no wider than twelve (12) feet in width at the property line but may taper to a maximum of twenty (20) feet in the side and rear yard.

(7) Circular Driveways: A circular driveway with two approaches on the same street, or one per street on a corner lot, is permitted on parcels containing 200 feet or more of combined lot width.

(8) Ribbon Driveways: Ribbon driveways are permitted for residential driveways, subject to the same dimensions and paving standards for standard driveways. Individual ribbons shall only be permitted within the boundary of the lot and shall not be less than eighteen (18) inches or more than thirty (30) inches wide.

(9) Additional Parking Pad: One (1) additional parking pad for parking and turnarounds, no greater than 18 x 20 feet, is permitted adjacent to a permitted driveway within a side or rear yard. Parking pads shall be set back a minimum of one (1) foot from side and rear property lines.

For properties fronting an arterial or collector street, as denoted within the Master Plan, one (1) parking pad, no greater than 18 x 20 feet, may be located within a required front or street side yard setback to allow for safe vehicular turnaround. Such parking pad shall be screened from the abutting street with plant materials or an alternative screening method approved by the Planning and Zoning Administrator, and shall be set back a minimum of five (5) feet from the street right-of-way line.

D. **DETACHED ONE-FAMILY DWELLINGS IN N-P DISTRICT.** Detached one-family dwellings within the N-P, Natural Preservation and Recreation District, shall only be permitted upon parcels with a minimum area of one acre, and shall require Special Land Use approval.

11. **DRIVE-THROUGH FACILITIES**

A. Where allowed per the use matrix, drive throughs shall only be permitted as an accessory use to a principal use permitted within the zoning district.

B. All vehicle stacking for the drive-through use shall occur on site. The site plan shall be designed to provide safe and efficient traffic circulation both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic, to the maximum extent possible.

C. **Drive-Through Lanes.** Drive through lanes shall satisfy the following standards:

(1) Drive-through facilities shall provide a minimum of one bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served.

(2) Drive-through lanes shall have a minimum width of 10 feet.

(3) Drive-through lanes serving a restaurant use shall provide a minimum of ten vehicle stacking spaces per lane. Drive-through lanes serving non-restaurant uses (e.g., banks, pharmacies) shall provide a minimum of five vehicle stacking spaces per lane. Stacking spaces shall measure, at minimum, 19 feet by 10 feet.

D. **Speakers and Ordering/Menu Boards.** Speakers and ordering/menu boards shall be so directed or muffled as to prevent sound from being audible beyond boundaries of site. Speakers and ordering/menu boards shall be oriented and directed away from adjacent residential uses.

E. The following additional requirements apply to drive-through facilities within the O-1, B-1, MUI-1, MUI-2, and CC zoning districts:

(1) Drive-through-related features, including drive-through windows, ordering and menu boards, and any canopies, must be located adjacent to the rear façade of the building or in the rear of the lot behind the building; however, corner parcels may use one (1) side of the building for drive-through window service. In the case of corner lots, all drive-through service windows must be set back a minimum of eight (8) feet from the front of the building wall of the primary structure.

(2) **Walk Up Service Window.** Where a public lobby or indoor service is not provided for the principal use, an exterior walk-up window shall be provided for customers without a vehicle.

(3) Stacking lanes shall not be located in a required front yard setback and shall not create hazardous conditions for pedestrians or other users on the site or in any adjacent right of way.

12. **DUPLEXES**

A. Duplexes may be of a “side-by-side”, “front-to-back” or “stacked” design, or combination thereof, and may have separate entrances or a shared common entrance.

B. Duplexes shall comply with all Detached One-Family standards, ***Section 7.03(10),*** with the following exceptions and additional provisions:

(1) At least one exterior entrance shall face a public or private street.

(2) Duplexes may include a 20-foot shared driveway and/or a maximum of two (2) individual 12-foot wide driveways, located on opposite ends of the front property lines.

13. **FIREARM RETAIL SALES**

A. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment or firearm retail sales as an accessory use in any location in the City except as provided for in this section.

B. Firearm sales may be permitted in the M-1 and M-2 only as an accessory use to a permitted indoor shooting range, subject to use-specific standards of ***Section 7.03(22)*** (Indoor Shooting Range).

C. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:

(1) A school or childcare facility.

(2) A public park.

(3) A public community center.

(4) Any residential zoning district or any parcel used for residential purposes.

D. A firearm retail sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, public community center, residential district, or a residential lot within three hundred (300) feet of the firearm retail sales establishment. However, if the firearm retail establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.

E. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

14. **FOSTER CARE HOMES**

A. The licensee must permanently reside as a member of the household.

B. The applicant shall submit a copy of the State license for the facility upon submittal for a Certificate of Occupancy.

15. **FUNERAL HOMES**

A. Assembly of vehicles for funeral processions shall not occur in a public street.

B. Where a funeral home is permitted, a funeral chapel shall also be permitted.

16. **GASOLINE/RECHARGING SERVICE STATIONS**

A. **Residential Separation Buffer.** A twenty (20) foot buffer shall be provided between any portion of a gas station facility (e.g., buildings, access drives, pumps, canopies, parking areas) and the property line of a residentially-zoned parcel, screened and landscaped in accordance with ***Section 11.04*** (Transitional Landscaping).

B. **Minimum Lot Area and Width.** The parcel shall contain a minimum area of 14,000 square feet. The parcel shall have a minimum width of 100 feet along the principal street serving the station.

C. **Vehicular Access:**

(1) Gasoline service stations, when located on a corner lot, shall provide vehicular entrances or exits (curb cuts) no less than thirty-five (35) feet from the corner intersection of the property lines.

(2) All curb openings, whether on a corner lot or not, shall not exceed thirty-five (35) feet in width at the property line.

(3) On corner lots, no driveway from a side street shall be less than ten (10) feet from rear property line as measured along the side street property line. Curbs shall be provided to prevent ingress or egress except at the required locations.

D. **Canopy Setbacks.** Fuel station pumps, recharging stations, and canopies shall be subject to the minimum principal building setback requirements for the district, with the exception of those abutting residential properties which shall be setback in accordance with the residential separation buffer requirement, above.

E. **Canopy Height.** Fuel station canopies shall not exceed a height of 20 feet, measured to the highest point of the canopy.

F. **Canopy Architecture.** Fuel station canopies shall be architecturally compatible with the design of the principal structure regarding roof pitch, architectural detailing, materials and color schemes.

G. **Canopy Lighting.** Canopy lighting shall comply with the standards of Section XX.XX (Lighting). With the exception of illuminated signage, the exterior of canopies shall not be illuminated.

H. **Vehicle Storage.** Disabled vehicles shall not be stored on the property. Rental or storage of trucks, trailers, and other vehicles is prohibited.

I. **Outdoor Display and Sales.** Outdoor ancillary sales display areas (including display of windshield solvent, motor oil, propane, and ice) shall be denoted on the site plan and shall not restrict pedestrian movement on the site.

Outdoor display and sales are subject to the use-specific requirements for outdoor display and sales, ***Section 7.03(33).***

17. **HOME IMPROVEMENT CENTER, GARDEN CENTERS, AND LUMBER YARDS.** Building material sales, garden centers, lumber yards, and similar uses which may include outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this section.

    A. Outdoor sales and displays of equipment, materials, and products shall be subject to the standards set forth in ***Section 7.03(33),*** Outdoor Sales and Display.

    B. Outdoor storage of equipment and materials separate from outdoor sales and display areas shall be subject to ***Section 8.03(6),*** Accessory outdoor storage.

18. **HOME OCCUPATION (MINOR AND MAJOR)**

    A. Unless otherwise noted, the standards of this section shall not apply to live-work units, which are regulated separately under ***Section 7.03(23)***

    B. **Home Occupation, Minor**

        (1) The operation of a Minor Home Occupation shall be conducted solely within the dwelling unit and not within any detached accessory structure, except for incidental storage of equipment or materials related to the residential use.

        (2) The Minor Home Occupation shall be conducted solely by the person or persons occupying the lot and a maximum of one (1) non-resident employee.

        (3) The dwelling unit shall have no exterior evidence to indicate the dwelling unit is being utilized for a Minor Home Occupation.

        (4) Only one (1) guest or client of the Minor Home Occupation shall be permitted at a time.

        (5) The floor area used for the Minor Home Occupation shall not exceed 10% of the gross floor area of the dwelling unit.

        (6) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.

        (7) No signage shall be permitted, except where specifically required by law.

        (8) No display of any kind shall be visible from the exterior of the premises.

        (9) No outside storage of equipment or materials related to the Minor Home Occupation is permitted on the property.

        (10) The Minor Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Minor Home Occupation.

        (11) Minor Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in ***Section 5.03.***

        (12) Minor Home Occupations in accordance with these standards do not require the approval of a Certificate of Occupancy or zoning-related permit.

    C. **Home Occupation, Major**

        (1) The operation of a Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.

        (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or

collection equipment or materials necessary for their work at another site, or documents relating to their employment.

(3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted towards required parking spaces.

(4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time. No mechanical, electrical, or similar machinery or equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.

(5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.

(6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.

(7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.

(8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.

(9) No signage shall be permitted, except where specifically required by law.

(10) No display of any kind shall be visible from the exterior of the premises.

(11) Major Home Occupations shall not include the sales and/or service of weapons, guns ammunition, fireworks, or any components thereof, nor a regulated use as regulated in ***Section 5.03.***

(12) In addition to Special Land Use approval in accordance with ***Section 15.05***, a Certificate of Occupancy shall be required for Major Home Occupations, in accordance with ***Section 15.03.***

19. **HOSPITAL**

A. Hospital sites shall contain a minimum area of two (2) acres.

B. Hospital sites shall have at least one property line abutting a road classified as an arterial road, per the Madison Heights Master Plan. The principal ingress and egress to the site shall be directly from said thoroughfare.

C. Emergency rooms, ambulance bays, and helipads shall be set back at least 150 feet from residential use or a residential zoning district.

D. Ambulance and delivery areas shall be obscured from all adjacent residentially-zoned or used properties by an obscuring wall or fence not less than six (6) feet in height

20. **HOTELS AND LODGING FACILITIES**

A. Guestrooms shall be accessed from an interior corridor rather than individual exterior entrances.

B. Hotels may provide accessory services and uses that are permitted within the zoning district, per the Permitted Use Table, ***Section 3.06.*** Parking for accessory uses shall be provided in accordance with ***Article 10.***

21. **INDOOR RECREATIONAL BUSINESS**

A. Indoor recreational businesses do not include indoor shooting ranges, which are regulated under ***Section 7.03(22)***

B. The following standards shall apply for indoor recreational business located in the B-1, CC, MUI-1, and MUI-2 districts.

(1) Indoor Recreational Businesses exceeding 15,000 usable square feet shall require special land use approval.

(2) Hours of operation shall be limited to between 7 a.m. and 10 p.m.

22. **INDOOR SHOOTING RANGE (FIREARMS AND ARCHERY)**

A. The sale or consumption of alcohol on the premises of an indoor shooting range is prohibited.

B. It shall be unlawful to operate or cause to be operated an indoor shooting range within 500 feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:

(1) A school or childcare facility.

(2) A public park.

(3) A public community center.

(4) Any residential zoning district or any parcel used for residential purposes.

C. An indoor shooting range lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, public community center, residential district, or a residential lot within five hundred (500) feet of the shooting range establishment. However, if the indoor shooting range establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.

D. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

E. Upon application for a special land use, the applicant shall provide:

(1) Certification from the indoor range equipment manufacturer that the equipment meets all applicable Federal, State, and Local regulations for archery and shooting ranges and indicates the size or type of weapon for which the range is designed.

(2) The Certification from the project architect and/or professional engineer that the facility design meets the current requirements for all applicable Federal, State, and Local regulations for archery and shooting ranges.

(3) Certification from the contractor or installer that the equipment described in the application is designed and complies with all manufacturer and architectural directions, requirements and specifications.

(4) Certification that the facility will at all times comply with all Federal, State, and Local regulations, will meet or exceed all commonly accepted shooting range safety and design practices, and will be operated in a manner that protects the health, safety and welfare of the general public.

F. The shooting range shall be subject to inspection upon request of the City to verify ongoing compliance with the requirements of this section.

G. Hours of Operation shall be limited to between 8 a.m. to 9 p.m.

H. **Commercial sale of guns or ammunition.** The indoor range may include a commercial operation for the sale of guns or ammunition and ancillary equipment provided this area is accessory to the principal use, subject to the use-specific standards for firearm retail sales, ***Section 7.03(13).***

23. **LIVE/WORK UNIT**

A. **Accessibility.** Space devoted to nonresidential uses shall be accessible from the dwelling area.

B. **Use of Nonresidential Space.** Only residents of the dwelling unit shall use the nonresidential space for purposes of employment. No portion of the live/work unit may be rented or sold separately.

C. The non-residential use shall not exceed fifty percent (50%) of the gross floor area of the entire unit.

D. Non-residential uses shall be compatible with residential uses and shall be limited to the following uses:

(1) Personal Service Establishments

(2) Professional Offices

(3) Artist Studio

(4) Artisan Manufacturing

(5) Other uses similar to the above, as determined by the Planning and Zoning Administrator, using reasonable discretion.

E. A Certificate of Occupancy shall be issued for non-residential uses, in compliance with ***Section 15.03.***

24. **MEDICAL MARIHUANA CAREGIVER**

A. Medical Marihuana Caregivers shall only be permitted within the Primary Caregiver Marihuana Grow Overlay District, per ***Section 5.01.***

B. Medical Marihuana Caregivers shall meet the requirements of ***Section 5.01***, Primary Caregiver Marihuana Grow Overlay District.

25. **MEDICAL MARIHUANA AND ADULT USE MARIHUANA SAFETY COMPLIANCE FACILITY**

A. Medical Marihuana Safety Compliance Facilities are subject to the regulations of Article XVI (Medical Marihuana Facilities) of the City's Business Regulations and Licenses Ordinance.

B. Adult Use Marihuana Safety Compliance Facilities are subject to the regulations of Article XVII (Marihuana Establishments) of the City's Business Regulations and Licenses Ordinance.

26. **MEDICAL MARIHUANA AND ADULT USE MARIHUANA FACILITIES**

A. Medical Marihuana Facilities are subject to the location requirements and all other requirements of Article XVI (Medical Marihuana Facilities) of the City's Business Regulations and Licenses Ordinance.

B. Adult Use Marihuana Facilities are subject to the location requirements and all other requirements of Article XVII (Marihuana Establishments) of the City's Business Regulations and Licenses Ordinance.

27. **MOBILE FOOD COURT (PRINCIPAL USE)**

A. **Purpose, Intent and Applicability.** The standards of this section are intended to:

(1) Expand convenient and varied eating options in the City of Madison Heights;

(2) Support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and

(3) Protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g., ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

B. **Approvals Required**

(1) A private property owner intending to designate their property as a mobile food court shall obtain the following approvals:

(a) **Special Use Approval.** The property owner shall apply for special use approval under the provisions of ***Section 15.05***and satisfy the mobile food court standards below.

(b) **Site Plan Approval.** Upon receiving special use approval through City Council, the property owner shall apply for major site plan approval under the provisions of ***Section 15.04*** and satisfy the mobile food court standards, below.

(2) A mobile food vendor shall obtain the following prior to operating a mobile food vehicle within the City of Madison Heights:

(a) **Mobile Food Vendor Certificate of Occupancy.** Mobile food vendors shall obtain a Certificate of Occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section 7.03(27)(D), below.

(b) **Business License.** Mobile food vendors shall obtain a business license from the City Clerk in accordance with Chapter 7 of the Code of Ordinances of the City of Madison Heights.

C. **Mobile Food Courts.** Any person intending to create and designate a mobile food court as a principal use on their property shall first obtain mobile food court approval in accordance with the following provisions.

(1) **Locational Requirements.** Mobile food courts shall satisfy the following locational requirements: The property shall be zoned City Center, MUI-1 or MUI-2.

(2) **General Requirements.** A mobile food court shall satisfy the following general requirements:

(a) The mobile food court site plan shall designate a minimum of one (1) and a maximum of eight (8) pads for the operation of mobile food vehicles. All mobile food vehicle pads shall be on a paved surface.

(b) Permanent structures shall satisfy the setback, height, and lot coverage requirements contained in ***Article 4 –*** Schedule of Regulations.

(c) **Outdoor Seating Areas.** Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8 foot-high solid obscuring wall.

(d) **Landscaping.** The site plan shall satisfy the landscaping and screening requirements contained in ***Article 11***– Landscaping and Screening.

(e) **Parking.** A minimum of two (2) parking spaces shall be required per each individual mobile food vehicle pad on site. Parking dimensions and design shall satisfy the requirements of ***Article 10*** – Parking Requirements.

(f) **Lighting.** On-site exterior lighting shall satisfy the provisions of ***Section 8.04*** – Exterior Lighting.

(g) **Restrooms.** Permanent restroom facilities shall be provided within the boundaries of the mobile food court in accordance with the Michigan Plumbing Code.

(h) **Water requirements.** Water hookup/access shall be provided for each individual mobile food vehicle pad on site.

(i) **Electrical requirements.** Electricity access shall be provided for each individual mobile food vehicle pad on site. Portable generators are prohibited.

(j) **Signs.** A master sign plan for the mobile food court shall be submitted for review and approval as part of the site plan approval process. The plan shall provide information relating to permanent signs for the mobile food court, as well as individual signs for each business. Permanent ground and wall signs shall satisfy the standards of ***Article 12*** – Sign Regulations.

(k) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.

(l) Alcohol sales shall only be permitted from a permanent structure on-site.

(3) **Submittal Requirements.** A private property owner intending to operate a mobile food court as a principal use shall submit the following:

(a) A Special Use Approval application, in accordance with ***Section 15.05***

(b) A Site Plan application, in accordance with the procedures and submittal requirements of ***Section 15.04***. In addition to the requirements of Section 15.04, the site plan shall denote the following:

(i) The location and orientation of each mobile food vehicle pad and each permanent structure.

(ii) The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.

(iii) The location of all fire lanes.

(iv) The location of fire hydrants.

(v) Lighting Plan.

(vi) The location and type of water supply and electrical outlet(s) provided for each mobile food vendor pad.

(vii) Signage plan.

D. **Mobile Food Vendor Certificate of Occupancy.** A mobile food vendor must obtain a Certificate of Occupancy for each mobile food court in which they intend to operate in accordance with the following provisions.

(1) **Operational Requirements.** Mobile food vendors shall comply with the following operational requirements:

(a) Mobile food vendors shall be permitted to operate from a mobile food court approved in accordance with this section.

(b) Mobile food vendors shall not operate at a mobile food court without first obtaining written approval from the private property owner.

(c) Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food court.

(d) Mobile food vendors shall maintain a valid business license issued by the City Clerk, and shall display such license on the mobile food vehicle.

(e) Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division, and shall display such approval on the mobile food vehicle.

(f) Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.

(g) A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.

(h) Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board “A-frame” sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.

(i) Flashing, blinking, or strobe lights are prohibited.

(j) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.

(k) A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.

(2) **Submittal Requirements.** A mobile food vendor intending to obtain a Certificate of Occupancy shall submit the following:

(a) Mobile Food Vendor Certificate of Occupancy application.

(b) Written approval from the property owner of the mobile food court to operate on said property.

(c) A copy of the approved food license from the Oakland County Environmental Health Division.

(d) A copy of the approved Madison Heights business license.

(e) A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.

(f) Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.

(g) A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(3) **Annual Renewal Required.** Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(4) **Revocation of Certificate of Occupancy.** An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

28. **MOBILE FOOD SITE (ACCESSORY USE)**

A. **Purpose, Intent and Applicability.** These sections are intended to:

(1) Expand convenient and varied eating options in the City of Madison Heights;

(2) Support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and

(3) Protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g., ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

B. **Approvals Required**

(1) A private property owner intending to designate their property as a mobile food site shall obtain the following approvals:

(a) **Mobile Food Site Approval.** The property owner shall apply for mobile food site approval in accordance with the provisions below. Mobile food site approval constitutes general zoning approval for the operation of a mobile food vehicle as an accessory use on the site.

(2) A mobile food vendor shall obtain the following prior to operating a mobile food vehicle within the City of Madison Heights:

(a) **Mobile Food Vendor Certificate of Occupancy.** Mobile food vendors shall obtain a Certificate of Occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section 7.03(28)(D), below.

(b) **Business License.** Mobile food vendors shall obtain a business license from the City Clerk in accordance with Chapter 7 of the Code of Ordinances of the City of Madison Heights.

C. **Mobile Food Sites.** Any person intending to create and designate a mobile food site as an accessory use on their property shall first obtain mobile food site approval in accordance with the following provisions. This section does not apply to mobile food courts.

(1) **Locational Requirements.** Mobile food sites shall satisfy all of the following locational requirements:

(a) The property shall be zoned City Center, MUI-1 or MUI-2.

(b) The property shall contain a principal building or use. A mobile food site shall be deemed an accessory use of a property.

(c) The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property containing an existing brick and mortar restaurant, measured from the mobile food vehicle service window to the nearest property line of the property containing such brick-and-mortar

restaurant(s). The 100-foot separation requirement shall only apply on the same linear block face as the mobile food vehicle. The following exceptions apply:

(i) This standard may be waived if all of the affected brick and mortar restaurant(s) submit a letter to the Community and Economic Development Department indicating that they choose to waive the 100-foot separation requirement.

(ii) A brick-and-mortar restaurant owner may operate a food truck at the site of their own brick and mortar restaurant upon satisfying the remaining locational and general requirements of this Ordinance.

(d) The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 50 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the mobile food vehicle service window to the nearest property line of the residential property. A mobile food site may be established within 50 feet of a property zoned R-1, R-2, R-3, or R-M as a special use, in compliance with the process outlined in ***Section 15.05.***

(2) **General Requirements.** A mobile food site shall satisfy the following general requirements:

(a) No more than one (1) mobile food vehicle may operate or be placed on a mobile food site at one time. Only one (1) mobile food vehicle pad may be designated on the site plan.

(b) The designated mobile food vehicle pad shall be located a minimum of 15 feet from any fire hydrant and 5 feet from any property line, driveway, sidewalk, utility box or vault, accessible ramp, building entrance or exit, or emergency call box.

(c) The designated mobile food vehicle pad shall be on a paved surface.

(d) The placement of the mobile food vehicle shall not reduce the availability of the minimum number of parking spaces required for the principal use on site nor impede vehicular or pedestrian circulation on site.

(e) No portion of the mobile food vehicle shall hang over a public right-of-way or interfere with clear vision triangles.

(f) An outdoor seating area may be designated consisting of portable tables and a seating capacity of eight. Outdoor seating areas shall not be placed within the right-of-way and shall not impede vehicular or pedestrian circulation in site.

(3) **Submittal Requirements.** A private property owner intending to designate their property as a mobile food site shall submit the following:

(a) Mobile Food Site application.

(b) Site Plan. Dimensioned site plans shall be 11” x 17” in size and shall denote, at minimum, the following:

(i) Street, curbs, sidewalks, and property lines.

(ii) The zoning classification of the subject site and adjacent sites.

(iii) Existing building footprints with tenant spaces labeled.

(iv) Existing accessory structures and refuse container footprints.

(v) Parking spaces and drive aisles.

(vi) The general layout and dimensions of the mobile food vehicle pad.

(vii) The location and surface material of all paved areas.

(viii) The on-site storage location of the mobile food vehicle during non-operational hours, if applicable.

(ix) The location of fire hydrants.

(x) The location of on-site water, generator and/or electric utilities that will serve the mobile food vehicle.

(xi) The location of any designated outdoor seating areas.

(xii) Sufficient details to demonstrate that the locational and general requirements of Section 7.03(28)(C) can be satisfied.

(c) Restaurant Map. A map identifying existing brick and mortar restaurants within a 150-foot radius of the subject property.

(4) Technical Review Committee Approval. All applications and associated site plans for proposed mobile food sites shall be forwarded to the Technical Review Committee for review and approval.

(5) Annual Approval Required. Mobile Food Site approval shall be valid for a period of one (1) year. Property owners shall be required to apply for mobile food site approval annually under the provisions of this Ordinance.

D. **Mobile Food Vendor Certificate of Occupancy.** A mobile food vendor must obtain a Certificate of Occupancy for each mobile food site in which they intend to operate in accordance with the following provisions.

(1) **Operational Requirements.** Mobile food vendors shall comply with the following operational requirements:

(a) Mobile food vendors shall be permitted to operate from a mobile food site approved in accordance with 7.03(28) or a mobile food court approved in accordance with 7.03(27)

(b) Mobile food vendors shall not operate at a mobile food site without first obtaining written approval from the private property owner.

(c) Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food site.

(d) Mobile food vendors shall maintain a valid business license issued by the City Clerk and shall display such license on the mobile food vehicle.

(e) Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division and shall display such approval on the mobile food vehicle.

(f) During non-operational periods in excess of 24 hours, the mobile food vehicle and associated equipment (i.e., tables and signs) shall either be removed from the mobile food site or moved to a location on-site that is not readily visible from the public right-of-way. The on-site storage location shall be shown on the mobile food site plan.

(g) Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.

(h) A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.

(i) Sales of alcoholic beverages are prohibited from a mobile food vehicle.

(j) Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board “A-frame” sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.

(k) Flashing, blinking, or strobe lights are prohibited.

(l) External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.

(m) A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.

(n) Permanent connections to water and sanitary sewer lines and mains are prohibited.

(2) **Submittal Requirements.** A mobile food vendor intending to obtain a Certificate of Occupancy shall submit the following:

(a) Mobile Food Vendor Certificate of Occupancy application.

(b) Written approval from the property owner of the mobile food site or mobile food court to operate on said property.

(c) A copy of the approved food license from the Oakland County Environmental Health Division.

(d) A copy of the approved Madison Heights business license.

(e) A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.

(f) Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.

(g) A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(3) **Annual Renewal Required.** Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(4) **Revocation of Certificate of Occupancy.** An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

29. **MULTIPLEXES.** Multiplexes shall comply with all Detached One-Family standards, with the following exceptions and additional provisions:

A. A maximum of two (2) exterior doors facing the street are permitted. Where located on a corner lot, two (2) exterior doors may be permitted per street.

B. A maximum of one (1) front-facing attached garage is permitted per frontage. Additional attached garages shall be located at the side or rear of the building. Front facing attached garages are subject to the Detached One-Family standards.

C. Multiplex structures are subject to minor site plan review, ***Section 15.04***.

30. **MULTI-FAMILY DWELLINGS.**

A. **Exemptions:**

(1) The use-specific standards of this section shall not apply to multi-family developments within the City Center Form-Based District, MUI-1 or MUI-2 Districts, which contain their own unique design standards.

(2) Multi-family developments featuring townhome structures shall be subject to the use-specific standards for townhomes, ***Section 7.03(45)***

B. **Internal Setbacks.** In multi-family developments containing more than one principal structure, a minimum internal setback of ten (10) feet shall be provided between structures.

C. **Accessibility.** Multi-family developments containing more than one principal structure on a single lot or parcel must include an unobstructed walkway or pathway providing access between the principal structures.

D. Multi-family residential development shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas. Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists.

E. **Façade Variation:** Each multiple-family building shall feature a variety of massing elements, wall planes, roof lines, and other characteristics which divide facades into human-scaled proportions. Variation may be provided by one or more of the following means:

(1) Building projections and recesses.

(2) Balconies

(3) Covered box or bay windows.

(4) Changes in roof plane and elevation.

(5) Dormers or gables.

(6) Variation in building height or cornice heights

(7) Change of wall material or wall color.

F. **Variation among Repeated Buildings.** To the maximum extent feasible, multi-family developments containing more than one principal structure shall feature distinct but cohesive building designs and types. Variation may be achieved through different building heights, footprints, lengths, roof forms, and colors and building materials.

All sides of a structure open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.

G. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete block (CMU). The Planning and Zoning Administrator or Planning Commission may consider alternative accent materials.

H. **Parking.** To the maximum extent feasible, parking structures, carports, and garages shall not be located between the front or primary façade of a multi-family building and the street frontage/internal drive frontage adjacent to the front lot line. Parking shall be internalized within building groups so as not to be directly visible from the street frontage.

I. **Planning Commission Review and Action.** Major site plans for multi-family developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per ***Section 15.04***.

31. **OUTDOOR DINING AND SEATING.** Outdoor seating and dining is permitted as an accessory use, subject to the following standards:

A. The hours of operation shall not exceed the normal hours of operation for the principal use.

B. **Location.** Outdoor seating areas shall be located in a manner to maintain a minimum pathway of six (6) feet (clear of structures, such as light poles, trees, and hydrants) along the private sidewalk area so as not to interfere with pedestrian traffic. In instances where the minimum width for the pathway cannot be maintained, an alternate pathway may be provided to maintain pedestrian connectivity.

C. Outdoor dining areas shall be connected to an entrance to the principal building by a paved, barrier free path.

D. Properties that directly abut residential districts (not including mixed-use districts) are subject to the following additional standards:

(1) Outdoor seating areas shall be set back a minimum of forty (40) feet from any property line that abuts residential district(s). Portions of outdoor seating areas that directly face residential districts or uses shall be screened in a manner to reduce visual and noise impacts to residential neighbors.

(2) Outdoor seating areas shall not be used between the hours of 11:00 p.m. and 7:00 a.m.

(3) Outdoor seating areas on a second story balcony or above, or rooftop, shall require special land use approval.

(4) External speakers or live entertainment may be permitted up to close of business and shall not exceed 25 decibels at the property line abutting the residential district.

E. Properties that do not directly abut residential districts are subject to the following additional standards:

(1) Outdoor seating on a second story balcony or above, or rooftop, may be permitted by right.

(2) External speakers or live entertainment may be permitted up to close of business and shall not exceed 65 decibels between the hours of 7:00 a.m. and 11:00 p.m. or 50 decibels between the hours of 11:00 p.m. and 7:00 a.m. at the property line.

F. **Enclosure and Shade Structures.** Proposed enclosures or shade structures are subject to the following standards:

(1) Outdoor seating areas shall be enclosed by a permanent edge feature where there is alcohol service or when located within fifteen (15) feet of parking or maneuvering lanes. Enclosures shall be a minimum of 36 inches tall and shall consist of metal railings, wood railings, brick walls, bollards, or other suitable materials, subject to approval of the approving body.

(2) Temporary open shade structures such as an umbrella similar to what is used in a residential backyard may be permitted without a building permit.

(3) Enclosed structures which exceed 120 square feet in area, such as tents, canopies, pergolas, etc. shall require a building permit.

G. **Maintenance.** Chairs and tables shall be of quality durable material such as metal or wood. Waste receptacles shall be provided in instances where wait staff does not clear all tables. The outdoor dining area must be kept sanitary, neat, and clean at all times.

H. **Application Requirements:**

(1) For outdoor seating areas requiring additional hardscape improvements in excess of 1,500 square feet, a major site plan shall be submitted in accordance with ***Section 15.04***.

(2) For outdoor seating areas which do not involve additional hardscape improvements in excess of 1,500 square feet, or do not require additional site improvements, a minor site plan shall be submitted in accordance with ***Section 15.04***.

32. **OUTDOOR RECREATIONAL BUSINESS.**

A. Outdoor recreational uses shall be set back at least fifty (50) feet from residentially-zoned or used parcels, measured from the edge of any area utilized for outdoor recreation and the residential property line.

B. Screening shall be provided between outdoor recreational uses and all adjacent properties and right-of-way lines in accordance with Transitional Landscaping, ***Section 11.04***

C. Exterior lighting shall be turned off after regular hours of operation.

D. Hours of operation shall be limited to between 9 a.m. and 10 p.m.

33. **OUTDOOR SALES AND DISPLAY (PERMANENT).**

A. Exemptions: This section shall not apply to the following situations:

(1) Items sold or displayed outdoors that are six (6) feet or less from the edge of the storefront (including private sidewalk areas), where the aggregate display area does not exceed 25% of the linear frontage of the storefront or twenty (20) linear feet, whichever is greater. In such cases, a minimum continuous pavement walkway and clear pedestrian path of not less than five (5) feet in width shall be maintained.

(2) Temporary outdoor sales and display areas or temporary seasonal sales lots, ***Section 7.03(43).***

(3) Accessory Outdoor Storage, ***Section 8.03(6).***

(4) Outdoor Dining and Seating, ***Section 7.03(31).***

(5) The outdoor sales/display of vehicles at an Auto Sales and Rental establishment, ***Section 7.03(3).***

B. **Permanent Outdoor Sales and Display Areas are Subject to the Following Standards:**

(1) Permanent outdoor sales and display areas are permitted as listed within the Permitted Use Table, ***Section 3.06***, as an accessory use to a principal use listed in the same district. Only those products that are sold or similar to the products sold within the principal building on the sale lot shall be sold or displayed outdoors.

(2) Outdoor sales and display areas shall be subject to the minimum setback standards of the zoning district.

(3) Outdoor sales and display areas shall not be permitted within 50 ft. of any residential zoning district or residential use, with the exception of mixed-use buildings.

(4) Outdoor sales and display areas shall not be located within any designated parking areas, vehicle circulation areas, pedestrian circulation areas, fire lanes, or required landscape areas.

(5) Outdoor sales and display areas shall be located immediately adjacent to the front, side, or rear building façade.

(6) A permanent barrier must maintain a separation between the outdoor sales and display area and any parking or drive aisles.

(7) Outdoor sales and display areas greater than five-hundred (500) square feet shall be enclosed with a solid fence or wall to screen views from public rights of way and adjacent properties. The design of the fencing or wall shall be compatible with the principal building(s).

(8) The area used for permanent outdoor sales and display areas shall not exceed twenty-five percent (25%) of the gross floor area of the corresponding principal commercial building.

(9) Outdoor sales and display areas shall be paved with asphalt, concrete, or other material that can be maintained in a dust-free condition. Gravel is not permitted.

34. **PARKING AS A PRINCIPAL USE.**

A. Parking as a principal land use shall require special land use approval in all zoning districts and is subject to the standards of ***Section 10.06,*** Parking as a Principal Use.

B. Parking Garages are permitted as a building type in the City Center district, ***Section 6.02.***

35. **RECYCLING DROP-OFF CENTERS.** Recycling drop-off centers are intended to serve the public by providing a convenient and safe place, in a location normally used by the public, to drop off their recyclable materials. Recycling drop-off centers are subject to the following standards:

(1) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:

(a) 100 feet from a residentially-zoned or used parcel; and

(b) 25 feet from all other property lines and rights-of-way; and recycling, storage, and

(c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.

B. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.

C. The recycling drop-off center shall be screened from adjacent public rights of way and properties, and from public view in accordance with perimeter landscaping requirements, ***Section 11.06.***. City Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.

D. The types of recyclable materials to be collected shall be approved by City Council as part of the Special Land Use Approval process. No motor oil, batteries, paint, lead, mercury, or other hazardous materials shall be collected.

E. The operator shall provide plans showing all container locations and screening. Plans shall show the location of entrances, exits and unloading areas for the location as well as the distances to property lines and any adjacent residential districts.

36. **RECYCLING TRANSFER AND PROCESSING FACILITIES**

A. **Recycling Transfer Facilities.** Recycling transfer facilities are subject to the following regulations:

(1) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:

(a) 150 feet from a residentially-zoned or used parcel; and

(b) 100 feet from all other property lines and rights-of-way; and

(c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.

(2) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

(3) Adequate parking shall be provided for all employees and visitors.

(4) The site shall be controlled to prevent unauthorized access during non-business hours.

(5) All transfer operations shall be conducted inside a fully enclosed structure.

(6) No recyclable materials may remain on-site longer than seven calendar days.

(7) Overnight storage or parking of loaded vehicles shall not be permitted.

(8) If public access is provided to the site for the drop-off of recyclable materials, the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

B. **Recycling Processing Facilities.** Due to the large volume of truck traffic, storage, and recyclable material handling, combined with the increased possibility of odor, noise, dust and debris, recycling processing facilities are subject to the following regulations:

(1) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

(2) Adequate parking shall be provided for all employees and visitors.

(3) The site shall be controlled to prevent unauthorized access during non-business hours.

(4) Overnight storage or parking of loaded vehicles shall not be permitted.

(5) If public access is provided to the site for the drop-off of recyclable materials, the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(6) All processing shall be conducted inside a fully enclosed building.

(7) Recycling, storage, and transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:

(a) 300 feet from a residentially-zoned or used parcel; and

(b) 100 feet from all other property lines and rights-of-way; and

(c) Transfer facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.

(8) The recycling processing center shall be screened from adjacent public rights of way and properties in accordance with perimeter landscaping requirements, ***Section 11.06.*** City Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.

(9) In order to contain windblown debris and provide security, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the recycling process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

(10) The types of materials to be recycled shall be approved by Council as part of the Special Land Use Approval Process.

(11) Copies of all Michigan Department of Environment, Great Lakes, and Energy (EGLE) applications and/or permits, if required, shall be provided with the application.

37. **[RESERVED]**

38. **REGULATED USES.** Regulated Uses are subject to the standards of ***Section 5.03*** of this Zoning Ordinance.

39. **RELIGIOUS INSTITUTIONS, PRIVATE CLUBS AND LODGES.**

A. The property shall have primary frontage an arterial or collector road, as defined in the Madison Heights Master Plan.

B. For the requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal and/or Building Official.

C. Accessory child care and educational facilities at a religious institution shall be conducted by the religious organization, where children are in attendance for not greater than four (4) hours per day while persons responsible for the children are attending religious classes or services. Anything in excess of these provisions shall be treated as a principal use and shall be subject to relevant use-specific standards.

40. **SELF STORAGE FACILITIES.**

A. Internal setbacks between mini-warehouses and buildings on the same site shall be 25 feet apart.

B. Maximum lot coverage shall not exceed 40 percent.

C. The maximum length of any mini-warehouse shall be 250 feet.

D. Limited retail sales of products and supplies incidental to the principal use may be permitted, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains.

E. Outdoor storage of recreational vehicles may be permitted in the M-1 and M-2 district in compliance with the accessory outdoor storage standards of ***Section 8.03(6).***

41. **SENIOR HOUSING, ASSISTED.**

A. All bedrooms within the assisted senior housing development shall have a minimum of two-hundred (200) square feet.

B. All ambulance access areas shall be visually screened from view of adjacent residential uses by an opaque wall or fence a minimum of six (6) feet in height.

C. Assisted senior facilities may include on-site accessory services, such as cafes, entertainment, laundry, and personal services. However, said services shall only be accessible to residents, visitors, and staff.

D. Assisted Senior Housing developments are further subject to the use-specific standards for Multi-Family Residential uses, ***Section 7.03(30).***

42. **SENIOR HOUSING, INDEPENDENT.**

A. Independent Senior Housing developments are subject to the use-specific standards for Multi-Family Residential uses, ***Section 7.03(30).***, or Townhomes, ***Section 7.03(45),*** dependent upon the type of development.

43. **TEMPORARY USES.**

A. Except as otherwise provided in this Zoning Ordinance, the temporary uses listed in this Section shall require the issuance of a Temporary Use Permit in accordance with this Section and the process/requirements of Section

10.08. Temporary/Seasonal Business Licenses shall also be required in accordance with Chapter 7 of the Madison Heights Code of Ordinances.

B. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter, or for a temporary use not specifically permitted in this chapter (or not deemed similar by the Planning and Zoning Administrator), shall submit for approval through the Planning Commission; provided, that it complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.

C. Exempt Temporary Uses: The following temporary uses are exempt from the procedural and licensing requirements of this section but remain subject to other Sections of this Zoning Ordinance and the Madison Heights Code of Ordinances.

(1) Emergency Facilities: Temporary facilities to accommodate emergency health and safety needs and activities.

(2) Temporary Construction Yards – on-site: Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.

(3) Temporary Construction Office or Temporary Real Estate Office. A temporary construction or real estate office used during the construction of a principal building, buildings, or uses on the same site, subject to building permits and trade permits.

(4) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the Zoning Ordinance or Municipal Code.

(5) Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.

(6) Mobile Food Sites, in accordance with ***Section 7.03(28)***

(7) Temporary portable on-site storage units in accordance with ***Section 8.03(2).***

D. **Standards Applicable to all Temporary Uses.** All temporary uses, including but not limited to those listed in this Section, shall comply with the following standards:

(1) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience, and general welfare, either on or off the premises.

(2) Temporary uses shall be set back a minimum of twenty-five (25) feet from abutting residentially-zoned parcels or residential uses, with the exception of existing mixed-use buildings.

(3) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, clear vision triangle, ADA spaces or aisles, or egress from buildings on the lot or on adjoining property.

(4) Temporary uses shall provide adequate parking area and improvements adequate to accommodate anticipated vehicular traffic. Safe pedestrian accessibility shall be provided between parking areas and the temporary use, with a separation between vehicular and pedestrian traffic areas.

(5) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City authorizes the use of City-owned property or right-of-way.

(6) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area.

(7) Signs for temporary uses shall be permitted only in accordance with ***Article 12***, Signs.

(8) Temporary uses shall comply with all requirements of the Fire Prevention Code and other applicable codes and regulations.

E. **Allowed Temporary Uses and Use-Specific Standards.** The following temporary uses may be permitted via approval from the Planning and Zoning Administrator, subject to satisfying use-specific standards. Such uses shall also require the issuance of a valid Temporary/Seasonal Business License:

(1) **Temporary Outdoor Displays/Sales.** The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, sidewalk sales, and parking lot sales, may be conducted accessory to an otherwise lawfully permitted or allowed principal use on the same site, subject to the following:

(a) Temporary outdoor displays and sales shall only be permitted in a non-residential or mixed-use zoning district, accessory to an existing business located on the same property.

(b) Products displayed and sold outdoors shall relate to the on-site use and business, and all activities shall be conducted within the lot.

(c) Temporary outdoor displays and sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.

(d) Sales and display areas may not occupy more than fifteen percent (15%) of the parking area and shall not substantially alter the existing circulation or fire access on site.

(2) **Seasonal Sales Lots.** Temporary seasonal sales activity (e.g., Christmas trees, pumpkin sales, plant sales, fireworks sales) may be permitted, subject to the following:

(a) Seasonal sales lots may be permitted in any non-residential or mixed-use zoning district, or on any public, quasi-public, or institutional site that abuts an arterial or collector road.

(b) Seasonal sales applicants shall have an established physical presence in the City of Madison Heights and maintain a valid business license with the City or shall provide evidence that such seasonal sales are conducted for a charitable, religious, civic, educational, or philanthropic purpose.

(c) Temporary seasonal sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.

(d) Sales and display areas may not occupy more than fifteen percent (15%) of a parking area and shall not substantially alter the existing circulation or fire access on site.

(3) **Special Events.** Special events such as auctions, craft fairs, and carnivals, may be permitted, subject to the following:

(a) Special events may be permitted in any non-residential or mixed-use zoning district, or on any property approved for public, quasi-public, or institutional uses that abuts an arterial or collector road, as defined in the Madison Heights Master Plan.

(b) The temporary special event is limited to a maximum of seven (7) consecutive days. A total of three (3) seven-day periods are permitted per year, separated by a stretch of fourteen (14) consecutive days.

(c) Permitted hours of operation shall be limited to between 12:00 (noon) to 10:00 p.m.

F. When a temporary use is not specifically mentioned in this section, the Planning and Zoning Administrator may determine that such use is similar in nature to listed use(s) above and shall establish the term, and make necessary findings and conditions for the particular use. The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Planning Commission for action, in accordance with ***Section 15.08.***

G. In issuing a temporary use permit, the approving authority may impose conditions which it finds necessary for the protection and preservation of property rights and values of adjacent properties.

44. **TOBACCO/SMOKE SHOP/SMOKE LOUNGE.**

A. It shall be unlawful to operate or cause to be operated a tobacco/smoke shop/smoke lounge within 200 feet (measured from the nearest lot line to the nearest lot line on a straight line basis) of any of the following:

(1) A school or childcare facility.

(2) A public park.

(3) A public community center.

B. In addition to the separation requirements listed above, a smoke lounge shall be located a minimum of 200 feet from a residentially-zoned or used property, measured from the nearest lot line to the nearest lot line on a straight line basis. A smoke lounge may include a tobacco/smoke shop component.

C. Tobacco/smoke shops/smoke lounges shall not be located within 500 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) from another tobacco/smoke shop/smoke lounge.

D. **Minors Prohibited.** No persons under 21 years of age shall be permitted within a smoke lounge establishment, including employees, and business owners shall require proof of identification to verify the age of customers, visitors, and employees.

E. **Indoor Operation Only.** All business-related activity, including smoking, shall be conducted entirely within a building. Outdoor seating shall not be permitted.

F. A tobacco/smoke shop lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, or public community center within two hundred (200) feet of the tobacco/smoke shop establishment. However, if the tobacco/smoke shop establishment ceases operation for a period of one-hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with this Ordinance.

45. **TOWNHOMES**

A. Multiple townhome units may be placed on a single parcel, similar to a multi-family development, or be placed on individual fee-simple lots. Townhomes are subject to the following dimensional regulations:

Max. Attached Units	Min. Distance btw. Groups of Townhomes (ft.)	Min. Lot Size			Min. Unit Width (ft.)	Max. Height (ft.)	Min. Yard Setback (ft.)				Max. Lot Coverage	
		Non-Fee-Simple Lots	Fee-Simple Lots				Front	Sides		Rear	Non-Fee-Simple Lots	Fee-Simple Lots
			Area (sq. ft.)	Width (ft.)				Shared Wall	End Unit			
8 Units	10	Per District. In R-MN district, minimum 1,000 square feet of lot area required per townhome unit, no less than 4,000 square feet total.	1,600	20	18	40	15 *	0	5	15	Per District	65%

* In districts where the required front setback or build-to-zone is less than 15 feet, front setbacks for townhome units shall be reduced to the minimum or maximum permitted in the district.

B. A single row of townhomes shall contain a minimum of two (2) and a maximum of eight (8) consecutive townhome units sharing a common wall. However, two (2) units on one parcel shall be considered a duplex, subject to the use-specific standards for duplexes ***Section 7.03(12).***

C. The frontage width of an individual townhome dwelling unit shall be no less than eighteen (18) feet.

D. Each individual townhome dwelling unit shall have a separate entrance facing the street frontage or internal drive to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.

E. Each townhome unit shall have a covered, main entry-related porch or stoop area, which may encroach into a required front yard setback up to six (6) ft.

F. Townhomes shall feature design elements which create visual distinctions for each unit, such as, but not limited to, varying roof forms, massing, projections and recesses, modulations, or change of materials, colors or textures.

G. Townhome structures that are proposed on a parcel adjoining a parcel that is zoned single-family residential or improved with a single-family detached structure shall be “stepped-down” to a maximum height of twenty-five (25) feet along the adjoining property line. The “stepped-down” portion of the building shall be a minimum of ten feet in width. Alternatively, the minimum required end unit side yard setback adjacent to the adjoining parcel may be increased by one (1) foot for each one (1) foot of building height in excess of twenty-five (25) feet. For example, a

townhome unit with a building height of thirty-two (32) feet shall be set back twelve (12) feet from the adjoining single-family property line (5-foot end unit setback + 7 foot setback for additional height).

H. **Exterior Finish Materials.** Primary materials shall include brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding. Accent materials (up to 25% of the net façade) may include architectural metal, asphalt siding, stucco, aluminum siding, EIFS, reflective glass, vinyl cladding, or concrete. The Planning and Zoning Administrator may consider alternative accent materials.

I. **Garage Doors.** Front-loaded attached garages are prohibited. Attached garages shall be accessed from the side or rear of the structure.

J. **Site Plan Review.** Townhome developments/structures containing 4 or less units are subject to Minor Site Plan review, per ***Section 15.04***. Townhome developments/structures exceeding 4 units are subject to Major Site Plan review, per ***Section 15.04***.

K. **Planning Commission Review and Action.** Major site plans for multi-family developments containing fifty (50) or more dwelling units are subject to Planning Commission review and approval, per ***Section 15.04***.

46. **VETERINARY CLINICS AND ANIMAL GROOMING.**

A. Buildings wherein animals are kept, treated, or serviced shall be set back a minimum of fifty (50) feet from any residentially-zoned or used property

B. Overnight boarding, outdoor runs, kennels, and storage areas are not permitted. However, veterinary clinics and animal grooming facilities may include commercial kennels, boarding facilities, and outdoor facilities if permitted in the district where the facility is located, subject to special use approval, if required, and the requirements of ***Section 7.03(8),*** Commercial Kennels and Boarding Facilities.

47. **WIRELESS COMMUNICATION FACILITIES.**

A. **Purpose and Intent.** The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the city of Madison Heights:

(1) It is the city's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city.

(2) It is the policy of the city that all users should collocate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

(3) In recognition of the city's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

(4) These regulations do not apply to accessory antennas addressed in ***Section 8.01.*** **Zoning Districts and Approval Process for Wireless Communication Facilities.** Wireless communication facilities may be located within the city as follows:

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
Attached Wireless Communication Facilities on Existing Structures		
Attached to an existing building or structure that will not be materially altered or changed in appearance	All districts, except on lots occupied by a one-family residential use	Minor site plan, in accordance with ***Section 15.04***.
Attached to an existing utility structure that will not be modified or materially alter the structure, impair sight lines, or compromise safety	All districts, and rights-of-way with approval of utility company	Minor site plan, in accordance with ***Section 15.04,*** provided letter of acceptance is provided by the utility company
Collocation upon an existing wireless communication facility	All districts	Minor site plan, in accordance with ***Section 15.04***

New Wireless Communication Tower		
Monopole any height	M-1, M-2, MUI-1 districts or located on a municipally owned site, or public park in any district	Special land use in accordance with ***Section 15.05.*** Major Site Plan Approval in accordance with ***Section 15.04***
Lattice tower where it can be demonstrated that a monopole is not feasible	M-1, M-2 districts	Special land use in accordance with ***Section 15.05.*** Major Site Plan Approval in accordance with ***Section 15.04***

B. **Application Requirements—Collocation.** The following information shall be provided with the application, in addition to other minor site plan submittal requirements, as required in ***Section 15.04.*** Site Plan Review, for an attached wireless communication facility collocated on an existing structure:

(1) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises;

(2) The owner and/or operator of the existing tower or structure;

(3) Legal description of the parent tract and leased parcel (if applicable);

(4) Elevation drawings and construction details of all existing and proposed wireless communication facilities including accessory structures and equipment shelters;

(5) The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives;

(6) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the city and within one mile of the city;

(7) The structural capacity and whether it can accommodate the facility, as proposed or modified;

(8) Limits and type of fencing, the method of screening and illumination;

(9) A description of compliance with this section and all applicable federal, state or local laws;

(10) A description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or is no longer needed. This amount shall be a minimum of five thousand dollars or as determined upon resolution by the city council.

C. **Application Requirements for New Wireless Communication Tower.** The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal ***Section 15.04*** and the items required in ***Section 15.05.***, Special Land Use Review Requirements and Procedures:

(1) A description of the guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the city for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the city's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

The guarantee shall meet the requirements of ***Section 15.04(7).*** An agreement establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance shall be submitted with the application and upon approval recorded at the office of the Oakland County Register of Deeds in a form approved by the city attorney. The written agreement would include the ability of the city to assess the costs as a lien against the property if not paid. The applicant, owner or successor shall be responsible for payment of any costs or attorney fees incurred by the city in securing removal.

(2) Inventory all existing towers, antennas, or sites approved for towers that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

(3) In recognition of the city's policy to promote collocation, a written agreement between the applicant and the city, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation. Any tower one hundred fifty feet or more in height must be made available for a minimum of four carriers.

(4) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide services through the use of the proposed new tower.

(5) Prior to issuing a building permit, a signed certification by a professional engineer licensed by the state of Michigan shall be provided to the city that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e., "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

D. **Design Standards Applicable to all Facilities.** All wireless communication facilities shall be constructed and maintained in accordance with the following standards:

(1) Facilities shall be located and designed to be harmonious with the surrounding areas.

(2) Fencing shall be provided for protection of the tower and associated equipment and security from children and other persons who may otherwise access the facilities. All fencing shall be black vinyl-coated chain link fencing or a brick wall.

(3) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. The city may permit an eight-foot tall brick screening wall in locations where landscaping may not survive.

(4) All accessory buildings shall be constructed of brick, provided the planning commission may waive this requirement for a building that is located in the M-1 or M-2 industrial district and is not visible from a public right-of-way or nonindustrial zoning district. This provision shall not apply to equipment cabinets that are not visible from the property line.

(5) Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions, shall be brought into conformance prior to the erection of the wireless communication facility. Collocation may be permitted on existing buildings or structures that are not in conformance with the current zoning standards; however, additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.

(6) Accessory buildings shall be a maximum of fourteen feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.

(7) All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

(8) The plans shall contain a notation that the plans comply with all the requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission. Any aviation hazard lighting shall be detailed on the plans.

(9) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

E. **Design Standards Applicable to New Towers.** In addition to the design standards in subsection (D) of this section, all wireless communication towers shall be constructed and maintained in accordance with the following standards:

(1) **Feasible Collocation.** A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.

(2) **Collocation Agreement.** All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement between the applicant and the city, in a format approved by the city attorney.

(3) **Height.** The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate. The height of the tower shall not exceed a maximum of one hundred fifty feet. Taller towers shall require approval from the zoning board of appeals in accordance with subsection (G) of this section.

(4) **Tower Setbacks.** The wireless communication tower shall be setback from all property lines a distance determined by a professional engineer in accordance with subsection (C)(5) of this section.

(5) **Accessory Structure Setback.** Accessory structures must satisfy the minimum zoning district building setback requirements.

(6) **Access.** There shall be unobstructed access to the tower for operation, maintenance, repair and inspection purposes which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(7) **Soils Report.** The tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the state of Michigan. This soils report shall include soil borings and statements confirming the suitability of the foundation design relative to soil conditions for the proposed use.

(8) **Color.** Towers shall be constructed of galvanized steel or painted a neutral color to reduce visual obtrusiveness.

(9) **Lighting.** Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(10) **Signs.** No signs shall be allowed on an antenna or tower.

F. **Collocation.**

(1) **Statement of Policy.**

(a) It is the policy of the city of Madison Heights to minimize the overall number of newly established locations for wireless communication facilities and towers within the city by encouraging the use of existing structures.

(b) If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with city policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.

(2) **Antennas on Existing Towers.** An antenna which is attached to an existing tower may be approved by the Planning and Zoning Administrator and Building Official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the building official allows reconstruction as a monopole.

(b) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the collocation of additional carriers if the provisions of this chapter for fall zone and foundation stability are met.

(3) **Antennas Mounted on Structures or Rooftops.** Wireless communication antennas placed on the roofs of buildings may be approved by the Planning and Zoning Administrator and Building Official, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than twelve feet. This does not apply to residential buildings.

(4) **Antennas Mounted on Utility Structures.** Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the Planning and Zoning Administrator and building official. The equipment cabinet or structure used in association with antennas shall be located in accordance with the city building code and this title regarding accessory structures in the zoning district in which it is located.

G. **Variances.** The zoning board of appeals may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

(1) **Location.** The applicant must demonstrate that a location cannot reasonably meet coverage or capacity needs if constructed in accordance with the standards of this section.

(2) **No Collocation.** The applicant must demonstrate that a feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.

(3) **Tower Setback.** The applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(4) **Height.** The height requested is necessary to compensate for signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.

(5) **Mitigation.** The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the city, and special design of the facility and site.

(6) **Design.** The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

48. **YARD WASTE TRANSFER AND COMPOSTING FACILITIES.**

A. **Yard Waste Transfer Facilities.** Yard waste transfer facilities, including any expansion of an existing facility, are subject to the following regulations:

(1) Yard waste transfer activities, and areas designated for such activities, shall satisfy the following minimum setback requirements:

(a) 300 feet from a residentially-zoned or used parcel; and

(b) 100 feet from all other property lines and rights-of-way; and

(c) Yard waste facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.

(2) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

(3) Adequate parking shall be provided for all employees and visitors.

(4) The site shall be controlled to prevent unauthorized access during non-business hours.

(5) All transfer operations shall be screened from public view in a manner which provides complete screening between the site and all adjacent properties and rights-of-way.

(6) No compostables may remain on-site longer than twenty-four (24) hours.

(7) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the compostables transfer process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

(8) Overnight storage or parking of loaded vehicles shall not be permitted.

(9) If public access is provided to the site for the drop-off of compostable material the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(10) The compostable transfer process shall be properly managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

B. **Yard Waste Composting Facilities.** Yard waste composting facilities are subject to the following regulations:

(1) All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.

(2) Adequate parking shall be provided for all employees and visitors.

(3) The site shall be controlled to prevent unauthorized access during non-business hours.

(4) The site shall be well drained and designed such that all natural or generated runoff is contained within the site.

(5) Yard waste composting, and areas designated for such activities, shall satisfy the following minimum setback requirements:

(a) 300 feet from a residentially-zoned or used parcel; and

(b) 100 feet from all other property lines and rights-of-way; and

(c) Composting facilities shall not be located within any required front yard and shall be located behind the extended front building line of any existing or proposed building.

(6) The compost site, and all related operations, shall be screened from adjacent public rights of way, properties, and public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties.

(7) In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process. Council shall determine the appropriate location and height of required fencing during Special Land Use Approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

(8) Only compostables shall be composted at such facilities.

(9) The decomposition process shall be managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.

(10) Ponded water shall not be permitted to collect on a yard waste composting site.

(11) If public access is provided to the site for the drop-off, or pick-up of compostable material the public drop-off area shall be fully separated from the composting operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(12) Overnight storage or parking of loaded vehicles shall not be permitted.

(13) Copies of all Michigan Department of Environment, Great Lakes and Energy (EGLE) applications and/or permits, if required, shall be provided with the application.

Article 8.
General Provisions

Section 8.01 Area, Height and Use Exceptions

The following regulations of this Ordinance shall be subject to the following interpretations and exceptions:

1. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Madison Heights; it being the intention hereof to exempt such essential services from the application of this Ordinance.

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

3. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, religious institution spires, or public monuments; provided, however, that the Planning Commission and City Council may specify a height limit for any such structure when such structure requires authorization as a use permitted on Special Land Use Approval.

4. **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.

5. **Multiple Dwelling Side Yard.** For the purpose of side yard regulations, a duplex, multiplex, townhome, or multi-family dwelling structure shall be considered as one building occupying one lot.

6. **Porches, Terraces, and Barrier Free Access.** A roofed, or un-roofed, open porch (i.e., one which is not enclosed by walls), or paved terrace may project into a required front yard setback for a distance not to exceed six feet. Ramps for access by persons with disabilities, which provide a direct route from the ground to a porch, may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the building official.

7. **Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, foundations and similar water features, benches, arbors, doghouses, playsets, birdfeeders, and similar amenities as determined by the Planning and Zoning Administrator, may be located a minimum of three (3) feet from a side lot line and a minimum of five (5) feet from a front or rear lot line, subject to the following requirements:

   A. **Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of ***Section 8.06.***

   B. **Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.

   C. **Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review.

   D. **Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment).

   E. **Minimum Setback.** In addition to the minimum setbacks listed above, structural amenities shall be set back from all lot lines a distance of one and one-half (1.5) times the height of the structural amenity.

F. **Prohibitions.** The following are prohibited:

(1) Structural amenities that have deteriorated or are otherwise determined by the City to be blight.

(2) Structures that are beyond the scope of a structural and amenity and should be regulated under a different section of the Zoning Ordinance, such as fences, accessory structures, and signs.

G. **Exemptions.** Enclosed structural amenities less than nine (9) square feet in floor area/footprint are exempt from building permit requirements. Examples of such amenities include dog/bird houses, children playsets, treehouses, and library boxes.

8. **Projections into Required Yards.** Architectural features such as, but not limited to, window sills, cornices, eaves, bay windows and fireplaces, may extend or project into a required side yard not more than two inches for each one foot of width of the required side yard; and may extend or project into a required front yard or rear yard not more than three feet. The total width of the projection(s) shall not exceed 25 percent of the total width of that side of the structure. Architectural features shall not include those details which are removable.

9. **Accessory Television and Radio Antennas.** Television and radio antennas, including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district subject to the following conditions. Conventional television antennae and satellite dishes less than 3.3 feet (one meter) in diameter for a residential use and 6.6 feet (two meters) in diameter for a nonresidential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard or on the portion of the building facing the front lot line. Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of ***Section 7.03(47).*** Satellite dishes shall be located on the building roof or ground.

A. **Building-Mounted.**

(1) The receiving portion of a building-mounted reception antenna shall not exceed a dimension of seven square feet of wind resistance surface in any residential district.

(2) The receiving portion of a building-mounted reception antenna shall not exceed a dimension of fifty square feet of wind resistance surface in any nonresidential district.

(3) Reception antenna shall not exceed a height of more than three feet above the highest point of the roof on which it is mounted in any residential district.

(4) The total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the district in which it is located.

(5) Roof-mounted reception antenna shall be placed on a section of the roof in the rear yard.

(6) Reception antenna shall be designed to withstand a wind force of eighty-five miles per hour without the use of supporting guy wires.

(7) Reception antenna shall not be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the television reception antenna.

B. **Ground-Mounted.**

(1) The receiving portion of a ground-mounted antenna shall not exceed a dimension of fifty square feet of wind resistance surface.

(2) The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.

(3) The reception antenna, including its concrete base slab or other substructure, shall be set back a minimum of ten feet from any property line or easement in any residential district and a minimum of five feet from any property line or easement in any nonresidential district.

(4) Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.

(5) Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.

(6) A reception antenna shall not exceed a height of fourteen feet.

(7) Wiring between a reception antenna and receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.

(8) Reception antenna shall be designed to withstand a wind force of seventy-five miles per hour without the use of supporting guy wires.

C. **General.**

(1) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.

(2) No more than three antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.

(3) The color of the antennae shall be of tones similar to the surroundings.

D. **Temporary Permits for Mobile Units.** Mobile reception antenna units may be granted temporary permits for periods not to exceed seventy-two hours by the Planning and Zoning Administrator. The unit shall be located in accordance with location requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, the temporary installation shall not be permitted to exceed a twenty-four-hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

10. **Pedestrian Benches.** The provisions of this Ordinance shall not be construed to prevent the placement of pedestrian benches on private property, where said benches do not block required accessible routes.

11. **Awning/Canopy.**

A. **Minimum Clearance.** No portion of an awning/canopy shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.

B. **Maximum Projection.** No awning or canopy shall be permitted to project more than eight (8) feet over any public right-of-way. An awning/canopy shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way. Right of way permits shall be required.

Section 8.02 Conflicting Regulations

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

Section 8.03 Accessory Buildings, Structures, and Uses

1. **Accessory Buildings, Structures, and Uses.** Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. **Use.** Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. Accessory structures shall not be constructed until the principal building is constructed; however, a principal building and detached accessory structure may be constructed simultaneously. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair, unless approved as an element of a Special Land Use and/or Site Plan approval.

B. **Permit.** Any accessory building greater than 200 square feet shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the Planning and Zoning Administrator.

C. **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) are further subject to the use-specific standards of ***Section 7.03(1).*** Where there is a conflict between the standards of this Section and Section 7.03, the standards of Section 7.03 shall apply.

D. **Location.** Unless noted otherwise, detached accessory buildings shall only permitted in the rear yard subject to setbacks listed in this section. In the case of corner lots, detached accessory structures may be permitted abutting the secondary street in accordance with street side yard setbacks for the principal structure.

E. **Height.**

(1) Residential Districts: With the exception of detached accessory dwelling units (***Section 7.03(1)***), detached accessory structures shall not exceed fifteen (15) feet in height. Attached accessory structures shall be subject to height regulations applicable to the principal structure in the associated zoning district.

(2) Non-Residential and Mixed-Use Districts: Detached accessory structures shall not exceed twenty (20) feet in height. Attached accessory structures shall be subject to the height regulations applicable to the principal structure in the associated zoning district.

F. **Lot Coverage.** All attached and detached accessory buildings shall be in in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage.

G. **Setbacks.** Accessory structures are subject to the following setbacks listed below:

(1) Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.

(2) No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than five feet to any side or rear lot line, with eaves no closer than four feet to any lot line. Detached accessory buildings may be located up to three feet to the rear lot line or side lot line, if construction is fire-resistance rated according to the current Michigan Residential Code, with eaves no closer than two feet to any lot line.

(3) In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, with the exception of an alley, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.

(4) Corner Lots: In the case of a corner lot, a detached accessory structure shall be subject to the street side yard setbacks applicable to the principal structure.

H. **Design.** When a permit is required, all attached and detached accessory buildings, including garages, sheds, and carports, shall be designed and constructed of materials and design, including roof style, compatible with the principal structure and other buildings in the vicinity, as determined by the Planning and Zoning Administrator. The Planning and Zoning Administrator may allow modifications to the design if the alternate design is compatible with surrounding architecture.

I. **Pavement.** All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the Community and Economic Development Department, and are further subject to use-specific standards of Article 7.The Community and Economic Development Department shall base its determination upon such factors as the narrowness, shallowness, shape, or area of a specific piece of property, topographical conditions, or extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.

J. **Drainage.** All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.

K. **Foundation and Rat Walls.** All detached accessory structures, regardless of size, shall be built on a concrete or masonry foundation or feature a rat wall, both in accordance with Chapter 6 of the Code of Ordinances, Buildings and Building Regulations.

2. **Portable On-Site Storage Units.** Portable On-Site Storage Units may be permitted on a temporary basis in accordance with the following:

A. **Residential Districts:**

(1) One portable on-site storage unit shall be permitted per dwelling unit.

(2) Portable on-site storage units shall be located on a paved surface and shall be subject to the location and setback standards for accessory structures, ***Section 8.03 (1)***, above. The Planning and Zoning Administrator may approve alternate locations through the submittal/approval of a Temporary Use Permit.

(3) Such unit shall be permitted without a temporary use permit for up to 30 days in a one 12-month period, unless otherwise noted in this Section.

(4) For multi-family residential sites, on-site portable storage units shall not obstruct drive aisles or block a required parking space.

(5) A portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.

B. **Non-residential and Mixed-Use Districts**

(1) Two (2) portable on-site storage units shall be permitted per parcel, upon approval of a Temporary Use Permit.

(2) Portable on-site storage units shall be located on a paved surface, and only in the rear yard. The portable unit(s) shall maintain the minimum rear yard setbacks for accessory structures per ***Section 8.03 (1)***, above.

(3) Such unit(s) shall be permitted for up to 30 days in a one 12-month period, unless otherwise noted below.

(4) Portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.

(5) Portable on-site storage units may be placed within an approved accessory outdoor storage area without a temporary use permit. Such accessory outdoor storage areas shall be subject to the requirements of ***Section 8.03 (6)***, below.

(6) Containers exceeding 16 feet in length, such as cargo/shipping containers, shall only be placed within an approved accessory outdoor storage area. Such accessory outdoor storage areas shall be subject to the requirements of ***Section 8.03 (6)***, below.

C. **General Regulations**

(1) No portable storage unit shall be located in a public right-of-way.

(2) No electrical, gas, or plumbing services shall be connected to the portable storage unit.

(3) Portable storage containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.

(4) Portable storage containers shall not be used as living quarters for humans or animals.

3. **Utility Structures.** All ground-mounted transformers, generators, air conditioner units, mechanical equipment, and similar equipment shall be subject to the following regulations.

A. Such structures shall only be permitted in the rear yard.

B. The Technical Review Committee may permit such structures within an interior side yard, provided it is screened completely with an enclosure. Such enclosure shall be constructed of masonry materials similar/compatible to the building(s) to which they are accessory and shall obscure all utility structures within.

C. Such structures shall be subject to screening requirements listed in ***Section 11.08(2)***, unless otherwise noted above.

4. **Swimming Pools.** Swimming pools shall be permitted in all zoning districts, subject to the regulations below.

A. A swimming pool shall be considered any artificially constructed portable or nonportable pool or container capable of being used for swimming, wading, or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold 2,500 gallons or more of water or a depth of two feet or more at any point. A swimming pool shall not be considered an accessory structure for purposes of computing lot coverage.

B. For the protection of the general public, outdoor swimming pools shall be enclosed by a wall, fence or other type of enclosure which may consist in part of the residence to which the swimming pool is appurtenant. Such wall or fence shall be not less than four feet or more than six feet above the ground line of the abutting level. Such wall, fence or enclosure shall not be required for all or such part of the pool that is four feet or more above the abutting ground level; provided, that a suitable barrier is furnished to deter entrance to the pool by persons not having the permission of the pool owner to enter therein when pool is not in use. Any wall shall be of wood, brick or masonry and any fence may be solid or designed so as to permit circulation of air; provided, that any wall or fence shall not be designed of such a nature as to permit any child to pass over, under or through any such fence except at a gate or door when such gate or door shall be opened. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.

C. Swimming pools, spas, hot tubs, and similar devices are only permitted in the rear yard. No such structures shall be located closer than six feet to any lot line. The minimum setback may be reduced up to three feet subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.

D. Construction shall be in accordance with the State Building Code.

5. **Flag Poles.** Flag poles shall be subject to the following regulations:

A. Flagpoles shall be located within the property boundaries. The property owner shall determine the location of property lines and verify that the flagpole being installed is within those property lines.

B. Flagpoles shall be located in an area where they do not conflict with parking drives or pedestrian circulation areas.

C. In non-residential and mixed-use districts, the height of the flag pole shall not exceed the maximum permitted height for principal structures of the respective zoning district. In residential districts, a flag pole shall not exceed 25 feet in height.

D. Flag poles shall be set back from all property lines by, at minimum, the height of the pole.

E. There shall be no more than three flagpoles.

F. Flags bearing information that meet the definitions of a 'sign' cannot exceed 24 square feet and are limited to one such flag, subject to other conditions listed in this section. In instances, when such flag exceeds 24 square feet, they are considered as a sign for review and permitting purposes and shall comply with the sign ordinance requirements.

G. The limits in items (E) and (F) above do not apply to single-family residences or any apartment dwelling when the flags are located within an area leased by the resident and not within any common area.

H. The maximum square footage of any number of flags per pole shall not exceed the recommended square footage listed below. Minor modifications to square footage requirements may be permitted by the building official if the appropriate structural analysis is provided.

Maximum Pole Height in Feet	Maximum Flag Area in Square Feet
60 and above as permitted in the zoning district	135
50—59	96
40—49	72
30—39	50
20—29	30
Under 20	15

I. All flagpoles shall be maintained in good condition, free of significant corrosion, tears, fraying, peeling paint or finish and other damage or deterioration.

J. Prohibited. Banners, pennants, spinners, and streamers are not allowed.

K. When illuminated, the lighting shall be directed away from roadways, traffic areas and adjacent residential properties.

L. A building permit is required for any new flagpole. A sign permit may be required if the flag meets the requirements of subsection F listed above.

6. **Accessory Outdoor Storage.** Accessory outdoor storage areas and yards are subject to following conditions:

A. Outdoor storage shall be accessory to the principal use of the property only and shall not be related to any off-site commercial business or activity.

B. All outdoor storage shall be limited to the outdoor storage areas denoted on the approved site plan.

C. All outdoor storage shall be located in the rear yard or an interior side yard. Outdoor storage yards shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces, or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.

D. All outdoor storage areas shall be setback a minimum of 20 feet from residential districts and 10 feet from all other non-industrial districts.

E. Lumber, including wood pallets or other combustible material, shall not be stored less than 20 feet from any interior lot line.

F. With the exception of the M-2 zoning district, the designated outdoor storage area in all zoning districts shall not exceed 50 percent of the gross floor area of the primary structure on the site.

G. The approving body may permit such outdoor storage on a lot which immediately adjoins the subject property and complies with all applicable standards listed in this section. Easements or other acceptable form of agreements shall be required for outdoor storage located on separate parcels.

H. Outdoor storage shall be limited to the storage of new materials used for operations taking place inside a building on the same lot, or of newly finished product prior to shipment.

I. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or outdoor storage area designated on an approved site plan.

J. In no case shall outdoor storage areas be used to store waste, used or secondhand materials, or obsolete machinery or materials no longer used or intended to be used in the industrial operation.

K. Openly stored materials shall be protected from damage due to weather precipitation, as necessary. No racks for the holding of materials are permitted, except that pallets or low blocks may be used to keep materials from immediate contact with the ground.

L. Any stockpiles of soils, fertilizer or similar loosely packaged materials is prohibited, unless they are sufficiently covered or contained to prevent dust or blowing of materials.

M. Adequate fire protection and access for fire vehicles shall be provided at all times.

N. All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.

O. Storage yards shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in ***Article 11***, Landscaping, may be permitted if the subject property is surrounded by similar industrial uses.

P. In the MUI-1, M-1 and M-2 districts, the use of any outside space for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials is subject to follows:

(1) Outdoor storage yards shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.

(2) Site plans shall specify if the facility will allow the storage of any vehicle over 30 feet in length. All construction vehicles and equipment shall be stored at their lowest height possible.

7. **Above Ground Storage Tanks.** In M-1 and M-2 districts, outdoor placement of above-ground storage tanks shall satisfy the following standards:

A. Above-ground storage tanks shall be accessory to an otherwise permitted use.

B. Above-ground storage tanks shall be located in a non-required rear or interior side yard.

C. Above-ground storage tanks shall be in compliance with the city's adopted Fire Prevention Code and any applicable State of Michigan and federal regulations related to such use.

D. When abutting a residential district, above-ground storage tanks shall be enclosed and screened from public view with a greenbelt buffer or a screen wall that comply with related standards in ***Article 11***. The approving body shall determine the minimum height for the required screening.

8. **General Exceptions.** The Technical Review Committee or any approving body may modify the minimum standards of (6) and (7) related to outside storage if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

9. **Use-Specific Standards for Accessory Uses.** Certain accessory uses are explicitly permitted in the Permitted Use Table, ***Section 3.06***. Certain accessory uses may have use-specific standards; refer to ***Article 7*** Standards Applicable to Specific Uses.

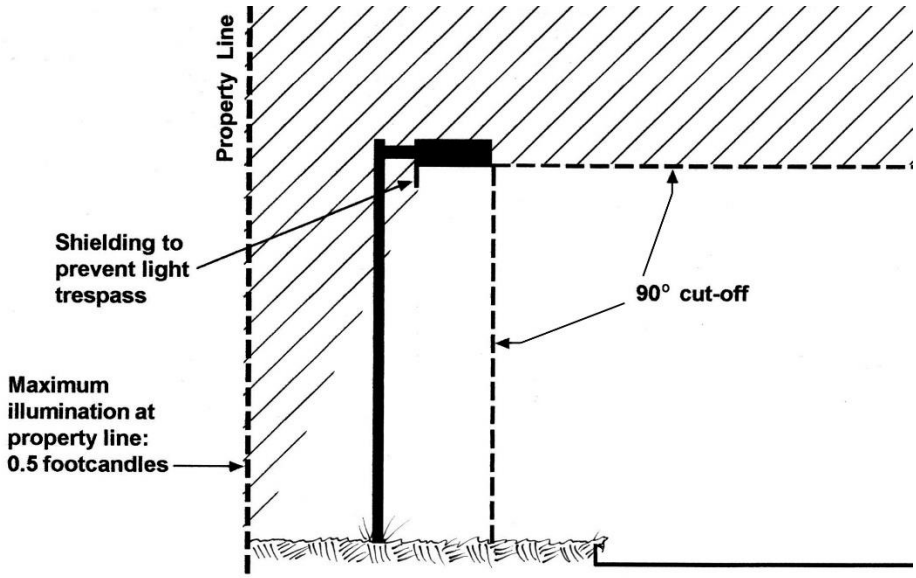
Section 8.04 Exterior Lighting

1. **Shielding.** All lighting for parking areas or the external illumination of buildings shall be of full cut-off design, mounted horizontally, directed downward, away from adjacent residential districts properties and shall not adversely affect driver visibility on adjacent thoroughfares. Full cut-off fixtures shall be used to prevent light from projecting above a ninety (90) degree horizontal plane (see illustration below).

For uses with a canopy, such as but not limited to gasoline/recharging stations, lights under the canopy are permitted as follows:

A. **Recessed.** Recessed fixtures shall incorporate a lens cover that is either recessed or flush with the bottom surface of the awning or canopy.

B. **Shielded.** Light fixtures shall incorporate shields or shall be shielded by the edge of the awning or canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane of the canopy.



2. **Maximum Illumination Levels.** Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.

3. **Minimum Illumination Levels.** Sufficient lighting shall be required for parking areas, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons, as determined by the Planning and Zoning Administrator.

4. **Light trespass Limits.** Lighting shall not exceed 0.5-foot candles as measured at any residentially zoned property line and 1-foot candle as measured at any other property line.

5. **Height.** Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.

6. **Up-lighting.** All up-lighting in nonresidential districts used for the external illumination of buildings or structural amenities, so as to feature the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.

7. **Prohibited Lighting.** The following lighting types are prohibited:

   A. Search lights, lasers, flashing, moving or intermittent lighting.

   B. Mercury vapor and wall pack lighting.

   C. Flashing or moving lights.

   D. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.

8. **Exempt Lighting.** The following lighting types are exempt from the standards of this section:

   A. Street lighting and emergency lighting installed and maintained by a public road authority.

   B. Holiday decorations.

   C. Lighting that was legally installed prior to the adoption of this section.

   D. Sports fields.

   E. Shielded pedestrian walkways.

F. Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

Section 8.05 Fences

All fences, walls and other protective barriers shall conform to the following regulations:

1. **Location.** All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The City shall not be responsible for determination of the location of any fence to be erected on lot lines. No fence or wall shall be erected, established, or maintained within the clear vision triangle area of any lot except in compliance with ***Section 8.06***. Fences shall be set back a minimum of one foot from public rights-of-way, unless modified below.

2. **Shared Property Line.** Only one fence may be installed along a shared property line. Where a new fence is proposed adjacent to an existing fence, a minimum separation distance of two feet shall be provided between such fences. Sufficient access shall be provided to the area between the fences to facilitate maintenance.

3. **Height and Opacity.** The following height and opacity requirements shall apply to fences constructed in the city of Madison Heights. The height of a fence shall be measured from the average grade of the fence line. The maximum fence height shall not apply to intensive commercial or industrial uses that may generate significant off-site noise, dust, glare, or other nuisances. Fences for such uses shall be high enough to adequately protect neighboring properties from adverse effects.

Location	Commercial/ Industrial/Mixed-Use	Residential	All
	Maximum Height	Maximum Height	Maximum Opacity
Rear Yard	8 feet	6 feet	100%
Side Yard	8 feet	6 feet	100%
Front Yard	6 feet	4 feet	50%

4. **Corner Lots/ Street Side Yards.** Within street side yards, fences shall be subject to the same standards for fences in front yards. However, fences located behind the front setback of the principal structure are permitted a maximum height of six (6) feet and 100% opacity, but shall be set back a minimum of one (1) foot from the right-of-way line.

5. **Fence Materials.**

   A. Fences shall be constructed of materials designed for decorative, landscape effect such as: split-rail, wood, wrought iron, metal, and extruded plastic. Chain link fences shall not be permitted in the front yard.

   B. Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in a said fence, shall be prohibited.

   C. Barbed wire fences shall only permitted in M-1, M-2 and MUI-1 zoning districts, when adjacent to other M-1, M-2, and MUI-1 zoning districts, or public or private utility installations which require security. Barbed wire shall be at least ten (10) feet above grade.

   D. Fences located within a required front yard shall be primarily ornamental and decorative in nature, featuring elements such as wrought iron and split-rail.

   E. Whenever a fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

   F. Materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.

6. **Temporary Fences.** Temporary fences such as construction fences or any other type of temporary fencing may be permitted in conjunction with an approved development permit.

7. **Maintenance of Fences.** Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired, or removed. Any fence which, through lack of repair, type, or construction, or which otherwise endangers life or property, shall be deemed a nuisance per se. If an unsafe condition exists in regard to a fence, the Building Official or their appointed designee shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall describe repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a 30-day limit for such repairs, modifications, or removal.

8. **Alterations.** Any person, firm or corporation being an owner, lessee, occupant, or agent of the same, of any property containing a fence which violates provisions of this ordinance, shall not alter, change, repair or rebuild the fence without first having obtained a permit.

9. **Swimming Pool Fences.** Swimming Pool fences are subject to the standards of ***Section 8.03(4)***.

10. **Walls, Parking Lot Screening, Dumpster Enclosure Screening.** Walls, parking lot screening, and dumpster enclosure screening are subject to the standards of ***Article 11***.

11. **Nonconforming Fences.** Nonconforming fences are subject to the requirements of ***Article 13***.

Section 8.06 Clear Vision Triangles

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

1. **Clear Vision Triangle Area.** The clear vision triangle area is described as follows.

   A. **Where One of Both of the Intersecting Roads are Collector or Arterial Roads.** Where one or both of the intersecting roads are collector or arterial roads, as defined by the Master Plan, the clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty (20) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.

   B. **Where Both of the Intersecting Roads are Local Roads.** Where both of the intersecting roads are local roads, as defined by the Master Plan. The clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.

   C. **Driveway Intersection.** The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

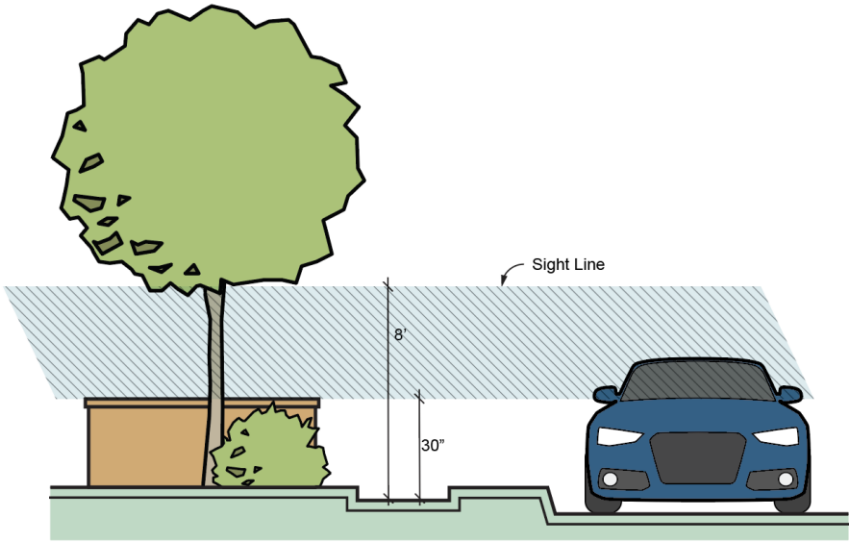
2. **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.

3. **Specific Buildings Allowed in the Clear Vision Triangle.** Buildings may be permitted in the clear vision triangle if they are permitted by the front yard setback requirements of their respective zoning district, provided the building shall not be located in a manner which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way.

4. **Shrubs.** Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level.

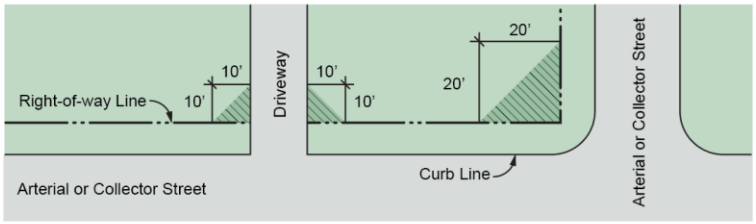
5. **Landscaping.** All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.

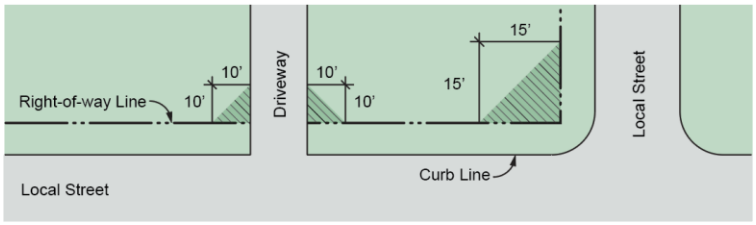
6. **Right-Of-Way Line.** Where there is a difference between the existing road right-of-way line and the proposed road right-of-way line, the clear vision triangle shall be measured from the proposed road right-of-way line.



Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features





Clear Vision Area

Article 9.
Performance Standards

Section 9.01 Performance Standards

1. **Outdoor Storage.** Where permitted, the outdoor storage of any industrial equipment, vehicles and all materials including wastes shall be subject to applicable standards listed in ***Section 8.03***, Accessory Buildings, Structures, and Uses; ***Article 10***, Parking, Loading and Access Management; and ***Article 11***, Landscaping

2. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

3. **Fire and Explosive Hazards.**

   A. In the M-1 and M-2 Districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with all other performance standards above mentioned.

   B. The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire marshal is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

      (1) Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the City of Madison Heights.

      (2) All such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.

      (3) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 [MSA 4.559(1) et seq.], as amended.

4. **Noise.** Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in M-1 Districts shall not exceed 75 decibels between the hours of 6:00 a.m. and 10:00 p.m. nor more than 70 decibels between the hours of 10:00 p.m. and 6:00 a.m. In all M-2 Districts the measurable noise shall not exceed 80 decibels. All measurements shall be made at the property line.

5. **Waste.** Regulations:

   A. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point waste is discharged into the public sewer.

   B. Acidity or alkalinity shall be neutralized within an average pH range of between five and one-half to seven and one-half as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.

C. Waste shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of .1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide; and shall contain no more than 10 of sulfur dioxide and nitrates; and shall contain no more than 25 p.p.m. of chromates.

D. Waste shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension greater than one-half inch.

E. Waste shall not have a chlorine demand greater than 15 p.p.m.

F. Waste shall not contain phenols in excess of 0.05 p.p.m.

G. Waste shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

Article 10.
Parking, Loading, and Access Management

Section 10.01 Intent and General Parking Requirements

1. **Intent.** The purpose of this article is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the city or with land uses allowed by this chapter. The article is further intended to limit the amount of excess parking/impervious surface in the City to reduce stormwater runoff.

2. **General Provisions.** Unless otherwise noted in this Article or Zoning Ordinance, there shall be provided in all districts at the time of erection or enlargement of any main building or structure, or at the time of change of use, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed.

   A. **Use of Parking Spaces.** The use of required parking spaces for material storage, refuse storage and containers, storage and display of vehicles and/or other merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.

   B. **Location.** Off-street parking areas shall be sited, as follows:

      (1) **Residential Districts:** With the exception of parking associated with single-family, two-family, or multiplex dwellings, off-street parking is prohibited within the required front yard setback in residential districts. Parking areas shall be sited in a manner that achieves perimeter landscaping requirements, ***Section 11.06***, Parking Lot Landscaping.

      (2) **O-1, B-1, B-2, and B-3 Districts:** Off-street parking spaces shall be sited in a manner that achieves Perimeter Landscaping requirements, ***Section 11.06***, and Transitional Landscaping Requirements ***Section 11.04***.

      (3) **M-1/M-2 Districts:** Off-street parking is prohibited within the required front yard setback. Off-street parking spaces shall further be sited in a manner that achieves Perimeter Landscaping requirements, ***Section 11.06***, and Transitional Landscaping Requirements, ***Section 11.04***.

      (4) **Mixed-Use Districts (CC and MUI):** Off-street parking shall be located in the side or rear yard only, as further restricted in ***Article 6*** (City Center), ***Section 3.20*** (MUI-1), and ***Section 3.21*** (MUI-2). Parking areas within a side yard shall be located behind the front setback line of the principal building but shall in no case be located less than five (5) feet from the front property line or street side property line. Off-street parking spaces shall further be sited in a manner that achieves Perimeter Landscaping requirements, ***Section 11.06***, and Transitional Landscaping Requirements, ***Section 11.04***.

   C. **Landscaping.** Parking Lots shall be screened and landscaped in accordance with ***Article 11*** (Landscaping).

D. **Off-street Parking Facilities for Residential Uses.** Refer to ***Section 7.03(10)*** for garage and driveway standards for single-family residential uses. Residential off-street parking spaces shall occur on a driveway or in a garage, private parking area, or any combination thereof. A driveway must be at least nine feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve; accessory garages are subject to the provisions of ***Section 8.03*** of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt, concrete, or acceptable permeable pavement, and drained in accordance with the requirements of, and upon approval of, the city engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.

E. **Modifications to Existing Parking.** Changes to a previously approved parking area or changes in tenants or land uses which do not involve a significant change to site circulation, the addition of parking spaces, or site grading, may be reviewed and approved administratively as a minor site plan by the Planning and Zoning Administrator provided the resulting parking changes meet ordinance requirements. Such changes shall satisfy all the requirements of the zoning ordinance and shall not otherwise warrant additional public hearings or other significant changes in the approved site plan.

F. **Snow Removal and Storage**. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, standing water, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of the Article, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall. All parking lots shall have adequate areas for snow storage that do not interfere with the required parking or circulation.

Section 10.02 Vehicle Parking Requirements

1. **Parking of Motor Vehicles in Residential Districts.**

   A. Such parking shall be limited to passenger vehicles and commercial vehicles of the light delivery type, such as a van or pick-up truck, not to exceed a three-quarter ton manufacturers rating.

   B. Not more than one commercial vehicle shall be permitted per dwelling unit. Parking of commercial vehicle, trailer or truck over three-quarter-ton manufacturer rating on private property within the R-1, R-2, R-3 and R-MN residential zoning districts, may be permitted as a special land use.

   C. The parking of any other type of commercial vehicle, limousine, taxi, or bus, except for school or religious institution owned vehicles parked on the school or religious institution's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance. Recreational Equipment, including motorized homes and travel trailers, shall be permitted in accordance with Chapter 18 of the Madison Heights Code of Ordinances.

2. **Commercial Vehicles in General.**

   A. Unless otherwise permitted in this ordinance, or permitted through proper Special Land Use and/or site plan approval, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles, and limousines for periods of longer than 24 hours is prohibited.

   B. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles, and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the city engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.

   C. Trucks over three-quarters ton manufacturers rating, trailers, and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four hours. Such parking, when associated with the primary use in the building, may be permitted in industrial districts in areas designated for such purpose on an approved Special Land Use and/or site plan or as permitted elsewhere in this Ordinance.

   D. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan in industrial districts.

   E. The Technical Review Committee or any approving body may modify the minimum standards of this section related to outside storage if it finds that the proposed use will be compatible with, and will not have a material negative

impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

3. **Fleet and Company Vehicles.** For the purpose this section, fleet and company vehicles shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors and may also include taxicabs, buses, and other rental passenger vehicles.

   A. Such vehicles which are over eight feet in width and/or 19 feet in length shall not be located in the front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. Such vehicles shall be parked or stored in areas designated for such purpose on an approved special land use application and/or site plan to the rear or interior side of the principal building when not in use or during non-business hours.

   B. In case of a corner lot or lots with no available space to park in rear or interior side yard, the approving body may permit parking in alternate locations. The approving body shall have the right to impose other restrictions such as, but not limited to landscape buffer or screen wall as it may deem advisable for the welfare of the surrounding area.

   C. Parking or storage areas for such vehicles shall be hard surfaced, paved with asphalt or concrete. Such areas shall comply with all applicable standards for regular parking areas, unless otherwise approved by the approving body.

   D. Such parking shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in ***Article 11,*** Landscaping, may be permitted if the subject property is surrounded by similar non-residential uses.

4. **Delivery Vehicles.** For the purpose this section, delivery vehicles shall include commonly used vehicles for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. Parking of such vehicles is permitted subject to the following conditions listed below:

   A. Delivery vehicles for uses such as retail and restaurants may be permitted in the front yard during business hours in parking areas that are not directly adjacent to the public right-of-way.

Section 10.03 Minimum Off-street Parking Requirements

1. **For Those Uses Not Specifically Mentioned.** The requirements for off-street parking facilities for such uses shall be in accordance with a use which the approving body considers is similar in type. If no use is deemed to be similar, the applicant shall propose a minimum count based on a parking study or another acceptable alternative, subject to the approval of the approving body.

2. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

   A. **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area, unless otherwise noted herein. For purposes of minimum parking calculations, when a floor plan is not available, usable floor area shall be considered 75 percent of total gross floor area.

   B. **Occupancy.** For requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the city fire marshal.

   C. **Places of Assembly.** In stadiums, sports arenas, places of worship, theaters, auditoriums, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

   D. **Number of Employees.** For requirements stated in terms of number of employees, the calculation shall be based on the number of employees in the largest working shift.

3. **Barrier-Free Parking Required.** Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped which shall be located as close as possible to walkways and entrances. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1996 as amended, and the Americans with Disabilities Act, as summarized in the table below.

Total Spaces Required	Barrier-Free Spaces Required
1-25 spaces	1 space
25-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
Greater than 1,000	20, plus one (1) for each 100 spaces over 1,000

4. **Off-street Parking Minimum Requirements.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. Requirements for accessory uses associated with the primary use shall also be met as established for such uses in the table below. Maximum parking requirements are discussed in ***Section 10.04***.

Type of Use	Minimum Spaces Required
Residential Uses	
Detached One-Family Dwelling	2 per dwelling
Townhomes, Attached One-Family Dwellings	2 per dwelling
Duplexes	2 per dwelling
Multiplexes	2 per dwelling
Multi-Family Dwellings	1 per each one bedroom unit; 1.5 spaces for each two or more-bedroom units
Live/Work	2 spaces per each live/work unit.
Manufactured Homes	2 per unit + 1 per 5 units for guest parking.
Senior Housing, Assisted	3 per each 4 units
Senior Housing, Independent	1 per each unit; for detached units, requirements for one-family residential shall apply
Day Care Homes, Group and Family	2 spaces
Foster Care Family Homes	0.5 per dwelling unit
Foster Care Group Homes	0.5 per dwelling unit
Commercial Uses	
Artist Studio	1 per each 500 square feet,
Auto Repair and Service	1 per 300 sq. ft. UFA plus 2 per each service bay
Auto Sales (New and Used) and Rental	1 per 300 sq. ft. UFA plus 2 per each service bay
Auto Wash	Two plus 1 per each employee
Banquet/Assembly/Meeting Halls (less than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Banquet/Assembly/Meeting Halls (greater than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Bars and Taprooms	1 per 100 sq. ft. UFA (excluding kitchen areas)
Business or Trade Schools	1 per 200 sq. ft.
Child/Adult Day Care Center and Preschools	1 per 400 square feet of usable floor area.
Commercial Kennels and Boarding Facilities	1 per 700 sq. ft. UFA
Drive-Through Facilities (accessory to principal use)	Stacking spaces for ten cars shall be provided for each drive-through lane or window. + parking for principal use
Financial Institutions	1 per each 200 sq. ft. UFA
Funeral Homes	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Gasoline/Recharging Stations	1 space at each pump Retail, restaurant, and auto service components are subject to associated standards listed in this section

General Retail	1 per each 300 sq. ft. UFA
Home Improvement Centers and Garden Centers	1 per 300 sq. ft. UFA
Hotels and Lodging Facilities	1 per each sleeping unit
Indoor Recreational Business	To be determined by the site plan review committee based on parking demand data provided by the applicant.
Medical Office	1 per each 300 sq. ft. UFA
Microbreweries, Wineries and Distilleries	1 per 100 sq. ft. UFA (excluding kitchen areas)
Mobile Food Court (Principal Use)	2 per each individual mobile food vehicle pad on site
Outdoor Recreational Business	To be determined by the site plan review committee based on parking demand data provided by the applicant.
Outdoor Sales and Display	1 per 800 square feet of land area being used for display,
Personal Service Establishments	1 per 300 sq. ft. UFA, whichever is greater.
Professional Office	1 per each 300 sq. ft. UFA
Restaurant	1 per 100 sq. ft. UFA (excluding kitchen areas)
Self-Storage Facility	Indoor unit access: 5 per office +1 per every 50 units spread throughout (indoor access).
	Outdoor unit access: 5 per office + adequate space in front of exterior unit as long as access is not blocked
Tutoring and Instructional Services	1 per 300 sq. ft.
Tobacco/Smoke Shop or Smoke Lounge	1 Per each 200 square feet of usable floor area
Theater	1 space per 300 square feet
Veterinary Clinic or Animal Grooming	1 per each 300 square feet of usable floor area
Industrial Uses	
Contractor's Office	1 per 800 square feet of usable area
Industrial, Assembly, Repair and Manufacturing	1 per each 800 square feet of floor area
Lumber Yard	1 per each 800 square feet of floor area
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.	1 space per 200 square feet of usable floor area exclusive of service areas, PLUS 1 space per auto service stall in the service area, if provided. **All parking required above is exclusive from parking for vehicles being offered for sale.**
Research, Development and Testing Facilities	1 per each 800 square feet of floor area
General Warehouse and Distribution	1 per each 800 square feet of floor area
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution	1 per each 800 square feet of floor area
Junk, Tow, or Salvage Yard	1 space per each 1,000 square feet of office area, minimum 4 spaces
Public & Quasi-Public Uses	
Hospital	1 per each bed, plus as required for accessory uses
Public Library, Museum, Art Center, Community Center	1 space per each 500 square feet open to the public
Government Office Building/Courthouse/Public Police and Fire Services	1 space per each 500 square feet open to the public
Post Office	1 per 300 square feet of usable floor space

Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	1 per each 4 seats or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
K-12 Schools, Public or Private	2 per classroom
Institutions of Higher Learning	1 per 200 sq. ft.
Other Uses	
Home Occupation, Major	1 per employee
Medical Marihuana Caregivers	1 per 550 sq. ft. of UFA. A minimum of four spaces shall be provided.
Medical Marihuana and Adult Use Marihuana Safety Compliance Facility	1 per each 800 square feet of usable floor area
Medical Marihuana and Adult Use Marihuana Facilities	1 per each 200 square feet of usable floor area

5. **Reduction from Minimum Off-street Parking Standards.** It is the intent of this subsection to recognize that, based on site-specific conditions, certain uses may function with less off-street parking than required in the table above. Further, the City of Madison Heights recognizes the benefit of reducing the amount of unnecessary impervious surface. As such, reductions in the requirement for minimum parking spaces may be permitted as follows:

   A. **Administrative Waiver.** The Technical Review Committee may grant up to a twenty (20) percent reduction in the minimum required number of parking spaces where the applicant can demonstrate that the project can satisfy the standards listed in subsection 5(D), below.

   B. **City Center and MUI Waiver.** The Technical Review Committee, or Planning Commission where required, may grant up to a fifty (50) percent parking reduction for properties located within the City Center or Mixed-Use Innovation zoning districts where the applicant can demonstrate that the project can satisfy the standards for parking reductions listed in subsection 5(D), below.

   C. **Planning Commission Waiver.** As part of the site plan review process outlined in ***Section 15.04***, the Planning Commission may grant up to a thirty (30) percent reduction in the minimum required number of parking spaces for properties outside of the City Center or MUI districts where the applicant can demonstrate that the project can satisfy the standards listed in subsection 5(D), below.

   D. **Standards for Parking Reductions.** As permitted above, the approving body may reduce minimum parking requirements where the applicant can demonstrate that all of the following standards can be satisfied:

      (1) The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required by this section; and

      (2) Parking will not occur on any street or driveway, unless adequate on-street parking spaces existing adjacent to the site; and

      (3) Parking will not occur on any area not approved and developed for parking; and

      (4) The requested parking reduction shall not create traffic or circulation problems on or off site.

Section 10.04 Maximum Off-street Parking Requirements

1. In order to minimize excessive areas of pavement which negatively impact aesthetic standards and contribute to high volumes of stormwater runoff, the maximum amount of off-street parking permitted for any use shall not exceed 130 percent (130%) of the minimum parking requirements of ***Section 10.03(4)***. This requirement shall not apply to single-family, duplex, townhome, or multi-plex dwellings.

2. The Technical Review Committee or Planning Commission, where required, may permit additional parking over and above the maximum parking if the applicant proposes low impact development techniques such as permeable pavement, rain gardens, bioswales, or other methods that are satisfactory to the Planning Commission. ZBA variance approval shall be required for projects exceeding 130% of minimum parking requirement that do not achieve low impact development requirements.

Section 10.05 Shared Parking

Where multiple land uses occupy a single property, or properties in close proximity, the City of Madison Heights encourages the use of shared parking arrangements. Approval of shared parking shall be subject to the following conditions.

1. **Parking Computation.** The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

   A. Multiply the minimum parking required for each individual use, as set forth in ***Section 10.03(4)***, by the appropriate percentage indicated in the shared parking calculations table (below) for each of the six designated time periods.

   B. Add the resulting sums for each of the six columns.

   C. The minimum parking requirement shall be the highest sum among the six columns resulting from the above calculations.

Shared Parking Calculations						
General Land Use Classification	**Weekdays**			**Weekends**		
	2:00 a.m. – 7:00 a.m.	**7:00 a.m. – 6:00 p.m.**	**6:00 p.m. – 2:00 a.m.**	**2:00 a.m. – 7:00 a.m.**	**7:00 a.m. – 6:00 p.m.**	**6:00 p.m. – 2:00 a.m.**
Office	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Reception or meeting hall	0%	70%	90%	0%	70%	100%
Museum	0%	100%	80%	0%	100%	80%
School, grades K—12	0%	100%	25%	0%	30%	10%

2. **Other Uses.** If one or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the shared parking calculations table, as determined by the approving body, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the approving body shall determine the appropriate shared parking requirement, if any, for such uses.

3. **Shared Parking Waivers.** The applicant may request an additional reduction of minimum shared parking requirements by employing one or more of the parking reduction waivers outlined in ***Section 10.03(5)***. The applicant shall demonstrate that the project can satisfy the standards listed in ***Section 10.03(5)(D)***, above.

4. **Remote Shared Parking.** Where an applicant requests to utilize a shared parking arrangement at an off-site parking area, a remote parking agreement shall be submitted to the Community and Economic Development department and shall be subject to approval by the Planning and Zoning Administrator. Remote parking shall be provided in accordance with the following:

   A. Remote parking areas shall be limited to existing parking lots already serving a principal building/use, or a parking lot as a principal use approved in accordance with ***Section 10.06,*** below.

   B. Pedestrian access between the remote parking facility and the served use(s) shall be provided in a safe convenient manner.

   C. Remote parking areas shall be located on a lot within 300 feet of the principal building/use, measured from the nearest point of the property lines to the nearest point of the off-site parking lot.

   D. Remote parking may not be separated from the use that it serves by a street right-of-way width exceeding 60 feet, unless a grade-separated pedestrian walkway, traffic control, or shuttle service is provided to the remote parking area.

   E. If remote parking becomes unavailable and minimum parking is not able to be accommodated elsewhere, the served use(s) shall be discontinued.

   F. The shared parking agreement shall, at minimum, contain the following, and shall be recorded at the County Register of Deeds:

      (1) A term of at least five years to protect the city's interest in providing long-term, stable parking for the served use.

      (2) Maintenance requirements.

      (3) Termination, violation and enforcement provisions.

Section 10.06 Parking as a Principal Use

1. Parking as a principal use is permitted as a special land use in all zoning districts, subject to the following standards:

   A. Unless otherwise noted, the parking lot shall satisfy all layout, construction and design standards of this article.

   B. The parking lot shall be landscaped and screened in accordance with Section 11.06 (Parking Lot Landscaping).

   C. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.

   D. The parking lot shall serve customers, visitors, and employees of adjacent non-residential/mixed-use districts.

   E. Each entrance and exit from such parking lot shall be located at least twenty (20) feet from any adjacent residential zoning district, measured from the property line.

   F. The following additional standards apply to principal use parking lots in R-1, R-2, R-3, R-MN, and R-MF districts:

      (1) The residential parcel on which the parking lot is located shall have a side or rear lot line that directly abuts a non-residential or mixed-use zoning district, or directly abuts a public alley which divides said residential and non-residential/mixed-use zoning districts.

      (2) All portions of the paved parking lot and all parking spaces and maneuvering lanes shall be within eighty (80) feet of the non-residential/mixed-use zoning district to be served, or the edge of a public alley which divides said residential and non-residential/mixed-use zoning districts.

      (3) The applicant shall, through the Special Land Use process, demonstrate that adequate parking cannot be reasonably provided on the subject property or an adjacent non-residentially-zoned parcel.

      (4) The applicant shall, through the Special Land Use process, demonstrate that the parking areas will not detrimentally impact the residential character of the adjacent neighborhood(s).

Section 10.07 Bicycle Parking Facilities General Requirements.

Any development project which meets the threshold for Major Site Plan Review, per ***Section 15.04***, shall provide bicycle parking facilities in accordance with the following:

1. **Minimum Count.** A minimum of four bicycle parking spaces shall be provided. Single-family, duplex, and multi-plex units are exempt from this requirement. Any use that requires bicycle parking and has more than 40 off-street vehicle parking spaces shall provide one additional bicycle parking space for every 20 vehicle parking spaces above 40. One “U” shaped rack may be counted as two (2) bicycle parking spaces.
2. **Location.** Bicycle parking facilities shall be no greater than 75 feet from the entrance being served and shall be in an area which is deemed reasonably visible by the Planning and Zoning Administrator.
3. Minimum required bicycle parking spaces shall not be removed unless equal facilities are provided elsewhere.
4. **Layout and Design Standards.** All bicycle parking spaces shall be paved and shall feature a bicycle rack of the inverted "U" design that is permanently affixed to a paved surface. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design and is easily visible and accessible.
5. **Access.** All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of five feet.
6. **Waiver.** Upon the written request of an applicant, the approving body may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

Section 10.08 Off-street Parking Space Layout, Standards, Construction, and Maintenance

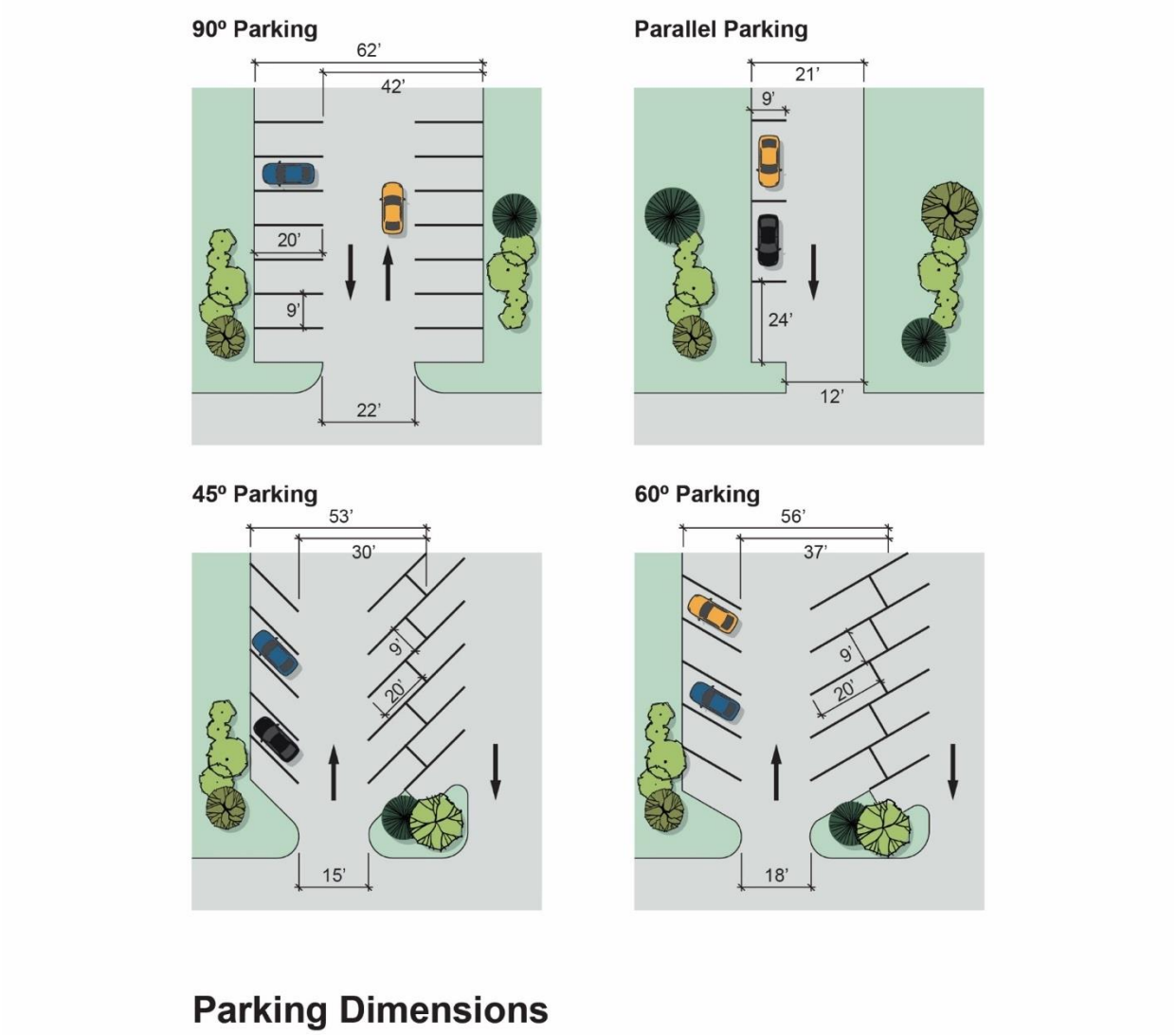
Wherever the off-street parking requirements in this Article require the construction of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

1. **Permits.** No parking lot shall be constructed unless, and until, all required permits are issued by the Community and Economic Development Department after site plan review and approval.
2. **Ingress and Egress.** Adequate ingress and egress to the parking lot shall be provided in accordance with Access Management standards, Section 10.10. All spaces shall be provided adequate access by means of on-site maneuvering lanes. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.
3. **Surface.** The entire parking area, including parking spaces and maneuvering lanes, required under this Article shall be provided with asphaltic, concrete surfacing, and/or pervious concrete/pavers of equable durability in accordance with specifications approved by the city engineer.
4. **Dimensional Requirements.** Each off-street parking space shall be in accordance with the following table and figure. Access drives shall be a minimum of 12 feet in width for one way access and 22 feet for two-way ingress and egress. Where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles. All dimensions below are measured from back of curb to back of curb.

Parking Pattern	Minimum Maneuvering Lane Width (*A*)	Minimum Parking Space Width	Minimum Parking Space Length (*A*, *B*)	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	53 ft.
Parallel	12 ft.	9 ft.	24 ft.	21 ft.	

A. The minimum maneuvering lane width shall be increased to a minimum of 24 feet if the lane is determined to be a fire lane by the city fire marshal. The city engineer may also require the maneuvering lane widths to be increased to 24 feet when it is warranted to allow safe turning movements for larger vehicles. When the maneuvering lane width is proposed at a minimum of 24 feet, the parking space length may be reduced by two feet.

B. Two feet of the minimum parking space length may overhang a landscaped area or a sidewalk, where the walk or landscape area is a minimum seven feet wide.



Parking Dimensions

5. **Curbs and Other Barriers.** Except for those parking areas serving a single-family, duplex and multiplex dwelling unit, concrete curbs (6 inches high) shall be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines or required setback areas. The approving body may approve an alternative design or waive curb requirements when opportunity exists to substantially improve the water quality of the site in accordance with Stormwater Management, ***Section 11.03.*** In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high shall be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.

6. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

7. **Landscaping.** Right-of-way screening, parking lot landscaping, and screen walls shall be provided in accordance with Landscaping, ***Article 11***.

8. **Electric Vehicle (EV) Charging Stations.** EV charging stations may be located in any parking lot, as long as the required dimensions and number of spaces required by this Article are maintained within the lot. Related EV-charging equipment, such as transformers, switchgear, or other similar items, must be screened with a fence, wall, berm, evergreen landscaping, or any combination thereof.

Section 10.09 Off-street Loading and Unloading

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such loading space(s) shall be subject to the following standards:

1. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface.

2. Loading and unloading of freight shall be on those sides of the building which do not face any street or proposed street.

3. Loading areas shall be designed so that maneuvering of vehicles will take place off the public right-of-way.

4. **Minimum Requirements.** Such loading and unloading space(s), unless completely and adequately provided for within a building, shall be an area 12 feet by 50 feet, with clearance of 14 feet high, and shall be provided according to the following schedule:

Gross Floor Area of Building (square feet)	Required Loading and Unloading Spaces
First 2,000	None
2,000—20,000	1
20,000—100,000	1 + 1 for each 20,000 square feet in excess of 20,000 square feet
100,000—500,000	5 + 1 for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	10 + 1 for each 80,000 square feet in excess of 500,000 square feet

A. **Double Count.** Off-street loading space areas shall not be counted as off-street parking spaces, nor shall they conflict with the maneuvering lanes required to access off-street parking.

B. **Waiver.** In cases where the applicant has sufficiently demonstrated that the minimum loading and unloading requirements of this section are excessive for their use, the approving body may grant a waiver from the minimum standards listed in this subsection.

Section 10.10 Access Management

1. **Cross-Access.** At the time of Minor or Major Site Plan Review, as applicable, the City may require a site to include cross-access easements for all driveways, maneuvering lanes, and curb cuts to ensure that the internal circulation system connects to the internal circulation system on adjacent parcels. Where cross-access is anticipated to an adjacent site, the City may require a driveway or maneuvering lane termination at the lot line shared with the adjacent site. The cross-access agreement must be recorded with the Oakland County Register of Deeds and provide for reciprocal cross-access for connection to adjacent parcels and curb cuts without limitation. Reciprocal cross-access easements throughout the city will have the long-term effect of reducing traffic on roads, reducing curb cuts, and encouraging more cohesive development.

2. **Pedestrian Connectivity.** All principal uses shall be connected to the adjacent public sidewalk system with a minimum 5' wide concrete sidewalk(s) meeting the city's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires major site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access. Pathways or crosswalks shall be distinguished from asphalt driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored, stamped or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.

3. **Driveway Spacing.**

   A. Driveways serving mixed-use, multi-family, and non-residential uses shall be spaced, at minimum, as follows, measured from centerline to centerline.

      (1) Two-lane street: 100 feet.

      (2) Multi-lane street: 150 feet

      These driveway spacing requirements do not apply to the distance between two one-way driveways on a single parcel (driveway pair). However, a driveway pair must be separated from another driveway or driveway pair by the distances listed above.

   B. Driveways and curb-cuts shall be located a safe distance from existing intersections, as determined by the City Engineer. The City Engineer may prohibit curb cuts within a given distance of an intersection or prohibit turning movements from or to a curb cut to ensure proper safety.

   C. In the event that a particular parcel(s) lacks sufficient road frontage to maintain adequate spacing, effectively prohibiting access to the site, the property owner may:

      (1) Request a waiver of the minimum spacing requirements from the Technical Review Committee or Planning Commission to allow for one (1) driveway entrance to provide access to and from the property; or

      (2) Establish a common driveway with an adjacent property owner that serves both the subject property and the adjacent property. A recorded access easement for the driveway shall be provided to the Madison Heights Community and Economic Development Department.

4. **Driveway Width:**

   A. Driveway widths for detached one-family dwellings, duplexes, multiplexes, and townhomes are regulated in the use-specific standards, Section 7.03.

   B. Driveway widths for multi-family or non-residential uses shall not exceed forty-four (44) feet measured at the right-of-way line.

Article 11. Landscaping

Section 11.01 Purpose

The landscaping and screening standards of this Ordinance are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. The purpose and intent of this Article is as follows:

1. To protect the health, safety, and general welfare of the public by creating an environment that: is aesthetically pleasing; promotes economic development through an enhanced quality of life; conserves energy; and reduces negative environmental effects;
2. To encourage the preservation of existing trees and vegetation;
3. To assist in providing adequate light and air;
4. To provide for and enhance the beautification of the City;
5. To screen unsightly equipment or materials from view of persons on public streets or abutting properties and buffering from uncomplimentary land uses;
6. To reduce "heat island" effect of impervious surfaces such as parking lots, by cooling and shading the surface area and breaking up large expanse of pavement; and
7. To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs.

Section 11.02 Landscaping and Screening Applicability.

Where new development requires Major Site Plan review in accordance with ***Section 15.04***, screening and landscaping shall adhere to the minimum standards contained in this Article. No site plan shall be approved unless the plans show landscaping consistent with the provisions of this Article The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the city from agreeing to more extensive landscaping.

Section 11.03 Storm Water Management

Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales, rain gardens, and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales, rain gardens and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

Section 11.04 Transitional Landscaping Requirements

1. **Screening Standards.** This subsection is intended to provide suitable transitional buffers, screening, and landscaping for the purpose of reducing the impacts of, and conflicts between, incompatible land uses. All landscaping in this section shall meet the Standards for Plant Materials, ***Section 11.09***.

2. **Required Minimum Screening and Landscaping.** The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways. Fractions shall be rounded up.

Zoning/Use of Subject Parcel	Zoning of Adjacent Parcel								
	N-P	R-1 R-2 R-3 R-MN		R-MF	HM		O-1	B-1 B-2 B-3 CC MUI 1/2	M-1 M-2
	Required Landscaping Options								
N-P / Natural Preservation	—	—		—	—		—	—	—
R-1, R-2, R-3 / Single Family Residential and R-MN / Residential Mixed Neighborhood	—	—		—	—		—	—	—
R-MF / Multiple Family Residential	D	A, B or C		—	A, B or C		A, B or C	C	C
H-M/ Manufactured Home	D	C		A, B, or C	--		A, B or C	A, B, or C	C
O-1 / Office	D	C		A, B or C	A, B or C		—	—	A, B or D
B-1, B-2, B-3, CC, MUI / Commercial	D	C		A, B or C	A, B or C		—	—	A, B or D
M-1, M-2 / Industrial	D	C		A, B or C	A, B or C		A, B or D	A, B or D	—
Non-Residential Use in Residential District	D	C		A, B or C	A, B or C		--	--	--
Parking lot perimeters shall be screened in accordance with ***Section 11.06***. Parking lot perimeter screening may be used to satisfy Transitional Landscaping requirements.									

Key:

A = Land Form (***Section 11.04(2)(A))***

B = Buffer Strip (***Section 11.04(2)(B)***)

C = Screen Wall Greenbelt (***Section 11.04(2)(C)***)

D = Greenbelt (***Section 11.04(2)(D)***)

— = Not Required

A. **Landform Buffer.** A landform buffer is a combination of a raised earthen berm and plantings intended to form a visual barrier at least three feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

(1) **Planting Design Standards:**

(a) The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.

(b) One deciduous tree or one evergreen tree for every 15 linear feet of required landform buffer.

(c) Four evergreen or deciduous shrubs for every 15 linear feet of landform buffer.

(d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(2) The berm shall have a maximum side slope of 3:1 and a minimum height of three feet.

B. **Buffer Strip.** A buffer strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All buffer strips shall conform to the following:

(1) The buffer strip shall be a minimum of 15 feet wide.

(2) Planting design standards:

(a) The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.

(b) One deciduous tree or one evergreen tree for every 20 linear feet of required buffer strip.

(c) Four evergreen or deciduous shrubs for every 20 linear feet of buffer strip.

(d) Plantings shall be a mixture of evergreen and deciduous trees, shrubs, and groundcover.

C. **Screen Wall Greenbelt.** A screen wall greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six feet in height. When a screen wall is required, it shall meet the following standards:

(1) All walls shall conform to the following provisions:

(a) Required walls shall be a minimum six feet high or, after approval by the Technical Review Committee or Planning Commission, to a height which is in continuity with an existing adjacent screen wall. The Technical Review Committee or Planning Commission may require screening walls up to eight feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).

(b) Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.

(c) Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.

(d) Screen walls shall be reduced to a maximum thirty inches in height for 30 feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

(2) Except where located on the opposite side of an alley right-of-way, required screen walls shall include a minimum five-foot wide greenbelt adjacent to the required wall, interior to the site, for its entire length, planted in accordance with the greenbelt planting standards below.

D. **Greenbelt.** A greenbelt is a landscaped planting area of trees, shrubs, and groundcover. All greenbelts shall conform to the following planting design standards:

(1) The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.

(2) One deciduous tree or one evergreen tree for every 30 linear feet of required greenbelt.

(3) Four evergreen or deciduous shrubs for every 30 linear feet of greenbelt.

(4) Minimum width for required greenbelts shall be five feet unless otherwise specified in this Ordinance.

Section 11.05 Frontage Landscaping

1. **Exemptions**: Development with front building setbacks of five (5) or less feet are exempt from the frontage landscaping requirements of this Section. However, parking lot right-of-way screening (***Section 11.06***) and Building Foundation Landscaping (***Section 11.07(2)***) shall still apply.

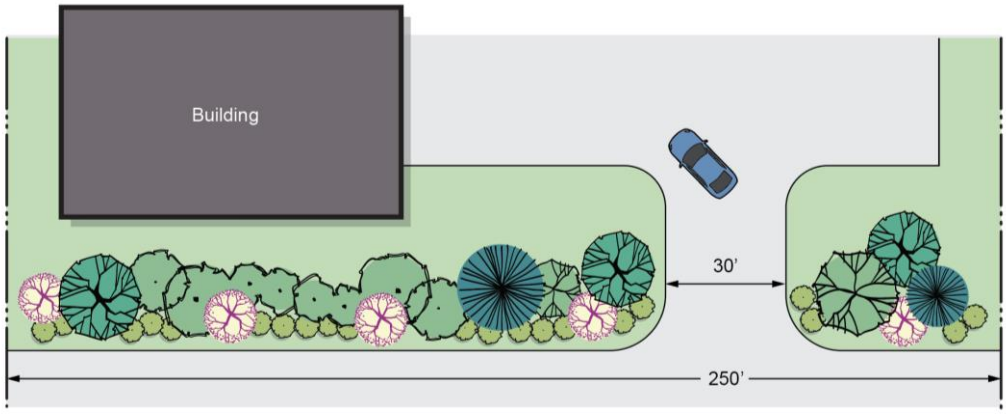
2. Where a site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way, with fractions rounded up (see Example of Frontage Landscaping below):

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	1 per 5 linear feet of road frontage or fraction thereof

3. Parking lots that abut a right-of-way shall be further subject to the parking lot right-of-way standards of ***Section 11.06***, Parking Lot Landscaping. However, parking lot right-of-way landscaping may be used to count toward the minimum Frontage Landscaping requirements of this Section.

4. The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning and Zoning Administrator may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

Example of Frontage Landscaping	
Length of Road Frontage:	250 linear feet minus 30-foot driveway = 220 feet
Required Number of Plants	
Deciduous or evergreen trees	220 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	220 ft./5 ft. = 44 shrubs
TOTAL	6 deciduous or evergreen trees, 3 ornamental trees, and 44 shrubs



Frontage Landscaping

Section 11.06 Parking Lot Landscaping

In addition to other required landscaping herein, parking lots shall be planted with interior, right-of-way, and perimeter landscaping in accordance with this Section.

1. **Interior Parking Lot Landscaping.** In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, parking lot islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. Parking lot landscaping must be distributed at even intervals throughout the lot, to provide more complete shade coverage and – in the cases of swales – stormwater capture.

   Parking lot islands with raised curbs and landscaping shall not be required in parking structures; however, painted islands must be provided. Interior parking lot landscaping shall conform with the following:

   A. Off-street parking areas containing ten or more parking spaces shall provide five square feet of parking lot landscaping per parking space. Parking lots containing less than ten space are exempted from the interior landscaping standards:

      (1) Parking lot islands shall be a minimum of ten feet wide.

      (2) Landscaping islands shall be used to subdivide parking areas into parking bays with not more than 40 spaces, provided that no more than 15 spaces shall be in an uninterrupted row.

      (3) All required parking lot landscaping shall be designed to conform to the following requirements:

      (4) The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.

      (5) One deciduous canopy tree shall be required for every 100 square feet of required parking lot landscaping area, with fractions rounded up.

      (6) Parking lot landscaping areas shall be curbed with 6" concrete curbing. Alternatively, the approving body may approved recognized best management practices for stormwater management, such as curb-less bioswales or rain gardens.

   B. For surface lots where internal traffic circulation is forecasted to be low or where the raised islands would not be appropriate, the Technical Review Committee or the approving body may waive the requirement for raised parking lot islands and may allow for painted islands only.

2. **Right-Of-Way Screening.** Where parking lots are adjacent to sidewalks, streets, and other public rights-of-way, or located within 50 feet of a right-of-way, landscaped screening shall be provided between the public right-of-way and the parking area consisting of one or a combination of the following:

A. **Landscaped Screening.** Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. Shrubs shall be planted a maximum of 30 inches on center. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang. Right-of-Way Landscaped Screening may be used to count towards the Frontage Landscaping requirements of ***Section 11.05***.

B. **Screening Wall or Fence.** Walls shall be between three (3) and four (4) feet in height and decorative/ornamental in nature, featuring elements such as decorative masonry pillars and wrought-iron railing.

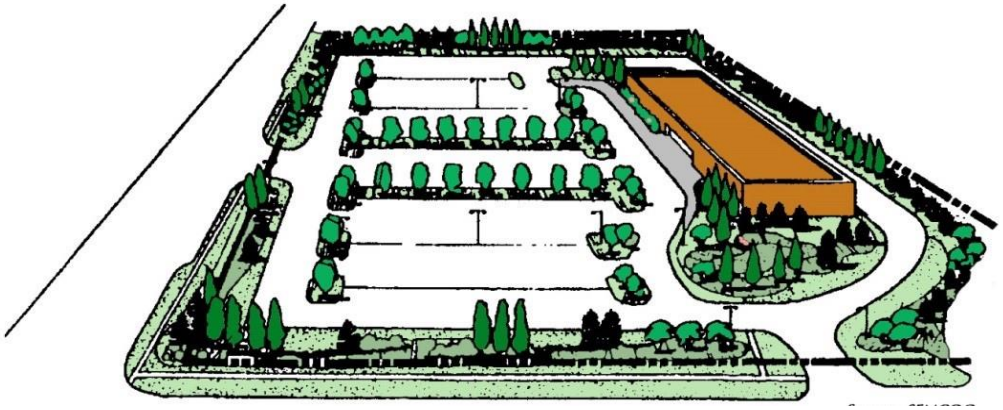
3. **Perimeter Landscaping.** Where parking lots are adjacent to, and within fifty (50) feet of, a non right-of-way property line, perimeter landscaping shall be provided in accordance with the following:

A. Where adjacent to a mixed-use or non-residential use or zoning district: A landscaped area at least five (5) feet in width shall be required and planted in accordance with the Frontage Landscaping requirements table, ***Section 11.05***, above.

B. Where adjacent to a residential use or zoning district: A screen wall greenbelt shall be provided in accordance with ***Section 11.04***, Transitional Landscaping, above.

Where connectivity via vehicle or pedestrian access is provided between two adjoining properties, the Planning and Zoning Administrator or Planning Commission may waive perimeter landscaping requirements.

Perimeter landscaping may be used to count towards the Transitional Landscaping requirements of ***Section 11.04***.



Section 11.07 Interior Landscaping and Building Foundation Landscaping

1. **Interior Landscaping.** For every new development that requires Major site plan review, except site condominiums as regulated in ***Section 5.04***, interior landscaping areas shall be provided equal to at least five percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, and service areas. All interior landscaping shall be designed to the following general design standards:

A. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.

B. One deciduous tree; and then one deciduous tree for every additional 400 square feet of required interior landscaping area, with fractions rounded up.

C. Two shrubs; and then two shrubs for every additional 400 square feet of required interior landscaping area, with fractions rounded up.

D. Interior parking lot landscaping in accordance with Section 11.06 shall not be counted toward minimum interior landscaping requirements.

2. **Building Foundation Landscaping.** Landscaping shall be required at the base of all building walls adjacent to a public street or parking lot in accordance with the following:

   A. Foundation landscaping strips shall be a minimum of five (5) feet in width.

   B. Plantings shall consist of a mixture of landscaping types, such as shrubs, hedges, ornamental trees, or other plant material. Particular attention shall be paid toward screening mechanical equipment, utility meters, softening large expanses of building walls, and accenting building entrances and architectural features.

   C. Where a front or street side-yard building setback is between three (3) and seven (7) feet, foundation landscaping may be provided for in above ground planters along the street fronting property line(s).

   D. Buildings with front or street side-yard building setbacks less than three (3) feet are exempted from the foundation landscaping requirement along the street fronting-property line(s).

   E. Building foundation landscaping may be used to count toward the interior landscaping requirement, above.

   F. Waiver. The approving body may waive these requirements if determined that the design, use, or context of the property does not necessitate any or all building foundation landscaping.

Section 11.08 Trash Receptacle and Donation Bin, Transformer, and Mechanical Equipment Screening

1. **Dumpsters, Trash Storage, and Donation Bin Enclosures.** All areas used for the storage of trash, recycling, and other waste products or materials, and donation bins, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

   A. Enclosures shall be constructed of masonry materials similar to the buildings to which they are accessory.

   B. Enclosures shall be at least six feet but not more than eight feet high and shall obscure all wastes and/or containers

   C. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides. The dumpster enclosure doors have reinforced steel supports to prevent the door from sagging.

   D. No enclosures shall be permitted within a required front yard or street-side side yard setback. Dumpsters shall not be located in front of the front building line. Enclosures shall be set back a minimum of twenty (20) feet from any residential district.

   E. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight-inch concrete pad.

   F. Bollards shall be placed where necessary to protect walls.

2. **Transformer and Mechanical Equipment Screening.** All ground mounted transformers, generators, mechanical equipment, and similar equipment, including those servicing Electric Vehicle (EV) charging stations, shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

Section 11.09 Standards for Plant Materials

1. **Existing Landscaping.** Existing landscaping that meets the requirements of this section may be used to comply with the standards of this Article.

2. **Lawn Areas.** Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

3. **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. Madison Heights may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper)	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and Purple Coneflower

4. **Prohibited species.** Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning and Zoning Administrator may prohibit other species that are not listed below.

- Ash
- Black Locust
- Box Elder
- Buckthorn
- Catalpa
- Cottonwood
- Elm
- Ginkgo (Female)
- Honey Locust (With Thorns)
- Horse Chestnut (Nut Bearing)
- Mulberry
- Norway Maple
- Olive
- Poplar
- Silver Maple
- Tree of Heaven
- Willow

Section 11.10 Installation and Maintenance

1. **Installation.**

A. **Installation Period.** Whenever planting is required by this Ordinance, it shall be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting shall take place within six (6) months from the date of issuance of a Temporary Certificate of Occupancy.

B. **Installation Method.** All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:

(1) **Balled and Burlapped.** All trees shall be balled and burlapped at the time of planting.

(2) **High Quality and Healthy Plant Material.** Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and

free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.

(3) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.

(4) **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.

(5) **Plant Material Required in all Portions of Landscaped Areas.** All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.

(6) **Planting Locations.** Unless a specific planting pattern is required by the Zoning Ordinance or the approving body, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted with five (5) feet of a permanent building, structure, or paved area, structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.

(7) **Protection of Existing Vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

2. **Irrigation Required.** All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The Planning Commission or Planning and Zoning Administrator may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

3. **Maintenance.** The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants, and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants shall be replaced within 30 days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

Section 11.11 Waivers

Recognizing that a wide variety of land uses and the relationships between them can exist, and that varying circumstances can mitigate the need for landscaping, the approving body may allow the following waivers from the provisions of this Article.

1. **Screening.** The approving body may permit an alternate screening plan upon finding that the alternative screening will ensure compatibility with surrounding and nearby land uses, and upon finding one of the following:

   A. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer sufficient screening. The approving body shall require the preservation of these natural features as a condition of site plan approval in such circumstances.

   B. The arrangement, design, and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.

Article 12. Signs

Section 12.01 Findings and Purpose

It is the intent of this Article to regulate signs in the City of Madison Heights so as to protect and enhance public health, safety, and the public welfare while preserving the right of free speech and expression as guaranteed by the First Amendment of the U.S. Constitution. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the city. It is determined that such regulation is necessary for several reasons:

1. **Enable Convenient Access and Discourage Confusion.** To enable the public to locate goods, services, and facilities without difficulty and confusion.
2. **Prevent Clutter.** To prevent visual clutter and the dangerous and distracting demands for attention between advertising signs and traffic control signs and signals, which can jeopardize public safety and the mental and physical wellbeing of the public.
3. **Prohibit Unsafe Signs.** To protect public safety by preventing or removing signs which are potentially dangerous to the public due to structural deficiencies or disrepair.
4. **Effective Communication.** To encourage appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.
5. **Aesthetic Quality and Character.** To protect and enhance the continued attractiveness of the community by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a "sense of place."
6. **Protect Property Values.** To protect property values within the community and public/private investments in property through the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape. At the same time, prohibit signs that create blight and visual clutter, which can have a negative impact on the value of the subject property as well as the value of surrounding properties.

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

Section 12.02 Permits, Applications, Plans, Specifications and Revocation

1. **Permits Generally.** It shall be unlawful for any person to erect, re-erect, repair, alter, paint or relocate or reconstruct on the same or another premises or to maintain within the city any sign as defined in this section unless a permit shall have been first obtained from the Community and Economic Development Department, except as provided in ***Section 12.03***, Signs not requiring Permits, and a permit fee paid in accordance with the fee schedule adopted by resolution of the city council.
2. **Application.** Application for sign permits shall be made upon forms provided by the Community and Economic Development Department for this purpose and shall contain the following information:
    A. Name, address, and telephone number of applicant.

B. Location and dimensions of the building, structure, or lot to which the sign is to be attached or erected.

C. Position of the sign in relation to nearby buildings, structures, property lines and rights-of-way, existing or proposed.

D. Two copies of the plans and specifications and method of construction and attachment to the building or in the ground.

E. Copies of stress sheets and calculations if deemed necessary by the building official, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Madison Heights.

F. Name, address, and phone number of the sign erector.

G. Insurance policy as required herein.

H. Such other information as the Planning and Zoning Administrator or building official may require to show full compliance with this and other applicable laws of the City of Madison Heights and State of Michigan.

I. The Planning and Zoning Administrator or building official may require that the application containing the previously mentioned material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

J. Indicate the zoning district in which the sign is located.

3. **Insurance Requirements.** Permits may be issued to sign erectors only under the following conditions:

A. **Insurance Certificates:** Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Community and Economic Development Department a certificate of insurance, in a form acceptable to the city, for public liability in the amount of $100,000.00 for injuries to one person and $300,000.00 for injuries to more than one person, and property damage insurance in the amount of $25,000.00 for damage to any property due to the actions of himself or any of his agents or employees.

B. **Lapsing of Insurance:** At any time, the insurance of any sign erector is permitted to lapse, his contractor registration shall automatically be revoked.

C. **Notification of Change:** A sign erector shall notify the Community and Economic Development Department of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.

4. **Permit Insurance and Revocation.** All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses and may be revoked by the city upon violation of this section.

A. **Compliance.** All signs shall be inspected for compliance at the time of installation. If work indicated to be done on the application for permit has not been started within six months the permit will expire and become null and void.

B. **Concealed Work.** All work shall remain accessible and exposed for inspection until approved. It shall be the duty of the permit applicant to cause said work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

C. **Removal of Signs.** Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make the sign safe, secure, and otherwise in compliance with the requirements of this section within 30 days of notice. Failure to comply shall result in an order to remove the sign, with costs charged to the permit holder, within 48 hours from the time of notification in writing. Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 48 hours of notification by the building official.

5. **Permit Expiration.** A sign permit shall be null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

Section 12.03 Signs Not Requiring Permits

No permit shall be required for signs enumerated as follows by this Section. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance, nor relieve the owner from the responsibility of meeting the pertinent regulations of this article:

1. **Temporary Signs.** Temporary signage includes yard signs, sandwich board signs, banners, etc. in compliance with the dimensional standards of ***Section 12.07***. The following additional regulations shall be applicable to all exterior temporary signs:
   A. **Generally.** Temporary sign(s) may be located only on private property with the owner's permission.
   B. **Illumination.** Temporary signs shall not be illuminated or feature electronic message boards.
   C. **Placement in Public Right-of-Way Prohibited.** Signs shall not be placed in the public right-of-way or between the public sidewalk and the road. Signs located in the public right-of-way will be removed and discarded.
   D. **Method of Display.** Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant, or tree. Signs shall not block visibility at intersections, sidewalks, or driveways.
   E. **Prompt Removal of Damaged Signs.** Damaged temporary signs shall be removed promptly.
2. **Interior Building Signs.** Signs located on the interior of buildings which are not visible from the exterior of the building.
3. Window signs, wall signs, and painted wall signs not exceeding 4 square feet, in compliance with the dimensional standards of ***Section 12.07***.
4. Any ground sign up to 4 sq. ft. in size and 3 ft. in height adjacent to drive aisles
5. Decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.
6. Signs erected on a City, County, State, or Federal building or land by the authorized public agency.
7. Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.
8. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
9. Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.

Section 12.04 Prohibited Signs

1. **Roof Signs.**
2. **Bench Signs.**
3. **Pylon Signs.**
4. **Revolving Signs.**
5. **Advertising Vehicles.** Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device (including electronic message boards) displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision. Fleet vehicles' used in day-to-day operations/transportation of the company do not count as advertising vehicles.
6. **Searchlights.** Except as may be specifically permitted elsewhere in this Ordinance, searchlights are prohibited.

7. Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), feather flags, flags (other than the official flag of any nation, state or city, and not more than two corporate flags), or other structure(s) conveying a message.
8. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.
9. Any sign that is deemed structurally or electrically unsafe by the Building Official.
10. Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.

Section 12.05 General Requirements

1. **Material Requirements.** All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this section.
2. **Maintenance.** No sign shall be permitted to corrode, rust, peel, fade, break up or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. No nails, tacks or wires shall be permitted to protrude from the front of any sign.
3. **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building or structure in such a manner to obstruct any fire escape.
4. **Support Location.** No pole, cable or support of any nature shall be placed on, or over, any publicly owned property, street right-of-way, proposed street right-of-way or dedicated public easements unless otherwise specifically provided for in this section.
5. **Wall Signs.** Wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. All wall signs shall be constructed in accordance with the adopted building code. No wall sign shall cover wholly or partially any wall opening. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor above the top of a parapet wall, nor extend beyond the ends of the wall to which it is attached. No wall sign shall protrude more than 12 inches from the wall or structure on which it is mounted. Wall sign allowance shall be used for signs attached to roofed structures over fueling stations.
6. **Ground Signs.** Ground signs may be permitted as monument signs or decorative post signs, in accordance with the following:

    A. **Monument signs:** Monument signs shall have a base at least 75 percent of the width of the widest part of the sign OR shall be attached to two (2) columnar bases that, combined, amount to a width of 35% of the entire width of the sign. The sign shall be constructed with materials that are consistent with the principal building.

    B. **Decorative Post Signs:** A maximum of three feet is permitted between the bottom of the sign and the surrounding grade.

    With the exception of billboards, all ground signs shall be located on the same parcel as a principal use and/or principal structure. With the exception of billboards, a ground sign shall not be considered a principal use of a property.
7. **Painted Wall Sign.** Painted Wall Signs shall be permitted in all non-residential and mixed-use zoning districts, and permitted non-residential uses in residential districts, as follows:

    A. Painted wall signs on street-facing façades shall be subject to the wall sign area allowances for the zoning district in which it is located.

    B. Painted wall signs on a non-street facing side or rear building elevation shall not be subject to wall sign area allowances. However, in no case shall a painted wall sign exceed 1,000 square feet or 50% of the individual wall area, whichever is less.

    C. Not more than one painted wall sign is permitted per façade.

D. All painted wall signs in excess of 4 square feet shall require a sign permit prior to installation.

8. **Window Signs.** Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area for window signs. No signage shall be placed on exterior window glass.

9. **Awning and Canopy Signs and Projecting Signs.**

A. **Awning/Canopy Signs:**

(1) **Minimum Clearance.** No portion of an awning/canopy sign shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.

(2) **Maximum Projection.** No awning or canopy shall be permitted to project more than eight (8) feet over any public right-of-way. An awning/canopy shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way.

(3) **Roof Line.** Awning/Canopy signs may project above the top edge of an awning/canopy, or be suspended below an awning/canopy. However, in no case shall an awning or canopy sign project above the roof line or parapet wall edge of the principal building. The maximum sign height over an awning/canopy shall be 24 inches as measured from the top of the awning/canopy to the top edge of the sign.

(4) **Review of Awnings/Canopies in Public Right-of-Way.** Prior to the erection of a projecting sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper government agency (City, County or State) having jurisdiction over such right-of-way.

B. **Projecting signs:**

(1) **Minimum Clearance.** No portion of a projecting sign shall be less than eight (8) feet above grade, and fourteen (14) feet above a vehicular driving/parking area.

(2) **Minimum/Maximum Projection.** The distance between the inner edge of a projecting sign and the wall to which it is attached shall not be greater than two (2) feet. In no case shall a projecting sign project more than three (3) feet from a wall edge. A projecting sign shall not encroach within a vertical plane measured two (2) feet from the back of street curb within a right-of-way.

(3) **Concealment of Support Structures.** All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

(4) **Roof Line.** A projecting sign shall not extend above the roof line or upper edge of a parapet wall.

(5) **Review of Projecting Signs in Public Right-of-Way.** Prior to the erection of a projecting sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper government agency (City, County or State) having jurisdiction over such right-of-way.

10. **Lighting.** Internal and external lighting shall be permitted, but the illumination thereof shall not be anything other than a steady, continuously burning bulb or light. The movement, flashing or illusion of flashing, or turning on and off of the sign illumination or of any bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of 0.08 foot-candles, when measured from the nearest or adjacent residential-zoned property. No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the Michigan Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the Michigan Electrical Code.

11. **Electronic Message Boards.** Electronic changeable message boards (signs) may be incorporated as part of a ground sign, counting toward the ground sign maximum area, but shall not be permitted as wall signs. The message shall not change more than once every 30 seconds. Text displays shall conform to the requirements of Section 12.05(10) above and moving text and video displays shall not be permitted. Electronic message boards are limited to commercial, industrial, and mixed-use districts and shall not make up more than 50% of the allowable ground sign area. Electronic message boards shall come equipped with an automatic dimming control that automatically adjusts the displays brightness based on ambient light conditions.

12. **Public Right-of-Way.** Signs proposed within, or hanging above, public rights-of-way shall require approval of a right-of-way permit by the controlling governmental agency.

13. **Traffic Interference.** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

14. **Intersections.** No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision or any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, sign, or device or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking, or device be placed, erected, or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic. Ground signs shall not obstruct vision between a height of 30 inches and eight feet above the road level within a required clear vision triangle, per ***Section 8.06***.

15. **Rehanging - Re-erection.** In case of rehanging or re-erection of any sign, the sign erector must place his name and address and the date on the sign.

16. **Proximity to Electrical Conductors.** No sign shall be erected so that any part of it, including cables, guys, etc., will be in violation of the Electrical Code of Madison Heights or any utility company safety requirement.

17. **Sanitation.** Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

18. **Responsibility of Compliance.** The owner of any property on which a sign is placed, and the person maintaining said sign, are both responsible for the condition of the sign and the area in the vicinity thereof.

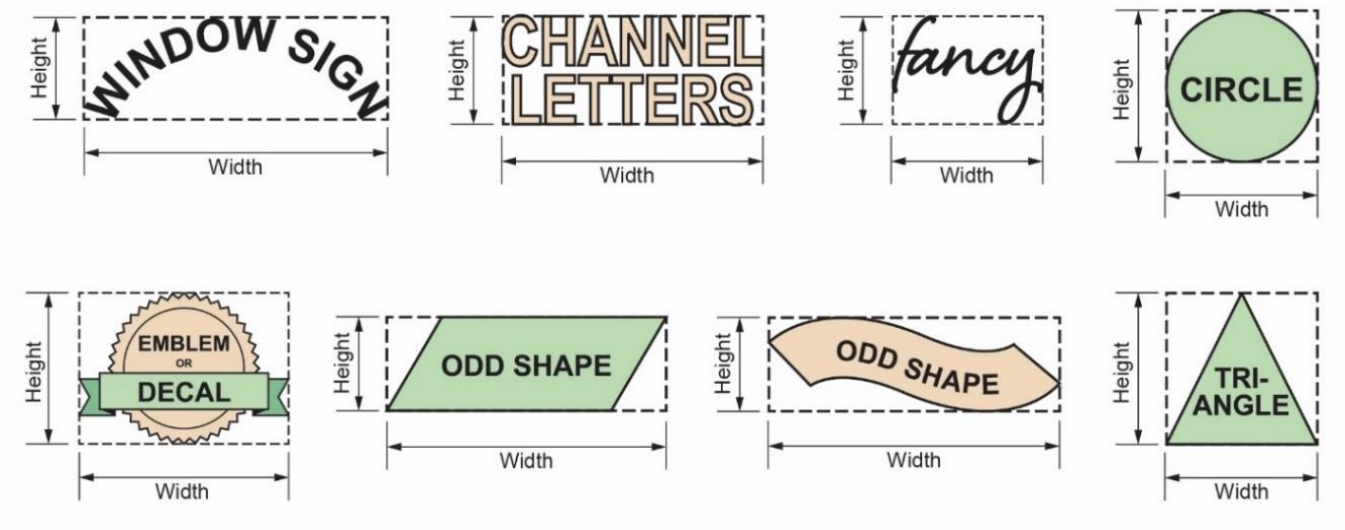
19. **Erector's Imprint.** Every sign shall have placed in a conspicuous place thereon, in letters not less than one half inch in height, the name of the person, firm or corporation owning, erecting or operating such sign, the date of erection, the permit number and the voltage of any electrical apparatus.

20. **Shielding from Adjacent Property and Rights-of-Way.** Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent zoning districts and rights-of-way, and shall not adversely affect driver visibility on adjacent public thoroughfares.

21. **Servicing.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, including a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

Section 12.06 Measurement of Sign Area and Height

1. **Sign Area.** For the purposes of this section, the sign area shall include the total area within any circle, triangle, rectangle or square, or combination of two shapes which are contiguous to each other, enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a broken sign, (a sign with open spaces between the letters or insignia) the sign area to be considered for size shall include all air space between the letters or insignia. Where more than one wall sign is used, each sign may be measured individually, using the procedure above, provided the signs are separated by a distance equal to, or greater than, the width of the largest sign. Any back-lit area of a building exterior shall be considered to be a sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and less than 24 inches apart, the area of the sign shall equal the area of one face.



2. **Sign Height.** The height of the sign is measured from the ground to the highest point of the sign from the ground.

3. **Lineal Frontage.** In certain cases, the frontage of a building, building unit, or individual tenant space shall be the basis for determining permissible wall sign area. Lineal frontage shall be the sum of all wall lengths associated with such building, building unit, or tenant space parallel to a public street, excluding any such wall length determined by the Planning and Zoning Administrator as unrelated to such building, building unit, or tenant space.

Section 12.07 Regulations for Permitted Signs

The following conditions shall apply to all signs erected or located in the specified zoning district(s):

1. **R-1, R-2, R-3, R-MN, R-MF and H-M Districts:**

Sign Type	R-1, R-2, R-3, R-MN, R-MF and H-M Districts (Single-family, duplex, and multi-plex lots only)	R-1, R-2, R-3, R-MN, R-MF and H-M Districts (Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Non-Residential Uses only)
Awning/ Canopy Signs	Not Permitted	**Maximum Number:** One (1) sign per awning/canopy. **Maximum Area:** 15 square feet per sign. Individual signs greater than 15 sq. ft. may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.
Ground Signs	Not Permitted	**Maximum Number:** One (1) per street frontage. If an individual parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet. **Minimum Setback:** 3 feet from right of way. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 6 feet).
• **Monument Signs**	Not Permitted	**Maximum Height:** 6 feet **Maximum Area:** 32 square feet
• **Decorative Post Signs**	Not Permitted	**Maximum Height:** 5 feet **Maximum Area:** 24 square feet
Projecting Signs	Not Permitted	**Maximum Number:** One (1) projecting sign per public entrance, minimum separation of 20 feet between projecting signs on a single façade. **Maximum Area:** 10 square feet per individual sign
Wall Signs	Not Permitted	**Maximum Area per Individual Sign:** 50 square feet **Maximum Total Sign Area per Façade:** **Street-Facing façades:** 1.5 square feet of sign area per lineal feet of building frontage, not to exceed a total of 100 square feet for each street-facing façade. **Non-street-facing facades:** 100 square feet per façade **Painted Wall Signs:** Refer to ***Section 12.05(7)***
Window Signs	**Maximum Area:** 25% of the window area.	
Temporary Signs	**Maximum Height:** 4 feet **Maximum Area:** 16 square feet total **Minimum Setback:** 2 feet from right of way or any lot line.	**Maximum Number:** One (1) per street frontage. **Maximum Height:** 4 feet **Maximum Area:** 16 square feet **Minimum Setback:** 2 feet from any lot line.

2. **B-1 Neighborhood Business District; B-2 Community Business District; B-3 Regional Business Districts; CC City Center District; and MUI Mixed Use Innovation Districts.**

Sign Type	B-1, B-2, B-3, CC, and MUI Districts
Awning/ Canopy Signs	**Maximum Number:** One (1) sign per awning/canopy. **Maximum Area:** 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.
Ground Signs	**Maximum Number:** One (1) per street frontage per parcel. If a parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet. **Minimum Setback:** 3 feet from right of way. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet). No sign shall be located closer than 30 feet to any property line of an adjacent residential district.
• **Monument Signs**	**Maximum Height:** 8 feet **Maximum Area:** 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area, whichever is less
• **Decorative Post Signs**	**Maximum Height:** 5 feet **Maximum Area:** 24 square feet
Projecting Signs	**Maximum Number:** One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade. **Maximum Area:** 10 square feet per individual sign.
Wall Signs	**Maximum Height:** 20 feet **Maximum Area per Individual Sign:** 75 square feet. Individual tenants with lineal building frontage in excess of 200 feet along a public roadway shall be permitted a maximum individual sign area allowance of 100 square feet along such street-facing facades. **Maximum Total Sign Area per Façade**: **Street-Facing façades:** 1.5 square feet of total sign area per lineal feet of building frontage, not to exceed a total of 100 square feet per tenant per street facing facade. Individual tenants with lineal building frontage in excess of 200 feet along a public street shall be permitted a total wall area allowance of 150 square feet along such street-facing facades. **Non-street-facing facades:** 100 square feet per façade per tenant. **Painted Wall Signs:** Refer to ***Section 12.05(7)***
Window Signs	**Maximum Area:** 25% of the window area. In an enclosed building where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be 50 percent.
Temporary Signs	**Maximum Number:** One (1) per frontage. **Maximum Height:** 4 feet **Maximum Area:** 16 square feet **Minimum Setback:** 2 feet from right of way or any lot line.

3. **O-1 Office District:**

Sign Type	O-1 Districts
Awning/ Canopy Signs	**Maximum Number:** One (1) sign per awning/canopy. **Maximum Area:** 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.
Ground Signs	**Maximum Number:** One (1) per street frontage of a lot or development. **Maximum Height:** 8 feet **Maximum Area:** 0.5 square foot per each lineal foot of lot frontage to a maximum of 48 square feet in area. **Minimum Setback:** 3 feet from all lot lines. No sign shall be located closer than 30 feet to any property line of an adjacent residential district. Increase setback by 0.5 foot for every 0.5 foot of height increase above 5 feet (up to a maximum of 8 feet).
• **Monument Signs**	**Maximum Height:** 8 feet **Maximum Area:** 48 square feet
• **Decorative Post Signs**	**Maximum Height:** 5 feet **Maximum Area:** 24 square feet
Projecting Signs	**Maximum Number:** One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade. **Maximum Area:** 10 square feet per individual sign.
Wall Signs	**Maximum Height:** 20 feet **Maximum Area per Individual Sign:** 50 square feet. Individual tenants with lineal building frontage in excess of 200 feet along a public roadway shall be permitted a maximum individual sign area allowance of 75 square feet along such street facing facades. **Maximum Total Sign Area per Façade:** **Street-Facing façades:** 1.5 square feet of total sign area per lineal feet of building frontage, not to exceed a total of 75 square feet per tenant per street-facing façade. Individual tenants with lineal building frontage in excess of 200 feet along a public street shall be permitted a total wall area allowance of 100 square feet along such street-facing facades. **Non-street-facing facades:** 75 square feet per façade per tenant. Painted Wall Signs: Refer to ***Section 12.05(7)***
Window Signs	**Maximum Area:** 25% of the window area.
Temporary Signs	**Maximum Number:** One (1) per lot. **Maximum Height:** 4 feet **Maximum Area:** 16 square feet **Minimum Setback:** 2 feet from right of way or any lot line.

4. **M-1 Light Industrial District; and M-2 Heavy Industrial Districts:**

Sign Type	M-1 and M-2 Districts
Awning/ Canopy Signs	**Maximum Number:** One (1) sign per awning/canopy. **Maximum Area:** 15 square feet per sign. Individual signs greater than 15 square feet may be permitted by allocating permitted wall signage allowances, below, to the awning/canopy sign.
Ground Signs	**Maximum Number:** One (1) per street frontage per parcel. If a parcel has frontage that exceeds 300 linear feet on any given street, a total of one (1) additional ground sign may be permitted. Ground signs on a single parcel shall be separated by a minimum of 100 feet. No sign shall be located closer than 30 feet to any property line of an adjacent residential district. **Minimum Setback**: 5 feet
• **Monument Signs**	**Maximum Height:** 8 feet **Maximum Area:** 0.5 square foot per each lineal foot of lot frontage to a maximum of 60 square feet in area.
• **Decorative Post Signs**	**Maximum Height:** 5 feet **Maximum Area:** 24 square feet
Projecting Signs	**Maximum Number:** One (1) per public entrance, minimum separation of 20 feet between projecting signs on a single façade. **Maximum Area:** 10 square feet per individual sign.
Wall Signs	**Maximum Area per Individual Sign:** 100 square feet. Individual tenants with lineal building frontage in excess of 200 feet along a public roadway shall be permitted a maximum individual sign area allowance of 150 square feet along such street-facing facades. **Maximum Total Sign Area per Façade:** **Street-Facing façades:** 1.5 square feet of sign area per lineal feet of building frontage, not to exceed a total of 150 square feet per tenant per street-facing façade. Individual tenants with lineal building frontage in excess of 200 feet along a public street shall be permitted a total wall area allowance of 175 square feet along such street-facing façades. **Non-street-facing facades:** 100 square feet per façade per tenant. **Painted Wall Signs:** Refer to ***Section 12.05(7)***
Window Signs	**Maximum Area:** 25% of the window area.
Temporary Signs	**Maximum Number:** One (1) per lot. Maximum Height: 4 feet **Maximum Area:** 16 square feet **Minimum Setback:** 2 feet from right of way or any lot line.

Section 12.08 Billboards

1. Billboards shall be permitted only on parcels abutting interstate highways or freeways in the MUI-1, MUI-2, M-1, and M-2 zoning districts provided that such billboard shall not be placed on a parcel having any other structure within 100 feet of the billboard, and no other structure shall be placed on the parcel within 100 feet of the billboard, except that minimum distances from other billboards shall be regulated as set forth in this section following. A billboard shall not be located within any required setback of such parcel.

2. Billboards shall not be less than 2,500 feet apart, including billboards on the opposite side of the interstate. A double face (back to back) or a V-type structure shall be considered a single billboard provided the two faces are not separated by more than ten feet, or the interior angle does not exceed 20 degrees, whichever is applicable.

3. The total surface area, facing in the same direction, of any billboard, shall not exceed 700 square feet and shall be contained on a single panel.

4. Billboards shall not exceed 60 feet in height from the adjacent grade.
5. Billboards shall not be erected on the roof of any building.
6. Billboards with any form of changeable messages, including but not limited to mechanical or electronic means, shall conform to the timing requirements contained in ***Section 12.05(11)***.
7. Billboards may be considered a principal or secondary use of a parcel. While billboards may be permitted on the same parcel as an existing principal structure or principal use, in all cases, billboards shall be subject to the minimum principal building yard setbacks and maximum lot coverage standards of the zoning district in which the parcel is located, per ***Article 4***.
8. Nonconforming billboards shall be subject to the standards of ***Section 12.09***.

Section 12.09 Nonconforming Signs

1. **Intention.** It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.
2. **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.
3. **Continuance.** A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:
    A. Replaced by another nonconforming sign.
    B. Rebuilt or re-erected after it has been removed or destroyed for any reason.
    C. Structurally altered so as to prolong the life of the sign, including modifications to cabinets, support structures, and framing elements. A sign face change is permitted on a non-conforming sign if there are no other structural modifications. However, a static panel on a nonconforming sign shall not be replaced with an electronic message board.
    D. Expanded or substantially added to, changed, or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the estimated replacement cost.
4. **Alteration.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction follows the provisions of this Article. For the purpose of this Article only, the term “altered” or “reconstructed” shall not include normal maintenance; ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.
5. **Removal of Nonconforming Signs.** Nonconforming signs shall be removed if the site or building on the same parcel as the sign is demolished, redeveloped, or reconstructed in a manner that requires major site plan approval, per ***Section 15.04.***

Section 12.10 Removal of Signs

The building official shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this Ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the city may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of paragraph (IV)(A), above, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the city may be assessed to the person or business displayed on said sign, or to owner of the property on which such sign is located and such charge shall be a lien on the property.

Section 12.11 Severability

Should the courts declare any section, subdivision, clause, or phrase of this section to be invalid, the validity of the section as a whole, or in part, shall not be affected other than the part invalidated.

Article 13. Nonconformities

Section 13.01 Nonconforming lots, uses and structures, and site elements

All nonconforming lots, uses, structures, site elements, or combination of nonconforming uses of land or structures shall conform with the provisions of this section.

1. **Intent.** The intent of this Article is to protect the rights of property owners who have lawfully established, and have continuously maintained in a lawful manner, a use, structure, lot, or site element prior to the adoption of this ordinance or prior to any amendment to this ordinance that otherwise renders such use, structure, lot, or site element unlawful. Such legal nonconformities shall be permitted to continue until they are lost or removed. Nonconformities shall not be enlarged upon, expanded, or extended, except in compliance with this Article, nor shall they be used as grounds for adding other structures or uses prohibited by the underling zoning district.

2. **Nonconformities Under Construction.** Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved. This article shall not apply to any development standard or feature that is the subject of a variance granted by the Zoning Board of Appeals. Where a variance has been granted for a development standard that does not otherwise conform to the requirements of this Code, that development standard shall be deemed conforming.

3. **Nonconforming Lots of Record.**

   A. A nonconforming lot is permitted to consolidate with an adjacent lot, even if such consolidation still does not conform to the lot dimension requirements of the zoning district in which it is located. Such consolidation is seen as a reduction of the nonconformity.

   B. In any zoning district in which a single-family dwelling or duplex is permitted, a single-family dwelling or duplex may be erected on any substandard lot of record if the lot is in single ownership at the effective date of this Ordinance and is not in single ownership with other lots having continuous frontage. Such structures shall comply with the applicable dimensional and setback regulations of the district.

   C. If two or more contiguous lots under the same ownership exist, a single-family home may be erected on any single lot of record provided that such lot meets the following criteria:

      (1) The lot is a legal lot of record.

      (2) The Planning and Zoning Administrator or his designee shall determine that the lot is the same size as or larger than the majority (more than 50%) of developed lots in the area. For purposes of this section, the Planning and Zoning Administrator shall base determinations on the width, depth and area of the lot when determining conformance with the developed lots in the area. For purposes of this section, "area" shall mean at a minimum the lots on both sides of the street on the same block as the subject lot.

      (3) All other Ordinance requirements are met, including but not limited to, setbacks, minimum dwelling size, and height. A detailed plot plan shall be provided to determine compliance with this subsection.

If these three criteria are not met, such lot(s) shall not be developed, divided, utilized, or sold in any manner that diminishes compliance with lot width and/or area requirements of this Ordinance.

D. Any variance request to the Zoning Board of Appeals for any provision of this section shall include a detailed plot plan for a proposed structure(s) that clearly indicates conformance or nonconformance with all Ordinance requirements including, but not limited to, yards, minimum dwelling size, maximum lot coverage and height.

E. In all non-residential and mixed-use zoning districts, permitted uses and structures may be erected on any single lot of record, provided that such structures shall comply with the applicable dimensional and setback regulations of the district.

4. **Nonconforming Uses of Land.** When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use. A nonconforming use shall not be changed to another nonconforming use.

B. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except in accordance with subsection 4(I), below. Nonconforming uses shall not occupy a greater building floor area beyond existing floor area, except in accordance with subsection 4(I).

C. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

D. If a nonconforming use is discontinued or ceases, but is re-established within 180 calendar days, then the nonconforming use may continue, provided the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was abandoned. A nonconforming use which has been abandoned or vacated for any reason for more than 180 days shall not be permitted to be re-established.

E. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

G. Existing residential uses/structures in commercial and mixed-use districts are permitted to continue as conforming uses. Duplexes, townhomes, and multi-family dwellings in single-family districts in existence upon date of adoption of this ordinance shall be considered a conforming use of the property.

H. Special Land Uses that are approved by the city council as provided in this Ordinance shall not be deemed a nonconforming use.

I. The Zoning Board of Appeals may allow an expansion or enlargement of a nonconforming use, or the conversion to another use which is less intensive than the existing use, provided that it is conclusively shown that such extension, enlargement, or conversion:

(1) Will not further reduce the value or otherwise limit the lawful use of adjacent premises;

(2) Will essentially retain the character and environment of abutting premises;

(3) Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses.

(4) Will satisfy the other remaining requirements listed in ***Section 15.06.***

J. In the event that any structure that is devoted, in whole or in part, to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconforming uses are created and the degree of the previous nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair, or reconstruction within 180 calendar days of the date of damage or destruction, and a Certificate of Occupancy is obtained prior to the expiration of the building permit. In the event that a building permit is not obtained within 180 calendar days, then the non-conforming use cannot be re-established. If the structure containing the nonconforming use is also a nonconforming

structure, the structure may only be rebuilt, restored, repaired, or reconstruction in accordance with Section 13.01(5) below..

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

   A. No such structure may be expanded in a way that increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all Zoning Ordinance requirements for the district in which the structure is located. Bulk cannot be added to nonconforming structural elements. For example, a second story addition on a building with a nonconforming front yard setback shall be required to meet the minimum front yard setback.

   B. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

   C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

   D. A nonconforming structure may be altered to decrease its nonconformity, per the determination of the Planning and Zoning Administrator.

6. **Nonconforming Site Elements.** Nonconforming site elements pertaining to ***Article 7*** (Standards Applicable to Specific Uses), ***Article 8*** (General Provisions), ***Article 10*** (Parking, Loading, and Access Management), and ***Article 11*** (Landscaping) shall be brought into compliance when one (1) or more of the following situations occurs:

   A. A proposed site modification requires Major Site Plan approval, per ***Section 15.04***; or

   B. Major change of use classification (per use table). (i.e., commercial to residential); or

   C. Other actions deemed necessary to bring the site into compliance as determined by the Planning and Zoning Administrator.

   For sites with legal nonconforming site elements, the Planning and Zoning Administrator, Technical Review Committee, or other reviewing/approving body may reduce the requirements of any numerical standard by up to 25% if it is found that full compliance with site element requirements is not feasible, or that alternative compliance would satisfy the intent and spirit of the standard.

7. **Nonconformities Created by Form-Based Development Standards.**

   A. A building or site that became nonconforming as a result of adoption of the Form-Based Development Standards in ***Article 6*** may be expanded or improved, subject to the provisions of Section 6.01.2 and Site Plan Review procedures and requirements of ***Section 15.04***.

   B. In reviewing a site plan for a nonconforming building or lot, the reviewing body may require the applicant to bring the building and/or site into partial or complete compliance with the requirements of the Form-Based Development Standards, in accordance with the standards of ***Section 6.01(2).***

8. **Repairs and Maintenance.**

   A. On any legal nonconforming structure or building, or on any building or structure devoted in whole or in part to any nonconforming use, ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be permitted, provided that the permitted maintenance or repair shall not increase the nonconformity.

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

9. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming lots, structures, uses of land, or uses of structures and premises provided there is no change in the extent, size, nature or character of such nonconforming lot, structure, use of land or use of structure and premises.

Article 14.
Administrative Organization

Section 14.01 Planning and Zoning Administrator

The City Manager shall appoint a Planning and Zoning Administrator (who may be the City Planner, Community and Economic Development Director, Building Official, or other City employee) who shall have the following duties:

1. The Planning and Zoning Administrator, or their appointed designee(s), shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body.
2. The Planning and Zoning Administrator, or their appointed designee(s), shall enforce this Ordinance and make such orders and decisions as may be necessary to carry out the intent thereof.
3. The Planning and Zoning Administrator, or their appointed designees, shall maintain records of all certificates and permits issued under this Ordinance and the records shall be open for public inspection.
4. The Planning and Zoning Administrator shall be responsible for interpreting the text of this Ordinance, and maps referenced herein. Where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation made by the Planning and Zoning Administrator, an applicant may appeal the interpretation to the Zoning Board of Appeals pursuant to ***Section 15.06.***
5. The Planning and Zoning Administrator shall have all the powers, duties, and responsibilities assigned to that office elsewhere in this Ordinance.

Section 14.02 Technical Review Committee

There is hereby established a Technical Review Committee consisting of designees and representatives from the Department of Public Services; Community and Economic Development Department, including the Planning and Zoning Administrator, Building Official, and engineering representative; Fire and Police Departments; and other City departments and staff as deemed necessary. In matters where Technical Review Committee approval is required prior to the issuance of permits, a designee from each reviewing department shall provide written approval upon a form provided by the Community and Economic Development Department.

The Technical Review Committee meets weekly, as needed. Upon receipt of a site plan, the Technical Review Committee shall review and approve all site plans prior to issuance of any permits for any construction.

In addition to the review of site plans in accordance with ***Section 15.04***, the Technical Review Committee also reviews the following and makes a recommendation to the approving body:

1. Dimensional Variances (***Section 15.06***)
2. Ordinance Text Amendments (***Section 15.07***)
3. PUDs (***Section 5.05***)
4. Residential Cluster Subdivisions (***Section 5.02***)

5. Rezoning Requests (***Section 15.07***)
6. Site Condominiums (***Section 5.04***)
7. Special Land Use Requests (***Section 15.05***)
8. Other items forwarded onto the Technical Review Committee by the Planning and Zoning Administrator

Section 14.03 City Council

1. City Council shall act as the final approving body for the following types of applications:
   A. Ordinance Text Amendments (***Section 15.07***)
   B. PUDs (***Section 5.05***)
   C. Rezoning Requests (***Section 15.07***)
   D. Residential Cluster Subdivisions (***Section 5.02***)
   E. Special Land Use Requests (***Section 15.05***)

Section 14.04 Planning Commission

The Planning Commission is hereby designated as the Commission specified in the Michigan Planning Enabling Act, Act 33 of 2008, and shall perform the duties of said Commission as provided in the statute in connection with the amendments of this Ordinance. The Planning Commission is responsible for review and approval of certain Major Site Plans (***Section 15.04(3)(D)***) and Site Condominiums (***Section 5.04***) and certain Temporary Use permits (Section 7.0343) and Section 15.08). The Planning Commission acts in an advisory capacity for Special Land Uses (***Section 15.05***), Ordinance Text Amendments (***Section 15.07***), PUD's (***Section 5.05***), Residential Cluster Subdivisions (***Section 5.02***), and Rezoning Requests (***Section 15.07***).

Section 14.05 Zoning Board of Appeals

1. **Creation and Membership.**
   A. There shall be established and appointed by council of the City of Madison Heights, in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended, a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of nine members, who shall be appointed by the council for terms of three years each.
   B. City Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis as specified in the Zoning Ordinance to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
   C. The Zoning Board of Appeals has the following duties and responsibilities:
      (1) Dimensional Variances, in accordance with ***Section 15.06;*** Administrative Appeals, in accordance with ***Section 15.06;*** Alteration of non-conformities, in accordance with ***Section 13.01.***
      (2) Interpretation of Zoning Ordinance Regulations: The Zoning Board of Appeals has the power to make an interpretation of the regulations of this Zoning Ordinance where it is alleged that certain regulations are not clear or that they could have more than one meaning. In deciding upon the request, the Zoning Board of

Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance and the article in which the language in question is contained.

D. In the first instance, three of said members shall be appointed for a one-year term, three of said members shall be appointed for a two-year term, and three of said members shall be appointed for a three-year term; except that the term of any elected officer who may be appointed to the board shall expire upon the expiration of his term in office, or the expiration of his term upon the Zoning Board of Appeals, whichever event is first. All members of the Zoning Board of Appeals appointed to said board prior to the enactment of this Ordinance shall continue in office for the remaining portion of their term. All of the members of the board shall be citizens of the United States and resident of the City of Madison Heights for a full two-year period prior to appointment. Members of the board may be removed only as provided in section 5.4 of the City Charter. Any vacancy in the board shall be filled by the council for the remainder of the unexpired term.

2. **Procedure of Zoning Board of Appeals.**

A. Meetings of the board shall be heard at the call of the chairperson and at such other times as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

B. All meetings of the board shall be open to the public. The board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be a public record. The fees to be charged for appeals shall be set by resolution of the city council.

Article 15.
Administrative Procedures

Section 15.01 Public Hearings.

The staff liaison of the body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing on behalf of the relevant body. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Ordinance.

1. **General Public Hearing Procedures.** The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are further outlined below.

   A. **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

   B. **Personal and Mailed Notice.**

      (1) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

      (2) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.

      (3) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.

      (4) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

      (5) The City shall prepare a list of property owners and occupants to whom notice was mailed.

   C. **Content.** Any notice published in a newspaper and/or delivered by mail shall:

      (1) Describe the nature of the request.

      (2) Indicate the property that is the subject of the request.

      (3) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

      (4) When and where the public hearing will occur.

      (5) When and where written comments may be submitted concerning the request.

2. **Zoning Ordinance Amendment Public Hearing Procedures.** Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:

   A. **Map Amendments Affecting 10 or Fewer Adjacent Parcels.** If the proposed map amendment will impact 10 or fewer adjacent parcels, newspaper publication and mailed notice shall be given as specified in ***Section 15.01 (1)***.

   B. **Text Amendments or Map Amendments Affecting 11 or More Adjacent Parcels.** If a text amendment is proposed or map amendment is proposed that will impact 11 or more adjacent parcels, notice shall be given by publication is a newspaper of general circulation as specified in ***Section 15.01 (1)***. The personal and mailed notice requirements of ***Section 15.01 (1.B)*** and ***Section 15.01 (1.C(3))*** do not apply.

   C. **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

   D. **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

Section 15.02 Building Permits

1. No building or structure within the City of Madison Heights shall hereafter be erected, moved, repaired, altered or razed, demolished, or have a change of use, nor shall any work be started to erect, move, repair or raze, demolish, or change the use unless such work is in compliance with this Ordinance and all applicable building codes and until all required zoning and construction permits have been issued by the city.

2. Upon completion of the work authorized by a building permit, the holder thereof shall apply for a Certificate of Occupancy in compliance with ***Section 15.03***.

Section 15.03 Certificate of Occupancy

A building or structure shall not be used or occupied in whole or in part until a Certificate of Occupancy (CofO) has been issued by the Community and Economic Development Department. CofO's shall be approved by both the Planning and Zoning Administrator and Building Official. Additional approvals from reviewing departments may be required at the request of the Planning and Zoning Administrator or Building Official. A building or structure erected or altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy.

A Certificate of Occupancy shall be issued when the work covered by a building permit, site plan, or any other City-issued permits or licenses has been completed in accordance with the permit, the code and other applicable laws and ordinances. When a building or structure is entitled thereto, the city shall issue a CofO within five business days after receipt of a written application on the prescribed form and payment of the fee to be established by City Council. An issued CofO shall certify that the building, structure and use are in compliance with Zoning Ordinance standards. The Certificate of Occupancy shall certify that the building or structure has been constructed in accordance with the site plan, building permit, the code and other applicable laws and ordinances. Certificates of Occupancy shall be issued to the occupant. In a multi-tenant building each individual occupant shall obtain a certificate. A copy of the Certificate of Occupancy shall be conspicuously posted in public view on the premises used for any purpose other than residential.

The following shall apply in the issuance of any certificate:

1. **Certificates Not to be Issued.** No Certificate of Occupancy pursuant to the Building Code of the City of Madison Heights shall be issued for any building, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.

2. **Expiration.** Certificates shall expire immediately upon any change in the use, ownership or occupancy of an individual tenant space or structure, or a portion thereof.

3. **Ownership Changes.** A C of O shall be required for ownership changes of any business, name change of any business, or significant operational changes of any business. Where only the ownership of a multi-tenant building changes the building owner shall be responsible for obtaining a new certificate for each tenant.

4. **Certificates including Zoning Compliance.** Certificates of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance. Certificates of Occupancy applications shall be reviewed by the Planning and Zoning Administrator for compliance with the provisions of this Ordinance. All applications for a Certificate of Occupancy shall be accompanied by a detailed description of the proposed use, specifications, or any other information requested by the Planning and Zoning Administrator. The Planning and Zoning Administrator may waive information requirements that do not affect compliance with this Ordinance.

5. **Certificates for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such structures, buildings, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial and/or industrial building or premises located within the City of Madison Heights which has been vacated by a tenant, lessee or owner, unless such person desiring to reoccupy such building or premises shall first make application for and obtain a Certificate of Occupancy from the Community and Economic Development Department.

6. **Temporary Certificates of Occupancy.** Nothing in this Ordinance shall prevent the city from issuing a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months and may not be renewed more than once for a total of one year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary Certificate of Occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of city council. On request of a holder of a building permit the city may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users.

7. **Revocation of Certificate of Occupancy.** The Planning and Zoning Administrator shall have the ability to revoke any Certificate of Occupancy granted under this Section upon a finding(s) that the use(s), building(s), site(s), and/or structure(s) for which said certificate was granted are in violation of this Ordinance or in violation of any conditions of approval applicable to said certificate. The Building Official shall have the ability to revoke a Certificate of Occupancy upon a finding that such use(s), building(s), site(s), and/or structure(s) are in violation of the City's Building Code, Property Maintenance Code, or any other regulations administered by the Building Official per the City's Code of Ordinances.

   A. The decision of the Planning and Zoning Administrator to revoke a Certificate of Occupancy under this Section may be appealed to the Zoning Board of Appeals in accordance with the procedures set forth in Section 15.06(1).

   B. The decision of the Building Official to revoke a Certificate of Occupancy under this Section may be appealed to a hearing officer, who shall be appointed by City Council. An appeal of the Building Official's decision to revoke a Certificate of Occupancy shall be submitted in writing to the Planning and Zoning Administrator within twenty-one (21) days of the Notice of Action sent by the City to the address of the responsible party listed on the application for Certificate of Occupancy by United States Postal Service first class mail. The request for appeal shall include a summary of the reasons for appealing the Building Official's decision. The Planning and Zoning Administrator shall set a hearing in front of the City Council-appointed hearing officer within thirty (30) days of the receipt of a complete and eligible appeal.

      Notice of hearings in front of the City Council-appointed hearing officer shall be in writing and served at least ten (10) days prior to the date of the hearing by serving the responsible party for the affected property sent by United States Postal Service first class mail at the address listed on the application for Certificate of Occupancy. The Notice of Hearing shall include:

         i. The date, time and place of hearing;

         ii. *Notice of the purpose of the hearing;*

         iii. *Reasons for the revocation that is being appealed; and*

iv. *A statement that the responsible party may appear and present evidence on their behalf and has the right to be represented by legal counsel.*

8. **Residential Dwellings Exempted.** A Certificate of Occupancy is not required for the change of ownership or tenancy of an existing residential dwelling unit.

Section 15.04 Site Plan Review

1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of site plans in the City of Madison Heights. Site plans may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.

2. **Developments Subject to Minor (Planning and Zoning Administrator) or Major (Technical Review Committee or Planning Commission) Site Plan Review.** Site Plans may be deemed 'Minor' or 'Major' based upon the criteria listed in this Section. Minor Site Plans may be reviewed and acted upon by the Planning and Zoning Administrator. Major Site Plans shall be acted upon by the Technical Review Committee or the Planning Commission, as determined by ***Article 14*** Engineering Plan approval may be required following site plan approval for projects with significant impacts on stormwater, transportation, and utility systems, per ***Section 15.04(3)(E).***

3. **Site Plan Review Process.** An applicant may initiate the site plan review process by submitting for Minor or Major Site Plan approval. All materials shall be submitted to the Community and Economic Development Department for processing.

   A. **Pre-Application Conference (optional).** At the option of the applicant, prior to the submittal of a formal site plan review application, the applicant may submit a conceptual plan to the Community and Economic Development Department to be reviewed by the Planning and Zoning Administrator. The purpose of the pre-application conference is to discuss the review procedures, design elements, and ordinance requirements. At this conference, the Planning and Zoning Administrator may provide the applicant with an advisory opinion as to whether the site plan qualifies as a minor or major site plan, and whether the conceptual plan meets the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City's comments during a pre-application conference shall be advisory in nature only, and shall not constitute approval of a site plan. An applicant may request that the pre-application conference take place at a meeting of the Technical Review Committee, upon payment of a fee established by City Council.

   B. **Site Plan Review Not Required.** Formal Site Plan review shall not be required for:

      (1) Detached single-family and duplex housing and related parking.

      (2) Accessory Dwelling Units and Residential Accessory Structures

      (3) Minor alterations to an approved site not listed under minor or major site plan review, as determined by the Planning and Zoning Administrator

   C. **Minor Site Plans.**

      (1) A Minor Site Plan shall be submitted to the Planning and Zoning Administrator for review and approval for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review above.

         (a) Remodeling or altering an existing structure that does not modify the building footprint.

         (b) Addition/expansion of existing structure that does not increase the gross interior or leasable floor area by more than 2,000 square feet and does not increase the total by more than 20% of the existing gross floor area and does not impact site grading, circulation, or utilities. In cases of multi-family residential development, the application shall not increase the number of dwelling units.

         (c) Individual Multiplex and Townhome developments (3-4 units).

         (d) Addition, modification, or relocation of non-residential accessory structures or structures such as dumpster enclosures.

         (e) Change in building height that does not create new floor area.

(f) Decrease in building size that does not impact site grading, circulation, or utilities.

(g) Minor changes to building or site to accommodate barrier-free regulations.

(h) Additions, modifications or substitutions of approved or existing landscaping or site lighting.

(i) Internal rearrangement of parking lot that does not significantly change site circulation, create new parking spaces, or require the installation of new pavement or re-grading.

The Planning and Zoning Administrator may refer site plans for any of the above to the Technical Review Committee and/or Planning Commission for review and approval. The Planning and Zoning Administrator may also require Engineering Approval in accordance with ***Section 15.04(3)(E)*** after consultation with the City Engineer.

(2) Applicant initiates the Minor Site Plan process by submitting the following materials to the Community and Economic Development Department:

(a) One copy of the completed minor site plan application form.

(b) Two 11" x 17" copies of the site plan containing all of the information set forth in ***Section 15.04(4)*** below.

(c) One copy of the site plan in digital (PDF) format.

(d) All applicable fees as established by City Council.

(3) The Planning and Zoning Administrator reviews the Minor Site Plan application materials for completeness and for compliance with the standards contained within this Ordinance.

(4) The Planning and Zoning Administrator shall approve, approve subject to conditions, deny, or postpone action on the Minor Site Plan:

(a) *Approval:* Upon determination that a minor site plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the Planning and Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.

(b) *Approval subject to Conditions:* The Planning and Zoning Administrator may approve a minor site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.

(c) *Postponement:* Upon determination by the Planning and Zoning Administrator that a minor site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Planning and Zoning Administrator may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal. The Planning and Zoning Administrator, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.

(d) *Denial:* Upon determination by the Planning and Zoning Administrator that a minor site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

D. **Major Site Plans.** A Major Site Plan shall be forwarded to either the Technical Review Committee or the Planning Commission for review and action, based upon the criteria listed below:

(1) **Technical Review Committee:** A Major Site Plan shall be reviewed and acted upon by the Technical Review Committee for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.

(a) All new construction, structural alterations, or substantial changes in use that do not qualify for Minor Site Plan review.

(b) Remodeling or altering an existing structure that increases the building footprint or gross floor area by more than twenty percent (20%) or 2,000 square feet.

(c) Grading, filling, or excavation of a site.

(d) Any use, or change of use, that requires a change in traffic circulation patterns that impacts ingress/egress, parking layout or pedestrian circulation.

(e) Outdoor storage areas, unless otherwise determined by the Planning and Zoning Administrator.

(f) The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility, utility lines, or easements.

(g) The establishment, addition or modification of a building or use which results in the need for additional parking.

At the committee's discretion, any site plan may be referred to the Planning Commission for review and approval.

(2) **Planning Commission:** A Major Site Plan shall be forwarded to the Planning Commission for any of the following activities, uses or developments, except those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.

(a) Site condominium projects.

(b) Any residential development with more than fifty (50) units.

(c) Site plans associated with an approved PUD.

(d) When abutting single-family residential zoned or used property, any non-residential or mixed-use development that involves the construction of a new structure exceeding 7,500 gross square feet of space dedicated to non-residential uses, or expansion of an existing structure by more than 5,000 gross square feet.

(e) Any site plan forwarded to the Planning Commission by the Planning and Zoning Administrator or Technical Review Committee

(3) Applicant initiates the Major Site Plan process by submitting the following materials to the Community and Economic Development Department:

(a) One copy of the completed major site plan application form.

(b) One 24" x 36" copy of the site plan containing all of the information set forth in ***Section 15.04(4)*** below.

(c) Two 11" x 17" copies of the site plan containing all of the information set forth in ***Section 15.04(4)*** below.

(d) One copy of the "Hazardous Substance Reporting Form" and "EGLE Permit Information" checklist.

(e) One copy of the site plan in digital (PDF) format.

(f) All applicable fees as established by City Council.

(4) The Planning and Zoning Administrator reviews the Major Site Plan application and materials for completeness. If complete, the Planning and Zoning Administrator places the site plan on the agenda for an upcoming Technical Review Committee meeting. If incomplete, the Planning and Zoning Administrator may request all necessary items prior to placing the item on the Technical Review Committee agenda.

(5) The Technical Review Committee reviews and, when authorized, acts upon the site plan application. If Planning Commission action is required, the Technical Review Committee provides advisory comments to the Planning Commission. If a site plan is referred to the Planning Commission for action, the Planning and Zoning Administrator will place the site plan on the agenda for an upcoming Planning Commission meeting and notify the applicant of the date, time, and place of the meeting.

(6) The Technical Review Committee or Planning Commission, when authorized to act upon a major site plan shall approve, approve subject to conditions, deny, or postpone action on the site plan:

(a) *Approval:* Upon determination that a major site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the Technical Review Committee or Planning Commission shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant shall apply for Engineering Plan approval per Section 15.049(3)(E), unless waived by the Technical Review Committee.

(b) *Approval subject to Conditions:* The Technical Review Committee or Planning Commission, when authorized per ***Section 15.04(3)(D)*** may approve a major site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Planning and Zoning Administrator shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.

(c) *Postponement:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Technical Review Committee or Planning Commission may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal and be reviewed at the next available Technical Review Committee or Planning Commission meeting. The Technical Review Committee or Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.

(d) *Denial:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

E. **Engineering Plan.** At the time of minor or major site plan review, the Planning and Zoning Administrator or Technical Review Committee shall determine if the proposed site plan requires the submittal of an Engineering Plan. Unless waived by the Technical Review Committee, all Major Site Plans shall require engineering approval. Applicants shall only be eligible to apply for Engineering Plan approval following site plan approval. Projects that require Engineering Plan approval shall be subject to the following process:

(1) Applicant initiates engineering plan review process by submitting the following required materials to the Community and Economic Development Department:

(a) One copy of the completed Engineering Plan application form.

(b) One legible 24" x 36" copy of the engineering plan containing the information required in ***Section 15.04(4)(C)*** below.

(c) Two 11" x 17" copies of the site plan.

(d) One copy of the site plan in full size in digital (PDF) format.

(e) All applicable fees.

(2) The Planning and Zoning Administrator reviews the Engineering Plan for consistency with the approved minor or major site plan. The Planning and Zoning Administrator may request revisions to the Engineering Plan prior to forwarding onto the City Engineer. Upon finding that the Engineering Plan is consistent with the approved site plan, the Planning and Zoning Administrator forwards the Engineering Plan onto the City Engineer for review and action.

(3) The City Engineer reviews the Engineering Plan for compliance with the following:

(a) All local, county and state requirements, as may apply to the proposed use, are met.

(b) All applicable engineering requirements are met.

(c) The Engineering Plan remains substantially consistent with the approved site plan.

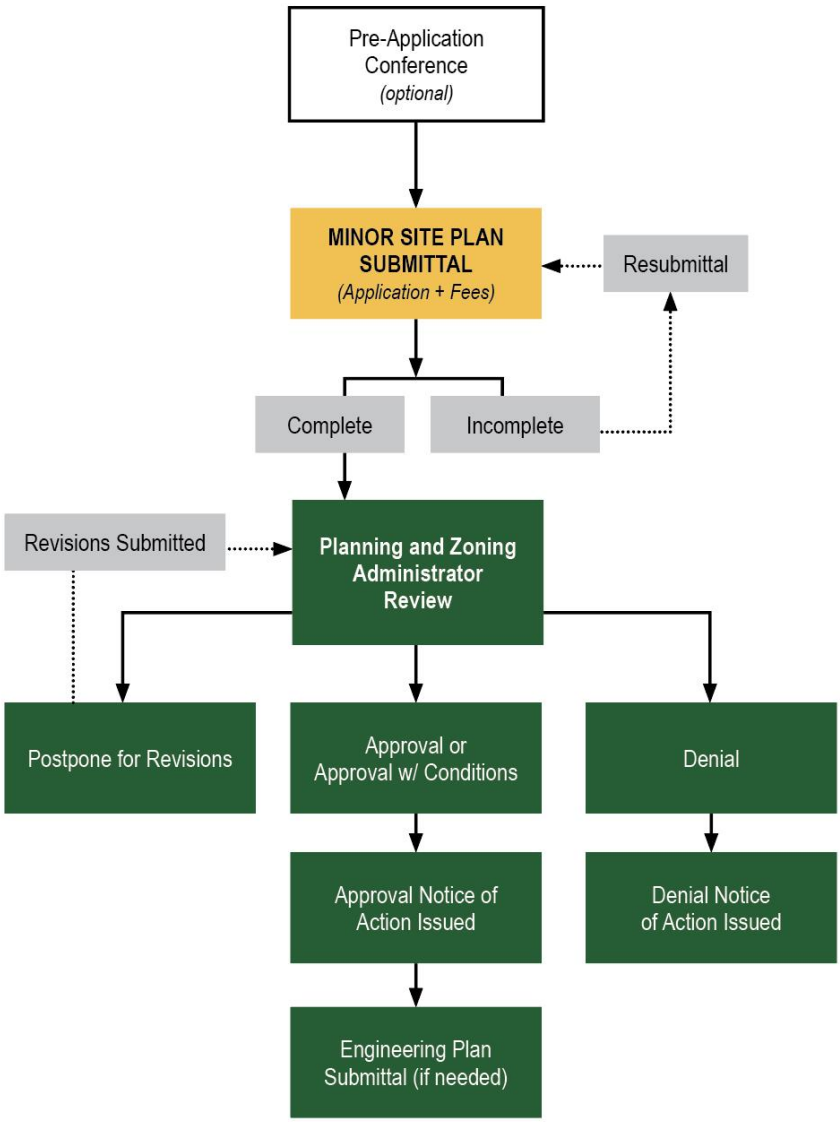
(4) The City Engineer shall approve, approve with conditions, deny, or postpone action on the Engineering Plan:

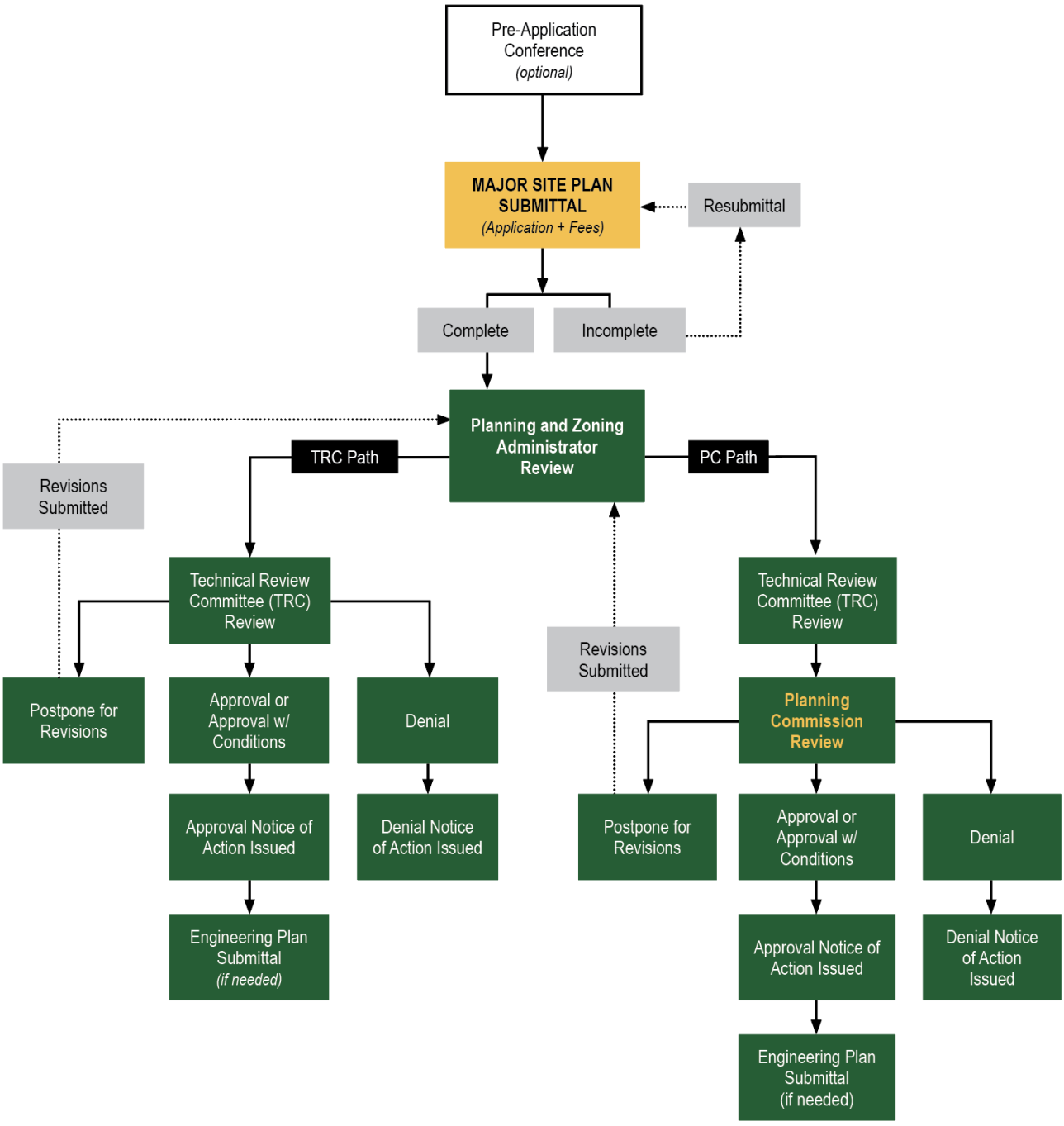
(a) *Approval:* Upon determination that an Engineering Plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the Engineering Plan shall be sent to the applicant.

(b) *Approval subject to Conditions:* The City Engineer may approve an Engineering Plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the Engineering Plan which satisfies the conditions, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the approved Engineering Plan shall be sent to the applicant.

(c) *Postponement:* Upon determination by the City Engineer that an Engineering Plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the City Engineer may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal, and be forwarded to the City Engineer for re-review.

(d) *Denial:* Upon determination by the City Engineer that an Engineering Plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the Engineering Plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.


Pre-Application Conference (optional)
MINOR SITE PLAN SUBMITTAL (Application + Fees)
Resubmittal
Complete
Incomplete
Revisions Submitted
Planning and Zoning Administrator Review
Postpone for Revisions
Approval or Approval w/ Conditions
Denial
Approval Notice of Action Issued
Denial Notice of Action Issued
Engineering Plan Submittal (if needed)


Pre-Application Conference (optional)
MAJOR SITE PLAN SUBMITTAL (Application + Fees)
Resubmittal
Complete
Incomplete
Planning and Zoning Administrator Review
TRC Path
PC Path
Revisions Submitted
Technical Review Committee (TRC) Review
Postpone for Revisions
Approval or Approval w/ Conditions
Denial
Approval Notice of Action Issued
Denial Notice of Action Issued
Engineering Plan Submittal (if needed)
Revisions Submitted
Technical Review Committee (TRC) Review
Planning Commission Review
Postpone for Revisions
Approval or Approval w/ Conditions
Denial
Approval Notice of Action Issued
Denial Notice of Action Issued
Engineering Plan Submittal (if needed)

4. **Submittal Requirements.** Applications for minor and major site plan review and engineering plan review shall be made on forms available at the Community and Economic Development Department.

A. **Minor Site Plan Submittal.** The following information shall be required on all minor site plans:

(1) Project address, names, north arrow, zoning designation

(2) Property lines and dimensions

(3) All existing and proposed:

(a) Buildings/Building Additions (including setback and area dimensions)

(b) Parking areas and drive aisles (including dimensions)

(c) Driveways

(d) Loading areas

(e) Sidewalks

(f) Rights-of-way/easements

(g) Bicycle rack(s)

(h) Trash receptacles/enclosures

(i) Landscaping

(j) Walls/fences

(k) Exterior lighting

(l) Stormwater facilities

(m) Ground signage

(4) Any other items deemed necessary by the Planning and Zoning Administrator to illustrate compliance with the standards of this Zoning Ordinance.

The Planning and Zoning Administrator may waive particular minor site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

B. **Major Site Plan Submittal**. The following information shall be required on all major site plans:

(1) Title block with name of proposed development, and the name, address and phone number of the property owner, developer and architect/engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.

(2) Location map showing the proposed site location, zoning classifications and major roads.

(3) The site plan shall be drawn to scale not less than one-inch equals 50 feet.

(4) Date, north arrow, and scale.

(5) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

(6) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.

(7) Demolition Plan.

(8) The percentage of land area devoted to building, paved, and open space.

(9) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within 50 feet of the subject property lines.

(10) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted. The dimensions of proposed parking spaces and maneuvering lanes shall also be provided.

(11) Location and height of all walls, fences, and landscaping, including a landscaping plan.

(12) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

(13) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.

(14) Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.

(15) A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.

(16) Density calculations (for multiple family projects).

(17) Principal and accessory buildings.

(18) Designation of units by type of buildings.

(19) Sidewalks and pedestrian or bicycle paths.

(20) Bicycle rack location(s) and details

(21) Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with section 10.512.

(22) Trash receptacle and transformer locations and method of screening, including details

(23) Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.

(24) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.

(25) Designation of fire lanes.

(26) Location, size and types of all proposed signs.

(27) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.

(28) Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right-of-way.

(29) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.

(30) Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.

(31) Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.

(32) The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by city).

(33) The city may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.

(34) The site plan shall detail the location of the following:

(a) Public or private wells on-site and on adjacent sites.

(b) Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.

(c) Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.

(d) Existing and proposed underground and above-ground storage tanks and the material stored therein.

(e) Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

(f) Wetlands, watercourses, and drains.

(g) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service—Soil Survey.

(h) Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.

(35) A receipt of submission to all applicable reviewing jurisdictions, such as county, state, or federal agencies.

The Planning and Zoning Administrator and/or Technical Review Committee may waive particular major site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

C. **Engineering Plan Submittal.** The following information shall be required on all Engineering Plans:

(1) All information required for Major Site Plans, per ***Section 15.04(4)(B),*** above.

(2) Boundary survey prepared by a Michigan Professional Surveyor.

(3) Topographic survey including information 100 feet off-site. All elevations must be measured in relationship to U.S.G.S. datum and one site benchmark is required (two site benchmarks are required for any site larger than one acre).

(4) Demolition plan showing all structures to be removed and method of disposal.

(5) Site grading plan showing all proposed elevations with the purpose of containing all stormwater runoff on site. The grading of the subject site must not interfere with natural drainage of adjacent sites.

(6) Utility plan showing the layout and necessary details for the installation of water, sanitary, and storm systems. Profiles are required for all public utilities.

5. **Site Plan Review Criteria.** The approving body shall consider and require compliance with the following:

A. All application and site plan review submittal criteria have been met.

B. The site plan is in full conformance with all applicable Zoning Ordinance requirements.

C. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.

D. On-site and off-site circulation of both vehicular, non-motorized and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site, including emergency vehicle access.

E. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.

F. Utility service, including proposed water, sanitary sewer and the development and the recommendation of the city's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the department of health, drain commission or road commission, are a prerequisite or condition to approval.

G. Notwithstanding any other provisions of this Ordinance, the city may require as a condition of site plan approval, landscaping, berms, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this Ordinance.

H. **Groundwater and Surface Water Protection Standards.**

(1) **General.**

(a) The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.

(b) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.

(c) Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.

(d) Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.

(e) State and federal agency requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.

(f) In determining compliance with the standards in this Ordinance, the city may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.

(2) **Above-Ground Storage and Use Areas for Hazardous Substances and Polluting Materials.**

(a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

(b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.

(c) Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.

(d) Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.

(3) **Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials.**

(a) Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.

(b) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.

(c) Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.

(4) **Sites with Contaminated Soils and/or Groundwater.**

(a) Site plans shall detail the nature of location and extent of any contaminated soils or groundwater on the site.

(b) Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

6. **Site Plan Validity, Expiration, and Extensions.**

A. **Expiration of Site Plan Approval.** The approval of any minor or major site plan under the provisions of this Ordinance shall expire and be void one year after the date of such approval unless an extension is approved as noted below. A minor or major site plan that has been submitted for Engineering plan review shall not be deemed expired, unless said engineering plan has expired.

B. **Expiration of Final Engineering Plan Approval Expiration.** Approval of any engineering plan under the provisions of the Ordinance shall expire and be void one year after the date of such approval unless actual physical construction of a substantial nature of the improvements included in the approved site plan has commenced and proceeded meaningfully toward completion during that period , and if a written request for extension of the approval has been submitted by the applicant as noted below. Upon expiration of an engineering plan, all site plan approvals shall expire.

C. **Extension of Site Plan and Engineering Approval.** The site plan validity time limit set forth in Section 15.046)(A) above, may be extended subject to all of the following:

(1) All applicable fees and bonds are paid.

(2) The applicant shall request an extension in writing, at least 30 days prior to the expiration of the approval period and shall demonstrate that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.

(3) The approved plan to be extended shall comply with all current site plan criteria and current ordinances, laws, codes and regulations.

(4) There shall be no pending Zoning Ordinance amendment which would substantially change the requirements of the approved plan; In such instance, the applicant should submit a revised site plan.

(5) The Planning and Zoning Administrator may grant the first extension for up to six months. Any subsequent extensions would require approval of the original approving body. No more than a total of three six-month extensions shall be granted.

D. **Approval and Issuance of Building Permits.**

(1) Building permits shall not be issued until site plan approval has been granted by the Technical Review Committee, planning commission (if applicable) and the city engineering consultant has approved the final engineering plans for the site, if required.

E. **Amendments of Approved Site Plans.** An approved site plan for a project which has not yet been completed may be amended by written application. Where the Planning and Zoning Administrator deems an amendment to be minor in scale, the Planning and Zoning Administrator may review and act upon the proposed amendment. Major changes, as determined by the Planning and Zoning Administrator, shall proceed to the body or board responsible for original site plan approval and shall satisfy all the substantive and procedural requirements for minor or major site plans. For purposes of interpretation, the following shall be considered minor changes:

(1) The size of approved principal or accessory structures may be reduced or increased by up to five percent provided the overall density of units, where applicable, does not increase. One accessory structure may be added, provided that it is no greater than 250 sq. ft. in area.

(2) Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.

(3) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.

(4) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

(5) Changes of building materials to another of similar or higher quality, as determined by the Community and Economic Development Department.

(6) Changes in floor plans which do not alter the character of the use.

(7) Slight modification of sign placement or reduction of size.

(8) Changes required or requested by the city, county, state, or federal agency for safety reasons.

(9) Situations similar to the above, as determined by the Planning and Zoning Administrator.

F. **Conformity with Approved Site Plan Required.** Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the owner.

G. **Inspections.** The Planning and Zoning Administrator shall be responsible or inspecting all improvements for conformance with the approved site plan and all zoning regulations. All other improvements shall be inspected by the appropriate department, inspector, or an agency as needed. The Planning and Zoning Administrator may obtain inspection assistance from other City departments, as needed. Per ***Section 15.03***, Certificates of Occupancy shall not be issued until all open site plan inspections have been completed and approved in accordance with this Section.

H. **Appeals to Site Plan Decisions.** Any person aggrieved by the decision of the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission relating to their action on a site plan or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals in accordance with ***Section 15.06***.

I. **Accuracy of Information.** The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

J. **Revocation of Site Plan Approval.** The body which approved the original site plan may, upon hearing, revoke approval of a site plan if it is determined that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the reviewing body, shall cease. The reviewing body may direct the Community and Economic Development Department to issue a stop work order to enforce its determination. Upon revocation, the reviewing body may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the reviewing body .

7. **Site Plan Guarantee.**

A. Prior to the issuance of any building permit for any project or development which requires major site plan review, or any site deemed necessary by the Planning and Zoning Administrator under this Ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the city. Said deposit shall guarantee completion of all site improvements shown on the approved site plan and, if required, engineering plan. For the purpose of this section, completion shall mean inspection by the appropriate city officials and approval for compliance with the approved site plan and, if required, engineering plan, not less than six months after the last occupancy certificate has been issued.

B. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.

C. The amount of the guarantee shall be as established from time to time by city council resolution.

D. In the event the applicant fails to correct any deficiencies within 30 days of written notice from the city, the city shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine months following the issuance of the last Certificate of Occupancy unless good cause can be shown by the applicant for the delay in completion. The city may, at its sole discretion, agree in writing to a specific extension of the nine-month period. The city may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

E. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable city standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided:

(1) The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.

(2) The guarantee shall not be reduced below the minimum amount required above.

F. **Types of Completion Guarantees.** The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the city. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last Certificate of Occupancy for the entire project and, if required, shall be renewed by the applicant not less than 30 days prior to expiration.

Section 15.05 Special Land Use Review

1. **Purpose.** The purpose of this section shall be to:

A. Require Special Land Use approval for certain uses in all zoning districts that are listed as Special Land Uses.

B. Establish review procedures for all Special Land Uses.

C. Establish review standards for all Special Land Uses.

D. Establish the Planning Commission as the advisory board and City Council as the final review and approval authority for Special Land Uses.

E. Establish authority to impose conditions upon Special Land Uses.

2. **Submission and Review Process**. All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:

A. Applicant may request a preliminary meeting with Community and Economic Development Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.

B. Applicant submits application, fee, two (2) copies of the proposed conceptual site plan, and a digital version of the conceptual site plan, to the Community and Economic Development Department (site plan must be reduced to 11″ x 17″). A separate site plan application is not required at the time of special land use review. A conceptual site plan shall include at a minimum:

(1) Location map showing the proposed site location, zoning classifications and major roads.

(2) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

(3) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.

(4) The percentage of land area devoted to building, paved, and open space.

(5) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths.

(6) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.

(7) Location and height of all walls, fences, and landscaping, including a conceptual landscaping plan.

(8) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.

(9) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.

(10) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.

(11) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.

(12) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.

C. The Planning and Zoning Administrator may waive particular submittal items, as listed above, upon a determination that such items are not necessary for making a determination on the requested Special Land Use.

D. The Technical Review Committee reviews the Special Land Use application for general conformance with Ordinance requirements and transmits review comments to the applicant for revision, if necessary. Applicant submits revised materials to Planning and Zoning Administrator, if necessary, for re-consideration by Technical Review Committee. Comments made by the Technical Review Committee shall be forwarded onto Planning Commission for consideration.

E. The Planning and Zoning Administrator notifies the City Clerk when Special Land Use applications are adequate for consideration by The Planning Commission. The Planning and Zoning Administrator and City Clerk establish a public hearing date and post/send public notices in accordance with ***Section 15.01.***

F. The Planning Commission shall hold a public hearing. Following the public hearing, the Planning Commission shall review the request and make a recommendation to the City Council in the form of a motion. The recommendation may be subject to certain conditions or changes being made.

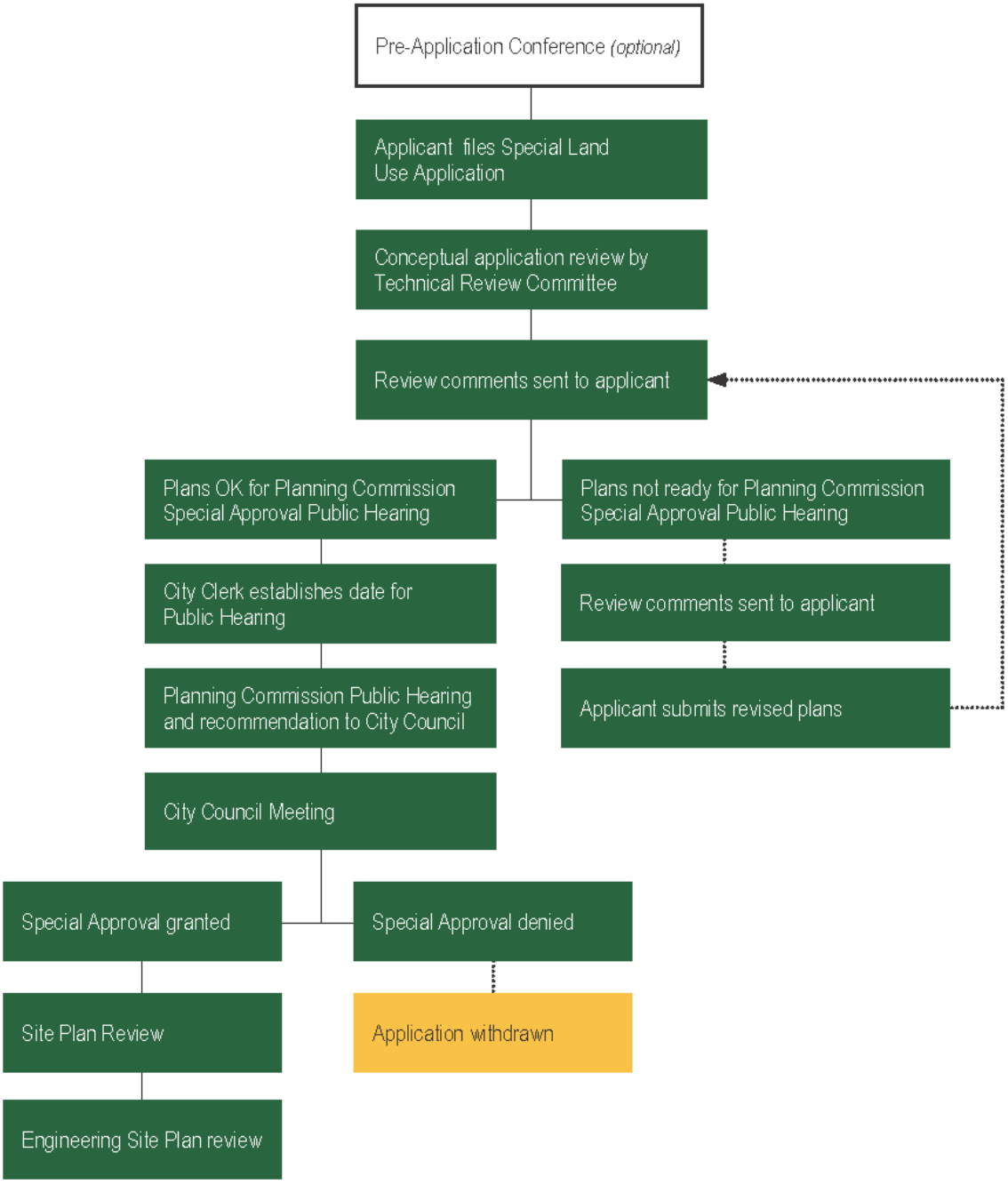
If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.

G. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the Planning Commission recommendation, and approve, approve with conditions, or deny the application for special use approval. If City Council requires additional information, the application may be postponed to a date certain until such information has been received.

H. Each action taken with reference to special land use approval shall be duly recorded in the minutes of the Planning Commission and City Council and shall state the grounds for the action taken upon each special use submitted for its approval.

I. Special land use approval shall be obtained from the City Council before issuance of a Certificate of Occupancy for any special land use, and prior to the submittal and approval of a site plan, engineering plan, and building permit, if required.

J. The Planning and Zoning Administrator, in coordination with the City Clerk, sends the applicant a Notice of Action and a copy of the City Council minutes from the meeting in which the case was acted upon. If Site Plan approval is required for the project, the applicant may apply for Site Plan review in accordance with ***Section 15.04***


Pre-Application Conference (optional)
Applicant files Special Land Use Application
Conceptual application review by Technical Review Committee
Review comments sent to applicant
Plans OK for Planning Commission Special Approval Public Hearing
Plans not ready for Planning Commission Special Approval Public Hearing
City Clerk establishes date for Public Hearing
Review comments sent to applicant
Planning Commission Public Hearing and recommendation to City Council
Applicant submits revised plans
City Council Meeting
Special Approval granted
Special Approval denied
Site Plan Review
Application withdrawn
Engineering Site Plan review

3. **Review Standards and Criteria.** In approving a special land use, the Planning Commission and City Council shall make a finding that the proposed Special Land Use is in compliance with all of the following standards:

   A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.

   B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.

   C. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

   D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:

      (1) Location of use(s) on site;

      (2) Height of all improvements and structures;

      (3) Adjacent conforming land uses;

      (4) Conformance with the Master Plan and future land use map for the area as adopted by the planning commission; and

      (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.

   E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

      (1) Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;

      (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);

      (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;

      (4) Adequacy of sight distances;

      (5) Location and access of off-street parking;

      (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

   F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

   G. In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

4. **General Stipulations.**

   A. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the Special Land Use Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

   B. The discontinuance of a special land use after a specified time may be a condition to the issuance of the permit. Renewal of a special land use permit may be granted after a review and determination by the city council that

continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

C. Application for Special Land Use Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Land Use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the city.

D. Special Land Use Approval is valid for a period of one year. When required, site plan approval and commencement of construction of approved improvements must occur within one year of the city council's Special Land Use Approval or the Special Land Use Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.

E. When an established use approved under the special land use approval procedure ceases to function or is abandoned for a period of six months, the special use approval shall lapse and shall no longer be in effect.

F. The record of the city council shall be the approved minutes for Special Land Use cases. Said record shall be made available to the applicant whether the Special Land Use Approval request is approved, approved with conditions, or denied and shall constitute notice of the city council's decision regarding the Special Land Use Approval request.

G. The Planning Commission shall give notice of the time and place of the required public hearing as required by state law.

H. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Land Use Approval, any conditions imposed by the city council and the approved site plan.

I. A special land use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the city council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, planning commission and city council action, in regard to the rezoning of a site which is occupied or used under a special use permit.

J. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the city council shall be resubmitted until the expiration of one year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the city council. Each reapplication will be treated as a new application.

K. Appeals: No decision or condition related to a special land use application shall be appealed to the Zoning Board of Appeals. An appeal of a special land use decision or condition may be taken to Circuit Court.

5. **Amendments, Expansions or Change of Special Land Use.** The following provisions apply when there is an amendment or a proposed expansion to an approved special land use, an amendment or proposed modification to a condition previously applied to a special land use, or when there is a proposed change from one special land use to another.

A. **Amendments.** Any applicant who has been granted special land use approval shall notify the Planning and Zoning Administrator of any proposed amendment to the approved Special Land Use. The Planning and Zoning Administrator shall determine whether a proposed amendment requires new special land use approval. New special land use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display. Any alteration of previously approved conditions pertaining to a special land use approval shall require resubmittal and new Special Land Use consideration by Planning Commission and City Council in the manner described in this Section.

B. **Expansions.** An expansion of any use requiring a special use approval that results in an increase of 10% or more of the building, parking, paved areas, or site area shall require resubmittal and new Special Land Use consideration in the manner described in this Section.

C. **Change in Use.** The applicant shall be responsible for informing the Planning and Zoning Administrator of any significant change in an approved special land use, operations, or activities prior to any such change. The Planning and Zoning Administrator shall determine if a new special land use approval is required. A significant change shall

mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

Section 15.06 Variances and Appeals

1. **Administrative Appeals.** The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or interpretation made by the Planning and Zoning Administrator, zoning enforcement officer, or any other administrative official, board or commission in carrying out or enforcing any provision of this Ordinance, except where this Ordinance prohibits Zoning Board of Appeal Action (e.g. direct appeal to Circuit Court).

   A. An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the building inspector aggrieved by the decision, order, requirement, or determination made by the Planning and Zoning Administrator, Technical Review Committee, Planning Commission, zoning enforcement officer, or other administrative official or board or commission tasked with administering or enforcing the provisions of this Ordinance. Such appeal shall be taken by filing a notice of appeal with the Planning and Zoning Administrator on appropriate forms provided by the Community and Economic Development Department. The Planning and Zoning Administrator shall transmit all papers constituting the records of such appeal to the board. The board may require the applicant to furnish such surveys, plans or other information as may be required for the proper consideration of the matter. Upon a hearing before the board, any person or party may appear in person, or by agent, or by attorney.

   B. **Time for Appeal.** An appeal shall be filed to the Planning and Zoning Administrator within thirty (30) days from the date listed on the Notice of Action referring to the order, requirement, decision, or determination which is the subject of the appeal.

   C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and ***Section 15.01.***

   D. The board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Zoning Board of appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the building inspector and on due cause shown.

2. **Variances.** The ZBA shall have the power to authorize, upon application, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant's petition:

   A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and

   B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and

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 statue 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.

5. **Conditions Pertaining to the Issuance of a Temporary Use Permit.** In granting a temporary use permit, the approving body may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

   A. Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and

   B. 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.

6. **Submittal Requirements.** The following information shall be required with the submittal of a temporary use permit application:

   A. Application Form

   B. A detailed description of the temporary use, including anticipated dates and hours of operation, employees, anticipated visitor numbers, etc.

   C. Letter of authorization from all property owners authorizing agent to act as applicant, where applicable.

   D. A sketch plan (to scale) illustrating, at minimum:

      (1) Property lines and adjacent roads, streets, alleys.

      (2) Adjacent uses and zoning districts.

      (3) Existing and proposed buildings and structures, landscaping, and other site improvements.

      (4) Location of the intended use on the property and a written description adequately defining the location of the temporary use.

      (5) Sign location(s) and size(s)

      (6) Pedestrian walkways

      (7) Parking and loading stalls with dimensions

      (8) Trash and refuse collection areas

      (9) Exterior lighting

7. **Appeals to Temporary Use Decisions**. Any person aggrieved by the decision of the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission relating to their action on a temporary use permit shall have the right to appeal the decision to the Zoning Board of Appeals in accordance with ***Section 15.06.***

Article 16.
Violations, Penalties, and Enforcement

Section 16.01 Responsibility of Enforcement

The Planning and Zoning Administrator, or their designee(s) (including but not limited to code and zoning enforcement officers), is responsible for enforcing the provisions of this Code.

Section 16.02 Violations

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than $25.00 nor more than $500.00 for each such conviction, or shall be punished by imprisonment for a period not exceeding 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

Section 16.03 Public Nuisance Per Se

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

Section 16.04 Fines, Imprisonment, etc.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, any person who has assisted knowingly in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fine and imprisonment herein provided.

Section 16.05 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 16.06 Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 16.07 Stop Work Order

The Planning and Zoning Administrator, or their designee(s), may issue and serve upon a person pursuing the activities in violation of this Ordinance a stop work order requiring that the person stop all activities in violation of this Ordinance.

Section 16.08 Permit Suspension or Revocation

Any development or site plan permit, approval, Certificate of Occupancy, or other form of authorization required under this Ordinance may be suspended or revoked if the Planning and Zoning Administrator determines that:

1. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit, development approval, or Certificate of Occupancy;
2. The permit, development approval, or Certificate of Occupancy was procured by false representation; or
3. The permit, development approval, or Certificate of Occupancy was issued in error.

Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the permit or certificate was issued or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice.

Proposed Zoning Map

City of Madison Heights, Michigan

January 25, 2024 - DRAFT

Legend

- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Regional Business District
- CC City Center
- H-M Manufactured Home District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- MUI-1 Mixed Use Innovation
- MUI-2 Mixed Use Innovation
- N-P Natural Preservation and Recreation District
- O-1 Office Building District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-MF Residential Multiple-Family
- R-MN Residential Mixed Neighborhood
- City Boundary
- Other Municipal Boundaries
- Roads

0 1,000 2,000 Feet

Basemap Source: MCGI, Version 17a. Oakland County GIS, 2022
Data Source: City of Madison Heights, 2024. McKenna, 2024.

MCKENNA

And CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES
March 19, 2024
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

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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
City Manager Melissa Marsh
Commissioner Eric Graettinger
Commissioner Melissa Kalnasy
Commissioner Grant Sylvester

Absent: Commissioner Cliff Oglesby

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

Additional Councilmembers Present: Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Grafstein, seconded by Commissioner Graettinger to excuse Commissioner Oglesby.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Commissioner Grafstein, seconded by Commissioner Kalnasy to approve the minutes of the regular Planning Commission meeting of February 24, 2024.

Motion carries unanimously.

5. JOINT PUBLIC HEARING

a. New Zoning Ordinance – Complete Draft for Review and Consideration

Planner Lonnerstater welcomed everyone and showed a copy of the Madison Heights code of ordinances that was first written in 1962. The City of Madison Heights has received a grant from the MEDC for $30,000 to update the zoning. The City has been working in conjunction with consultants from McKenna, a steering committee and the Planning Commission to rewrite the zoning ordinance. The first draft was included in the packet as distributed. The zoning ordinance rewrite includes new districts, renamed districts and districts to be eliminated.

McKenna consultant Adam Cook described the building types in form based codes. New districts include:

1. City Center Form Based District
2. Mixed Use innovation 1 – Zoned light industrial and primarily in the southern end of John R Road and 10 Mile.
3. Mixed Use innovation 2 – Intended for large parking lots (i.e. Target, Meijer etc)

Renamed districts include:

4. Residential mixed neighborhood (R-MN) renamed from the current R-T two family district. Currently only one parcel allows for R-T. In the proposed zoning map, this newly renamed district is significantly expanded.
5. Manufactured homes district – Renamed to update current terminology.
6. Natural preservation district – renamed to allow for the inclusion of public park and recreation facilities. Most public park facilities are presently zoned residential.
7. Neighborhood Business (B-1), Community Business (B-2), and Regional Business (B-3): Renamed to more accurately reflect the increasing intensity of permitted business uses in each district.

Eliminated districts :

8. Residential Condominium (R-C): Condominiums represent a form of ownership, not necessarily a building or land use type. Condominium-style ownership may be applied in any zoning district to many different layouts, including site condominiums and building condominiums. Separate processes for each are contained in the Zoning Ordinance.
9. High-Rise (H-R) District: With the addition of the City Center and Mixed-Use Innovation districts which allow for greater building heights and a mix of uses within the same building, the High-Rise district became redundant. Properties presently zoned H-R are proposed as Mixed-Use Innovation 1 or 2 or Multi-Family Residential
10. Vehicular Parking (P-1/P-2) Districts: In the proposed Zoning Ordinance, stand-alone parking lots are permitted as special land uses in certain districts with use-specific standards, eliminating the need for separate parking zoning districts.

Chair Champagned opened the public comment at 6:13 pm.

Tom Yazbeck, member of YIMBY Oakland County Chapter spoke in support of the zoning ordinance proposed revisions. He was encouraged by the prospect of more affordable housing, a more walkable downtown, and form based proposed zoning.

The Clerk of the meeting distributed a letter from Katie Woock of Royal Oak, who supported the proposed zoning ordinance amendments. The letter is attached to the minutes.

Seeing no other comments, Chair Champagne closed the public comment portion of the meeting at 6:20 pm.

Discussion followed amongst the Commissioners in regards to the proposed amendments.

Motion by Commissioner Kalnasy, seconded by Commissioner Graettinger to move that pursuant to the processes set forth in the Michigan Zoning Enabling Act, PA Act 110 of 2006, together with the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19, 2024, the Planning Commission recommends that City Council approve the new Zoning Ordinance, including the Zoning Map, replacing the Zoning Ordinance and Zoning Map in its entirety subject to the condition that the permitted use table be revised to adequately reference the pertinent marihuana regulations/ordinances for adult use and medical marihuana facilities and primary caregivers.

Motion carries unanimously.

6. MEETING OPEN TO THE PUBLIC for items not listed on agenda

Chair Champagne opened the meeting to the public at 7:18 pm. Seeing no comments from the public, he closed the meeting to the public at 7:19 pm.

7. UNFINISHED BUSINESS

No unfinished business at this time.

8. MEMBER UPDATES

Commissioner Bliss expresses his gratitude to the Planning Commission members for all of their work on this zoning ordinance rewrite.

9. ADJOURNMENT

Meeting adjourned by the Chair at 7:20 pm.

Subject: Support of Proposed Zoning Ordinance Changes
March 19, 2024

To the Madison Heights Planning Commission:

I am writing to express my enthusiastic support for the proposed zoning ordinance changes in the city of Madison Heights. Specifically, I want to voice my strong endorsement for two key provisions: allowing Accessory Dwelling Units (ADUs) citywide and the expanded Residential-Mixed Neighborhood district that allows duplexes, triplexes, and quadplexes by-right. Additionally, I applaud the efforts aimed at enhancing walkability and promoting the development of a vibrant downtown area.

The proposal to allow ADUs citywide is a progressive step forward in addressing the housing needs of the community. ADUs not only offer affordable housing options for residents but also contribute to the diversity and vibrancy of neighborhoods. By embracing ADUs, Madison Heights can foster a more inclusive and sustainable living environment. Permitting ADUs also gives a measure of freedom back to property owners, allowing them to make choices about how to use their own land.

Expanding the RMN zone to allow duplexes, triplexes, and quadplexes by-right aligns with the principles of smart urban development and efficient land use. This measure not only maximizes the utility of available space but also encourages a more diverse range of housing options. These units can encourage growth while preserving the character and integrity of neighborhoods.

Additionally, I commend the efforts to increase walkability and promote a more vibrant downtown area near where people live. Enhancing pedestrian infrastructure and investing in non-car transportation options not only reduce traffic congestion but also improve public health and environmental sustainability. By prioritizing an attractive downtown close to homes, Madison Heights can foster a more connected and livable community for current and future generations. As a resident of Royal Oak, I enjoy biking to Madison Heights for the diverse shopping and dining options, and a more vibrant town would be even more of a draw for myself and the residents of nearby communities.

In conclusion, I urge the Planning Commission—and later the City Council—to support the proposed zoning ordinance changes. With these changes, Madison Heights will be a frontrunner on housing options and affordability in Oakland County and can create a more equitable, resilient, and vibrant community besides.

Thank you for considering my input and for your dedication to the well-being of Madison Heights.

Sincerely,

Kati Woock
Royal Oak

Public Hearing for Zoning Ordinance Update

Gabrielle Deliz <gdeliz@arc3communications.com>

Tue 3/26/2024 3:17 PM

To:Matt Lonnerstater <MattLonnerstater@madison-heights.org>

Hi Matt,

I hope all is well! I am a community planner with the Brick Industry Association. I just wanted to touch base about your zoning ordinance update. I saw that you guys had a joint public hearing on March 19th. What are the next steps and the tentative adoption timeline?

We support the requirements to have brick relief as part of the facade design along the principal frontage, that parking garage buildings shall have brick upper facades along street frontages, and that exterior materials shall be 50% brick with the remainder concrete.

Thank you for your insight!

--

photo **Gabrielle Deliz**
Director, Public Affairs at Arc 3 Communications

Address 145 Church Street, Suite 290, Marietta, Georgia 30060
Phone 678.348.6024 **Mobile** 321.352.0842 **Email** gdeliz@arc3communications.com
Website https://arc3communications.com/

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NOTICE OF PUBLIC HEARING FOR PROPOSED ZONING ORDINANCE

Item 4.

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **Monday, May 13th 2024, at 7:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, MI 48071** to consider the following:

New Zoning Ordinance and Zoning Map

An ordinance to repeal in its entirety Appendix A (Zoning Ordinance) of the Code of Ordinances of the City of Madison Heights, Michigan, including all related Zoning Maps, and adopt a new comprehensive Zoning Ordinance, including related Zoning Maps. The proposed Zoning Ordinance provides: a re-formatted layout and structure; new definitions, tables, and graphics; new and modified zoning districts; updated tables of permitted and special land uses for each zoning district; new flexible zoning tools; a form-based "City Center" zoning district; new use-specific standards; regulations for site development, including, but not limited to, building setbacks and height, landscaping, lighting, and parking; access management standards; revised signage regulations; standards for non-conforming situations; and new application submittal and review processes; among other elements.

A new Zoning Map is also proposed to reflect new, deleted, and modified zoning districts, relating to all properties within the City of Madison Heights.

The proposed draft Zoning Ordinance and Map are available for review on the City's website at: https://www.madison-heights.org/877/Planning-and-Zoning-Updates. The draft Zoning Ordinance and Map are also available for review at the Community and Economic Development Department, City Hall, 300 W. 13 Mile Road, Madison Heights, MI 48071. City Hall is open M-F, 8 a.m. to 11:30 a.m. and 12:30 p.m. to 4:30 p.m.

Public Comment:

All interested persons are invited to attend this public hearing to offer public comments. Public comments may also be emailed to the City Planner, Matt Lonnerstater at MattLonnerstater@madison-heights.org or mailed to the Community and Economic Development Department prior to the meeting. All comments received prior to 4:30 p.m. on May 10th, 2024 will be heard at the public hearing.

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Contact the Community and Economic Development Department at (248) 583-0831 for more information.

Published: Madison-Park News 04/17/2024

0367-2416

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Approval Request PSP 24-02 - Gasoline Service Station - 30901 Dequindre Rd.

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, Skilken Gold LLC/MC Development Holdings, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under Section 10.319(2) of the Madison Heights Zoning Ordinance, “gasoline service stations.” The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant at the subject property, located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008. The property is zoned B-1, Local Business District.

RECOMMENDATION:

Refer to staff report, including "Template Motion, Findings and Conditions" section on page 8.

MEMORANDUM

Date: May 1st, 2024

To: City of Madison Heights City Council

From: Matt Lonnerstater, AICP – City Planner

Subject: Special Approval Request PSP 24-01– 30901 Dequindre Road – Sheetz Gas Station and Convenience Store

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 8

Introduction

The applicant, MC Development Holdings, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under **Section 10.319(2)** of the Madison Heights Zoning Ordinance, *"gasoline service stations."* The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant at the subject property, located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008. The property is zoned B-1, Local Business District.

Planning Commission – Pre-Application Review

At the guidance of staff, the applicant voluntarily presented the development concept to the Planning Commission at their November 21st, 2023 meeting for preliminary feedback prior to submittal. Full draft meeting minutes are attached to this report. The Planning Commission's informal concerns and comments are summarized, below:

- Concerns about 24-hour operation relating to impacts on the adjacent residential properties (impacts such as noise, light, and increased traffic), including the proximity of the gas pump canopy to the west property line.
- Discussion on whether the proposed use meets the goals and objectives of the City's Master Plan.
- Concerns about adding another gas station/vehicular-oriented business at the intersection.
- Questions pertaining to the length of the land lease.
- Questions pertaining to accommodating electric vehicle charging.
- Concerns about potential pollution.

The applicant has attempted to respond to several of these concerns in their formal submittal. For example, the applicant has rotated the locations of the convenience store and fuel pumps so that the convenience store acts as a screen between the fuel pumps/canopy and the adjacent residential condominiums. The locations of parking spaces and the dumpster enclosure have been shifted away from the condominiums to the west. Additionally, the applicant has provided a traffic study, noise study, and air emissions study.

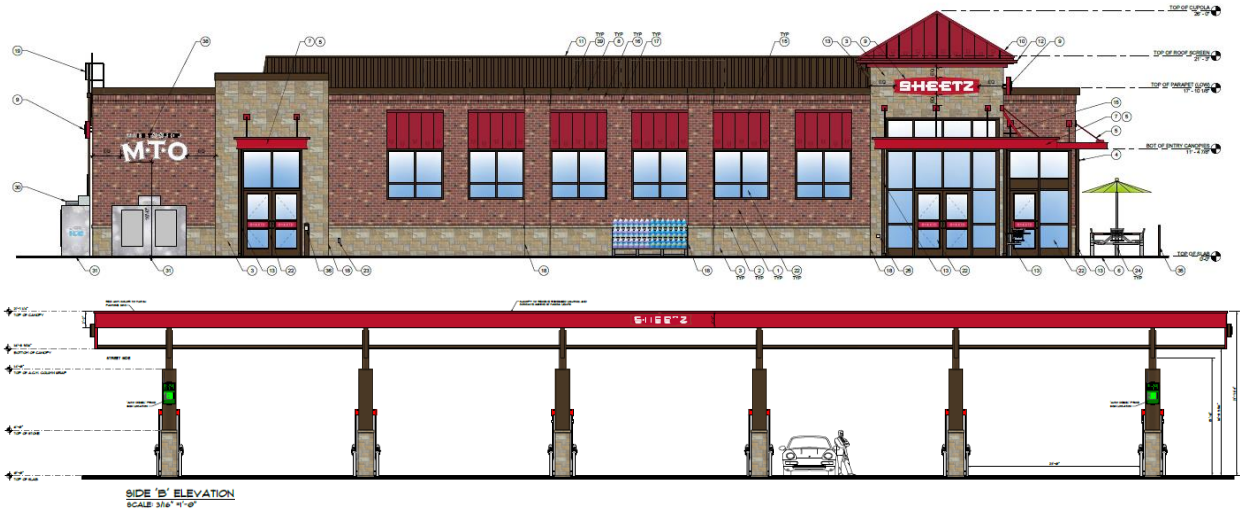
Project Details

The subject property is 1.55 acres in size and is currently improved with a strip retail center and associated parking lot, shown in the aerial image below. The applicant proposes to lease the property from the property owner, demolish the strip center, and construct a 6,132 sq. ft. convenience store and a fuel pump canopy with 8 fueling stations (16 total pumps). Per the project narrative, the convenience store will feature a quick-service restaurant with made-to-order and grab-and-go offerings. Proposed elevations are also provided below.

30901 Dequindre Road – Aerial Image – Existing Conditions



Proposed Elevations of Convenience Store and Fuel Pump Canopy



The submittal letter, dated March 21st, 2024, states that, as with the Sheetz business model, the proposed gas station and convenience store will operate 24 hours-per-day. This is corroborated by Sheetz' website, which includes a graphic stating *"your food made to order 24/7/365"* (24 hours a day, 7 days a week, 365 days per year), shown to the right.

Screen Shot from Sheetz' Website (accessed 1/30/24)



While convenience stores and restaurants are permitted by right in the B-1 district as general retail, *gasoline service stations* require Special Approval through City Council. Gasoline service stations are also subject to use-specific standards, discussed later in this report.

Landscape Buffer adjacent to Residential

Where a B-1 zoning district abuts a one-family residential district, Section 10.510(C) of the Zoning Ordinance requires a screen wall greenbelt. A screen wall greenbelt is a combination of a masonry screen wall and landscape area intended to form a complete visual barrier. Per the conceptual landscape plan, the applicant intends to utilize the existing screen wall along the western and southern property lines and plant additional landscaping within the buffer consisting of deciduous and evergreen trees and shrubs. Additional greenbelt landscaping is proposed along 13 Mile and Dequindre Roads, per ordinance requirements.

Special Approval Criteria

Requests for Special Approval are subject to criteria and review standards contained in Section **10.201(4).** The primary review standards are outlined below. The applicant has responded to these standards in their project narrative.

[…]

(C) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:

1. *Location of use(s) on site;*
2. *Height of all improvements and structures;*
3. *Adjacent conforming land uses;*
4. *Need for proposed use in specified areas of the city;*
5. *Conformance with future land use plans for the area as adopted by the planning commission;*
6. *Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

[…]

(G) The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.

[…]

(I) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions

of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

These approval criteria should be incorporated into any motion acting upon the Special Approval request. Additional criteria for reviewing Special Approval uses are contained at the end of this report.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Retail Strip Center	B-1, Local Business
North (across 13 Mile)	Gas Station (closes 11 PM); Restaurant	B-1, Local Business
South	Religious Institution	R-2, One-Family Residential
East (across Dequindre; City of Warren)	Gas Station (24 hours); Retail	C-1, Local Business; C-2, General Business
West	Residential Condominiums	R-2, One-Family Residential; R-C, Residential Condominium

The subject site is currently improved with an occupied strip retail center and associated parking lot, constructed around 1980. Three of the four corners at the intersection of E. 13 Mile Road and Dequindre Road are currently developed with auto-related uses, including two gas stations and an RV sales center. The proposed development, if approved, would become the third gas station at the intersection.

The site directly abuts a residentially-zoned parcel (R-2) to the south and west, currently owned and operated by the Arabic Evangelical Alliance Church. A small sliver of the church parcel, approximately 30-feet wide, separates the subject site from the Willow Hill residential condominium which contains approximately fifty (50) condominium units. The image below depicts a street view of the existing retail center with the Willow Hill condominiums visible to the rear.

Street View of Subject Site (from E. 13 Mile Road)



The site is zoned B-1, Local Business, which per the Zoning Ordinance is intended to, *"meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas."* Based upon the district description and permitted uses, the B-1, Local Business zoning district is the least intense of the city's three business zoning districts and is not primarily intended for regional or passer-by traffic.

Uses explicitly permitted by-right in the B-1 district include, but are not limited to:

- General recognized retail for persons residing in adjacent residential areas (groceries, meats, dairy products, baked goods, drugs, dry goods, and hardware).
- Personal service establishments that perform services for persons residing in adjacent residential areas (shoe repair, tailors, beauty parlors or barbershops).
- Professional office uses, including offices of doctors, lawyers, dentists, accountants, etc.
- Restaurants.

The full list of uses permitted in the B-1 district is attached to this report.

Future Land Use, Master Plan and Transportation

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Commercial
North (across 13 Mile)	Commercial
South	Commercial
East (across Dequindre; City of Warren)	Mixed Use Node
West	Multiple Family Residential

The future land use designation of the subject site is '*Commercial.'* Per the Master Plan, the Commercial designation is intended to cover a broad range of goods and services. The Commercial designation calls for development regulations aimed at incremental improvements for existing development and redevelopment. The Master Plan/Future Land Use Plan does not break down the Commercial designation into different levels or intensities of commercial uses.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Approval request:

Community Character

- *Enhance the city's commercial corridors to support walkability and improve community identity.*
- *Promote the city's positive identity in the region.*
- *Promote the use of quality building design and materials to enhance the appearance and long-term maintenance of new development.*
- *Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.*

Commercial & Industrial Development

- *Promote 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.*
- *Promote walkability by ensuring sufficient local destinations for goods and services.*

Transportation

- *Improve community health by encouraging non-motorized travel.*
- *Require transportation infrastructure decisions that support the land use recommendations of the Master Plan.*
- *Explore opportunities for alternative transportation methods for those who don't have access to a car.*

The applicant has provided a Traffic Impact Study performed by Stonefied Engineering, dated September 11th, 2023. The study speculates that the proposed development will not have significant impacts on traffic operations of the adjacent roadways, as most trips would consist of "pass-by" trips (those drivers already on the street heading to another destination.)

Use-Specific Standards and Site Plan Requirements

Section 10.319(2) of the Zoning Ordinance contains use-specific standards for gasoline fuel stations in the B-1 district, listed in full at the end of this report. While the proposed development satisfies a majority of the use-specific standards, the project fails to meet the following:

(c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

Staff interprets this standard to mean that a proposed fuel station in the B-1 zoning district shall not be located immediately adjacent to a residential use or a residential zoning district. The subject property abuts R-2 residential zoning to the south and west and is located 30 feet from the Willow Hill residential condominiums, zoned R-C, Residential Condominium. As such, the project fails to meet this use-specific standard. The applicant has acknowledged the need to apply for a non-use variance from this standard, which would be heard and acted upon by the Zoning Board of Appeals (ZBA).

Staff Analysis

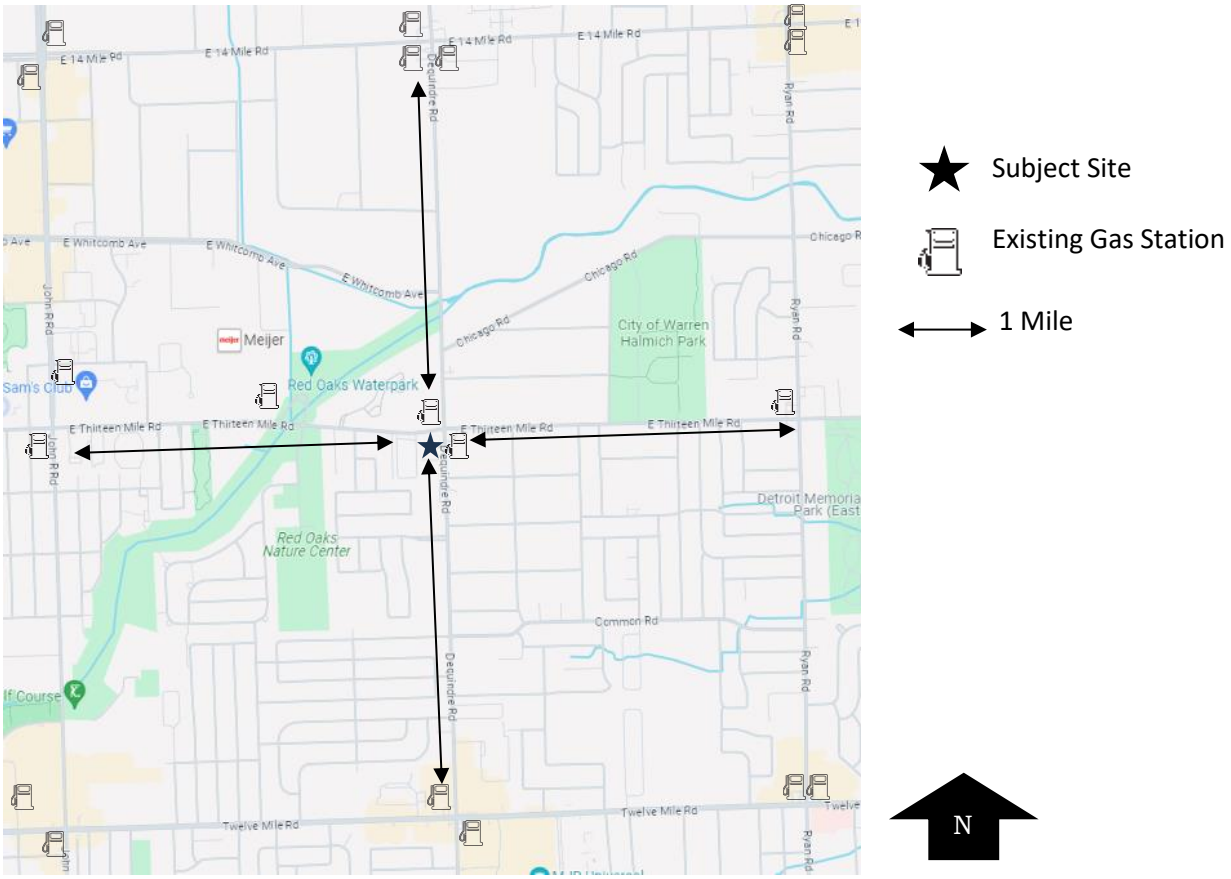
While the required screen wall greenbelt will offset some visual impacts, staff echoes the Planning Commission's concerns regarding the proximity of a 24-hour fuel station/convenience store immediately adjacent to residential land uses and residential zoning. This is especially concerning given that the proposed development directly goes against the use-specific standard of Section 10.319(2)(c) which prohibits gas service stations adjacent to residential. Staff also questions whether a 24-hour fuel station and convenience store meets the intent of the B-1, Local Business district, which is to *"meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas."* Commercial

uses permitted by-right within the B-1 district are primarily neighborhood-oriented, including groceries, bakeries, hardware stores, beauty salons, restaurants, and professional offices.

Staff has previously expressed concerns about the proliferation of new auto-oriented uses and businesses within the city; these are uses that primarily focus on, or are explicitly designed to provide, services for customers in vehicles. Auto-oriented uses conflict with the Master Plan's goals for walkable corridors and transportation networks. While the convenience store component is not by itself auto-oriented (and is a use permitted by-right), its placement and orientation on the property in combination with the fuel pumps presents a site design that is not particularly friendly, comfortable, nor safe for customers outside of a vehicle.

The map below depicts existing gas stations in proximity to the subject site. Staff notes that there are six (6) existing gas stations along the two-mile stretch of 13 Mile Road between John R and Ryan Roads, two of which are located at the intersection of 13 Mile and Dequindre. Including the two gas stations at the intersection, there are seven (7) existing gas stations along the two-mile stretch of Dequindre Road between 12 and 14 Mile; this amounts to eleven (11) existing gas stations within one linear mile of the subject site. Within the four (4) square miles shown on the map below, there are nineteen (19) existing gas stations (4.75 gas stations per square mile).

Existing Gas Stations in proximity to Subject Site



A Note on the Proposed Zoning Ordinance:

The draft of the new Zoning Ordinance and Zoning Map, scheduled for a final public hearing at the May 13th City Council meeting, has the subject property zoned as B-1, Neighborhood Business district. Within the new Zoning Ordinance, gasoline stations are no longer listed as a permitted or special land use in the B-1 district. Therefore, if both the proposed application and new Zoning Ordinance/Map are approved as presented, the gas station, once developed, would become a legally non-conforming use.

Conditions

Per Section 10.201(4)(k), City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the B-1 zoning district and the spirit of the Zoning Ordinance:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(c), "*the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district."*
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Template Motion, Findings and Conditions

Staff offers the following motions and findings as a suggested template and guide for City Council's motion on this case, either for approval or denial. Staff urges City Council to provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

MOVE TO **(APPROVE/DENY)** SPECIAL APPROVAL REQUEST NUMBER PSP 24-02 BASED UPON THE FOLLOWING FINDINGS PERTAINING TO THE SPECIAL APPROVAL CRITERIA OF SECTION 10.201(4):

1. The applicant requests Special Approval for a gasoline service station at 30901 Dequindre Road under Section 10.319(2) of the Zoning Ordinance, *uses permissible on special approval in the B-1 district.*
2. The subject site is zoned B-1, Local Business, which is intended to *"meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas."* The proposed gas station **(IS/IS NOT)** consistent with the intent of the B-1 zoning district and **(IS/IS NOT)** compatible with and **(IS/IS NOT)** no more objectionable than principal uses permitted by-right in the B-1 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, residential and religious uses, and is located across the street from auto-oriented uses and commercial zoning. The proposed gas station **(IS/IS NOT)** compatible with adjacent land uses.

4. The proposed use **(IS/IS NOT)** consistent with the site's *"Commercial"* future land use designation and **(IS/IS NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant **(HAS/HAS NOT)** demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use **(DOES/DOES NOT)** satisfy the use-specific requirements for gasoline service stations listed in Section 10.319(2). The applicant acknowledges the need to apply to the ZBA for a non-use variance from the specific-use standards of Section 10.319(2)(c).
7. The use **(DOES/DOES NOT)** have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and **(DOES/DOES NOT)** result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
8. The proposed use **(IS/IS NOT)** designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties. The use **(DOES/DOES NOT)** involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
9. Based on the above findings, the proposed use **(DOES/DOES NOT)** generally satisfy/satisfies the Special Approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested Special Approval use, staff recommends including the following conditions of approval relating directly to the site layout and operation of the proposed use, in accordance with Section 10.201(4)(k), to fulfill the spirit and purpose of the Zoning Ordinance and the intent of the B-1 zoning district:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(c), "*the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district."*
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Next Step

After the public hearing and discussion, City Council may take action on the requested Special Approval use. **Any motion shall include concise findings based upon the Special Approval review standards and criteria, Section 10.201(4). Per Section 10.201(3), City Council may postpone action on a Special Approval request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.**

Pertinent Zoning Ordinance Sections

Section 10.201 – *Special Approval Use Review Procedures and Requirements*

(4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:

(a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.

(b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.

(c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:

1. Location of use(s) on site;
2. Height of all improvements and structures;
3. Adjacent conforming land uses;
4. Need for proposed use in specified areas of the city;
5. Conformance with future land use plans for the area as adopted by the planning commission; and
6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.

(d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
4. Adequacy of sight distances;
5. Location and access of off-street parking;
6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

(e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.

(f) The use shall be properly served by utilities.

(g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.

(h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.

(i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of

operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

(j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.

(k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:

1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.

4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

(l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

ARTICLE V. B-1 LOCAL BUSINESS DISTRICTS [CONSOLIDATED]

PREAMBLE: The B-1 Business Districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

Sec. 10.318. Principal uses permitted.

(1) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: Groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, notions and hardware.

(2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, tailor shops, beauty parlors or barbershops.

(3) Office uses included in section 10.314, subsections (1) and (4).

(4) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.

(5) Restaurants, which may include take out, drive-through lanes and/or alcoholic beverages, subject to the standards listed below. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol, subject to the requirements listed below. Special approval is required for outdoor seating at any restaurant that serves alcohol.

(6) Other uses similar to the above uses.

(7) All uses shall be subject to the following restrictions:

   (a) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.

   (b) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(8) Accessory structures and uses customarily incident to the above permitted uses.

(9) Accessory dwellings in accordance with the following criteria.

   a. Dwelling units shall have a minimum area of 800 square feet.

   b. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this Ordinance.

   c. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.

   d. Parking shall provide for a minimum of one space per dwelling unit in addition to any parking requirements for the principal use(s).

   e. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application.

   f. Where accessory dwelling units are proposed for the second floor of a structure, a maximum building height of 30 feet and a third story to permit two story dwelling units is permitted. The third story shall be part of the dwelling unit located directly underneath.

Sec. 10.319. Uses permissible on special approval.

Under such conditions as the city council, after hearing, finds the use as not being injurious to the B-1 District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

(1) Publicly owned buildings; public utility buildings; telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

(2) Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:

(a) One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.

(b) The lot shall contain not less than 14,000 square feet of lot area.

(c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

(d) All buildings shall be set back not less than 40 feet from all street right-of-way lines.

(e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.

(f) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.

(g) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.

(h) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.

(i) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

(j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.

(k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.

(l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.

(m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.

(3) Rental of equipment and/or storage of equipment, trucks, camping trailers, and similar items at gasoline service stations subject to the following.

(a) Such use shall only take place on a site which is paved and drained to the specifications of the city engineer in areas in excess of the amount required for building, required setback, parking, loading and unloading space.

(b) Such use area shall be screened from view from all adjacent residential districts by a six-foot masonry wall with appropriate openings and gates to control egress and ingress.

(4) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, subject to the conditions listed in section 10.318(5) for outdoor restaurants in general.

(5) Video arcade businesses and indoor and/or outdoor recreational businesses.

(6) Restaurants with drive-through lanes located within the boundaries of the Southend Downtown Development Authority (DDA), subject to the use-specific standards of section 10.318(5)b.

(7) The construction of high-rise buildings up to three stories and 40 feet in height is permitted upon special approval subject to the following conditions:

a. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.

b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.

c. Residential uses shall not be permitted on the first floor.

d. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.

Template Motion, Findings and Conditions [PSP 24-02]

Staff offers the following motions and findings as a suggested template and guide for City Council's motion on this case, either for approval or denial. Staff urges City Council to provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

MOVE TO (APPROVE/DENY) SPECIAL APPROVAL REQUEST NUMBER PSP 24-02 BASED UPON THE FOLLOWING FINDINGS PERTAINING TO THE SPECIAL APPROVAL CRITERIA OF SECTION 10.201(4):

1. The applicant requests Special Approval for a gasoline service station at 30901 Dequindre Road under Section 10.319(2) of the Zoning Ordinance, *uses permissible on special approval in the B-1 district.*
2. The subject site is zoned B-1, Local Business, which is intended to *"meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas."* The proposed gas station (IS/IS NOT) consistent with the intent of the B-1 zoning district and (IS/IS NOT) compatible with and (IS/IS NOT) no more objectionable than principal uses permitted by-right in the B-1 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, residential and religious uses, and is located across the street from auto-oriented uses and commercial zoning. The proposed gas station (IS/IS NOT) compatible with adjacent land uses.
4. The proposed use (IS/IS NOT) consistent with the site's *"Commercial"* future land use designation and (IS/IS NOT) aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant (HAS/HAS NOT) demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use (DOES/DOES NOT) satisfy the use-specific requirements for gasoline service stations listed in Section 10.319(2). The applicant acknowledges the need to apply to the ZBA for a non-use variance from the specific-use standards of Section 10.319(2)(c).
7. The use (DOES/DOES NOT) have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and (DOES/DOES NOT) result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
8. The proposed use (IS/IS NOT) designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties. The use (DOES/DOES NOT) involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
9. Based on the above findings, the proposed use (DOES/DOES NOT) generally satisfy/satisfies the Special Approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested Special Approval use, staff recommends including the following conditions of approval relating directly to the site layout and operation of the proposed use, in accordance with Section 10.201(4)(k), to fulfill the spirit and purpose of the Zoning Ordinance and the intent of the B-1 zoning district:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(c), "*the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.*"
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES
November 21, 2023
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 5:32 p.m.

2. ROLL CALL

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

Absent: City Manager Melissa Marsh, 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 Commissioner Sylvester.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Commissioner Kalnasy, seconded by Graettinger to approve the minutes of the regular Planning Commission meeting of October 17, 2023.

Motion carries unanimously.

5. PUBLIC HEARING

The applicant who submitted the rezoning request PRZN 23-02 to rezone a parcel of land located at 1035 W. 12 Mile Road, has formally requested to postpone the public hearing and action to a later date. Because the City has already posted the request and sent notices to surrounding property

owners as legally required, the item was kept on the agenda to allow anyone from the public to speak on the matter.

The Chair opened the Public Hearing to the public at 5:35 pm. Seeing no comments, the public hearing was closed at 5:36 p.m.

Motion by Commissioner Grafstein, seconded by Commissioner Oglesby to postpone rezoning request PRZN 23-02 to a later date to be determined by Staff and the applicant.

Motion carries unanimously.

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

Chair Champagne opened the floor for public comment at 5:38 pm. Seeing none, public comment was closed at 5:38 pm.

7. NEW BUSINESS

A. Pre-Application Discussion [PPD 23-08] - 30901 Dequindre Road - Gas Station and Convenience Store

Chair Champagne introduced the first item under new business, pre-application discussion [PPD 23-08] - 30901 Dequindre Road - Gas Station and Convenience Store. City Assistant Attorney Burns noted before discussion was opened up, that this an informal discussion with the applicants. Commissioners should not make statements that express approval or denial.

Planner Lonnerstater introduced the applicant and their intent to seek preliminary feedback for a proposed 24-hour gas station and convenience store at 30901 Dequindre Road, located at the southwest corner of E. 13 Mile Road and Dequindre Road. There has been no application formally submitted.

The development features a 6,132 sq. ft. convenience store and a gas station with 8 fueling stations (16 total pumps. The property is zoned B-1 and is currently occupied by a strip retail center and parking lot. The applicant potentially would demolish the strip center to build the development. This would be a 24-7 operation.

Planner Lonnerstater explains that the convenience stores are permitted by right in the B-1 district but the gasoline station *would* require a special land use approval through City Council. He described the surrounding properties.

Planner Lonnerstater noted that Staff met with the proposed applicant and relayed their concerns to them. One is compatibility with adjacent land uses especially the residential in relationship to the B-1 standard that says it should not be adjacent to a residential district. It does abut to two properties zoned residential. A second concern is the compatibility with the intent of the B-1 district which is

our lowest intensity business district and is intended primarily to support the local neighborhood surrounding the site rather than have a regional presence. The third concern from Staff would be the land use pattern at this corner since this would be the third gas station and the fourth automobile related use at this corner. A fourth concern would be the impact on the current businesses in that strip mall and their plan for relocation.

The applicant introduced themselves and speak to the Commission about their proposed application. Derrick Rebo, with Sheetz Developer spoke first and introduced his team. David Brucklemeier, engineering manager, spoke on the history and background of the Sheetz Stores. Sheetz originally started out in the restaurant and convenience store business and moved into the fuel industry. He also described the construction and materials of their prototypical stores. This store would have space for 32 people. He discussed the company culture and wages and benefits and additional details of how the store gives back to the community.

Eric Williams of Stonefield spoke on the landscaping plans. 63 parking spaces are proposed and Sheetz would maintain two driveway approaches. He detailed more about the landscaping they plan to propose.

Chair Champagne opened the floor to the public at 5:50 pm to address applicant.

Resident Rachel Champagne spoke during public comment. She is a resident of the neighboring condos. She has concerns about another gas station on that corner and doesn't believe it is necessary. She does like the idea of updating that space but has concerns about a 24-hour convenience store being there.

Seeing no other comments, Chair Champagne closed the public comments at 5:52 pm.

Prior to further discussion between the Commissioners, Commissioner Kalnasy disclosed that she has done work with one of the Petitioners team and has current ongoing work with them and wonders if she should participate in this discussion. Per the recommendation of Asst. Attorney Tim Burns, and at the request of Mayor Grafstein, Commissioner Kalnasy voluntarily exited the room during this discussion. Chair Champagne also disclosed that he knows one of the members of the Sheetz team from a past work relationship but he does not work with him presently.

Discussion continued. Commissioner Bliss asked the team about average salaries and wages for Sheetz employees. The Sheetz team answered that there are multiple wage categories and it depends on the store location. A store sales associate on average earns $15 per hour, supervisor earns about $18 per hour, assistant store manager approximately $60,000-$70,000 while a general manager can earn up to $100,000. They also offer extensive benefits to full-time employees.

Another concern raised by the Planning Commission is the potential increase in traffic. The Sheetz team stated they did submit a preliminary income traffic study and mentioned some statistics on passerby traffic. A more detailed report would be submitted by the Sheetz team with a formal application.

Concern is also expressed about the 24 hour and 365 days a week hours of the facility and the noise and or increased traffic that poses for the neighboring residential area.

Another planning commissioner voiced concerns were about the view of the gas canopy for the residents. The petitioner will take that into consideration prior to the formal application.

Some additional concerns expressed by Planning Commission members are the following:

- Another vehicular oriented business adjacent to residential is not desirable per the master plan
- Infrastructure and noise since it abuts to the residential condos
- Future business of the gas station in relation to the increase of electric vehicles
- Length of lease at this site
- What happens if a business shuts down within the lease period and there is contamination and underground tanks left behind. Sheetz explains that they will remove the contamination and are fully responsible for that.
- Possible increase in pollution

After the Sheetz team left, Commissioner Kalnasy reentered the Council Chambers.

B. Adoption of 2024 Meeting Calendar

A recommendation is to remove one meeting in the summer in the presented 2024 meeting calendar. Consensus amongst Commission members is to remove the meeting in July 2024.

Motion by Commissioner Oglesby, seconded by Commissioner Graettinger to approve the 2024 planning commission meeting calendar as amended.

Motion carries unanimously.

8. MEMBER UPDATES

Commissioner Bliss gives an update on litigation that came before Council.

9. PLANNER UPDATES

Zoning Ordinance Rewrite Update

Planner Lonnerstater gives and update on the current zoning ordinance rewrite. The first complete draft from the zoning consultants is done. They intend to have the draft review ready at the February planning commission meeting.

10. ADJOURNMENT

Meeting adjourned by the Chair at 7:16 p.m.

Goals & Objectives

What are goals, objectives, and strategies?

- Goals are general guidelines that explain what the community wants to achieve. Goals are usually long-term and represent global visions such as “protect the city’s natural resources.” Goals define the “what,” “why,” and “where,” but not the “how.” Identifying obstacles to overcome is also useful in defining goals.
- Objectives identify the milestones that mark progress in achieving goals and provide more of the “how” goals will be implemented. For example, with a goal of “protect the city’s natural resources,” an objective to “maintain the city’s tree cover” is something that may be measured and tracked over time.
- Action items are more specific and define the steps to accomplish objectives and attain the identified goals. The most effective action strategies will include who will tackle that task and when it should be accomplished. For the above example objective of maintaining tree cover, one action strategy might be: “Using the city’s GIS data, map the current tree cover in the city.” This may be assigned as a staff item to be completed within one to three years.

Within each category, the goals are presented in clear, concise bullet points that address the following:

- What do we want?
- Why?
- Where? (Note: generally, the goals that follow apply throughout the city, but the question is included here as a guide for the future; some goals may apply in specific areas of the city)
- What are the potential obstacles or related considerations that may impact achieving the goal

The following goals incorporate the priorities identified throughout the planning process, as previously noted.



What do we want?

An authentic positive identity for the city that is reflected in residential neighborhoods as well as along commercial corridors.

COMMUNITY CHARACTER

Why?

- A positive identity for the city provides a sense of community and belonging for residents and businesses.
- A positive image and identity for the city helps support local businesses and attract new businesses.

Where? Throughout the city

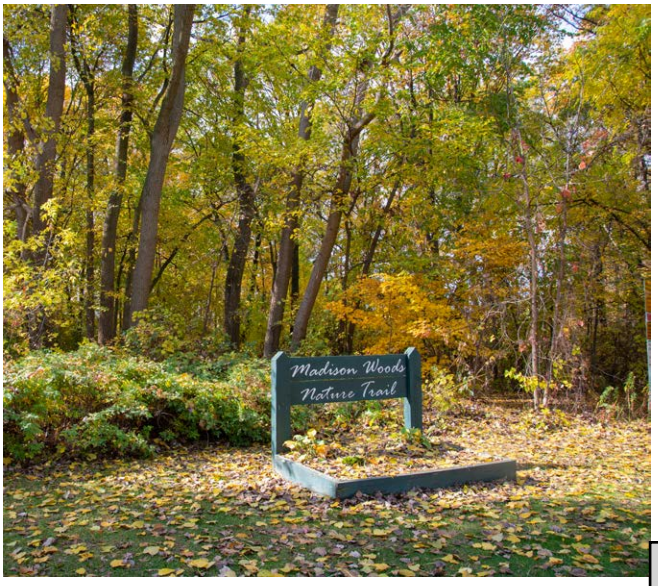
Potential obstacles/related considerations?

- Physical improvements to the appearance of the city require public and private investment.
- Outside perception of the city takes time to change.

Community Character Planning Objectives:

1. Enhance the city's commercial corridors to support walkability and improve community identity.
2. Improve communication between residents, the City and businesses.
3. Promote the city's positive identity in the region.
4. Promote the use of quality building design and materials to enhance the appearance and long-term maintenance of new development.
5. Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.





What do we want?

Attractive, safe, quiet and well-maintained neighborhoods; a diversified range of housing for people of all ages and abilities; and active neighborhoods that promote community connectedness.

HOUSING

Why?

- Safe housing in walkable environments allows older residents to "age in community."
- Attractive, walkable neighborhoods close to destinations appeals to younger residents and families.
- Ensure sufficient equitable housing for lower income residents.

Where? Throughout the city

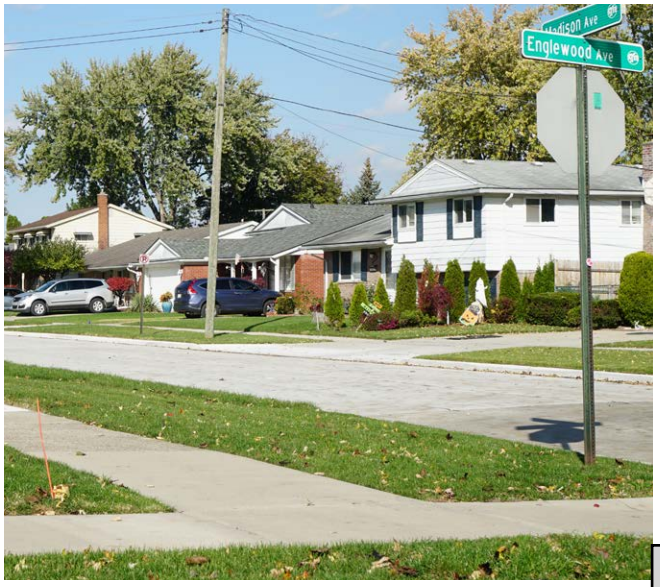
Potential obstacles/related considerations?

- All housing should be safe and well-maintained.
- Residents looking for larger, "move-up" housing may not find it in the city.
- Zoning regulations should support housing types desired by current and future residents.

Housing Objectives:

1. Encourage maintenance of and reinvestment in existing neighborhoods.
2. Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.
3. Provide a diverse range of housing options that meet the affordability, maintenance, and lifestyle needs of current and future residents.
4. Support neighborhoods by improving walkability and access to goods and services.





What do we want?

Thriving local businesses and an employed workforce; a convenient selection of goods and services; and a diverse tax base with a resilient economy.

COMMERCIAL & INDUSTRIAL DEVELOPMENT

Why?

- Provide meaningful, well-paying jobs for residents.
- Provide entry-level jobs for younger residents.
- Offer access to local goods and services for residents.

Where? Throughout the city

- Local goods and services should be accessible locally.
- Regional employment should be accessible to regional transportation facilities.



Potential obstacles/related considerations?

- Outdated commercial and industrial buildings may not meet the needs of current and future businesses.
- Transportation options may limit the ability for workers to reach businesses.
- Economic activity should be compatible with residential areas in terms of noise, traffic, lights, upkeep, and other nuisances.

Commercial & Industrial Development Objectives:

1. Encourage entrepreneurship and growth for diverse businesses of all sizes to promote a balanced local economy.
2. Provide incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.
3. 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.
4. Promote walkability by ensuring sufficient local destinations for goods and services.

What Do We Want?

Recreation facilities and programming that meet the needs of and are accessible to all residents; well-maintained infrastructure that meets the needs of current and future residents, businesses and visitors; and excellent public services that meet the health, safety and welfare needs of the community.



PUBLIC SERVICES & FACILITIES

Why?

- Provide access to recreation facilities and programming that is essential to building a socially and physically healthy community.
- Plan for and budget resources for infrastructure expenditures that are likely to grow over time as neighborhoods age.
- To provide a high level of service to city residents, including responsive, well-equipped emergency services

Where? Throughout the city



Potential obstacles/related considerations?

- Increasing costs of repair and replacement of infrastructure
- Additional resources will be needed to maintain aging parks and recreation facilities, while potentially adding and/or expanding facilities, amenities and programs

Public Services & Facilities Objectives:

1. Expand the range of recreational opportunities and facilities in Madison Heights in accordance with residents' needs and abilities.
2. Continue to seek opportunities to share facilities with other public and quasi-public agencies such as the school districts and non-profit organizations and institutions.
3. Replace aging infrastructure as necessary, with technologically advanced, state-of-the-art infrastructure and materials.
4. Evaluate Police and Fire facilities on a regular basis to determine whether modifications or additions are needed to serve the existing population and new development.
5. Continue to cooperate with surrounding communities and the County to provide public services.
6. Keep recreation and capital improvement plans up to date.

What Do We Want?

An efficient and safe multi-modal transportation network that offers mobility options to residents of all ages and abilities.

TRANSPORTATION

Why?

- To improve traffic safety
- To reduce traffic congestion by offering non-motorized options for local travel
- To appeal to residents and businesses looking for a community with a variety of transportation options
- To provide transportation choices that improve independence for residents of all ages and abilities
- To improve community health by encouraging non-motorized travel

Where? Throughout the city

Potential obstacles/related considerations?

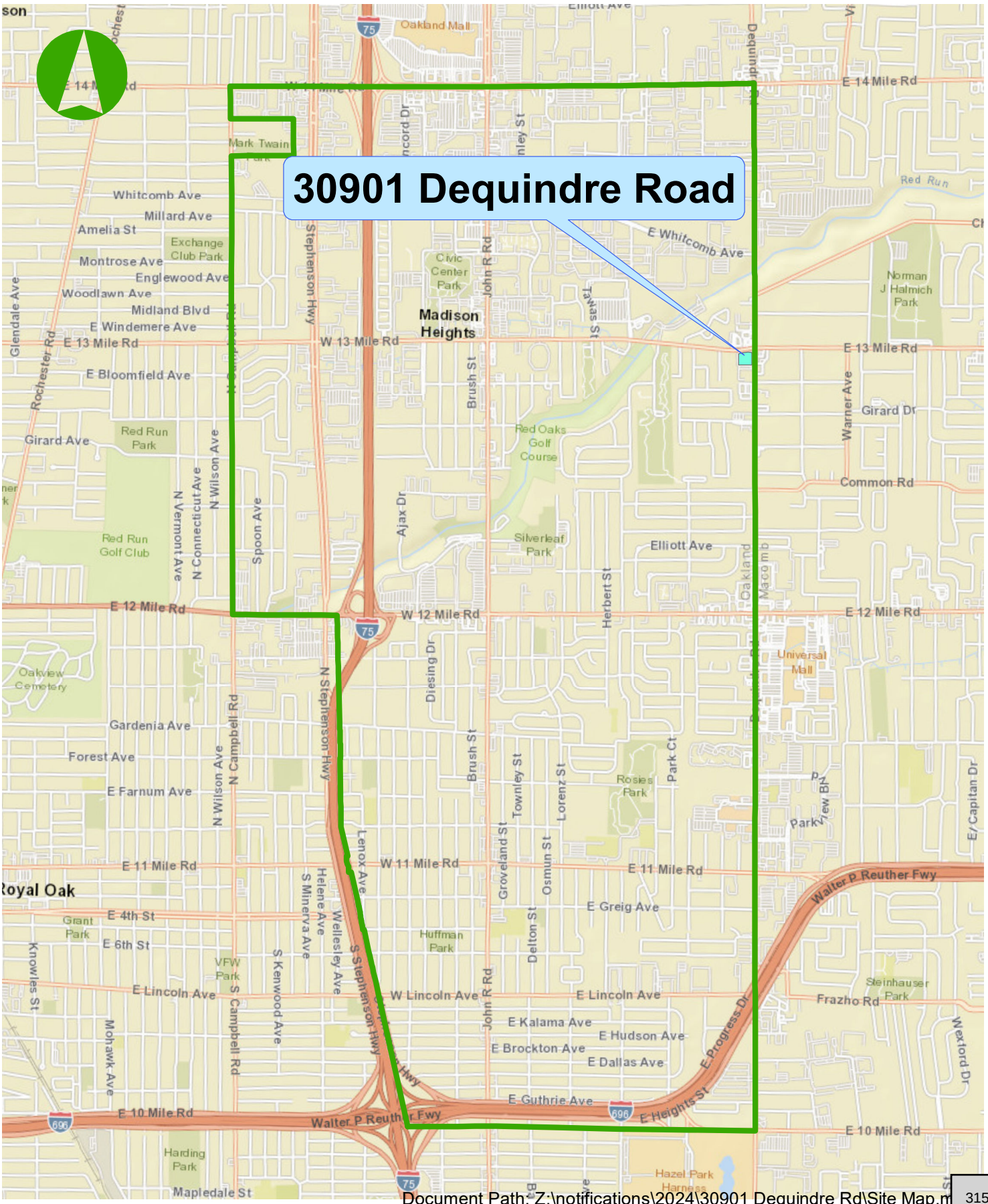
- Current land use pattern dictates motorized travel
- Current road design supports motorized travel



Transportation Objectives:

1. Promote the use of accepted traffic calming and access management techniques that make all travel safe and efficient.
2. Provide a safe, efficient non-motorized pathway system that provides links to various land uses throughout the city that gives residents choices about their modes of travel.
3. Promote public education about roadway planning and decision making to help residents and property owners understand the short- and long-term goals of transportation projects.
4. Require transportation infrastructure decisions that support the land use recommendations of the Master Land Use Plan.
5. Explore innovative traffic designs and flexible engineering standards to improve the safety and efficiency of travel for motorized and non-motorized travel.
6. Explore opportunities for alternative transportation methods for those who don't have access to a car.
7. Monitor and plan for future trends in transportation in terms of autonomous/connected vehicles.

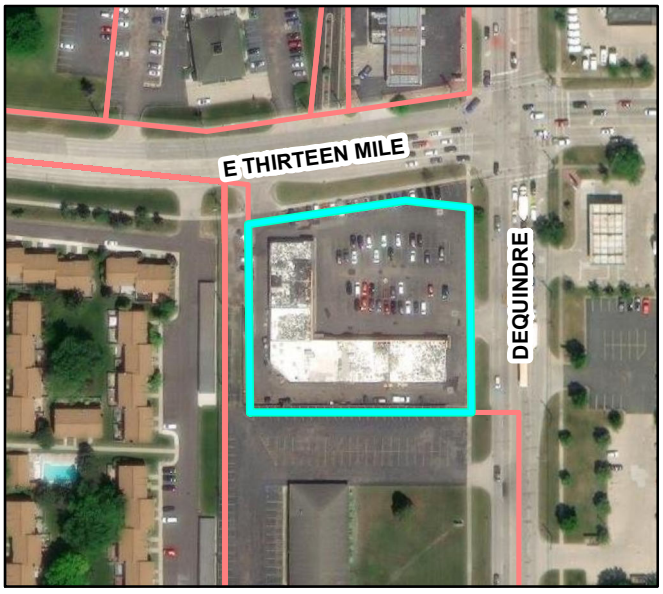
PSP CASE: 24 - 02



Site Address: 30901 Dequindre Road

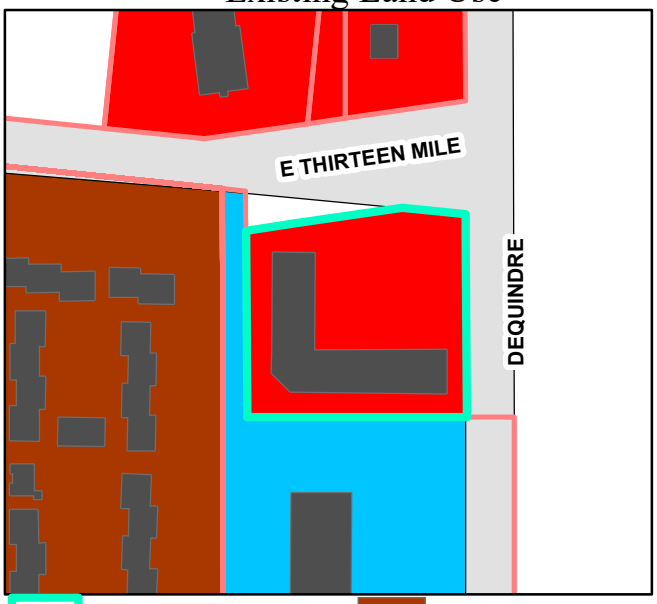
Click for maps

Aerial



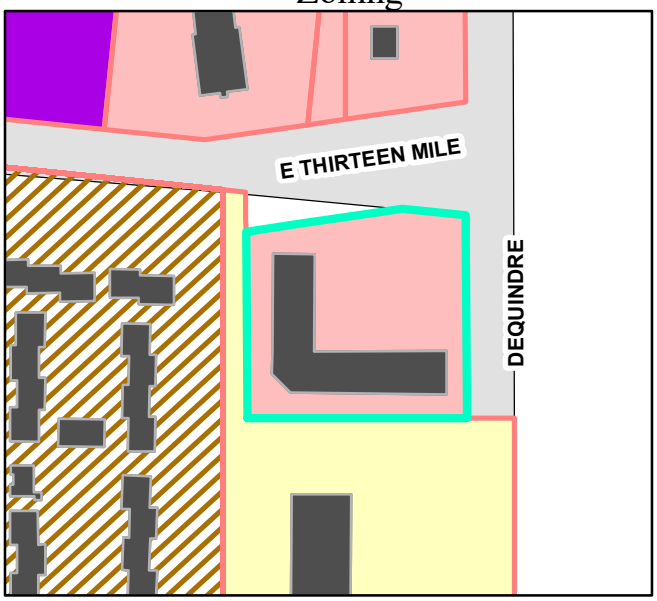
30901 Dequindre Road
Parcels

Existing Land Use



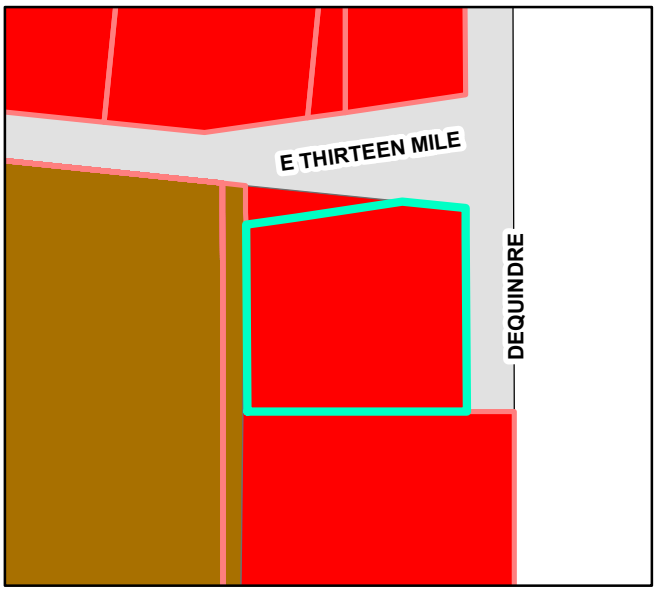
30901 Dequindre Road
Buildings
Parcels
Multiple Family
Commercial
Quasi-public
Vacant

Zoning



30901 Dequindre Rd
P-1 Vehicular Parking
R-C Condominium Residential
B-1 Local Business
R-2 Residential
Parcels

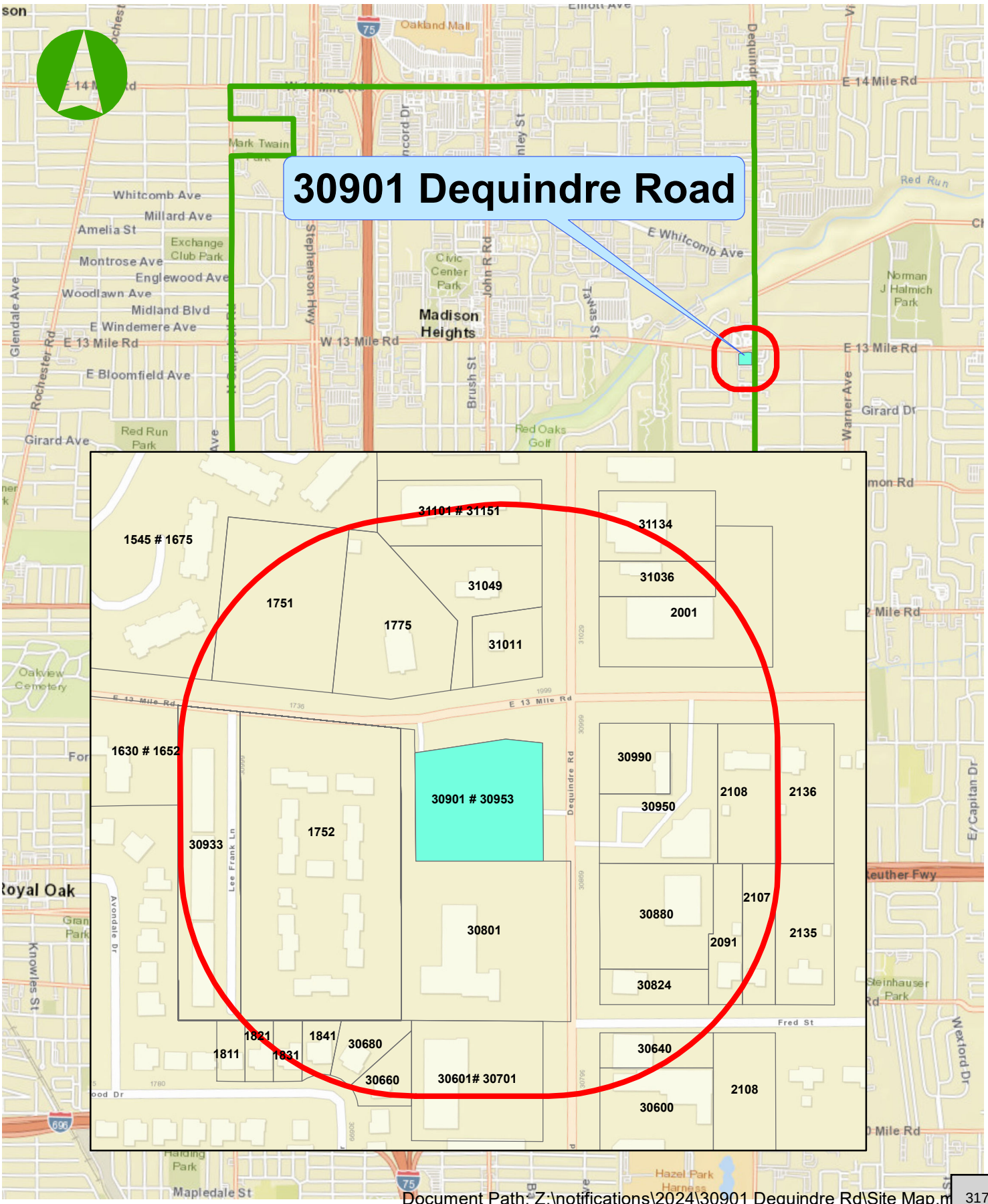
Future Land Use



30901 Dequindre Rd
Parcels
Commercial
Multiple Family

Document Path: Z:\notifications\2024\30901 Dequindre Rd\4 Map.mxd

PSP CASE: 24 - 02
BUFFER: 500 FT



CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
PETITION FOR USE PERMITTED BY SPECIAL APPROVAL

FOR OFFICE USE ONLY

Request No:
Date Filed.
Approved by CDD:
Approved for Hearing: _____

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)
Building Address: 30901 Dequindre Road, Madison Heights, MI Tax ID No.: 44 - 25 - 12 - 226 - 008

APPLICANT INFORMATION

Name: MC Development Holdings
Phone No.: 248-752-3331 Fax No.: _____
Mailing Address: 4270 Morse Rd City, State, Zip: Columbus OH 43230
(Notices will be mailed to this address)
Driver's License No.: N/A Date of Birth: N/A
Interest in Property: Developer

BUILDING & BUSINESS INFORMATION

Zoning District: B-1 Use Requested Pursuant to Section 10.319(2) of the Zoning Ordinance
Explain Requested Use in Detail: Proposed Gasoline Service Station with a 24-hr Convenience Store and Fast Food Restaurant.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) _____ of _____
Subdivision (if platted lot(s)) and is located on the N (S) E W (Circle One) side of 13 Mile Street/Road between Dequindre Street/Road and Elmhurst Street / Road.
Hours of Operation: 24/7
Property Frontage: 250.3 FT Width/Depth: 250 x 272 No. of Parking Spaces: 62 Private Lot ☑ Shared Lot ☐
No. of Floors: 1 Max. No. of Employees: _____ Male _____ Female _____ No. on Largest Single Shift: _____
No. of Seats for Restaurant or Assembly Uses: _____ Capacity of Waiting Area: _____
Building: New ☑ or Existing ☐ Will Additions or Alterations to the Building be Required? No
Explain: New building
Describe Any Other Site Improvements to be Made: N/A

Building Owner Name: Santia Realty - Dequindre Plaza - LLC Phone No.: 586-634-6854 Fax No.: N/A
Mailing Address: PO Box 380470 City: Clinton Twp MI Zip: 48038
(Notices will be mailed to this address)

Note: All blanks and boxes above must be completed. Use N/A where appropriate.

CONTINUED ON REVERSE SIDE

PETITION FOR USE PERMITTED BY SPECIAL APPROVAL (Continued)

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee ($750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature [signature]

Printed Name

Date 03/20/24

NOTARY:

On this 20th day of March 2024.

Before me personally appeared Albert M. Saulic to me known to be the person who executed the forgoing instrument, and acknowledged that ~~he executed the same~~ as his free act and deed.

Notary's Signature [signature]

Notary's Printed Name Lisett Murch.

Notary public, State of ~~Michigan~~, Florida.

County of Broward

My commission expires [illegible]

Acting in the County of Broward

LISETT JOSEFINA MURCH
Notary Public - State of Florida
Commission # HH 147927
My Comm. Expires Jul 1, 2025
Bonded through National Notary Assn.

FOR THE APPLICANT IF NOT THE OWNER:

Signature Ashley Nathan

Printed Ashley Nathan Name

Date 3/20/24

NOTARY:

On this 20th day of March

Before me personally appeared Ashley Nathan to me known to be the person who executed the forgoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary's Signature [signature]

Notary's Printed Name Stephanie Beer

Notary public, State of Michigan,

County of [illegible]

My commission expires [illegible]

Acting in the County of [illegible]

STEPHANIE BEER
Notary Public - State of Michigan
~~County of Oakland~~
My Commission Expires Sep 23, 2029
Acting in the County of Oakland

OFFICE USE ONLY

$750.00 Fee Paid _____ Receipt Number _____ By _____ Date: _____

One Site Plan Attached no larger than 11 x 17 inches ☐ Yes ☐ No

Site Plan Application: _____ Date: _____

Copies to C.D.D. _____

Notices Mailed to Properties Within 500 Feet _____

Council Action _____

Meeting Date _____

Rev. 07/01/09

W|W|R|P

Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
Tel: (248) 642-0333
Fax: (248) 642-0856
www.wwrplaw.com

John D. Gaber
jdg@wwrplaw.com

March 21, 2024

Matt Lonnerstater, Planner
City of Madison Heights
300 West Thirteen Mile Road
Madison Heights, MI 48071

Re: Resubmittal for Special Approval Use
Sheetz Fuel Station - Convenience Store – Restaurant
Parcel ID No: 25-12-226-008
30901 Dequindre Road

Dear Mr. Lonnerstater:

Please accept this letter and the accompanying materials as MC Development Holdings' ("Applicant") resubmittal of its Petition for Use Permitted by Special Approval for the development of a 24-hour Sheetz fuel station/convenience store/restaurant located at 30901 Dequindre Road, Madison Heights. As you recall, this matter was previously scheduled for a public hearing before the City Council on February 12, 2024. The Applicant withdrew the Petition so that it could compile and provide additional information regarding the development in response to issues raised by the Planning Commission and City officials. The following resubmittal materials are enclosed for processing with the Petition:

1. Petition for Use Permitted by Special Approval;
2. Application Fee Check in the amount of $750.00;
3. Statement in Support of Petition;
4. Preliminary Site Plans, prepared by Stonefield Engineering, dated 1/9/24;
5. Architectural Plans, prepared by Convenience Architecture and Design P.C.;
6. Lighting Plan, prepared by Red Leonard Associates, dated 2/8/24;
7. Traffic Impact Study, prepared by Stonefield Engineering, dated 9/11/23;
8. Air Quality Memorandum, prepared by Spirit Environmental, dated 3/6/24;
9. Sheetz Environmental Controls Statement;
10. Noise Study, prepared by K&S Engineers, LLC, dated 2/29/24;
11. Development Renderings;
12. Photos of Existing Conditions at the property;
13. Photos of Comparable Sheetz locations; and
14. Sheetz Informational Packet.

As a preferred developer for Sheetz, the Applicant is excited to present the City of Madison Heights with the opportunity for a Sheetz location. With Sheetz being new to Michigan most people do not realize that a "Sheetz" is a mixed-use retail establishment which has developed many loyal customers at each of its 700+ locations. While Sheetz provides fuel, its customers also enjoy its offerings of quick service, made-to-order food selections at its indoor restaurant

area and its outdoor seating. Its convenience store provides many fresh grab-and-go prepared foods, as well as an array of house specialty beverages and other products unique to a Sheetz. Sheetz presents a clean, friendly, safe environment for the nearby residential neighbors in the area to walk to the store, a benefit not currently available in the City at this high quality level.

The Applicant has held 2 open houses, for which it invited neighboring property owners and residents. Many of the questions and concerns raised by such neighbors, the City Planning Commission and the City Staff Review Memorandum are addressed in the attached Statement in Support, which highlights how the proposed development complies with the City's Special Approval Use Criteria. Some of the questions/concerns raised are briefly addressed as follows. Representatives will provide further detail at the City Council meeting.

24 Hour Operation – All Sheetz locations are open 24 hours to be able to service all customers, including many public safety workers, first responders and shift workers. As shown in the plans, the site is well screened from the neighbors to the west to minimize any adverse impacts, and Sheetz has several interior and exterior monitored security cameras and other safety protocols.

Master Plan Compliance – The Master Plan designation for this area is "commercial", which permits a Sheetz mixed-use, commercial development. Sheetz is a walkable location for neighboring residents, with sidewalks and crosswalks, consistent with the Master Plan. Its restaurant and convenience store service pedestrians, unlike the typical gas station. Further, Sheetz is appropriate in the B-1 zoning district, to service area residents. There are other gas stations in the City in B-1 zones without the restaurant and shopping uses provided by Sheetz: (i) Mobil station across the street at NW corner of Dequindre and 13 Mile; (ii) BP station at the SW corner of John R and 13 Mile; and (iii) Marathon station at the NW corner of Stephenson and 13 Mile.

Length of Land Lease – Sheetz is investing several millions of dollars in capital investment in this site, with a 6,100sf building, restaurant and best-in-class UST and pump system. Sheetz very rarely closes locations, and to do so would require extraordinary reasons other than performance. Sheetz stores develop a loyal customer base that supports the operation on a long-term basis. Sheetz has been opening new stores since 1952 and will continue its growth model. The ground lease is long-term, and Sheetz bears contractual responsibility to ensure the property remains free from any environmental contamination.

Environmental Concerns – The attached Air Quality Memorandum provided by Spirit Environmental explains how the Sheetz operation does not create air pollution or produce harmful Benzene levels. The attached Environmental Controls Statement of Sheetz explains the extreme measures Sheetz takes to design the best UST pump system to prevent any contamination, its response protocol, and its monitoring and maintenance program. Sheetz prides itself in providing best-in-class environmental protection.

EV Charging – The development will include the infrastructure required to facilitate EV charging stations in the future, which will be dictated by market conditions.

Pedestrian Connection to Dequindre – The plans reflect a pedestrian sidewalk from the 13 Mile Road sidewalk, where we expect most of the pedestrian customers. A similar sidewalk could be installed at the south end of the property to Dequindre, but to do so would require the development to forego many of the trees and shrubs planted in this area for screening purposes, which is why such a sidewalk was not added. Pedestrians can still walk from Dequindre to the building in this location, and a crosswalk can be striped on the pavement if desired.

Adding Trees Along Dequindre – The Applicant thought it would be better to add a shrub row and lawn along Dequindre instead of additional trees, for the reason that there is a 90" county storm water drain and easement located in this area. The Applicant has compensated by increasing the number of trees planted elsewhere on the site, meeting the City's tree planting requirements.

We look forward to further discussing these issues and the other benefits a Sheetz will offer to Madison Heights. Please place this matter on the May 13, 2024 City Council meeting agenda, as you advised this was the next meeting available for public hearing. Please advise if you need any further information.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

John D. Gaber

Encl.
cc: David Bruckelmeyer, Sheetz (via email dbruckel@sheetz.com)
Ashley Nathan, Skilken Gold (via email anathan@skilkengold.com)
Eric Williams, Stonefield Engineering (via email ewilliams@stonefieldeng.com)

SHEETZ MIXED-USE DEVELOPMENT

STATEMENT IN SUPPORT OF PETITION FOR USE PERMITTED BY SPECIAL APPROVAL CITY OF MADISON HEIGHTS, MICHIGAN

Applicant: Skilken Gold LLC
Parcel ID No.: 25-12-226-008
Date: January 11, 2024

The Applicant proposes to construct a modern mixed-use quick service restaurant, convenience store and fuel station on the Property, which is a Use Permissible on Special Approval in the B-1 Local Business district (§10.319(2)). The Applicant submits this Addendum in Support of Petition for Use Permitted by Special Approval for approval to use the above property for such purpose. Section 10.201(4) of the City's Zoning Ordinance sets forth the review standards and criteria for City Council to consider in reviewing Special Approval Petitions. Section 10.319(2) sets forth the requirements for gasoline service stations. The Applicant believes it meets these review standards and criteria as follows:

Section 10.201(4) Special Approval Use Criteria

A. Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.

Response – Applicant believes its site plans submitted meet the above requirements.

B. All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.

Response – Section 10.319(2) provides specific requirements for gasoline service stations, all of which the Applicant meets, except for the following, for which the Applicant will seek variances from the City's Zoning Board of Appeals:

i. Section 10.319(2)(c) provides that the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

C. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:

1. Location of use(s) on site;

Response – The site design locates the building on the west side of the site, closest to the condominiums so as to act as screening from the fuel pumps. Additionally, the existing masonry screen wall, buffer trees and shrubs, the 19' wide driveway west of the wall and the condominium carports also insulate the condominiums from much of the site activity. The fuel pumps are located on the east side of the site, as far away from the condominiums as is possible to further shield the condominiums. The Sheetz building is approximately 100' from the nearest condominium buildings.

With respect to the church to the south, the existing masonry wall on-site will remain and be improved. Additional landscaping will also be added next to the wall to further screen the church.

2. Height of all improvements and structures;

Response – The building is 26' in height, and the canopy is 21.6' in height. The building height is standard, with architectural features and high-quality finishes, which will be more than compatible with the adjacent 2-story condominiums as well as the church to the south.

3. Adjacent conforming land uses;

Response - The proposed use replaces the shopping center use presently on the property. It is consistent with the existing gas station and other commercial uses north and east of the site. Considering the screening elements discussed above, it is compatible with the condominiums and the church. It should be noted that the Future Land Use Map of the City designates the church parcel for "Commercial" use, and not residential use.

4. Need for proposed use in specified areas of the city;

Response – The proposed mixed use, comprised of a restaurant, convenience store and fuel pumps is a unique use in this area. It will replace restaurants that have expiring leases and vacant spaces, within an existing outdated shopping center that will be redeveloped. The proposed restaurant provides made-to-order quick service food to be consumed at indoor or outdoor tables on-site, or to-go. The store also provides several grab-and-go prepared food options for customers. Consumers will have a one-stop location to enjoy a meal, refuel and purchase convenience items. The property owner has advised the Applicant that he intends to redevelop the property, with or without Sheetz, so the shopping center will be demolished and replaced, regardless of whether the Sheetz store is approved. It is also

worth noting that those spaces which are occupied within the existing shopping center are owner operated and have very few employees. Sheetz will hire around 35 full time employees from the local community, for this location alone.

5. Conformance with future land use plans for the area as adopted by the planning commission; and

   Response – The Future Land Use Map of the City designates the property as "Commercial", which is the proper use designation for the proposed Sheetz commercial mixed uses. The church property to the south is also designated as "Commercial."

6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.

   Response – The proposed mixed uses will service the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas, which is the intent of the B-1 zoning district. The B-1 permitted principal uses include retail businesses supplying food products, as well as take-out and dine-in restaurants, which are compatible with the proposed uses.

D. Ingress/Egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

   1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;

      Response – The proposed two (2) curb cuts replace the existing two (2) curb cuts, in a safer location.

   2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);

      Response – The curb cut on Dequindre Road has been moved 66' further away from the intersection, to the south edge of the property, thereby enhancing vehicular safety for ingress and egress.

   3. Reduction/elimination of pedestrian vehicular traffic conflicts;

      Response – There will be sidewalks around the perimeter of the site for pedestrian use, with clear, visible sight lines to reduce the possibility of any conflicts.

4. Adequacy of sight distances;

   Response – Sight distances are clear and visible, without obstruction, in accordance with ordinance requirements.

5. Location and access of off-street parking;

   Response – Off-street parking will be located in three (3) areas on the property (adjacent to building; along north property line; along east property line). However, most customers will park in the spaces adjacent to the building to minimize walking distances and eliminate any conflict with vehicles. The three (3) areas where parking is located have ample drive aisle widths to reduce the potential for any vehicular conflicts with other vehicles on the site.

6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

   Response – The only opportunity to utilize any service drive would be to combine curb cuts with the church to the south. The Applicant has approached the church, which has declined to work with the Applicant in any capacity.

E. Screening shall be provided along all property lines, where Council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.

   Response – On the west side of the site, the existing masonry wall will be improved to screen the western side of the property. Additionally, the building will screen much of the site activity, and there will be trees planted along the screening wall. There is also a 19' wide driveway west of the screening wall, owned by the church that will provide an additional buffering effect. The condominium even has its own masonry buffer wall with adjacent carports for further screening.

   On the south side, the existing masonry wall will be renovated, with trees and shrubs planted adjacent to the wall, in addition to three (3) rows of parking on the church property to screen the church building from the site.

F. The use shall be properly served by utilities.

   Response – The property is currently serviced by all required utilities.

G. The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result

in an impairment, pollution, and/or destruction of the air, water, and natural resources.

Response – Sheetz is leasing this property, and is contractually obligated in its lease to remediate any contamination that would be released by the fuel station. Sheetz installs the highest quality of fuel tanks, pipe systems, fuel pumps and nozzles designed to prevent any fuel release. For example, the tanks are double-wall insulated, so that if there is a breach of the inner tank wall, any release is captured by the outer tank wall. There are also shut-off safety systems for further protection in the event of a release. Further, the fuel nozzles have vapor shields to restrict vapors from the vehicle fueling process. The Applicant intends to provide additional information from Sheetz before the meeting to address such environmental issues.

H. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this ordinance.

Response – These standards pertain to open storage, glare from manufacturing processes, radioactive materials, fire and explosive hazards, noise and waste created by industrial uses in the M-1 and M-2 Districts. These standards are not applicable to the uses in the B-1 District, which does not permit industrial uses. Please see the preceding response to how Sheetz will protect against waste and contamination.

I. The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors and adverse environmental impacts.

Response – The Applicant does not believe that the proposed mixed uses will create any nuisances to neighboring properties. As discussed above, the site layout is designed to screen the neighboring properties to the west and south from the uses on the property. Restaurant equipment is vented from the top of the building to eliminate odors. The fuel nozzles capture any gas fumes from the fueling process. The screening discussed above will protect the neighbors against light and glare. Site lighting will be LED lights directed downward, so as not to impact the neighboring properties. Noise is limited by having all activity facing the intersection, away from the neighboring properties.

J. The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.

Response – All public utilities are currently available on site, and are servicing the existing restaurants, retail and service businesses operating on the Property. The proposed uses are not anticipated to have any impact on public transportation or emergency medical services. Traffic is also managed by the two (2) driveways, with the Dequindre driveway relocated to a safer location at the south end of the site, 66' further away from the intersection.

Section 10.319(2) Gasoline Service Station Criteria

Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:

(a) One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.

Response – Satisfied, see site plan.

(b) The lot shall contain not less than 14,000 square feet of lot area.

Response – Satisfied, see site plan.

(c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

Response – While the church use to the south is not residential, and is master planned as "Commercial", it is zoned Residential. The condominiums to the west of the subject site are also zoned Residential. As such, the Applicant must obtain a variance from this requirement.

(d) All buildings shall be set back not less than 40 feet from all street right-of-way lines.

Response – Satisfied, see site plan.

(e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.

Response – Satisfied, see site plan.

(f) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.

Response – Satisfied, see site plan.

(g) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.

Response – Satisfied, see site plan.

(h) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.

Response – Satisfied, see site plan.

(i) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

Response – Satisfied, see site plan.

(j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.

Response – It is the Applicant's understanding that this requirement applies only to the on-site consumption of alcohol, as there are gas stations in Madison Heights that sell alcohol for off-premises consumption without meeting such requirements. These requirements are satisfied, as there will be no on-site consumption of alcohol.

(k) Not Applicable.
(l) Not Applicable.
(m) Not Applicable.

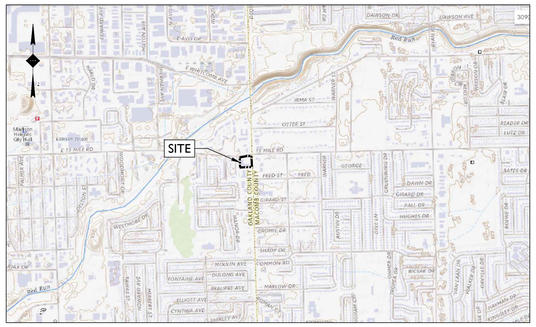
SITE DEVELOPMENT PLANS

FOR

SHEETZ, INC.

PROPOSED FUEL STATION WITH CONVENIENCE STORE AND RESTAURANT

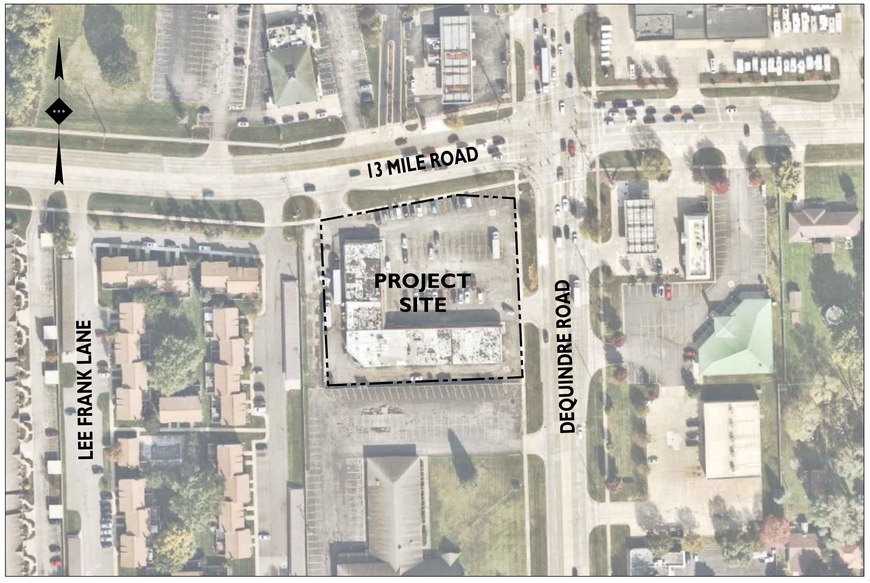
PID: 25-15-226-008
30901 DEQUINDRE ROAD
CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN



SOURCE: USGS TOPOGRAPHIC MAPS

LOCATION MAP

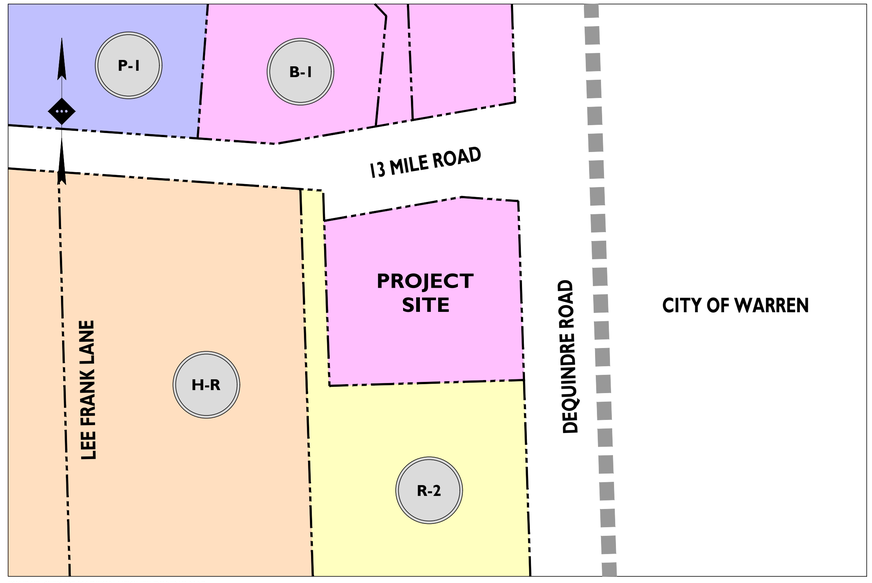
SCALE: 1" = 2000'±



SOURCE: NEARMAPS ONLINE MAPPING SYSTEM

AERIAL MAP

SCALE: 1" = 100'±



SOURCE: CITY OF MADISON HEIGHTS ZONING MAP

ZONING MAP

SCALE: 1" = 100'±

PLANS PREPARED BY:

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607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

PLAN REFERENCE MATERIALS:

1. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
   - ALTA SURVEY PREPARED BY KEM-TEC, DATED 11/01/2023
   - ARCHITECTURAL ELEVATIONS PREPARED BY CONVENIENCE ARCHITECTURE AND DESIGN P.C., DATED 04/03/2023
   - AERIAL MAP PROVIDED BY NEARMAPS ONLINE MAPPING SYSTEM, DATE RETRIEVED 01/09/2024
   - LOCATION MAP PROVIDED BY USGS TOPOGRAPHIC MAPS, DATE RETRIEVED 01/09/2024
2. ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.

SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
SITE PLAN	C-2
FUEL TRUCK CIRCULATION	C-3
LANDSCAPING PLAN & DETAILS	C-4 & C-5

ADDITIONAL SHEETS

DRAWING TITLE	SHEET #
ALTA / NSPS LAND TITLE SURVEY	C-1

ISSUE	DATE	BY	DESCRIPTION
2	01/09/2024	NB	FOR SPECIAL LAND USE APPROVAL
1	11/13/2023	KG	FOR CLIENT REVIEW

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SITE DEVELOPMENT PLANS

SHEETZ, INC.

PROPOSED FUEL STATION WITH CONVENIENCE STORE & RESTAURANT

PID: 25-15-226-008
30901 DEQUINDRE ROAD
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
JONATHAN REID COOKSEY
ENGINEER
No. 6201069428
LICENSED PROFESSIONAL ENGINEER

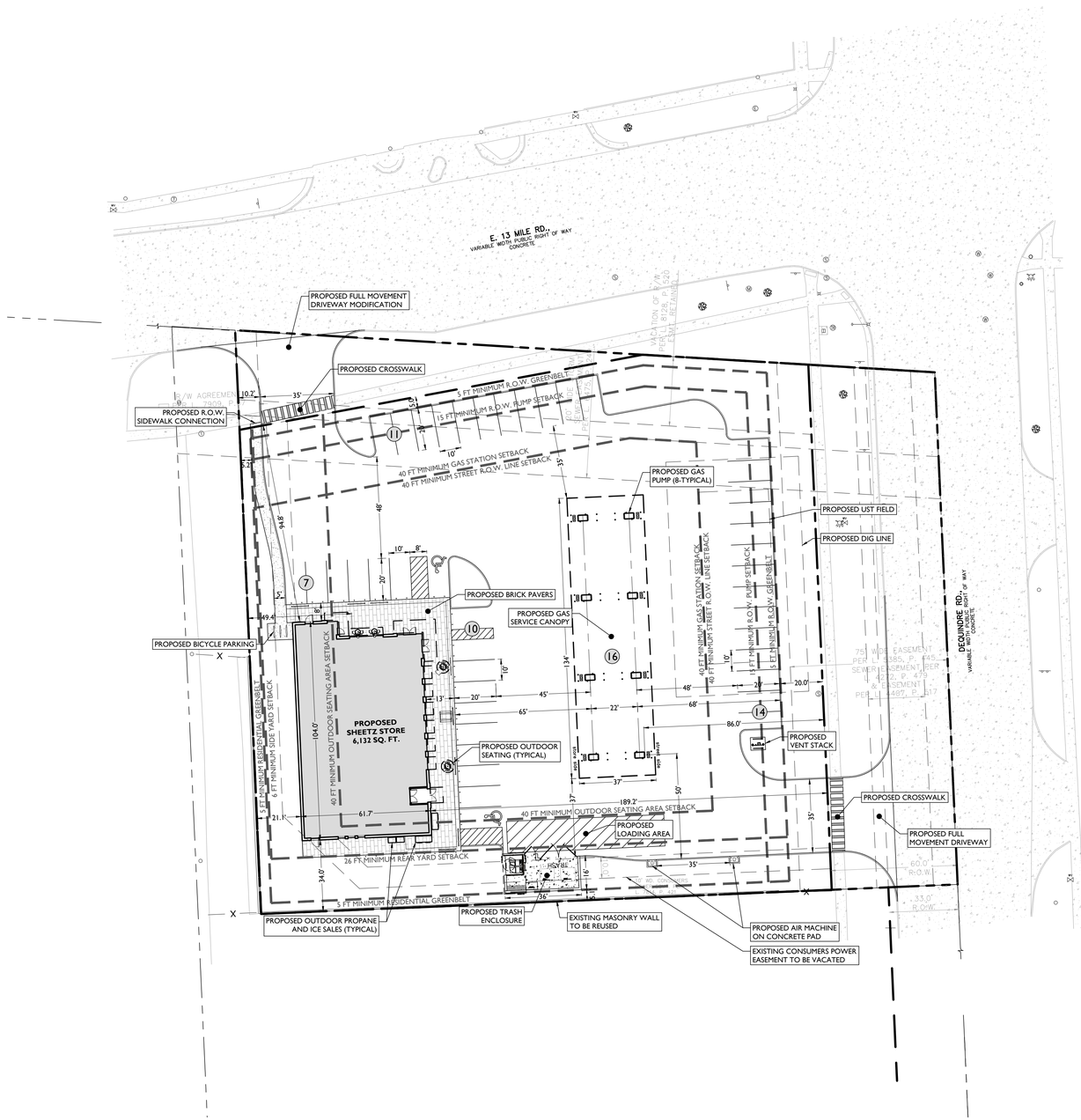
STONEFIELD engineering & design

SCALE: AS SHOWN | PROJECT ID: DET-230258

TITLE: COVER SHEET

DRAWING: C-1

V:\DET\2023\DET-230258 SHEETZ MADISON HEIGHTS, MI\CAD\PLOT SET\C-1 COVER.DWG



LAND USE AND ZONING

PID: 25-12-226-008

LOCAL BUSINESS DISTRICT (B-1)

PROPOSED USE	
FAST FOOD RESTAURANT	PERMITTED USE
GASOLINE SERVICE STATION	SPECIAL LAND USE
RETAIL	PERMITTED USE
OUTDOOR SALES	PERMITTED USE

ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	14,000 SF (0.32 AC)	67,279 SF (1.54 AC)
MINIMUM PRINCIPAL FRONTAGE	140 FT	250.2 FT
MAXIMUM BUILDING HEIGHT	30 FT / 2 STORIES	26 FT / 1 STORY
MINIMUM INTERIOR LANDSCAPED AREA	2,563 SF(1)	16,206 SF
MINIMUM PARKING LOT LANDSCAPED AREA	290 SF(2)	2,203 SF
MINIMUM R.O.W. GAS STATION SETBACK	40 FT	94.8 FT
MINIMUM R.O.W. GREENBELT	5 FT	5.0 FT
MINIMUM RESIDENTIAL GREENBELT	5 FT(4)	5.2 FT
MINIMUM STREET R.O.W. SETBACK	40 FT	94.8 FT
MINIMUM SIDE YARD SETBACK	6 FT(5)	21.1 FT
MINIMUM REAR YARD SETBACK	26 FT(5)	34.0 FT
MINIMUM R.O.W. PUMP SETBACK	15 FT	86.0 FT
MINIMUM OUTDOOR SEATING SETBACK	40 FT	49.4 FT
MINIMUM CURB CUT DISTANCE FROM PROPERTY LINE	10 FT	10.2 FT
MAXIMUM DRIVEWAY CURB CUT OPENING	50 FT	35 FT

(1) PER SEC. 10.510.(6) OF MADISON HEIGHTS ZONING ORDINANCE, INTERIOR LANDSCAPING SHALL BE PROVIDED EQUAL TO AT LEAST 5% OF TOTAL IMPERVIOUS AREA = (51,932 SF)(0.05) = 2,563 SF

(2) PER SEC. 10.510.(7).a OF MADISON HEIGHTS ZONING ORDINANCE, PARKING AREAS CONTAINING TEN OR MORE PARKING SPACES SHALL PROVIDE 5 SF OF PARKING LOT LANDSCAPING PER PARKING SPACE = (58 SPACES)(5 SF / SPACE) = 290 SF

(3) PER SEC. 10.401.(v).3 OF MADISON HEIGHTS ZONING ORDINANCE, THE MAXIMUM FRONT YARD SETBACK FOR NEW STRUCTURES SHALL BE 5 FT

(4) PER SEC. 10.510.(3) AND 10.318.(5).a.iii.(a) OF MADISON HEIGHTS ZONING ORDINANCE, AN 8 FT SCREENING WALL SHALL BE REQUIRED WHEN ADJACENT TO RESIDENTIAL DISTRICTS

(5) PER SEC. 10.401.(v).1 OF MADISON HEIGHTS ZONING ORDINANCE, MINIMUM YARD BUILDING SETBACKS ADJACENT TO A SINGLE-FAMILY RESIDENTIAL DISTRICTS SHALL BE INCREASED BY 1 FT PER EACH 1 FT OF BUILDING HEIGHT IN EXCESS OF 20 FT

OFF-STREET PARKING REQUIREMENTS

CODE SECTION	REQUIRED	PROPOSED
§ 10.505.(D).2	GASOLINE SERVICE STATIONS: 1 SPACE PER PUMP (16 PUMPS)(1 SPACE/PUMP) = 16 SPACES FAST FOOD RESTAURANTS: 1 SPACE PER 2 SEATS PLUS 1 SPACE PER 2 EMPLOYEES (48 SEATS)(1 SPACE / 2 SEATS) + (8 EMPLOYEES)(1 SPACE/2 EMPLOYEES) = 28 SPACES RETAIL: 1 SPACE PER 250 SF OF UFA PLUS 1 SPACE PER 700 SF OF STORAGE AREA (3,264 SF)(0.75)(1 SPACE / 250 SF) + (1,112 SF)(1 SPACE / 700 SF) = 12 SPACES **TOTAL:** 16 + 28 + 12 = 56 SPACES	58 SPACES
§ 10.506.(E)	90° PARKING: 9 FT X 20 FT WITH 22 FT AISLE	10 FT X 20 FT W/ 22 FT AISLE
§ 10.507.(D)	LOADING: 1 SPACE, 12 FT X 50 FT	PROVIDED
§ 10.506.(E)	BICYCLE PARKING: 3 SPACES	PROVIDED

SYMBOL / DESCRIPTION

- PROPERTY LINE
- SETBACK LINE
- PROPOSED CURB
- PROPOSED SIGNS / BOLLARDS
- PROPOSED BUILDING
- PROPOSED CONCRETE
- PROPOSED BUILDING DOORS

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC. PRIOR TO THE START OF CONSTRUCTION.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
3. ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC. AND IT'S SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
4. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
5. THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
6. THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
7. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTORS EXPENSE.
8. CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC. WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
9. THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
10. THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
11. THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
12. SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC. BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.

30' 0' 30' 60'
GRAPHIC SCALE IN FEET
1" = 30'

ISSUE	DATE	BY	DESCRIPTION
2	01/09/2024	NB	FOR SPECIAL LAND USE APPROVAL
1	11/13/2023	KG	FOR CLIENT REVIEW

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SITE DEVELOPMENT PLANS

SHEETZ, INC.

PROPOSED FUEL STATION WITH CONVENIENCE STORE & RESTAURANT

PID: 25-12-226-008
30901 DEQUINDRE ROAD
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
MATTHEW J. COOKSEY
ENGINEER
LICENSED PROFESSIONAL ENGINEER
MICHIGAN LICENSE NO. 6201069428

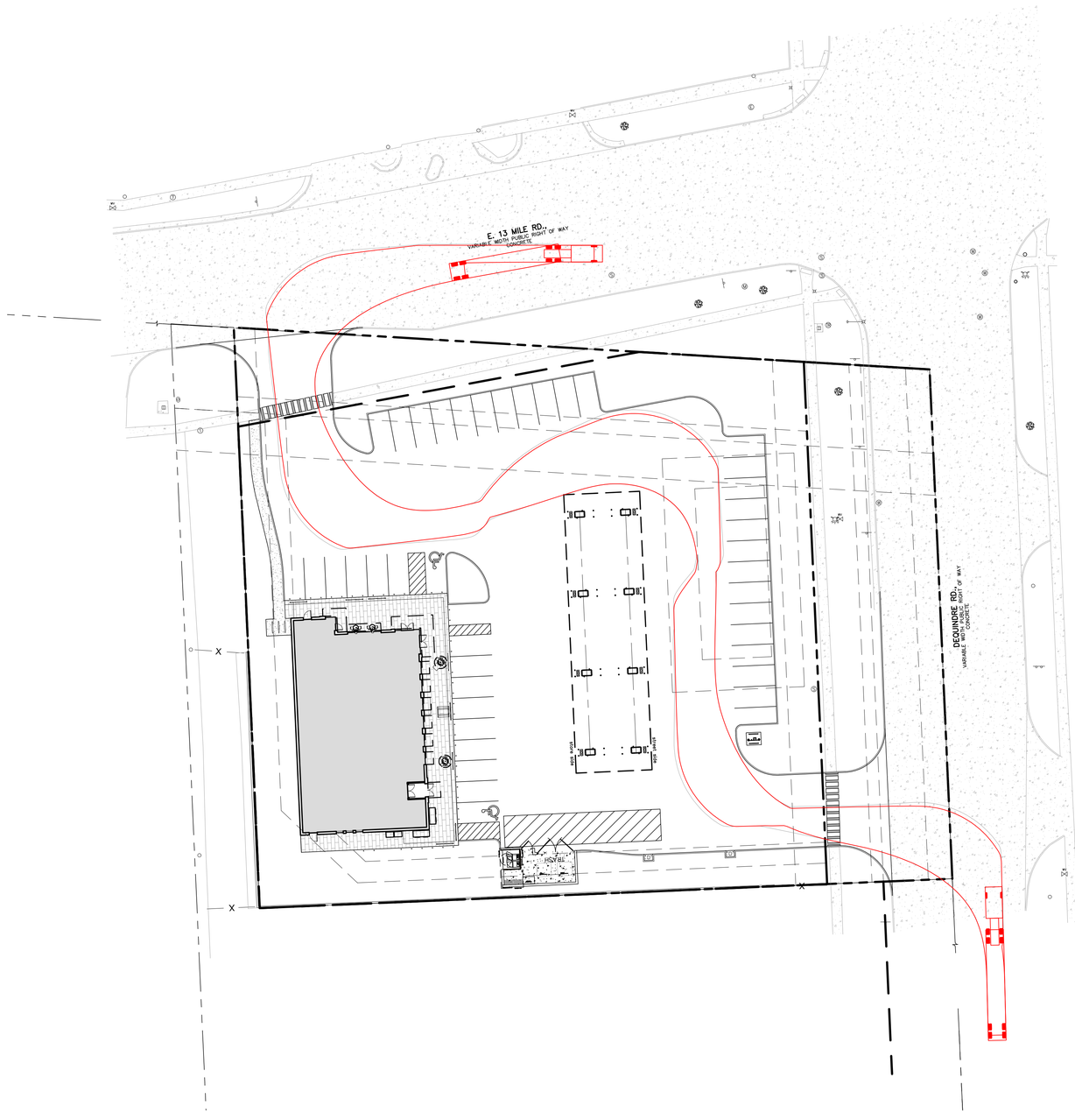
STONEFIELD engineering & design

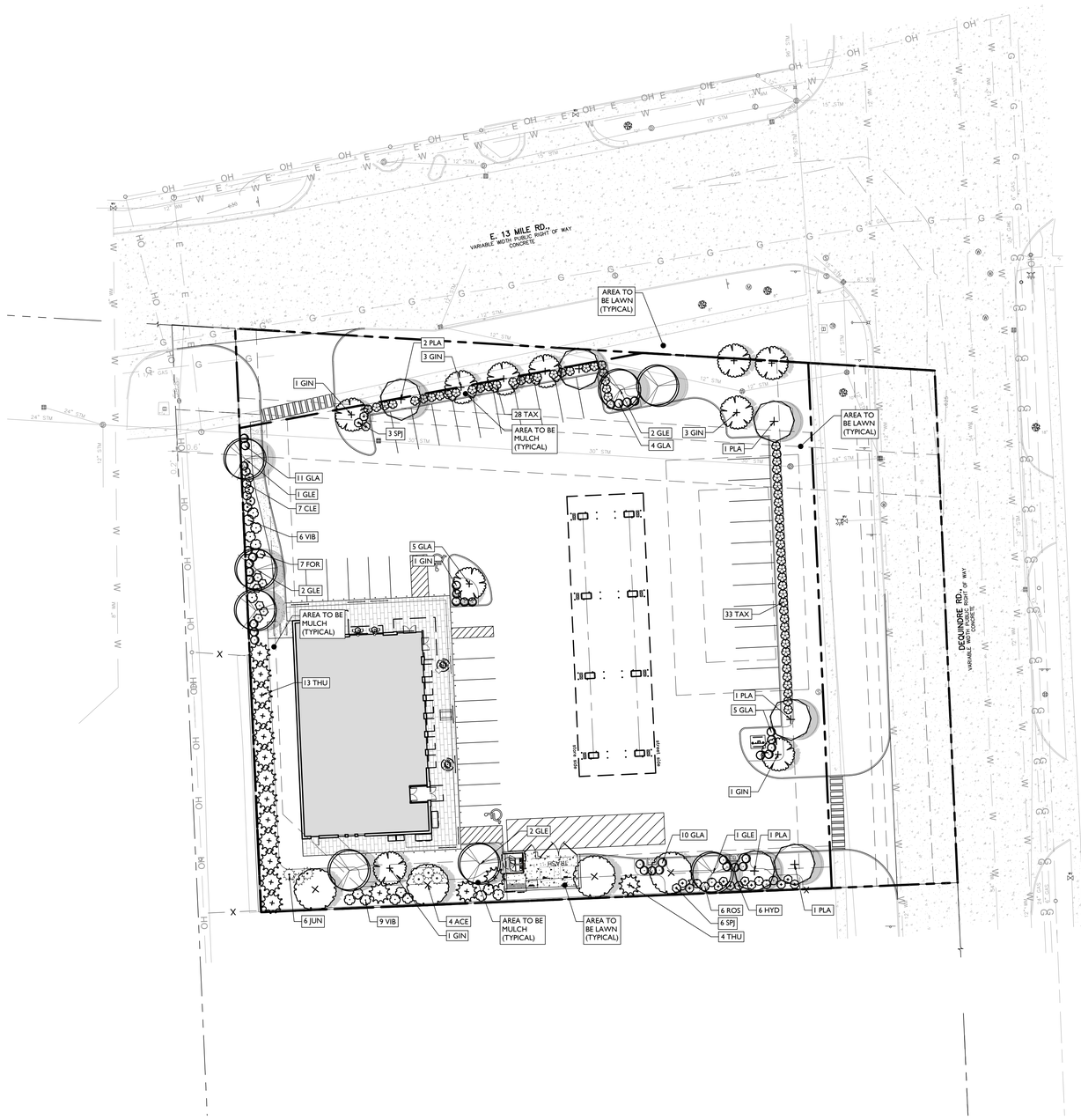
SCALE: 1" = 30' | PROJECT ID: DET-230258

TITLE: SITE PLAN

DRAWING: C-2

V:\DET\2023\DET-230258\ARCH\CAD\SHEETS\MADISON HEIGHTS, MI\CAD\PLOT\DET-230258-SITE.DWG


E. 13 MILE RD.
VARIABLE WIDTH PUBLIC RIGHT OF WAY
CONCRETE
DEQUINDRE RD.
VARIABLE WIDTH PUBLIC RIGHT OF WAY
CONCRETE
X
X
HOLD
30'
30'
30'



PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
			DECIDUOUS TREES			
	ACE	4	ACER RUBRUM	RED MAPLE	2.5" - 3" CAL	B&B
	GIN	10	GINKGO BILOBA 'PRINCETON SENTRY'	PRINCETON SENTRY MAIDENHAIR TREE	2.5" - 3" CAL	B&B
	GLE	8	GLEDITSIA TRIACANTHOS 'ENERMIS'	HONEY LOCUST	2.5" - 3" CAL	B&B
	PLA	6	PLATANUS X ACERIFOLIA 'BLOODGOOD'	BLOODGOOD LONDON PLANE TREE	2.5" - 3" CAL	B&B
			EVERGREEN TREES			
	THU	17	THUJA STANDISHII X PLICATA `GREEN GIANT`	GREEN GIANT ARBORVITAE	5` - 6` HT	B&B
			SHRUBS			
	CLE	7	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	24" - 30"	POT
	FOR	7	FORSYTHIA X `ARNOLD'S DWARF`	ARNOLD'S DWARF FORSYTHIA	24" - 30"	POT
	HYD	6	HYDRANGEA MACROPHYLLA `ENDLESS SUMMER`	BAILMER HYDRANGEA	24" - 30"	POT
	ROS	6	ROSA X `DOUBLE KNOCKOUT`	ROSE	24" - 30"	POT
	SPJ	9	SPIRAEA JAPONICA `GOLDMOUND`	GOLDMOUND SPIREA	24" - 30"	POT
	VIB	15	VIBURNUM ACERIFOLIUM	MAPLELEAF VIBURNUM	24" - 30"	POT
			EVERGREEN SHRUBS			
	GLA	35	ILEX GLABRA `COMPACTA`	COMPACT INKBERRY	24" - 30"	POT
	JUN	6	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	24" - 30"	POT
	TAX	61	TAXUS X MEDIA 'DENSIFORMIS'	DENSE ANGLO-JAPANESE YEW	24" - 30"	POT

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN ON THE LANDSCAPE PLAN AND WITHIN THE PLANT LIST, THE PLAN SHALL DICTATE.

LANDSCAPING AND BUFFER REQUIREMENTS

CODE SECTION	REQUIRED	PROPOSED
	SCREEN WALL GREENBELT	
§ 10.510.(B)(3)a.1.	MINIMUM WALL HEIGHT: 6 FT	EXISTING WALL TO REMAIN
§ 10.510.(B)(3)a.2.	WALL LOCATION: ON PROPERTY LINE	EXISTING WALL TO REMAIN
§ 10.510.(B)(3)a.3.	MATERIAL: CONCRETE OR MASONRY MATERIAL	COMPLIES
§ 10.510.(B)(3)b.	5 FT WIDE GREENBELT REQUIRED ADJACENT TO WALL PLANTED PER GREENBELT PLANTING STANDARDS	COMPLIES
	GREENBELT REQUIREMENTS	
§ 10.510.B.(4)a.	THE GREENBELT SHALL BE COVERED WITH GRASS, LIVING GROUNDCOVER, WOOD CHIPS, MULCH, OR STONE	COMPLIES
§ 10.510.B.(4)b.	1 TREE FOR EVERY 30 LF OF GREENBELT	
§ 10.510.B.(4)c.	4 SHRUBS FOR EVERY 30 LF OF GREENBELT	
	E THIRTEEN MILE ROAD:	
	(237 FT) * (1 TREE / 30 FT GREENBELT) = 8 TREES	8 TREES
	(237 FT) * (4 SHRUBS / 30 FT GREENBELT) = 32 SHRUBS	32 SHRUBS
	DEQUINDRE ROAD:	
	(213 FT) * (1 TREE / 30 FT GREENBELT) = 7 TREES	7 TREES
	(213 FT) * (4 SHRUBS / 30 FT GREENBELT) = 28 SHRUBS	28 SHRUBS
	SOUTH PROPERTY LINE:	
	(271 FT) * (1 TREE / 30 FT GREENBELT) = 9 TREES	9 TREES
	(271 FT) * (4 SHRUBS / 30 FT GREENBELT) = 36 SHRUBS	36 SHRUBS
	WEST PROPERTY LINE:	
	(230 FT) * (1 TREE / 30 FT GREENBELT) = 8 TREES	4 SHADE & 13 EVERGREEN TREES
	(230 FT) * (4 SHRUBS / 30 FT GREENBELT) = 32 SHRUBS	32 SHRUBS
	INTERIOR LANDSCAPING	
§ 10.510.B.(6)	MINIMUM 5% OF THE TOTAL IMPERVIOUS AREA SHALL BE LANDSCAPED	
	(40,362 SF) * (0.05) = 2,018 SF	2,298 SF
§ 10.510.B.(6)a.	THE INTERIOR LANDSCAPING AREA SHALL BE COVERED WITH GRASS, GROUNDCOVER, WOOD CHIPS, OR MULCH	COMPLIES
§ 10.510.B.(6)b.	1 TREE + 1 TREE FOR EVERY 400 SF OF REQUIRED LANDSCAPING AREA	
	1 TREE + ((2,018 SF) * (1 TREE / 400 SF)) = 6 TREES	6 TREES
§ 10.510.B.(6)c.	2 SHRUBS + 2 SHRUBS FOR EVERY 400 SF OF REQUIRED LANDSCAPING AREA	
	2 SHRUBS + ((2,018 SF) * (2 SHRUBS / 400 SF)) = 12 SHRUBS	12 SHRUBS
	PARKING LOT LANDSCAPING	
§ 10.510.B.(7)a.	PARKING AREAS WITH 10 OR MORE SPACES: 5 SF LANDSCAPING FOR EVERY 1 SPACE	
	(58 SPACES) * (5 SF) = 290 SF	2,203 SF
§ 10.510.B.(7)b.1.	THE PARKING LOT LANDSCAPING AREA GROUNDCOVER SHALL BE GRASS, LIVING GROUNDCOVER, WOODCHIPS, OR MULCH	PROVIDED
§ 10.510.B.(7)b.2.	1 TREE FOR EVERY 100 SF OF REQUIRED LANDSCAPING	
	(290 SF) * (1 TREE / 100 SF) = 3 TREES	3 TREES
	SCREENING REQUIREMENTS	
§ 10.510.C.	SCREENWALL GREENBELT REQUIRED TO SCREEN B-1 ZONE FROM ADJACENT R-2 ZONE	EXISTING WALL TO REMAIN
	GREENBELT REQUIRED TO SCREEN B-1 ZONE FROM ADJACENT R.O.W.	PROVIDED

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IRRIGATION NOTE:

IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT LANDSCAPE DESIGNER FOR REVIEW AND APPROVAL. WHERE POSSIBLE, DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE MEASURED IN PSI. PRESSURE REDUCING DEVICES OR BOOSTER PUMPS SHALL BE PROVIDED TO MEET SYSTEM PRESSURE REQUIREMENTS. DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

LANDSCAPING NOTES

1. THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND LANDSCAPED AREAS TO MATCH EXISTING CONDITIONS UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
2. THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITH A MINIMUM 4 INCH LAYER OF TOPSOIL AND SEED.
3. THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH A MINIMUM 3 INCH LAYER OF MULCH .
4. THE MAXIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION AREAS SHALL BE 3 FEET HORIZONTAL TO 1 FOOT VERTICAL (3:1 SLOPE) UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
5. THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN AREA OF LANDSCAPING DISTURBANCE PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE.
6. THE CONTRACTOR SHALL ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET. NO ABRUPT CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING AREAS.

30' 0' 30' 60'
GRAPHIC SCALE IN FEET
1" = 30'

ISSUE	DATE	BY	DESCRIPTION
2	01/09/2024	NB	FOR SPECIAL LAND USE APPROVAL
1	11/13/2023	KG	FOR CLIENT REVIEW

NOT APPROVED FOR CONSTRUCTION

STONEFIELD engineering & design
Detroit, MI · New York, NY · Boston, MA
Princeton, NJ · Tampa, FL · Rutherford, NJ
www.stonefieldeng.com
607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

SITE DEVELOPMENT PLANS

SHEETZ, INC.

PROPOSED FUEL STATION WITH CONVENIENCE STORE & RESTAURANT

PID: 25-12-226-008
3090 E DEQUINDRE ROAD
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

STATE OF MICHIGAN
JONATHAN FRED COOKSEY
ENGINEER
LICENSED PROFESSIONAL ENGINEER
MICHIGAN LICENSE NO. 6201069428

STONEFIELD engineering & design

SCALE: 1" = 30' | PROJECT ID: DET-230258

TITLE:

LANDSCAPING PLAN

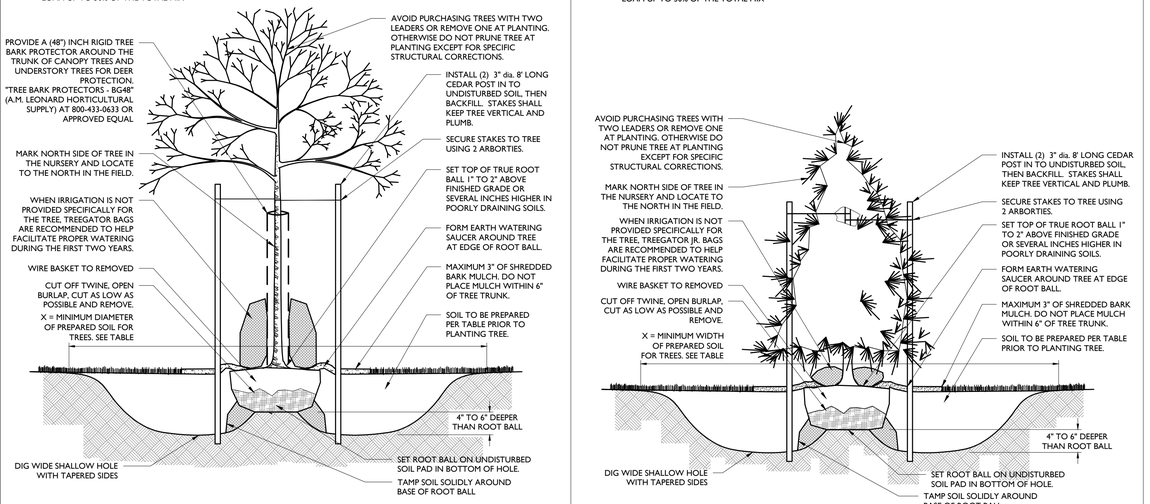
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C-4

V:\DET\2023\DET-230258 (SHEETZ-GOLD_PKN) DEQUINDRE ROAD, MADISON HEIGHTS, MI\CAD\PLOT\SP-A45 LANDSCAPING

NOTES:

1. FOR CONTAINER-GROWN TREES, USE FINGERS OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS CIRCLING THE PERIMETER OF THE CONTAINER.
2. THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
3. SOIL AMENDMENTS:
   - MODIFY HEAVY CLAY OR SILT SOILS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM
   - MODIFY EXTREMELY SANDY SOILDS (MORE THAN 85% SAND) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX



DECIDUOUS TREE PLANTING DETAIL

NOT TO SCALE

1

NOTES:

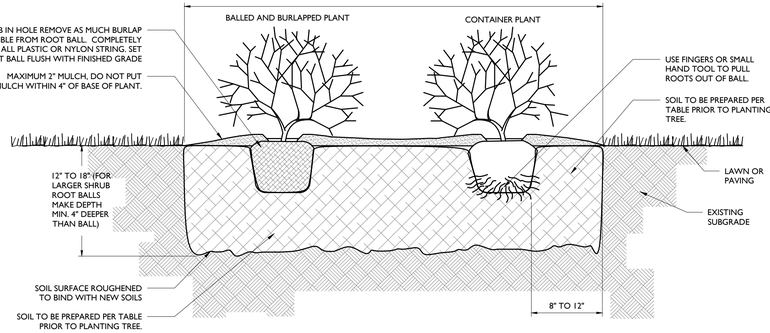
1. FOR CONTAINER-GROWN TREES, USE FINGERS OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS CIRCLING THE PERIMETER OF THE CONTAINER.
2. THOROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
3. SOIL AMENDMENTS:
   - MODIFY HEAVY CLAY OR SILT SOILS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM
   - MODIFY EXTREMELY SANDY SOILDS (MORE THAN 85% SAND) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX

CONIFEROUS TREE PLANTING DETAIL

NOT TO SCALE

2

PREPARE SOIL IN THE ENTIRE BED USING PROCEDURES OUTLINED IN TABLE (X)



NOTES:

1. FOR THE CONTAINER-GROWN SHRUBS, USE FINGERS OR SMALL HAND TOOL TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL; THEN CUT OR PULL APART ANY ROOTS CIRCLING THE PERIMETER OF THE CONTAINER.
2. THOROUGHLY SOAK THE SHRUB ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
   - MODIFY HEAVY CLAY OR SILT SOILS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM
   - MODIFY EXTREMELY SANDY SOILS (MORE THAN 85% SAND) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL

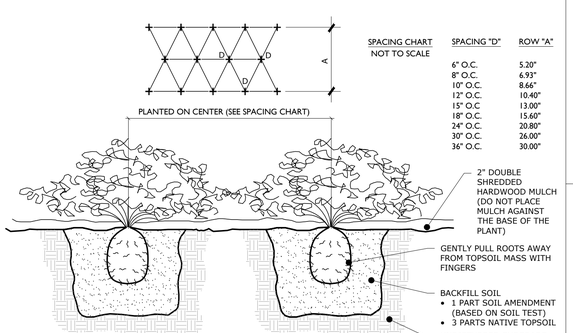
DECIDUOUS AND EVERGREEN SHRUB PLANTING DETAIL

NOT TO SCALE

3

NOTES:

1. THOROUGHLY SOAK THE GROUND COVER ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
2. SOIL AMENDMENTS:
   - MODIFY HEAVY CLAY OR SILT SOILDS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM
   - MODIFY EXTREMELY SANDY SOILDS (MORE THAN 85% SAND) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX
3. ALL GROUND COVER AREAS SHALL BE TREATED WITH A PRE-EMERGENT PER MANUFACTURER'S SPECIFICATIONS



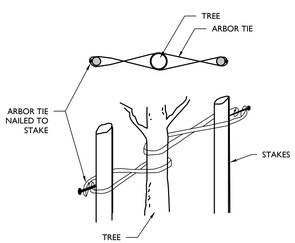
SPACING CHART
NOT TO SCALE

SPACING "D"	ROW "A"
6" O.C.	5.20"
8" O.C.	6.93"
10" O.C.	8.66"
12" O.C.	10.40"
15" O.C.	13.00"
18" O.C.	15.60"
24" O.C.	20.80"
30" O.C.	26.00"
36" O.C.	30.00"

GROUND COVER/PERENNIAL/ANNUAL PLANTING DETAIL

NOT TO SCALE

4



INSTALLATION GUIDELINES:

1. LOOP TIE AROUND TREE AND NAIL TO CEDAR STAKE.
2. REMOVE ALL STAKING AND TIES AT END OF FIRST GROWING SEASON.
3. FOLD ENDS OF ARBORTIE BACK. SECURE TO STAKES WITH 1" GALVANIZED ROOFING NAIL OR USE A KNOT.
4. CONSULT LANDSCAPE ARCHITECT FOR STAKING OF TREES LARGER THAN 6".
5. SOURCES INCLUDE:
   GEMPLERS 1-800-332-6744 or GEMPLERS.COM
   CSP OUTDOORS 1-800-592-6940 or CSPOUTDOORS.COM

ARBORTIE DETAIL

NOT TO SCALE

5

GENERAL LANDSCAPING NOTES:

1. THE LANDSCAPE CONTRACTOR SHALL FURNISH ALL MATERIALS AND PERFORM ALL WORK IN ACCORDANCE WITH THESE SPECIFICATIONS, APPROVED OR FINAL DRAWINGS, AND INSTRUCTIONS PROVIDED BY THE PROJECT LANDSCAPE DESIGNER, MUNICIPAL OFFICIAL, OR OWNER/OWNER'S REPRESENTATIVE. ALL WORK COMPLETED AND MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH THE INTENTION OF THE SPECIFICATIONS, DRAWINGS, AND INSTRUCTIONS AND EXECUTED WITH THE STANDARD LEVEL OF CARE FOR THE LANDSCAPE INDUSTRY.
2. WORK MUST BE CARRIED OUT ONLY DURING WEATHER CONDITIONS FAVORABLE TO LANDSCAPE CONSTRUCTION AND TO THE HEALTH AND WELFARE OF PLANTS. THE SUITABILITY OF SUCH WEATHER CONDITIONS SHALL BE DETERMINED BY THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL.
3. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR, BEFORE ORDERING OR PURCHASING MATERIALS, TO PROVIDE SAMPLES OF THOSE MATERIALS TO THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL FOR APPROVAL, IF SO REQUESTED.
4. IF SAMPLES ARE REQUESTED, THE LANDSCAPE CONTRACTOR IS TO SUBMIT CERTIFICATION TAGS FROM TREES, SHRUBS AND SEED VERIFYING TYPE AND PURITY.
5. UNLESS OTHERWISE AUTHORIZED BY THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL, THE LANDSCAPE CONTRACTOR SHALL PROVIDE NOTICE AT LEAST FORTY-EIGHT HOURS (48 HRS.) IN ADVANCE OF THE ANTICIPATED DELIVERY DATE OF ANY PLANT MATERIALS TO THE PROJECT SITE. A LEGIBLE COPY OF THE INVOICE, SHOWING VARIETIES AND SIZES OF MATERIALS INCLUDED FOR EACH SHIPMENT SHALL BE FURNISHED TO THE PROJECT LANDSCAPE DESIGNER, OR GOVERNING MUNICIPAL OFFICIAL.
6. THE PROJECT LANDSCAPE DESIGNER OR GOVERNING MUNICIPAL OFFICIAL RESERVES THE RIGHT TO INSPECT AND REJECT PLANTS AT ANY TIME AND AT ANY PLACE.

PROTECTION OF EXISTING VEGETATION NOTES:

1. BEFORE COMMENCING WORK, ALL EXISTING VEGETATION WHICH COULD BE IMPACTED AS A RESULT OF THE PROPOSED CONSTRUCTION ACTIVITIES MUST BE PROTECTED FROM DAMAGE BY THE INSTALLATION OF TREE PROTECTION FENCING. FENCING SHALL BE LOCATED AT THE DRIP-LINE OR LIMIT OF DISTURBANCE AS DEPICTED WITHIN THE APPROVED OR FINAL PLAN SET, ESTABLISHING THE TREE PROTECTION ZONE. INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE PROTECTION FENCE DETAIL." NO WORK MAY BEGIN UNTIL THIS REQUIREMENT IS FULFILLED. THE FENCING SHALL BE INSPECTED REGULARLY BY THE LANDSCAPE CONTRACTOR AND MAINTAINED UNTIL ALL CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED.
2. IN ORDER TO AVOID DAMAGE TO ROOTS, BARK OR LOWER BRANCHES, NO VEHICLE, EQUIPMENT, DEBRIS, OR OTHER MATERIALS SHALL BE DRIVEN, PARKED OR PLACED WITHIN THE TREE PROTECTION ZONE. ALL ON-SITE CONTRACTORS SHALL USE ANY AND ALL PRECAUTIONARY MEASURES WHEN PERFORMING WORK AROUND TREES, WALKS, PAVEMENTS, UTILITIES, AND ANY OTHER FIXTURES EITHER EXISTING OR PREVIOUSLY INSTALLED UNDER THIS CONTRACT.
3. IN RARE INSTANCES WHERE EXCAVATING, FILL, OR GRADING IS REQUIRED WITHIN THE DRIP-LINE OF TREES TO REMAIN, THE WORK SHALL BE PERFORMED AS FOLLOWS:
   - TRENCHING: WHEN TRENCHING OCCURS AROUND TREES TO REMAIN, THE TREE ROOTS SHALL NOT BE CUT, BUT THE TRENCH SHALL BE TUNNELED UNDER OR AROUND THE ROOTS BY CAREFUL HAND DIGGING AND WITHOUT INJURY TO THE ROOTS. NO ROOTS, LIMBS, OR WOODS ARE TO HAVE ANY PAINT OR MATERIAL APPLIED TO ANY SURFACE.
   - RAISING GRADES: WHEN THE GRADE AT AN EXISTING TREE IS BELOW THE NEW FINISHED GRADE, AND FILL NOT EXCEEDING 6 INCHES (6") IS REQUIRED, CLEAN, WASHED GRAVEL FROM ONE TO TWO INCHES (1" – 2") IN SIZE SHALL BE PLACED DIRECTLY AROUND THE TREE TRUNK. THE GRAVEL SHALL EXTEND OUT FROM THE TRUNK ON ALL SIDES A MINIMUM OF 18 INCHES (18") AND FINISH APPROXIMATELY TWO INCHES (2") ABOVE THE FINISH GRADE AT TREE. INSTALL GRAVEL BEFORE ANY EARTH FILL IS PLACED. NEW EARTH FILL SHALL NOT BE LEFT IN CONTACT WITH THE TRUNK OF ANY TREE REQUIRING FILL. WHERE FILL EXCEEDING 6 INCHES (6") IS REQUIRED, A DRY LAID TREE WELL SHALL BE CONSTRUCTED. IF APPLICABLE, TREE WELL INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE WELL DETAIL."
   - LOWERING GRADES: EXISTING TREES LOCATED IN AREAS WHERE THE NEW FINISHED GRADE IS TO BE LOWERED, SHALL HAVE RE-GRADING WORK DONE BY HAND TO THE INDICATED ELEVATION, NO GREATER THAN SIX INCHES (6"). ROOTS SHALL BE CUT CLEANLY THREE INCHES (3") BELOW FINISHED GRADE UNDER THE DIRECTION OF A LICENSED ARBORIST. WHERE CUT EXCEEDING 6 INCHES (6") IS REQUIRED, A DRY LAID RETAINING WALL SHALL BE CONSTRUCTED. IF APPLICABLE, THE RETAINING WALL INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVIDED "TREE RETAINING WALL DETAIL."

SOIL PREPARATION AND MULCH NOTES:

1. LANDSCAPE CONTRACTOR SHALL OBTAIN A SOIL TEST OF THE IN-SITU TOPSOIL BY A CERTIFIED SOIL LABORATORY PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL ALLOW FOR A TWO WEEK TURNAROUND TIME FROM SUBMITTAL OF SAMPLE TO NOTIFICATION OF RESULTS.
2. BASED ON SOIL TEST RESULTS, ADJUST THE RATES OF LIME AND FERTILIZER THAT SHALL BE MIXED INTO THE TOP SIX INCHES (6") OF TOPSOIL. THE LIME AND FERTILIZER RATES PROVIDED WITHIN THE "SEED SPECIFICATION" OR "SOD SPECIFICATION" IS APPROXIMATE AND FOR BIDDING PURPOSES ONLY. IF ADDITIONAL AMENDMENTS ARE NECESSARY, ADJUST THE TOPSOIL AS FOLLOWS:
   - MODIFY HEAVY CLAY OR SILT SOILS (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) OR GYPSUM.
   - MODIFY EXTREMELY SANDY SOILS (MORE THAN 85%) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX.
3. TOPSOIL SHALL BE FERTILE, FRIABLE, NATURAL TOPSOIL OF LOAMING CHARACTER, WITHOUT ADMIXTURE OF SUBSOIL MATERIAL OBTAINED FROM A WELL-DRAINED ARABLE SITE, FREE FROM ALL CLAY, LUMPS, COARSE SANDS, STONES, PLANTS, ROOTS, STICKS, AND OTHER FOREIGN MATERIAL GREATER THAN ONE INCH (1").
4. TOPSOIL SHALL HAVE A PH RANGE OF 5.0-7.0 AND SHALL NOT CONTAIN LESS THAN 6% ORGANIC MATTER BY WEIGHT.
5. OBTAIN TOPSOIL ONLY FROM LOCAL SOURCES OR FROM AREAS HAVING SIMILAR SOIL CHARACTERISTICS TO THAT FOUND AT THE PROJECT SITE.
6. CONTRACTOR SHALL PROVIDE A SIX INCH (6") DEEP LAYER OF TOPSOIL IN ALL PLANTING AREAS. TOPSOIL SHALL BE SPREAD OVER A PREPARED SURFACE IN A UNIFORM LAYER TO ACHIEVE THE DESIRED COMPACTED THICKNESS. THE SPREADING OF TOPSOIL SHALL NOT BE CONDUCTED UNDER MUDDY OR FROZEN SOIL CONDITIONS.
7. UNLESS OTHERWISE NOTED IN THE CONTRACT, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TOPSOIL AND THE ESTABLISHMENT OF FINE-GRADING WITHIN THE DISTURBED AREA OF THE SITE.
8. LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE SUB-GRADE ELEVATION MEETS THE FINISHED GRADE ELEVATION (LESS THE REQUIRED TOPSOIL) IN ACCORDANCE WITH THE APPROVED OR FINAL GRADING PLAN.
9. ALL LAWN AND PLANTING AREAS SHALL BE GRADED TO A SMOOTH, EVEN AND UNIFORM PLANE WITH NO ABRUPT CHANGE OF SURFACE AS DEPICTED WITHIN THE APPROVED OR FINAL CONSTRUCTION SET UNLESS OTHERWISE DIRECTED BY THE PROJECT LANDSCAPE DESIGNER OR MUNICIPAL OFFICIAL.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER SURFACE AND SUBSURFACE PLANT BED DRAINAGE PRIOR TO THE INSTALLATION OF PLANTINGS. IF POOR DRAINAGE CONDITIONS EXIST, CORRECTIVE ACTION SHALL BE TAKEN PRIOR TO INSTALLATION. ALL PLANTING AND LAWN AREAS SHALL BE GRADED AND MAINTAINED TO ALLOW A FREE FLOW OF SURFACE WATER.
11. DOUBLE SHREDDED HARDWOOD MULCH OR APPROVED EQUAL SHALL BE USED AS A THREE INCH (3") TOP DRESSING IN ALL SHRUB PLANTING BEDS AND AROUND ALL TREES PLANTED BY LANDSCAPE CONTRACTOR. GROUND COVER, PERENNIAL, AND ANNUAL PLANTING BEDS SHALL BE MULCHED WITH A TWO INCH (2") TOP DRESSING. SINGLE TREES OR SHRUBS SHALL BE MULCHED TO AVOID CONTACT WITH TRUNK OR PLANT STEM. MULCH SHALL BE OF SUFFICIENT CHARACTER AS NOT TO BE EASILY DISPLACED BY WIND OR WATER RUNOFF.
12. WHENEVER POSSIBLE, THE SOIL PREPARATION AREA SHALL BE CONNECTED FROM PLANTING TO PLANTING.
13. SOIL SHALL BE LOOSENED WITH A BACKHOE OR OTHER LARGE COARSE-TILING EQUIPMENT UNLESS THE SOIL IS FROZEN OR EXCESSIVELY WET. TILING THAT PRODUCES LARGE CLODS OR CHUNKS OF SOIL IS PREFERABLE TO TILING THAT RESULTS IN FINE GRAINS UNIFORM IN TEXTURE. AFTER THE AREA IS LOOSENED IT SHALL NOT BE DRIVEN OVER BY ANY VEHICLE.
14. APPLY PRE-EMERGENT WEED CONTROL TO ALL PLANT BEDS PRIOR TO MULCHING. ENSURE COMPATIBILITY BETWEEN PRODUCT AND PLANT MATERIAL.
15. ALL PLANTING SOIL SHALL BE AMENDED WITH THE FOLLOWING:

MYCOR® TREE SAVER - A DRY GRANULAR MYCORRHIZAL FUNGI INOCULANT THAT IS MIXED IN THE BACKFILL WHEN PLANTING TREES AND SHRUBS. IT CONTAINS SPORES OF BOTH ECTOMYCORRHIZAL AND VA MYCORRHIZAL FUNGI (VAM), BENEFICIAL RHIZOSPHERE BACTERIA, TERRA-SORB SUPERABSORBENT HYDROGEL TO REDUCE WATER LEACHING, AND SELECTED ORGANIC MICROBIAL NUTRIENTS.

- DIRECTIONS FOR USE: USE 3-OZ PER EACH FOOT DIAMETER OF THE ROOT BALL, OR 3-OZ PER INCH CALIPER. MIX INTO THE BACKFILL WHEN TRANSPLANTING TREES AND SHRUBS. MIX PRODUCT IN A RING-SHAPED VOLUME OF SOIL AROUND THE UPPER PORTION OF THE ROOT BALL, EXTENDING FROM THE SOIL SURFACE TO A DEPTH OF ABOUT 8 INCHES, AND EXTENDING OUT FROM THE ROOT BALL ABOUT 8 INCHES INTO THE BACKFILL. APPLY WATER TO SOIL SATURATION.
- MYCOR® TREE SAVER® IS EFFECTIVE FOR ALL TREE AND SHRUB SPECIES EXCEPT RHODODENDRONS, AZALEAS, AND MOUNTAIN LAUREL, WHICH REQUIRE ERICOID MYCORRHIZAE.
- SOIL PH: THE FUNGI IN THIS PRODUCT WERE CHOSEN BASED ON THEIR ABILITY TO SURVIVE AND COLONIZE PLANT ROOTS IN A PH RANGE OF 3 TO 9.
- FUNGICIDES: THE USE OF CERTAIN FUNGICIDES CAN HAVE A DETRIMENTAL EFFECT ON THE INOCULATION PROGRAM. SOIL APPLICATION OF ANY FUNGICIDE IS NOT RECOMMENDED FOR TWO WEEKS AFTER APPLICATION.
- OTHER PESTICIDES: HERBICIDES AND INSECTICIDES DO NOT NORMALLY INTERFERE WITH MYCORRHIZAL FUNGAL DEVELOPMENT, BUT MAY INHIBIT THE GROWTH OF SOME TREE AND SHRUB SPECIES IF NOT USED PROPERLY.

HEALTHY START MACRO TABS 12-8-8

- FERTILIZER TABLETS ARE PLACED IN THE UPPER 4 INCHES OF BACKFILL SOIL WHEN PLANTING TREES AND SHRUBS.
- TABLETS ARE FORMULATED FOR LONG-TERM RELEASE BY SLOW BIODEGRADATION, AND LAST UP TO 2 YEARS AFTER PLANTING. TABLETS CONTAIN 12-8-8 NPK FERTILIZER, AS WELL AS A MINIMUM OF SEVEN PERCENT (7%) HUMIC ACID BY WEIGHT, MICROBIAL NUTRIENTS DERIVED FROM SEA KELP, PROTEIN BYPRODUCTS, AND YUCCA SCHIDIGERA, AND A COMPLEMENT OF BENEFICIAL RHIZOSPHERE BACTERIA. THE STANDARD 21 GRAM TABLET IS SPECIFIED HERE. DIRECTIONS FOR USE: FOR PLANTING BALLED & BURLAPPED (B&B) TREES AND SHRUBS, MEASURE THE THICKNESS OF THE TRUNK, AND USE ABOUT 1 TABLET (21-G) PER HALF-INCH. PLACE THE TABLETS DIRECTLY NEXT TO THE ROOT BALL, EVENLY DISTRIBUTED AROUND ITS PERIMETER, AT A DEPTH OF ABOUT 4 INCHES.

IRRIGATION DURING ESTABLISHMENT

SIZE AT PLANTING	IRRIGATION FOR VITALITY	IRRIGATION FOR SURVIVAL
< 2" CALIPER	DAILY FOR TWO WEEKS, EVERY OTHER DAY FOR TWO MONTHS, WEEKLY UNTIL ESTABLISHED	TWO TO THREE TIMES WEEKLY FOR TWO TO THREE MONTHS
2"-4 CALIPER	DAILY FOR ONE MONTH, EVERY OTHER DAY FOR THREE MONTHS, WEEKLY UNTIL ESTABLISHED	TWO TO THREE TIMES WEEKLY FOR THREE TO FOUR MONTHS
4 >" CALIPER	DAILY FOR SIX WEEKS, EVERY OTHER DAY FOR FIVE MONTHS, WEEKLY UNTIL ESTABLISHED	TWICE WEEKLY FOR FOUR TO FIVE MONTHS

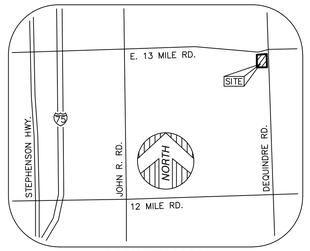
TABLE NOTES:
1. AT EACH IRRIGATION, APPLY TWO TO THREE GALLONS PER INCH TRUNK CALIPER TO THE ROOT BALL SURFACE. APPLY IT IN A MANNER SO ALL WATER SOAKS THE ENTIRE ROOT BALL. DO NOT WATER IF ROOT BALL IS WET/SATURATED ON THE IRRIGATION DAY.

2. WHEN IRRIGATING FOR VITALITY, DELETE DAILY IRRIGATION WHEN PLANTING IN WINTER OR WHEN PLANTING IN COOL CLIMATES. ESTABLISHMENT TAKES THREE TO FOUR MONTHS PER INCH TRUNK CALIPER. NEVER APPLY IRRIGATION IF THE SOIL IS SATURATED.

3. WHEN IRRIGATION FOR SURVIVAL, TREES TAKE MUCH LONGER TO ESTABLISH THAN REGULARLY IRRIGATED TREES. IRRIGATION MAY BE REQUIRED IN THE NORMAL HOT, DRY PORTIONS OF THE FOLLOWING YEAR.

PLANT QUALITY AND HANDLING NOTES:

1. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004) OR LATEST REVISION AS PUBLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
2. IN ALL CASES, BOTANICAL NAMES LISTED WITHIN THE APPROVED OR FINAL PLANT LIST SHALL TAKE PRECEDENCE OVER COMMON NAMES.
3. ALL PLANTS SHALL BE OF SELECTED SPECIMEN QUALITY, EXCEPTIONALLY HEAVY, TIGHTLY KNIT, SO TRAINED OR FAVORED IN THEIR DEVELOPMENT AND APPEARANCE AS TO BE SUPERIOR IN FORM, NUMBER OF BRANCHES, COMPACTNESS AND SYMMETRY. ALL PLANTS SHALL HAVE A NORMAL HABIT OR SOUND, HEALTHY, VIGOROUS PLANTS WITH WELL DEVELOPED ROOT SYSTEM. PLANTS SHALL BE FREE OF DISEASE, INSECT PESTS, EGGS OR LARVAE.
4. PLANTS SHALL NOT BE PRUNED BEFORE DELIVERY. TREES WITH ABRASION OF THE BARK, SUNSCALDS, DISFIGURING KNOTS OR FRESH CUTS OF LIMBS OVER ONE AND ONE-FOURTH INCHES (1-1/4") WHICH HAVE NOT COMPLETELY CALLOUSED SHALL BE REJECTED.
5. ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH AND BE LEGIBLY TAGGED WITH THE PROPER NAME AND SIZE.
6. THE ROOT SYSTEM OF EACH PLANT SHALL BE WELL PROVIDED WITH FIBROUS ROOTS. ALL PARTS SHALL BE SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED AND DENSELY FOLIATED WHEN IN LEAF.
7. ALL PLANTS DESIGNATED BALL AND BURLAP (B&B) MUST BE MOVED WITH THE ROOT SYSTEM AS SOLID UNITS WITH BALLS OF EARTH FIRMLY WRAPPED WITH BURLAP. THE DIAMETER AND DEPTH OF THE BALLS OF EARTH MUST BE SUFFICIENT TO ENCOMPASS THE FIBROUS ROOT FEEDING SYSTEMS NECESSARY FOR THE HEALTHY DEVELOPMENT OF THE PLANT. NO PLANT SHALL BE ACCEPTED WHEN THE BALL OF EARTH SURROUNDING ITS ROOTS HAS BEEN BADLY CRACKED OR BROKEN PREPARATORY TO OR DURING THE PROCESS OF PLANTING. THE BALLS SHALL REMAIN INTACT DURING ALL OPERATIONS. ALL PLANTS THAT CANNOT BE PLANTED AT ONCE MUST BE HEELED-IN BY SETTING IN THE GROUND AND COVERING THE BALLS WITH SOIL OR MULCH AND THEN WATERING. HEMP BURLAP AND TWINE IS PREFERABLE TO TREATED. IF TREATED BURLAP IS USED, ALL TWINE IS TO BE CUT FROM AROUND THE TRUNK AND ALL BURLAP IS TO BE REMOVED.
8. PLANTS TRANSPORTED TO THE PROJECT IN OPEN VEHICLES SHALL BE COVERED WITH TARPS OR OTHER SUITABLE COVERS SECURELY FASTENED TO THE BODY OF THE VEHICLE TO PREVENT INJURY TO THE PLANTS. CLOSED VEHICLES SHALL BE ADEQUATELY VENTILATED TO PREVENT OVERHEATING OF THE PLANTS. EVIDENCE OF INADEQUATE PROTECTION FOLLOWING DIGGING, CARELESSNESS WHILE IN TRANSIT, OR IMPROPER HANDLING OR STORAGE SHALL BE CAUSE FOR REJECTION OF PLANT MATERIAL. ALL PLANTS SHALL BE KEPT MOIST, FRESH, AND PROTECTED. SUCH PROTECTION SHALL ENCOMPASS THE ENTIRE PERIOD DURING WHICH THE PLANTS ARE IN TRANSIT, BEING HANDLED, OR ARE IN TEMPORARY STORAGE.
9. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE CORRESPONDING LANDSCAPE PLAN AND PLANTING DETAILS.
10. LANDSCAPE CONTRACTOR SHALL MAKE BEST EFFORT TO INSTALL PLANTINGS ON THE SAME DAY AS DELIVERY. IF PLANTS ARE NOT PLANTED IMMEDIATELY ON SITE, PROPER CARE SHALL BE TAKEN TO PLACE THE PLANTINGS IN PARTIAL SHADE WHEN POSSIBLE. THE ROOT BALL SHALL BE KEPT MOIST AT ALL TIMES AND COVERED WITH MOISTENED MULCH OR ADDED WOODCHIPS. PROPER IRRIGATION SHALL BE SUPPLIED SO AS TO NOT ALLOW THE ROOT BALL TO DRY OUT. PLANTINGS SHALL BE UNTIED AND PROPER SPACING SHALL BE ALLOTTED FOR AIR CIRCULATION AND TO PREVENT DISEASE, WILTING, AND LEAF LOSS. PLANTS THAT REMAIN UNPLANTED FOR A PERIOD OF TIME GREATER THAN THREE (3) DAYS SHALL BE HEALED IN WITH TOPSOIL OR MULCH AND WATERED AS REQUIRED TO PRESERVE ROOT MOISTURE.
11. NO PLANT MATERIAL SHALL BE PLANTED IN MUDDY OR FROZEN SOIL.
12. PLANTS WITH INJURED ROOTS OR BRANCHES SHALL BE PRUNED PRIOR TO PLANTING UTILIZING CLEAN, SHARP TOOLS. ONLY DISEASED OR INJURED PLANTS SHALL BE REMOVED.
13. IF ROCK OR OTHER UNDERGROUND OBSTRUCTION IS ENCOUNTERED, THE LANDSCAPE DESIGNER RESERVES THE RIGHT TO RELOCATE OR ENLARGE PLANTING PITS OR DELETE PLANT MATERIAL FROM THE CONTRACT.
14. IF PLANTS ARE PROPOSED WITHIN SIGHT TRIANGLES, TREES SHALL BE LIMBED AND MAINTAINED TO A HEIGHT OF EIGHT FEET (8') ABOVE GRADE, AND SHRUBS, GROUND COVER, PERENNIALS AND ANNUALS SHALL BE MAINTAINED TO A HEIGHT NOT TO EXCEED TWO FEET (2') ABOVE GRADE UNLESS OTHERWISE NOTED OR SPECIFIED BY THE GOVERNING MUNICIPALITY OR AGENCY.
15. INSTALLATION SHALL OCCUR DURING THE FOLLOWING SEASONS:
    PLANTS (MARCH 15 - DECEMBER 15)
    LAWNS (MARCH 15 - JUNE 15 OR SEPT



VICINITY MAP
(NOT TO SCALE)

SURVEYOR'S NOTE
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

BENCHMARK
SITE BENCHMARK #1
ARROW ON HYDRANT, AT EAST SIDE OF PROPERTY.
ELEVATION = 630.12' (NAVD 88)

SITE BENCHMARK #2
MAG NAIL IN UTILITY POLE, AT NORTHWEST CORNER OF PROPERTY.
ELEVATION = 631.46' (NAVD 88)

PARKING
HANDICAP PARKING = 3 STALLS
STANDARD PARKING = 79 STALLS

PARCEL AREA
67,279± SQUARE FEET = 1.54± ACRES

BASIS OF BEARING
NORTH 82°47'00" WEST, BEING THE NORTH LINE OF SECTION 12, AS DESCRIBED.

TITLE REPORT NOTE
ONLY THOSE EXCEPTIONS CONTAINED WITHIN THE CHICAGO TITLE INSURANCE COMPANY, COMMITMENT No. 6312171.3INTS, DATED OCTOBER 5, 2023, AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER RECORDS RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.

3. RIGHT OF WAY TO THE WALKER RELIEF DRAINS INTER-COUNTY DRAINAGE DISTRICT ACTING THROUGH THE INTER-COUNTY DRAINAGE

BOARD FOR THE WALKER RELIEF DRAINS AS SET FORTH BELOW:
RECORDING NO: LIBER 5385, PAGE 445. (AS SHOWN)

4. RIGHT(S) OF WAY AND/OR EASEMENT(S) AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: CONSUMERS POWER COMPANY (NOW KNOWN AS CONSUMERS ENERGY)
RECORDING NO: LIBER 7814, PAGE 421. (AS SHOWN)

5. RIGHT-OF-WAY AGREEMENT (FOR INGRESS AND EGRESS) IN FAVOR OF THE CHRISTIAN MISSIONARY ALLIANCE CHURCH ON MADISON HEIGHTS, A MICHIGAN ECCLESIASTICAL CORPORATION, AS SET FORTH BELOW:

RECORDING NO: LIBER 7909, PAGE 7. (AS SHOWN)

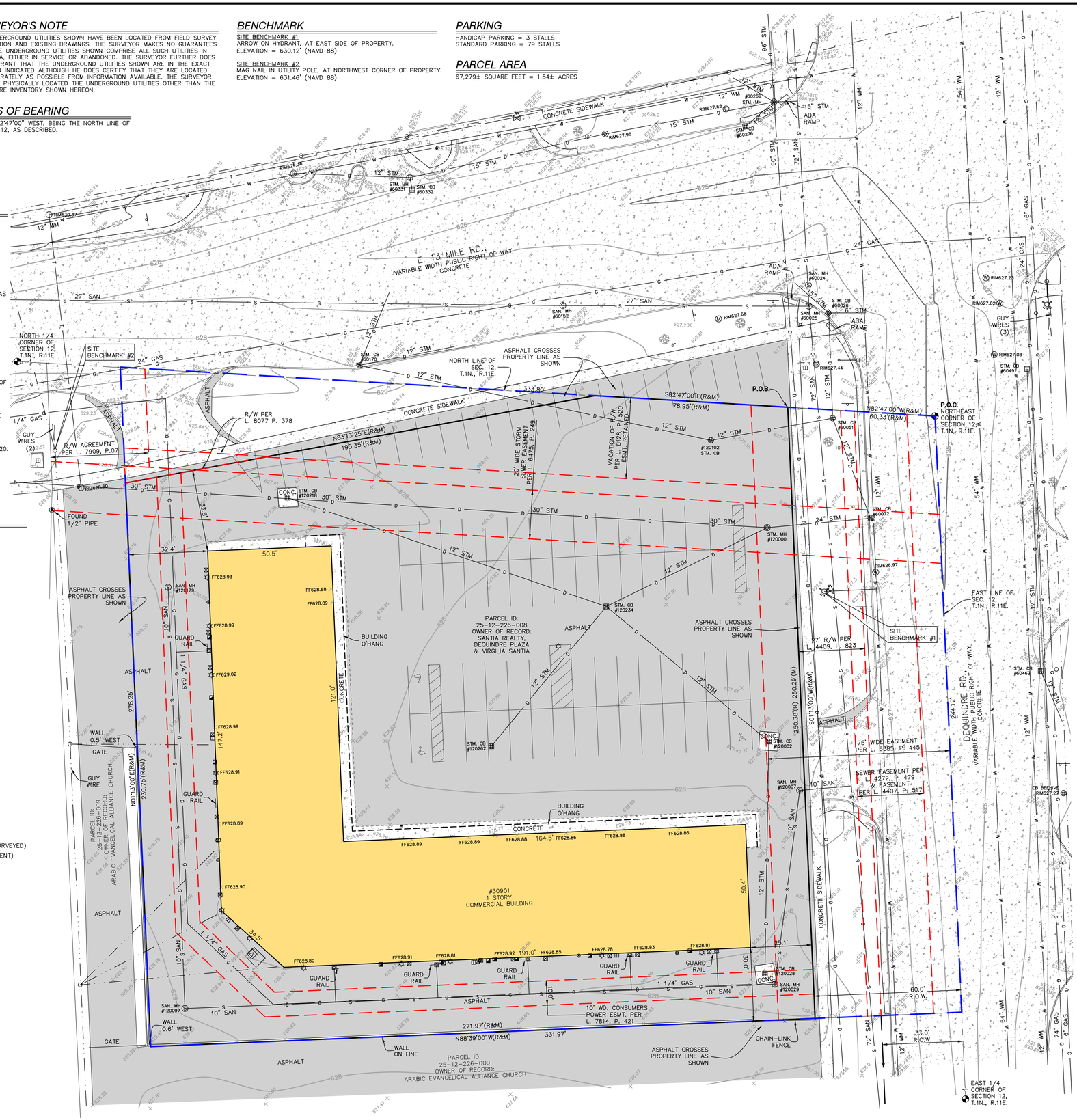
6. RIGHT(S) OF WAY AND/OR EASEMENT(S) AND RIGHTS AS GRANTED TO CITY OF MADISON HEIGHTS, IN A DOCUMENT:

RECORDING NO: LIBER 8077, PAGE 378. (AS SHOWN)

7. ANY IRREGULARITIES, RESERVATIONS, EASEMENTS OR OTHER MATTERS IN THE PROCEEDINGS OCCASIONING THE ABANDONMENT OR VACATION OF THE STREET/ROAD SHOWN BELOW:

NAME: THIRTEEN MILE ROAD RIGHT-OF-WAY
RECORDING NO: LIBER 8084, PAGE 642 AND AMENDED BY LIBER 8128, PAGE 520. (AS SHOWN)

LEGEND
- FOUND MONUMENT (AS NOTED)
- FOUND SECTION CORNER (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- 0.00 GROUND ELEVATION
- E ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC PANEL
- TRANSFORMER
- UTILITY POLE
- GAS LINE MARKER
- GAS METER
- LIGHT POLE WITH STREET LAMP
- TELEPHONE MANHOLE
- CABLE TV RISER
- TRAFFIC SIGNAL
- TRAFFIC SIGNAL MANHOLE
- CLEANOUT
- SANITARY MANHOLE
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- STORM DRAIN MANHOLE
- FIRE HYDRANT
- WATER GATE MANHOLE
- WATER VALVE
- UNKNOWN MANHOLE
- BOLLARD
- LIGHTPOST/LAMP POST
- SINGLE POST SIGN
- HANDICAP PARKING
- DECIDUOUS TREE (AS NOTED)
- PARCEL BOUNDARY LINE (AS ASSESSED & SURVEYED)
- PARCEL BOUNDARY LINE (PER TITLE COMMITMENT)
- ADJOINER PARCEL LINE
- SECTION LINE
- EASEMENT (AS NOTED)
- RIGHT-OF-WAY
- BUILDING
- BUILDING OVERHANG
- CONCRETE CURB
- RAISED CONCRETE
- PARKING
- EDGE OF CONCRETE (CONC.)
- EDGE OF ASPHALT (ASPH.)
- FENCE (AS NOTED)
- WALL (AS NOTED)
- OVERHEAD UTILITY LINE
- T COMMUNICATION LINE
- G GAS LINE
- S SANITARY LINE
- D STORM LINE
- W WATER LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- BUILDING AREA
- ASPHALT
- CONCRETE



GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

PROPERTY DESCRIPTION
LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF OAKLAND, CITY OF MADISON HEIGHTS.

PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 11 EAST, BEGINNING AT THE NORTHEAST SECTION CORNER; THENCE NORTH 82 DEGREES 47 MINUTES WEST 333.80 FEET; THENCE SOUTH 01 DEGREE 13 MINUTES WEST 278.25 FEET; THENCE SOUTH 88 DEGREES 39 MINUTES EAST 331.97 FEET; THENCE NORTH 01 DEGREE 13 MINUTES EAST 244.12 FEET TO THE POINT OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHWAY PURPOSES.

ASSESSED AS:

PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 11 EAST, DESCRIBED AS BEGINNING AT A POINT DISTANT NORTH 82 DEGREES 47'00" WEST 60.33 FEET FROM THE NORTHEAST SECTION CORNER; THENCE SOUTH 01 DEGREE 13'00" WEST 250.38 FEET; THENCE NORTH 88 DEGREES 39'00" WEST 271.97 FEET; THENCE NORTH 01 DEGREE 13'00" EAST 230.75 FEET; THENCE NORTH 83 DEGREES 13'25" EAST 195.35 FEET; THENCE SOUTH 82 DEGREES 47'00" EAST 78.95 FEET TO THE POINT OF BEGINNING.

MANHOLE SCHEDULE

NUM	TYPE	RIM (FT)	SIZE (IN)	DIR	INV ELEV (FT)
60024	SANITARY MANHOLE	627.24	T/DEBRIS		620.29
60025	SANITARY MANHOLE	627.28	72	S	604.14
		627.28	27	W	604.37
		627.28	72	N	604.48
60026	CATCH BASIN	626.62	15	NW	620.32
		626.62	6	E	624.62
60051	CATCH BASIN	627.22	12	SE	622.42
60072	CATCH BASIN	626.92	24	W	617.82
		626.92	12	N	621.57
		626.92	12	E	621.02
60152	SANITARY MANHOLE	627.52	27	NW	606.52
		627.52	27	SE	606.57
60170	CATCH BASIN	628.02	12	ESE	622.22
		628.02	12	NE	624.12
		628.02	12	E	624.12
60269	STORM MANHOLE	627.42	12	NW	620.22
		627.42	12	SW	622.17
		627.42	15	E	621.22
		627.42	96	N	609.72
		627.42	90	S	609.72
60276	CATCH BASIN	626.89	12	NE	622.49
60331	STORM MANHOLE	627.94	15	NW	623.64
		627.94	15	NE	623.69
		627.94	12	S	623.79
60332	CATCH BASIN	627.87	COULD NOT OPEN		
60462	CATCH BASIN	627.02	12	SSE	623.62
		627.02	12	N	623.17
60491	CATCH BASIN	626.66	12	S	620.56
		626.66	6	S	620.56
120000	STORM MANHOLE	627.81	12	SW	618.36
		627.81	24	E	613.96
		627.81	30	W	614.01
120002	CATCH BASIN	627.34	12	S	621.69
		627.34	12	NW	621.54
120007	SANITARY MANHOLE	627.98	10	E	618.98
		627.98	10	S	618.98
120028	CATCH BASIN	627.25	12	N	622.65
120029	SANITARY MANHOLE	627.35	10	W	619.55
		627.35	10	N	619.55
120097	SANITARY MANHOLE	628.94	10	E	620.79
		628.94	10	N	620.89
120102	CATCH BASIN	627.15	12	W	620.30
		627.15	12	E	619.45
120179	SANITARY MANHOLE	627.84	10	S	621.59
120218	CATCH BASIN	627.12	12	SE	620.52
120234	CATCH BASIN	627.20	12	SE	620.80
		627.20	12	SW	620.80
		627.20	12	NW	619.20
		627.20	12	NE	618.90
		627.20	8	S	625.00
120262	CATCH BASIN	627.38	12	NE	621.38

FLOOD NOTE
SUBJECT PARCEL LIES WITHIN:

OTHER AREA (ZONE X): AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

AS SHOWN ON FLOOD INSURANCE RATE MAP: MAP NUMBER 26125C0564F, DATED 9/29/2006, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SURVEYOR'S CERTIFICATION
TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; NORTHWEST TITLE FAMILY OF COMPANIES, INC.; AND MC DEVELOPMENT HOLDINGS, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 7A, 8, 9, 11A, AND 11B OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON 08/08/23.

DATE OF PLAT OR MAP: 08/28/23

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976
22556 GRATIOT AVE., EASTPOINTE, MI 48021
TSycko@kemtec-survey.com

STATE OF MICHIGAN
ANTHONY T. SYCKO, JR.
PROFESSIONAL SURVEYOR
No. 4001047976
LICENSED PROFESSIONAL SURVEYOR

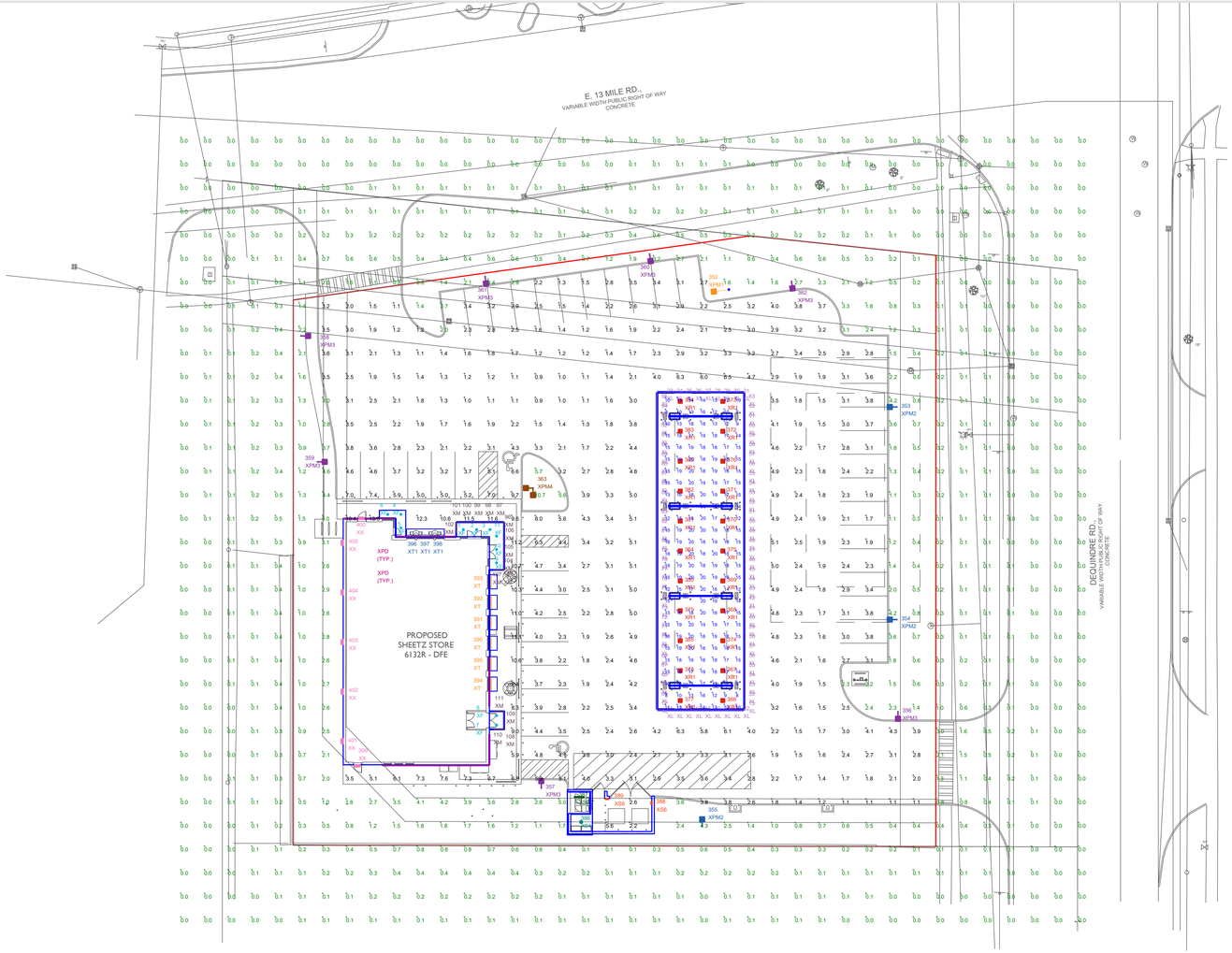
KEM-TEC
PROFESSIONAL ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES
A GEO-LOGIC COMPANIES
Eastpointe (800) 266.7222
Ann Arbor (734) 994.9888
Detroit (313) 755.0677
Grand Blanc (888) 694.0001
www.kemtecgroupofcompanies.com

ALTA / NSPS LAND TITLE SURVEY
PREPARED FOR: STONEFIELD ENGINEERING AND DESIGN
30901 DEQUINDRE RD., MADISON HEIGHTS, MICHIGAN,
PART OF SECTION 12, TOWN 1 NORTH, RANGE 11 EAST

NO.	DATE	BY	REVISION DESCRIPTION
2	11/01/23	NPH	UPDATED PER TITLE WORK
1	8/31/23	JDM	REVISED STORM

DRAWN BY: LJ
CHECKED BY: ATS
DATE: 08/18/23
08/28/23
AUGUST 28, 2023
SCALE: 1" = 20'
PROJECT NO. 23-01671

1
1 OF 1 SHEETS



NORTH

GRAPHIC SCALE

0 30 60 90 120

LUMINAIRE LOCATION SUMMARY			
LUM NO.	LABEL	MTG. HT.	TILT
1 - 11	XF	11.33	0
12	XL	17.887	0
13	XL	21.079	0
14	XL	18.062	5
15	XL	18.415	5
16	XL	18.77	5
17	XL	19.123	5
18	XL	19.476	5
19	XL	19.83	5
20	XL	20.183	5
21	XL	20.537	5
22	XL	20.89	5
23	XL	18.062	5
24	XL	18.415	5
25	XL	18.77	5
26	XL	19.123	5
27	XL	19.476	5
28	XL	19.83	5
29	XL	20.183	5
30	XL	20.537	5
31	XL	20.89	5
32 - 63	XL	21.079	0
64 - 95	XL	17.887	0
96 - 111	XM	12	0
112 - 275	XP	18	0
276 - 351	XPD	18	0
352	XPM1	1	169
353 - 355	XPM2	20	0
356 - 362	XPM3	20	0
363	XPM4	20	0
364, 365	XR1	17.45	0
366 - 376	XR1	19.02	0
377 - 385	XR1	17.45	0
386	XS4	8.25	-5
387	XS5	9.08	0
388, 389	XS6	6.5	90
390 - 395	XT	13.5	0
396 - 399	XT1	13.5	0
400	XX	11.333	0
401 - 405	XX	15.5	0

NOTE:
- ALL AREA LIGHTS ON NEW 17 FT. POLE MOUNTED ON 3 FT. CONCRETE BASE

THIS SITE IS LOCATED IN A REGION WHERE LIGHTING IS REGULATED BY LOCAL ORDINANCES

LUMINAIRE SCHEDULE										
SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	CATALOG LOGIC
	11	XF	SINGLE	1037	1.000	B1-U0-G0	13	143	LF ILLUMINATION LLC (LEDIL)	BULLET MINI-5911-1AA-T-13C-9230-M-DMU-BLACK COLOR 90CRI
	84	XL	SINGLE	136	1.000	N.A.	4.12	346.08	BLAIR COMPANIES	4 FT. LINEAR STRIP LIGHT (BY OTHERS, SHOWN FOR CONTRIBUTION)
	16	XM	SINGLE	136	0.700	N.A.	4.12	65.92	BLAIR COMPANIES	LB-110-00-XX-025-RD[1]FR4-15 (BY OTHERS, SHOWN FOR CONTRIBUTION)
	164	XP	SINGLE	305	1.000	N.A.	3.66	600.24	P-LED	STREET WRAP FLEX BACK BEND 4000K (3000K REQUIRED, VERIFY AVAILABILITY)
	76	XPD	SINGLE	25	1.000	N.A.	0.305	23.18	P-LED	STREET WRAP FLEX BACK BEND 4000K (3000K REQUIRED, VERIFY AVAILABILITY)
	1	XPM1	SINGLE	10550	1.020	B4-U0-G1	68	68	CREE LIGHTING	OSQ-ML-C-AA-XX w/PGM-1 + OSQM-C-11L-30K7-33-UL-NM-XX
	3	XPM2	SINGLE	6900	1.020	B1-U0-G2	68	204	CREE LIGHTING	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-3B-UL-NM-XX
	7	XPM3	SINGLE	6325	1.020	B1-U0-G1	68	476	CREE LIGHTING	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-4B-UL-NM-XX
	1	XPM4	2 @ 90 DEGREES	10025	1.020	B2-U0-G2	68	136	CREE LIGHTING	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-4M-UL-NM-XX
	22	XR1	SINGLE	5500	1.020	B2-U2-G1	36	792	CREE LIGHTING	CP5-8L-30K8-DF-UL-DM-XX-Q4-HZ
	1	XS4	SINGLE	2230	1.000	B1-U1-G0	20	20	HE WILLIAMS	WLRD-O-L22-830-BZ-OCC-S2X
	1	XS5	SINGLE	3004	1.000	B1-U3-G1	19.7	19.7	HE WILLIAMS	75S-4-L30-830-DIM-UNV
	2	XS6	SINGLE	1858	1.000	B1-U1-G0	20	40	HE WILLIAMS	WLRD-C-L22-830-BZ-OCC-S2X
	6	XT	SINGLE	1840	1.000	N.A.	20	120	SPI LIGHTING INC.	SEW12146 I 5FT-L20W[AN08] I120-277V I 3000K I SMA (12IN PROJECTION STEM, BLACK, 80CRI)
	3	XT1	SINGLE	1472	1.000	N.A.	16	48	SPI LIGHTING INC.	SEW12146 I 4FT-L16W[AN08] I 120-277V I 3000K I SMA (12IN PROJECTION STEM, BLACK, 80CRI)
	7	XX	SINGLE	1921	1.000	B1-U0-G0	16	112	WILLIAMS OUTDOOR	VWM-H-L17/830-TL-DBZ-CGL-DIM-UNV (BRONZE COLOR 80CRI)

ILLUMINATION LEVELS ARE THE RESULT OF CONDITIONS OR REQUESTS BY OTHERS
RED LEONARD ASSOCIATES IS NOT RESPONSIBLE
FOR INCIDENTS CAUSED BY INSUFFICIENT LIGHTING
AND DOES NOT RECOMMEND THESE LEVELS FOR
SECURITY AND SAFETY REASONS

OWNER/OWNER'S REPRESENTATIVE TO ADJUST DRIVE
CURRENT ON FIXTURE XR1 VIA DIAL ACCESSED IN
DRIVER ENCLOSURE TO SWITCH POSITION NOTED IN
CATALOG LOGIC COLUMN OF LUMINAIRE SCHEDULE

FOOTCANDLE LEVELS CALCULATED AT GRADE USING INITIAL LUMEN VALUES					
LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
SITE PAVED AREA	3.34	13.6	0.9	3.71	15.11
UNDEFINED	0.45	10.7	0.0	N.A.	N.A.
UNDER CANOPY	16.10	20	8	2.01	2.50

REDLEONARD ASSOCIATES
1340 Kemper Meadow Dr, Forest Park, OH 45240
513-574-9500 | redleonard.com

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SCALE: 1" = 30'
LAYOUT BY: DAR
DWG SIZE: D
DATE: 2/8/24

PROJECT NAME:
SHEETZ
MADISON HEIGHTS, MI
DRAWING NUMBER:
RL-9432-S1

DOWNLIGHT

QTY	LABEL	DESCRIPTION
11	XF	BULLET MINI-5911-1AA-T-13C-9230-M-DMU-BLACK COLOR 90CRI



STREET WRAP

QTY	LABEL	DESCRIPTION
164	XP	STREET WRAP FLEX BACK BEND 4000K (3000K REQUIRED, VERIFY AVAILABILITY)
76	XPD	STREET WRAP FLEX BACK BEND 4000K (3000K REQUIRED, VERIFY AVAILABILITY)



AREA/FLOOD

QTY	LABEL	DESCRIPTION
1	XPM1	OSQ-ML-C-AA-XX W/PGM-1 + OSQM-C-11L-30K7-33-UL-NM-XX
3	XPM2	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-3B-UL-NM-XX
7	XPM3	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-4B-UL-NM-XX
1	XPM4	OSQ-ML-C-DA-XX + OSQM-C-11L-30K7-4M-UL-NM-XX

CANOPY

QTY	LABEL	DESCRIPTION
22	XR1	CP5-8L-30K8-DF-UL-DM-XX-Q4-HZ



WALL MOUNTED

QTY	LABEL	DESCRIPTION
1	XS4	WLRD-O-L22-830-BZ-OCC-S2X
2	XS6	WLRD-C-L22-830-BZ-OCC-S2X



ILLUMINATION

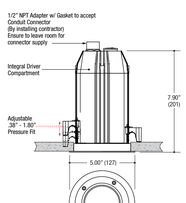
BULLET - MINI

OUTDOOR RECESSED FIXED DOWNLIGHT

WET LOCATION - IP66 **LED**

PROJECT	TYPE	CATALOG NUMBER

Measurements in ( ) are metric equivalents.







DOWNLIGHT
- Recessed fixed downlight
- Die-cast aluminum trim
- Powder coat finish

HOUSING
- Extruded aluminum central housing
- Powder coat finish
- Dust and water jet tight sealed
- **Ceiling Cut-Out - Ø4.60"**

LED SOURCE
- Field-changeable optic
- **CREE**

ELECTRICAL
- Integral LED driver included
- Primary wiring compartment with power supply
- Superpure aluminum reflector
- Dimmable

MOUNTING
- Swing out pressure fit mounting clips
- Adjustable up to 1.80" max. ceiling thickness

LABELS
- Suitable for wet location
- IP66 rated

CREE | 5 YEAR WARRANTY Limited | SB

ORDERING INFO

SERIES	WATTAGE	CRI / COLOR	BEAM	DRIVER / VOLTAGE	FINISH
5911-1AA-T **BULLET MINI** Die-Cast Aluminum Trim Fixed Downlight Trimmed Fixture	**09C** 9W LED 780lm **13C** 13W LED 1090lm **19C** 19W LED 1420lm Delivered Lumens @ 80CRI / 3000K Narrow Beam	**3027** 80CRI / 2700K **8030** 80CRI / 3000K **8035** 80CRI / 3500K **8040** 80CRI / 4000K **9027** 90CRI / 2700K **9030** 90CRI / 3000K **9035** 90CRI / 3500K **9240** 92CRI / 4000K	**N** Narrow 15° **M** Medium 36° **W** Wide 46° **V** Very Wide 67°	**DMU** Dimming Multiple Forward/Reverse Phase (120V only) 0-10V Wires Present (120-277V)	**SB** Silver

Ordering Example: **5911-1AA-T-19C-8030-N-DMU-SS**

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We reserve the right to change or withdraw specifications without prior notice.

HEADQUARTERS
9200 Deering Avenue
Chatsworth CA 91311

Telephone: 818-885-1335
Toll Free: 855-885-1335
Fax: 818-576-1330

www.lfillumination.com
rev. 031123

Shimstone Design Studio
LIGHTING DESIGN

SHEETZ 2.0



STREET WRAP™ FLEX **BACK-BEND**

Our border solution is perfect for adding an extra punch of color to your building! No pricey customization or set-up fee. Enjoy wrapping your building quickly and easily.

SPECIFICATIONS

Certifications	UL 94 V-0, UL & cUL Recognized (SAM Manual), CE, RoHS
Dimensions	24' and Custom Lengths Available
Input	24V
Operating Temp	-40° to +65°C
Power	3.66 W per foot
Power Supply	P-LED 24V
Protection Grade	IP67
Run Footage	Max. 24'

FEATURES
- Bends front to back
- 2.36" minimum bending radius
- Dual-extrusion, diffused silicone lens and thermal conductive base
- Easy installation
- Applications: neon tube light source, building and sign outline lighting, and cove lighting, indoor/outdoor
- UV resistant
- Evenly illuminates
- Standard colors curtable every 3.937" (100mm), RGB curtable every 2.8149" (72mm)

PRODUCT OPTIONS

24 SPECS						
Color	Wavelength/CCT	Jacket Color	Lm./ft	Cut Section Length	Max Length/96 W PS	W/Max Length	SKU
Sign White	6500K	White	305	3.937" (100mm)	287.4016'	87.7	M-SX024-65
Natural White	5000K	White	305	3.937" (100mm)	287.4016'	87.7	M-SX024-50
Medium White	4000K	White	305	3.937" (100mm)	287.4016'	87.7	M-SX024-40
Red	625 nm	Red	82	3.937" (100mm)	287.4016'	87.7	M-SX024-RD
Blue	468 nm	Blue	26	3.937" (100mm)	287.4016'	87.7	M-SX024-BL
Green	525 nm	Green	140	3.937" (100mm)	287.4016'	87.7	M-SX024-GR
Yellow	590 nm	Yellow	158	3.937" (100mm)	287.4016'	87.7	M-SX024-YL
Orange	609 nm	Orange	116	3.937" (100mm)	287.4016'	87.7	M-SX024-OR
Cyan	N/A	White	36	2.8119" (71.4mm)	287.7244'	87.5	M-SX024-CN
Amber	N/A	White	41	2.8119" (71.4mm)	287.7244'	87.5	M-SX024-AM
Pink	N/A	White	17	2.8119" (71.4mm)	287.7244'	87.5	M-SX024-PK
RGB	N/A	White	N/A	2.8119" (71.4mm)	287.7244'	87.5	M-SX024-3C

Custom colors will utilize white LEDs behind a color matched silicone over molding and the MOQ is 656.168ft. (200 meters).

IMPORTANT WARRANTY INFO
This warranty is void if any cuts are made in the field. Any cuts must be made by Principal LED to maintain warranty.
NOTE: The LED neon itself and all its components may not be mechanically stressed. Please ensure that the power supply is adequate to operate the total load. Only qualified personnel should be allowed to perform installations. The design of the housing should be according to the IP standards in the application. If surge protection structure not within recommendations, the warranty will be void. Please read the installation instructions carefully before installation, operation manual, and always ensure you have read and fully understood it. Please do not twist the product and do not bend it in wrong direction, see Figure 1 for a correct demonstration.

Street Wrap Flex | PRINCIPAL LED WE SPEAK MULTI-LANGUAGES | CERTIFIED TO NEMA 4X IP 65

SOS PROJECT #: 0608.0 **MODEL #:** REFER TO LIGHTING FIXTURE SCHEDULE FOR MODEL NUMBER AND DESCRIPTION **TYPE: XL1**

ADDITIONAL FIXTURE INFO

OSQ Series

OSQ™ LED Area/Flood Luminaire featuring Patented NanoComfort™ Technology – Version C

Rev. Date: V3 04/17/2023

Product Description

The OSQ™ Area/Flood luminaire blends extreme optical control, advanced thermal management and modern, clean aesthetics. Built to last, the housing is rugged cast aluminum with an integral, weathertight LED driver compartment. Versatile mounting configurations offer simple installation. Its slim, low-profile design minimizes wind load requirements and blends seamlessly into the site environment. Premium, quality components. Medium is suitable upgrade for HID applications up to 400 Watts and provides suitable upgrade for HID applications up to 1000 Watts. Extra Large is suitable upgrade for HID applications up to multiple 1000 Watts.
Applications: Parking lots, walkways, campuses, car dealerships, office complexes, high-mast and internal roadways.

Performance Summary

Utilizes Patented NanoComfort™ Technology

Utilizes Cree TrueWhite® Technology on 5000K Luminaires

Assembled in the USA by Cree Lighting from US and imported parts

Initial Delivered Lumens: 4,000 – 75,000

Efficacy: Up to 171 LPW

CRI: Minimum 70 CRI (3000K, 4000K & 5700K); 90 CRI (5000K)

CCT: 3000K, 4000K, 5000K, 5700K

Limited Warranty*: 10 years for luminaire; 10 years for ColorSeal DeltaGuard® finish; 5 years for BML sensor; up to 5 years for Synapse™ accessories; 1 year for luminaire accessories

*See http://installlighting.com/warranty for warranty terms. For Synapse accessories, consult Synapse spec sheets for details on warranty terms.

Ordering Information

Fully assembled luminaire is composed of two components that must be ordered separately:
Example: **Mount:** OSQ-ML-C-AA-BK + **Luminaire:** OSQM-C-UL-30K7-3M-UL-NM-BK

Mount (Luminaire must be ordered separately)*			
OSQ-			
Medium/Large Mounts **OSQ-ML-C-AA** Adjustable Arm **OSQ-ML-C-DA** Direct Arm **OSQ-ML-C-TM** Trunnion Mount	**Extra Large Mounts** **OSQ-X-C-AA** Adjustable Arm **OSQ-X-C-DA** Direct Arm	**Color Options:**	**SV** Silver **BZ** Bronze **BK** Black **WH** White

*Mounts are shipped with gaskets. EMI and radio interference suppression gaskets available, see ordering info on page 3.



Luminaire	Weight
OSQM	19.3 lbs. (8.8kg)

Note: For OSQL, OSQX and additional mounts, refer to drawings beginning on page 3x.

Luminaire (Mount must be ordered separately)*

050	C											
Family	Size	Series	Lumen Package	CCT/CRI	Optic	Voltage	Mount	Color Options	Controls*	Options
OSQ	M Medium L Large X Extra Large	C	**5K** 5L **7K** 7L **10K** 10L **15K** 15L **20K** 20L **30K** 30L **40K** 40L **50K** 50L **60K** 60L **70K** 70L	5000K 80CRI 5000K 90CRI 4000K 80CRI 4000K 90CRI 3500K 80CRI 3500K 90CRI 3000K 80CRI 3000K 90CRI 2700K 80CRI 2700K 90CRI	**Symmetric** **2M** Type 2 Medium **3M** Type 3 Medium **4M** Type 4 Medium **5M** Type 5 Medium **2W** Type 2 Wide **3W** Type 3 Wide **4W** Type 4 Wide **5W** Type 5 Wide **2VW** Type 2 Very Wide **3VW** Type 3 Very Wide **4VW** Type 4 Very Wide **5VW** Type 5 Very Wide **5QW** Type 5 Quad Wide **5QVW** Type 5 Quad Very Wide **Forward Throw** **2F** Type 2 Forward Throw **3F** Type 3 Forward Throw **4F** Type 4 Forward Throw **5F** Type 5 Forward Throw **5QF** Type 5 Quad Forward Throw **Asymmetric** **2A** Type 2 Asymmetric **3A** Type 3 Asymmetric **4A** Type 4 Asymmetric **5A** Type 5 Asymmetric **Automotive** **AFL** Automotive Front Lighting **ARL** Automotive Rear Lighting **Backlight** **BL** Backlight	**UL** Universal Input 120-277V **UH** Universal Input 347-480V **HV** Universal Input 277-480V **Not available with UL, UH, HV, 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages	**BK** Bronze **BK** Black **SV** Silver **WH** White	**BML** Bluetooth® Technology Enabled Multi-Level Sensor • Requires standard 10kV/5kA surge protection • Compatible with 120V/277V or 347V/480V (Consult factory if luxing is required for 208V, 240V or 480V) • When color dictates tuning, use cove strip kit. **Not available with 2F, 3F, 4F, 5F, 5QF, 2VW, 3VW, 4VW, 5VW, 5QW, 5QVW, 2A, 3A, 4A, 5A, AFL, ARL, BL, 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** **DTR/DTRE/DTRE2/DTRE3/DTT** **Field Adjustable Output** • Must select DR, DF, DS, DT, SS, SF, ST, or SQ • Offers full range adjustability • Refer to pages 15-25 for power and lumen values • Not available with BML or 2 options or Synapse-T1-B2 or Synapse-T1-B3 **HA/HTR/HATR/HTR2/HATR2/T67 Lumen Lumen Output** **Not available with BML, 4T, 4L, 4U, 4L, 4U, 4T, or 4T** • Not available with BML or 2 options • If option not available with the desired lumen package, consult factory **Not available with 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** • Refer to pages 15-25 for power and lumen values	**DMV** 10kV/5kA Surge Suppression • Requires standard 10kV/5kA surge protection • Compatible with 120V/277V or 347V/480V (Consult factory if luxing is required for 208V, 240V or 480V) • When color dictates tuning, use cove strip kit. **Not available with BML, 2F, 3F, 4F, 5F, 5QF, 2VW, 3VW, 4VW, 5VW, 5QW, 5QVW, 2A, 3A, 4A, 5A, AFL, ARL, BL, 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** **DTR/DTRE/DTRE2/DTRE3/DTT** **Field Adjustable Output** • Must select DR, DF, DS, DT, SS, SF, ST, or SQ • Offers full range adjustability • Refer to pages 15-25 for power and lumen values • Not available with BML or 2 options or Synapse-T1-B2 or Synapse-T1-B3 **HA/HTR/HATR/HTR2/HATR2/T67 Lumen Lumen Output** **Not available with BML, 4T, 4L, 4U, 4L, 4U, 4T, or 4T** • Not available with BML or 2 options • If option not available with the desired lumen package, consult factory **Not available with 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** • Refer to pages 15-25 for power and lumen values	**Controls***	**Options**
			5L **7L** **10L** **15L** **20L** **30L** **40L** **50L** **60L** **70L**							**DMV** 10kV/5kA Surge Suppression • Requires standard 10kV/5kA surge protection • Compatible with 120V/277V or 347V/480V (Consult factory if luxing is required for 208V, 240V or 480V) • When color dictates tuning, use cove strip kit. **Not available with BML, 2F, 3F, 4F, 5F, 5QF, 2VW, 3VW, 4VW, 5VW, 5QW, 5QVW, 2A, 3A, 4A, 5A, AFL, ARL, BL, 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** **DTR/DTRE/DTRE2/DTRE3/DTT** **Field Adjustable Output** • Must select DR, DF, DS, DT, SS, SF, ST, or SQ • Offers full range adjustability • Refer to pages 15-25 for power and lumen values • Not available with BML or 2 options or Synapse-T1-B2 or Synapse-T1-B3 **HA/HTR/HATR/HTR2/HATR2/T67 Lumen Lumen Output** **Not available with BML, 4T, 4L, 4U, 4L, 4U, 4T, or 4T** • Not available with BML or 2 options • If option not available with the desired lumen package, consult factory **Not available with 7DL, 10DL, 7DS, 10DS, 7DSL, 10DSL, 7DSS, 10DSS, 7DSLS, 10DSLS, 7DSQ, 10DSQ, 7DSLQ, 10DSLQ, 7DSSQ, 10DSSQ, 7DSLSQ, 10DSLSQ packages** • Refer to pages 15-25 for power and lumen values		

* Lumen Package codes identify approximate light output only. Actual lumen output levels vary by CCT and optic selection. Refer to Initial Delivered Lumen tables for specific lumen values

** Luminaire controls standard with 5V BM dimming

UL cULus Listed | DLC Premium | CREE ECOSYSTEM

UL: cnwlighting.com **(800) 236-4800**
Canada: cnwlighting-canada.com **(800) 473-1234**

CREE LIGHTING

ADDITIONAL FIXTURE INFO

CPY500™ Series

CPY500™ LED Canopy Luminaire – Direct Mount

Rev. Date: V6 11/01/2022

Product Description

The CPY500™ Series LED luminaire features a large 11" X 11" glass optic that delivers the best in visual comfort and performance. Diffused optics minimize glare and increase visual comfort while delivering top-of-category 175 LPW efficiency and high-performance light distribution. Its sleek and low-profile form blends into the canopy while still being easily serviceable from below. Above the canopy, its uniquely angled extruded aluminum housing helps to dissipate heat. The CPY500™ Series is easily install around existing structures, making it ideal for both retrofit or new construction applications. Optional bezels provide enhanced aesthetics and optical control to minimize uplight yet attract the eye of drivers.
Applications: Petroleum canopies, CNG fueling stations

Performance Summary

Assembled in the USA by Cree Lighting from US and imported parts

Initial Delivered Lumens: Up to 20,900

Efficacy: Up to 175 LPW

CRI: Minimum 70 CRI (40K, 50K, 57K); 80 CRI (30K); 90 CRI (40K, 50K)

CCT: 3000K, 4000K, 5000K, 5700K

Limited Warranty*: 10 years on luminaire/10 years on Colorfast DeltaGuard® finish/up to 5 years for Synapse® accessories/1 year on field-installed accessories

IP65 overall, IP66 optics/IP66 driver housing

Class I, Division 2 Hazardous Location for select models

*See http://installlighting.com/warranty for warranty terms.

Accessories

Field-Installed Accessories

14" Square Specification Bezel
CPS-SQ-SP-** (For use with 13in or QR cutouts)
CPS-SQ-SP-CO-** (For use with 21 option)
14" Square Cut-Off Bezel
CPS-SQ-CO-** (For use with 13in or QR cutouts)
CPS-SQ-CO-CO-** (For use with 21 option)
24" Square Beauty Plate w/ Backer Plate
CPS-SBP-** (Must be used with 24in cutouts)
CPY-SPT-24-BKT (For use with 14" canopies)
• Field-customizable to upgrade most existing recessed mounted luminaires
• Not suitable for use with low HID upgrades
• May be used with backer accessories

Wet Location Junction Box w/Mounting Bracket for Driver Extrusion
CPS-JBOX-W
• Provides 4 ports with standard and knockout locations
• 4.5" (11mm) H x 3.75" (95mm) W x 3.4" (11mm) D die cast aluminum w/ gray powdercoat
• Mounts directly to wall and unit in back
Synapse® Simplynsp TRF Interface
DMXS-2000
DMXS-2000-WP
• Requires other Synapse components to complete system
• Refer to Synapse spec sheet for details
Synapse Wireless Gen Pan Control
• Not available with 30K8 CCT

*Must specify color: BK (Black), BZ (Bronze), SV (Silver) or WH (White)



Lumen Package	Dim "A"	Dim "B"	Weight
2L,4L,8L	11.1" (282mm)	15.9" (382mm)	10.4 lbs. (4.7kg)
13L	11.1" (282mm)	15.9" (382mm)	10.8 lbs. (4.9kg)
20L	13.3" (339mm)	17.9" (427mm)	12.9 lbs. (5.6kg)

Refer to page 5 for line drawings of the CPS w/ 21 option and bezel accessories.

Ordering Information

Example: CPS-13L-57K7-DF-UL-DM-WH-10V

CPS								
Product	**Lumen Package***	**CCT/CRI**	**Optic**	**Voltage**	**Mounting**	**Color Options**	**Controls (specify one)**	**Options**
CPS	**2L** 2,000 lm **4L** 4,000 Lumens **8L** 8,000 Lumens **13L** 13,000 Lumens **20L** 20,000 Lumens	**30K8** 3000K 80 CRI **40K7** 4000K 70 CRI **40K8** 4000K 80 CRI **40K9** 4000K 90 CRI **50K7** 5000K 70 CRI **50K8** 5000K 80 CRI **50K9** 5000K 90 CRI **57K7** 5700K 70 CRI	**SF** Symmetric Lumecan **LB** Lumecan	**UL** 120-277V **UH** 347-480V **Not available with UL, UH packages**	**DM** Direct	**DK** Dark **BZ** Bronze **SV** Silver **WH** White	**10V** • 10V Dimming to 10% • Not available with other controls **BLE Enabled** • For use only with 21 option **DF Field-Adjustable Output w/10V Dimming** • Offers full range adjustability • Refer to pages 6-8 for power and Lumen values • Not available with 2 options • Not available with 10V option as DF option includes 10V dimming • Not available with Synapse wireless control in the ceiling selected • Refer to pages 15-25 for power and lumen values	**10kV 10kV/5kA Surge Suppression Protection** • Requires standard 10kV/5kA surge protection **H2 Class I, Div. 2 Hazardous Location Certification** • Requires use of end location / box fitty adapter(s) • For use only with 21 option **21 Drops location, bottom of luminaire** • Includes (1pc.) Drops connector by others • Not available with 2, 3, 4, 5 or 6 options • Available only with 4L voltage • Available only with BLE/BM control option • Not available with 10 option

* Lumen Package codes identify approximate light output only. Actual lumen output levels vary depending on CCT. Refer to Delivered Lumens tables for specific lumen values.

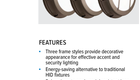
UL cULus Listed | DLC Premium | CREE ECOSYSTEM

UL: cnwlighting.com † (800) 236-4800
Canada: cnwlighting-canada.com † (800) 473-1234

CREE LIGHTING

WLRD LED Bulkhead Wall Pack – Round

Williams





CATALOG #:
TYPE:
PROJECT

FEATURES
- Three frame styles provide decorative options for stylish architecture and security lighting
- Energy-saving alternative to traditional HID fixtures
- Polycarbonate cast vandal-resistant lens eliminates LED hot spots
- 0° – 20° mounting heights
- Integral photocell sensing photocells and occupancy sensor options
- Maximize energy savings with efficacies as high as 111 lm/W

SPECIFICATIONS
- HOUSING – Die-cast gasketed aluminum enclosure. Nickel-plated stainless steel hardware
- OPTICAL – Type IV wide forward throw distribution
- THERMAL – Integral heat sink. Operating temperature -40°C to 50°C
- LENS – Polycarbonate opal lens.
- LED DRIVER – 0-10V integral dimming driver
- ELECTRICAL – 120-277V input range; 347-480V input range; 10kV/5kA, 20kV/10kA, 2kV standard surge protection. L70 – 181,000 hours at 25°C.
- FINISH – Textured bronze powder coat over a chromate conversion coating.
- MOUNTING – Surface mount.
- LISTINGS – CSA listed for wet locations, IP66 rated optics, IP66 sealed LED compartment.
- WARRANTY – 5-year limited warranty, see hwe.com/warranty.

ORDERING EXAMPLE: WLRD - L22/840 - BZ - OPTIONS - DIM - UNV

ORDERING INFO

SERIES	STYLE [1]	LUMENS [2]	CRI	CCT	FINISH	OPTIONS [3]
WLRD	**O** Open **C** Cutoff **G** Grid	**L22** 2,200lm	**8** 80	**30** 3000K **40** 4000K **50** 5000K	**BZ** Bronze **WHT** White	**SF** Single fuse **DF** Double fuse **SPD** 10kV surge protection [4] **PC** Photocell, 120-277V **PE4** Pencil Photocell, 120-277V **OCC-S2X** Integral occupancy and motion sensor with dimming [5] **EM/6W** 6-watt emergency battery [6]

DRIVER	VOLTAGE
DIM Dimming driver [7]	**UNV** 120-277V **347** 347V [8]

NOTES
1. See page 2 for FIXTURE DETAILS.
2. Lumen output based on 4000K CCT. Actual lumens may vary +/- 5% due to CCT and CRI configuration.
3. Photocell options ordered with factory-installed photocell or motion sensor controls are internally wired for switching and/or 1-10V dimming within the housing.
4. In addition to 2kV standard surge protection, total of 12kV.
5. For mounting heights 8'-40'. 120-277V only.
6. Includes battery backup providing ambient operating temperature range: 10°C to 50°C.
7. Prewired for 0-10V low voltage applications
8. Extended lead times may apply. Consult factory for availability.

H.E. Williams, Inc. • Carthage, Missouri • www.hew.com • 417-358-4065
Information contained herein is subject to change without notice.

OSQ™ LED Area/Flood Luminaire featuring Patented NanoComfort™ Technology – Version C

Product Specifications

CREE LIGHTING NANOCOMFORT™ TECHNOLOGY
Cree Lighting's NanoComfort™ Technology ends the trade-offs in outdoor lighting by delivering the optimal balance of visual comfort, efficacy and reliability in a luminaire delivered precisely where it is needed. The basic building block of NanoComfort™ technology is a compact sub array of LEDs. Each of the 16 LEDs in a module is in contact with its own heat-spreading element to ensure optimal performance. The LEDs and optics in NanoComfort™ sub arrays are cut and sculpted into facets that redirect the glare and harshness while preserving the natural color rendering superb efficacy and control.

CREE TRUEWHITE® TECHNOLOGY
A revolutionary way to generate high-quality white light, Cree TrueWhite® Technology is the first breakthrough in white light since the introduction of the LED. TrueWhite® delivers a characteristic and lifelong color consistency, all while maintaining high luminous efficacy – even at dimmed levels.

CONSTRUCTION & MATERIALS
- Slim, low-profile design minimizes wind load requirements
- Luminaire housing and die-cast aluminum with an integral, weathertight LED driver compartment and high-performance heat sink
- Optical unit is sealed with a silicone gasket
- Convenient mounting options certified on direct arm. Mounting adaptor is rugged die cast aluminum and mounts to 3" (76mm) or larger square or round pole, secured by two 5/16"-18 UNC-2A stainless steel bolts (not included). Refer to page 16 for fixture mounting drill pattern.
- Adjustable arm mount adapters are rugged die cast aluminum
- OSQ-ML-C-AA mounts to a horizontal (90° or 180°) or vertical (0°, 270°) tubrend (5.0) tenon and can be adjusted 180° in 2.5° increments
- OSQ-ML-C-DA mounts directly to a tenon or 3" (76mm) (90°, 270°) 2.50" (63.4mm) O.D. OSQ-X-C-DA mounts to a horizontal (90° or 270°) orientation, **NOTE: Tenon length must be a minimum of 2.75" (70mm), and tenon must be steel**
- Trunnion mount is suitable for a 4311 steel and is adjustable from 0–180° in 15° degree increments. Trunnion mount secures to surface with (1) 3/4" bolt or (2) 1/2" bolts (by others)
- Luminaire includes (1) 1/2" conduit entry hub for feeding the luminaire
- Designed for upright and downlight applications. Upright orientation not suitable for use with N or W options
- Exclusive ColorSeal DeltaGuard® finish features an E-Coat epoxy primer with an ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. Black, bronze, silver, and white are available



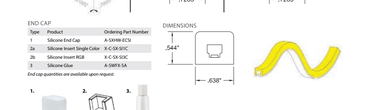
Weight			
Mount	Housing Size		
	Medium	Large	Extra Large
Direct Arm	19.7 lbs. (8.9kg)	28.6 lbs. (13.1kg)	45.8 lbs. (20.8kg)
Adjustable Arm	19.7 lbs. (8.9kg)	28.6 lbs. (13.1kg)	48.4 lbs. (22.0kg)
Trunnion	23.2 lbs. (10.5kg)	32.3 lbs. (14.7kg)	N/A

END CAP

Type	Product	Ordering Part Number
1	Silicone End Cap	A-SXHM-EC1I
2a	Silicone Insert Single Color	X-C-SX-SXC
2b	Silicone Insert RGB	X-C-SX-SXC
3	Separator	A-SXHM-SA

End cap quantities are available upon request.

DIMENSIONS





WIRING

Single Color Product



RGB Product



Product Specifications

SYNAPSE® SIMPLYSNAP INTELLIGENT CONTROL
The Synapse SimplySNAP platform is a highly intuitive connected lighting solution featuring zone dimming, motion sensing, and daylight harvesting with utility-grade power monitoring and support of up to 1000 luminaires per network. Synapse wireless control is managed through a secure, cloud-based or mobile device interface that runs on smartphones, tablets, and PCs. The Cree Lighting Controller (TLI-B2 or TLI-M40) and Site Controller (SSAD-002) take the OSQ Series to a new performance plateau, providing extreme energy productivity, code compliance and a better light experience.

Synapse Wireless Control Accessories

Twist-Lock Lighting Controller
TLI-B2
- Suitable for 120–277V (UL) voltage only
- Requires NEMA/ANSI C136.41 7-Pin Dimming Receptacle
- Not for use with BML or Q options
- Provides On/Off switching, dimming, power metering, digital sensor input, and status monitoring of luminaire
- Refer to TLI-B2 spec sheet for details.

Twist-Lock Lighting Controller
TLI-M40
- Suitable for 120–480V (UL, UE and UH) voltages
- Requires NEMA/ANSI C136.41 7-Pin Dimming Receptacle
- Not for use with BML or Q options
- Provides On/Off switching, dimming, power metering, digital sensor input, and status monitoring of luminaire
- Refer to TLI-M40 spec sheet for details

SimplySNAP Commissioning Base Station
CBS108-400-001
- Includes On-Site Controller (SSAD-002) and Site Manager software
- Indoor and Outdoor rated
- Refer to CBS108-400-002 spec sheet for details

Synapse Wireless Sensor
SNSR-DUAL
- Motion and light sensor
- Control multiple zones
- Refer to SNSR-DUAL spec sheet for details

SimplySNAP On-Site Controller
SSAD-002
- Version* LTE enabled
- Designed for indoor applications
- Refer to SSAD-002 spec sheet for details

Building Management System (BMS) Gateway
BMG-GW-002
- Provides BACnet integration
- Refer to BMG-GW-002 spec sheet for details

Outdoor Antennas
Omni-directional (Increased range, 9dB gain)
ANT-ANT4OSM
- Kit includes antenna, 30' cable and bracket
Directional
ANT-ANT14DSM
- Kit includes antenna, 30' cable and bracket
- Refer to Outdoor antenna spec sheet for details

Electrical Data*

Lumen Package	System Watts 120-480V	Utility Label Wattage	Total Current (A) 120V	208V	240V	277V	347V	480V
4L**	34	30	0.27	0.13	0.11	0.09	N/A	N/A
6L	37	40	0.31	0.18	0.15	0.13	0.11	0.08
9L	55	60	0.46	0.27	0.23	0.20	0.16	0.12
11L	68	70	0.57	0.33	0.28	0.25	0.20	0.14
16L	97	100	0.81	0.47	0.40	0.35	0.28	0.20
22L	131	130	1.09	0.63	0

	QTY	LABEL	DESCRIPTION
LINEAR	1	XS5	7SS-4-L30-830-DIM-UNV



	QTY	LABEL	DESCRIPTION
WALL MOUNTED	6	XT	SEW12146 I 5FT-L20W[AN08] I120-277V I 3000K I SMA (12IN PROJECTION STEM, BLACK, 80CRI)
	3	XT1	SEW12146 I 4FT-L16W[AN08] I 120-277V I 3000K I SMA (12IN PROJECTION STEM, BLACK, 80CRI)



	QTY	LABEL	DESCRIPTION
WALL MOUNTED	7	XX	VWM-H-L17/830-TL-DBZ-CGL-DIM-UNV (BRONZE COLOR 80CRI)



75 LED Narrow Strip

Williams





CATALOG #:
TYPE:
PROJECT:

DLC LISTED

FEATURES

- Small fixture profile allows inconspicuous placement in coves or confined spaces
- Round and square lensed fixtures provide a clean look for architectural environments
- Row applications produce continuous lines with minimal interruption between fixtures
- Diffuse acrylic lens on 75R and 75S enhances uniformity and minimizes glare
- Variety of mounting accessories for surface and suspended applications
- Special reflectors are available to provide wall washing effects (75S only)
- High-performance up to 164 lm/W
- Available on QuickShip
- Wireless in-fixture control solutions available
- Made Right Here® in the USA

SPECIFICATIONS

- HOUSING – 22-gauge die-formed C.R.S.
- FINISH – 92% minimum average reflective white polyester powder coat bonded to phosphate-free, multi-stage pretreated metal. Low-VOC finishing process designed to facilitate installation, increase efficiency, and inhibit corrosion.
- ELECTRICAL – High-quality mid-power LED board. See fixture performance data for specific information. Suitable for ambient operating temperature: 40°C maximum ambient operating temperature with HA Option, lumen restrictions apply, consult Fixture Performance Data.
- MOUNTING – Surface mounts to wall or suspended (hanging hardware required).
- LISTINGS –
  - cETLus conforms to UL STD 1598. Certified to CAN/CSA STD C22.2 No. 250.0. Suitable for damp locations.
  - DesignLights Consortium qualified product. Not all configurations of this product may be DLC qualified, see the DLC Qualified Products List at www.designlights.org.
  - Complies with the Buy America Act and other federal regulations. Request certification at www.iconfixtures.
- WARRANTY – 5-year limited warranty, see www.iconwarranty.

ORDERING EXAMPLE: 75 - 4 - L85/835 - OPTIONS - CONTROL/DIM - UNV

ORDERING INFO

SERIES	LENGTH [1a]	LUMENS [2]				CRI	CCT
75	2' 2'		3'	4'	8'	8 80	27 2700K
75R	3' 3'	1T5 1,500lm	L40 4,000lm	L30 3,000lm	L60 6,000lm	9 90 [3]	30 3000K
75S	4' 4'	L25 2,500lm	L64 6,400lm	L50 5,000lm	L100 10,000lm		35 3500K
	8' 8' [3]	L32 3,200lm		L65 6,500lm	L120 12,000lm		40 4000K
		L42 4,200lm		L85 8,500lm	L170 17,000lm		50 5000K
		L60 6,000lm [4]		L100 10,000lm	L200 20,000lm		
				L120 12,000lm [5]	L240 24,000lm [6]		

OPTIONS [8]

EM/1WLP	Low-profile 10-watt emergency battery [9]
EM/10WRM	Remote mount 10-watt emergency battery
QC_	Quick-connect wiring harness [10]
WG-75	11-gauge white powder coat wireguard [11]
3TD	1-1/2" ceiling spacer
V3Y	(2) Y-hangers
V3Y-2	(2) Y-hangers with 2' chains
RA-75	Row aligner [12]
RA-MB	Row aligner, adjustable mounting brackets [13]
HA	High ambient operating temperature, 40°C [14]
FP	Frosted polycarbonate lens [15]

(L_)	Additional lower lumen packages available: [16] Example: 7,000 nominal lumens = 75-4-L85/835-(L70)-DIM-UNV
SP1	10kV surge protection, 120 or 277V
SP2	10kV surge protection, 347V or 240V
SP3	10kV surge protection, 347V

AIRCRAFT CABLES (EXAMPLE: ACF-D48) [17]

Prefix	Type	Length
ACF/	Feeder D 1' grid & hardpan	24 24"
ACJ/	Joiner N 9/16" grid	48 48"
	S Slot grid	56 56"

CONTROL [18]

See page 7 for ADDITIONAL CONTROL OPTIONS.

–	None
AVI-LVFA	Avi-on wireless fixture control [19]
AVI-LVFA-PIR	Avi-on wireless fixture control with high bay PIR motion and daylight sensor, bottom mount [19]
AVI-LVFA-CS2-PIR	Avi-on wireless fixture control with PIR motion and daylight sensor, bottom mount [19]
AWNR	Lutron Athena wireless node integral fixture control, RF only [20]
AWNS	Lutron Athena wireless node integral fixture control, RF with daylight and occupancy sensing [21]

DRIVER

See page 9 for ADDITIONAL DRIVER OPTIONS.

DIM	Driver with external dimming wires
DRV	Driver without external dimming wires
DA	Driver with 0/1V auxiliary power, without external dimming wires [22]
DSR	Sensor-ready driver without external dimming wires (DA-DALI-2) [23]

VOLTAGE

120	120V
208	208V
240	240V
277	277V
UNV	120-277V
347	347V [24]

QUICKSHIP

4'

75R-4-L50/835-QS-DIM-UNV 75S-4-L50/835-QS-DIM-UNV
75R-4-L50/840-QS-DIM-UNV 75S-4-L50/840-QS-DIM-UNV

8'

75R-8-L100/835-QS-DIM-UNV 75S-8-L100/835-QS-DIM-UNV
75R-8-L100/840-QS-DIM-UNV 75S-8-L100/840-QS-DIM-UNV

NOTES

1. For actual length, see page 4 for FIXTURE DETAILS.
2. Lumen output based on 80 CRI/3500K CCT. For other CCT/CRI options, see +15%, see page 2 for FIXTURE PERFORMANCE DATA.
3. 75R and 75S ships with (2) 4' lenses.
4. 75 only.
5. 75R only.
6. 75 only.
7. Extended lead times may apply. Consult with Icon for availability.
8. See page 5 for FINISH OPTIONS. See page 4 for MOUNTING DETAILS. See page 5 for SPECIAL REFLECTORS.
9. 4' and 8' only. Not available with 4' L120 or 8' L240. Not available with HA.
10. See page 5 for QUICK-CONNECT OPTIONS.
11. Shipped separately, field-installed.
12. Required when row mounting with avi-on cables.
13. Not recommended, ships separately. See page 4 for MOUNTING DETAILS. Field-adjustable up and down in 7.5/2" increments.
14. Not available with 2' L60, 4' L120 and 8' L240. Not available with DSR. Lumens may apply. See page 2 for FIXTURE PERFORMANCE DATA.
15. 75 only.
16. Specify in increments of 100 nominal lumens. Option must be specified with next higher lumen package.
17. Only specified when aircraft cable required for 4' and 8' fixtures. See page 4 for MOUNTING DETAILS. Requires RA-75 row aligner. See page 4 for MOUNTING DETAILS.
18. See page 5 for SENSOR & NODE PLACEMENT DETAILS. See page 6 for AVI-ON BLUETOOTH WIRELESS CONTROL OPTIONS.
19. DA Driver only.
20. DA Driver only.
21. DA driver only.
22. DA and DSR Drivers only.
23. DA and DSR Drivers only.
24. Avi-on, Lutron Athena, and LV-ZLS05 Controls only.
25. Lutron Athena and Athena Controls only. Not available with EM batteries, DA, or DSR drivers.

Styk Exterior Wall - Stem

SEW12146 2 in

SPI LIGHTING
PROJECT DETAILS

JOB NAME: SHEETZ
TYPE:
NOTES:

ORDERING CODE: SEW12146 | 5FT-L20W[AN08] | 120-277V | 4000K | SMA

*Please Note: Default specifications " **DF_XXX** " will not appear in the ordering code.*

DESCRIPTION

Styk was built to provide the most lumens with the smallest luminaire package, while optimizing life. Not limited to decorative lighting, effective functional lighting is provided through the optimal light control in this minimal package. It's three optical offerings enable tremendous flexibility including wall washing, wall grazing, and asymmetric lighting solutions. It is excellent at lighting signs and facades. The family features wall, ceiling, and pendant models in a variety of stylish, clean mounting options. Available in 1' to 8' lengths, Styk can be mounted individually or configured in runs.



designed to LED WET EMR

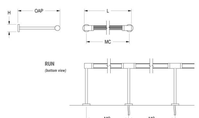
FEATURES & BENEFITS

- Sleek 1.5" diameter housing
- A forward throw optic, for even wall wash illumination, is standard
- Symmetrical optic options are available for more volumetric illumination
- Lamp body can be rotated up to 330° and locks into position for precise fixture alignment
- Up to 1,450 lumens per foot delivered (with Forward Throw distribution)
- Up to 18" projection with no vertical support needed
- Anodized finish provides durable corrosion protection
- All visible fasteners are flush mounted, providing a clean design
- Handcrafted in USA

SPECIFICATIONS

- **LIGHT SOURCE:** IP66 white LED light engine
- **CRI:** 80+ (contact factory for 90+)
- **LUMEN MAINTENANCE:** L70 = >50,000 Hrs.
- **EFFICACY:** 102 lm/W delivered (with Forward Throw distribution)
- **CCT:** 3000K, 3500K, or 4000K
- **VOLTAGE:** 120-277V standard
- **DRIVER:** Includes one remote damp listed Class 2 power supply and wet location enclosure, except 8FT-L113W which has two. Black power cord standard unless otherwise specified. Max distance to the driver (including OAP) is: #18 AWG = 50', #16 AWG = 75', #14 AWG = 100'. For extended distances, contact factory.
- **DIMMING:** 0-10V controls standard to 1%
- **EMERGENCY:** Emergency battery remote optional
- **INTEGRATED SURGE PROTECTION:** LED components are protected against minor surge events
- **CONSTRUCTION:** Extruded aluminum construction provides durable protection for internal components and is recyclable
- **FINISH:** Housing available in anodized finishes only. End caps and mounting components painted to match.
- **MODIFICATIONS:** Consult factory for all modification requests, including RGB and static LED colors
- **APPROVALS:** ETL listed to UL standards (US and Canada) for use in wet locations

DIMENSIONS



1FT	L 7.7 in 19.6 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 16.2 in 41.1 cm	
Mounting Weight: Approximate: 5 lb (3 kg)					
2FT	L 19.2 in 74.2 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 28.1 in 71.1 cm	
Mounting Weight: Approximate: 5 lb (3 kg)					
3FT	L 41.6 in 104.1 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 39.7 in 100.8 cm	
Mounting Weight: Approximate: 5 lb (3 kg)					
4FT	L 53.5 in 133.4 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 51.2 in 130 cm	
Mounting Weight: Approximate: 5 lb (3 kg)					
5FT	L 64.5 in 163.8 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 63.2 in 160.5 cm	
Mounting Weight: Approximate: 10 lb (5 kg)					
6FT	L 78.2 in 198.6 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 77.0 in 195.6 cm	
Mounting Weight: Approximate: 10 lb (5 kg)					
8FT	L 102.2 in 259.6 cm	H 2.2 in 5.6 cm	OAP 12 in 30.5 cm	MC 101 in 256.5 cm	
Mounting Weight: Approximate: 10 lb (5 kg)					

Shimstone Design Studio
LIGHTING DESIGN

SHEETZ 2.0

VWM LED Voltaire Mini Architectural Wall Pack

Williams





CATALOG #:
TYPE:
PROJECT:

FEATURES

- Designed to illuminate sidewalks, entrances, and building facades
- Intended for use in both uplight and downlight applications
- Energy efficient, a 60% energy compared to HID systems
- Blends seamlessly with a variety of architectural styles
- Available on QuickShip
- Made Right Here® in the USA

ORDERING EXAMPLE: VWM H - L20/740 - T3 - DBZ - SDGL - OPTIONS - DIM - UNV

ORDERING INFO

SERIES	TYPE [1]	LUMENS [2]	CRI/CCT	DISTRIBUTION [3]
VWM	H Horizontal	10/20 1,000lm/2,000lm	80 CRI	TL Luminaire distribution [4]
	V Vertical	15/30 1,500lm/3,000lm	7230 3000K	T3 Type III [4]
		L20 2,000lm	740 4000K	
		30 L30 3,000lm	8530 3500K	
		L40 4,000lm	8540 4000K	
		L50 5,000lm	8550 5000K	

SPECIFICATIONS

- HOUSING – Die-cast aluminum enclosure.
- THERMAL MANAGEMENT – Integral die-cast aluminum housing and heat sink provide passive thermal management. Rated ambient operating temperature: -40°C to 50°C (-5°F to 122°F). 50°C is 40°C (122°F).
- OPTICAL SYSTEM – General output distribution.
- LED SOURCE – 4000 3000K, 4000K, or 5000K CCT, 70 or 80 CRI LEDs. L20, L30 board design. L30 & L50 chip on board.
- LED DRIVER – 0-10V dimming.
- ELECTRICAL – 120-277V, 50/60Hz operating voltage. Class I, 2kV / 1kV, 10kA surge protection. Suitable for damp locations.
- FINISH – Super durable polyester powder coat finish provides excellent UV and chip resistance. Salt spray tested to withstand 1,000 hours per ASTM B117.
- MOUNTING – Surface mounts directly over a 4" maximum outlet box. Must be mounted to a flat, vertical surface. Wall mounting support fixture weight (6.5 Lbs).
- LISTINGS –
  - cETLus certified as luminaire suitable for wet locations.
  - IDA Dark Sky approved (downlight models only).
  - RoHS compliant.
  - IP65 rated.
  - Title 24 compliant with PC option.
- WARRANTY – 5-year limited warranty, see www.iconwarranty.

FINISH OPTIONS [5]	SHIELDING
BLK Black (RAL #9004)	SDGL Micro-prismatic tempered glass lens
DBZ Dark bronze	CGL Clear tempered glass lens
DBR Medium bronze	
GRY Grey (RAL #7042)	
SLV Satin aluminum (RAL #9006)	
WHT White (RAL #9003)	

OPTIONS	CONTROL	VOLTAGE
PC Button-type photocell [6]	DIM Dimming driver prevented for 0-10V	120 120V
SP Surge rated 10kV surge protection	low voltage applications	208 208V
TP Tamper-resistant Torx head screws [7]		240 240V
		277 277V
		UNV 120-277V

ACCESSORIES

TPTX-ZS TOOL Tamper-resistant tool for Torx head screws. [7]

QUICKSHIP

VWMH-L20/840-TL-DBZ-CGL-GS-DIM-UNV
VWMH-L17/840-TL-DBZ-CGL-GS-DIM-UNV

NOTES

1. See page 3 for FIXTURE DETAILS.
2. Lumen output based on 3000 CCT/80 CRI. Actual lumens may vary +/-5%, see page 2 for FIXTURE PERFORMANCE DATA.
3. Available with 120-277V UNV only.
4. Available with 7230 CRI/CCT only.
5. L30 & L17 only.
6. 10kV only.
7. See page 3 for FINISH OPTIONS.

* Factory-installed. 120V, 208V, or 277V only; must specify voltage. See page 3 for FIXTURE DETAILS. Left side when viewed from behind fixture.
** Mounting accessory sold separately. Safety screws providing added support to the tenon, are not tenon-mounted slots is sealed to the fixture via adhesive). Requires a tamper-resistant tool, see accessories.
*** Tamper-resistant tool must be ordered separately. Please specify quantity required per project.

SOS PROJECT #: 0609.0 **MODEL #:** REFER TO LIGHTING FIXTURE SCHEDULE FOR MODEL NUMBER AND DESCRIPTION **TYPE: XS2**

Shimstone Design Studio LLC, 7400 1st Avenue, North Bergen, NJ 07047, Tel: 201.861.5390

Shimstone Design Studio
LIGHTING DESIGN

SHEETZ 2.0

VWM LED Voltaire-Mini Architectural Wall Pack

FIXTURE PERFORMANCE DATA

	LED PACKAGE	DISTRIBUTION	WATTAGE	CCT	15.5MM GLASS (CGL)		10MM GLASS (SDGL)		FLUX RATING
					DELIVERED LUMENS	EFFICACY/WATTS	DELIVERED LUMENS	EFFICACY (lm/W)	
10MM	L10	TL	10	3000	1,000	100	1,000	100	B1-U0-G0
				4000	1171	117	1171	117	
	L17		16	5000	1843	115	1843	115	
				3000	1670	104	1670	104	
				4000	1951	122	1951	122	
	L20	T3	27	5000	2153	125	2153	125	
				3000	2864	108	2838	107	
				4000	3347	126	3314	125	
	L10	TL	13	5000	2553	96	2529	95	
				3000	1957	86	1919	86	
				4000	1925	85	1764	81	
	L17		16	5000	1317	103	1320	103	B1-U0-G0
				3000	1957	86	1919	86	
				4000	1925	85	1764	81	
				5000	1864	114	1862	114	
	L20	T3	26	3000	2524	96	2524	95	B1-U0-G0
				4000	2702	103	2597	102	
				5000	2727	104	2680	103	

- Wattage shown is average for 120V through 277V input.
- Lumen output based on 3000 CCT/80 CRI. Actual lumens may vary +/-5% of 120V through 277V.
- Photometrics tested in accordance with IESNA LM-79. Results shown are based on 25°C ambient temperature.

LUMEN MAINTENANCE

	AMBIENT TEMP.	REPORTED LM HOURS (TM-21)
10MM	25°C	>60,000
	35°C	>60,000
	45°C	>60,000
15MM	25°C	>55,000
	35°C	>55,000
	45°C	>55,000

- Predicted lumen maintenance calculated from LED manufacturer IES LM-80 data and in-situ temperature measurement.
- Reported L70 hours in accordance with IES TM-21

DISTRIBUTION DETAILS

VWMH-TL VWMV-TL VWMH-V T3 VWMV-V T3



SOS PROJECT #: 0609.0 **MODEL #:** REFER TO LIGHTING FIXTURE SCHEDULE FOR MODEL NUMBER AND DESCRIPTION **TYPE: XS2**

Shimstone Design Studio LLC, 7400 1st Avenue, North Bergen, NJ 07047, Tel: 201.861.5390

75 LED Narrow Strip

FIXTURE PERFORMANCE DATA

	LED PACKAGE	WATTAGE	75 (NO LENS) DELIVERED LUMENS	75 (NO LENS) EFFICACY (lm/W)	75R & 75S [1] DELIVERED LUMENS	75R & 75S [1] EFFICACY (lm/W)	LUMEN MAINTENANCE [2] L70	L80	L85	L90	AMBIENT TEMPERATURE [3] EM	AMBIENT TEMPERATURE [3] HA EM
2'	L75	10.8	1592	147	1511	140	>72,000	>72,000	>72,000	50,000	40	40
	L25	16.2	2602	161	2470	136	>72,000	>72,000	>72,000	50,000	40	40
3'	L32	21.3	3092	145	2936	138	>72,000	>72,000	58,000	36,000	40	40
	L42	31.4	4344	138	4124	132	>72,000	>72,000	58,000	36,000	25	40
	L60	43.6	6052	139	–	–	>72,000	53,000	38,000	24,000	–	–
4'	L40	29.2	4092	145	3885	138	>72,000	>72,000	58,000	36,000	25	40
	L64	48.2	6593	137	6259	130	>72,000	53,000	38,000	24,000	30	35
8'	L30	19.7	3075	156	2865	148	>72,000	>72,000	>72,000	50,000	40	40
	L50	33.0	5126	155	4857	148	>72,000	>72,000	>72,000	50,000	40	40
	L65	42.9	6701	156	6351	148	>72,000	>72,000	>72,000	50,000	40	40
	L85	54.2	8530	157	8098	149	>72,000	53,000	38,000	24,000	35	40
	L100	68.3	10754	149	9640	141	>72,000	>72,000	58,000	36,000	30	30
	L120	85.9	12705	141	–	–	>72,000	53,000	38,000	24,000	–	–
	L60	35.3	5814	165	5520	157	>72,000	>72,000	>72,000	50,000	40	40
	L100	65.9	10078	153	9568	145	>72,000	>72,000	>72,000	50,000	35	35
	L132	87.9	13201	148	12353	141	>72,000	>72,000	58,000	36,000	35	35
	L170	112.4	17060	152	16197	144	>72,000	53,000	38,000	24,000	35	35
	L200	136.5	20309	149	19281	141	>72,000	>72,000	58,000	36,000	30	30
	L240	175.7	24208	141	–	–	>72,000	53,000	38,000	24,000	–	–

MULTIPLIER TABLE

	COLOR TEMPERATURE CCT	CONVERSION FACTOR
80 CRI	2700K	0.97
	3000K	0.99
	3500K	1.00
	4000K	1.03
	5000K	1.06
90 CRI	2700K	0.90
	3000K	0.92
	3500K	0.93
	4000K	0.96
	5000K	0.99

1. Use 0.95 multiplier for the 75R when specified with the FP option.
2. Predicted lumen maintenance calculated in accordance with IES TM-21 per Energy Star (R) TM-21 Calculator rev. 02.08.16.
3. Maximum ambient operating temperature (°C) when specified with HA option.
- Photometrics tested in accordance with IESNA LM-79. Results based on 80 CRI/3500K CCT, average wattage for 120V through 277V input, and 25°C ambient temperature. Results may vary +/-5%.
- To calculate lumen output in emergency mode, multiply the battery wattage by the efficacy.
- Use multiplier table to calculate additional options.

PHOTOMETRY

75-4-L85/835-DIM Total Luminaire Output: 8530 lumens; 56.2 Watts | Efficacy: 152 lm/W | 80 CRI; 3500K CCT



CANDLEPOWER DISTRIBUTION	VERTICAL ANGLE	HORIZONTAL ANGLE 0°	45°	90°	ZONAL LUMENS
	0	2896	2896	2896	
	5	2917	2887	2876	275
	15	2837	2799	2791	792
	25	2663	2624	2610	1213
	35	2415	2366	2338	1654
	45	2095	2046	2028	1984
	55	1634	1580	1560	2175
	65	1124	1069	1046	1970
	75	581	543	531	1262
	85	104	116	101	564
	90	0	14	0	

ZONAL LUMENS	ZONE	LUMENS	% FIXTURE
	0 - 30	2279	27
	0 - 40	3753	44
	0 - 60	6730	79
	0 - 90	8527	100
	0 - 180	8530	100

RED LEONARD ASSOCIATES
1340 Kemper Meadow Dr, Forest Park, OH 45240
513-574-9500 | redleonard.com

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PROJECT NAME:
SHEETZ
MADISON HEIGHTS, MI
DRAWING NUMBER:
RL-9432-S1

FRESH FOOD SHEETZ MADE TO ORDER

DOWNLIGHT



STREET WRAP



AREA/FLOOD



CANOPY



WALL MOUNTED



LINEAR

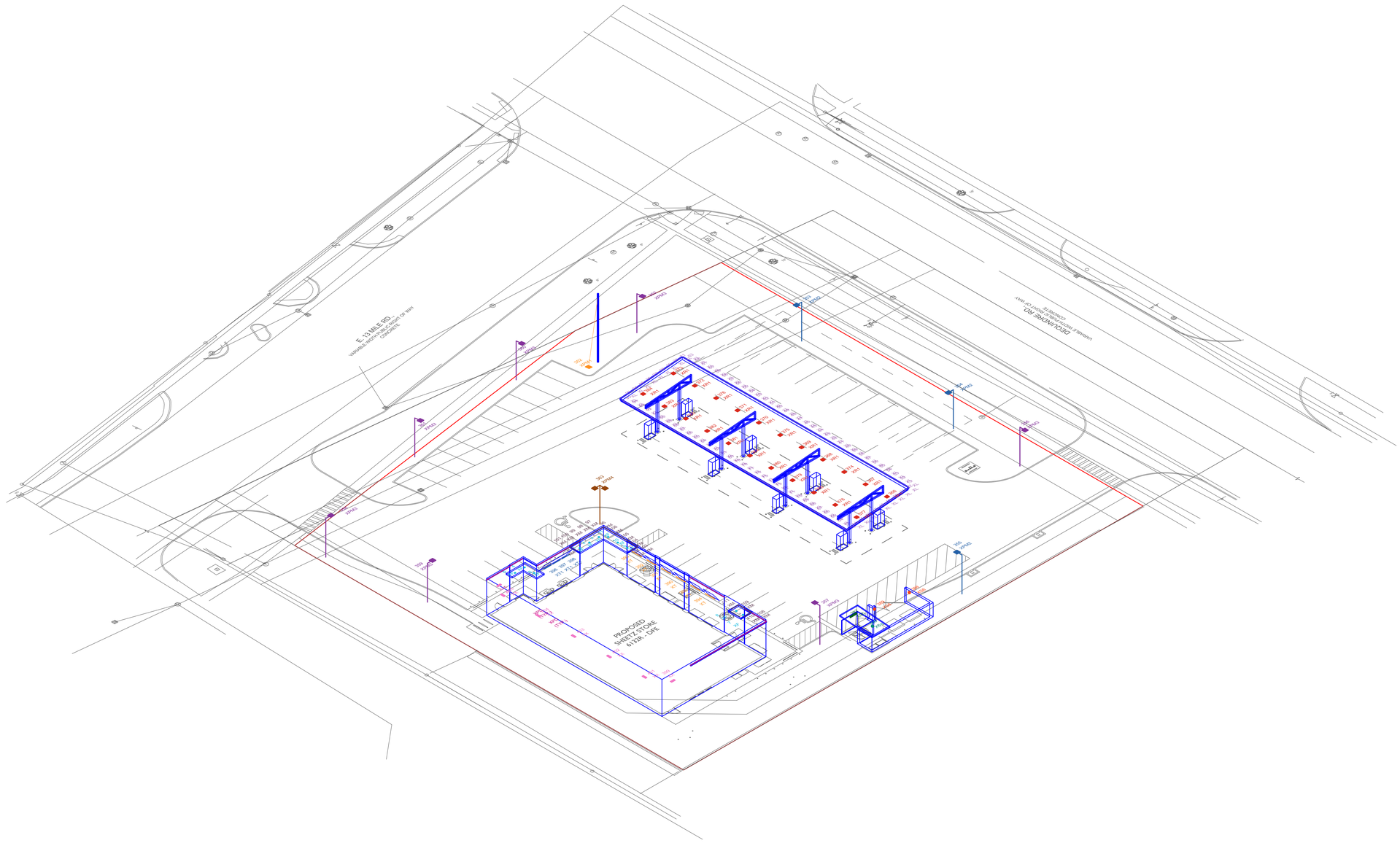


WALL MOUNTED



WALL MOUNTED

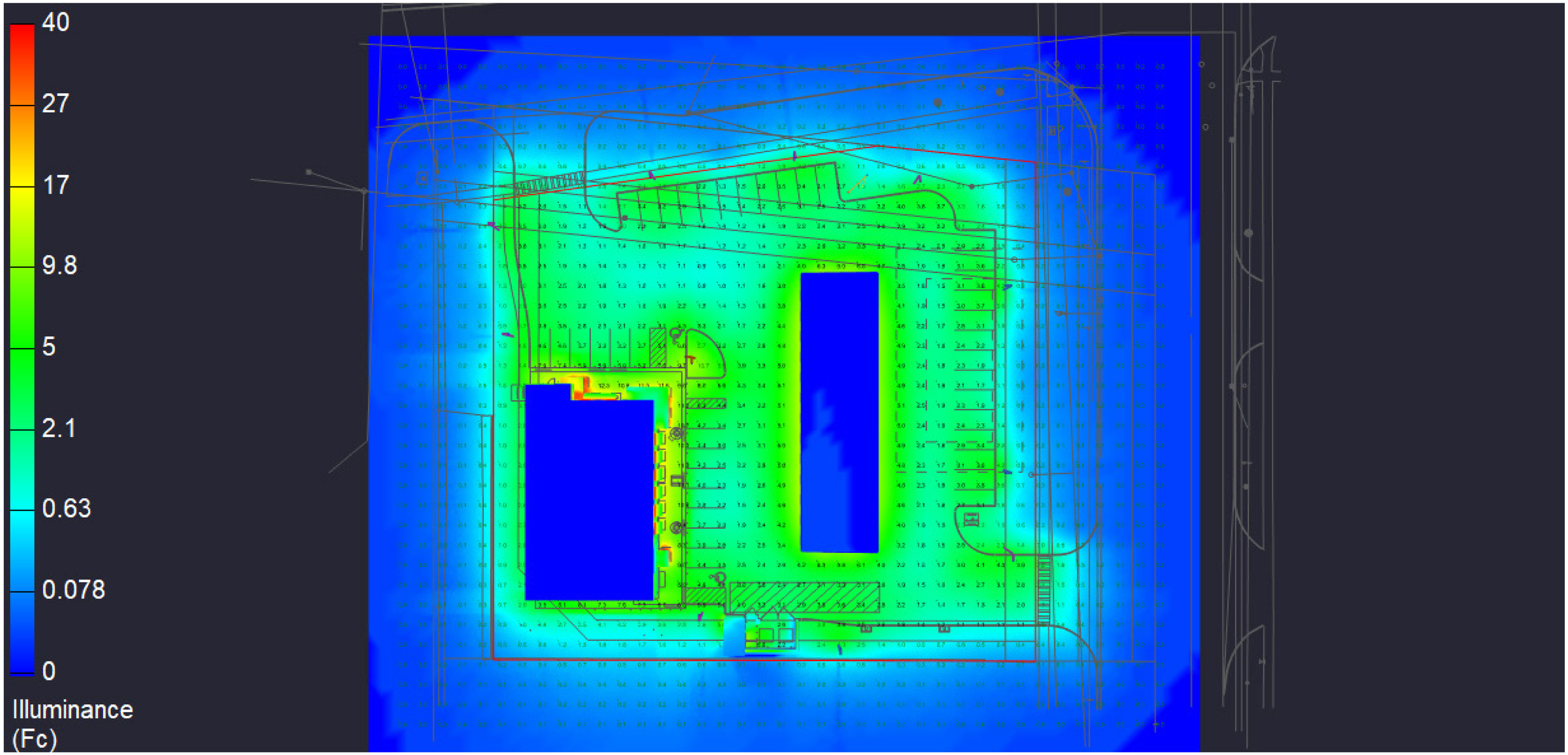




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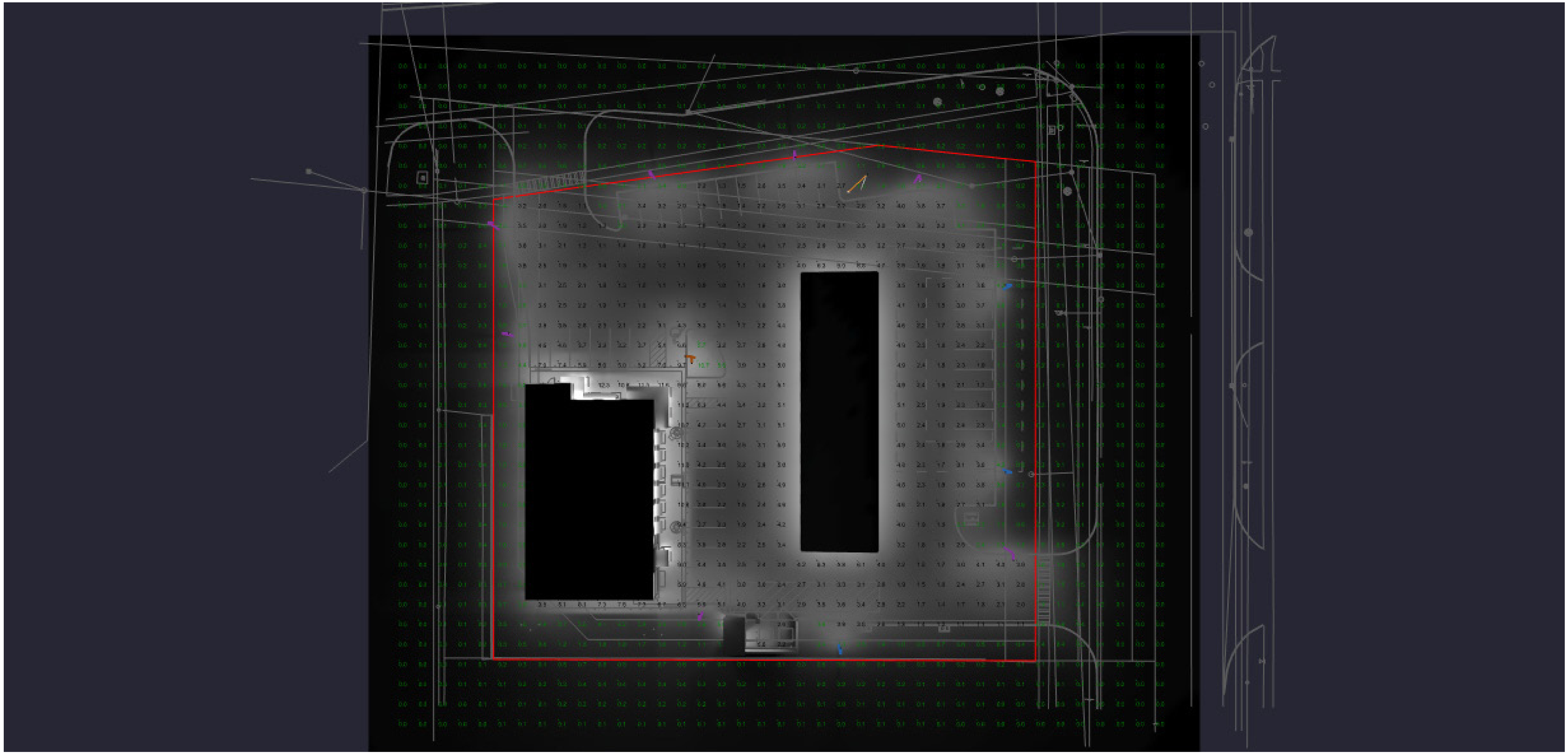
PROJECT NAME:
SHEETZ
MADISON HEIGHTS, MI
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RL-9432-S1



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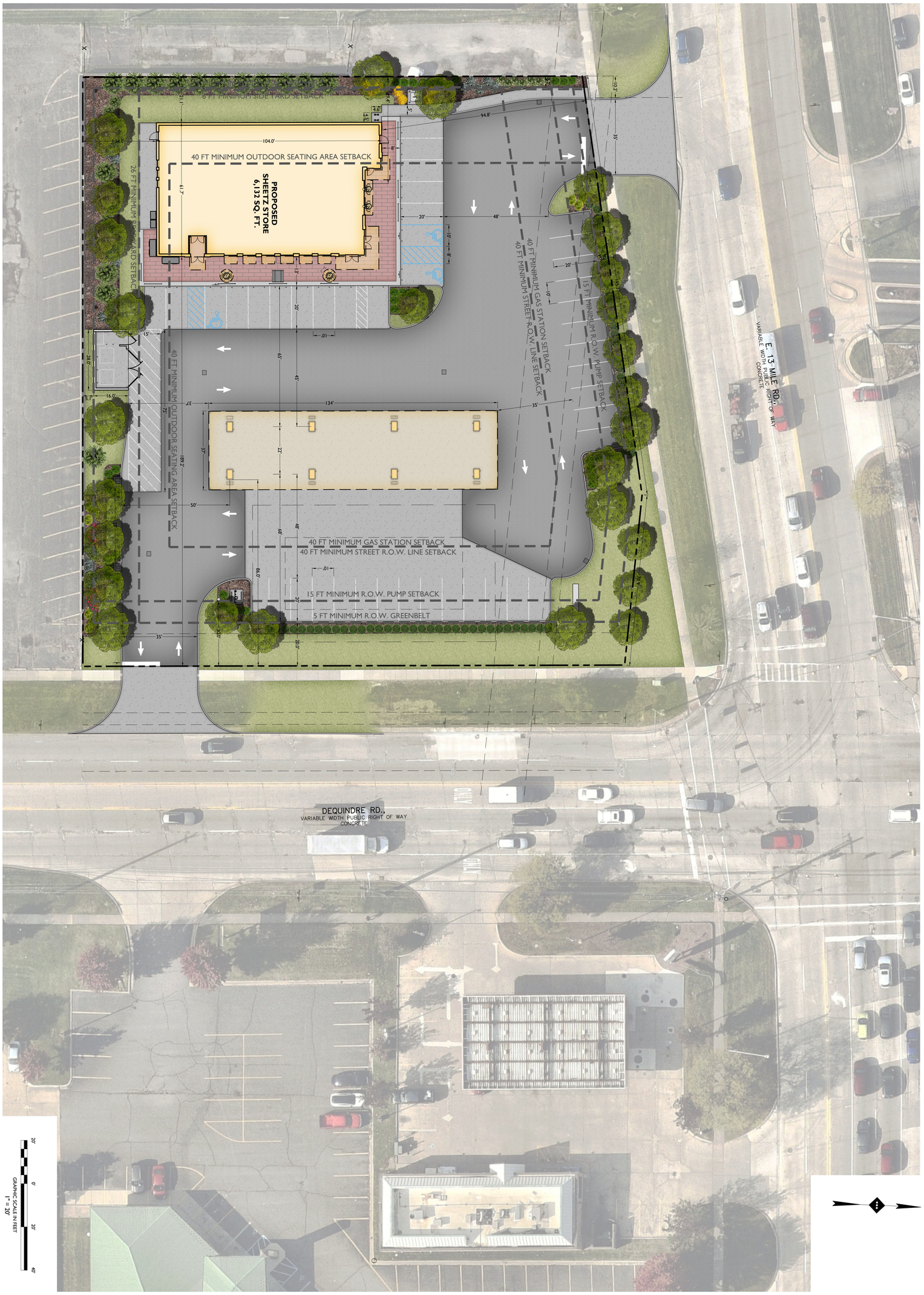


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PROJECT NAME:
SHEETZ
MADISON HEIGHTS, MI
DRAWING NUMBER:
RL-9432-S1

Z:\MICHIGAN\DET\2023\DET-230258-SKILKEN GOLD-30901 DEQUINDRE ROAD, MADISON HEIGHTS, MI\CADD\EXHIBITS\RENDERING\2024-03-18_SITE_FOR RENDERING.DWG



SITE PLAN RENDERING EXHIBIT

SHEETZ, INC.

PROPOSED FUEL STATION WITH CONVENIENCE STORE & RESTAURANT

PID: 25-12-226-008
30901 DEQUINDRE ROAD
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

J. REID COOKSEY, P.E.
MICHIGAN LICENSE No. 6201069128
LICENSED PROFESSIONAL ENGINEER

STONEFIELD engineering & design

Detroit, MI · New York, NY · Boston, MA
Princeton, NJ · Tampa, FL · Rutherford, NJ
www.stonefieldeng.com

607 Shelby Suite 200, Detroit, MI 48226
Phone 248.247.1115

NOT APPROVED FOR CONSTRUCTION

ISSUE	DATE	BY	DESCRIPTION
3	02/09/2024	VF	FOR SITE PLAN APPROVAL
2	01/09/2024	NB	FOR SPECIAL LAND USE APPROVAL
1	11/13/2023	KG	FOR CLIENT REVIEW

DRAWING: 1 OF 1

TITLE: SITE PLAN RENDERING EXHIBIT

SCALE: 1" = 20' | PROJECT ID: DET-230258

STONEFIELD engineering & design



SHEETZ

What's A Sheetz?









Getting to Know Shee

- **Family-Owned and Family-Operated** – Sheetz was founded in 1952 by 18-year-old Bob Sheetz in Altoona, PA. The Sheetz family, now into its third generation, still owns and operates Sheetz today!

- **Continuous Growth** – Sheetz currently operates more than 700 store locations across six states, including Pennsylvania, Ohio, North Carolina, Virginia, West Virginia and Maryland.

- **Great Jobs** – Sheetz employs more than 25,000 employees, creating between 30-35 jobs each time a new store location opens. We offer competitive wages and great benefits – including medical/dental/vision and tuition reimbursement.

- **What you Want, How You Want It and When You Want It** – Sheetz is open 24/7/365. Our stores offer touch screen ordering systems that let you customize your order exactly how you want it! Our locations also offer easily accessible gas pumps, a wide selection of snacks/beverages and seating areas that give you the chance to relax while you are visiting our locations.



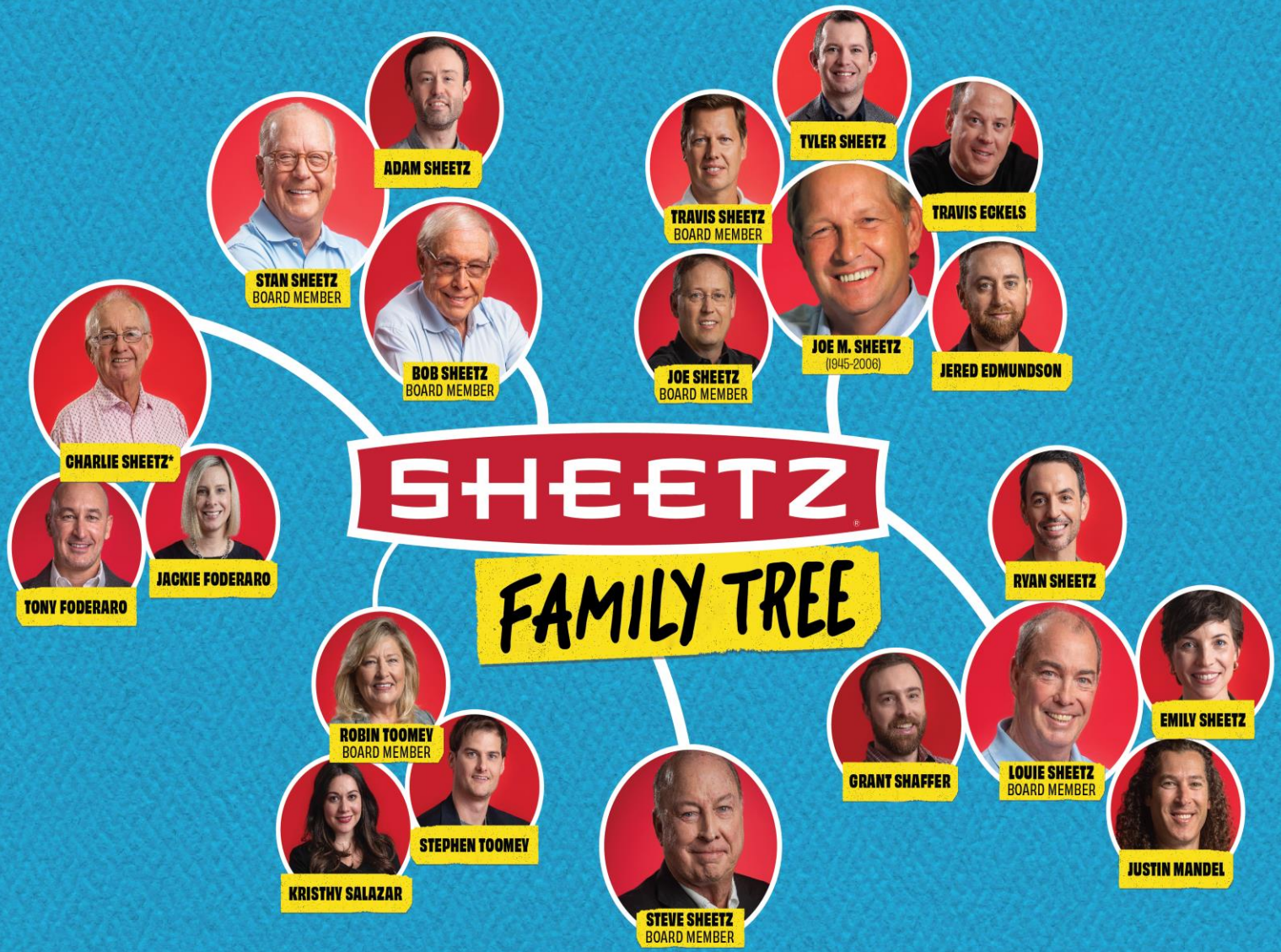


Commitment to Total Customer Focus

- **Focus on Safety to Employees and Customers** – Each of our stores is accessible, well-lit and monitored, 24/7, by camera surveillance. Additionally, our store teams are supported around the clock by our corporate security team which can be activated at any time to address issues at our locations. Sheetz works to build strong relationships with local police departments in every community where our stores operate.

- **Advanced Technology** – Sheetz maintains 100 percent compliance with Federal and State regulations for its motor fuel storage systems. According to the FY 23 U.S. Environmental Protection Agency Office of Underground Storage Tanks Program annual report, the average compliance rate of our peers is below 60 percent.

- **Commitment to Innovation** – Sheetz is committed to continual innovation and we have the track record to prove it. We were the first company in the restaurant/convenience store industry to use touch screen order points. We are leading on electric vehicle charging, too, with more than 100 stores with EV chargers – and more coming online every mont a company committed to innovation – we are also developing our own proprietary chargers.


SHEETZ
FAMILY TREE
ADAM SHEETZ
STAN SHEETZ
BOARD MEMBER
BOB SHEETZ
BOARD MEMBER
TYLER SHEETZ
TRAVIS SHEETZ
BOARD MEMBER
TRAVIS ECKELS
JOE M. SHEETZ
(1945-2006)
JOE SHEETZ
BOARD MEMBER
JERED EDMUNDSON
CHARLIE SHEETZ*
TONY FODERARO
JACKIE FODERARO
RYAN SHEETZ
ROBIN TOOMEY
BOARD MEMBER
STEPHEN TOOMEY
KRISTHY SALAZAR
STEVE SHEETZ
BOARD MEMBER
GRANT SHAFFER
LOUIE SHEETZ
BOARD MEMBER
EMILY SHEETZ
JUSTIN MANDEL

Helping Our Communities





- **Local Donations** – Since 1952, Sheetz has been dedicated to supporting non-profit organizations that are making a difference in their communities. We focus on organizations that are involved in scholastic programs, youth sports and community activities/advancement. Sheetz fulfills hundreds of donation requests each month. In 2022, Sheetz donated more than $1.6 million to local causes in the areas we serve.

- **Sheetz For The Kidz** – Sheetz For The Kidz was created in 1992 by two Sheetz district managers who saw a need for an organization that would help kids have a brighter holiday season. Each year, our employees shop for, wrap, and present gifts to kids – supporting 11,500 children last year! Additionally, each store presents a $1,000 grant to a Feeding America food bank to support youth-related hunger programs. Food banks in the areas our stores serve use these funds for initiatives such as backpack programs, which ensure that children are not hungry when they're away from school.

Sheetz Gives Back





- **Special Olympics** – Since 1991, Sheetz has partnered with Special Olympics. Today, we are a major partner of this amazing organization in each state where our stores operate. Donation boxes are available at our stores, 10 months out of each year, to collect money for Special Olympics. In addition, we donate funds to Special Olympics at each new store opening and provide food for athletes at events across our six states.

- **Made-to-Share** – Each store participates in Made-to-Share and donates food every week to a Feeding America-affiliated food bank. Since this program was created in 2018, Sheetz has kept approximately 5 million lbs. of food out of landfills and into the hands of the people who need it. That total averages 1 million lbs. a food per year! We also make a donation to our food bank partner at new store openings.

- **Active in Our Communities** – Sheetz employees are eager to find ways to help our major partners. Every year, our team members volunteer with Special Olympics for their summer/winter games and polar plunges. In 2023, Sheetz launched a partnership with the USO and a team from Dayton, OH visited Wright-Patterson Air Force Base and volunteered their time assisting with events for active duty service members.

SHEETZ

A Closer Look at Our Stores


SHEETZ
WOODSPRING SUITES
AUTO DIESEL


FRESH FOOD
SHEETZ
MADE TO ORDER
950
BONUS
ENTRIES


SHEETZ for the KIDZ
SHEETZ for the KIDZ
SHEETZ
IN THE BEGINNING
M-T-O
MOBILE PICKUP
ORDER FRESH FOOD HERE
EXTRA BASIC
$3.99
BETTER LATE THAN HANGRY
2 FOR $6 BREAKFAST
WAKE IT CALL


SHEETZ
FRESH FOOD
SHEETZ
MADE TO ORDER
SELF-SERVICE


SHEETZ
SHEETZ
SHEETZ
SHEETZ


MEDIA
248 556 5113
KIM HANG
JEWELRY
RESTAURANT
LIANG'S


MEDIA
NAIL SUPPLY
OPEN
KIM HANG
JEWELRY
OPEN
PHO HUNG
RESTAURANT
OPEN


NO
PARKING
FIRE
LANE
Mobil


30901
NO PARKING FIRE LANE
TRINGALI


TRINGALI


AutoZone
8yd
WM


NO
STOPPING
STANDING
PARKING
30949
30945
CARRIER
TRINGALI
248-585-9120
TROY MI
DO NOT PARK
NO HAZARDOUS
WASTES ACCEPTED
CAUTION
CAUTION
No Dumping
No Parking
No Burning
Punishable
By Law


30941
TRINGALI
248-585-8125
CARRIER


CARRIER
CARRIER


CARRIER
CARRIER



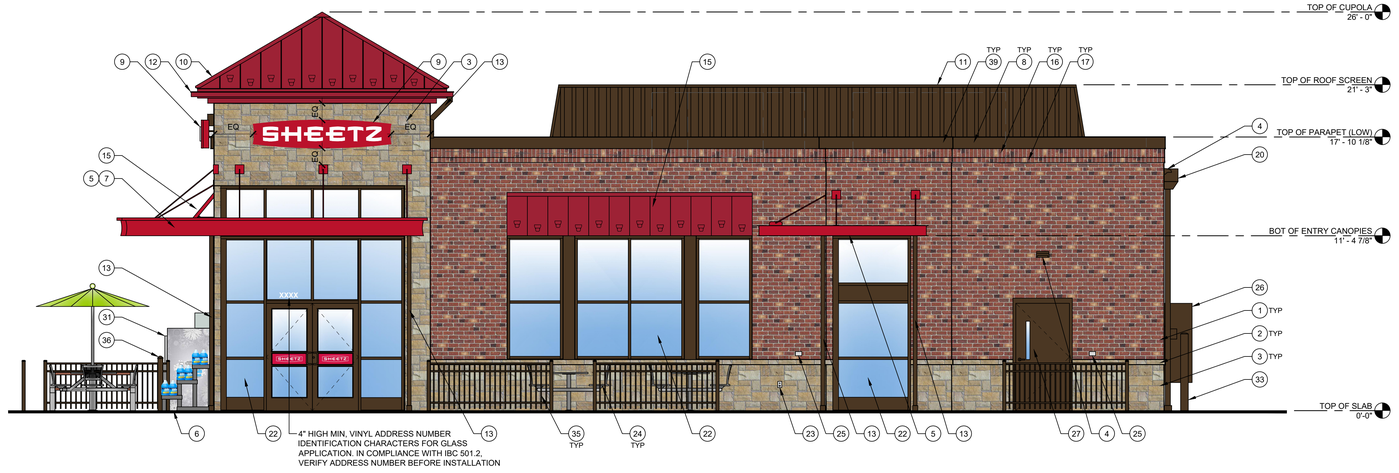
1 FRONT ELEVATION
1/4" = 1'-0"

TYPICAL EXTERIOR ELEVATION NOTES:

- ALL LIGHTS SHOWN ABOVE AND/OR BELOW DOORS OR WINDOWS ARE TO BE CENTERED ON THE DOOR OR WINDOW UNLESS NOTED OTHERWISE.
- FIXTURES/EQUIPMENT BETWEEN TWO DOORS OR WINDOWS ARE TO BE CENTERED EQUALLY.
- EXTERIOR SEALANT FOR STONE SHALL COMPLY WITH SECTION 07 9005 JOINT SEALANTS, GENERAL BUILDING FASCADE WEATHER SEALANT AND SHALL MATCH THE COLOR OF THE STORE.

EXTERIOR ELEVATION KEYNOTES:

1. BRICK VENEER, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
2. CAST STONE SILL, COLOR: CRAB ORCHARD. SEE MASONRY SPEC
3. ANCHORED CAST STONE MASONRY VENEER, COLOR: CRAB ORCHARD. SEE MASONRY SPEC
4. EXTERIOR LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
5. ARCHITECTURAL CANOPY, COLOR: REGAL RED, PREMIUM TWO-COAT KYNAR FINISH
6. BRICK PAVER WALKWAY
7. LIGHTED CURVED FASCIA CANOPY ATTACHMENT
8. METAL COPING, COLOR: DARK BRONZE
9. WALL MOUNTED BUILDING SIGN, SEE SHEET A200.
10. STANDING SEAM METAL ROOF, COLOR: BRITE RED
11. ROOF EQUIPMENT SCREEN, COLOR: DARK BRONZE
12. GUTTER, COLOR TO MATCH CUPOLA COLOR
13. DOWNSPOUT, COLOR: DARK BRONZE
14. DRIVE-THRU WINDOW (IF APPLICABLE)
15. METAL STANDING SEAM SHED STYLE AWNING AND FRAME ASSEMBLY, ROOF COLOR: BRITE RED, FRAME COLOR: DARK BRONZE
16. BRICK SOLDIER COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
17. BRICK ROWLOCK COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
18. CONTROL JOINT, SEE MASONRY SPEC
19. STEEL ROOF LADDER AND CRANKY POST, COLOR: DARK BRONZE
20. STANDARD THROUGH WALL SCUPPER WITH CONDUCTOR HEAD & DOWNSPOUT, COLOR: DARK BRONZE
21. OVERFLOW SCUPPER
22. ALUMINUM STOREFRONT SYSTEM, SEE A600
23. EXTERIOR HOSE BIB, REFER TO PLUMBING DRAWINGS
24. OUTDOOR FURNITURE
25. ELECTRICAL RECEPTACLE, REFER TO ELECTRICAL DRAWINGS
26. ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS
27. HM DOOR AND FRAME, COLOR: DARK BRONZE
28. EMERGENCY WATER CONNECTION, REFER TO PLUMBING DRAWINGS
29. SEAMLESS ALUM PANEL SYSTEM WITH EXPOSED FASTENERS, COLOR: DARK BRONZE
30. PROPANE LOCKER
31. ICE MERCHANDISER
32. RTI FILLPORT
33. STEEL BOLLARD, COLOR: DARK BRONZE
34. CO2 FILLPORT
35. DECORATIVE ALUMINUM FENCE, COLOR DARK BRONZE
36. AUTOMATIC DOOR PUSH PLATE AND BOLLARD, BOLLARD COLOR: DARK BRONZE
37. GAS METER AND RISER, REFER TO CIVIL UTILITY PLAN, COLOR: DARK BRONZE
38. MTO GRAPHIC DECAL, SEE SHEET A200.
39. LIGHT CHANNEL AT PARAPET COPING. SEE ARCHITECTURAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.



2 LEFT ELEVATION
1/4" = 1'-0"



OUTLINE AREA = 14.84 SQ.FT.
BOX AREA = 16.52 SQ.FT.
TYPICAL OF THREE
PROJECTS 7" OFF FACE OF BUILDING

A WALL MOUNTED "SHEETZ" BUILDING SIGN
1/2" = 1'-0"



OUTLINE AREA = 8.38 SQ. FT.
BOX AREA = 21.47 SQ. FT.
TYPICAL OF ONE
PROJECTS 0" OFF FACE OF BUILDING

B WALL MOUNTED "MTO" DECAL
1/2" = 1'-0"

*C*onvenience *A*rchitecture
and *D*esign P.C.
351 Sheetz Way, Claysburg, PA 16625

phone (814) 239-6013
email tcolumbu@sheetz.com
web site www.sheetz.com

PROJECT NAME:

NEW SHEETZ STORE

MADISON HEIGHTS
DEQUINDRE RD.

Int. of Dequindre Road
and 13 Mile Road
Madison Heights, MI 48071

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

KEYPLAN

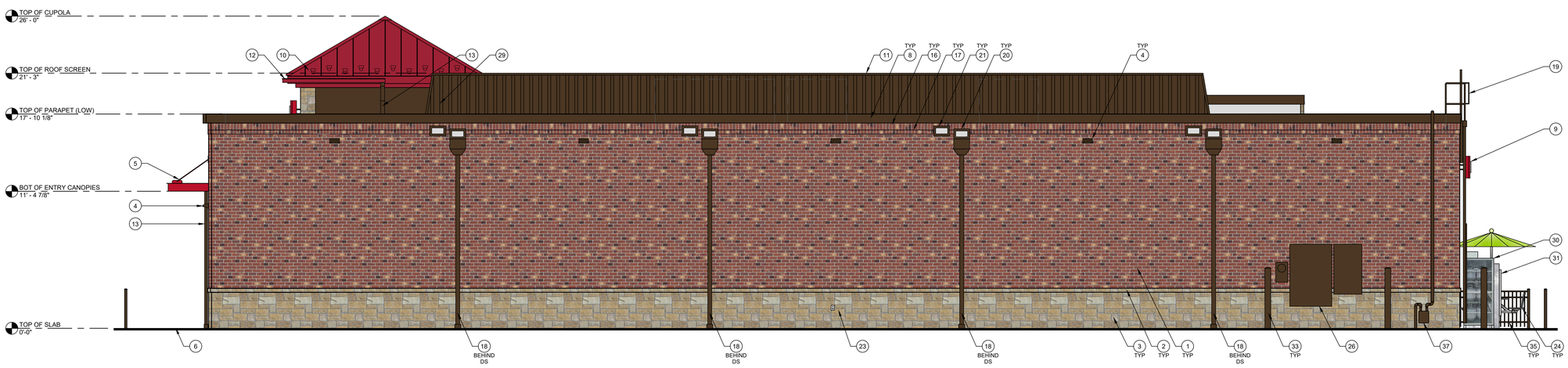
MARK	DATE	DESCRIPTION

ISSUE:	02.13.2024
SITE ID NO:	214500
AUTHOR BY:	RJK
REVIEW BY:	RJH
VERSION:	6132R_v1.5.5

EXTERIOR ELEVATIONS

A200

PRELIMINARY ELEVATIONS



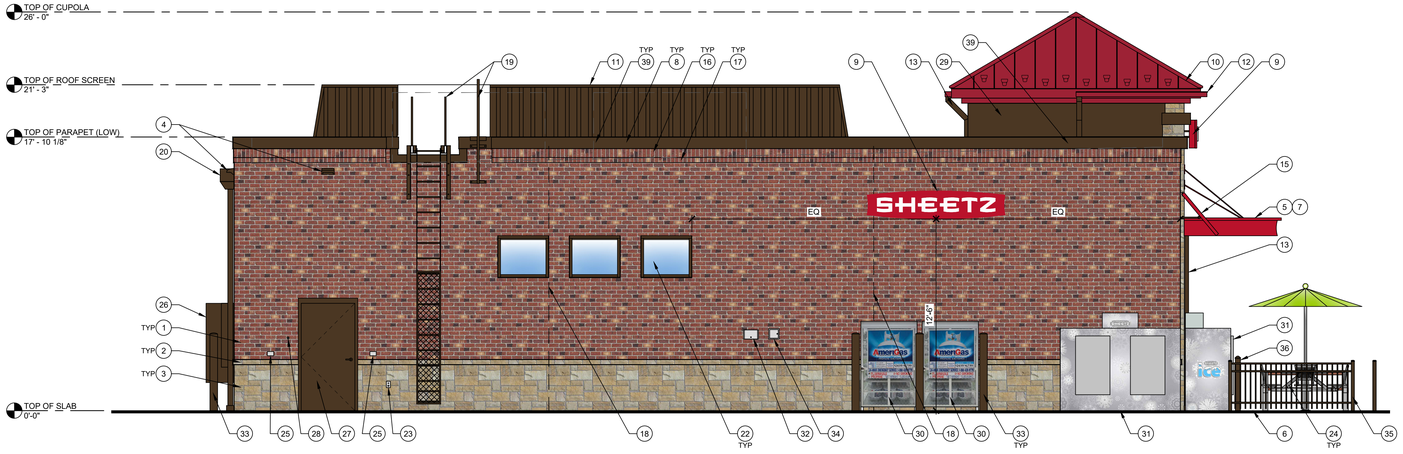
3 REAR ELEVATION
1/4" = 1'-0"

TYPICAL EXTERIOR ELEVATION NOTES:

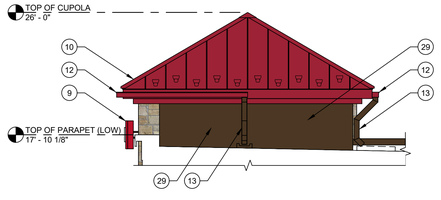
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- EXTERIOR SEALANT FOR STONE SHALL COMPLY WITH SECTION 07 9005 JOINT SEALANTS, GENERAL BUILDING FASCADE WEATHER SEALANT AND SHALL MATCH THE COLOR OF THE STORE.

EXTERIOR ELEVATION KEYNOTES:

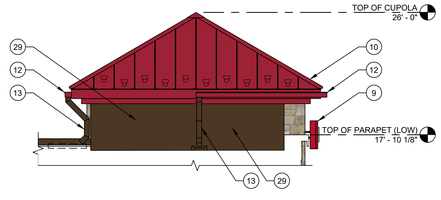
1. BRICK VENEER, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
2. CAST STONE SILL, COLOR: CRAB ORCHARD. SEE MASONRY SPEC
3. ANCHORED CAST STONE MASONRY VENEER, COLOR: CRAB ORCHARD. SEE MASONRY SPEC
4. EXTERIOR LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
5. ARCHITECTURAL CANOPY, COLOR: REGAL RED, PREMIUM TWO-COAT KYNAR FINISH
6. BRICK PAVER WALKWAY
7. LIGHTED CURVED FASCIA CANOPY ATTACHMENT
8. METAL COPING, COLOR: DARK BRONZE
9. WALL MOUNTED BUILDING SIGN, SEE SHEET A200.
10. STANDING SEAM METAL ROOF, COLOR: BRITE RED
11. ROOF EQUIPMENT SCREEN, COLOR: DARK BRONZE
12. GUTTER, COLOR TO MATCH CUPOLA COLOR
13. DOWNSPOUT, COLOR: DARK BRONZE
14. DRIVE-THRU WINDOW (IF APPLICABLE)
15. METAL STANDING SEAM SHED STYLE AWNING AND FRAME ASSEMBLY, ROOF COLOR: BRITE RED, FRAME COLOR: DARK BRONZE
16. BRICK SOLDIER COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
17. BRICK ROWLOCK COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
18. CONTROL JOINT, SEE MASONRY SPEC
19. STEEL ROOF LADDER AND CRANKY POST, COLOR: DARK BRONZE
20. STANDARD THROUGH WALL SCUPPER WITH CONDUCTOR HEAD & DOWNSPOUT, COLOR: DARK BRONZE
21. OVERFLOW SCUPPER
22. ALUMINUM STOREFRONT SYSTEM, SEE A600
23. EXTERIOR HOSE BIB, REFER TO PLUMBING DRAWINGS
24. OUTDOOR FURNITURE
25. ELECTRICAL RECEPTACLE, REFER TO ELECTRICAL DRAWINGS
26. ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS
27. HM DOOR AND FRAME, COLOR: DARK BRONZE
28. EMERGENCY WATER CONNECTION, REFER TO PLUMBING DRAWINGS
29. SEAMLESS ALUM PANEL SYSTEM WITH EXPOSED FASTENERS, COLOR: DARK BRONZE
30. PROPANE LOCKER
31. ICE MERCHANDISER
32. RTI FILLPORT
33. STEEL BOLLARD, COLOR: DARK BRONZE
34. CO2 FILLPORT
35. DECORATIVE ALUMINUM FENCE, COLOR DARK BRONZE
36. AUTOMATIC DOOR PUSH PLATE AND BOLLARD, BOLLARD COLOR: DARK BRONZE
37. GAS METER AND RISER, REFER TO CIVIL UTILITY PLAN, COLOR: DARK BRONZE
38. MTO GRAPHIC DECAL, SEE SHEET A200.
39. LIGHT CHANNEL AT PARAPET COPING. SEE ARCHITECTURAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.



4 RIGHT ELEVATION
1/4" = 1'-0"



5 CUPOLA ELEVATION FROM ROOF
1/4" = 1'-0"



6 CUPOLA ELEVATION FROM ROOF
1/4" = 1'-0"

Convenience Architecture and Design P.C.
351 Sheetz Way, Claysburg, PA 16625
phone (814) 239-6013
email tcolumbu@sheetz.com
web site www.sheetz.com

PROJECT NAME:

NEW SHEETZ STORE

MADISON HEIGHTS DEQUINDRE RD.

Int. of Dequindre Road
and 13 Mile Road
Madison Heights, MI 48071

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

KEYPLAN

MARK	DATE	DESCRIPTION

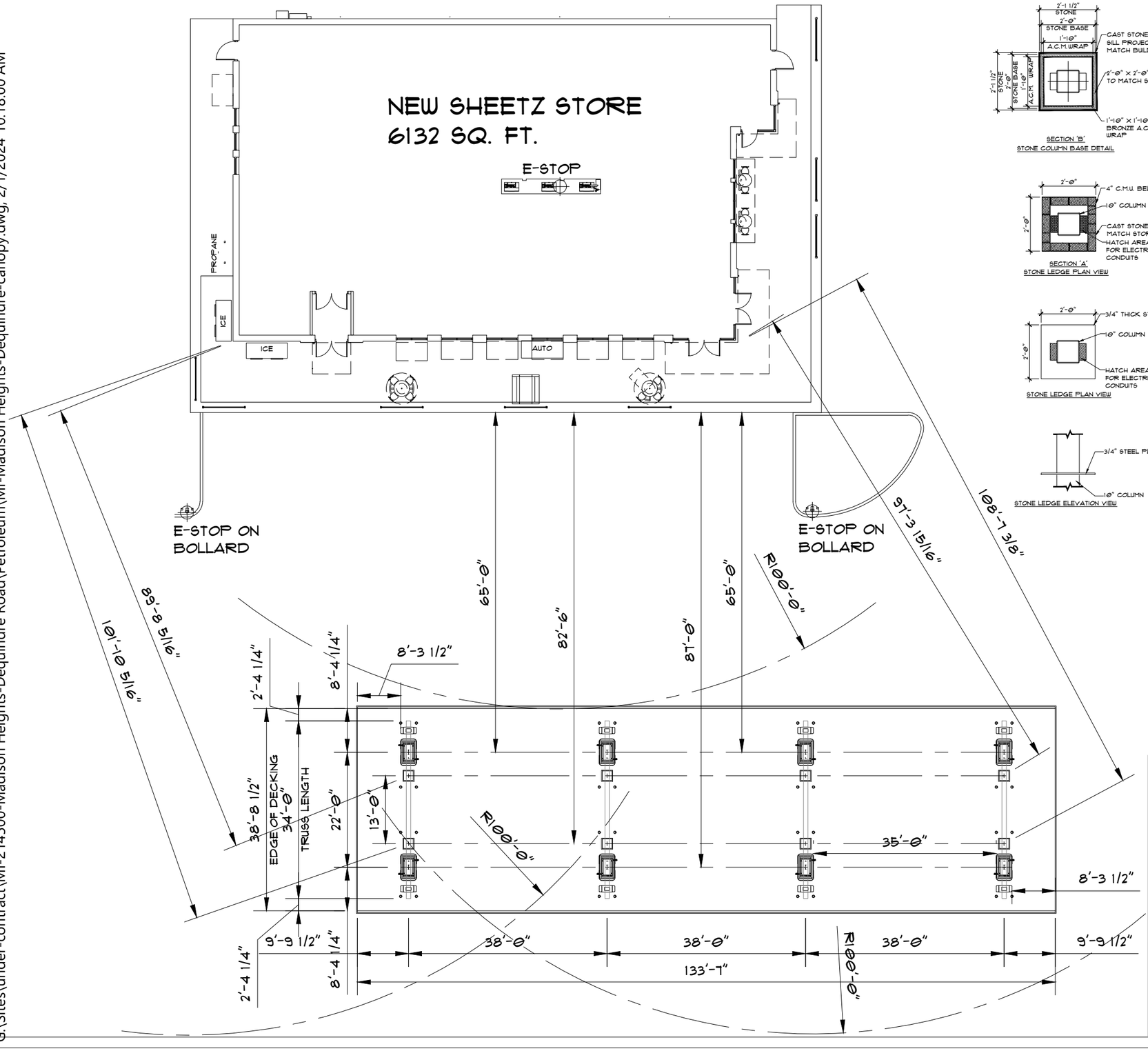
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REVIEW BY:	RJH
VERSION:	6132R_v1.5.5

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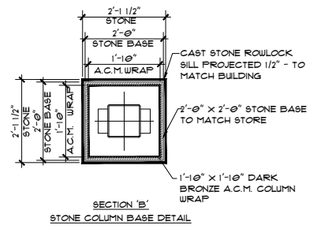
A201

PRELIMINARY ELEVATIONS

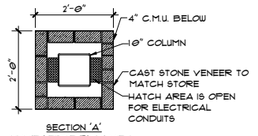
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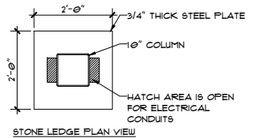
STANDARD A.C.M. COLUMN



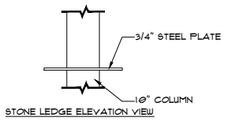
SECTION 'B'
STONE COLUMN BASE DETAIL



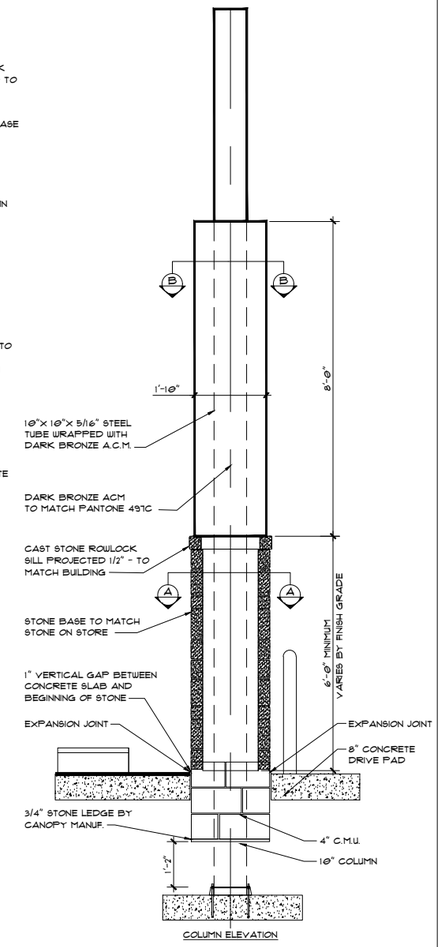
SECTION 'A'
STONE LEDGE PLAN VIEW



STONE LEDGE PLAN VIEW



STONE LEDGE ELEVATION VIEW



COLUMN ELEVATION

A.C.M. - ALUMINUM COMPOSITE MATERIAL SPECIFICATION

ALL ACM WILL MEET AAMA 2605-05 STANDARD FOR COLOR RETENTION, CHALK RESISTANCE.

ACM SUPPLIER TO INCLUDE MINIMUM 20 YEAR WARRANTY FOR COLOR RETENTION AND CHALK RESISTANCE THAT INCLUDES REPLACEMENT OF MATERIALS AND LABOR TO INSTALL REPLACEMENT MATERIALS.

ACM THICKNESS REQUIREMENT IS 3MM

ALL EXPOSED FASTENERS SHALL MATCH THE COLOR OF ACM

DARK BRONZE ACM (COLOR MATCH PANTONE 497C)

ALL ACM, SUPPORT FRAMING, AND FASTNERS ARE TO BE SUPPLIED AND INSTALLED BY THE DISPENSER CANOPY MANUFACTURER

STONE SPECIFICATION:

STONE :
TO MATCH BUILDING

STONE SILL :
CAST STONE TO MATCH BUILDING

Convenience Architecture and Design P.C.
351 Sheetz Way, Claysburg, PA
phone (814) 239-6013
email tcolumbu@sheetz.com
web site www.sheetz.com

Item 5.

PROJECT NAME:
NEW SHEETZ STORE

MADISON HEIGHTS

Int. of East 13 Mile Road
and Dequindre Road
Madison Heights
Michigan

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

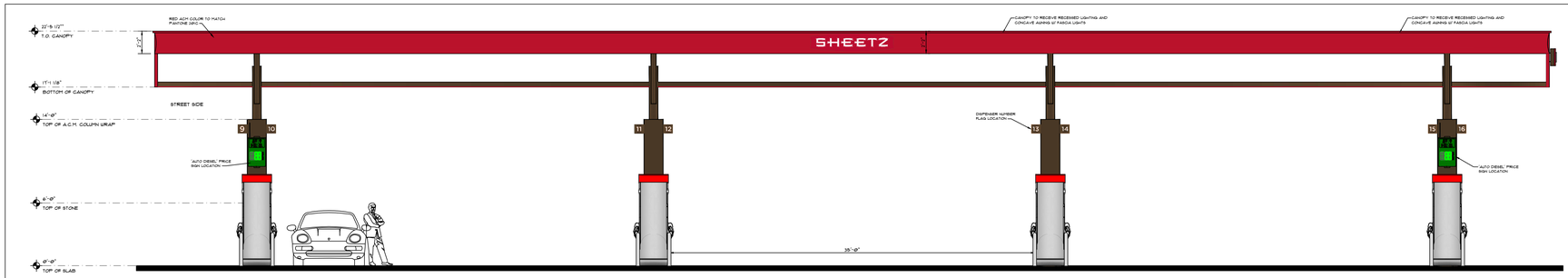
KEYPLAN

MARK	DATE	DESCRIPTION

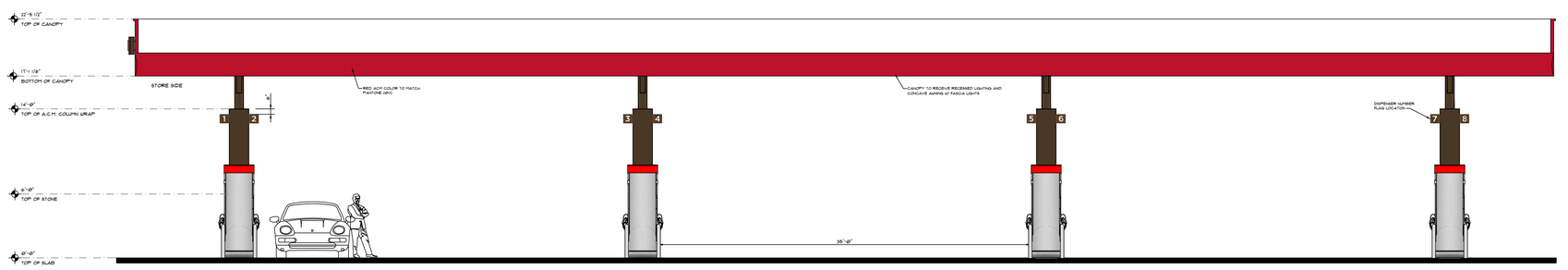
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PROJECT NO:
AUTHOR BY: DNC
REVIEW BY:
SHEET TITLE

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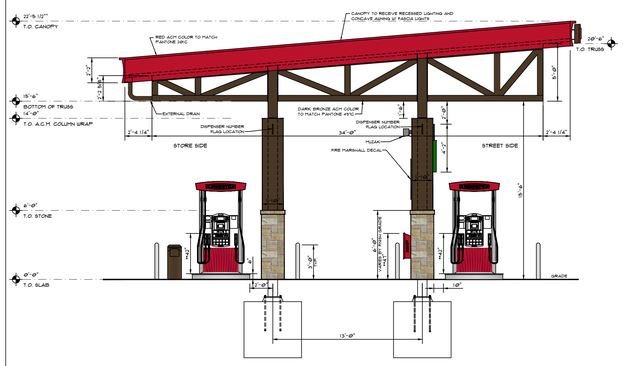
CANOPY



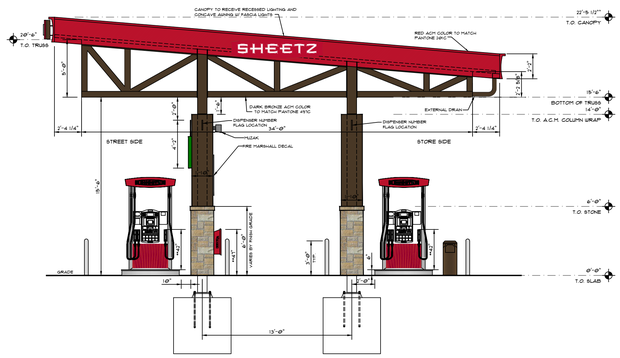
SIDE 'B' ELEVATION
SCALE: 3/16" =1'-0"



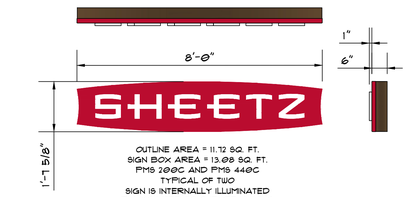
SIDE 'D' ELEVATION
SCALE: 3/16" =1'-0"



SIDE 'A' LEFT SIDE ELEVATION
SCALE: 3/16" =1'-0"

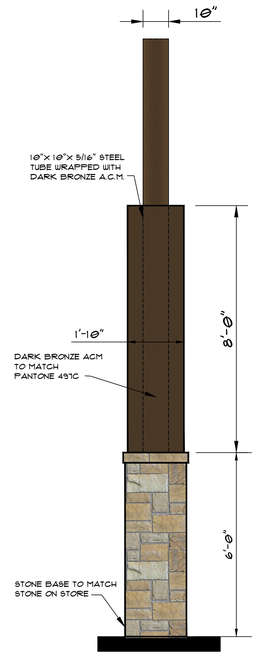


SIDE 'C' RIGHT SIDE ELEVATION
SCALE: 3/16" =1'-0"

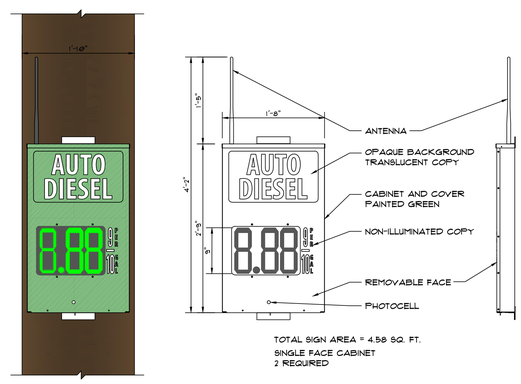


OUTLINE AREA = 11.72 SQ. FT.
SIGN BOX AREA = 13.08 SQ. FT.
PMS 200C AND PMS 440C
TYPICAL OF TWO
SIGN IS INTERNALLY ILLUMINATED
PIN-MOUNTED TO CURVED AWNING

CANOPY MOUNTED SHEETZ SIGN DETAIL
SCALE: 1/2" =1'-0"

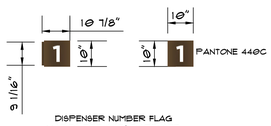


COLUMN ELEVATION
SCALE: 1/2" =1'-0"



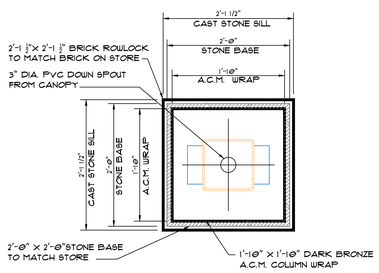
TOTAL SIGN AREA = 4.58 SQ. FT.
SINGLE FACE CABINET
2 REQUIRED

"AUTO DIESEL" PRICE SIGN ELEVATION AND DETAIL
SCALE: 1/4" =1'-0"

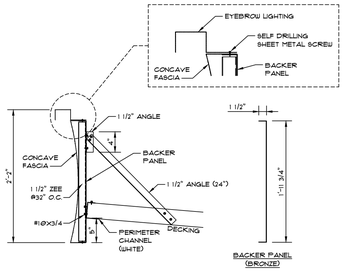


DISPENSER NUMBER FLAG
VARIES PER SITE/ DISPENSER
2 PER COLUMN ON ALL COLUMNS
0.69 SQ. FT. PER PANEL
TYPICAL OF 16

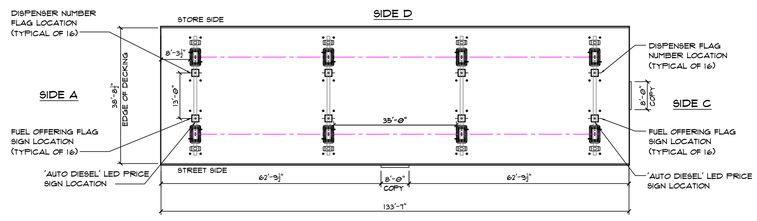
DISPENSER NUMBER FLAG DETAILS
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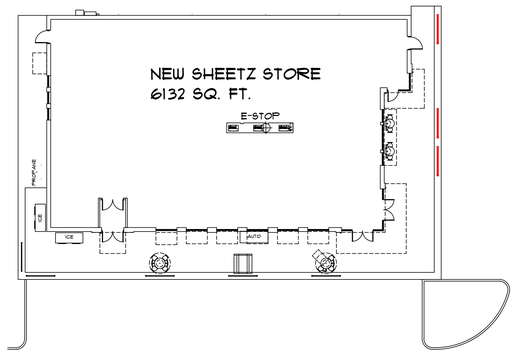
STONE COLUMN BASE DETAIL
SCALE: 1/4" =1'-0"



CONCAVE FASCIA MOUNTING DETAIL
SCALE: 1/4" =1'-0"



PLAN VIEW FOR LOGO LOCATIONS



Convenience Architecture and Design P.C.
351 Sheetz Way, Claysburg, PA 16625
phone (814) 239-6013
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web site www.sheetz.com

PROJECT NAME:
NEW SHEETZ STORE

MADISON HEIGHTS

Int. of East 13 Mile Road
and Dequindre Road
Madison Heights
Michigan

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

KEYPLAN

MARK	DATE	DESCRIPTION

ISSUE: 02-01-24
PROJECT NO:
AUTHOR BY: DNC
REVIEW BY:
SHEET TITLE

GAS AWNING

AWNING

G:\Sites\under-contract\MI-214500-Madison Heights-Dequindre Road\Sign Package\MI-Madison Heights-Dequindre-awning.dwg, 2/1/2024 9:52:53 AM


SHEETZ
WOODSPRING SUITES
AUTO DIESEL


FRESH FOOD
SHEETZ
MADE TO ORDER
950
BONUS
ENTRIES


SHEETZ for the KIDZ
SHEETZ for the KIDZ
SHEETZ
IN THE BEGINNING
M-T-O
MOBILE PICKUP
ORDER FRESH FOOD HERE
EXTRA BASIC
$3.99
BETTER LATE THAN HANGRY
2 FOR $6 BREAKFAST
BETTER LATE THAN HANGRY
2 FOR $6 BREAKFAST
WAKE UP CALL


SHEETZ
FRESH FOOD
SHEETZ
MADE TO ORDER
SELF-SERVICE


SHEETZ
SHEETZ
SHEETZ
SHEETZ

Traffic Impact Study

Proposed Convenience Store with Fuel Sales
Thirteen Mile Road & Dequindre Road
City of Madison Heights
Oakland County, Michigan



John R. Corak, PE
Project Manager
License No. 6201070230

Prepared for:
Skilken Gold

Date: September 11, 2023
SE&D Job Number: DET-230258

STONEFIELD
607 Shelby St, Suite 200
Detroit, MI 48226

DISCLAIMER

The opinions, findings, and conclusions expressed in this Traffic Impact Study are those of Stonefield Engineering & Design, LLC and not necessarily those of the Michigan Department of Transportation.

AGENCY REVIEW

Agency	Date	Comments

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TECHNICAL APPENDIX

LEVEL OF SERVICE/AVERAGE CONTROL DELAY CRITERIA

Table A1: Comparative Level of Service (Delay) Table

TURNING MOVEMENT COUNT DATA

Intersection of Thirteen Mile Road & Dequindre Road

FIGURES

Figure 1 – Site Location Map

Figure 2 – 2023 Existing Traffic Volumes

Figure 3 – 2025 No-Build Traffic Volumes

Figure 4 – "New" Site-Generated Traffic Volumes

Figure 5 – "Pass-By" Site-Generated Traffic Volumes

Figure 6 – 2025 Build Traffic Volumes

HIGHWAY CAPACITY ANALYSIS DETAIL SHEETS

2023 Existing Traffic Conditions

2025 No-Build Traffic Conditions

2025 Build Traffic Conditions

TRAFFIC SIGNAL TIMING DIRECTIVE

Intersection of Thirteen Mile Road & Dequindre Road

EXECUTIVE SUMMARY

This Traffic Impact Study was prepared to investigate the potential impacts of the proposed convenience store with fuel sales located at the southwesterly quadrant of the intersection of Thirteen Mile Road and Dequindre Road in the City of Madison Heights, Oakland County, Michigan.

1. The proposed convenience store with fuel sales is located at the southwesterly quadrant of the intersection of Thirteen Mile Road and Dequindre Road in the City of Madison Heights, Oakland County, Michigan. The existing site is occupied by a mixed-use strip retail plaza. Under the proposed development program, the existing structures would be razed and a 6,132-square-foot Sheetz convenience store with eight (8) fueling stations (16 fueling positions) would be constructed on the subject property.

2. Under the proposed development plan, access would be provided via one (1) full-movement driveway along Thirteen Mile Road and one (1) full-movement driveway along Dequindre Road.

3. Counts were conducted during the typical weekday morning and weekday evening time periods to evaluate the existing traffic volumes along the roadway network. The weekday morning peak hour occurred from 7:45 a.m. to 8:45 a.m. and the weekday evening peak hour occurred from 4:30 p.m. to 5:30 p.m.

4. The proposed development is expected to generate 134 new trips during the weekday morning peak hour and 120 new trips during the weekday evening peak hour.

5. In the Build Condition, the signalized intersection of Thirteen Mile Road and Dequindre Road is calculated to operate at overall Level of Service D during the weekday morning and weekday evening peak hours. The turning movements at the site driveway along Thirteen Mile Road are calculated to operate at Level of Service C or better during the weekday morning and weekday evening peak hours. The turning movements at the site driveway along Dequindre Road are calculated to operate at Level of Service E or better during the weekday morning and weekday evening peak hours.

6. Based on the City of Madison Heights Ordinance parking requirements, published ITE parking demand rates, and the local characteristics of the site and surrounding area, the parking supply would be sufficient to support this project.

INTRODUCTION

This Traffic Impact Study was prepared to investigate the potential impacts of the proposed convenience store with fuel sales on the adjacent roadway network. The subject property is located at the southwesterly quadrant of the intersection of Thirteen Mile Road and Dequindre Road in the City of Madison Heights, Oakland County, Michigan. The site location is shown on appended **Figure 1**.

The subject property's Parcel Identification Number (PIN) is designated as 25-12-226-008. The site has approximately 334 feet of frontage along Thirteen Mile Road and approximately 244 feet of frontage along Dequindre Road. The existing site is occupied by a mixed-use strip retail plaza. Access is presently provided via one (1) full-movement driveway along Thirteen Mile Road and one (1) full-movement driveway along Dequindre Road. Under the proposed development program, the existing structures would be razed and a 6,132-square-foot Sheetz convenience store with eight (8) fueling stations (16 fueling positions) would be constructed. Access is proposed to remain via one (1) full-movement driveway along Thirteen Mile Road and one (1) full movement driveway along Dequindre Road.

METHODOLOGY

Stonefield Engineering & Design, LLC has prepared this Traffic Impact Study in accordance with the recommended guidelines and practices outlined by the Institute of Transportation Engineers (ITE) within Transportation Impact Analyses for Site Development. A detailed field investigation was performed to assess the existing conditions of the adjacent roadway network. A data collection effort was completed to identify the existing traffic volumes at the study intersections to serve as a base for the traffic analyses. Capacity analysis, a procedure used to estimate the traffic-carrying ability of roadway facilities over a range of defined operating conditions, was performed using the Highway Capacity Manual, 6th Edition (HCM) and the Synchro 11 Software for all study conditions to assess the roadway operations.

For an unsignalized intersection, Level of Service (LOS) A indicates operations with delay of less than 10 seconds per vehicle, while LOS F describes operations with delay in excess of 50 seconds per vehicle. For a signalized intersection, LOS A indicates operations with delay of less than 10 seconds per vehicle, while LOS F describes operations with delay in excess of 80 seconds per vehicle. The Technical Appendix contains the Highway Capacity Analysis Detail Sheets for the study intersections analyzed in this assessment. The traffic signal timing utilized within the signalized analysis is based on timing directives provided by Macomb County.

2023 EXISTING CONDITION

2023 EXISTING ROADWAY CONDITIONS

The proposed convenience store with fuel sales is located at the southwesterly quadrant of the intersection of Thirteen Mile Road and Dequindre Road in the City of Madison Heights, Oakland County, Michigan. The subject property's Parcel Identification Number (PIN) is designated as 25-12-226-008. The site has approximately 334 feet of frontage along Thirteen Mile Road and approximately 244 feet of frontage along Dequindre Road. Land uses in the area are a mix of commercial, religious, residential, and retail uses.

Thirteen Mile Road is classified as an Urban Principal Arterial roadway with a general east-west orientation, and is under the jurisdiction of the City of Madison Heights. Along the site frontage, the roadway provides two (2) lanes of travel in each direction, separated by a center left-turn lane, with additional lanes provided at key intersections to facilitate turning movements. The roadway has a posted speed limit of 40 mph. Curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and on-street parking is not permitted. Thirteen Mile Road provides east-west mobility throughout the City of Madison Heights and surrounding municipalities for a mix of commercial, residential, and retail uses along its length.

Dequindre Road is classified as an Urban Principal Arterial roadway with a general north-south orientation, and is under the jurisdiction of Oakland County. Along the site frontage, the roadway provides two (2) lanes of travel in each direction, separated by a center left-turn lane, with additional lanes provided at key intersections to facilitate turning movements. The roadway has a posted speed limit of 45 mph. Curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and on-street parking is not permitted. Dequindre Road provides north-south mobility throughout the City of Madison Heights and surrounding municipalities for a mix of commercial, religious, residential, and retail uses along its length.

Thirteen Mile Road and Dequindre Road intersect to form a four (4)-leg intersection controlled by a four (4)-phase traffic signal operating on a 180-second background cycle length. The eastbound and westbound approaches of Thirteen Mile Road provide one (1) exclusive left-turn lane, two (2) exclusive through lanes, and one (1) exclusive right-turn lane. The northbound and southbound approaches of Dequindre Road provide one (1) exclusive left-turn lane, two (2) exclusive through lanes, and one (1) right-turn lane. Crosswalks, pedestrian signals, and pedestrian ramps are provided across each of the intersection legs.

2023 EXISTING TRAFFIC VOLUMES

Turning movement counts were collected during the typical weekday morning and weekday evening time periods to evaluate existing traffic conditions and identify the specific hours when traffic activity on the adjacent roadways is at a maximum and could be potentially impacted by the development of the site. Turning

movement counts were collected at the intersection of Thirteen Mile Road and Dequindre Road. Specifically, turning movement counts were conducted on Tuesday, August 22, 2023, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m.

The study time periods were chosen as they are representative of the peak periods of both the adjacent roadway network and the proposed development. The traffic volume data was collected and analyzed to identify the design peak hour in accordance with HCM and ITE guidelines. Based on the review of the count data the weekday morning peak hour occurred from 7:45 a.m. to 8:45 a.m. and the weekday evening peak hour occurred from 4:30 p.m. to 5:30 p.m. The Technical Appendix contains a summary of the turning movement count data. The 2023 Existing weekday morning and weekday evening peak hour volumes are summarized on appended **Figure 2**.

2023 EXISTING LOS/CAPACITY ANALYSIS

A Level of Service and Volume/Capacity analysis was conducted for the 2023 Existing Condition during the weekday morning and weekday evening peak hours at the study intersection. Under the existing condition, the signalized intersection of Thirteen Mile Road and Dequindre Road is calculated to operate at overall Level of Service D during the weekday morning and weekday evening peak hours. The eastbound left-turn approach of Thirteen Mile Road is calculated to operate under capacity constraints during the weekday evening peak hour.

2025 NO-BUILD CONDITION

BACKGROUND GROWTH

The 2023 Existing Condition traffic volume data was grown to a future horizon year of 2025, which is a conservative estimate for when the proposed convenience store with fuel sales is expected to be fully constructed. Based on the U.S. Census Bureau population data within the City of Madison Heights between 2010 and 2020, a 0.42% annual population decrease was calculated. To provide a conservative analysis, the existing traffic volumes at the study intersections were increased by 1.00% annually for two (2) years.

OTHER PLANNED DEVELOPMENT PROJECTS

To evaluate the future traffic conditions, it is important to consider the potential site-generated traffic of other projects that could influence the traffic volume at the study intersections. Other planned development projects include those that are either in the entitlement process or have recently been approved for building permits in proximity to the proposed development. Based on research with the City of Madison Heights Planning Commission, there are no planned development projects within the area of the subject site. As such, the application of the background growth rate would be adequate to account for background traffic growth.

2025 NO-BUILD TRAFFIC VOLUMES

The background growth rate was applied to the 2023 Existing Traffic Volumes to calculate the 2025 No-Build Traffic Volumes for the weekday morning and weekday evening peak hours. These volumes are summarized on appended **Figure 3**.

2025 NO-BUILD LOS/CAPACITY ANALYSIS

A Level of Service and Volume/Capacity analysis was also conducted for the 2025 No-Build Condition during the weekday morning and weekday evening peak hours at the study intersection. The signalized intersection of Thirteen Mile Road and Dequindre Road is calculated to operate generally consistent with the findings of the Existing Condition during the weekday morning and weekday evening peak hours. The eastbound left-turn approach of Thirteen Mile Road is calculated to operate under capacity constraints during the weekday evening peak hour.

2025 BUILD CONDITION

The site-generated traffic volume of the proposed convenience store with fuel sales was estimated to identify the potential impacts of the project. For the purpose of this analysis, a complete project "build out" is assumed within two (2) years of the preparation of this study.

TRIP GENERATION

Trip generation projections for the proposed convenience store with fuel sales were prepared utilizing ITE's Trip Generation Manual, 11th Edition. Trip generation rates associated with Land Use 945 "Convenience Store/Gas Station" were cited for the proposed 6,132-square-foot Sheetz convenience store with eight (8) fueling stations (16 fueling positions). Specifically, trip generation rates associated with convenience stores between 16 and 24 fueling positions were used. **Table 1** provides the weekday morning and weekday evening, peak hour trip generation volumes associated with the proposed development.

TABLE 1 – PROPOSED TRIP GENERATION

	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
Land Use	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
6,132 SF Convenience Store/Gas Station *ITE Land Use 945*	280	280	560	242	242	484

As stated within Chapter 10 of ITE's Trip Generation Handbook, 3rd Edition, there are instances when the total number of trips generated by a site is different from the amount of new traffic added to the street system

by the generator. Convenience stores with fuel sales are specifically located on or adjacent to busy streets to attract motorists already on the roadway. Therefore, the proposed convenience store with fuel sales development would be expected to attract a portion of its trips from the traffic passing the site on the way from an origin to an ultimate destination. These trips do not add new traffic to the adjacent roadway system and are referred to as pass-by trips.

Based upon the published ITE data for Land Use 945 "Convenience Store/Gas Station," 76% of the site-generated traffic during the weekday morning peak hour and 75% during the weekday evening peak hour is comprised of pass-by traffic. **Table 2** shows the additional site generated traffic for the proposed development after applying the appropriate trip reductions to account for pass-by traffic.

TABLE 2 – PROPOSED TRIP GENERATION – NEW & PASS-BY TRIPS

	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
Trip Type	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
"New" Trips	67	67	134	60	60	120
"Pass-By" Trips	213	213	426	182	182	364
Total	**280**	**280**	**560**	**242**	**242**	**484**

At the site driveways, the calculated number of pass-by trips is shown as a negative number at the through movement as the vehicles are temporarily diverted from the through travel stream into and out of the site access point.

TRIP ASSIGNMENT/DISTRIBUTION

The trips generated by the proposed development were distributed according to the existing travel pattern along the adjacent roadways and the access management plan of the site. The "New" Site-Generated Traffic Volumes are illustrated on **Figure 4** and the "Pass-By" Site-Generated Traffic Volumes expected to access the site are depicted on **Figure 5**.

2025 BUILD TRAFFIC VOLUMES

The site-generated trips were added to the 2025 No-Build Traffic Volumes to calculate the 2025 Build Traffic Volumes and are shown on appended **Figure 6**.

2025 BUILD LOS/CAPACITY ANALYSIS

A Level of Service and Volume/Capacity analysis was also conducted for the 2025 Build Condition during the weekday morning and weekday evening peak hours at the study intersection and proposed site driveways. Appended **Table A1** compare the Existing, No-Build, and Build Conditions Level of Service and delay values.

The signalized intersection of Thirteen Mile Road and Dequindre Road is calculated to operate generally consistent with the findings of the No-Build Condition during the weekday morning and weekday evening peak hours. The eastbound left-turn approach of Thirteen Mile Road is calculated to operate under capacity constraints during the weekday evening peak hour. It is noted that the eastbound left-turn delay would only increase by 2.8 seconds compared to the No-Build Condition during the weekday evening peak hour, a 1.4% increase in the delay. This does not represent a significant increase in delay compared to the No-Build Condition.

The turning movements at the site driveway along Thirteen Mile Road are calculated to operate at Level of Service C or better during the weekday morning and weekday evening peak hours. The turning movements at the site driveway along Dequindre Road are calculated to operate at Level of Service E or better during the weekday morning and weekday evening peak hours.

SITE CIRCULATION/PARKING SUPPLY

A review was conducted of the proposed convenience store with fuel sales using the Concept Plan A prepared by our office, dated August 28, 2023. In completing this review, particular attention was focused on the site access, circulation, and parking supply.

Under the proposed development program, a 6,132-square-foot Sheetz convenience store with eight (8) fueling stations (16 fueling positions) would be constructed on the subject property. The building would be located on the southerly portion of the property and the fueling canopy would be located on the northerly portion of the property. Access is proposed via one (1) full-movement driveway along Thirteen Mile Road and one (1) full-movement driveway along Dequindre Road. Right-angle parking spaces would be located along the easterly, westerly, and northerly sides of the building and along the easterly property line. A trash enclosure would be located at the southwest corner of the site. Two-way vehicular circulation throughout the site would be provided via 30-foot drive aisles.

Regarding the parking requirements for the proposed development, the City of Madison Heights requires one (1) space at each fuel pump for gasoline service stations, (1) parking space per two (2) seats and one (1) parking space per two (2) employees for fast-food restaurant uses, and one (1) parking space per 250 square feet of usable floor area and one (1) parking space per 700 square feet of storage area for retail uses. For the proposed 6,132-square-foot convenience store with 16 fuel pumps, 48 seats, and 8 employees, this equates to 40 required parking spaces and 16 spaces at the fuel pumps. The site would provide 40 total parking spaces, inclusive of two (2) ADA accessible parking spaces, and 16 spaces at the fuel pumps, which meets the parking requirement and would be sufficient to support this project's parking demand. The spaces would be 10 feet wide by 20 feet deep in accordance with the City of Madison Heights Ordinance and industry standards.

The parking supply was evaluated with respect to data published within the ITE's Parking Generation, 5th Edition, for Land Use 960 "Super Convenience Market/Gas Station." The average parking demand rate during the peak weekday period for Land Use 960 "Super Convenience Market/Gas Station" is 8.11 vehicles per 1,000 square feet. For the proposed 6,132-square-foot convenience store, this equates to 50 spaces. As such, the proposed parking supply of 56 spaces would be sufficient to support the parking demand of the site.

CONCLUSIONS

This report was prepared to examine the potential traffic impact of the proposed convenience store with fuel sales. The analysis findings, which have been based on industry-standard guidelines, indicate that the proposed development would not have a significant impact on the traffic operations of the adjacent roadway network. The site-generated trips of the proposed development would consist largely of "pass-by" trips, as opposed to new vehicles on the roadway, due to the land use, location, and the access management plan. The site driveways and on-site layout have been designed to provide for effective access to and from the subject property. Based on the City of Madison Heights Ordinance parking requirements, published ITE parking demand rates, and local characteristics of the site and surrounding area, the parking supply would be sufficient to support this project.

Z:\Michigan\DET\2023\DET-230258-Skilken Gold-30901 Dequindre Road, Madison Heights, MI\Calculations & Reports\Traffic\Reports\2023-09 Traffic Impact Study\2023-09 Traffic Impact Study.docx

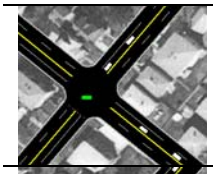
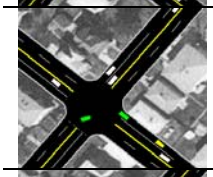
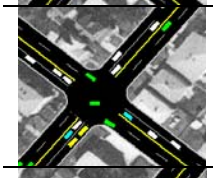
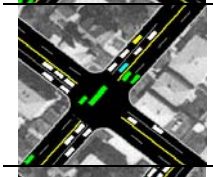
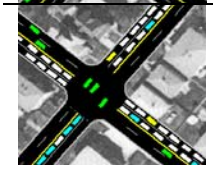
TECHNICAL APPENDIX

LEVEL OF SERVICE/AVERAGE CONTROL DELAY CRITERIA

LEVEL OF SERVICE /AVERAGE CONTROL DELAY CRITERIA

The ability of a roadway to effectively accommodate traffic demand is determined through an assessment of the volume-to-capacity ratio, delay and Level of Service of the lane group and/or intersection. The volume-to-capacity ratio is the ratio of traffic flow rate to capacity for a given transportation facility. As defined within the Highway Capacity Manual, 6th Edition (HCM), intersection delay is the total additional travel time experienced by drivers, passengers, or pedestrians as a result of control measures and interaction with other users of the facility, divided by the volume departing from the corresponding cross section of the facility. Level of service is a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience.

For an unsignalized intersection, LOS A indicates operations with delay less than 10 seconds per vehicle, while LOS F describes operations with delay in excess of 50 seconds per vehicle. For a signalized intersection, LOS A indicates operations with delay less than 10 seconds per vehicle and LOS F denotes operations with delay in excess of 80 seconds per vehicle.

	Level Of Service (LOS)	Signalized Delay Range (average control delay in sec/veh)	Unsignalized Delay Range (average control delay in sec/veh)
	A	<=10	<=10
	B	>10 and <=20	>10 and <=15
	C	>20 and <=35	>15 and <=25
	D	>35 and <=55	>25 and <=35
	E	>55 and <=80	>35 and <=50
	F	>80	>50

Source: Highway Capacity Manual, 6th Edition

STONEFIELD

Table A1: Comparative Level of Service (Delay) Table

City of Madison Heights, Oakland County, New Jersey

X (n) = Level of Service (seconds of delay)

		Weekday Morning Peak Hour			Weekday Evening Peak Hour		
Intersection	**Lane Group**	**2023 Existing Condition**	**2025 No-Build Condition**	**2025 Build Condition**	**2023 Existing Condition**	**2025 No-Build Condition**	**2025 Build Condition**
Thirteen Mile Road (E/W) & Dequindre Road (N/S)	EB Left	E (58.9)	E (59.0)	E (58.6)	F (184.7)	F (194.2)	F (197.0)
	EB Through	E (61.8)	E (61.3)	E (60.9)	E (76.2)	E (76.5)	E (76.8)
	EB Right	D (52.5)	D (51.7)	D (51.0)	D (52.9)	D (52.4)	D (51.8)
	WB Left	E (55.6)	E (55.1)	D (54.5)	E (66.2)	E (67.6)	E (67.7)
	WB Through	E (72.9)	E (72.7)	E (72.5)	E (68.2)	E (68.1)	E (68.2)
	WB Right	E (61.4)	E (60.8)	E (59.9)	D (54.8)	D (54.3)	D (53.8)
	NB Left	C (25.5)	C (27.6)	C (29.1)	D (46.7)	D (53.2)	E (55.9)
	NB Through	C (24.9)	C (25.8)	C (26.5)	C (27.7)	C (28.5)	C (29.1)
	NB Right	B (15.1)	B (15.5)	B (15.9)	B (16.7)	B (17.1)	B (17.4)
	SB Left	B (19.9)	C (20.7)	C (21.3)	C (22.6)	C (23.4)	C (23.9)
	SB Through	C (28.7)	C (29.9)	C (30.7)	C (34.9)	D (36.2)	D (37.0)
	SB Right	B (16.3)	B (16.7)	B (17.2)	C (21.0)	C (21.5)	C (21.9)
	Overall	**D (41.0)**	**D (41.5)**	**D (41.9)**	**D (51.0)**	**D (52.2)**	**D (52.8)**
Thirteen Mile Road (E/W) & Northern Site Driveway (N)	WB Left			A (9.6)			B (11.6)
	NB Left/Right			C (16.5)			C (22.8)
Eastern Site Driveway (E) & Dequindre Road (N/S)	EB Left/Right			E (37.4)			E (46.9)
	NB Left			B (12.8)			C (15.1)

TURNING MOVEMENT COUNT DATA

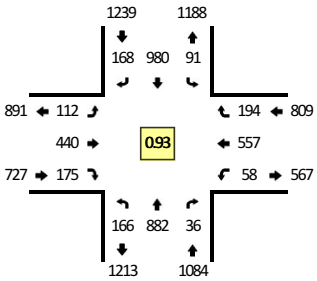
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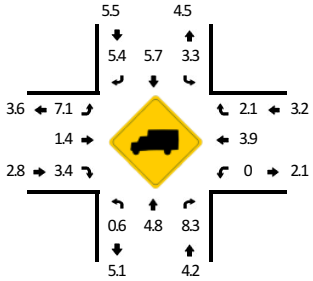
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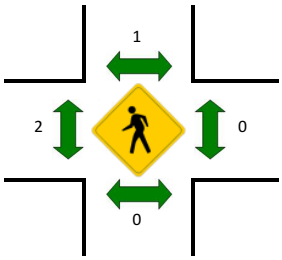
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CITY/STATE: Warren, MI

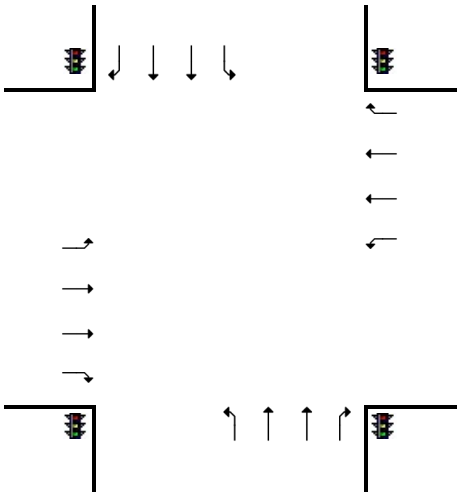
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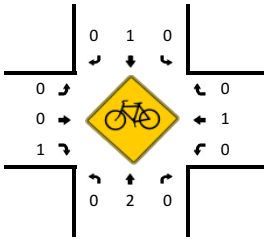
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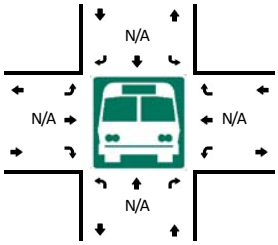


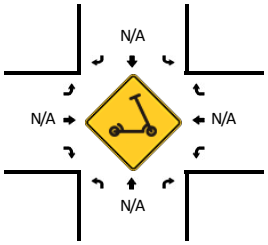












15-Min Count Period Beginning At	Dequindre Rd (Northbound)				Dequindre Rd (Southbound)				E Thirteen Mile Rd (Eastbound)				E Thirteen Mile Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	23	159	7	0	19	164	27	0	21	61	30	0	7	90	27	0	635	
7:15 AM	35	158	11	0	29	199	29	0	26	78	40	0	10	114	36	0	765	
7:30 AM	49	223	9	0	16	208	36	0	29	127	36	0	10	151	43	0	937	
7:45 AM	47	236	9	0	24	245	44	0	25	126	51	0	17	153	62	0	1039	3376
8:00 AM	41	214	9	0	23	234	32	0	20	92	44	0	12	116	35	0	872	3613
8:15 AM	39	190	8	0	13	266	51	0	40	95	45	0	16	150	49	0	962	3810
8:30 AM	39	242	10	0	31	235	41	0	27	127	35	0	13	138	48	0	986	3859
8:45 AM	40	223	6	0	28	244	49	0	19	99	50	0	15	151	47	0	971	3791

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	188	944	36	0	96	980	176	0	100	504	204	0	68	612	248	0	4156
Heavy Trucks	4	44	0		0	52	4		0	8	12		0	32	0		156
Buses																	
Pedestrians		0				0				0				0			0
Bicycles	0	8	0		0	0	0		0	0	0		0	0	0		8
Scooters																	

Comments:

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SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

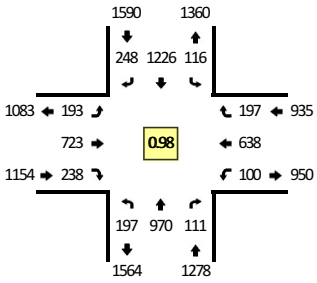
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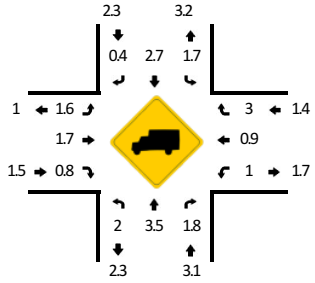
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CITY/STATE: Warren, MI

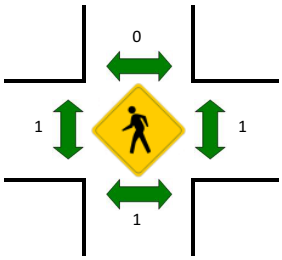
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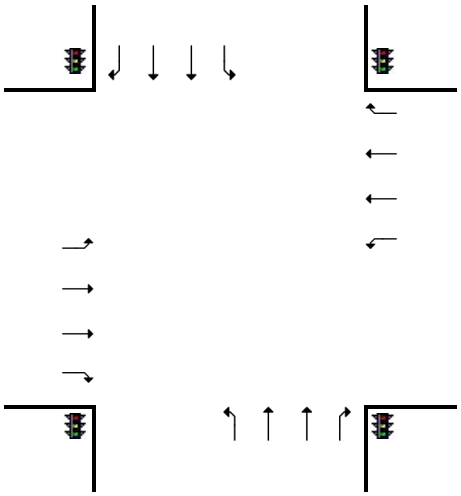
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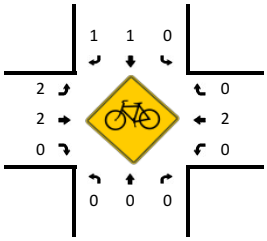


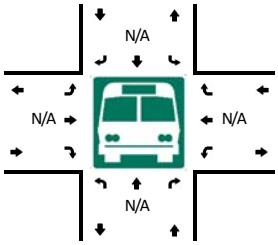


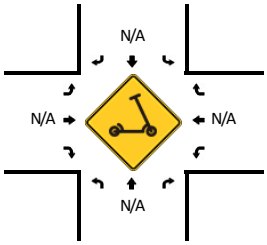
TRUE DATA TO IMPROVE MOBILITY











15-Min Count Period Beginning At	Dequindre Rd (Northbound)				Dequindre Rd (Southbound)				E Thirteen Mile Rd (Eastbound)				E Thirteen Mile Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	52	250	17	0	24	278	62	0	43	154	50	0	10	146	50	0	1136	
4:15 PM	52	235	17	0	28	282	50	0	45	152	62	0	17	151	41	0	1132	
4:30 PM	41	276	25	0	29	310	57	0	49	184	67	0	28	152	48	0	1266	
4:45 PM	54	212	22	0	30	316	64	0	36	187	63	0	16	186	50	0	1236	4770
5:00 PM	49	217	42	0	27	312	66	0	56	179	55	0	38	154	48	0	1243	4877
5:15 PM	53	265	22	0	30	288	61	0	52	173	53	0	18	146	51	0	1212	4957
5:30 PM	44	219	19	0	31	293	74	0	43	152	62	0	20	145	35	0	1137	4828
5:45 PM	41	204	33	0	31	315	63	0	48	172	65	0	15	128	36	0	1151	4743
6:00 PM	46	214	31	0	27	277	55	0	48	166	70	0	22	128	46	0	1130	4630
6:15 PM	48	210	24	0	28	229	54	0	51	157	67	0	12	104	35	0	1019	4437
6:30 PM	48	166	17	0	26	265	46	0	48	155	59	0	20	107	42	0	999	4299
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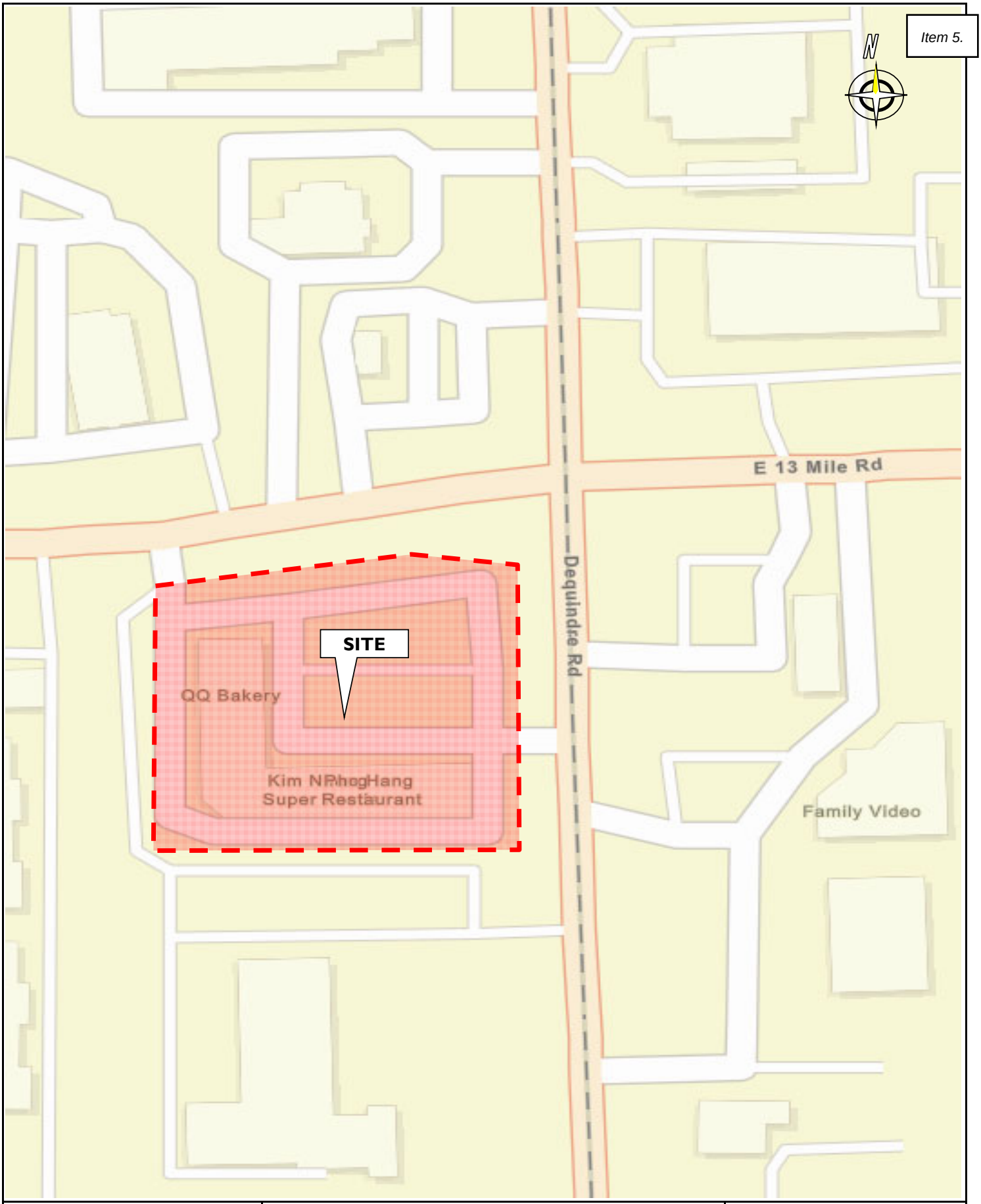
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	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	164	1104	100	0	116	1240	228	0	196	736	268	0	112	608	192	0	5064
Heavy Trucks	4	36	0		4	28	4		8	12	0		0	12	0		108
Buses																	
Pedestrians		0				0				0				0			0
Bicycles	0	0	0		0	0	0		0	0	0		0	8	0		8
Scooters																	

Comments:

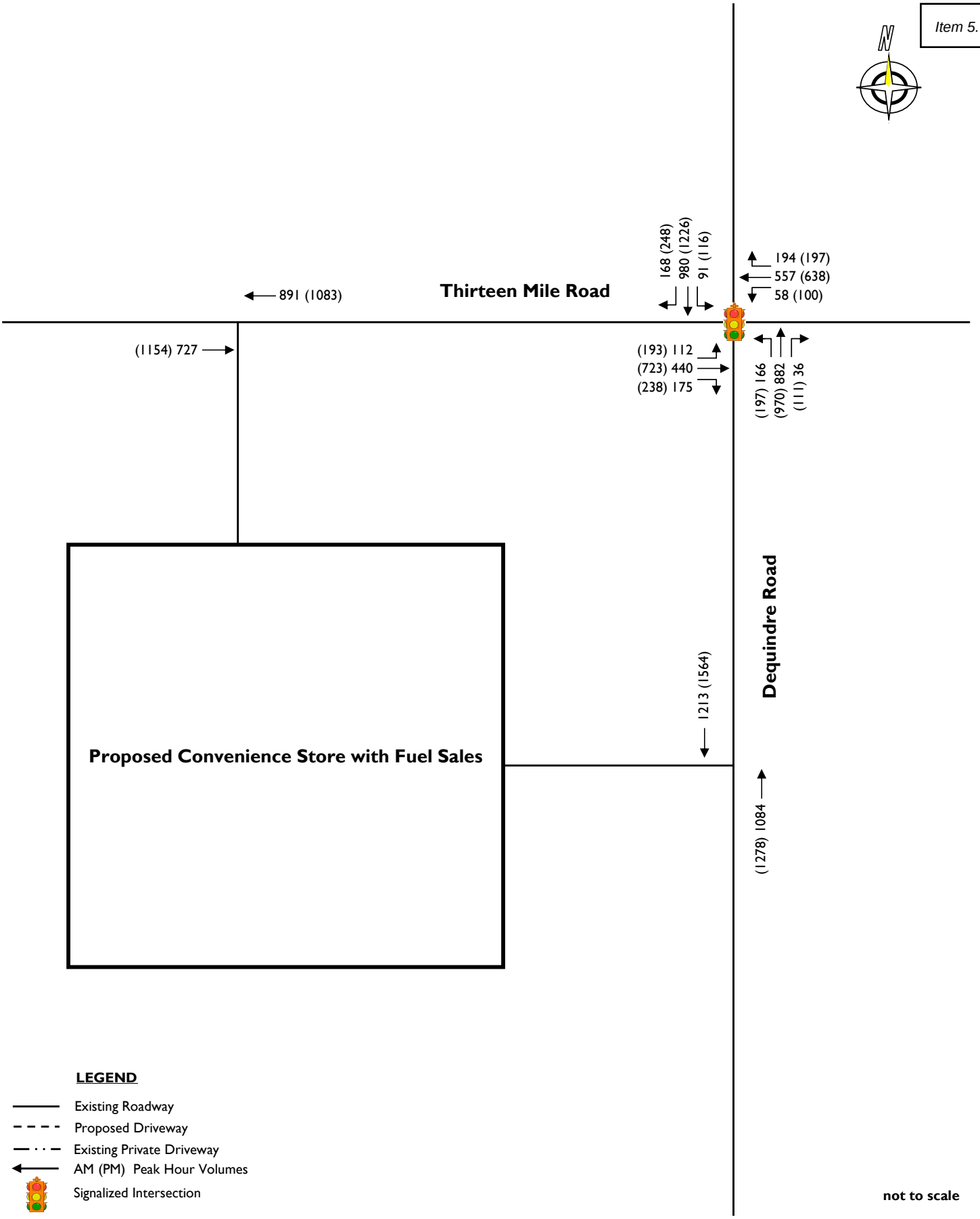
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SOURCE: Quality Counts, LLC (http://www.qualitycounts.net) 1-877-580-2212

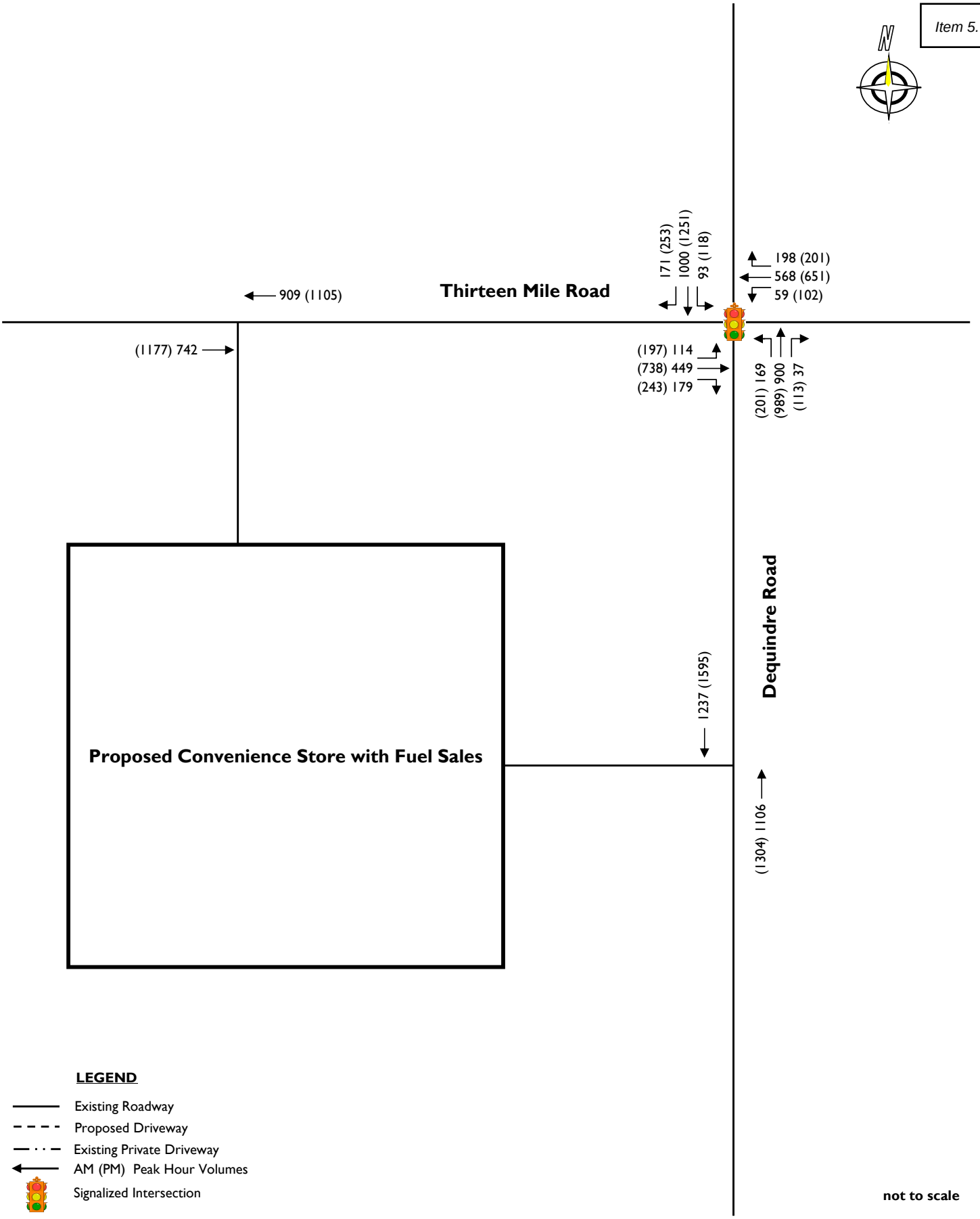
FIGURES



STONEFIELD	**Proposed Convenience Store with Fuel Sales** **30901 Dequindre Road** **City of Madison Heights, Oakland County, Michigan** **Traffic Impact Study**	**FIGURE 1** **Site Location Map**



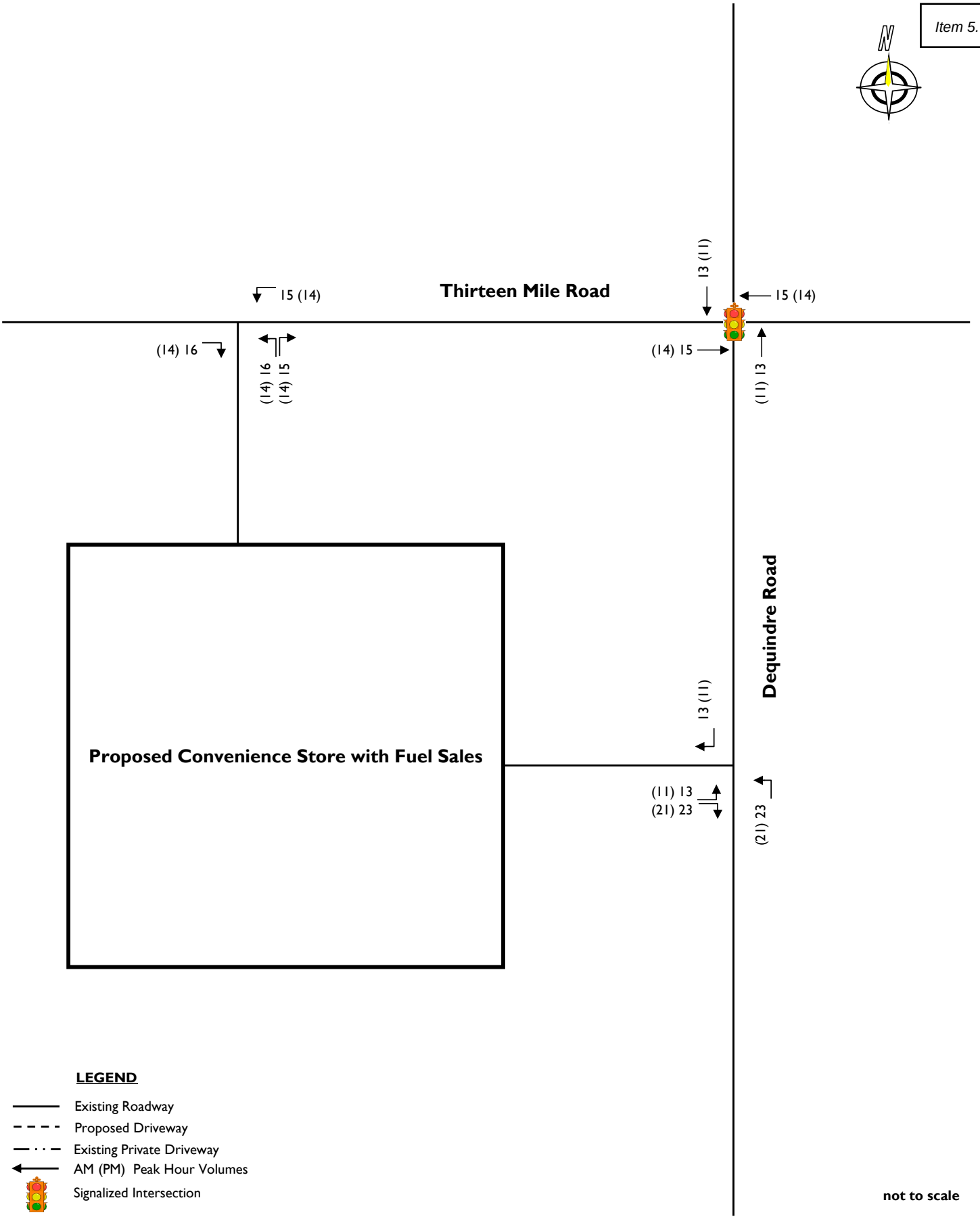
STONEFIELD	**Proposed Convenience Store with Fuel Sales** **30901 Dequindre Road** **City of Madison Heights, Oakland County, Michigan** **Traffic Impact Study**	**FIGURE 2** **2023 Existing Traffic Volumes**



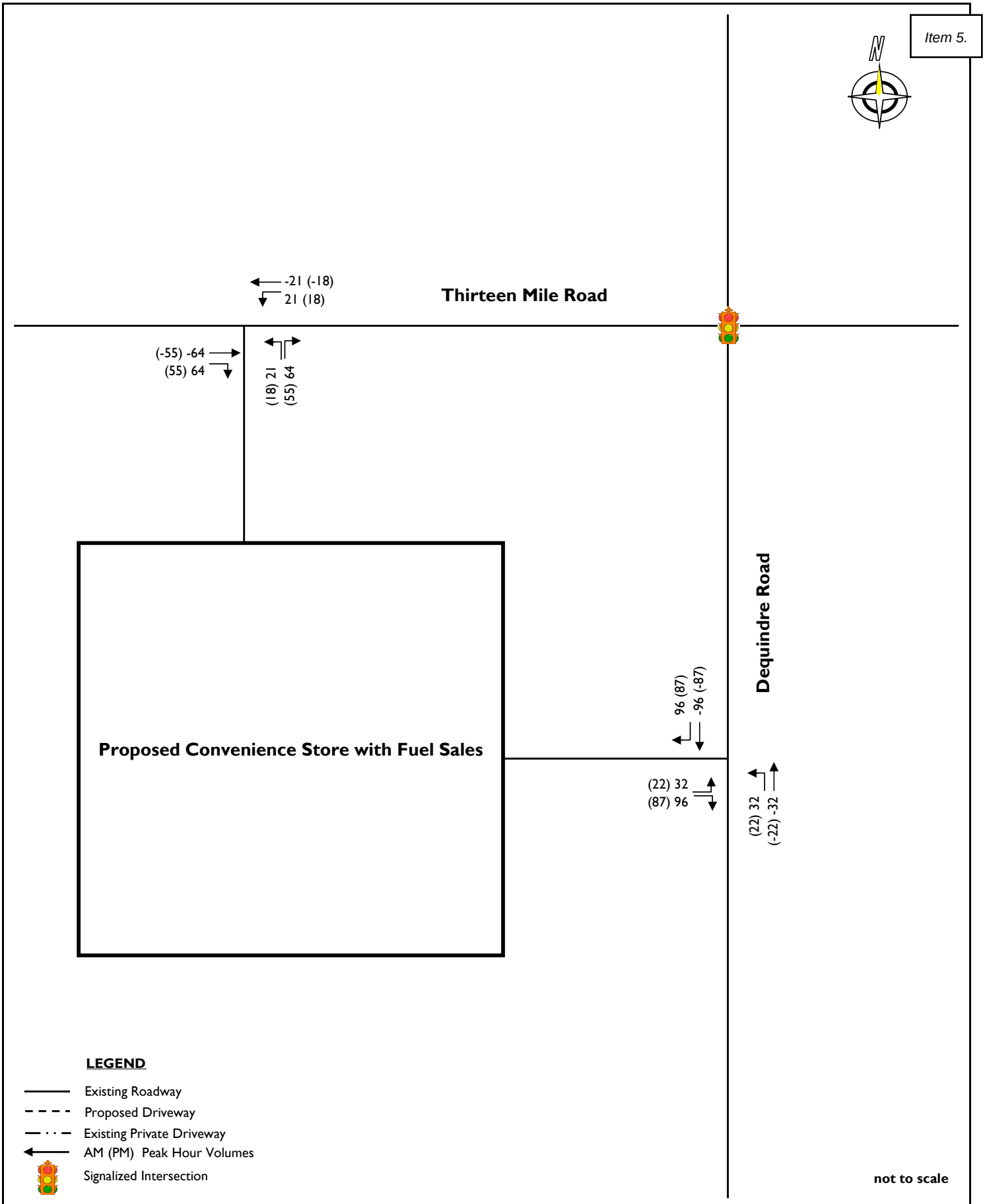
STONEFIELD

Proposed Convenience Store with Fuel Sales
30901 Dequindre Road
City of Madison Heights, Oakland County, Michigan
Traffic Impact Study

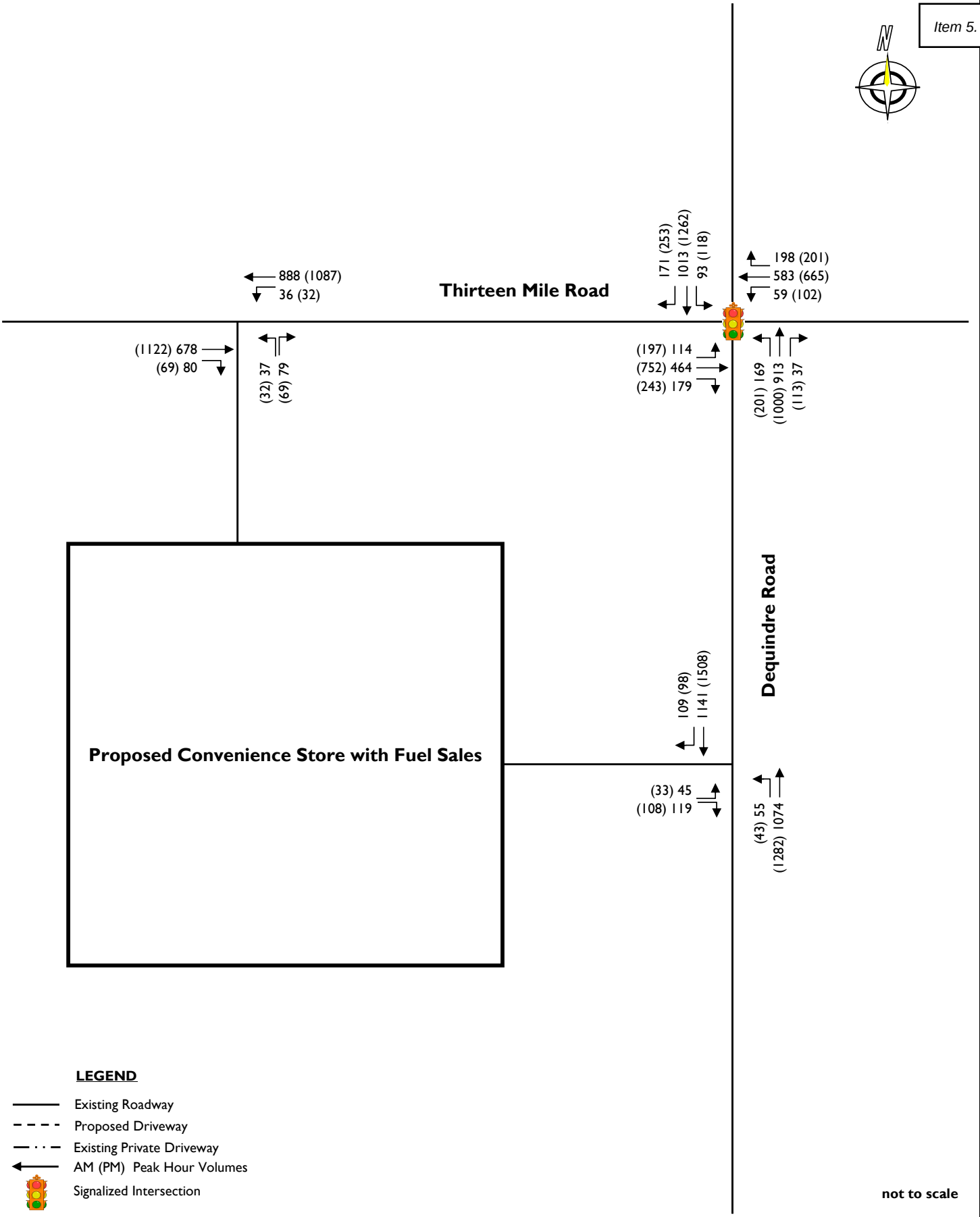
FIGURE 3
2025 No-Build Traffic Volumes



STONEFIELD	**Proposed Convenience Store with Fuel Sales** **30901 Dequindre Road** **City of Madison Heights, Oakland County, Michigan** **Traffic Impact Study**	**FIGURE 4** **"New" Site-Generated Traffic Volumes**



STONEFIELD	**Proposed Convenience Store with Fuel Sales** **30901 Dequindre Road** **City of Madison Heights, Oakland County, Michigan** **Traffic Impact Study**	**FIGURE 5** **"Pass-By" Site-Generated Traffic Volumes**

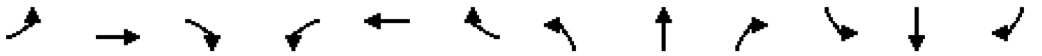


STONEFIELD	**Proposed Convenience Store with Fuel Sales** **30901 Dequindre Road** **City of Madison Heights, Oakland County, Michigan** **Traffic Impact Study**	**FIGURE 6** **2025 Build Traffic Volumes**

HIGHWAY CAPACITY ANALYSIS DETAIL SHEETS

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2023 Existing Conditi
Weekday Morning Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	112	440	175	58	557	194	166	882	36	91	980	168
Future Volume (veh/h)	112	440	175	58	557	194	166	882	36	91	980	168
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1796	1885	1856	1900	1841	1870	1885	1826	1781	1856	1811	1826
Adj Flow Rate, veh/h	120	473	188	62	599	209	178	948	39	98	1054	181
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	7	1	3	0	4	2	1	5	8	3	6	5
Cap, veh/h	178	830	453	197	707	378	294	1942	901	327	1858	938
Arrive On Green	0.07	0.23	0.23	0.04	0.20	0.20	0.06	0.56	0.56	0.04	0.54	0.54
Sat Flow, veh/h	1711	3582	1572	1810	3497	1585	1795	3469	1510	1767	3441	1547
Grp Volume(v), veh/h	120	473	188	62	599	209	178	948	39	98	1054	181
Grp Sat Flow(s),veh/h/ln	1711	1791	1572	1810	1749	1585	1795	1735	1510	1767	1721	1547
Q Serve(g_s), s	9.8	21.0	17.4	4.9	29.7	20.8	8.0	29.8	1.9	4.5	36.6	9.4
Cycle Q Clear(g_c), s	9.8	21.0	17.4	4.9	29.7	20.8	8.0	29.8	1.9	4.5	36.6	9.4
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	178	830	453	197	707	378	294	1942	901	327	1858	938
V/C Ratio(X)	0.68	0.57	0.42	0.31	0.85	0.55	0.61	0.49	0.04	0.30	0.57	0.19
Avail Cap(c_a), veh/h	234	1132	585	310	1106	558	312	1942	901	380	1858	938
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	54.1	61.2	51.8	54.7	69.1	60.1	22.4	24.0	15.0	19.4	27.5	15.8
Incr Delay (d2), s/veh	4.8	0.6	0.6	0.9	3.8	1.3	3.0	0.9	0.1	0.5	1.3	0.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	4.5	9.6	7.0	2.3	13.6	8.5	3.5	12.3	0.7	1.9	15.1	3.5
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	58.9	61.8	52.5	55.6	72.9	61.4	25.5	24.9	15.1	19.9	28.7	16.3
LnGrp LOS	E	E	D	E	E	E	C	C	B	B	C	B
Approach Vol, veh/h		781			870			1165			1333	
Approach Delay, s/veh		59.1			68.9			24.6			26.4	
Approach LOS		E			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	16.2	103.3	18.0	42.5	12.6	106.8	12.7	47.8
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 12	* 69	17.9	56.9	* 12	* 69	17.9	56.9
Max Q Clear Time (g_c+I1), s	10.0	38.6	11.8	31.7	6.5	31.8	6.9	23.0
Green Ext Time (p_c), s	0.1	8.9	0.1	4.7	0.1	7.4	0.1	3.8

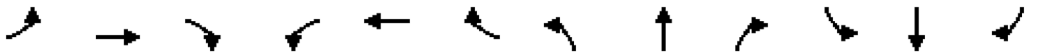
Intersection Summary	
HCM 6th Ctrl Delay	41.0
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2023 Existing Conditi
Weekday Evening Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	193	723	238	100	638	197	197	970	111	116	1226	248
Future Volume (veh/h)	193	723	238	100	638	197	197	970	111	116	1226	248
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1885	1885	1885	1856	1870	1841	1870	1870	1856	1900
Adj Flow Rate, veh/h	197	738	243	102	651	201	201	990	113	118	1251	253
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	2	2	1	1	1	3	2	4	2	2	3	0
Cap, veh/h	169	831	478	148	837	434	244	1885	933	298	1818	910
Arrive On Green	0.05	0.23	0.23	0.05	0.23	0.23	0.07	0.54	0.54	0.04	0.52	0.52
Sat Flow, veh/h	1781	3554	1598	1795	3582	1572	1781	3497	1585	1781	3526	1610
Grp Volume(v), veh/h	197	738	243	102	651	201	201	990	113	118	1251	253
Grp Sat Flow(s),veh/h/ln	1781	1777	1598	1795	1791	1572	1781	1749	1585	1781	1763	1610
Q Serve(g_s), s	8.9	36.2	22.6	7.8	30.6	19.1	9.6	32.8	5.7	5.6	48.0	14.6
Cycle Q Clear(g_c), s	8.9	36.2	22.6	7.8	30.6	19.1	9.6	32.8	5.7	5.6	48.0	14.6
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	169	831	478	148	837	434	244	1885	933	298	1818	910
V/C Ratio(X)	1.16	0.89	0.51	0.69	0.78	0.46	0.82	0.53	0.12	0.40	0.69	0.28
Avail Cap(c_a), veh/h	169	946	530	148	953	485	294	1885	933	301	1818	910
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	64.4	66.7	52.1	53.4	64.6	54.1	32.0	26.7	16.4	21.8	32.7	20.2
Incr Delay (d2), s/veh	120.3	9.5	0.8	12.8	3.6	0.8	14.7	1.1	0.3	0.9	2.2	0.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	9.1	17.4	9.2	4.0	14.3	7.7	5.5	13.8	2.2	2.4	20.6	5.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	184.7	76.2	52.9	66.2	68.2	54.8	46.7	27.7	16.7	22.6	34.9	21.0
LnGrp LOS	F	E	D	E	E	D	D	C	B	C	C	C
Approach Vol, veh/h		1178			954			1304			1622	
Approach Delay, s/veh		89.6			65.2			29.7			31.8	
Approach LOS		F			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	17.9	98.9	15.0	48.2	13.7	103.1	15.0	48.2
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 17	* 82	8.9	47.9	* 7.9	* 91	8.9	47.9
Max Q Clear Time (g_c+I1), s	11.6	50.0	10.9	32.6	7.6	34.8	9.8	38.2
Green Ext Time (p_c), s	0.2	11.6	0.0	4.3	0.0	8.6	0.0	3.9

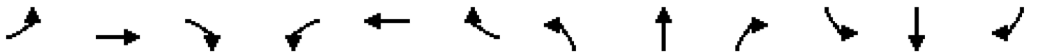
Intersection Summary	
HCM 6th Ctrl Delay	51.0
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2025 No-Build Conditi
Weekday Morning Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	114	449	179	59	568	198	169	900	37	93	1000	171
Future Volume (veh/h)	114	449	179	59	568	198	169	900	37	93	1000	171
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1796	1885	1856	1900	1841	1870	1885	1826	1781	1856	1811	1826
Adj Flow Rate, veh/h	123	483	192	63	611	213	182	968	40	100	1075	184
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	7	1	3	0	4	2	1	5	8	3	6	5
Cap, veh/h	179	846	462	198	720	385	286	1922	893	317	1836	930
Arrive On Green	0.07	0.24	0.24	0.04	0.21	0.21	0.06	0.55	0.55	0.04	0.53	0.53
Sat Flow, veh/h	1711	3582	1572	1810	3497	1585	1795	3469	1510	1767	3441	1547
Grp Volume(v), veh/h	123	483	192	63	611	213	182	968	40	100	1075	184
Grp Sat Flow(s),veh/h/ln	1711	1791	1572	1810	1749	1585	1795	1735	1510	1767	1721	1547
Q Serve(g_s), s	10.0	21.4	17.7	4.9	30.3	21.2	8.3	31.1	2.0	4.6	38.2	9.7
Cycle Q Clear(g_c), s	10.0	21.4	17.7	4.9	30.3	21.2	8.3	31.1	2.0	4.6	38.2	9.7
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	179	846	462	198	720	385	286	1922	893	317	1836	930
V/C Ratio(X)	0.69	0.57	0.42	0.32	0.85	0.55	0.64	0.50	0.04	0.32	0.59	0.20
Avail Cap(c_a), veh/h	234	1132	588	311	1106	560	302	1922	893	368	1836	930
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	53.6	60.7	51.1	54.2	68.8	59.6	23.6	24.8	15.4	20.1	28.5	16.3
Incr Delay (d2), s/veh	5.4	0.6	0.6	0.9	3.9	1.2	4.1	0.9	0.1	0.6	1.4	0.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	4.6	9.8	7.1	2.3	13.9	8.6	3.7	12.8	0.7	1.9	15.8	3.6
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	59.0	61.3	51.7	55.1	72.7	60.8	27.6	25.8	15.5	20.7	29.9	16.7
LnGrp LOS	E	E	D	E	E	E	C	C	B	C	C	B
Approach Vol, veh/h		798			887			1190			1359	
Approach Delay, s/veh		58.6			68.6			25.7			27.4	
Approach LOS		E			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	16.5	102.1	18.2	43.2	12.8	105.8	12.8	48.6
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 12	* 69	17.9	56.9	* 12	* 69	17.9	56.9
Max Q Clear Time (g_c+I1), s	10.3	40.2	12.0	32.3	6.6	33.1	6.9	23.4
Green Ext Time (p_c), s	0.1	9.0	0.1	4.8	0.1	7.6	0.1	3.9

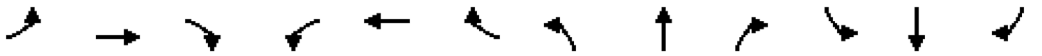
Intersection Summary	
HCM 6th Ctrl Delay	41.5
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2025 No-Build Conditi
Weekday Evening Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	197	738	243	102	651	201	201	989	113	118	1251	253
Future Volume (veh/h)	197	738	243	102	651	201	201	989	113	118	1251	253
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1885	1885	1885	1856	1870	1841	1870	1870	1856	1900
Adj Flow Rate, veh/h	201	753	248	104	664	205	205	1009	115	120	1277	258
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	2	2	1	1	1	3	2	4	2	2	3	0
Cap, veh/h	169	843	486	147	850	441	238	1869	926	290	1800	902
Arrive On Green	0.05	0.24	0.24	0.05	0.24	0.24	0.07	0.53	0.53	0.04	0.51	0.51
Sat Flow, veh/h	1781	3554	1598	1795	3582	1572	1781	3497	1585	1781	3526	1610
Grp Volume(v), veh/h	201	753	248	104	664	205	205	1009	115	120	1277	258
Grp Sat Flow(s),veh/h/ln	1781	1777	1598	1795	1791	1572	1781	1749	1585	1781	1763	1610
Q Serve(g_s), s	8.9	36.9	23.0	7.9	31.2	19.4	9.9	34.0	5.9	5.8	50.0	15.1
Cycle Q Clear(g_c), s	8.9	36.9	23.0	7.9	31.2	19.4	9.9	34.0	5.9	5.8	50.0	15.1
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	169	843	486	147	850	441	238	1869	926	290	1800	902
V/C Ratio(X)	1.19	0.89	0.51	0.71	0.78	0.46	0.86	0.54	0.12	0.41	0.71	0.29
Avail Cap(c_a), veh/h	169	946	532	147	953	486	286	1869	926	291	1800	902
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	64.0	66.4	51.5	53.2	64.3	53.6	33.6	27.4	16.8	22.4	33.8	20.7
Incr Delay (d2), s/veh	130.2	10.0	0.8	14.4	3.8	0.8	19.7	1.1	0.3	0.9	2.4	0.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	9.6	17.8	9.3	4.2	14.6	7.8	5.8	14.2	2.2	2.5	21.6	5.9
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	194.2	76.5	52.4	67.6	68.1	54.3	53.2	28.5	17.1	23.4	36.2	21.5
LnGrp LOS	F	E	D	E	E	D	D	C	B	C	D	C
Approach Vol, veh/h		1202			973			1329			1655	
Approach Delay, s/veh		91.2			65.1			31.4			33.0	
Approach LOS		F			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	18.2	98.0	15.0	48.8	13.9	102.3	15.0	48.8
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 17	* 82	8.9	47.9	* 7.9	* 91	8.9	47.9
Max Q Clear Time (g_c+I1), s	11.9	52.0	10.9	33.2	7.8	36.0	9.9	38.9
Green Ext Time (p_c), s	0.2	11.7	0.0	4.3	0.0	8.8	0.0	3.8

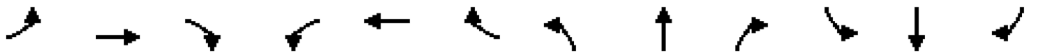
Intersection Summary	
HCM 6th Ctrl Delay	52.2
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2025 Build Conditi
Weekday Morning Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	114	464	179	59	583	198	169	913	37	93	1013	171
Future Volume (veh/h)	114	464	179	59	583	198	169	913	37	93	1013	171
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1796	1885	1856	1900	1841	1870	1885	1826	1781	1856	1811	1826
Adj Flow Rate, veh/h	123	499	192	63	627	213	182	982	40	100	1089	184
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Percent Heavy Veh, %	7	1	3	0	4	2	1	5	8	3	6	5
Cap, veh/h	179	863	470	197	737	393	280	1906	885	309	1819	922
Arrive On Green	0.07	0.24	0.24	0.04	0.21	0.21	0.06	0.55	0.55	0.04	0.53	0.53
Sat Flow, veh/h	1711	3582	1572	1810	3497	1585	1795	3469	1510	1767	3441	1547
Grp Volume(v), veh/h	123	499	192	63	627	213	182	982	40	100	1089	184
Grp Sat Flow(s),veh/h/ln	1711	1791	1572	1810	1749	1585	1795	1735	1510	1767	1721	1547
Q Serve(g_s), s	10.0	22.1	17.6	4.9	31.0	21.0	8.4	32.0	2.0	4.7	39.3	9.8
Cycle Q Clear(g_c), s	10.0	22.1	17.6	4.9	31.0	21.0	8.4	32.0	2.0	4.7	39.3	9.8
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	179	863	470	197	737	393	280	1906	885	309	1819	922
V/C Ratio(X)	0.69	0.58	0.41	0.32	0.85	0.54	0.65	0.52	0.05	0.32	0.60	0.20
Avail Cap(c_a), veh/h	234	1132	588	310	1106	560	295	1906	885	360	1819	922
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	53.2	60.3	50.4	53.6	68.3	58.8	24.4	25.5	15.8	20.7	29.3	16.7
Incr Delay (d2), s/veh	5.5	0.6	0.6	0.9	4.2	1.2	4.6	1.0	0.1	0.6	1.5	0.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	4.6	10.1	7.0	2.3	14.2	8.6	3.8	13.3	0.7	2.0	16.3	3.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	58.6	60.9	51.0	54.5	72.5	59.9	29.1	26.5	15.9	21.3	30.7	17.2
LnGrp LOS	E	E	D	D	E	E	C	C	B	C	C	B
Approach Vol, veh/h		814			903			1204			1373	
Approach Delay, s/veh		58.2			68.3			26.5			28.2	
Approach LOS		E			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	16.6	101.2	18.2	44.0	12.8	105.0	12.8	49.4
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 12	* 69	17.9	56.9	* 12	* 69	17.9	56.9
Max Q Clear Time (g_c+I1), s	10.4	41.3	12.0	33.0	6.7	34.0	6.9	24.1
Green Ext Time (p_c), s	0.1	9.0	0.1	4.9	0.1	7.7	0.1	4.0

Intersection Summary	
HCM 6th Ctrl Delay	41.9
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Int Delay, s/veh	1.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	678	80	36	888	37	79
Future Vol, veh/h	678	80	36	888	37	79
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	50	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	1	0	0	4	0	0
Mvmt Flow	729	86	39	955	40	85

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	815	0	1328	408
Stage 1	-	-	-	-	772	-
Stage 2	-	-	-	-	556	-
Critical Hdwy	-	-	4.1	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	821	-	149	598
Stage 1	-	-	-	-	422	-
Stage 2	-	-	-	-	544	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	821	-	142	598
Mov Cap-2 Maneuver	-	-	-	-	276	-
Stage 1	-	-	-	-	422	-
Stage 2	-	-	-	-	518	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.4	16.5
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	436	-	-	821	-
HCM Lane V/C Ratio	0.286	-	-	0.047	-
HCM Control Delay (s)	16.5	-	-	9.6	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	1.2	-	-	0.1	-

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	45	119	55	1074	1141	109
Future Vol, veh/h	45	119	55	1074	1141	109
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	93	93	93	93	93	93
Heavy Vehicles, %	0	0	0	5	6	0
Mvmt Flow	48	128	59	1155	1227	117

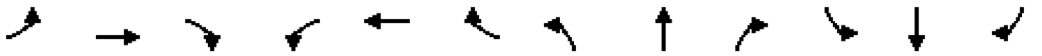
Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	1866	672	1344	0	-	0
Stage 1	1286	-	-	-	-	-
Stage 2	580	-	-	-	-	-
Critical Hdwy	6.25	6.9	4.1	-	-	-
Critical Hdwy Stg 1	5.8	-	-	-	-	-
Critical Hdwy Stg 2	6	-	-	-	-	-
Follow-up Hdwy	3.65	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	86	403	519	-	-	-
Stage 1	222	-	-	-	-	-
Stage 2	496	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	76	403	519	-	-	-
Mov Cap-2 Maneuver	155	-	-	-	-	-
Stage 1	197	-	-	-	-	-
Stage 2	496	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	37.4	0.6	0
HCM LOS	E		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	519	-	280	-	-
HCM Lane V/C Ratio	0.114	-	0.63	-	-
HCM Control Delay (s)	12.8	-	37.4	-	-
HCM Lane LOS	B	-	E	-	-
HCM 95th %tile Q(veh)	0.4	-	3.9	-	-

HCM 6th Signalized Intersection Summary
1: Dequindre Road & Thirteen Mile Road

2025 Build Conditi
Weekday Evening Peak Hour



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	197	752	243	102	665	201	201	1000	113	118	1262	253
Future Volume (veh/h)	197	752	243	102	665	201	201	1000	113	118	1262	253
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1885	1885	1885	1856	1870	1841	1870	1870	1856	1900
Adj Flow Rate, veh/h	201	767	248	104	679	205	205	1020	115	120	1288	258
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
Percent Heavy Veh, %	2	2	1	1	1	3	2	4	2	2	3	0
Cap, veh/h	168	854	492	146	861	446	235	1857	920	285	1787	896
Arrive On Green	0.05	0.24	0.24	0.05	0.24	0.24	0.07	0.53	0.53	0.04	0.51	0.51
Sat Flow, veh/h	1781	3554	1598	1795	3582	1572	1781	3497	1585	1781	3526	1610
Grp Volume(v), veh/h	201	767	248	104	679	205	205	1020	115	120	1288	258
Grp Sat Flow(s),veh/h/ln	1781	1777	1598	1795	1791	1572	1781	1749	1585	1781	1763	1610
Q Serve(g_s), s	8.9	37.6	22.9	7.9	32.0	19.3	9.9	34.8	5.9	5.8	51.1	15.2
Cycle Q Clear(g_c), s	8.9	37.6	22.9	7.9	32.0	19.3	9.9	34.8	5.9	5.8	51.1	15.2
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	168	854	492	146	861	446	235	1857	920	285	1787	896
V/C Ratio(X)	1.20	0.90	0.50	0.71	0.79	0.46	0.87	0.55	0.12	0.42	0.72	0.29
Avail Cap(c_a), veh/h	168	946	533	146	953	487	282	1857	920	286	1787	896
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	63.6	66.2	51.0	52.9	64.1	53.1	34.2	27.9	17.1	22.9	34.5	21.1
Incr Delay (d2), s/veh	133.4	10.6	0.8	14.8	4.1	0.7	21.7	1.2	0.3	1.0	2.5	0.8
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	9.6	18.2	9.3	4.1	15.0	7.7	5.9	14.6	2.3	2.5	22.0	6.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	197.0	76.8	51.8	67.7	68.2	53.8	55.9	29.1	17.4	23.9	37.0	21.9
LnGrp LOS	F	E	D	E	E	D	E	C	B	C	D	C
Approach Vol, veh/h		1216			988			1340			1666	
Approach Delay, s/veh		91.6			65.1			32.2			33.7	
Approach LOS		F			E			C			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	18.3	97.4	15.0	49.4	13.9	101.7	15.0	49.4
Change Period (Y+Rc), s	* 6.1	* 6.1	6.1	6.1	* 6.1	* 6.1	6.1	6.1
Max Green Setting (Gmax), s	* 17	* 82	8.9	47.9	* 7.9	* 91	8.9	47.9
Max Q Clear Time (g_c+I1), s	11.9	53.1	10.9	34.0	7.8	36.8	9.9	39.6
Green Ext Time (p_c), s	0.2	11.7	0.0	4.3	0.0	8.9	0.0	3.6

Intersection Summary	
HCM 6th Ctrl Delay	52.8
HCM 6th LOS	D

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Int Delay, s/veh	1.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	1122	69	32	1087	32	69
Future Vol, veh/h	1122	69	32	1087	32	69
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	50	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	2	0	0	1	0	0
Mvmt Flow	1145	70	33	1109	33	70

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	1215	0	1801	608
Stage 1	-	-	-	-	1180	-
Stage 2	-	-	-	-	621	-
Critical Hdwy	-	-	4.1	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	581	-	73	444
Stage 1	-	-	-	-	258	-
Stage 2	-	-	-	-	504	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	581	-	69	444
Mov Cap-2 Maneuver	-	-	-	-	181	-
Stage 1	-	-	-	-	258	-
Stage 2	-	-	-	-	475	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.3	22.8
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	304	-	-	581	-
HCM Lane V/C Ratio	0.339	-	-	0.056	-
HCM Control Delay (s)	22.8	-	-	11.6	-
HCM Lane LOS	C	-	-	B	-
HCM 95th %tile Q(veh)	1.5	-	-	0.2	-

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	33	108	43	1282	1508	98
Future Vol, veh/h	33	108	43	1282	1508	98
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	50	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	98	98	98	98	98	98
Heavy Vehicles, %	0	0	0	4	3	0
Mvmt Flow	34	110	44	1308	1539	100

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	2200	820	1639	0	-	0
Stage 1	1589	-	-	-	-	-
Stage 2	611	-	-	-	-	-
Critical Hdwy	6.25	6.9	4.1	-	-	-
Critical Hdwy Stg 1	5.8	-	-	-	-	-
Critical Hdwy Stg 2	6	-	-	-	-	-
Follow-up Hdwy	3.65	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	54	322	401	-	-	-
Stage 1	153	-	-	-	-	-
Stage 2	478	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	48	322	401	-	-	-
Mov Cap-2 Maneuver	110	-	-	-	-	-
Stage 1	136	-	-	-	-	-
Stage 2	478	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	46.9	0.5	0
HCM LOS	E		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	401	-	222	-	-
HCM Lane V/C Ratio	0.109	-	0.648	-	-
HCM Control Delay (s)	15.1	-	46.9	-	-
HCM Lane LOS	C	-	E	-	-
HCM 95th %tile Q(veh)	0.4	-	3.9	-	-

TRAFFIC SIGNAL TIMING DIRECTIVE

Dequindre at 13 Mile

Phase Timing

08/22/2023 1:56:08 PM

Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Min Green	3	10	3	10	3	10	3	10	0	0	0	0	0	0	0	0
Veh Ext	1.0	3.0	1.0	3.0	1.0	3.0	1.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Max Green 1	15	30	15	30	15	30	15	30	0	0	0	0	0	0	0	0
Max Green 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Green 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Ext	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Yellow	4.3	4.3	4.0	4.0	4.3	4.3	4.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Red Clr	1.8	1.8	2.1	2.1	1.8	1.8	2.1	2.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Adv Flash	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bike MG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Walk	0	5	0	5	0	5	0	5	0	0	0	0	0	0	0	0
Ped Clr	0	23	0	24	0	23	0	24	0	0	0	0	0	0	0	0
Walk2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sol DW	0.0	3.0	0.0	3.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Early Wlk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Delay Wlk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Added	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Max Initial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Min Gap	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Reduce After	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TTReduce	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CS Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CS Max Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Red Revert	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Neg Ped	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
AP Disc	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pmt Ped Clr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Return Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Dequindre at 13 Mile

Coordination Pattern 2

08/22/2023 1:56:08 PM

Cycle	180	Ringgroup 1 - Offset 1	14	Offset 2	0	Offset 3	0
		Ringgroup 2 - Offset 1	0	Offset 2	0	Offset 3	0

Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Splits	18	75	24	63	18	75	24	63	0	0	0	0	0	0	0	0
Split Ext	0	30	0	0	0	30	0	0	0	0	0	0	0	0	0	0
Float Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Perm Min Green	5	20	5	20	5	20	5	20	0	0	0	0	0	0	0	0
Min Trans Split	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Trans Split	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Split 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA Before	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA After	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Permissive Mode	Sing Band	Max Mode	Max Inh	Walk Rest	Yield
Ped Permissive	Yield				
Permissive Limit	0	Perm 2 Start	0	Perm 2 End	0
Alt Sequence		TOD Link	0		

Phases/Overlaps	1-8							9-16							
Coord Phases		2			6										
No Extend															
Float Enable															
Veh = Ped Perm															
Walk Rest															
Ped Recall															
Cond Ped Call															
Olap Ped Recall															
Ped Recycle															
Min Recall															
Max Recall															
Cond Serv															
Reservice															
Veh Omit															
Ped Omit															
Olap Omit															
Perm Reserve															
Perm 1 Phases															
Max Inhibit															
FYA Omit															
Adapt Phases															

Trans Mode	Default
Offset Ref	Default
Adaptive Mode	Disabled

Disable Priority	
Progression Phases	
Priority Alt Seq	
Reserve Extend	

Priority Timing-Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Priority Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recovery Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Dequindre at 13 Mile

Coordination Pattern 2

08/22/2023 1:56:08 PM

Alternate Timing-Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Alt Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Ped Clr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Sol DW	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Min Green	5	20	5	20	5	20	5	20	0	0	0	0	0	0	0	0
Alt Veh Ext	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Max Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Red Clr	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Early Walk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Delay Walk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt CS Min	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt CS Max	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Dequindre at 13 Mile

Coordination Pattern 3

08/22/2023 1:56:08 PM

Cycle	180	Ringgroup 1 - Offset 1	52	Offset 2	0	Offset 3	0
		Ringgroup 2 - Offset 1	0	Offset 2	0	Offset 3	0

Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Splits	23	88	15	54	14	97	15	54	0	0	0	0	0	0	0	0
Split Ext	0	30	0	0	0	30	0	0	0	0	0	0	0	0	0	0
Float Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Perm Min Green	5	20	5	20	8	20	5	20	0	0	0	0	0	0	0	0
Min Trans Split	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Max Trans Split	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Split 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA Before	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PA After	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Permissive Mode	Sing Band	Max Mode	Max Inh	Walk Rest	Yield
Ped Permissive	Yield				
Permissive Limit	0	Perm 2 Start	0	Perm 2 End	0
Alt Sequence		TOD Link	0		

Phases/Overlaps	1-8								9-16							
Coord Phases		2				6										
No Extend																
Float Enable																
Veh = Ped Perm																
Walk Rest																
Ped Recall																
Cond Ped Call																
Olap Ped Recall																
Ped Recycle																
Min Recall					5											
Max Recall																
Cond Serv																
Reservice																
Veh Omit																
Ped Omit																
Olap Omit																
Perm Reserve																
Perm 1 Phases																
Max Inhibit																
FYA Omit					5											
Adapt Phases																

Trans Mode	Default
Offset Ref	Default
Adaptive Mode	Disabled

Disable Priority	
Progression Phases	
Priority Alt Seq	
Reserve Extend	

Priority Timing-Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Priority Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recovery Min Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Dequindre at 13 Mile

Coordination Pattern 3

08/22/2023 1:56:08 PM

Alternate Timing-Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Alt Walk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Ped Clr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Sol DW	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Min Green	5	20	5	20	8	20	5	20	0	0	0	0	0	0	0	0
Alt Veh Ext	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Max Green	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt Red Clr	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Early Walk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt Delay Walk	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Alt CS Min	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alt CS Max	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Dequindre at 13 Mile

TOD Pattern Events

08/22/2023 1:56:08 PM

	Time	DOW							Holidays								Mode	Pattern	Offset
Event 1	00:00	S	M	T	W	T	F	S									Free	0	0
Event 2	06:00		M	T	W	T	F										Sched	2	1
Event 3	08:00	S						S									Sched	1	1
Event 4	09:00		M	T	W	T	F										Sched	1	1
Event 5	10:00							S									Sched	1	1
Event 6	10:00	S															Sched	1	1
Event 7	13:30		M	T	W	T	F										Sched	3	1
Event 8	19:00	S	M	T	W	T	F	S									Sched	1	1
Event 9	00:00																Sched	0	0
Event 10	00:00																Sched	0	0
Event 11	00:00																Sched	0	0
Event 12	00:00																Sched	0	0
Event 13	00:00																Sched	0	0
Event 14	00:00																Sched	0	0
Event 15	00:00																Sched	0	0
Event 16	00:00																Sched	0	0
Event 17	00:00																Sched	0	0
Event 18	00:00																Sched	0	0
Event 19	00:00																Sched	0	0
Event 20	00:00																Sched	0	0
Event 21	00:00																Sched	0	0
Event 22	00:00																Sched	0	0
Event 23	00:00																Sched	0	0
Event 24	00:00																Sched	0	0
Event 25	00:00																Sched	0	0
Event 26	00:00																Sched	0	0
Event 27	00:00																Sched	0	0
Event 28	00:00																Sched	0	0
Event 29	00:00																Sched	0	0
Event 30	00:00																Sched	0	0
Event 31	00:00																Sched	0	0
Event 32	00:00																Sched	0	0

Memorandum

March 6, 2024

To: **David Bruckelmeyer & Alexander Siwicki / Sheetz Inc.**

From: **Jaclyn Alger & Roberto Gasparini, PhD, CCM**

RE: **Air Emissions of Benzene from Proposed Madison Heights (Michigan) Project**

Mr. Bruckelmeyer & Mr. Siwicki,

Spirit Environmental has been retained by Sheetz Inc. to determine the maximum potential airborne emissions of benzene from their proposed gas station in Madison Heights, Michigan. This memorandum outlines the background of this study as well as the emission calculation methodologies, operational considerations, and results.

1. Executive Summary

Sheetz Inc. is proposing to construct a gas station where they will sell various grades of gasoline and diesel fuel. The purpose of this air quality study is to evaluate the potential air emissions, particularly of benzene, from the proposed operations. Air emissions of benzene originate from the handling of liquid fuels at the site during three (3) key steps of their operations: filling of Underground Storage Tanks (USTs) from incoming delivery trucks, the storage of fuels in the USTs, and the refueling of customer vehicles. These steps and the emissions associated with each are summarized in Table 1.

In summary, considering all types of emissions that can be generated at the proposed site using accepted and approved emission calculation procedures, the maximum potential emissions of benzene are 0.08 pounds per hour (lb/hr) and 45.35 pounds per year (lb/yr). For context, a spill or accidental release of less than 10 lb of benzene in a day would not require any reporting to the United States Environmental Protection Agency (EPA)[i], so the EPA would not even require an amount of benzene emissions comparable to Sheetz to be reported. With respect to the annual emissions, the EPA requires that sources emitting 20,000 lb/yr or greater of benzene[ii] secure a Federal Operating Permit[iii,iv]. With maximum potential annual emissions of only 45.35 lb/day, the

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spiritenv.com

proposed gas station would not be required by the EPA to secure a Title V Federal Operating Permit. No adverse air quality impacts will be caused by the proposed Sheetz station.

Table 1 Summary of Operations and Benzene Emissions

Operation	Fuel Grade	Maximum Fill Rate	Annual Throughput	Benzene Emissions	
		gal/hr	gal/yr	lb/hr	lb/yr
Filling USTs	Regular 87	8,650	3,003,000	0.02	3.75
	Premium 93		390,000		0.49
	EFREE		39,000		0.05
	E85		156,000	0.01	0.24
UST Breathing & Emptying	Regular 87	2,340	3,003,000	0.01	12.51
	Premium 93	1,560	390,000	0.01	1.63
	EFREE	780	39,000	0.003	0.16
	E85	1,560	156,000	0.003	0.28
Vehicle Refueling Operations	Regular 87	2,340	3,003,000	0.02	22.53
	Premium 93	1,560	390,000	0.01	2.93
	EFREE	780	39,000	0.01	0.29
	E85	1,560	156,000	0.005	0.50
Total from All Operations				**0.08**	**45.35**

2. Proposed Operations

Liquid fuels at the proposed site consist of various grades of gasoline including Regular 87, Premium 93, Ethanol free (EFREE), 85% ethanol (E85), as well as diesel fuel. The diesel fuel that will be used at the proposed site does not have any benzene in it; therefore, we will focus on the different grades of gasoline for this study. Potential benzene emissions result from the handling of these liquid fuels during three (3) operations: the filling of the USTs, UST breathing during fuel storage and emptying, and vehicle refueling operations. Emissions from each of these operations are explained and evaluated in greater detail in the following section.

3. Emission Calculation Methodology

UST Filling

The proposed gas station will have two (2) Regular 87 USTs, one (1) Premium 93 UST, one (1) EFREE UST, and one (1) E85 UST, each at 12,000-gal capacity.

The hourly emission rates for the Regular 87, Premium 93, and EFREE USTs were calculated using EPA emission factors[v,vi]. These emission factors, which predict emissions in pounds per thousand gallons filled (lb/10^3 gal), are combined with the maximum fill rate of the USTs. The below considerations were considered in the emission calculations:

- The maximum hourly fill rate of each UST was limited to the capacity of the tank truck, 8,650 gal/hr.
- A single truck can fill up no more than two (2) tanks at once if they are carrying two different grades.
- The USTs were being filled entirely within one (1) hour.
- Worst-case emissions are based on two (2) USTs being continuously filled at the same time.

The hourly emission rate for the E85 UST was calculated based on the same considerations above, however a different emission factor was used[vii,viii].

The annual emission rates were calculated using the same emission factors and the projected annual throughput. The annual throughput, 3.9 million gal/yr, is the total amount of fuel the proposed site is expected to sell annually. The percentages of individual fuel grade sales were used to extrapolate the total 3.9 million gallons.

UST Breathing and Emptying

The EPA has identified potential emissions from UST breathing and emptying. The hourly emission rates were calculated using similar emission factors[ix]. Since UST emptying corresponds with fuel coming out of the tanks and going into vehicles, the rate of emptying was set equal to the maximum fill rate of a vehicle tank in gal/hr. The below operational considerations were employed:

- The maximum hourly fill rates of a vehicle tank are based on the maximum flow at each nozzle, 6.5 gal/min, as well as the number of nozzles and fuel type that will be pumped through each nozzle.
- Vehicle refueling was estimated to occur at most 50% of the time during an hour for a total of 30 minutes to account for the limited volume of vehicle tanks, idle time to process payment, and vehicle arrival and departure time.

The annual emissions were calculated using these same emission factors and the projected annual throughput for each fuel grade.

Vehicle Refueling Operations

The EPA has also identified potential emissions from spillage and displacement losses as a result of vehicle refueling, so those were also considered in this study. The hourly emission rates were calculated using the EPA emission factors[x] along with the maximum fill rate of a vehicle tank in gal/hr. The same operational considerations described above for UST breathing and emptying calculations were employed.

Similarly, the annual emissions were calculated using the same emission factors as the hourly emissions and the projected annual throughput for each fuel grade.

4. Speciated Benzene Emissions

The emission factors presented by EPA reflect the emissions of overall *gasoline* vapors. Benzene, however, makes up only a small fraction of the airborne emissions at a gas station. In fact, according to the Safety Data Sheets (SDSs) for fuels at the proposed gas station, benzene is at most only 1.5% of the gasoline-type fuels. Therefore, to determine benzene emissions, the subset of benzene-specific vapors was calculated[xi,xii].

Based on these calculations, the maximum possible percentage of benzene vapors is 0.42% among gasoline fuel grade vapors and 0.18% among E85 vapors.

5. Results and Context

Considering all emissions from the three (3) types of operations, the maximum potential emissions of benzene are 0.08 lb/hr and 45.35 lb/day. Putting these numbers into context, a spill or accidental release of less than 10 lb of benzene in a day would not require any reporting to the EPA. The maximum potential hourly emissions of 0.08 lb/hr converts to a maximum of 1.92 lb/day; therefore, the EPA would not even require it to be reported. With respect to the annual emissions, the EPA requires that sources emitting 10 tpy or greater of benzene secure a Federal Operating Permit. With maximum potential annual emissions of only 45.35 lb/day, which converts to 0.02 tpy, the proposed gas station would not be required by the EPA to secure a Title V Federal Operating Permit.

6. Conclusion

In conclusion, considering all of the operations at absolute maximum levels, no adverse air quality impacts will be caused by the proposed Sheetz gas station in Madison Heights, Michigan.

For Spirit Environmental, LLC,





Jaclyn Alger
Project Consultant II

Roberto Gasparini, PhD, CCM
Senior Principal – Legal, Audit, and Enforcement Support

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[i] The EPA has a list of Reportable Quantities (RQ) of hazardous substances that requires sites to report any unauthorized emissions in excess of the chemical's RQ. The RQ for benzene is 10 lb/day. EPA List of RQs, https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-117/subpart-A/section-117.3

[ii] EPA List of HAPs, https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications

[iii] A Federal Operating Permit is a legally enforceable document designed to improve compliance by clarifying what facilities (sources) must do to control air pollution as required by Title V of the Clean Air Act. https://www.epa.gov/title-v-operating-permits/basic-information-about-operating-permits#:~:text=Legally%2Denforceable%20documents%20designed%20to,of%20the%20Clean%20Air%20Act.

[iv] Title V Permit Thresholds, https://www.epa.gov/title-v-operating-permits/who-has-obtain-title-v-permit

[v] The EPA has published a Compilation of Air Pollutant Emissions Factors (AP-42) that includes emission factors associated with various industrial operations, among which is the transportation and marketing of petroleum liquids, based on historical air quality studies.

[vi] The filling of the Regular 87, Premium 93, and EFREE USTs use a balanced submerged filling method, which reduces evaporative emissions involved in this process as vapors generated inside the UST during filling are routed back to the truck. Therefore, the emission factor for balanced submerged filling in Table 5.2-7 was used in this calculation.

[vii] The emission factors presented by the EPA reflect the emissions of gasoline vapors. At 85% ethanol, the E85 fuel characteristically behaves less like gasoline because it is only comprised of 15% gasoline. Therefore, the emission factor was determined using the loading loss equation in AP-42, Section 5.2, which is then used to calculate emissions from loading E85. This equation incorporates the true vapor pressure, molecular weight, and temperature of the site-specific situation, which results in a more accurate emission factor reflecting a blend that is primarily ethanol.

[viii] Loading Loss Equation (1), https://www3.epa.gov/ttn/chief/ap42/ch05/final/c05s02.pdf

[ix] Emission factor for underground tank breathing and emptying in $lb/10^3gal$ in AP-42 Chapter 5, Table 5.2-7, AP-42 Section 5.2: Transportation And Marketing Of Petroleum Liquids (epa.gov)

[x] Emission factor for controlled displacement losses and spillage in $lb/10^3gal$ in AP-42 Chapter 5, Table 5.2-7, AP-42 Section 5.2: Transportation And Marketing Of Petroleum Liquids (epa.gov)

[xi] The total gasoline emissions from each of the three (3) operations were speciated by applying Raoult's Law – a principle of physical chemistry that can be used to distinguish individual species within a mixture – to calculate the contribution of benzene to the total emissions. Raoult's Law uses the liquid weight fraction, the calculated true vapor pressure, and various chemical properties of gasoline and benzene to calculate the partial pressures. Since partial pressures are a function of temperature, the partial pressures were calculated at different temperatures spanning expected ambient atmospheric conditions (40ºF-100ºF) to determine the highest possible percentage of benzene in the gasoline vapors for worst-case emissions. The partial pressures were then used to calculate the vapor weight fraction of each compound. An additional Raoult's Law calculation was performed for the E85 fuel based on the chemical properties of ethanol, gasoline, and benzene.

[xii] True vapor pressure is calculated using AP-42 Chapter 7, Antoine's equation (equation 1-26), https://www.epa.gov/sites/default/files/2020-10/documents/ch07s01.pdf and the vapor weight fractions were calculated using AP-42, Chapter 7, Section 7.1.4, Equations 40-5 and 40-6, https://www3.epa.gov/ttnchie1/ap42/ch07/final/ch07s01.pdf.

K&S Engineers, LLC
Consultants in Acoustics, Noise and Vibration

2024-004
February 29, 2024

Mr. Andrew Richlen, PE, MBA
Project Manager
Skilken Gold
Real Estate Development
4270 Morse Road
Columbus, OH 43230

Subject: **Gas Station & Store Community Impact Statement**
re: Sheetz Store – SWC Thirteen Mile Rd. & Dequindre Rd.
Novi, MI

Dear Mr. Richlen:

At your request and authorization, Kolano and Saha Engineers, Inc. (K&SE) has conducted an investigation to provide a community noise impact study for the proposed gas station and store. This investigation compares the current site configuration, with a Shopping Plaza, to the proposed Sheetz store. The current Shopping Plaza has a drive on the back side of the building for vehicle access, which is directly adjacent to residential properties. This evaluation compares the noise from various sources, including building mechanical equipment, passenger vehicles, and delivery trucks.

Proposed Site

The location of the proposed Sheetz Store is at the southwest corner of Thirteen Mile Road and Dequindre Road. Properties to the north and east of the proposed Sheetz location are commercial. The property to the south is zoned R-2 and is a church property. The property to the west is zoned R-C and is a residential property. **Exhibit 1** provides an aerial view of the current site with the proposed Shopping Plaza building, drives and parking lot, as well as the zoning of adjacent properties.

Sound level predictions were based on the location of property lines, mechanical equipment, and equipment manufacturer noise data. The following documents were utilized for the predictions:

- Stonefield Engineering & Design site plan, Sheetz – Madison Heights dated 2/9/2024.
- Convenience Architecture and Design PC – architectural plans, mechanical plans, plumbing plans, electrical plans – dated 10/2/2023
- Sound power data provided for the proposed rooftop air makeup units as provided to us by equipment manufacturers.

City of Madison Heights Noise Code

The City of Madison Heights has several sections of its code that address noise. The most relevant for the proposed Sheetz store appears to be Section 17-52 *Sensitive Noise Receiving Properties*. Under *General Provisions*, noise is restricted to 65 decibels from 7AM to 11PM, and 50 decibels from 11PM to 7AM at any residential property. These limits are expected to apply at the residential properties to the south and to the west.

Understanding Sound and How it is Measured

In order to have a good understanding of the results of this investigation it is best to start with some discussion of the basics of sound and sound measurement. Sound is a rapid fluctuation of air pressure that occurs in a range that is detectable by human hearing. Sound pressure can be measured in units of Pascals (Pa), though would range from 2x10-5 to over 10 million! In order to compress this tremendous scale to manageable numbers, as well to create a scale that reflects human perception of sound, the decibel sound scale was developed. The decibel sound scale is a unit of measure based on a logarithmic equation with specific reference to the human threshold of hearing. Because of the logarithmic nature, sound levels in decibels do not add, or subtract by simple arithmetic. Similarly, human response to sound is logarithmic rather than linear in nature.

The decibel sound scale generally ranges from 0 dB to 180 dB, where 0 dB is the threshold where we begin to hear and 180 dB is an approximate maximum audible level, though pain associated with hearing starts at 120-140 dB. Relative to human perception of sound, a 3-dB increase (or decrease) in level is the threshold at which people begin to notice a change. A change less than a 3 dB is generally undetectable to the normal populace. Additionally, a 3-dB increase is an actual doubling of sound energy, though it takes a 10 dB increase for humans to perceive a doubling of loudness. For reference, a quiet library typically has an ambient sound level of 20-30 dB. Normal speech at a 3-foot distance is approximately 60 to 65 dB. **Appendix A** provides a chart of sound levels for some typical sound sources encountered in daily living.

Advanced Computer Modeling Noise Prediction

Sound is a physical phenomenon that can be readily projected and predicted with reasonable accuracy. To help evaluate the sounds created from the current Shopping Plaza and the proposed Sheetz store and determine what noise impact may occur at the site boundaries, we developed an advanced three-dimensional, outdoor acoustical model. This model allows accurate projection and prediction of sound levels created by the operation of known building mechanical systems, vehicle movements, and delivery operations. The computer program we use for this modeling relies on international standards (such as ISO 9613) to properly calculate and predict sound levels. The computer program relies on user inputs of terrain, structures, foliage, obstacles, sound reflective and absorptive surfaces, receiver positions, as well as the type of sound source, including point sources (small individual devices, such as small fans), line sources (numerous sources in a line, such as road traffic), and area sources (sources with large surface areas, such as transformers). By using this predictive tool, we have constructed virtual acoustic models of the current Shopping Plaza and the proposed Sheetz store and have developed sound level projections and predictions for them.

Sound Level Measurements

To assist with the modeling, sound level measurements were conducted at the current Shopping Plaza site. These sound level measurements captured mechanical equipment, delivery trucks, and vehicles operating on site. Sound levels were measured at the Shopping Plaza west property line, adjacent to the Willow Hill residential property.

The sound level measurements were captured with a Brüel & Kjær 2270 hand-held analyzer with a Brüel & Kjær type 4189 microphone and ZC-0032 preamplifier. This system provides performance which exceeds the minimum requirements of the American National Standards Institute (ANSI) S1.4 Specification for Type 1 (precision) instrumentation. Calibration was performed using a Brüel and Kjær type 4231 Acoustic Calibrator[1].

The results of these measurements were used to characterized the various sources of sound on the current site, and to validate the sound projections from these sources in our acoustic model.

Projections of the Current Shopping Plaza

Projections of the measured sound levels have been conducted for building mechanical equipment, vehicles driving on site, and delivery trucks. These elements are presented in the following groups.

Building Mechanical Equipment

Building mechanical systems consist of various roof mounted air handling units, condenser units, and exhaust fans. Additionally, the grocery store located in the corner of the Shopping Plaza utilizes one or more refrigerated trucks for additional cold storage of food products. Two refrigerated trucks have been added to this model group as this is a stationary source of supplemental mechanical equipment noise. **Exhibit 2** provides the modeling projection sound level contours of mechanical equipment operating on the Shopping Plaza site. This exhibit shows that current mechanical equipment when operating, day or night, has sound levels of 65 dB(A) at the south property line and 64 to 70 dB(A) along the west property line.

Passenger Vehicles Driving on Site

Passenger vehicles access the Shopping Plaza site from both Thirteen Mile Road and Dequindre Road. To demonstrate passenger vehicle noise on the site of the Shopping Plaza site, passenger vehicle sound sources were modeled at various positions on the perimeter of the site along driving paths observed to have this vehicle traffic. **Exhibit 3** provides the modeling projections as sound level contours of passenger vehicles driving on the site. This exhibit shows that passenger vehicles traveling the perimeter of the current site have sound levels up to 65 dB(A) along the south residential property line, and up to 62 dB(A) along the west residential property line.

[1] **Calibration traceable to the U.S. National Institute for Standards & Technology (NIST).**

Delivery Trucks

Trucks frequently make deliveries to the stores and restaurants of the Shopping Plaza. These delivery trucks will access the site from both Thirteen Mile Road and Dequindre Road and travel primarily across the back of the Shopping Plaza. **Exhibit 4** provides the modeling projection sound level contours of the delivery trucks moving on the site. This exhibit shows that delivery trucks traveling along the back drive have sound levels up to 75 dB(A) along the south residential property line, and up to 70 dB(A) along the west residential property line.

Predictions of the Proposed Sheetz Store

The proposed Sheetz store will have similar sources of noise, though in a different site configuration. The primary difference is, the proposed Sheetz store will not have a drive way along the back of the building. This will limit the noise projected to the west of the proposed Sheetz store. Predictions of the proposed store include building mechanical equipment, vehicles driving on site, and delivery trucks. The modeled site plan for the proposed Sheetz store configuration is presented in **Exhibit 5**. These elements are presented in the following groups.

Building Mechanical Equipment

Building mechanical systems consist of three roof top air handling units, six refrigeration condenser units, and two exhaust fans. These mechanical units will be located on the roof the Sheetz store, and shielded by a screen wall. Sound level data used to model these mechanical systems comes from the unit manufacturers. **Exhibit 6** provides the modeling predicted sound level contours of mechanical equipment operating on the proposed Sheetz store site. This exhibit shows that mechanical equipment sound levels are expected to be up to 50 dB(A) along the south residential property line, and up to 49 dB(A) along the west residential property line.

Passenger Vehicles Driving on Site

Passenger vehicles access the proposed Sheetz store site from both Thirteen Mile Road and Dequindre Road. To demonstrate passenger vehicle noise on proposed store site, passenger vehicle sound sources were modeled at various positions along the typical driving paths anticipated. **Exhibit 7** provides the modeling projections as sound level contours of passenger vehicles driving on the site. This exhibit shows that passenger vehicles traveling the perimeter of the proposed site have sound levels up to 62 dB(A) along the south residential property line, and up to 59 dB(A) along the west residential property line.

Delivery Trucks

The Sheetz store is expected to receive deliveries on a regular basis. Store supplies and fuel are expected to be delivered by WB67 delivery trucks. Deliveries are expected on a weekly basis and will occur during daytime hours. Additional deliveries may come by box trucks or vans. Loading and unloading is expected to occur during normal daytime business hours. The delivery trucks will access the site from both Thirteen Mile Road and Dequindre Road and travel across the front of the site adjacent to the roadways, and in front of the building. **Exhibit 8** provides the

modeling predicted sound level contours of the delivery trucks moving on the site. This exhibit shows that delivery trucks traveling along the perimeter of the driving area have sound levels up to 71 dB(A) along the south residential property line, and up to 66 dB(A) along the west residential property line.

Conclusions

Comparing the current site configuration to that for the proposed Sheetz store, demonstrates a distinct difference in how traffic accesses and flows through each configuration. By removing the rear drive along the back of the building, much of the noise associated with this back drive goes away. Modeling results show significant reduction in vehicle sound levels with the proposed Sheetz store.

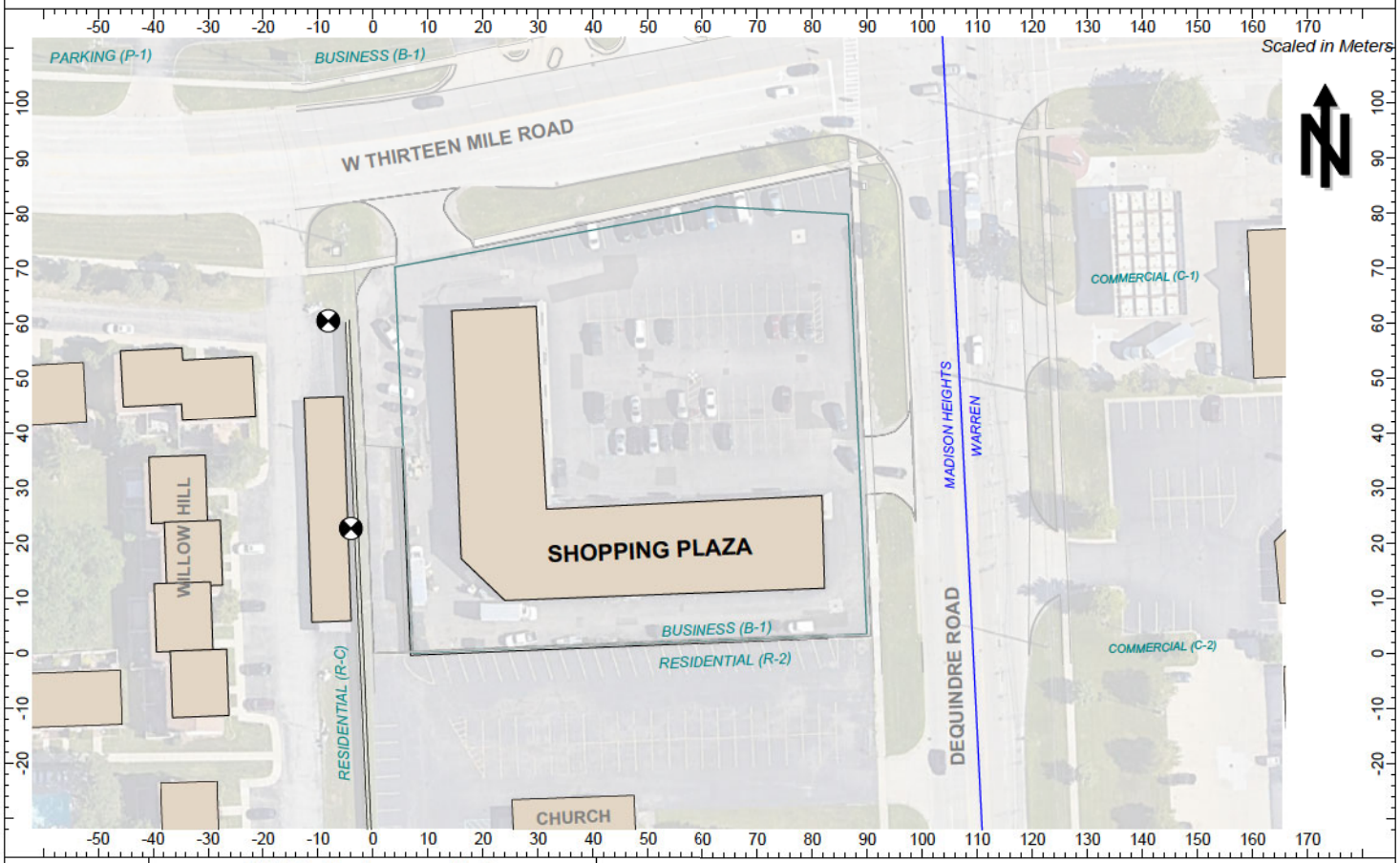
Additionally, a reduced number of mechanical equipment units, the addition of screening walls around the mechanical equipment, and the elimination of supplemental refrigeration storage (via refrigerated trucks), greatly diminishes the noise that will be produced on a 24-hour basis. This will provide significantly lower sound levels to the residents to the west, particularly during nighttime hours when people will be more sensitive to this noise.

Mr. Richlen, we hope this summary of our investigation is informative and helpful. Should you need additional information regarding this work or additional assistance, don't hesitate to ask.

Sincerely,
K & S ENGINEERS, LLC

Darren Brown, P.E.
INCE Board Certified
Principal Consultant

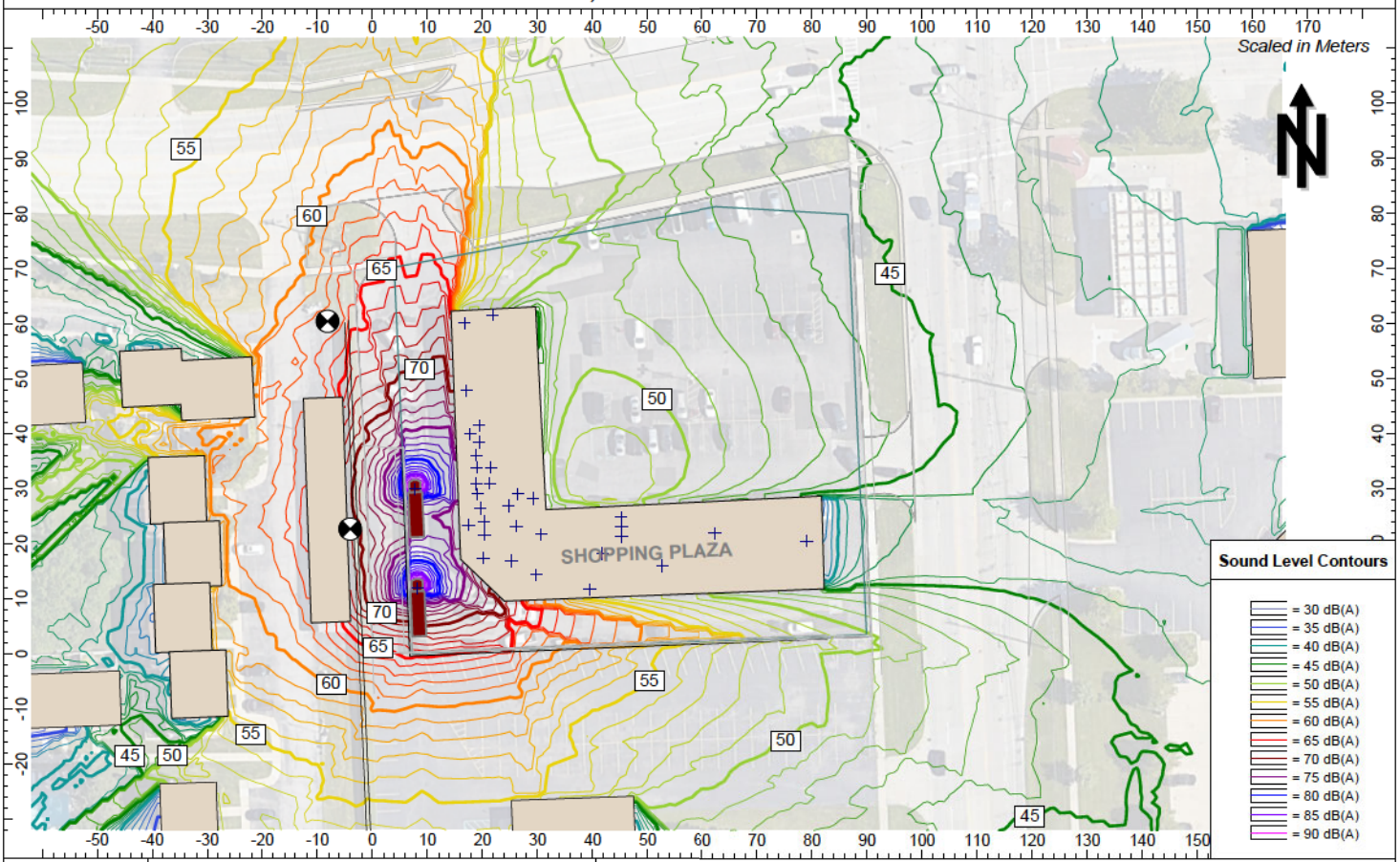
EXHIBIT 1
ACOUSTIC MODEL SITE PLAN DETAILING THE EXISTING CONFIGURATION OF THE SHOPPING PLAZA ON THE SOUTHWEST CORNER OF THIRTEEN MILE ROAD AND DEQUINDRE ROAD



K & S Engineers, LLC
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004
Analysis Date (day.mo.yr): 29.02.24

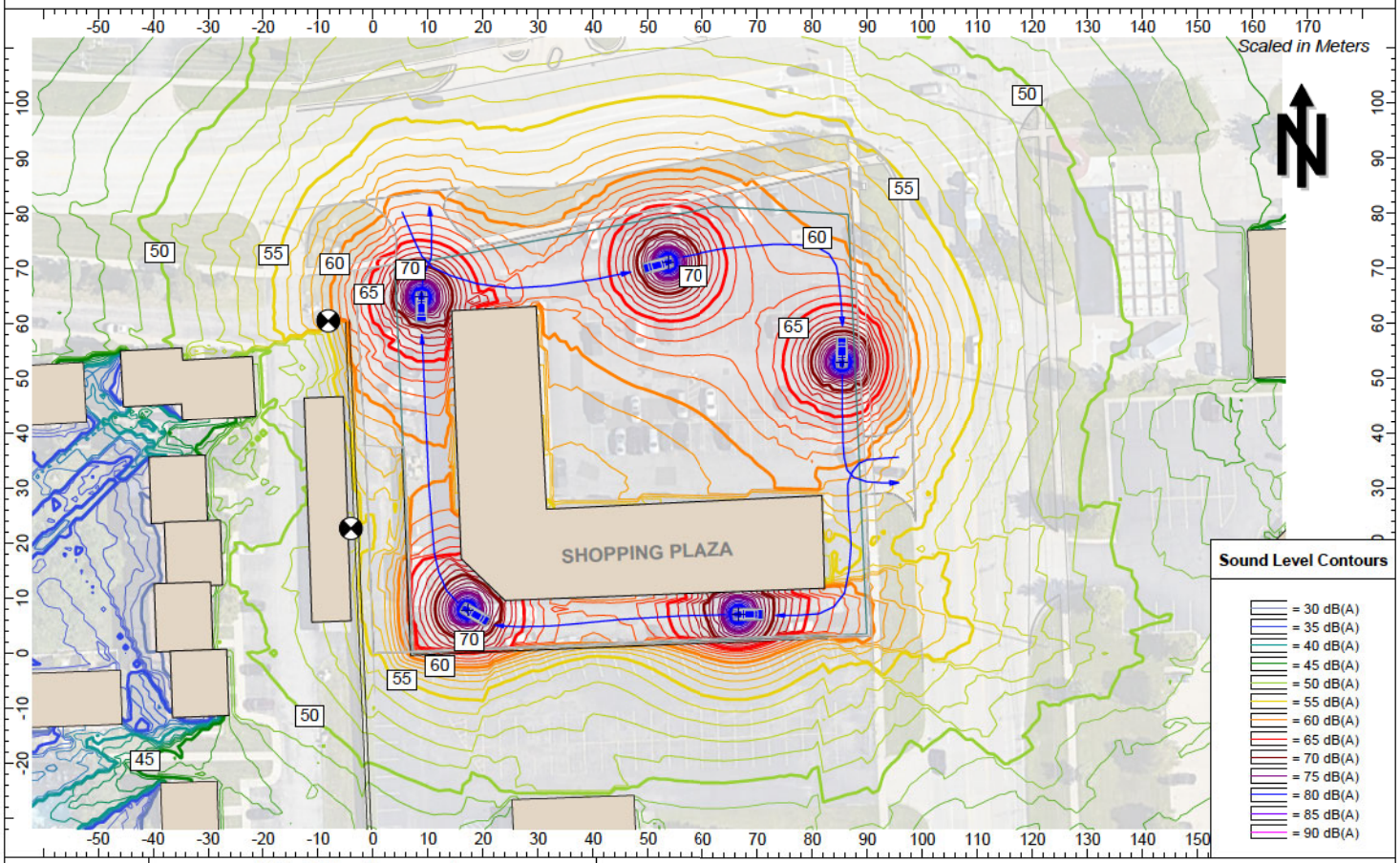
EXHIBIT 2
SOUND LEVEL CONTOUR PLOT OF THE CURRENT SHOPPING PLAZA
MECHANICAL EQUIPMENT NOISE, INCLUDING STATIONARY REFRIGERATION TRUCKS



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004 *Analysis Date (day.mo.yr):* 29.02.24

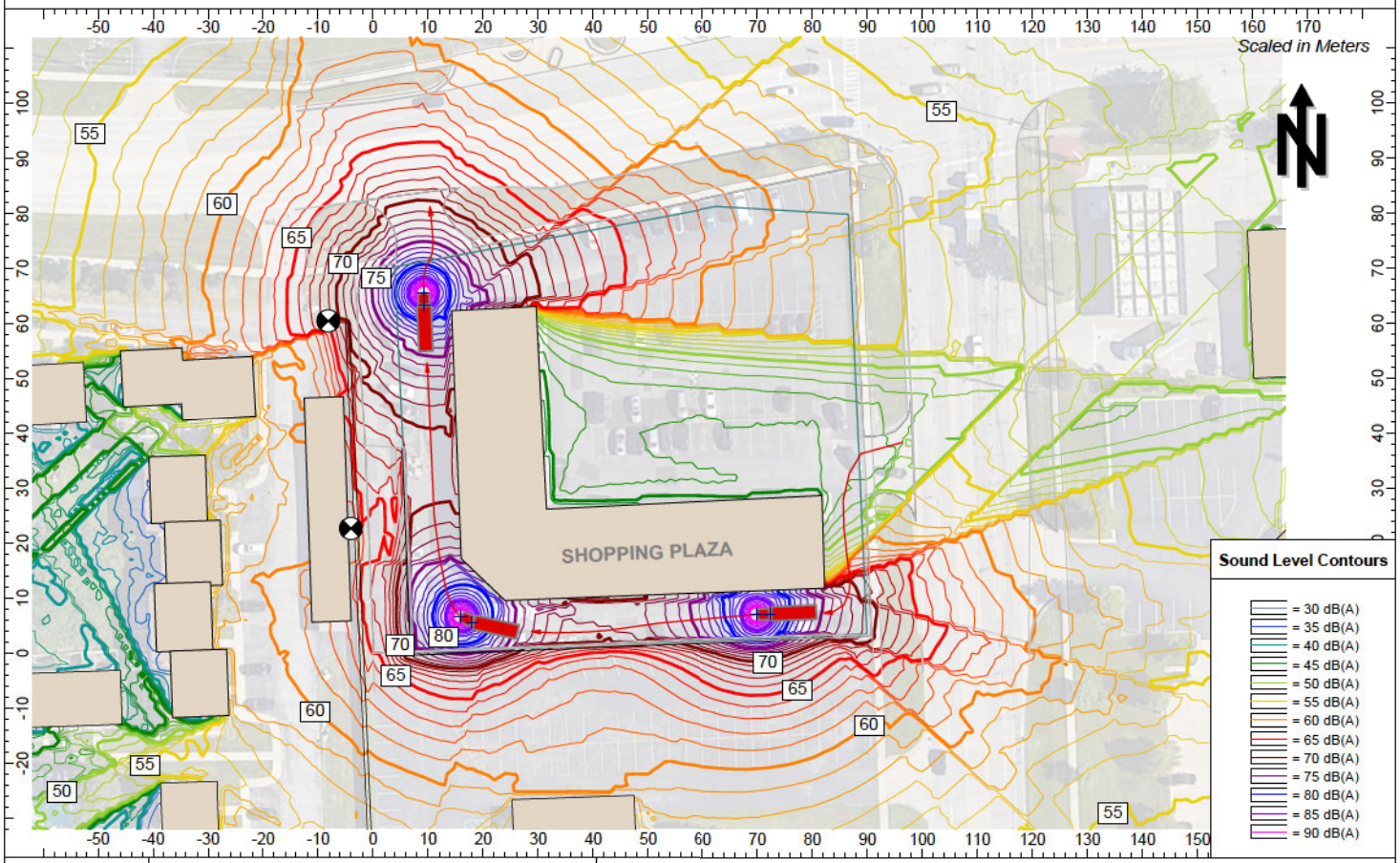
EXHIBIT 3
SOUND LEVEL CONTOUR PLOT OF THE CURRENT SHOPPING PLAZA
PASSENGER VEHICLE NOISE AT VARIOUS POSITIONS ON THE PERIMETER OF DRIVING AREAS



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004 *Analysis Date (day.mo.yr):* 29.02.24

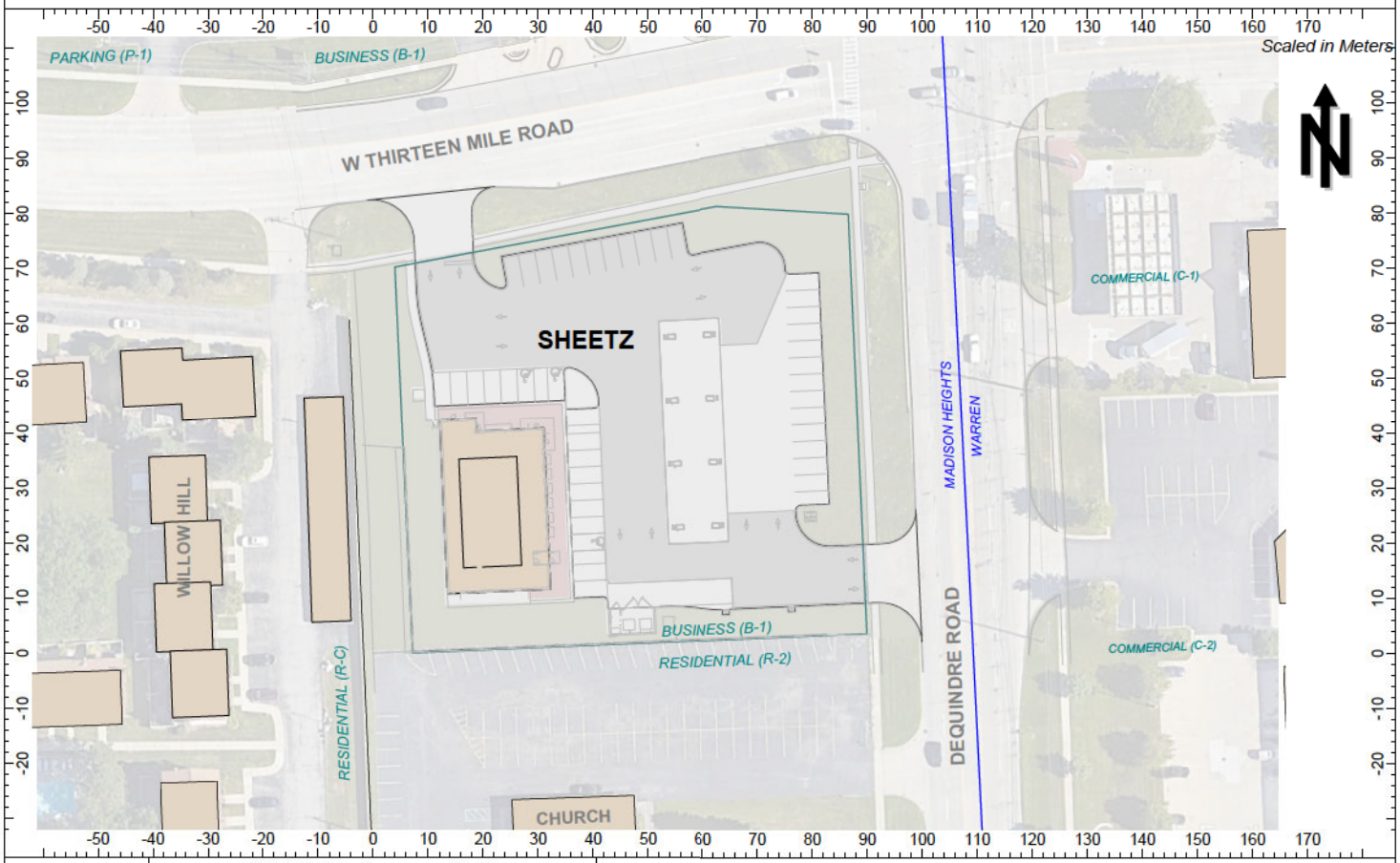
EXHIBIT 4
SOUND LEVEL CONTOUR PLOT OF THE CURRENT SHOPPING PLAZA
DELIVERY TRUCK NOISE AT VARIOUS POSITIONS ALONG THE REAR BUILDING DRIVE



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

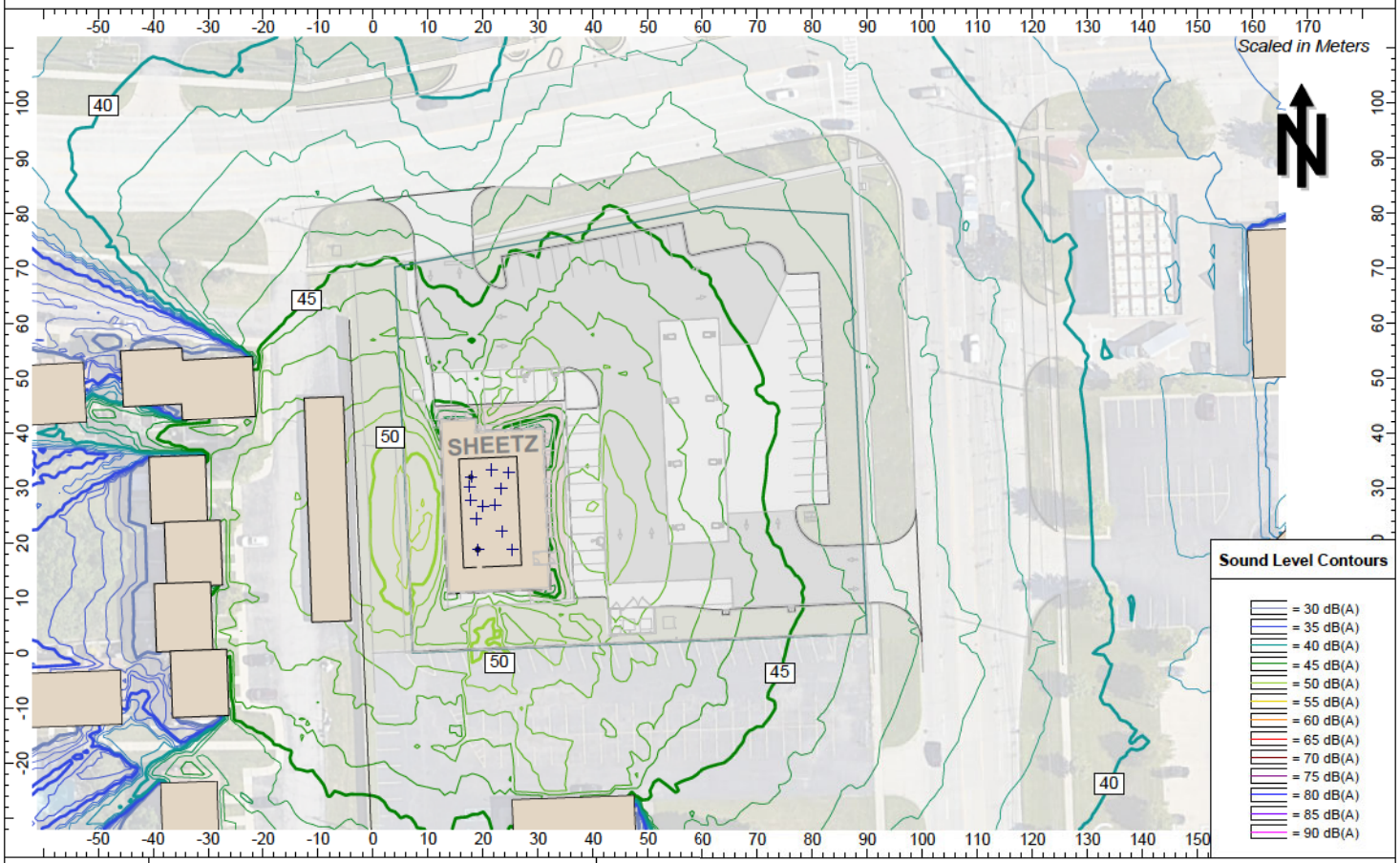
Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004 *Analysis Date (day.mo.yr):* 29.02.24

EXHIBIT 5
ACOUSTIC MODEL SITE PLAN DETAILING THE PROPOSED SHEETZ STORE
ON THE SOUTHWEST CORNER OF THIRTEEN MILE ROAD AND DEQUINDRE ROAD



K&S	**K & S Engineers, LLC** Wixom, MI 48393 248-674-4100 www.kandse.com	*Project Name:* **SHEETZ - Madison Heights** *Study Conducted for:* Skilken Gold *Project No. :* 2024-004 *Analysis Date (day.mo.yr):* 29.02.24

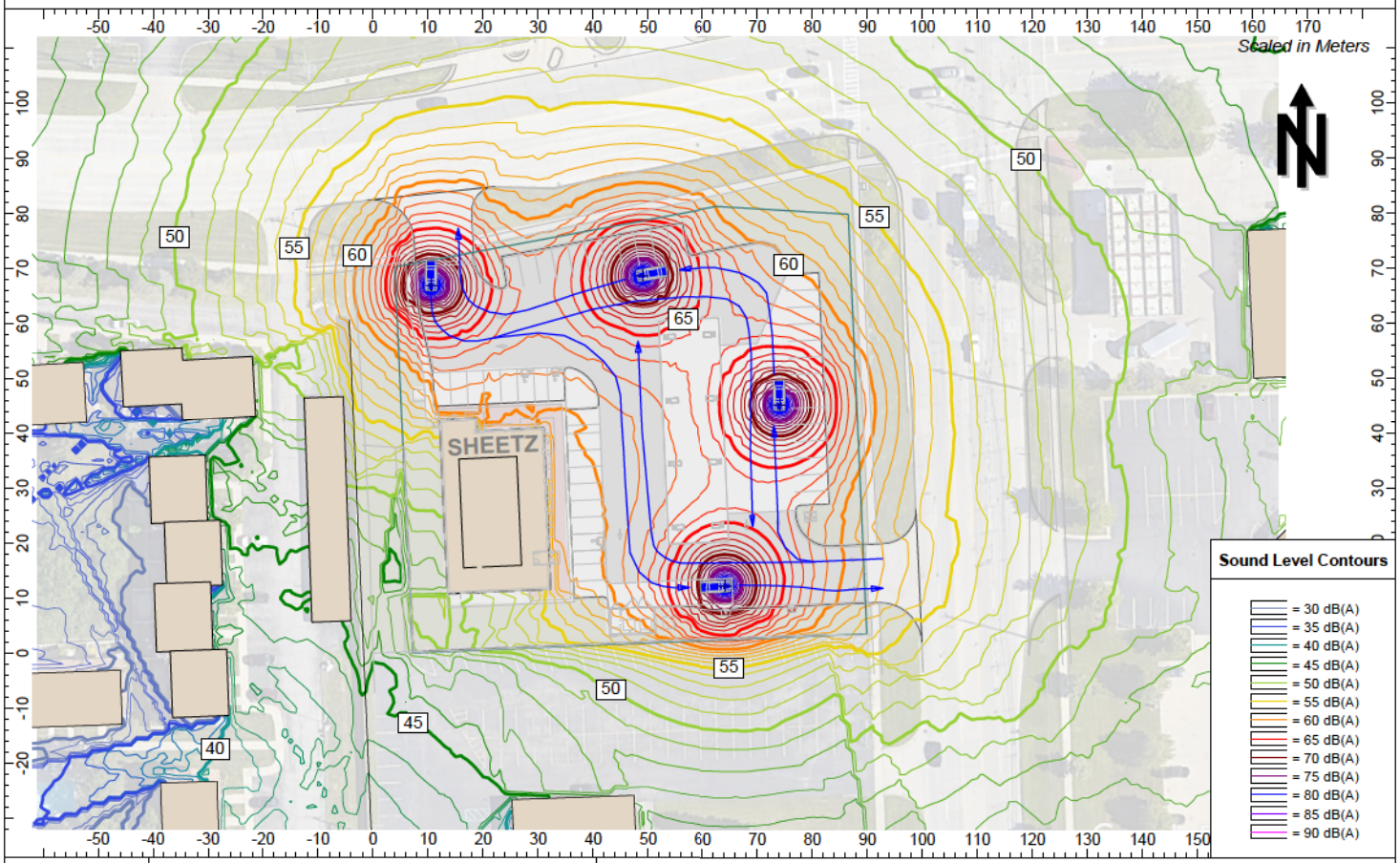
EXHIBIT 6
SOUND LEVEL CONTOUR PLOT OF THE PROPOSED SHEETZ STORE
MECHANICAL EQUIPMENT NOISE



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004
Analysis Date (day.mo.yr): 29.02.24

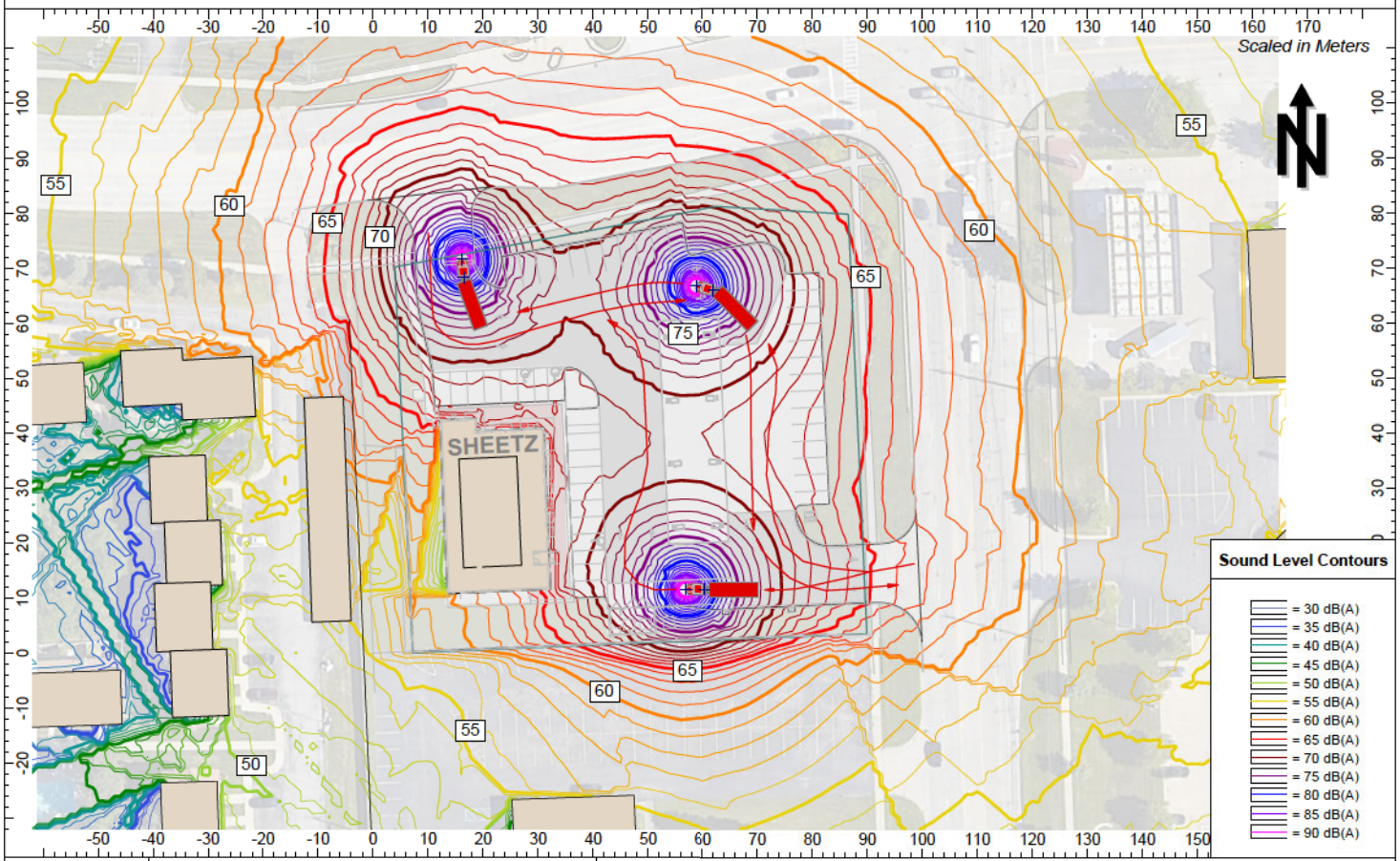
EXHIBIT 7
SOUND LEVEL CONTOUR PLOT OF THE PROPOSED SHEETZ STORE
PASSENGER VEHICLE NOISE AT VARIOUS POSITIONS ON THE PERIMETER OF DRIVING AREAS



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004
Analysis Date (day.mo.yr): 29.02.24

EXHIBIT 8
SOUND LEVEL CONTOUR PLOT OF THE PROPOSED SHEETZ STORE
DELIVERY TRUCK NOISE AT VARIOUS POSITIONS ON THE PERIMETER OF DRIVING AREAS



K & S Engineers, Inc.
Wixom, MI 48393
248-674-4100 www.kandse.com

Project Name: **SHEETZ - Madison Heights**
Study Conducted for: Skilken Gold
Project No. : 2024-004
Analysis Date (day.mo.yr): 29.02.24

K & S Engineers, LLC
Consultants in Acoustics & Noise Control
248-674-4100 - www.kandse.com

APPENDIX A

Sound Level of Typical Sources			
Sound Level dB(A)	**Subjective Impression**	**Outdoor**	**Indoor**
180		Rocket Launch, Artillery Fire	
160	Extremely Loud	Rifle Shot at Shooters Ear	
130	Pain	Fire Cracker at 30 Feet	
120	Uncomfortable	Jet Plane Taking Off at 200 Feet	
110		Jet Flyover at 1000 Feet	Rock Concert, Dance Club
100	Very Loud	Motorcycle pass-by at 25 Feet	
90		Lawn Mower at 5 Feet	Food Blender at 3ft.
80	Moderately Loud	Diesel Truck Pass-by (50mph) at 50 Feet	Vacuum Cleaner at 4ft.
70		Car pass-by (50mph) at 50 Feet	
60		Residential Air Cond. Condenser at 15 Feet	Normal Conversation at 5ft.
50	Quiet	Large transformer at 100 Feet	
40		Bird Calls at 100 Feet	Open office with low activity
30	Very Quiet		Soft Whisper at 5ft.
20		Tree Leaves Rustling In Wind	Quiet Bedroom
10	Just Audible		Normal Breathing
0	Hearing Threshold		

It should be noted that sound level is a function of sound power and distance from the source. The examples given are approximate and show the general range where they are normally heard.

Sheetz Underground Storage Tank Systems

- All new Sheetz UST systems utilize double-walled fiberglass tanks and double-walled flexible poly piping.
- The space between the inner and outer tank of a double-walled fiberglass storage tank is called the interstice of the tank. Fiberglass interstitial spaces are filled with a brine solution and are continuously monitored for a change in the brine level that would be indicative of a release.
- The interstitial space of the double-walled flexible poly product piping is dry. This interstitial space is monitored in every under dispenser containment and every tank top containment sump via a liquid sensor.
- All product lines that deliver the fuel from the storage tanks to the dispensers are pressurized. Each individual product line is continuously monitored by an electronic line leak detector that monitors the line pressure. If a loss in pressure indicative of a release is detected, the line leak detector will automatically shut the fuel pump off, thereby automatically shutting off the flow of fuel.
- All equipment that is on top of the storage tanks, as well as all product piping beneath the dispensers, is contained within fiberglass containment devices that are designed to capture any potential release of fuel. These containment devices are liquid tight, and are hydrostatically tested every three years in accordance with state and federal UST regulations. In addition, these containment devices are continuously monitored by liquid sensors.
- All Sheetz UST systems utilize overfill drop tubes for overfill prevention to ensure that our tanks are not overfilled. These devices are designed to shut off the flow of fuel from the delivery truck when the tank is at 95% capacity.
- CLI is a wholly-owned subsidiary of Sheetz, Inc. CLI performs all fuel deliveries to all Sheetz facilities. CLI procedures are set up to ensure deliveries do not exceed 90% of the capacity of the tank that is being delivered into.

Spill Response Procedures

- All employees, both full time and part time, are trained to cleanup spills upon hiring.
- Shift Supervisors up through Store Managers are trained to Federal C Level Operator requirements, which goes beyond basic spill cleanup. Includes spill kit materials, emergency stop procedures, etc.
- Sheetz routinely verifies during quarterly comprehensive inspections that there is a current C Level Operator on duty.
- Sheetz has established spill response procedures posted at the Point of Sale, at the tank monitor in the Managers office, and inside the spill kits that are located at the dispenser islands.
- All spills, regardless of volume or area of impact are required to be called in immediately to the Sheetz Help Desk which is staffed 24/7/365.

- Sheetz Environmental Services has a representative on call 24/7/365: one of two Environmental Compliance Managers.
- Sheetz has pre-qualified and preassigned third-party Haz Mat Contractors, both Primary and Secondary, for each store.

Sensor Alarm Monitoring

- All interstitial spaces of the tanks and product lines, as well as all containment sumps are continuously monitored by sensors.
- Sensors are polled every 15 minutes (4 times an hour) for alarms.
- Alarms are automatically dispatched to Sheetz Service Technicians 4 times per day (every 6 hours).
- State and Federal Requirements are that all sensor alarm calls are investigated within 24 hours of occurrence.
- Sheetz completes annual compliance testing of Automatic Tank Gauge and all sensors, Leak Detectors, Shear Valves, Emergency Stop.
- Three year testing of Stage 1 vapor recovery systems, all containment devices and spill buckets, and all overfill prevention devices.

UST System Inspections

- 2015 Federal Regulations put in place the requirement for monthly walkthrough and annual comprehensive inspections. This became effective October 2018.
- Sheet, for at least 8 years prior to the requirement to do so, conducted monthly comprehensive UST system inspections at every store every month.
- Beginning in April 2018, Sheetz performs 8 monthly walkthrough inspections, four comprehensive UST system inspections, and one annual UST system inspection at every store every year, far beyond any state or Federal requirement that is in place.
- Inspections completed on a tablet or smart phone, and any deficiencies are relayed back to Sheetz ESD real time for resolution either internally through Sheetz Store Support, or dispatched to a designated Third Party Petroleum Contractor for repair.

Waste Handling

- All Sheetz locations are registered as either Conditionally Exempt Small Quantity Generator (CESQG), or Very Small Quantity Generator (VSQG), depending on jurisdictional area.
- All stores have a hazardous materials shed that contains a liquid drum and solids drum which are placed on a secondary containment device.
- All liquids and solids drums are routinely checked, along with the contents of the spill kits.
- All material is disposed of through either recycling programs or waste to energy programs. Liquid waste is recycled with all usable product being recovered and re-used, while used absorbent is used as fuel under the Waste to Energy Program to generate electricity.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **Monday, May 13th, 2024 at 7:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071** to consider the following special approval request:

Case # PSP 24-02

The applicant, Skilken Gold LLC, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under Section 10.319(2) of the Madison Heights Zoning Ordinance, *"gasoline service stations."* The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant. The subject property is located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008, and is zoned B-1, Local Business district. A strip retail center is proposed to be demolished to accommodate the development.

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

Madison Park News: April 17th, 2024



SHEETZ®

What's A Sheetz?









Getting to Know Sheetz

- **Family-Owned and Family-Operated** – Sheetz was founded in 1952 by 18-year-old Bob Sheetz in Altoona, PA. The Sheetz family, now into its third generation, still owns and operates Sheetz today!

- **Continuous Growth** – Sheetz currently operates more than 700 store locations across six states, including Pennsylvania, Ohio, North Carolina, Virginia, West Virginia and Maryland.

- **Great Jobs** – Sheetz employs more than 25,000 employees, creating between 30-35 jobs each time a new store location opens. We offer competitive wages and great benefits – including medical/dental/vision and tuition reimbursement.

- **What you Want, How You Want It and When You Want It** – Sheetz is open 24/7/365. Our stores offer touch screen ordering systems that let you customize your order exactly how you want it! Our locations also offer easily accessible gas pumps, a wide selection of snacks/beverages and seating areas that give you the chance to relax while you are visiting our locations.





Commitment to Total Customer Focus

- **Focus on Safety to Employees and Customers** – Each of our stores is accessible, well-lit and monitored, 24/7, by camera surveillance. Additionally, our store teams are supported around the clock by our corporate security team which can be activated at any time to address issues at our locations. Sheetz works to build strong relationships with local police departments in every community where our stores operate.

- **Advanced Technology** – Sheetz maintains 100 percent compliance with Federal and State regulations for its motor fuel storage systems. According to the FY 23 U.S. Environmental Protection Agency Office of Underground Storage Tanks Program annual report, the average compliance rate of our peers is below 60 percent.

- **Commitment to Innovation** – Sheetz is committed to continual innovation, and we have the track record to prove it. We were the first company in the restaurant/convenience store industry to use touch screen order points. We are leading on electric vehicle charging, too, with more than 100 stores with EV chargers – and more coming online every month! As a company committed to innovation – we are also developing our own proprietary chargers.


SHEETZ
FAMILY TREE
ADAM SHEETZ
STAN SHEETZ
BOARD MEMBER
BOB SHEETZ
BOARD MEMBER
CHARLIE SHEETZ*
TONY FODERARO
JACKIE FODERARO
ROBIN TOOMEY
BOARD MEMBER
STEPHEN TOOMEY
KRISTHY SALAZAR
STEVE SHEETZ
BOARD MEMBER
TYLER SHEETZ
TRAVIS SHEETZ
BOARD MEMBER
TRAVIS ECKELS
JOE M. SHEETZ
(1945-2006)
JOE SHEETZ
BOARD MEMBER
JERED EDMUNDSON
RYAN SHEETZ
GRANT SHAFFER
LOUIE SHEETZ
BOARD MEMBER
EMILY SHEETZ
JUSTIN MANDEL





Helping Our Communities

- **Local Donations** – Since 1952, Sheetz has been dedicated to supporting non-profit organizations that are making a difference in their communities. We focus on organizations that are involved in scholastic programs, youth sports and community activities/advancement. Sheetz fulfills hundreds of donation requests each month. In 2022, Sheetz donated more than $1.6 million to local causes in the areas we serve.

- **Sheetz For The Kidz** – Sheetz For The Kidz was created in 1992 by two Sheetz district managers who saw a need for an organization that would help kids have a brighter holiday season. Each year, our employees shop for, wrap, and present gifts to kids – supporting 11,500 children last year! Additionally, each store presents a $1,000 grant to a Feeding America food bank to support youth-related hunger programs. Food banks in the areas our stores serve use these funds for initiatives such as backpack programs, which ensure that children are not hungry when they're away from school.

Sheetz Gives Back





- **Special Olympics** – Since 1991, Sheetz has partnered with Special Olympics. Today, we are a major partner of this amazing organization in each state where our stores operate. Donation boxes are available at our stores, 10 months out of each year, to collect money for Special Olympics. In addition, we donate funds to Special Olympics at each new store opening and provide food for athletes at events across our six states.

- **Made-to-Share** – Each store participates in Made-to- Share and donates food every week to a Feeding America-affiliated food bank. Since this program was created in 2018, Sheetz has kept approximately 5 million lbs. of food out of landfills and into the hands of the people who need it. That total averages 1million lbs. a food per year! We also make a donation to our food bank partner at new store openings.

- **Active in Our Communities** – Sheetz employees are eager to find ways to help our major partners. Every year, our team members volunteer with Special Olympics for their summer/winter games and polar plunges. In 2023, Sheetz launched a partnership with the USO and a team from Dayton, OH visited Wright Patterson Air Force Base and volunteered their time assisting with events for active duty service members.



A Closer Look at Our Stores


SHEETZ


FRESH FOOD
SHEETZ
MADE TO ORDER
950
BONUS
ENTRIES


SHEETZ for the KIDZ
SHEETZ for the KIDZ
SHEETZ
M·T·O
ORDER FRESH FOOD HERE
MOBILE PICKUP
EXTRA SAUCE $3.99
BETTER LATE THAN HANGRY
BETTER LATE THAN HANGRY
2 FOR $6 BREAKFAST


SHEETZ
SHEETZ

Building Elevations



Building Elevations



3 REAR ELEVATION

TYPICAL EXTERIOR ELEVATION NOTES:

- ALL LOUVERS SHOWN ABOVE AND/OR BELOW DOORS OR WINDOWS ARE TO BE CENTERED ON THE DOOR OR WINDOW UNLESS NOTED OTHERWISE.
- FIXTURES/EQUIPMENT BETWEEN TWO DOORS OR WINDOWS ARE TO BE CENTERED EQUALLY.
- EXTERIOR SEALANT FOR STONE SHALL COMPLY WITH SECTION 07 9005 JOINT SEALANTS, GENERAL BUILDING FACADE WEATHER SEALANT AND SHALL MATCH THE COLOR OF THE STONE.

EXTERIOR ELEVATION KEYNOTES:

1. BRICK VENEER, COLOR: 683 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC.
2. CAST STONE SILL, COLOR: CRAB ORCHARD. SEE MASONRY SPEC
3. ANCHORED CAST STONE MASONRY VENEER, COLOR: CRAB ORCHARD SEE MASONRY SPEC
4. EXTERIOR LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
5. ARCHITECTURAL CANOPY, COLOR: REGAL RED, PREMIUM TWO COAT KYNAR FINISH
6. BRICK PAVER WALKWAY
7. LIGHTED CURVED FASCIA CANOPY ATTACHMENT
8. METAL COPING, COLOR: DARK BRONZE
9. WALL MOUNTED BUILDING SIGN, SEE SHEET A200
10. STANDING SEAM METAL ROOF, COLOR: BRITE RED
11. ROOF EQUIPMENT SCREEN, COLOR: DARK BRONZE
12. GUTTER, COLOR TO MATCH CUPOLA COLOR
13. DOWNSPOUT, COLOR: DARK BRONZE
14. DRIVE-THRU WINDOW (IF APPLICABLE)
15. METAL STANDING SEAM SHED STYLE AWNING AND FRAME ASSEMBLY, ROOF COLOR: BRITE RED, FRAME COLOR: DARK BRONZE
16. BRICK SOLDIER COURSE, COLOR: 6683 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
17. BRICK ROWLOCK COURSE, COLOR: 666 BY CONTINENTAL BRICK COMPANY. SEE MASONRY SPEC
18. CONTROL JOINT, SEE MASONRY SPEC
19. STEEL ROOF LADDER AND GRANNY POST, COLOR: DARK BRONZE
20. STANDARD THROUGH WALL SCUPPER WITH CONDUCTOR HEAD & DOWNSPOUT, COLOR: DARK BRONZE
21. OVERFLOW SCUPPER
22. ALUMINUM STOREFRONT SYSTEM, SEE A606
23. EXTERIOR HOSE BIB, REFER TO PLUMBING DRAWINGS
24. OUTDOOR FURNITURE
25. ELECTRICAL RECEPTACLE, REFER TO ELECTRICAL DRAWINGS
26. ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS
27. HM DOOR AND FRAME, COLOR: DARK BRONZE
28. EMERGENCY WATER CONNECTION, REFER TO PLUMBING DRAWINGS
29. SEAMLESS ALUM PANEL SYSTEM WITH EXPOSED FASTENERS, COLOR: DARK BRONZE
30. PROPANE LOCKER
31. ICE MERCHANDISER
32. RTS FILL PORT
33. STEEL BOLLARD, COLOR: DARK BRONZE
34. CO2 FILL PORT
35. DECORATIVE ALUMINUM FENCE, COLOR DARK BRONZE
36. AUTOMATIC DOOR PUSH PLATE AND BOLLARD, BOLLARD COLOR DARK BRONZE
37. GAS METER AND RISER, REFER TO CIVIL UTILITY PLAN, COLOR: DARK BRONZE
38. MTO GRAPHIC DECAL, SEE SHEET A200.
39. LIGHT CHANNEL AT PARAPET COPING, SEE ARCHITECTURAL AND ELECTRICAL DRAWINGS FOR MORE INFORMATION.

4 RIGHT ELEVATION

5 CUPOLA ELEVATION FROM ROOF

6 CUPOLA ELEVATION FROM ROOF

Convenience Architecture and Design P.C.
351 Sheetz Way, Claysburg, PA 16625
phone (814) 239-8013
email tcolumbo@sheetz.com
web site www.sheetz.com

PROJECT NAME:
NEW SHEETZ STORE
MADISON HEIGHTS
DEQUINDRE RD.

Int. of Dequindre Road
and 13 Mile Road
Madison Heights, MI 48071

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

KEYPLAN

MARK	DATE	DESCRIPTION

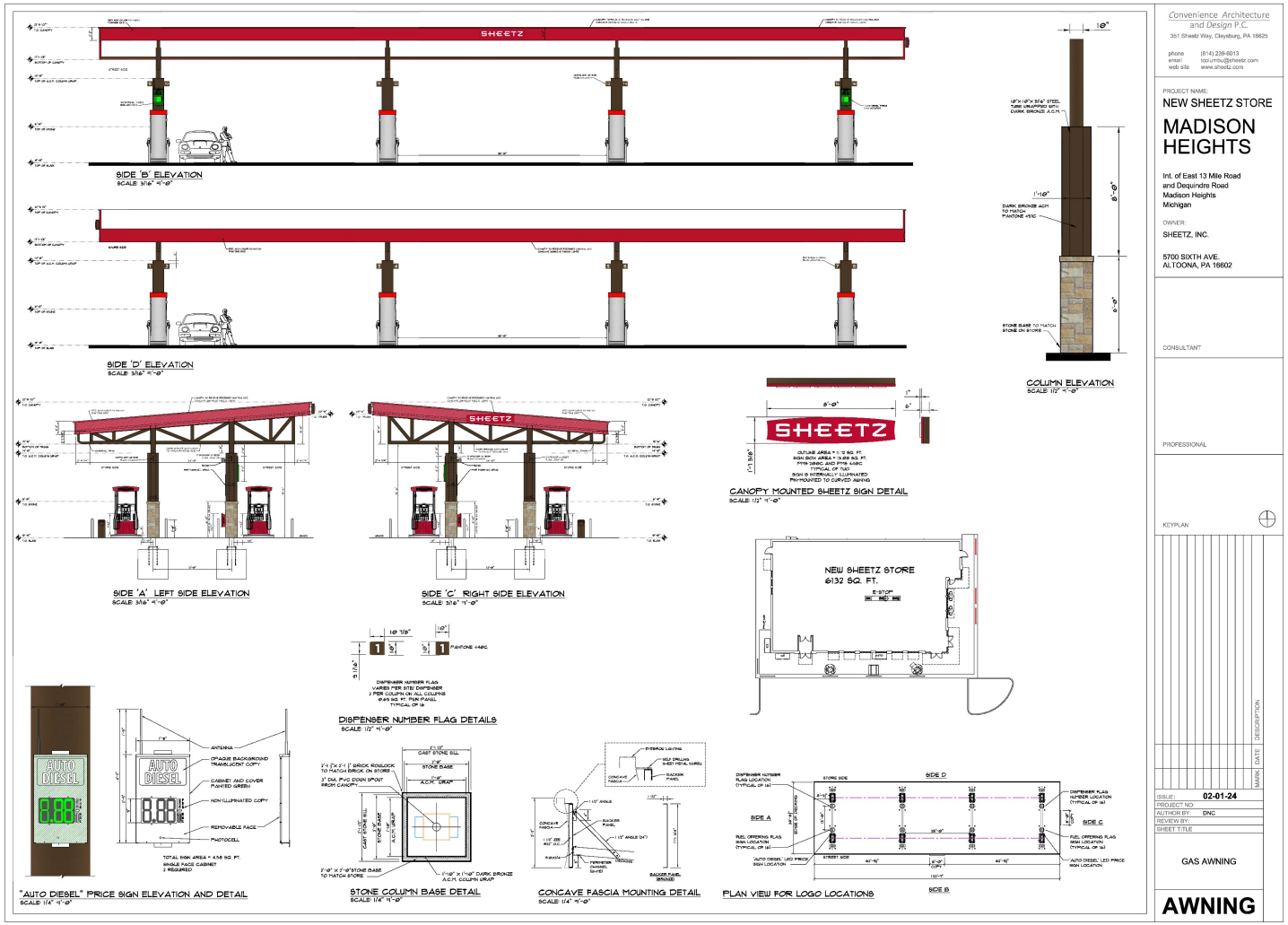
PRELIMINARY ELEVATIONS

ISSUE:	02.13.2024
SITE ID NO:	21450
AUTHOR BY:	RJK
REVIEW BY:	RJH
VERSION:	6132R_v1.5.5

EXTERIOR ELEVATIONS

A201

Canopy Elevations



SHEETZ

Special Land Use Approval

Convenience Store
Restaurant
Fuel Station

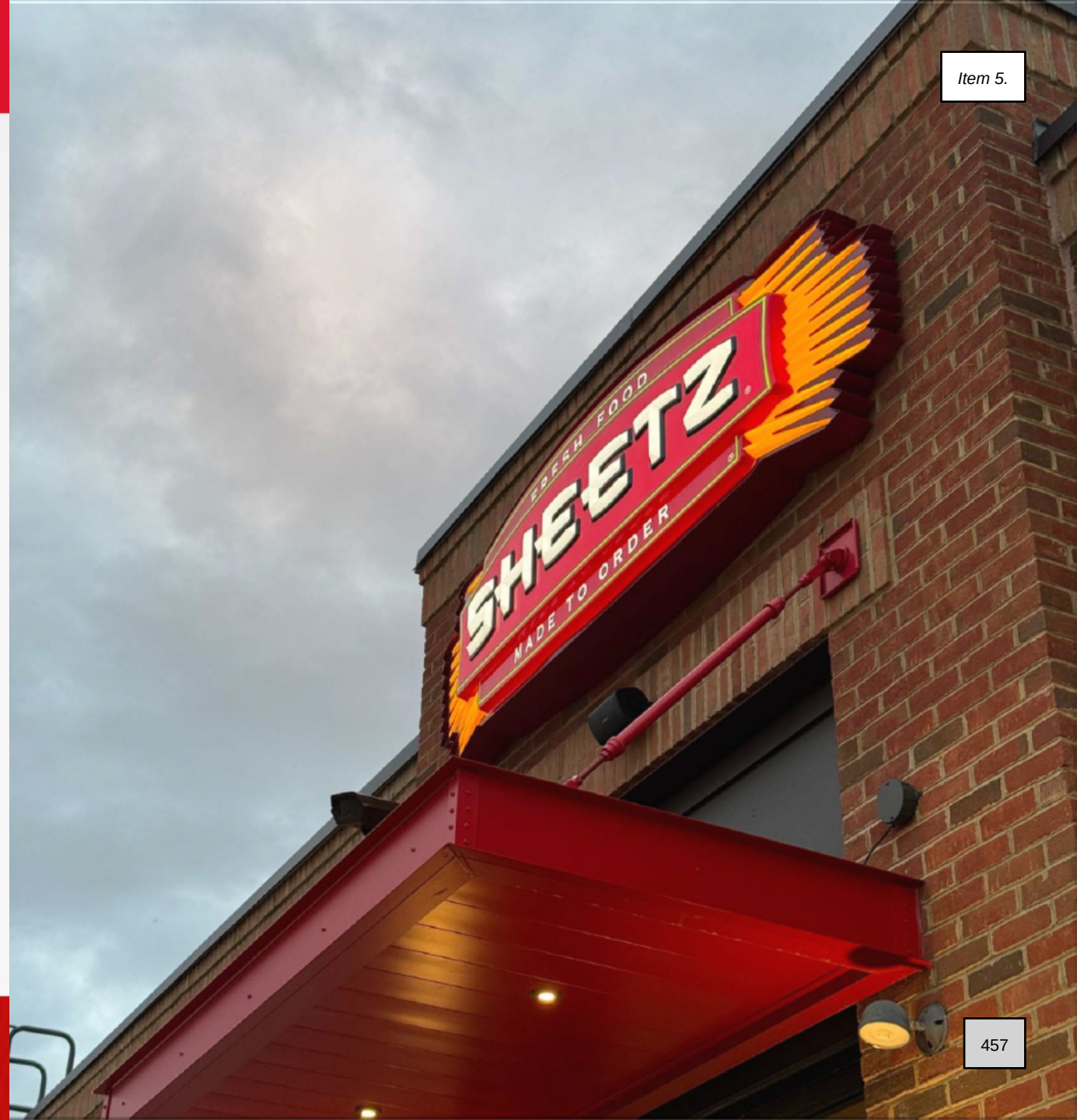
Located at 30901 Dequindre Rd
Madison Heights, MI

Presenting to the City of Madison Heights

MADISON HEIGHTS
MICHIGAN

STONEFIELD
engineering & design

SKILKEN | GOLD
Real Estate Development



Existing Conditions



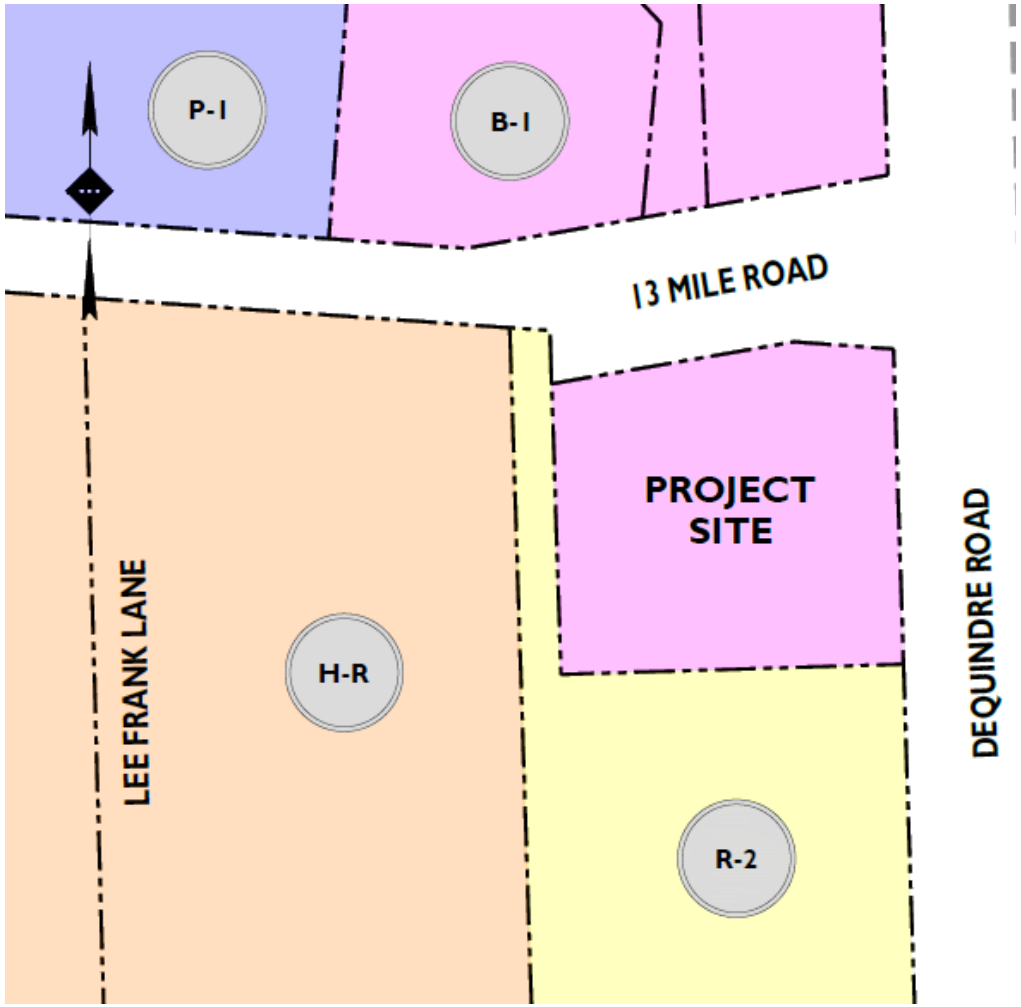



CARRIER

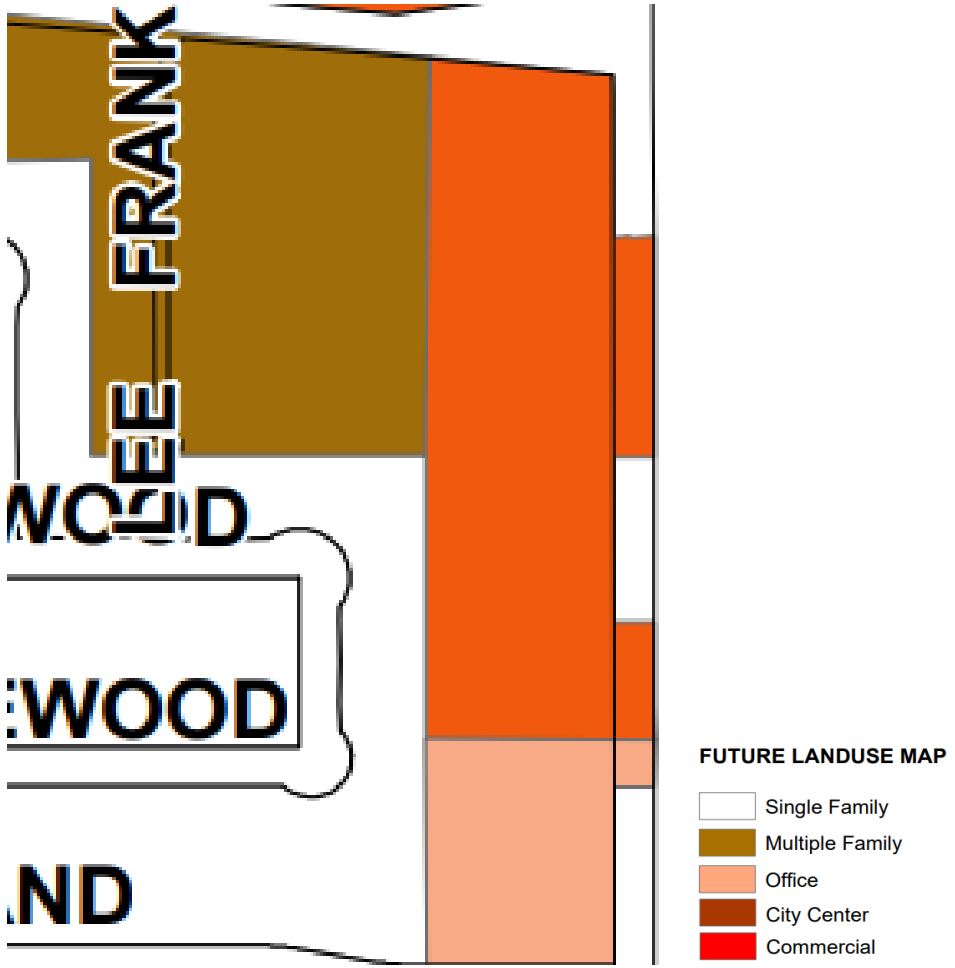

CARRIER
TRINGALI

Zoning Map

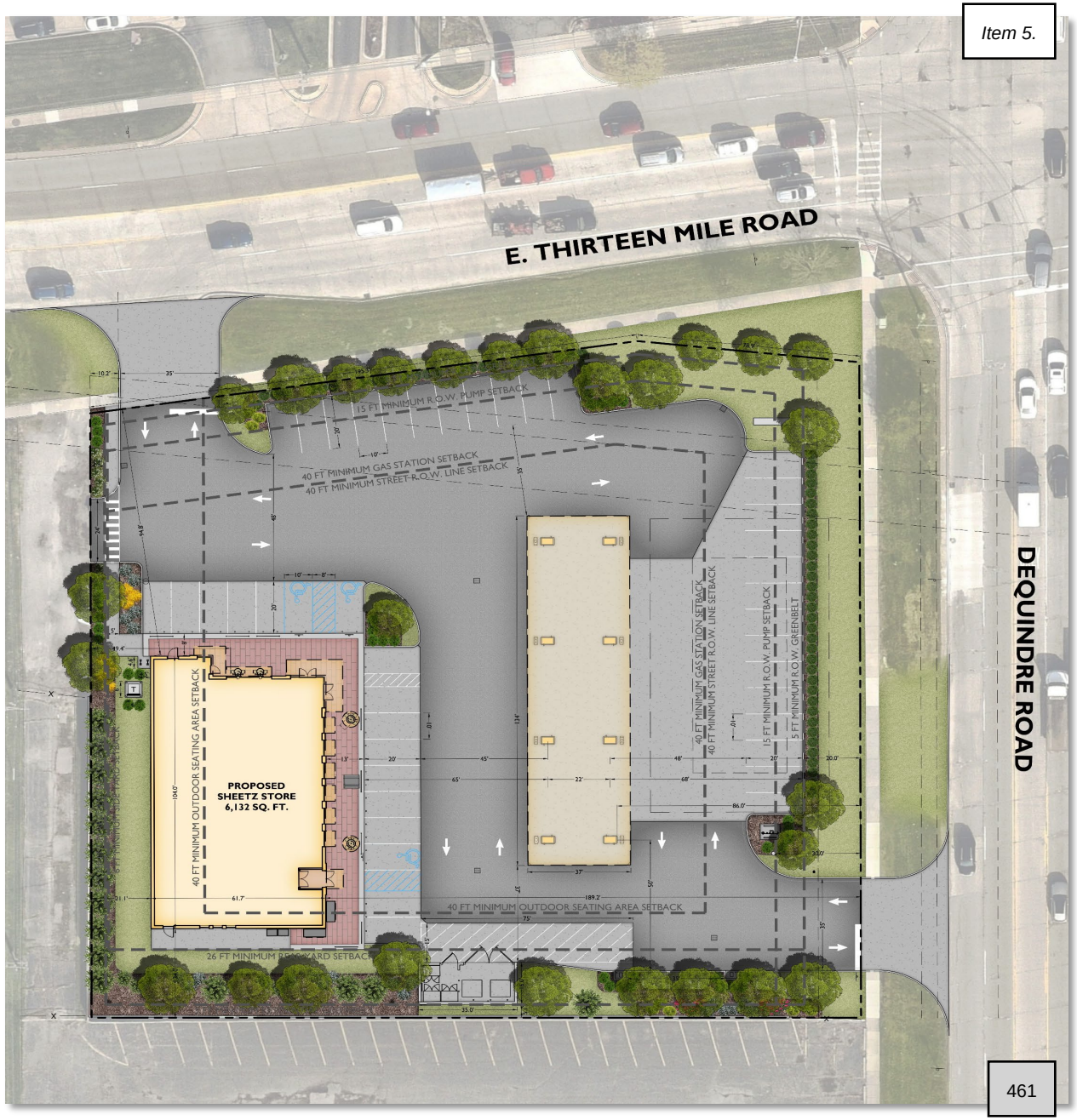
Current Zoning



Future Land Use



Conceptual Site / Landscape Plan



Why is Special Land Use Approval Needed?

The proposed modern mixed-use quick service restaurant, convenience store and fuel station is a Use Permissible by Special Approval in the B-1 Local Business district.



Section 10.201(4) Special Approval Use Criteria





A. Site plan must comply with Section 10.514, Site Plan Review.

- Site plans meet the requirements.

B. All design standards imposed on specific special approval uses elsewhere in this Ordinance shall be met.

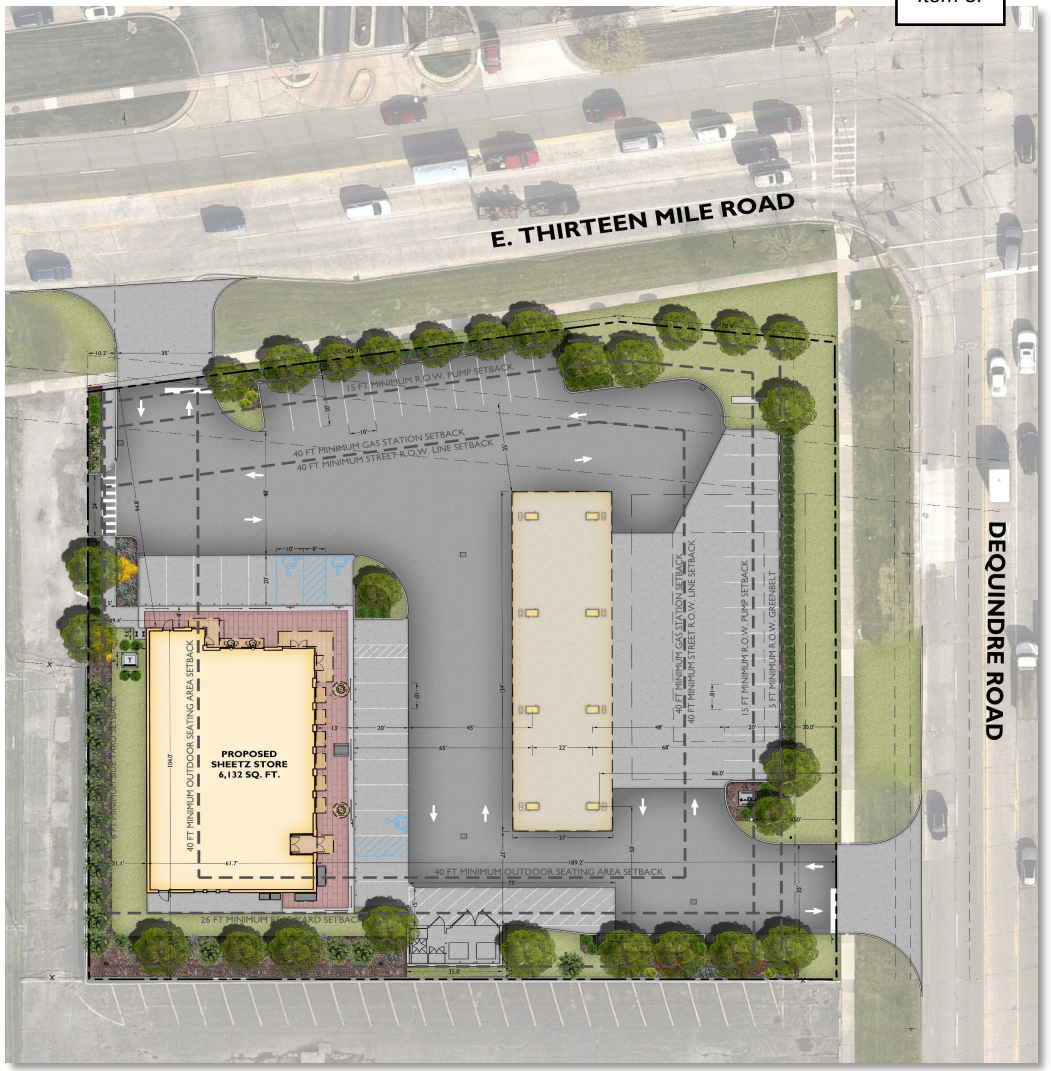
- Section 10.319(2)(c) provides that the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.
- Church to the south is a nonresidential use and planned "commercial."
- Applicant will seek a variance.
  - Applies only because the church parcel has not yet been rezoned consistent with commercial MP designation.

FRESH FOOD SHEETZ MADE TO ORDER

C. The use shall be compatible with the surrounding area. At a minimum, this shall include:

1. Location of use(s) on site;

- The condominiums are insulated from site activity by the existing masonry screen wall, buffer trees and shrubs, the 19’ wide driveway west of the wall and the condominium carports.
- The fuel pumps are located on the east side of the site, as far away from the condominiums as is possible to further shield the condominiums.
- The building is on the west side of the site, closest to the condominiums so as to provide screening from the fuel pumps.
- The Sheetz building is approximately 100’ from the nearest condominium buildings.
- With respect to the church to the south, the existing masonry wall on-site will remain and be improved.
- Landscaping will also be added next to the south screen wall.



C. The use shall be compatible with the surrounding area (con't).

2. Height of improvements;

- The building is 26' in height, and the canopy is 21.6' in height.
- The building height is standard, with architectural features and high-quality finishes.
- Will be compatible with the adjacent 2-story condominiums as well as the church.



C. The use shall be compatible with the surrounding area (con't).

3. Adjacent Conforming Land Uses;

- The proposed use replaces the shopping center use presently on the property.
- It is consistent with the existing gas station and other commercial uses north and east of the site.
- With the screening elements discussed above, it is compatible with the condominiums and the church.



C. The use shall be compatible with the surrounding area (con't).

4. <u>Need for proposed use in specified areas of the city;</u>

- The proposed mixed use is a unique use in this area.
- Replaces restaurants with expiring leases and vacant spaces in an outdated shopping center.
- The proposed restaurant provides made-to-order quick service food to be consumed at indoor or outdoor tables on-site, or to-go.
- The store provides several grab-and-go prepared food options for customers.
- Consumers will have a one-stop location to enjoy a meal, refuel and purchase convenience items.
- The shopping center spaces are owner operated, with few employees. Sheetz will hire around 35 employees from the local community.
- Adds substantial greenspace and trees, where none exists now.



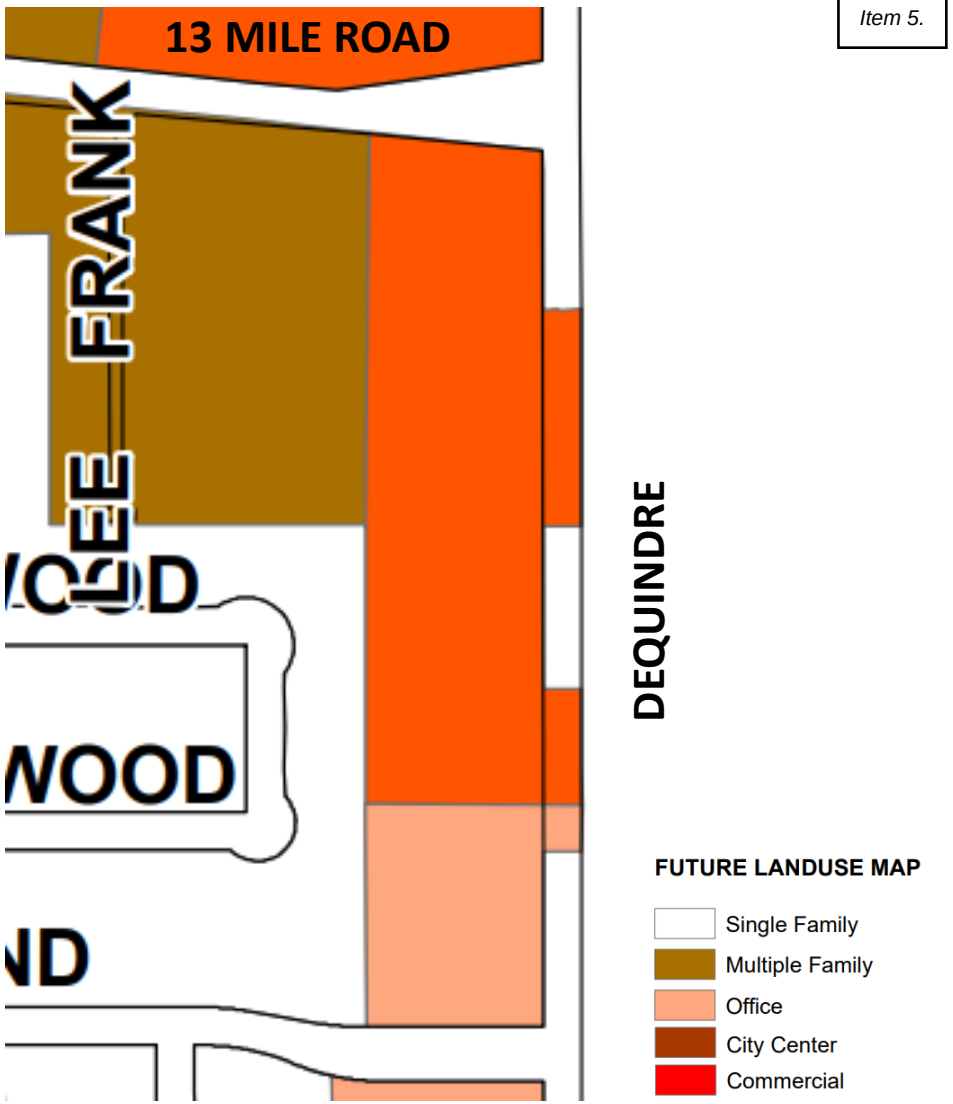


C. The use shall be compatible with the surrounding area (con't).

5. <u>Conformity with Future Land Use plans for the area;</u>

- The Future Land Use Map of the City designates the property as "Commercial", which is the proper use designation for Sheetz.

- The church property to the south is also designated as "Commercial."



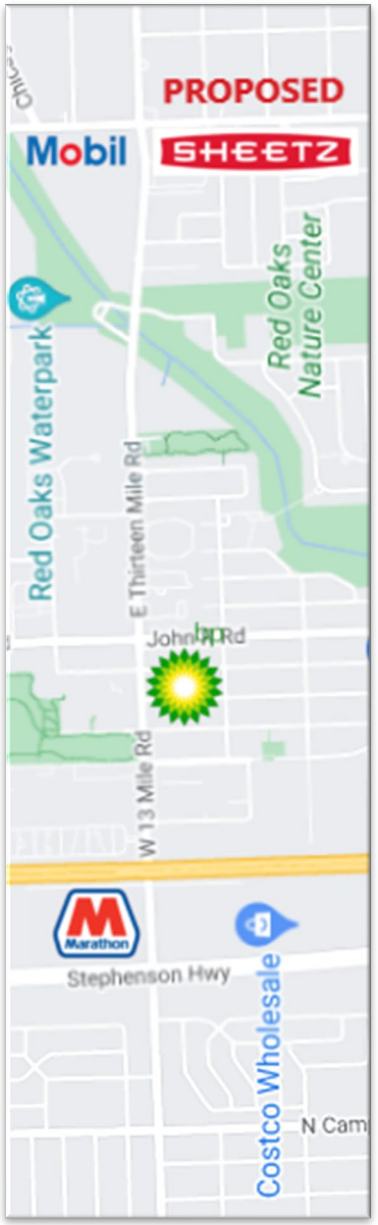
C. The use shall be compatible with the surrounding area (con't).

6. Compatibility with the permitted principal uses allowed in the zoning district.

- 3 other gas stations in B-1 zoning:
  - Mobil at NW corner 13 Mile & Dequindre
  - BP at SW corner 13 Mile & John R
  - Marathon at NW corner 13 Mile & Stephenson

- The proposed mixed uses will service the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas, which is the intent of the B-1 zoning district.

- The B-1 permitted principal uses include retail businesses supplying food products, as well as take-out and dine-in restaurants, which are compatible with the proposed uses.



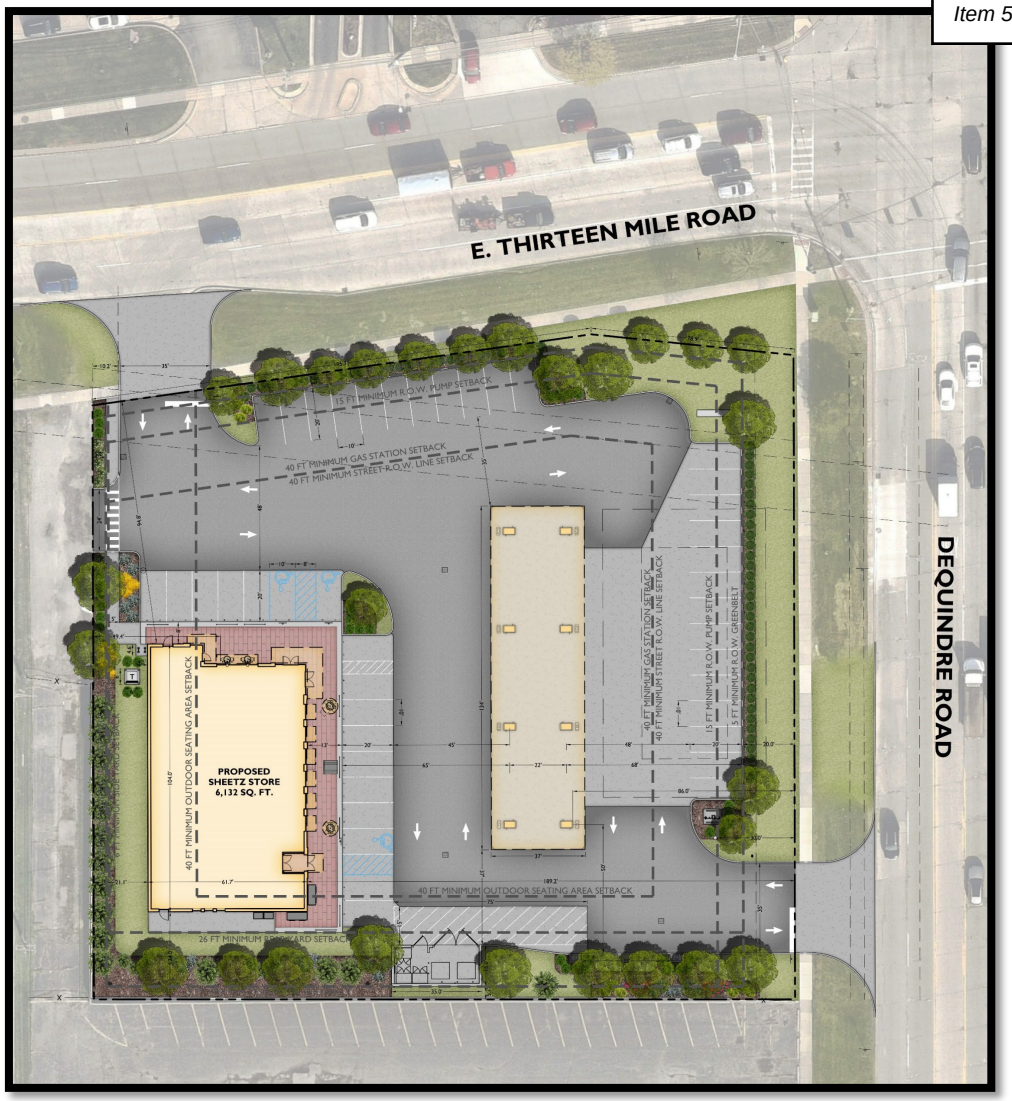
D. Ingress/Egress shall assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact including, but not limited to:

1. <u>Reduction in the number of ingress/egress points;</u>

   - The proposed two (2) curb cuts replace the existing two (2) curb cuts, but in a safer location.

2. <u>Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);</u>

   - The curb cut on Dequindre Rd has been moved 66’ further away from the intersection, to the south edge of the property, thereby enhancing vehicular safety and has been approved by Macomb County.
   - Existing semi delivery vehicles often block 13 Mile Rd; Sheetz deliveries are located completely on-site.



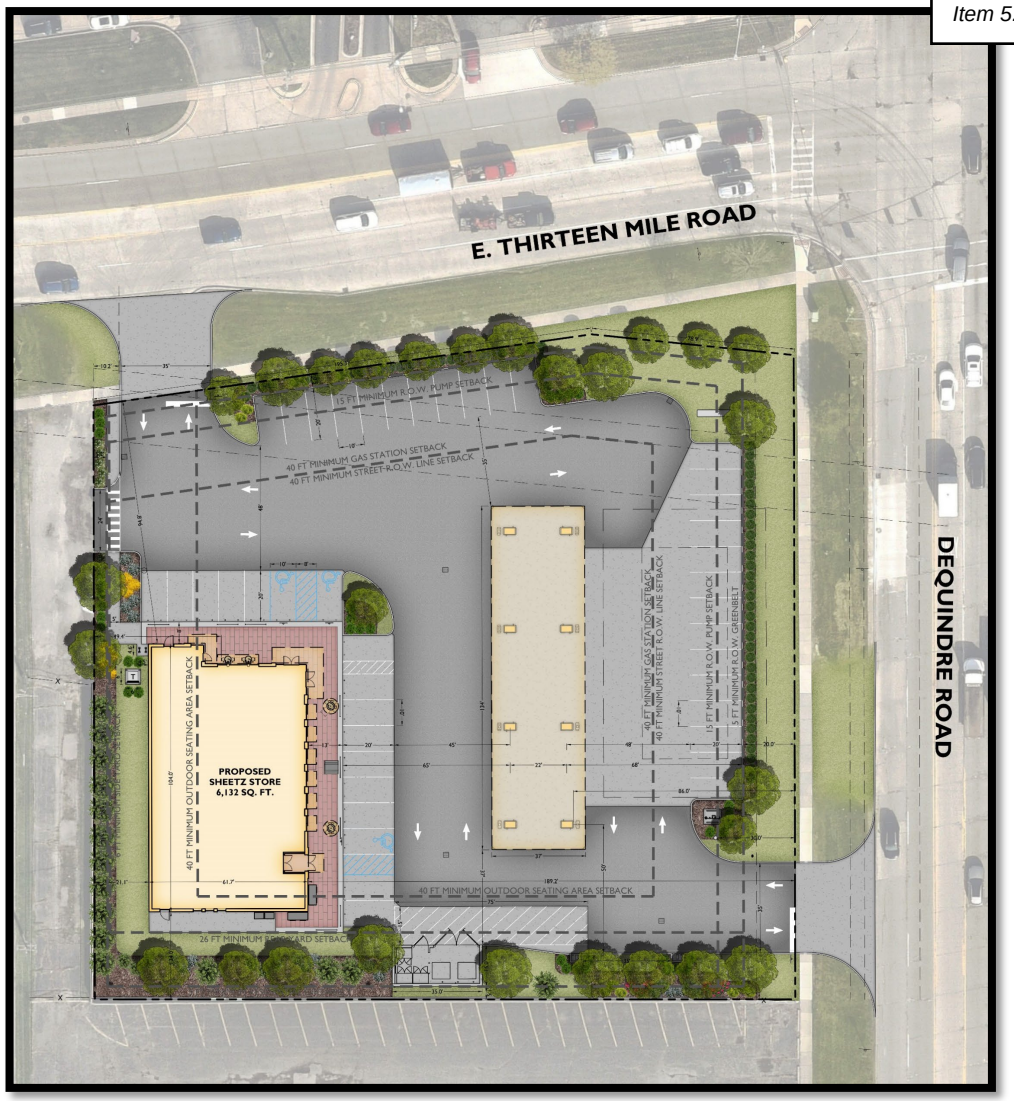
D. Ingress/Egress shall assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact (con't).

3. Reduction/elimination of pedestrian vehicular traffic conflicts;

   - There will be sidewalks around the perimeter of the site for pedestrian use, with clear, visible sight lines to reduce the possibility of any conflicts.

4. Adequacy of sight distances;

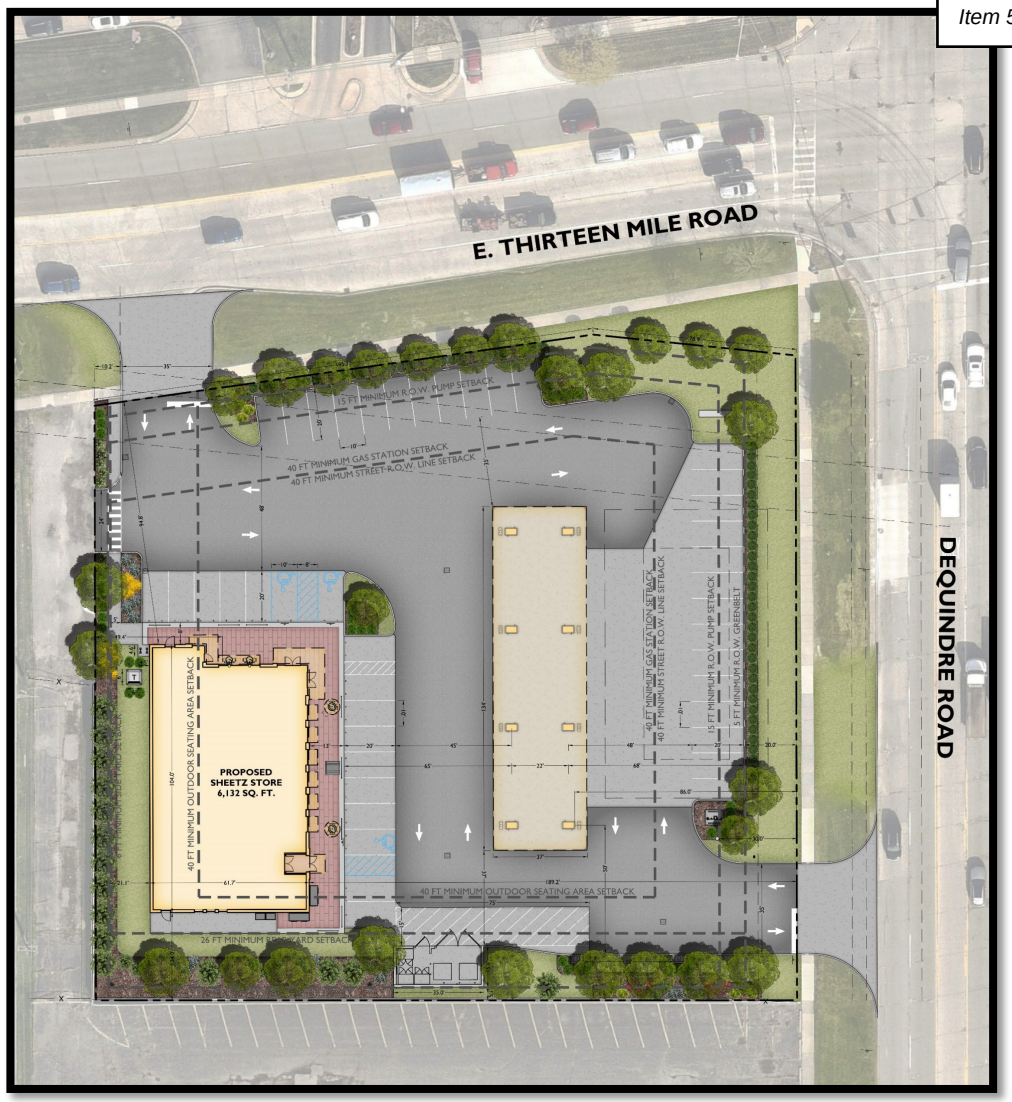
   - Sight distances are clear and visible, without obstruction, in accordance with ordinance requirements.



D. Ingress/Egress shall assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact (con't).

5. Location and access of off-street parking;

- Off-street parking will be located in 3 areas on the property (adjacent to building; along north property line; along east property line).
- Most customers will park in the spaces adjacent to the building to minimize walking distances and eliminate any conflict with vehicles.
- The 3 areas where parking is located have ample drive aisle widths to reduce the potential for any vehicular conflicts with other vehicles on the site.



D. Ingress/Egress shall assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact (con't).

6. Use of service drives to access multiple parcels, reducing the number of access points;

   - The only opportunity to utilize any service drive would be to combine curb cuts with the church.

   - The Applicant has approached the church, which has declined to work with the Applicant in any capacity.



E. Screening shall be provided along all property lines to minimize impact on adjacent properties.

- West Side - The existing masonry wall will be improved and landscaped to screen the western side.
- The building will screen much of the site activity, and there will be trees planted along the screening wall.
- 19’ wide driveway west of the screening wall, owned by the church that will provide an additional buffering effect.
- The condominium even has its own masonry buffer wall with adjacent carports for further screening.





E. Screening shall be provided along all property lines to minimize impact on adjacent properties (con't).

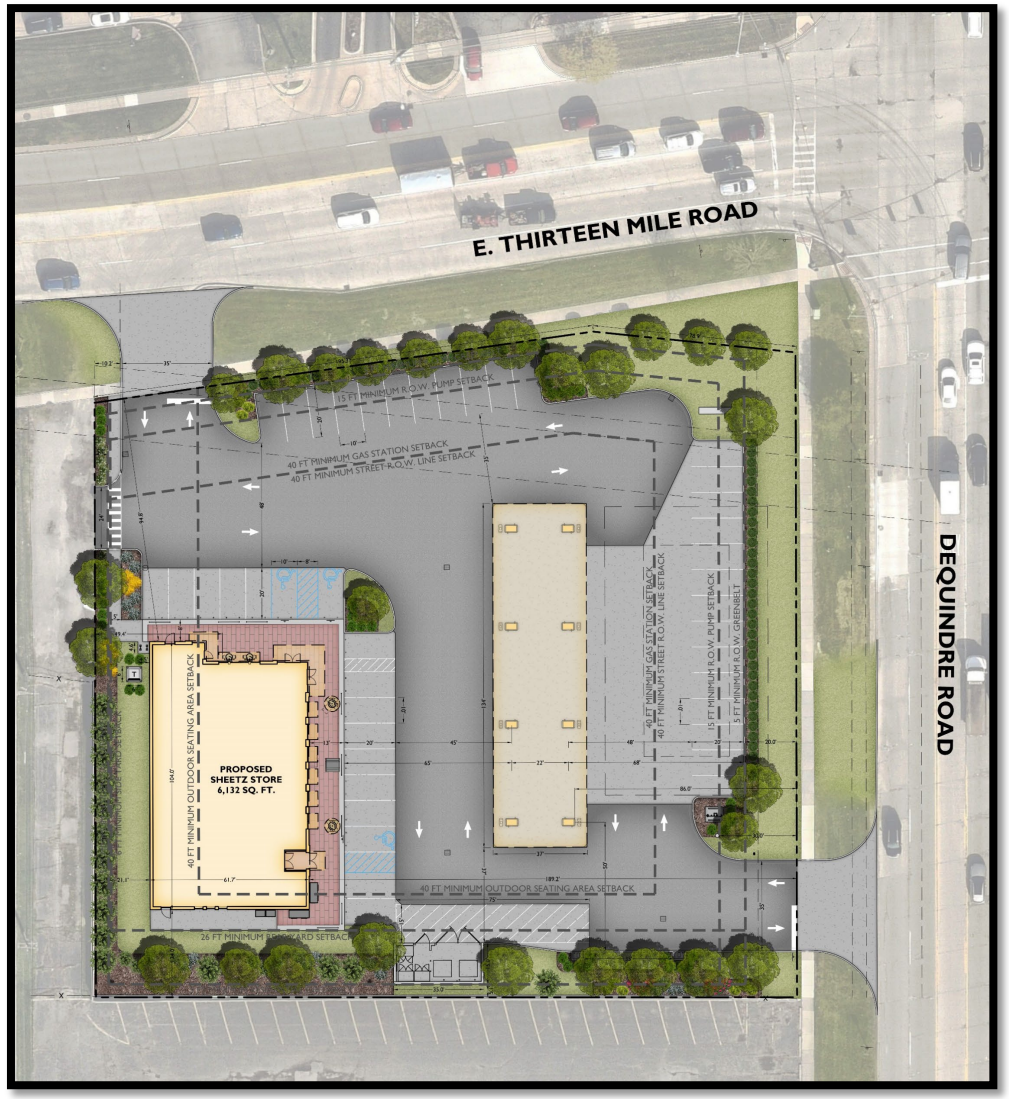
- South Side - The existing masonry wall will be renovated.
- Trees and shrubs will be planted adjacent to the wall.
- There are 3 rows of parking on the church property to screen the church building from the site.



F. The use shall be properly served by utilities.

- The property is currently serviced by all required utilities.

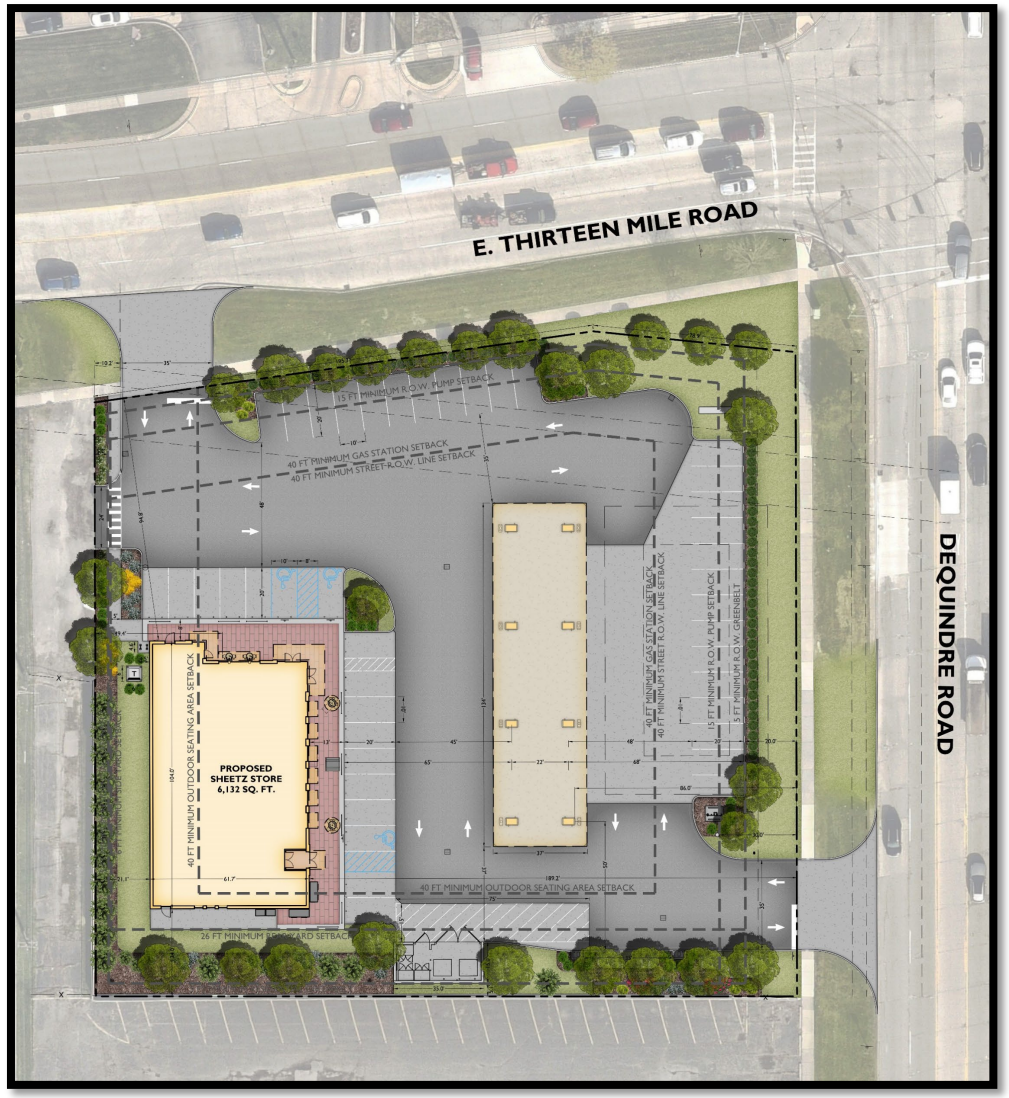




G. The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses.

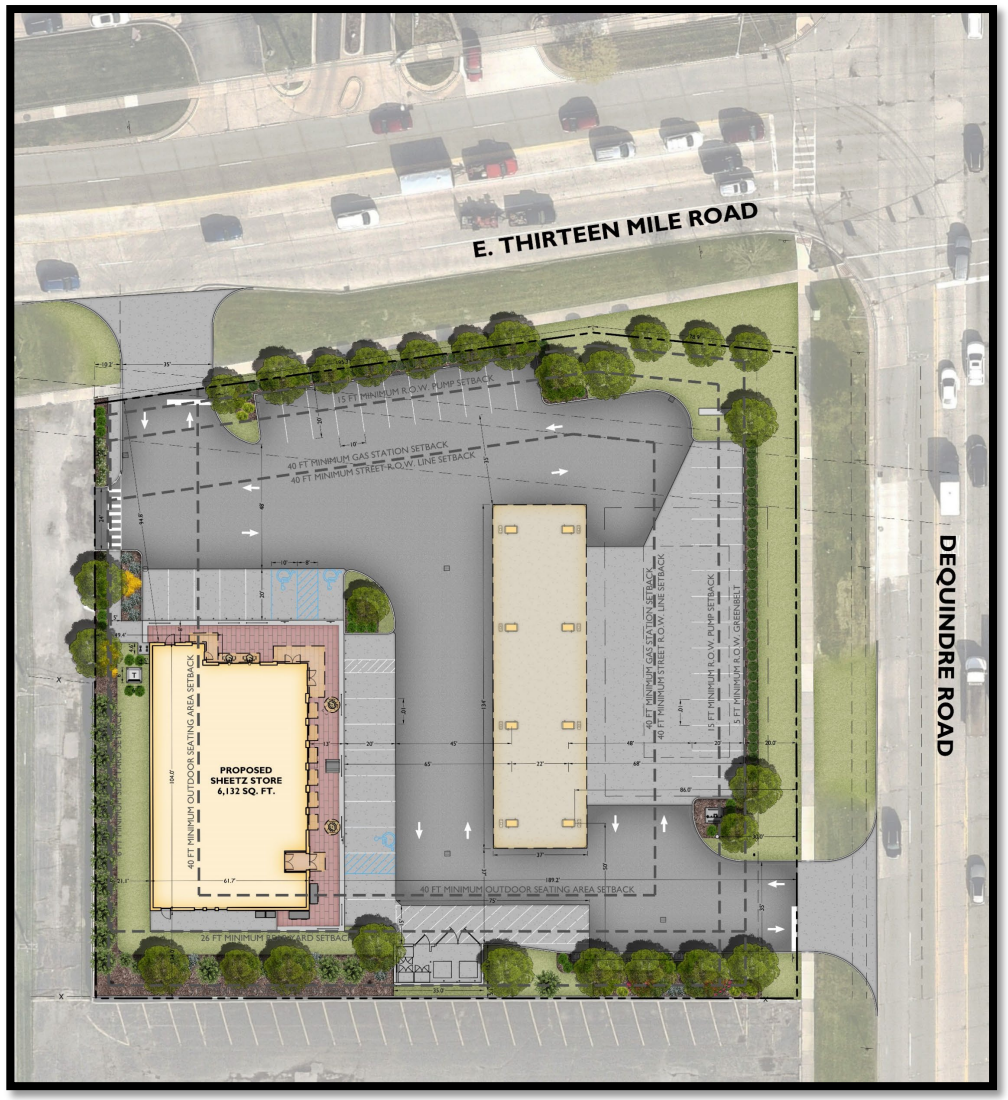
- Sheetz is leasing this property, and is contractually obligated in its lease to remediate any contamination.

- Sheetz installs the highest quality of fuel tanks, pipe systems, fuel pumps and nozzles designed to prevent fuel release.
  - The tanks are double-wall insulated, so that if there is a breach of the inner tank wall, any release is captured by the outer tank wall.
  - There are shut-off safety systems in the event of a release.
  - The fuel nozzles have vapor shields to restrict vapors from the vehicle fueling process.



G. The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses (con't).

- Sheetz Environmental Controls Policy Statement.
- Air Quality Memo – Spirit Environmental – 3/6/24
  - "No adverse air quality impacts will be caused by the proposed Sheetz station."



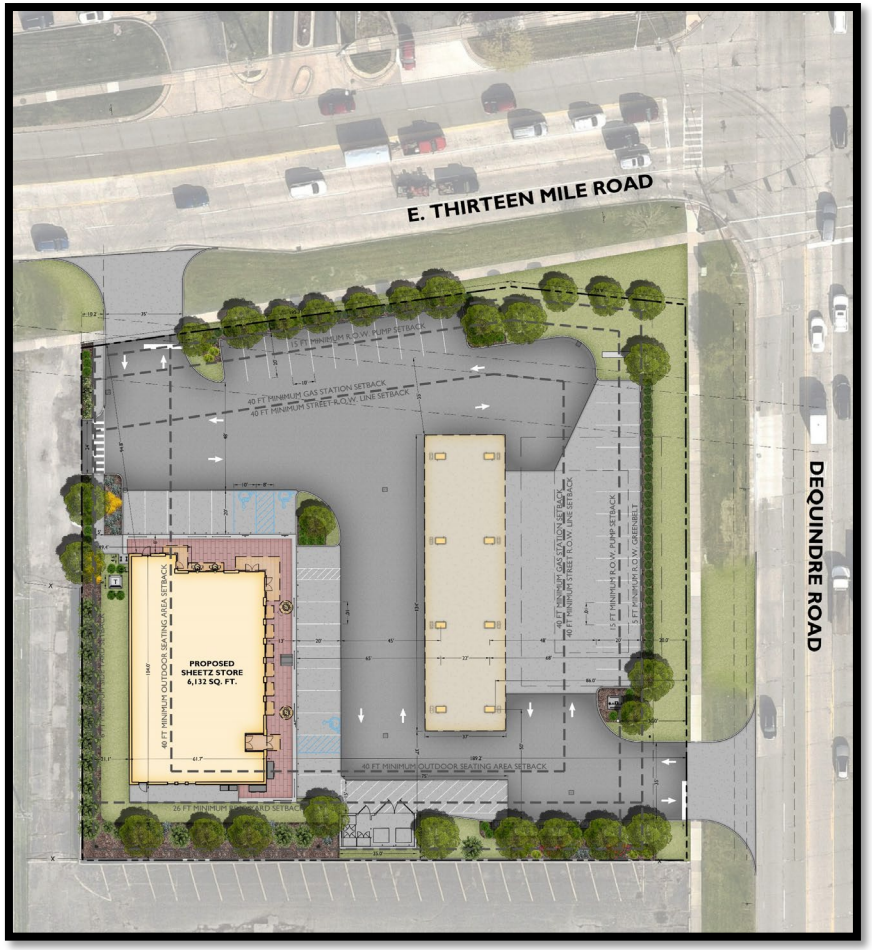
H. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509.

- These standards are not applicable to the uses in the B-1 District, which does not permit industrial uses.

- These standards pertain to open storage and glare from manufacturing processes, radioactive materials, fire and explosive hazards, noise and waste created by industrial uses in the M-1 and M-2 Districts.

I. The proposed use shall be designed to eliminate nuisances. The use shall not be detrimental by reason of excessive smoke, fumes, glare, noise, vibration, odors and adverse environmental impacts.

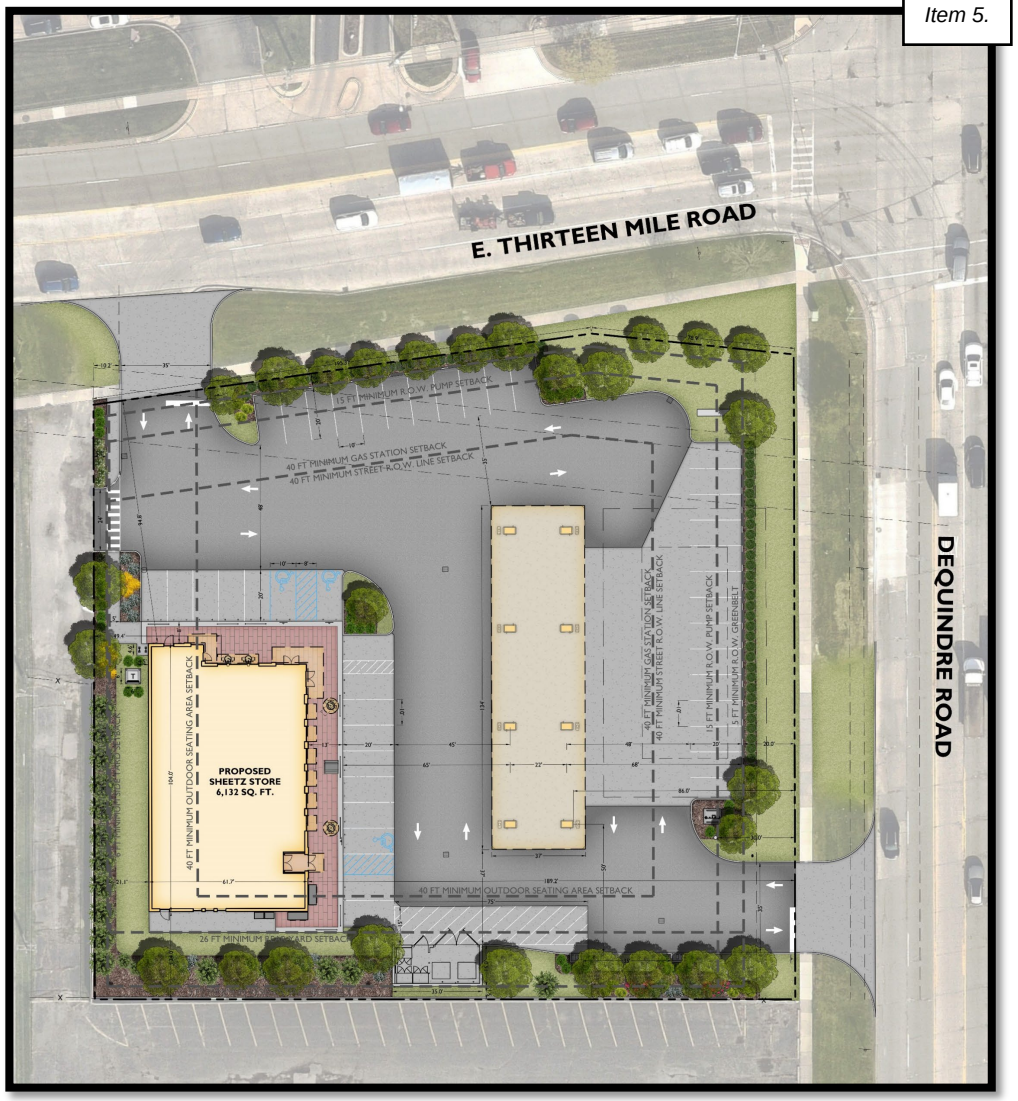
- The proposed mixed uses will not create any nuisances to neighboring properties.
- The site layout is designed to screen the neighboring properties to the west and south from the uses on the property.
- Restaurant and rooftop equipment are screened on all four sides.
- Site lighting will be directed downward, so as not to impact the neighboring properties.
- The screening will protect the neighbors against light and glare.
- Noise Study – K&S Engineers – 2/29/24
  - Vehicle sound levels are lower with Sheetz
  - Site configuration, fewer mechanical units reduce sound levels



J. The proposed use does not impose an unreasonable burden upon public services and utilities.

- All public utilities are currently available on site, and are servicing the existing restaurants, retail and service businesses.

- The proposed uses are not anticipated to have any impact on public transportation or emergency medical services.



Section 10.319(2) Gasoline Service Station Criteria

Section 10.319(2)
Gasoline Service Station Criteria

- All criteria satisfied
- Except 10.319(2)(c), for which a variance will be requested

City Staff Review Memorandum - Concerns

- 24-Hour Operation
- Master Plan Compliance
- Length of Land Lease
- Environmental Concerns
- EV Charging
- Pedestrian Connection to Dequindre
- Adding Trees Along Dequindre

Dear City Board Members,

I'm writing to express my concerns about the proposed construction of a 24-hour Sheetz gas station in our town. Unlike local businesses like Madison Petroleum, Sheetz operates on a larger scale and may prioritize profits over supporting our community.

What worries me is that Sheetz might take profits out of state, without giving back to our town. In contrast, businesses like Madison Petroleum reinvest in our community by sponsoring local events, supporting youth programs, and contributing to the local economy. We believe in keeping our money circulating within Madison Heights, benefiting our neighbors and promoting local growth.

Please think carefully about the risks of welcoming Sheetz into our town. Supporting local businesses like Madison Petroleum ensures that our community thrives and remains a place we're proud to call home.

Sincerely,

Wamid Lazar

Owner, Madison Petroleum Inc.

28945 John R. Road

Madison Plaza LLC
100-200 W Twelve Mile Rd.

Dear City Board Members,

We are writing to express our firm opposition to the proposed construction of a Sheetz gas station within Madison Plaza. As stewards of this community hub, we are deeply concerned about the potential negative impacts this development could have, particularly on our food-providing tenants who rely on foot traffic and a welcoming atmosphere to thrive.

Introducing a large-scale gas station into our plaza threatens the livelihoods of these local entrepreneurs. Increased traffic and noise from a 24-hour operation could deter customers from visiting our plaza, directly impacting the viability of these businesses.

We urge you to carefully consider the ramifications of approving the construction of a Sheetz gas station at Madison Plaza. Please consider the interests of our longstanding tenants when making decisions about the future development of Madison Heights.

Thank you for your attention to this matter.

Sincerely,

Madison Plaza Management Team

Dear Mayor and Council Members,

I own the house at 28767 Dartmouth in Madsion Heights and I think that my voice needs to be heard. I'm writing to oppose the construction of a 24-hour Sheetz gas station in Madison Heights. The thought of more traffic zooming through our streets, especially late at night, worries me. It's not just about the noise—it's about safety. With more cars around, our neighborhood could become a risky place for pedestrians and kids playing outside. Plus, having a gas station open 24/7 means there will always be people coming and going. That might not be a big deal during the day, but at night, it could attract unwanted attention and make our neighborhood feel less secure.

Please listen to our concerns and think twice about letting this happen.

Thanks,



Madison Heights City Council,

We, Mad Fuels, stand firmly against the proposed construction of a 24-hour Sheetz gas station in our community. Madison Heights does not require additional gas stations, as we already serve the needs of our residents efficiently. Introducing another chain retailer like Sheetz poses a significant threat to the existence of local businesses like ours.

Sheetz's entry into our market could lead to a decline in patronage for local establishments, jeopardizing the livelihoods of our neighbors and the unique character of our community. As a locally owned and operated gas station, Mad Fuels has been a part of Madison Heights for years, contributing to the local economy and fostering a sense of community.

We urge you to consider the long-term impact of allowing a corporate giant like Sheetz to dominate our local gas station landscape. Let's preserve the diversity and vibrancy of Madison Heights by supporting local businesses like Mad Fuels.

Sincerely,

Mad Fuels Inc.

601 W. Twelve Mile Road

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Sean P. Ballantine, Director of Public Services

AGENDA ITEM CONTENT: Director of Public Services - 2024 National Public Works Week

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

Submitted for Council's consideration is a proclamation declaring the week of May 19-25 as National Public Works Week in Madison Heights.

RECOMMENDATION:

Staff respectfully requests that Council adopt the following proclamation declaring the week of May 19-25, 2024 as National Public Works Week in the City of Madison Heights, and encourage our residents, visitors, and City staff to acquaint themselves with, and pay tribute to our dedicated public works professionals in Madison Heights, and the work that they do for the benefit of the public.

MEMORANDUM

DATE: **May 6, 2024**

TO: **Melissa R. Marsh, City Manager**

FROM: **Sean P. Ballantine, Director of Public Services**

SUBJECT: **2024 National Public Works Week**

Annually, the month of May sees National Public Works Week declared and recognized by municipalities and civic organizations throughout the United States and Canada. Submitted for Council's consideration is a proclamation declaring the week of May 19-25 as National Public Works Week in Madison Heights.

The American Public Works Association (APWA), the sponsor of National Public Works Week, presents a new theme every year which is graphically depicted in the annual poster, and embodies the many responsibilities of our public works professionals. This year's theme is "Advancing Quality of Life got All". Explained further: *Public works contributes to advancing and enhancing our quality of life, no matter where we live in the world. Public works professionals provide essential services that lead to healthier, happier, more vibrant communities.*

The "Advancing Quality of Life for All" theme shines a spotlight on the way public works professionals advance our quality of life, whether as a first responder to an electricity outage, regular waste pickup, or a myriad of other ways they silently serve their communities.

Public works professionals advance the quality of life by providing an infrastructure of services in transportation, water, wastewater, and stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management. They are what make our communities dynamic places to live and work. Join us in celebrating the quiet work these professionals do that makes life better for all of us.

Staff respectfully requests that Council adopt the following proclamation declaring the week of May 19-25, 2024 as National Public Works Week in the City of Madison Heights, and encourage our residents, visitors, and City staff to acquaint themselves with, and pay tribute to our dedicated public works professionals in Madison Heights, and the work that they do for the benefit of the public.

Department of Public Services
City of Madison Heights
801 Ajax Drive
Madison Heights, Michigan 48071

p (248) 589-2294 | f (248) 589-2679

PROCLAMATION

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Madison Heights; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of the employees of the Madison Heights Department of Public Services, and their counterparts, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, business owners, civic leaders and children in Madison Heights to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their community; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the peoples' attitude toward and understanding of the importance of the work they perform; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby proclaim the week of

MAY 19-25, 2024
NATIONAL PUBLIC WORKS WEEK

in the City of Madison Heights, and urges all citizens, civic leaders, and civic organizations to join with the American Public Works Association in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Roslyn Grafstein
Mayor

Mark Bliss
Mayor Pro Tem

Sean D. Fleming
Councilman

William J. Mier
Councilman

Emily J. Rohrbach
Councilor

David M. Soltis
Councilor

Quinn J. Wright
Councilor


DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS
FIRST RESPONDER
NATIONAL PUBLIC WORKS WEEK
MAY 19-25, 2024
APWA
ADVANCING
Quality of Life
FOR ALL

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Sean P. Ballantine, Director of Public Services

AGENDA ITEM CONTENT: Director of Public Services - 2024-25 Stormwater Services Proposal

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: $20,000

FUNDS REQUESTED: $17,600

FUND: 592-590-818-0000

EXECUTIVE SUMMARY:

Since 2012, the City of Madison Heights has engaged the services of a consulting engineering firm to maintain our required MS-4 permit. The overall budgetary requirement in the service proposal now exceeds the bid threshold as established under the City's purchasing ordinance, requiring Council approval. Due to the extensive history and work already undertaken, Staff firmly believes it is in the City's best interest to continue utilizing our current firm and stormwater consultant.

RECOMMENDATION:

Staff recommends that Council waive the formal bid process, and award the 2024-25 Stormwater Services Proposal to DLZ Michigan, of Waterford, for a total amount of $17,600, and authorize the City Manager to sign on behalf of the City. Funds are budgeted in the upcoming fiscal year.

MEMORANDUM

DATE: **May 1, 2024**

TO: **Melissa R. Marsh, City Manager**

FROM: **Sean P. Ballantine, Director of Public Services**

SUBJECT: **2024-25 Stormwater Services Proposal**

The City of Madison Heights is required by EGLE (the department of Environment, Great Lakes, and Energy) to maintain a municipal separate stormwater permit (MS-4) for the discharge of our stormwater to the waters of the state. As with the majority of municipalities and other nested jurisdictions, we have engaged the services of a consulting engineering firm in order to maintain compliance with our permit requirements.

Since 2012, these services have been performed by our stormwater consultant has been Laura Gruzwalski, who started our application for the MS-4 while working for Hubbell, Roth, and Clark, later moving to Johnson and Anderson, which became DLZ. Services have been provided on an ongoing year-to-year basis, resulting in a clear familiarity with the City's stormwater systems, processes and best management practices, and regulatory compliance measures. Due to a general increase in costs, increases in the amount of activity required to remain compliant, as well as the significantly increased hours required for our next permit application, which is due in April, the overall budgetary requirement in the service proposal now exceeds the bid threshold as established under the city's purchasing ordinance.

Based on the successful long-term working relationship the City has had with Johnson and Anderson, the institutional knowledge of our stormwater consultant which has been curated over the last 12 years, as well as the significant and cumulative amount of work which has gone into the initial permit application and subsequent compliance, Staff strongly feels that it is in the City's best interest to continue utilizing the services of DLZ for our stormwater consulting.

Staff therefore recommends that Council waive the formal bid process, and award the 2024-25 Stormwater Services Proposal to DLZ Michigan, of Waterford, for a total amount of $17,600, and authorize the City Manager to sign on behalf of the City. Funds are budgeted in the upcoming fiscal year.

Department of Public Services
City of Madison Heights
801 Ajax Drive
Madison Heights, Michigan 48071

p: (248) 589-2294 | f: (248) 589-2679 | e: DPS@Madison-Heights.org

DLZ
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INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

March 6, 2024

Mr. Sean Ballantine, Public Services Director
City of Madison Heights
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Re: Proposal for Professional Stormwater Program Services – FY 2024-2025

Dear Mr. Ballantine:

DLZ Michigan, Inc. (DLZ) is pleased to submit this proposal to the City of Madison Heights (CITY) to perform professional Stormwater Program Services for the 2024-2025 Fiscal Year.

BACKGROUND

DLZ is pleased to provide you with a scope of services, associated staff hours, and estimated budgets to be performed in the 2024-2025 Fiscal Year (July 1, 2024 through June 30, 2025). As previously stated, all fees mentioned, herein, are intended to serve as budgets. Actual costs will be determined on an hourly basis for tasks completed at your discretion and desired level of our involvement.

The following agreement between DLZ and the CITY is separate and distinct from any other agreement between DLZ and the CITY.

SCOPE OF SERVICES

- **Public Education Assistance** – Throughout the year, we propose to assist the CITY with its public education requirements. This would include providing content for the CITY's *Department of Public Services* web page, developing articles for the CITY's Bi-Annual Recreation Brochures, providing materials that can be integrated onto bulletin boards and Facebook, providing assistance with the Spring 2025 CITY Hall Bulletin Board, and providing additional public education assistance, if requested. Approximately fifteen (15) staff hours are estimated to complete this task.

- **Pollution Incident Prevention Plan (PIPP) Inspections & Annual Plan Review** – This assessment will include two (2) bi-annual inventories and inspections at the CITY's Public Services Facility, to be held in October 2024 and April 2025. DLZ will document what chemicals and materials are stored at these facilities, make observations of the condition of each location, and will inspect parking lots, fueling stations, and dumpsters at these facilities for potential spill hazards, repairs, and maintenance issues. DLZ Project Manager, Laura Gruzwalski, will make recommendations for improvements, if necessary, and annually review the existing PIPP. Approximately ten (10) staff hours will be needed to complete this task.

- **MS4 Permit Application Re-Submittal** – The CITY's MS4 progress report is due to the Michigan Department of Environment, Great Lakes & Energy (EGLE) via MiEnviro by April 1, 2025. DLZ proposes to develop the application content, submit drafts to the CITY for review, and upload the final application packet to MiEnviro. Approximately thirty (30) staff hours are anticipated to complete this task.

- **Storm Outfall & TMDL Investigations** – As required by the Michigan Department of Environment, Great Lakes and Energy (EGLE), outfall investigations are required at least every five (5) years and Total Maximum Daily Load (TMDL) sampling is required for E coli. DLZ proposes to coordinate storm sewer investigations, sampling, and reporting with the CITY. Approximately forty-eight (48) staff hours are anticipated to complete this task.

- **FOG Program Assistance –** As previously discussed, the CITY intends to develop a more robust Fats, Oil, and Grease (FOG) Program. DLZ proposes to review existing sanitary sewer ordinances for input on improvements, develop sample enforcement letters and public educational material for residents and businesses, and provide additional assistance and support as needed. Approximately six (6) hours are anticipated to complete this task.

- **Miscellaneous Engineering Services –** Throughout the year, additional stormwater services may be needed, at the request of the CITY. Approximately eight (8) staff hours are estimated to complete this task.

RESPONSIBILITIES OF THE CITY

- The CITY will provide any necessary information needed to complete reports and other documents.
- The CITY will provide a review of all documentation produced during the project in a timely manner.

TERMS AND CONDITIONS

The Standard Terms and Conditions, as set forth as attached Exhibit A, are incorporated here into and made a part of this Work Order Proposal. The Client referred to in the Standard Terms and Conditions means the City of Madison Heights.

SERVICES FEE

For services described in the **SCOPE OF SERVICES**, DLZ proposes to charge, and CITY agrees to pay a Lump Sum fee of **$17,600.00**. Invoices will be rendered monthly.

If you approve and accept this Proposal, please sign, date, and return one copy of this Proposal for our records. Should you prefer to issue a Purchase Order as your official acceptance, we request that you reference this Proposal in your paperwork.

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DLZ appreciates the opportunity to submit this Letter Agreement for professional services. This offer will remain open for acceptance for 60 days. If for any reason you should have questions, please do not hesitate to call Laura Gruzwalski at (248) 836-4053.

Sincerely,
DLZ MICHIGAN, INC.



Manoj Sethi, PE
President

Attachments:
Exhibit A: Standard Terms and Conditions

Approved and Accepted

Signature _____

Printed Name _____

Title _____

Date _____

Exhibit A

DLZ'S STANDARD TERMS AND CONDITIONS

1. INVOICES AND PAYMENT: Unless the parties have agreed otherwise, DLZ will submit monthly invoices to CLIENT for services performed in the prior month. Except to the extent CLIENT disputes in good faith all or a portion of a DLZ invoice, CLIENT will pay DLZ the invoiced amount within thirty (30) days from the date of the invoice; and, in default of such payment, agrees to pay all cost of collection, including reasonable attorney's fees, regardless of whether legal action is initiated. Invoiced amounts not in dispute will accrue interest at eight percent (8%) per annum after they have been outstanding for over thirty (30) days. If an invoiced amount not in dispute remains unpaid sixty (60) days after the date of the invoice, DLZ may, upon giving seven (7) days written notice of its intent to do so, suspend all project services until all unpaid invoiced amounts not in dispute are paid in full. If an invoice remains unpaid ninety (90) days after the date of the invoice, DLZ may, upon giving seven (7) days written notice of its intent to do so, declare CLIENT to be in breach of this agreement.

2. CONSTRUCTION SERVICES: If DLZ's scope of services includes providing professional services during the project's construction phase, DLZ will not have control over or be responsible for contractor means, methods, techniques, sequences, procedures, or schedule, or the contractor's failure to comply with the construction contract documents or applicable laws, ordinances, rules or regulations. If DLZ provides construction inspection or observation services, DLZ will report to CLIENT all contractor deviations from the construction contact documents that come to DLZ's attention. However, such services are solely intended to enable DLZ to maintain familiarity with, and keep CLIENT informed of, the general progress and quality of the contractor's work, and not to require DLZ to perform exhaustive inspections of contractor work for its compliance with the construction contract documents, which shall remain solely contractor's responsibility.

3. CHANGES IN REQUIREMENTS: In the event additional services are required due to a change, after the date of this agreement, in CLIENT's requirements, or in the applicable law, standards, or governmental requirements or policies, DLZ will be entitled to additional compensation for such additional services.

4. SURVEY STAKING: If DLZ's scope of services includes survey layout, DLZ will not be responsible for subsequent disturbances of its layout except to the extent caused by DLZ or persons for whom it is responsible.

5. MISCELLANEOUS EXPENSES: Except to the extent otherwise provided in this agreement, CLIENT is responsible for all third-party fees and charges including, without limitation, fees and charges for inspections, zoning or annexation applications, assessments, soils engineering, soils testing, aerial topography, permits, rights-of-entry, bond premiums, title company charges, blueprint and reproduction costs, and all other third-party fees and charges.

6. CHANGE OF SCOPE: DLZ's scope of services in this agreement is based on facts known at the time of execution of this agreement, including, if applicable, information supplied by CLIENT. DLZ will promptly notify CLIENT in writing of any perceived changes to its scope of services required by new information or by persons or circumstances beyond DLZ's control, and the parties shall negotiate modifications to this agreement before DLZ begins performance of the revised scope.

7. SAFETY: DLZ will take reasonable steps to protect the safety of its employees, and to perform its services in a safe manner. DLZ is not responsible for project safety other than with regard to its own services.

8. REUSE OF PROJECT DELIVERABLES: CLIENT's use of any project documents or DLZ deliverables, including electronic media, for any purpose other than that for which such documents or deliverables were originally prepared, or alteration of such documents or deliverables without written verification or adaption by DLZ for the specific purpose intended, will be at CLIENT's sole risk.

9. OPINIONS OF CONSTRUCTION COST: Any opinion of construction costs prepared by DLZ is supplied for the general guidance of the CLIENT only. Since DLZ has no control over competitive bidding or market conditions, DLZ cannot guarantee the accuracy of such opinions as compared to contractor bids or actual cost to CLIENT.

10. INSURANCE: During the performance of its services and for two years thereafter, DLZ will maintain the following minimum insurance coverage: General Liability- $1,000,000 per occurrence, $2,000,000 general aggregate, $2,000,000 products/completed operations aggregate, $1,000,000 personal/advertising injury aggregate; Automobile Liability- $1,000,000 combined single limit; Workers Compensation and Employers Liability- in conformance with statutory requirements, and $1,000,000 employers liability; and Professional Liability- $2,000,000 per claim and in the aggregate. Certificates evidencing such coverage will be provided to CLIENT upon request. If DLZ is providing construction phase services, CLIENT agrees to require its contractor to include DLZ as an additional insured on the contractor's General Liability and Automobile Liability insurance policies, and DLZ's above-listed coverage will be excess over the contractor's coverage, which will be primary.

11. INDEMNITY: To the fullest extent permitted by law, each of the parties agrees to indemnify and save harmless the other party from and against all liability, damages, and expenses, including reasonable attorney's fees, sustained by the other party by reason of injury or death to persons or damage to tangible property, to the proportionate extent caused by the negligent acts or omissions of the indemnifying party or its employees.

12. CONSEQUENTIAL DAMAGES: Neither party will be liable to the other for consequential, special, incidental, indirect, liquidated, or punitive damages.

13. LIABILITY: No employee of DLZ or of its parent, subsidiary, or affiliated companies will be personally liable to CLIENT. DLZ's total liability to CLIENT, and any coverage of CLIENT as an additional insured under any of DLZ's insurance policies, for injuries, claims, losses, expenses or damages arising out of DLZ's services or this agreement from any causes including, but not limited to, DLZ's negligence, error, omissions, strict liability, or breach of contract, will not exceed the total compensation received by DLZ under this agreement.

14. DISPUTES: Any claim or controversy arising out of or relevant to this agreement, or the breach thereof, shall be settled by binding arbitration in the state in which the project is located, in accordance with the rules of the American Arbitration Association, and judgment upon any award rendered by the arbitrator(s) may be rendered in any court having jurisdiction thereof.

15. STATUTE OF LIMITATIONS: The parties agree that the time period for bringing claims regarding DLZ's Service's under this agreement expires on the earlier of one year after completion of the project, or two years after completion of DLZ's project services.

16. DELAYS: DLZ is not responsible for delays caused by persons or circumstances for which DLZ is not responsible.

17. SHOP DRAWINGS: If DLZ's scope of services includes reviewing shop drawings, such reviews are solely with regard to their general conformance with the design concept, and not for the purpose of reviewing or approving their accuracy, completeness, dimensions, quantities, constructability, compatibility with other construction components, or compliance with the requirements of the construction contract documents, all of which remain the contractor's responsibility. DLZ is not responsible for reviewing or approving the contractor's safety precautions or construction means, methods, sequences or procedures.

18. ACCEPTANCE: Both parties will consider DLZ's initiation of services prior to execution of this agreement in order to accommodate CLIENT, at CLIENT's request, as CLIENT's formal acceptance of all of the terms and conditions in this agreement.

19. STANDARD OF CARE: DLZ will perform its services with the care and skill ordinarily exercised by members of its profession currently practicing under similar conditions in the same locale. DLZ does not make, and expressly disclaims, any other warranties, express or implied, relating to its services including, without limitation, warranties of merchantability and fitness for a particular purpose. DLZ shall be entitled to rely on all CLIENT-provided information except to the extent otherwise stated in the agreement.

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Greg Lelito, Fire Chief

AGENDA ITEM CONTENT: 2024 Oakway Mutual Aid Association Agreement

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

See memo

RECOMMENDATION:

Request for City Council to approve The 2024 Oakway Mutual Aid and mutual Aid Box Alarm System Division 3202 Interlocal Agreement

INTEROFFICE *MEMORANDUM*

To: *Melissa Marsh*

From: *GregLelito, Fire Chief*

Re: *Oakway Interlocal Agreement*

Date: *4/20/24*

The State of Michigan requires EMS agencies to adopt an up-to-date mutual aid arrangement every five years.

In 2019, the City Council approved revisions to the 2012 Interlocal Agreement, creating the Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202 mutual aid agreement.

Attached for City Council review is the Interlocal Agreement between the political subdivision of the Citys of Birmingham, Farmington Hills, Ferndale, Madison Heights Heights, Rochester Hills, Royal Oak, Southfield, and the Townships of Independence, Waterford, and West Bloomfield.

Since its last adoption in 2019, the only change to the association is the addition of the Independence Township Fire Department to the group. No other language changes or edits have been made to the agreement.

Staff and I recommend that the City Council approve the Interlocal Agreement. I would be happy to address any questions or comments you may have.

AMENDED INTERLOCAL AGREEMENT

BETWEEN

PARTICIPATING POLITICAL SUBDIVISIONS AS SIGNATORIES TO THIS INTERLOCAL AGREEMENT

CREATING THE

OAKWAY MUTUAL AID ASSOCIATION AND MUTUAL AID BOX ALARM SYSTEM DIVISION 3202

A Michigan Public Body Corporate

THIS AMENDED AND RESTATED INTERLOCAL AGREEMENT is entered into by the City of Madison Heights and the other political subdivisions that approve and sign this Agreement referred to in this Agreement as "Party" and collectively as the "Parties."

RECITALS:

WHEREAS, each Party has the power, privilege, and authority to maintain and operate a fire department providing fire protection, fire suppression, transporting emergency medical services, technical rescue services, hazardous incident response and other emergency response services ("Fire Services") and provides such Fire Services as a paid, career Fire Department; and

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration, or disaster ("Incidents"); and

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28 and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 *et seq*. of the Michigan Compiled Laws (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege, or authority which such political subdivisions share in common and which each might exercise separately; and

WHEREAS, the Parties desire to enter into an interlocal agreement, pursuant to the Act, to further improve Fire Services; and

WHEREAS, as a result of entering into an interlocal agreement to further improve Fire Services, the Parties are creating the Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202 ("MABAS 3202"), as a separate legal entity and a public body corporate (the "Association") pursuant to the Act; and

WHEREAS, each Party has the authority to execute this Agreement pursuant to a resolution of its governing body; and

WHEREAS, each Party desires to commit personnel and equipment to another Party upon request of another Party as provided in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, undertakings, understandings, and agreements set forth in this Agreement, and the background facts presented above, it is hereby agreed as follows:

ARTICLE I
DEFINITIONS

The Parties agree that the following words and expressions, as used in this Agreement, whenever initially capitalized, whether used in the singular or plural, possessive or non-possessive, either within or without quotation marks, shall be defined and interpreted as follows:

Section 1.01. Agreement. "Agreement" means this Agreement creating the Oakway Mutual aid Association and Mutual Aid Box Alarm System 3202.

Section 102. Association Board. "Association Board" means the board of the Association created by this Agreement.

Section 1.03. Bylaws. "Bylaws" means such rules and procedures for the operation of the Association as established by the Association Board and as may from time to time be amended by the Association Board.

Section 1.04. Days. "Days" means calendar days.

Section 1.05. Fire Apparatus. "Fire Apparatus" means vehicles and equipment of a Party used in performing Fire Services.

Section 1.06. Fire Chief. "Fire Chief" means the chief of a Fire Department, or Executive Officer of Fire Operations within a public safety department.

Section 1.07. Fire Department. "Fire Department" means the operating fire department of a Party.

Section 1.08. Fire Fighters. "Fire Fighters" means personnel qualified and trained in providing Fire Services.

Section 1.09. Fire Services. "Fire Services" means providing fire protection, fire suppression, transporting emergency medical services, special operations, and such other services as may be set forth in the Bylaws for an Incident.

Section 1.10. Fiscal Year. "Fiscal Year" means the fiscal year of the Association starting on January 1 and ending on December 31st of each year.

Section 1.11. Incident. "Incident" means a public emergency, conflagration, or disaster.

Section 1.12. Member. "Member" means the Fire Chief appointed by a Party to serve on the Association Board.

Section 1.13. Mutual Aid Box Alarm System. "Mutual Aid Box Alarm System," or

"MABAS," means a definite and prearranged plan whereby response and assistance is provided to a requesting Party by an assisting Party in accordance with the system established and maintained by MABAS members.

Section 1.14. Open Meetings Act. "Open Meetings Act" means Act No. 267 of the Public Acts of 1976, as amended, being MCL 15.261 et seq.

Section 1.15. Party. "Party" means a political subdivision which is a signatory to this Agreement.

Section 1.16. Standard Operating Guideline. Standard Operating Guideline "SOG" means such rules and procedures for the operation of the Association as established by the Association Board and as may from time to time be amended by the Association Board.

Section 1.17. State. "State" means the State of Michigan.

ARTICLE II
ESTABLISHMENT OF THE ASSOCIATION

Section 2.01. Establishment and Legal Status of the Association. The Parties intend and agree that MABAS 3202 is established as a separate legal entity and public body corporate pursuant to the Act and this Agreement.

Section 2.02. Name of Association. The name of the Association is "Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202" ("MABAS 3202").

Section 2.03. Federal Tax Status. The Parties intend that the Association shall be exempt from federal income tax under Section 115(1) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future tax code.

Section 2.04. State and Local Tax Status. The parties intend that the Association shall be exempt from all State and local taxation including, but not limited to, sales, use, income, single business, and property taxes under the applicable provisions of the laws of the State.

Section 2.05. Title to Association Property. All property is owned by the Association as a separate legal entity. The Association may hold any of its property in its own name or in the name of one (1) or more nominees, as determined by the Parties.

Section 2.06. Compliance with Law. The Association shall comply with all federal and State laws, rules, regulations, and orders applicable to this Agreement.

Section 2.07. Principal Office. The principal office of the Association ("Principal Office") shall be at such locations determined by the Association Board.

ARTICLE III
PURPOSE

Section 3.01. Purpose. The purpose of the Association shall include joint exercise of the shared and essential governmental power, privilege, or authority of the Parties for the mutual protection of persons and property without regard to boundary lines between the Parties during incidents as provided in this Agreement.

Section 3.02. Major Activities. The major activities of the Association in the exercise of this shared power shall be the cooperative efforts of the Parties in lending personnel and equipment for Fire Services. Additional activities include facilitating cooperative efforts of the Parties in planning, preparedness, exercise and training for Incidents.

ARTICLE IV
SHARED POWERS

Section 4.01. Shared Powers of the Association. In carrying out the purpose as set forth in Article III of this Agreement, the Association is authorized to perform the following, either independently or with any individual or legal entity, subject to the limitations contained in this Agreement:

(a). Sue and be sued;

(b). Make, execute, and deliver contracts, conveyances, and other instruments that are necessary or convenient;

(c). Make and amend bylaws;

(d). Solicit and accept gifts, grants, loans, and other aids from any individual or legal entity or to participate in any other way in any federal, State, or local government program;

(e). Procure insurance against any loss in connection with the Association's property or activities;

(f). Engage personnel as is necessary and engage the services of private consultants, managers, counsel, auditors, and others for rendering professional management and technical assistance and advice;

(g). Charge, impose, and collect fees and charges in connection with any transactions or services as approved by the Association Board;

(h). To the extent allowed by law, indemnify and procure insurance indemnifying any members of the Association Board, officers, or employees for personal loss or accountability from liability asserted by any individual or legal entity for any acts or omissions of the Association;

(i). Borrow money and incur debts, liabilities, or obligations. The debts, liabilities, or obligations of the Association shall not constitute debts, liabilities, or obligations of any Party; and

(j). Exercise any and all other necessary and proper powers to effectuate the purposes and intent of this Agreement.

ARTICLE V
ADDITIONAL POWERS; LIMITATION ON POWERS; NO WAIVER OF GOVERNMENTAL IMMUNITY

Section 5.01. Additional Powers. In addition to the powers set forth in Article IV of this Agreement, the Association is authorized to:

(a). Form and own other legal entities to further the purposes of this Agreement; and

(b). Cooperate with a political subdivision, an instrumentality of that political subdivision, or other legal or administrative entity created under the Act.

Section 5.02. Limitation of Powers. The Association may not:

(a). Levy any type of tax; or

(b). Incur debts, liabilities, or obligations that constitute debts, liabilities, or obligations of any Party.

Section 5.03. No Waiver of Governmental Immunity. The Parties agree that no provision of the Agreement is intended, nor shall any provision be construed, as a waiver by any Party of any governmental immunity provided by law.

ARTICLE VI
DURATION, WITHDRAWAL, AND TERMINATION OF INTERLOCAL AGREEMENT

Section 6.01. Duration. The existence of the Association commences on January 1, 2019, or as soon thereafter as this Agreement is filed under the Act with at least two Parties as signatories ("Effective Date"), and continues until terminated in accordance with Section 6.03.

Section 6.02. Withdrawal by a Party. Any Party may withdraw from the Agreement at any time upon thirty (30) Days notice to the Association. The withdrawal of any Party shall not terminate nor have any effect upon the provisions of the Agreement so long as the Association remains composed of at least two (2) Parties.

Section 6.03. Termination. This Agreement shall continue until terminated by the first to occur of the following:

(a). The Association consists of less than two (2) Parties; or

(b). Unanimous vote of termination by the Association Board.

Section 6.04. Disposition upon Termination. As soon as possible after termination of this Agreement, the Association shall wind up its affairs as follows:

(a) All of the Association's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Association and distribution of its assets shall be paid first.

(b) Assets that were transferred to the Association by any Party that remain with the Association at the time of termination shall be returned to that Party.

(b). The remaining assets, if any, shall be distributed to the Parties on an equitable basis as determined by the Association Board.

(c). All of the Association's records shall be maintained by any Member possessing Association records as set forth in the Association's Bylaws, whether in hard copy or electronic format, and for a period of two (2) years after termination of this Agreement, or longer if required by law.

ARTICLE VII
ASSOCIATION BOARD

Section 7.01. Association Board Composition. The governing body of each Party shall appoint one (1) Member to the Association Board who shall serve at the pleasure of the governing body of the appointing Party. In the absence of a specific appointment by a Party's governing body, its Fire Chief shall be its appointed representative.

Section 7.02. Association Board Authority. The Association Board shall exercise the powers of the Association. The Association Board shall elect a President, Vice-President, Secretary, and Treasurer, and such other officers as it deems necessary, from the membership, and the duties of the officers may be set forth in the Bylaws. The Association may combine the elected offices of Secretary and Treasurer. The Association Board shall select a Member and an alternate to serve as the voting representative on the Michigan MABAS Executive Board. The Association Board shall select a Member to serve as Plans Coordinator. The Association Board may establish committees as it deems necessary.

Section 7.03. Meetings. The Association Board shall hold at least one (1) annual meeting at the place, date, and time as the Association Board shall determine. Additional meetings shall take place as provided in the Bylaws. Meetings shall comply with the Open Meetings Act and the Bylaws.

Section 7.04. Quorum and Voting. Members constituting a majority of the Association Board shall be required to constitute a quorum for the transaction of business and a

majority vote at a meeting at which a quorum is present shall be necessary for the transaction of business. Presence in person shall be required for both quorum and voting. In the event that an Association Member cannot attend the meeting, a pre-identified proxy can attend and vote in the Association Member's stead, as stated in the Bylaws.

Section 7.05. Fiduciary Duty. The Members of the Association Board are under a fiduciary duty to conduct the activities and affairs of the Association in the best interests of the Association, including the safekeeping and use of all Association monies and assets for the benefit of the Association. The Members of the Association Board shall discharge this duty in good faith with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.

Section 7.06. Compensation. The Members of the Association Board shall receive no compensation for the performance of their duties, but each Member shall be reimbursed for the reasonable expenses of its Member in carrying out those duties. Each Party shall appoint its Fire Chief to represent its municipality as a member of the Association Board.

ARTICLE VIII
PARTY CONTRIBUTION

Section 8.01. Fire Fighters. Each Party shall make available without cost to the Association or any other Party such Fire Fighters as set forth in the Bylaws who will actively participate in Incidents if assistance is requested. These Fire Fighters shall remain at all times employees of the Party providing them and shall continue to be solely in that Party's benefit system including wages, pension, seniority, sick leave, vacation, health and welfare, longevity, and other benefits, if applicable.

Section 8.02. Fire Apparatus. Each Party shall make available without cost to the Association or any other Party such Fire Apparatus as set forth in the Bylaws.

ARTICLE IX
FIRE SERVICES

Section 9.01. Requests for Fire Services. A Party's Fire Chief, the ranking officer on duty, or other officer as designated by the Fire Chief, shall have the right to initiate requests for Fire Services at such times as deemed to be in the best interests of the Party to do so. When initiating requests for Fire Services, each Fire Department shall use MI-MABAS box cards.

Section 9.02. Response to Request for Fire Services. Upon a Fire Department's receipt of a request from another Party for Fire Services, the Fire Chief, the ranking officer on duty, or other officer as designated by the Fire Chief shall have the right to commit the requested Fire Fighters, other personnel, and Fire Apparatus to the assistance of the requesting Party. A Party shall provide Fire Services to any other Party upon request provided that the Fire Fighters and Fire Apparatus of the requested Party are not already engaged in providing Fire Services within the geographic boundaries of the requested Party, or elsewhere, in a manner precluding the extension of Fire Services to the

requesting Party. A Party shall always have the right to maintain the operational capacity of its own jurisdiction. A Party which has withheld or refused or provide requested assistance under this Agreement shall immediately notify the requesting Party, and if requested, shall submit a written explanation for the refusal to the Association Board and requesting Party within ten (10) days of the refusal.

A Party responding to a request for Fire Services shall not be required to maintain Fire Fighters or Fire Apparatus within the boundaries of the Party requesting Fire Services for a period longer than is necessary. Additional response guidelines may be established by the Association Board or by the Bylaws.

Section 9.03. Mutual Aid Box Alarm System. Response of mutual aid resources shall be in accordance with the Mutual Aid Box Alarm System in place at the time of the request. This Agreement replaces and supersedes any and all mutual aid box alarm system agreements by and between the Parties to this Agreement, except for the Michigan Mutual Aid Box Alarm System Agreement.

Section 9.04. Incident Management System. Command, control, and coordination at the Incident shall be based on a nationally recognized Incident Management System, as set forth in writing by a Party to the Association. The Fire Chief, the ranking officer on duty, or other officer of the requesting Party shall be the officer in charge of the operations at the Incident. All Fire Fighters, other personnel, and Fire Apparatus of a responding Party shall be under the command and control of the highest commanding officer of the responding Party. All directives and orders by the officer in charge of operations at the Incident regarding Fire Fighters, other personnel, and Fire Apparatus shall be directed to the highest ranking officer attached to the responding Party.

Section 9.05. Obligations to non-Parties. This Agreement shall not release any Party from any other obligations or agreements such Party may have with any individual or legal entity relating to Fire Services that is not a Party to this Agreement.

ARTICLE X
ADMISSION AND REMOVAL OF PARTIES

Section 10.01. Admission. After the Effective Date, additional municipalities may become a Party to this Agreement with the approval by resolution adopted by that municipality's legislative body and upon two thirds (2/3rds) approval of the Members of the Association Board present at the meeting when the vote is taken. A new Party shall submit a signed copy of this Agreement to the Association Board and its appointment of a Member to the Association Board shall be effective upon filing the Agreement as set forth in the Act.

Section 10.02. Removal. A Party may be removed from the Association upon a two thirds ($2/3^{rd}$) vote of the Members of the Association Board present at the meeting when the vote is taken.

ARTICLE XI
BOOKS AND REPORTS

Section 11.01. Accrual Basis. The Association shall maintain its books of account on an accrual basis of accounting.

Section 11.02. Financial Statements and Reports. The Association shall cause financial statements (i.e. balance sheet, statement of revenue and expenses, statement of cash flows, and statement tracking changes in fund balance) to be prepared at least annually at Association expense. A copy of the various financial statements shall be provided to each Party.

ARTICLE XII
FINANCES

Section 12.01. Assessment. The Association Board shall determine dues, fees, and assessments to be contributed by each Party, the amount of which and payment procedure shall be set forth in the Bylaws.

ARTICLE XIII
MISCELLANEOUS

Section 13.01. Liability. Each Party will be solely responsible for the acts of its own employees, agents, and subcontractors, the costs associated with those acts, and the defense of those acts. No liability, right, or benefit arising out of any employer/employee relationship, either express or implied, shall arise or accrue to any Party as a result of this Agreement. The Parties shall not be responsible for any liability or costs associated with the acts, or the defense of the acts, of Parties outside of their political jurisdictions, but will make personnel available for any legal process upon request of a Party defending a claim relating to services provided pursuant to this Agreement. It is agreed that none of the Parties shall be liable for failure to respond for any reason to any request for Fire Services or for leaving the scene of an Incident with proper notice, or without significant notice in the case of an emergency, after responding to a request for service.

Section 13.02. Entire Agreement. This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter hereof. It is further understood and agreed that the terms and conditions herein are contractual and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter hereof, except as expressly stated herein.

Section 13.03. Severability of Provisions. If any provision of this Agreement, or its application to any person or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances is not affected but will be enforced to the extent permitted by law.

Section 13.04. Governing Law. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced, and governed under the laws of the State of Michigan without regard to the doctrines of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

Section 13.05. Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement.

Section 13.06. Terminology. All terms and words used in this Agreement, regardless of the numbers or gender in which they are used, are deemed to include any other number and any other gender as the context may require.

Section 13.07. Cross-References. References in this Agreement to any Article include all Sections, subsections, and paragraphs in the Article; references in this Agreement to any Section include all subsections and paragraphs in the Section.

Section 13.08. Jurisdiction and Venue. In the event of any disputes between the Parties over the meaning, interpretation, or implementation of the terms, covenants, or conditions of this Agreement, the matter under dispute, unless resolved between the Parties, or unless an alternative is agreed upon by the Parties, shall be submitted to the courts of the State of Michigan, with original jurisdiction and venue vested in the Oakland County Circuit Court.

Section 13.09. Recitals. The Recitals shall be considered an integral part of this Agreement.

Section 13.10. No Third Party Beneficiaries. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication), right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.

Section 13.11. Amendment. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of the Parties.

Section 13.12. Counterpart Signatures. This Agreement may be signed in counterpart. The counterparts taken together shall constitute one (1) Agreement.

By their signatures, the undersigned represent that they are duly authorized to sign this Agreement on behalf of, and to bind, their respective municipalities, and the municipalities listed hereafter shall constitute the membership of the Association upon their respective execution of this Agreement:

[Individual Municipal Signature Pages Follow]

COMMUNITY: City of Birmingham

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: Bloomfield Township

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Farmington Hills

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Ferndale

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: Independence Township

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Madison Heights

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Rochester Hills

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Royal Oak

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: City of Southfield

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: Waterford Township

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

COMMUNITY: West Bloomfield Township

Address: _____

_____

_____

WITNESSES:

_____ BY: _____

_____ ITS: _____

DATE: _____

_____ BY: _____

_____ ITS: _____

DATE: _____

AGENDA ITEM SUMMARY FORM

MEETING DATE: 04/22/24

PREPARED BY: Melissa Marsh, City Manager

AGENDA ITEM CONTENT: Membership - Michigan Municipal Association for Utility Issues - MI-MAUI

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: $2,500

FUNDS REQUESTED: $4,413

FUND: 101 - General Fund

EXECUTIVE SUMMARY:

Madison Heights is joining an municipal pool, Michigan Municipal Association for Utility Issues (MI-MAUI). The biggest commitments are electric rates cases files by DTE and Consumers Energy. MAUI works to fund advocacy and litigation related to these utility issues and are current developing an aggressive plan DTE rate case to advocate reliability and cost control. They plan also to argue for better information sharing with local governments, and project coordination; for example coordination with DTE and municipality to place electric lines underground during city road construction. Councilman David Soltis has asked that the City Council take action on the DTE rate case, therefore this partnership invoice is being sent to City Council for formal discussion and approval.

RECOMMENDATION:

City Council approved the City of Madison Heights' membership and support of the Michigan Municipal Association for Utility Issues (MI-MAUI).

Michigan Municipal Association for UTILITY ISSUES
MI-MAUI

Date: March 7, 2024
Number: 202401

Invoice

To:
Melissa Marsh
City Manager
Madison Heights, Michigan

From:
MI-MAUI
4989 Earhart Road
Ann Arbor, MI 48105
USA

Description of work
2024 MI-MAUI membership assessment, figured as 0.3% of DTE billings. *= 2023 dues + 7% DTE rate increase* *=$1,887 x 1.07* MPSC case no. U-21297 share of legal fees, apportioned as $0.20/streetlight.

2024 membership	$2,019.00
Share of legal fees, case no U-21297	$507
2023 membership – past due	$1,887
Total due	**$4,413**

Please remit payment within 21 days of invoice date, to address above or via electronic payment.

Michigan Municipal Association for UTILITY ISSUES
MI-MAUI

April 2, 2024

Dear MI-MAUI members,

I am pleased to provide this review of 2023 MI-MAUI activities and outcomes and a preview of 2024 activities.

As usual, our biggest 2023 commitments were to the electric rate cases filed by DTE and Consumers Energy.

In DTE Electric general rate case no. U-21297, the Commission's December 2023 final order handed local governments a big victory on streetlight costs and reliability and progress on reliability concerns. The Commission disallowed any increase to direct streetlight costs, which is where we focus our efforts. The final streetlight increase was 6.9%, less than any other rate class and explained entirely by increases in general electric system costs which we did not address. In addition, DTE was ordered to provide all streetlight customers with periodic outage reports, to improve accountability for service quality. Our advocacy also led the Commission to order DTE to improve its project coordination with local governments and to reject DTE's proposed increase in the financial rate of return. I am attaching a more detailed case-outcome summary, prepared by our rate case attorney, Valerie Brader.

DTE has now filed its next electric rate case, no. U-21534. We are evaluating the filing and preparing our recommendations for intervention.

In Consumers Energy electric rate case no. U-21389, the primary outcome was a big increase in streetlight rates. This is not all bad, because as you will recall we got the Company to stop charging you out-of-pocket for LED conversions a couple of years ago; now they are recovering those costs in rates, and you might think of the increase as offset by the reduction in out-of-pocket costs. We argued two other cost issues. One, we argued that customers who want new lights installed should pay the full installation cost; right now, installation costs over $100 per light are paid by Consumers and recovered in rates, such that all customers pay for one customer's new light. The Commission did not grant us relief on this issue but did order Consumers to justify why it charges customers so little the next time it files a rate case. The Commission also ordered Consumers to make streetlight outage reports available to customers, so they can track the reliability of your service and the outage credits they received on their bill. We are meeting regularly with Consumers to follow up on these items and to discuss ongoing operational concerns. A more detailed summary of rate case outcomes is attached here.

We filed comments on the Electric Distribution Infrastructure Investment Plans (EDIIPs) of both DTE and Consumers Energy. EDIIPs are meant to lay out a roadmap and costs for safe, affordable and reliable electricity distribution. Our comments did not attempt comprehensively to address to all issues that might be of fiscal, operational, or policy concern to local governments. Rather, to focus our message, we

Michigan Municipal Association for UTILITY ISSUES
MI-MAUI

addressed issues no other commenters would address, or on which local governments have unique perspectives or credibility. I sent those comments to you by email previously.

We continue to address a range of data access concerns for local governments. Last year, the Commission finally ordered the utilities to provide reliability data segmented by zip code and census tract, with additional reliability analysis of low-income and other "energy justice" areas. I would be happy to help extract reliability data for your community upon request. We continue to advocate for better local-government access to data about the energy and economic needs of the people you serve; for example, summary data about service disconnections and arrearages, customers on special low-income and senior rates, etc. Similarly, we support local government access to community energy-use data that can help you set and track energy security, energy efficiency, renewable energy and climate goals. Finally, we are advocating for more timely and detailed communication from the utilities during power outages, which might help local governments better deliver services where and to whom they are needed.

I serve on MAUI's behalf on the Commission's Low Income Energy Policy Board and Energy Affordability and Assistance Committee, both of which seek to improve energy security for low-income and other marginalized customers.

We are addressing other issues, as well, and I would be happy to hear from you about emerging needs and concerns in your community. We appreciate your ongoing engagement in MI-MAUI and look forward to continuing to serve your priorities.

Very best regards,

Rick Bunch
Executive Director

City Council Regular Meeting
Madison Heights, Michigan
April 15, 2024

A City Council Regular Meeting was held on Monday, April 15, 2024 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Councilman Sean Fleming
Councilman William Mier
Councilor Emily Rohrbach
Councilman David Soltis
Councilor Quinn Wright

OTHERS PRESENT
City Manager Melissa Marsh
City Attorney Larry Sherman
Deputy City Manager/City Clerk Cheryl Rottmann
43rd District Court Administrator Sharon Arseneault
Community and Economic Development Director Giles Tucker
Finance Director Linda Kunath
Fire Chief Greg Lelito
Human Resources Director Misczak
Library Director Vanessa Verdun-Morris
Police Chief Brent LeMerise
Public Services Director Sean Ballantine

Councilman Fleming gave the invocation and the Pledge of Allegiance followed.

CM-24-84. Amendment to the Agenda – Move Item 9 to Presentations.

Motion to move Item 9, *Historical Commission - Proposed Naming of Soccer Complex, Rosie's Park Pavilion, the City Hall Executive Conference Room, and the Active Adult Billiards Room*, to Presentations following the Animal Control Officer Week Proclamation.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-24-85. Amendment to the Agenda – Item 5 Name Correction.

Motion to change Item #5 to read, *City Manager - Presentation of the FY 2025 Proposed Budget*.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

PRESENTATIONS:

Certificate of Recognition for Michael Sheppard

Mayor Grafstein read a Certificate of Recognition for Michael Sheppard, owner of Madison Heights business Northern Audio Services, thanking him for his support and assistance to the Historical Commission's *History of Music* event as well as his civic contributions to the City. On behalf of the City Council, Mayor Grafstein presented the Certificate of Recognition to Michael Sheppard.

National Telecommunicators Week Proclamation

Mayor Grafstein read the National Public Safety Telecommunicators Week Proclamation and the City Council proclaimed the week of April 14 – 20, 2024, to be National Public Safety Telecommunications Week in Madison Heights; a week to celebrate and thank telecommunications personnel who serve our city, citizens, and public safety personnel 24 hours a day seven days a week. Mayor Grafstein presented PSA Tyrsh with the proclamation and thanked her and all the City's Public Service Aides for their service to the City.

National Animal Control Officer Week Proclamation

Mayor Grafstein read the Animal Control Officers Week Proclamation and the City Council proclaimed April 14 through April 20, 2024 as National Animal Control Officers Week in the City of Madison Heights. She presented ACO Paige Wallace with the proclamation and thanked her and her aides for their service to the City.

CM-24-86. Historical Commission -Proposed Naming of the Soccer Complex, Rosie's Park Pavilion, the City Hall Executive Conference Room, and the Active Adult Billiards Room.

Motion to name the Soccer Complex as the Swanson Soccer Complex and Fields for Edward Swanson; the pavilion to be added to Rosie's Park for Elva Mills; rename the Executive Conference Room in City Hall for Lindell Ross; and name the Active Adult Center Billiards Room after Rich Clark.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming.

Mayor Pro Tem Bliss gave a brief overview of the contributions that these recognized members of Council made to the City. He stated that they are all the incredible people who helped make Madison Heights the city it is today and hopefully they will continue to inspire those that come in the future.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

Presentation of the FY 2025 Proposed Budget

City Manager Marsh began the presentation by acknowledging the outstanding efforts of the Finance Director Linda Kunath, Assistant to the City Manager Adam Owczarzak, as well as all Department Heads and staff for an excellent effort in preparing a priority-based budget that continues to maintain existing services and implements our City's strategic plan. She also thanked the Mayor and City Council for their leadership and support in planning the City's financial operations responsibly and progressively. This budget is the product of our collective efforts, bringing success to our community.

Finance Director Kunath stated that in preparing the budget, the goals and financial policies adopted by the City Council guided our process. First, staff have conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritizing needed projects. Third, we analyzed projected fund balance levels and, working with the City Council through the goal-setting process, strategically allocated a minimum use of fund balance to cover our goal priorities, allowing us to maintain the target fund balance. Fourth, we reviewed the taxes and fees being charged to residents and businesses, resulting in a millage reduction from FY 2024 levels and increasing the utility rates. And fifth, we will seek alternative funding options for budgeted services and projects wherever possible.

Finance Director Kunath noted that the total Budget equates to $66.2 million in FY 2025. This Budget includes proposals for 13 appropriated funds and represents an increase of $732,785, or 1.1%, over FY 2024. Most of this increase is due to personnel costs, including adding five new positions, midyear and annual wage adjustments, city-wide pension contributions, and insurance increases. These are all recurring costs and will contribute to higher operational costs from now on. Of this $66.2 million, $10.2 million is Capital Outlay. This includes assets such as vehicles, equipment, building maintenance, and infrastructure such as roads and water mains.

Although the City has the ability to levy 25.9381 mills, Ms. Kunath stated that this proposed budget is supported by a tax rate of 25.4572 mills for FY 2025. The proposed tax rate is a reduction from FY 2024, when the city rate was levied at 25.5288 mills.

Ms. Kunath continued stating that this budget is projected with revenue growth across all funds due to a State Tax Commission Inflation Rate multiplier of 5% and increased state revenue sharing. Even with this higher than the average state inflation rate multiplier, the City's taxable value for

FY 2025 is still only 90.9% of what it was in FY 2008. This prevents the City from restoring services back to 2008 levels.

The City Millage Rates chart shows the City's tax distribution for the 10,339 single-family homes and condominiums in Madison Heights. For Fiscal 2025 the average home market value is $202,433 with a taxable value of $56,212 and an average tax bill of $1,431.27 for City services.

Finance Director Kunath stated that the city, like the businesses and residents that call Madison Heights home, has continued to feel pressure on expenditures due to inflationary increases. While many expenditure areas have returned to traditional increases of 2%-3%, we experienced wage pressure to remain competitive in the region, especially with public safety departments. This is reflected in the proposed budget based on the wage reopeners and extensions for all Union contracts. This budget also adds five new positions; we continue to be very conservative with reoccurring expenditures to ensure there are reoccurring revenues to support these position increases. The positions are Special Projects Grant Administrator, three Emergency Medical Technician (EMT) positions, and a Motor Pool Mechanic.

City Manager Marsh stated that starting in the fall of 2018, the City Council and Staff worked to develop plans that articulate a future vision for the community. These plans considered everyone who lives, works, and visits Madison Heights and centered on developing a solid tax base to allow us to build a strong community and provide services at superior levels. These priorities guide the budget process and include Public Safety, Infrastructure/Capital Assets, Quality of Life, Economic Development, Financial Stability, and Sustainability.

Public Safety

City Manager Marsh noted that Public Safety is key to having a vibrant community. This budget continues that commitment to a safe community by funding traffic safety improvements at $50,000. This is in addition to the $50,000 included in the current budget. Staffing levels in the Fire Department are being increased to help meet the demand for calls. The FY 2025 budget includes the addition of three Emergency Medical Technicians in a new program we are working with the Union to create, which will help meet the hiring demand and train the next generation of employees. These EMTs will be available for services on a 40-hour week schedule during our traditional peak call time, Monday – Friday. Funding for this staffing is being covered by the increase in revenue from Ambulance Services of $200,000 and General Fund operating millage. Court building security replacement is included at $42,000. This security equipment was originally purchased in 2002 to screen all parties entering the courthouse to ensure the safety of the public and court staff. Also included in the budget are Phase 2 of a technology network upgrade and mobile device management, funded at $145,000. This is needed to secure our computer network with equipment upgrades and training.

Infrastructure

City Manager Marsh stated that maintenance and upgrades to our capital assets and infrastructure are also key components for a vibrant community. This includes ensuring that our buildings, roads, and water/sewer mains are maintained. The FY 2025 budget includes the Police Department Building HVAC boiler replacement budgeted at $200,000 combined with the $650,000 we have saved over the prior two years. Phase 1 savings for the Fire Station #1 Roof Replacement project includes an initial $200,000 allocated to a total of $900,000 needed for the entire roof replacement endeavor. Major and Local streets are budgeted at $1.7 million, including Phase 3 savings for John R Overlay of $500,000.

Quality of Life

City Manager Marsh commented that Quality of Life is the City's third priority for funding. This includes Library services, Parks, Recreation, and the Active Adult Center. The FY 2024 Budget currently includes $1.4 million for park improvements, which will take the remainder of FY 2024 and most of FY 2025 to complete. This is in addition to the complete renovation of Ambassador Park, where Oakland County Parks and Recreation is working with the City to create a premier multigenerational recreation space. Due to the time needed to complete these projects, additional capital projects in the parks are not being budgeted in FY 2025. In March 2021, the City finalized the 5-year Parks and Recreation Master Plan. Since then, the City has invested over $2.7 million in our park system and completed most projects in the Master Planning document. Considering that the five years is also up at the end of this calendar year, the FY 2025 budget includes $25,000 to fund a new Parks and Recreation Master Plan, which allows us to continue to take advantage of grant opportunities through the State of Michigan and Oakland County.

Economic Development

Economic Development is the fourth priority and spans both the General Fund and Downtown Development Budgets commented City Manager Marsh. Economic development activity in the General Fund is status quo as we work to complete our Redevelopment Ready status and focus on several new opportunities, such as the redevelopment of East Ten Mile (former Sayers property). Developing a walkable business district has been a focus for our Downtown Development Authority. Over the past year, staff and the DDA have worked on the development of the streetscape plan. The FY 2025 budget for DDA includes $400,000 as implementation funding for the 11 Mile Streetscaping Project. We are hopeful this budget can be used as a grant matches. As part of this overall streetscape plan, the DDA budget also includes increased funding to be made available for facade grants to businesses.

Special Funding

City Manager Marsh discussed a major economic development tool we have utilized: the establishment of marijuana facility licenses throughout our community. Staff will present a comprehensive report related to marijuana facilities, in general, later this year, but this funding does assist the City financially in meeting our general obligations. Since 2019, the City has collected over $1.1 million from marijuana facility businesses. This includes facility license fees, donations, and revenue sharing from the State. All these facilities have also increased taxable value by redeveloping existing dilapidated properties. In addition, these businesses have donated to the Progress Forward - Community Advisory Board in an amount of over $500,000. This funding is applied for through a grant process and has been utilized to fund the Food Panty, community events such as Trail Tunes and Juneteenth, bike fix-it stations and backstops in the parks, murals, disc golf – for a full list of items the Progress Forward - Community Advisory Board has funded visit our website. At www.Madison-heights.org Progress Forward.

Financial Stability

City Manager Marsh noted that Financial Stability and Efficient City Services has always been a priority in the city. As such, we have taken several steps to deal with one of our major financial challenges that continue to hinder our ability to fully restore services to pre-recession: the legacy cost of Police and Fire pensions. As detailed in the strategic plan, the FY 2025 budget continues to address the City's funding of the Police and Fire Pension. As of June 30, 2023 actuarial report, this fund was only 55% funded. However, the City applied for and received a Protecting MI

Pension Grant for $3.6 million for pension contributions and has budgeted additional contributions of $3 million for both FY 2024 and FY 2025. With this additional funding, we are hopeful to reach funding of 65%-70% by June 30, 2025.

Sustainability

Two years ago, City Manager Marsh noted that the City Council added a sixth priority area – Sustainability. Since that time, staff have made strides to move the City forward. We have participated in the Michigan Green Communities Challenge and recently received Silver status. With the recent renovation, we have updated the mechanical equipment in our Civic Center Complex and started benchmarking energy usage/savings through the City facilities. We applied for and were awarded a Sustainability Planning grant through EGLE to create the City's first sustainability Master Plan, which was just presented in draft form to the Environmental Citizen Committee two weeks ago and will be finalized and presented to the City Council by the end of May. We have become a Tree City receiving our award for 4 years in a row just last week. Which helps us take advantage of grant opportunities for tree planting, planning over 500 in the past 5 years. The FY 2025 budget includes an additional $30,000 to continue expanding the tree canopy in Madison Heights. We have also applied for and were recently awarded $500,000 to create a decarbonization plan for Southeast Michigan, with our partners Lamphere Schools, City of Ferndale, and City of Oak Park. The FY 2025 budget also includes funding for city-wide recycling and trash bin program in the amount of $1 million. This program is partially grant-funded with over $500,000 coming from the Recycling Partnership and EGLE and $538,000 coming from the General Fund.

General Fund

Finance Director Kunath noted that due to strong financial management, our city survived the worst economic decline in our history and has emerged with solid financial reserves across significant funds, allowing us to use this reserve to make much-needed investments in our community. As of June 30, 2023, the General Fund's unreserved but assigned fund balance was $11.5 million, with a planned use of fund balance in FY 2024 of $2.0 million and no use of fund balance projected in FY 2025 budget. The city has a fund balance policy requiring a minimum fund balance of 16% of operating expenses plus one year of debt payments. For FY 2025, the minimum fund balance will be approximately $8 million. This budget meets that reserve policy by maintaining a fund balance estimated at the end of FY 2025 to be $9.5 million.

Special Funding - Grants

Since starting strategic planning, Finance Director Kunath stated that one of our guiding principles has been to seek alternative funding for budgeted services and projects when possible. We do a great job advocating for funding, researching options, and reaching out to federal and state representatives as well as private partners to ensure they understand our needs and priorities. While a few of these projects are "wish list" items and would never have been completed without grant funding, over $700,000 are for items that we would need to fund from General Fund revenues if grants were not applied for and awarded, such as $525,000 for ballfield light replacements in FY 2025.

Other Funds – Major Streets and Local Streets

Finance Director Kunath stated that Major Streets construction is proposed in the amount of $1.4 million and includes $500,000 for 5-year phase funding of John R road, as well as sectional and street repairs.

Local Streets construction is proposed in the amount of $1.9 million and includes four road millage projects as well as concrete replacement and street repairs. It is important to note that the local roads millage expires in 2026 and we will have to go out to a vote for R-4 in August 2026 to continue our neighborhood road projects.

Other Funds – Water and Sewer

In the Water and Sewer Fund, Ms. Kunath stated that $1.3 million is budgeted for water main replacement and additional funding for a sanitary sewer rehabilitation program. In addition, the City is receiving a 3.06% increase from our water supplier and an anticipated 4% increase for water and sewer treatment. In order to pay for construction and for these third-party increases, we will adjust water and sewer rates to our end users by 4.02%. Further, the city has an extensive 5-year capital improvement plan that details water main replacement needs for the current and next five years. In order to maintain our replacement and repair of water mains the City will need to consider additional increases to the rates and or taking a loan for repairs. Finance Director Kunath noted that even with this 4.02% increase, Madison Heights still has some of the lowest rates in our region. Based on the consumption average of 12 units (748 gallons of water/unit) Madison Heights' average bill is $132 per quarter.

Finance Director Kunath concluded by stating the City takes pride in its sound financial management, prudent allocation of resources, and steadfast commitment to long-term planning. This proposed budget continues to address evolving conditions and is a statement of our adaptability and resilience. Together, we are witnessing the fruition of our collective efforts, bringing success to our community.

Mayor Grafstein invited the City Council to discuss the proposed budget.

In response to Councilman Soltis' question, Finance Director Kunath stated that Troy and Warren have lower water and sewer rates because they supplement their fund from other general funds.

In response to Mayor Pro Tem Bliss' question, City Manager Marsh noted that the money allocated for Special Projects in previous budget cycles have been used for grant matches. Currently there is $50,000 budgeted for the fiscal year. Mayor Pro Tem Bliss stated that he would like to see the Special Projects budget grow and possibly set aside funds for other areas as well.

In response to Councilman Fleming's question, Finance Director Kunath stated that the sewer rate increase is specifically related to the George W Kuhn Drain. City Manager Marsh added that staff are meeting on this topic tomorrow with Oakland County; however, most of the increase can be attributed to increases in their operational costs which are passed on to the users.

In response to Mayor Pro Tem Bliss, Fire Chief Lelito stated the administration is meeting with the union to move forward on the new EMT positions incorporated into the budget. The goal is to have a 4th rescue unit available during peak call volume periods. The City is looking to hire three medically trained personnel to staff the unit. This is a new idea to help address the increase in run volume. While it is in the infancy of the planning stages, we are willing to try this new approach and are still negotiating with the union. Chief Lelito estimated that approximately 84% of runs are EMS related calls. These positions will help to provide the same level of trained professionals for medical runs, but this staff won't respond to fires.

In response to Councilor Rohrbach, DPS Director Ballantine confirmed that the John R overlay will be for the City owned portion from 11 Mile Road north to approximately Dartmouth Street

and will be done in Fiscal Year 2026. Anything north of that is County owned, which they are planning on doing in Fiscal Year 2025. The 11 Mile Sectional will be east of the DDA section, starting around Nanton. Dequindre is a Macomb County road and maintained by Macomb County Road Commission. We have had communications with them regarding the condition of Dequindre; however, currently, Macomb County does not have it on their capital plans.

Councilor Wright confirmed that this budget includes the three EMT positions, but not the Deputy Fire Chief position. City Manager Marsh stated that the three EMT positions are included but they have to be negotiated with the union. We did originally include the Deputy Fire Chief position in the budget, but it is not included in its entirety at this time. The City knows that we will have to add a position if we obtain Ground Emergency Management funding from the federal government as it will be an administrative lift on the department to implement the program, but we can't say for certain when this funding will become available.

In response to Councilman Soltis' question, Chief Lelito stated that the EMS positions will be medics. In addition, the City is hoping that these positions will also serve as a feeder program for recruitment for the Fire Department.

City Manager Marsh advised that under the City Charter, the Council does have to adopt the budget at their May 13th meeting, so if there are any questions or changes, they need to be made soon to give staff the time to implement them.

Councilman Mier expressed thanks to City Manager Marsh, Finance Director Kunath, and the Department Heads for all the hard work in putting this budget together. A $66 million dollars budget is a lot of work. He stated that while he didn't have a lot of questions this evening, he had several hours of discussion with City Manager Marsh going over the numbers prior to this meeting.

MEETING OPEN TO THE PUBLIC:

Deputy City Manager/City Clerk Rottmann read Jerry Campbell's email comment requesting that vehicles be prohibited from parking on the apron and from blocking the sidewalk at 1596 W. 13 Mile Road due to visibility issues.

CM-24-87. Consent Agenda.

Motion to approve the Consent Agenda as read.

Motion made by Councilman Mier, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM_24-88. Autism Acceptance Month Proclamation.

Motion to approve the Autism Acceptance Month Proclamation.

Motion made by Councilman Mier, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-24-89. City Council Special Meeting Minutes of April 8, 2024.

Motion to approve the City Council Special Meeting Minutes of April 8, 2024, as printed.

Motion made by Councilman Mier, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-24-90. City Council Regular Meeting Minutes of April 8, 2024.

Motion to approve the City Council Regular Meeting Minutes of April 8, 2024, as printed.

Motion made by Councilman Mier, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

COUNCIL COMMENTS:

Councilman Mier wished a Happy Passover next week to those who celebrate. He stated that horrible things are going on overseas, but hopefully you can find some joy as you celebrate. The ITAC and Library Advisory Board are having meetings next week. He stated that he is glad the City honored Michael Sheppard, Telecommunicators, Animal Control Officers, and recognized Autism Acceptance Month. Thanks to all those that worked on the budget. He commented that he would like to see more inclusive events in the City. He stated the Historical Commission did a great job on the *History of Music* presentation.

Mayor Pro Tem Bliss expressed thanks to the Council and for the work of staff for the 2024 naming honorees coming from the Historical Commission. There are always more deserving people that we should honor, but with the help of the Historical Commission, staff, and Council, we will keep chipping away at it. He noted that there is a minimum requirement of serving in an elected capacity for over a decade to even be qualified. He commented that he believes the most exciting part of honoring these individuals is seeing the families and members of the communities at the unveiling event. These ceremonies are a great time to share memories and inspire the next generation. The *History of Music* presentation tonight was a great time and featured phenomenal speakers. For those interested, the presentation was recorded, and it can be found on YouTube. He conveyed his thanks to the staff for their work on the budget and stated that he can say that this is the best budget that he has seen since being on Council. The tax millage is down, there is a record setting amount of money from outside of taxes - $2.5 million in grants, cannabis contributes $1.5 million to the budget, funding things like public safety and quality of life initiatives, and the City is maintaining a healthy fund balance. If anyone has any questions on the budget, please reach out.

Councilor Wright expressed kudos on the Historical Commission event noting that it is awesome when we celebrate the history of the City together. He stated that he also wants to acknowledge those silent heroes that may not be known enough to get their name on the wall, they all have made contributions to making this a great community. April is National Minority Health Month, focusing on the disparities that are in our natural health network and he wanted to bring attention to it. Please remember to be kind.

City Attorney Sherman congratulated the Historical Commission on the *History of Music* presentation. Kudos to the Historical Commission on their recommendations on honoring these outstanding public servants tonight. Ed Swanson was prince of a guy who loved people and did an outstanding job. Elva Mills was a leader on the Council and on the Madison School Board. You never had to guess where she stood because she would tell you. Lynn Ross was a tremendous Councilmember, the glue on City Council during some turbulent times in the mid-1980s to 1990s. He was extremely well read and made informed decisions. Rich Clark had a passion for seniors and served as a mentor for others on Council. They all deserve this honor and will be remembered because of their devotion to the City.

City Manager Marsh expressed her thanks to the staff for all their hard work on the budget. She noted that tonight's budget presentation will be available on the City's website.

Deputy City Manager/City Clerk Rottmann had no comments this evening.

Councilor Rohrbach stated thank you to the staff for their work on budget. April 20th is the Madison Heights 5K. She reminded those who are doing spring clean up to not completely clear out their brush due to small pollinators still living there. They live in that environment until it is steadily over 50 degrees. Brush pickup day is the week of May 6th, and she encourages participation. On May 18th the Friends of Library Book Sale will be in the Breckenridge Room. The price of books is by donation. May 11th is the Spring Clean. Items such as bricks, tires, drywall etc. can be brought to the DPS for disposal.

Councilman Fleming had no comments this evening.

Councilman Soltis reminisced about a story with Mayor Swanson after he was first elected and his advice for him to always wear a tie. The Senior Trip to Lansing is May 1st. Please call the City Manager's office or himself to sign up. He thanked Councilor Rohrbach for her planting clean up tip.

Mayor Grafstein echoed thanks to City Manager Marsh and the Department Heads for their budget work. She congratulated Adam Owczarzak on his new City position. The DDA meeting is tomorrow morning at 8 a.m., please join us. She noted that the rates of diagnosis for autism are going up and there are 50,000 people diagnosed in Michigan alone. There is no cure, but this is not necessarily a disability; people are just neurodivergent. She also stated that she too would like to see some additional programming for those with different abilities. Please let her know if you have any programming ideas. She stated that she is personally looking forward to Mayor Swanson's naming ceremony, noting he married her many years ago. The next meeting of the City Council is May 13th.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 8:40 p.m.

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Melissa Marsh, City Manager

AGENDA ITEM CONTENT: Construction of Bandshell Structure

AGENDA ITEM SECTION: Bid Awards/Purchases

BUDGETED AMOUNT: $250,000

FUNDS REQUESTED: $286,317

FUND: 101 - General Fund

EXECUTIVE SUMMARY:

The City of Madison was awarded a $250,000 grant from Consumer Energy Foundation for the construction of a bandshell in Civic Center park. City Council approved the purchase of the basic bandshell structure on January 22, 2024. Since that time we have worked with Frank Rewold and Sons on construction proposal utilizing the Oakland County annual Construction Manager contract. City Council is being asked to approve the proposal from Frank Rewold & Sons in an amount not to exceed $286,317 with enhancements to the basic bandshell. Funding is available in the Park improvement line-item for this additional work.

RECOMMENDATION:

Staff recommends that the City Council approve the proposal for the Amphitheater with Frank Rewold & Sons Inc. under the Oakland County Annual Contraction Management Contract in an amount not exceeding $287,317 and authorize the City Manager to sign on behalf of the City.

To: Honorable Mayor and City Council

From: Melissa R. Marsh, City Manager

Subject: Civic Center Bandshell

Date: May 6, 2024

The City of Madison Heights is the 2023 Consumer Energy Foundation Prosperity Grant awardee for $250,000 to support the Civic Center Amphitheater construction project, with a base budget originally projected at $280,000.

In addition to ordering the construction kit, we contacted Frank Rewold & Sons under the cooperative Oakland County construction contract to oversee and manage this project. They have worked with Poligon, met with multiple contractors and bid items needed for this project, and submitted the attached bid for $286,317. This is in addition to the previously approved purchase of the bandshell construction kit approved at the regular meeting on January 22, 2024, in the amount of $71,063. This brings the complete construction cost to $357,380.

This increase is due to several items, including:

- We requested that additional storage rooms be built on the back of the amphitheater. Staff discussed eliminating this storage to save costs but decided that was not the best long-term decision, as storage is much needed, especially when special events are being held.
- Concrete pad 50’ x 20’. This was originally estimated to be the pad only, but the actual proposal includes sidewalk access along the front and rear of the bandshell to provide access and prevent erosion.
- Masonry was not included in the original bid, but according to engineering and the construction manager, the amphitheater needs to be built on the foundation wall to prevent damage from rain, much like a home. The original bid assumed the shelter would be built directly on the concrete pad.
- The proposal also includes $22,738 in contingencies (unknowns) that we hope we will not need to spend. The budget vs. proposed is attached for your review.
- The original grant proposal included the basic electrical for the amphitheater; however, this proposal includes upgrades to the park's electrical system, making it easier to access for public events.

Rock the Bandshell Budget Detail			
	Grant Submittal		Proposal
Wooden Amphitheater	$ 157,010		$ 134,773
Additional Storage Rooms on Back	67,250		79,554
Site Preparation			
Concrete Pad 50'x20'	9,600		49,355
Masonary	-		8,860
Excavation with footings, dewatering footings	4,950		15,000
Electrical	10,000		17,600
Site Survey/Engineering/Design Footings Architecture	5,000		17,000
Landscaping and Site Restoration	8,500		3,000
Concrete Sealing, Signage, Finsihing, Stain, Paint	17,690		9,500
Contingency			22,738
	$ 280,000		$ 357,380
Less the Construction Kit already approved			$ (71,063)
			$ 286,317

Our FY 2024 budget does include the $107,380 additional funding required to move forward with this project as proposed. To cover this expense, we can utilize the Parks Special Projects line item in Parks for $50,000 and savings from the anticipated ballfield lighting upgrade due to the upcoming grant award for a portion of this project, allowing $57,380 to be utilized.

If Council is not interested in supplementing the grant funding to enhance this project, then the extra rooms and access sidewalks would be removed from the project, reducing the price by approximately $84,000.

Staff recommends that the City Council approve the proposal for the Amphitheater with Frank Rewold & Sons Inc. under the Oakland County Annual Contraction Management Contract in an amount not exceeding $287,317 and authorize the City Manager to sign on behalf of the City.



May 3, 2024

Melissa Marsh
City Manager
City of Madison Heights
300 W 13 Mile Rd.
Madison Heights, MI 48071

RE: **Madison Heights Band Shelter**

Dear Melissa:

Frank Rewold & Sons Inc. is pleased to present our proposal for the Madison Band Shelter Construction on your property off 13 Mile Rd. This proposal is based on the civil, structural & polygon design drawings.

Our proposed cost for the Band Shelter construction and our services is **$286,317.00.** The supply of the Band Shelter material was previously purchased by owner and is not included in this proposal.

Please review the attached Madison Heights Band Shelter Proposal breakdown. Our proposal is based on utilizing the Oakland County Annual CM contract for all services and rates. Also, included in our Proposal is a 10% contingency to be used for any project unknowns. Separate from the 10% contingency are allowances including site restoration & anchor bolts. Our proposal is based on the work being completed separately from the other projects performed for the city. The costs associated with the Civil and Structural engineering and design services are included in the "Preconstruction Services" costs.

Some items that are not included at this time are the purchase of the bandshell material (Penchura) undercuts, builder's risk insurance (can be provided if required), cost of any permits or fees, or any third party inspection fees.

If acceptable, please sign below and return a copy to my attention. Please contact me on my cell phone at 586-623-1162 with questions.

Sincerely,
FRANK REWOLD & SONS INC.

Joe Lucci
Project Manager

Accepted By:

City of Madison Heights

_____
Melissa Marsh, City Manager

Dated: _____

CC: Mike Gagnon- Frank Rewold & Sons

			Job Name:	Madison Heights Band Shelter		
			Job No:	11457		
			Date:			
	Description	Sub	Base Bid	Other	Total	Notes
	General Conditions		$ 27,410	$ -	$ 27,410	
2200	Site work		$ 15,000		$ 15,000	
3000	Concrete		$ 49,355		$ 49,355	
4200	Masonry		$ 8,860		$ 8,860	
6100	Carpentry		$ 63,850		$ 63,850	
7300	Roofing		$ 31,500		$ 31,500	
9900	Painting		$ 9,500		$ 9,500	Includes painting of storage rooms
16050	Electrical		$ 17,600		$ 17,600	
	Use tax for shelter		$ 4,300		$ 4,300	
					$ -	
	Sub-Total		**$ 227,375**	**$ -**	**$ 227,375**	
	Contingency	10%	$ 22,738		$ 22,738	
	Anchor Bolt Allowance		$ 2,000		$ 2,000	
	Site Restoration Allowance		$ 3,000		$ 3,000	
	Sub Total		**$ 255,113**		**$ 255,113**	
	FRS Fees	3.9%	$ 9,949		$ 9,949	
	General Liability Insurance	0.5%	$ 1,325		$ 1,325	
	PLM Bonds	1.10%	$ 2,930		$ 2,930	If required ***
	Preconstruction Services & Design		$ 17,000		$ 17,000	
	FRS Total		**$ 286,317**		**$ 286,317**	
	Owner Pre Purchased Band Shelter		$ 71,063		$ 71,063	Owner Purchased
	Project Total		**$ 357,381**		**$ 357,381**	
	Excludes:					
	under cuts					
	Bonds & Permits					
	Signage					

Poligon Product Specification Form

by **PORTERCORP**
PORTERCORP, 4240 N. 136th AVE, HOLLAND, MI 49424
www.poligon.com 616-399-1963

PROJECT NAME:_____

PROJECT LOCATION:_____

CUSTOMER NAME:_____

E-MAIL:_____

COMPANY:_____

ADDRESS:_____

ADDRESS 2:_____

CITY:_____

STATE:_____ZIP:_____

PHONE:_____FAX:_____

SEISMIC DESIGN:_____BLDG CODE:_____

STANDARD WITH THIS BUILDING:

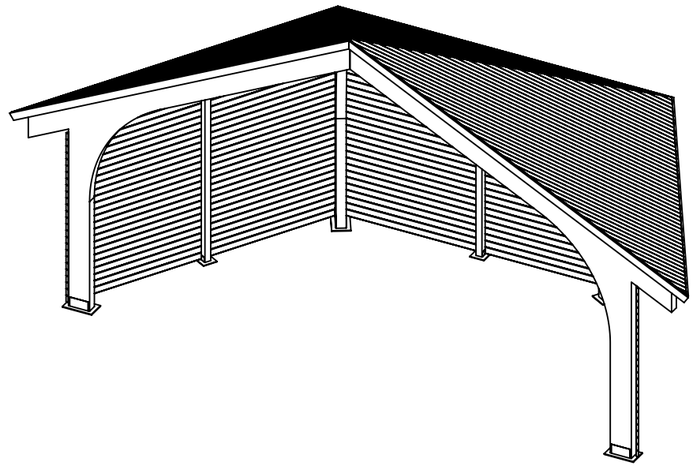
- ☑ Treated gluelam wooden columns
- ☑ Wooden trusses and purlins
- ☑ Structural steel, hot dip galvanized connection plates
- ☑ Hot dipped galvanized structural fasteners
- ☑ 2X6 SYP tongue and groove primary roof
- ☑ Asphalt shingles with felt and trim - Shingle color:_____
- ☑ Pre-drilled plates and gluelams
- ☑ Surface mount columns
- ☑ 6:12 pitch
- ☑ 12'-0" under eave height
- ☑ 30 PSF snow load
- ☑ 120 MPH wind load

SELECT MODIFICATIONS TO A STANDARD:

See website for multi-rib roof color choices and wood stain choices: www.poligon.com

- ☐ Kynar Multi-rib metal roof instead of asphalt shingles - Roof color:
- ☐ Stained tongue and groove roof - Stain choice:_____
- ☐ Stained columns and trusses - Stain choice:_____
- ☐ Increase snow load:_____
- ☐ Increase wind load:_____
- ☐ Modify under tension member height (12' max):_____
- ☐ Substitute surface mount for embedded column

Wood Amphitheater [WLLW]



Standard Sizes Available

☑	WLLW-40
☐	WLLW-50

Sheet Index

COVER SHEET / ORDER FORM
ELEVATION VIEWS
STRUCTURAL FRAME
ANCHOR LAYOUT

See website for multi-rib roof color choices and wood stain choices.
www.poligon.com

SHELTER MODEL:
WOOD BANDSHELL 40 w/ WALLS
WLLW-40

SCALE:	REV LEVEL:	DATE:
1:100	A	9/27/2011



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SHEET
COVER SHEET

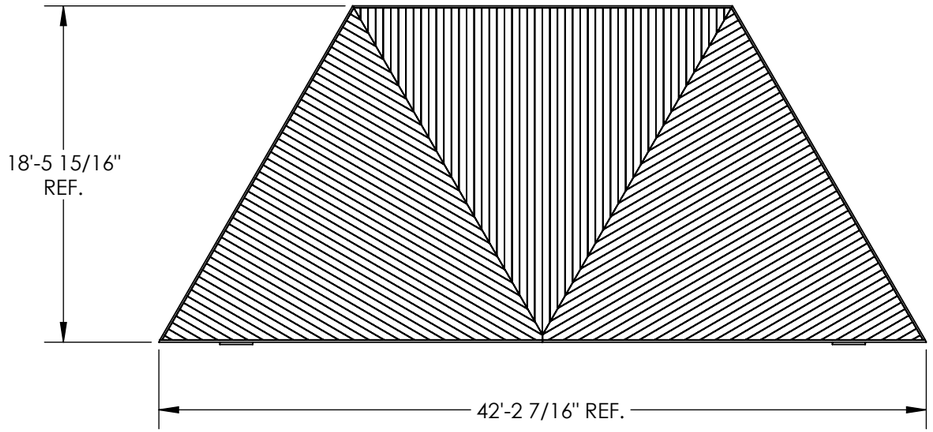
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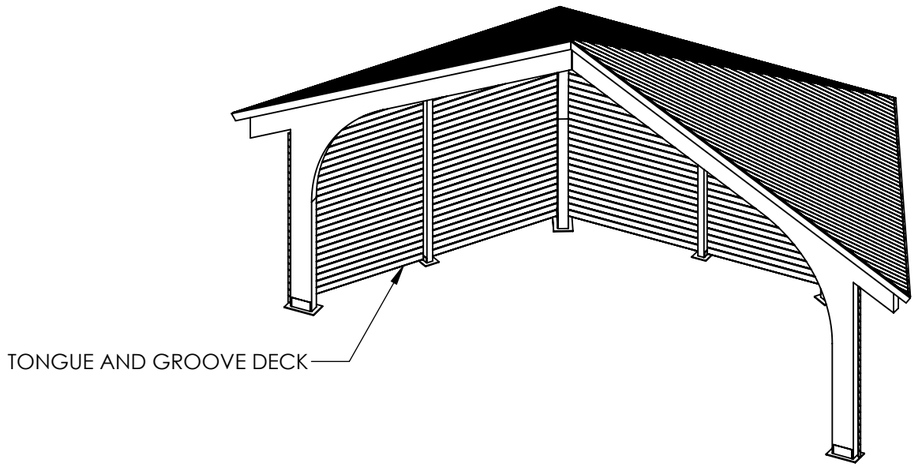
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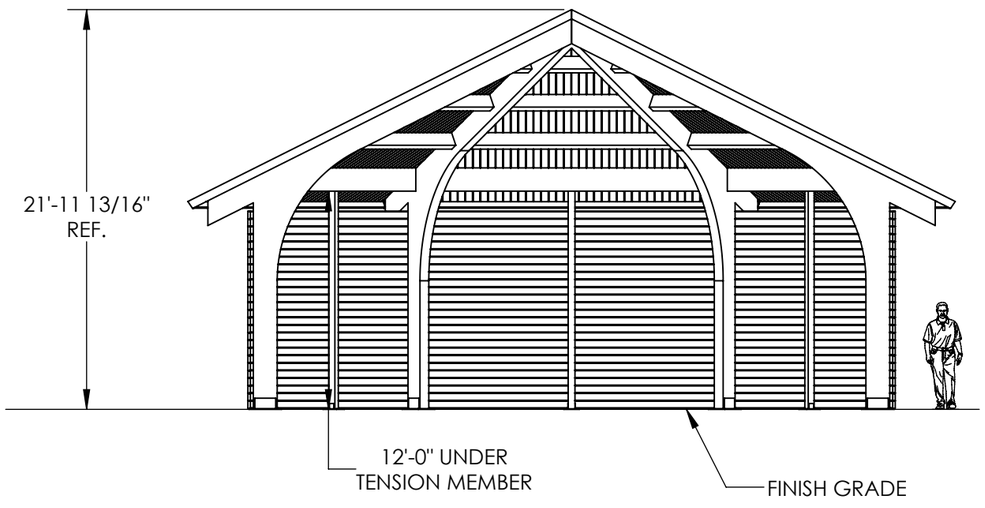
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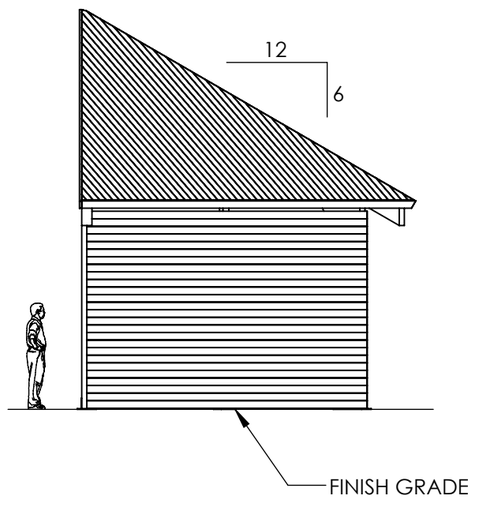
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SHELTER MODEL:
WOOD BANDSHELL 40 w/ WALL
WLLW-40

SCALE:	REV LEVEL:	DATE:
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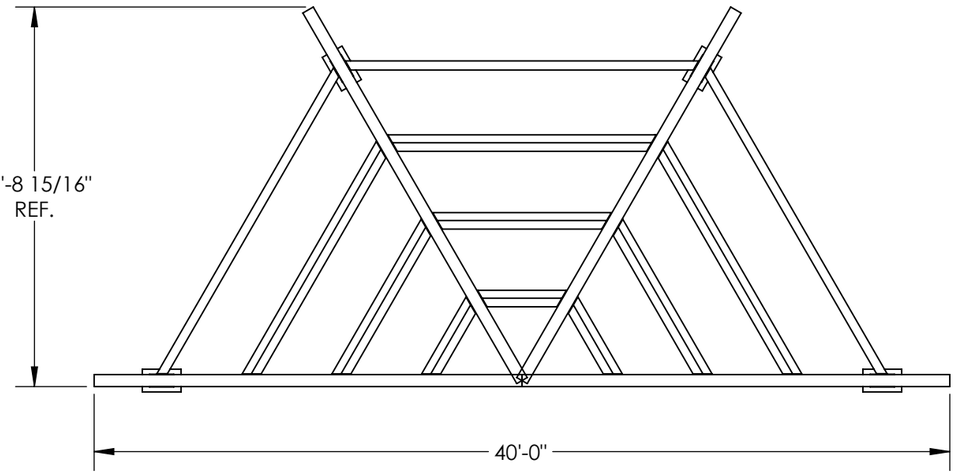
SHEET
ELEVATION VIEW

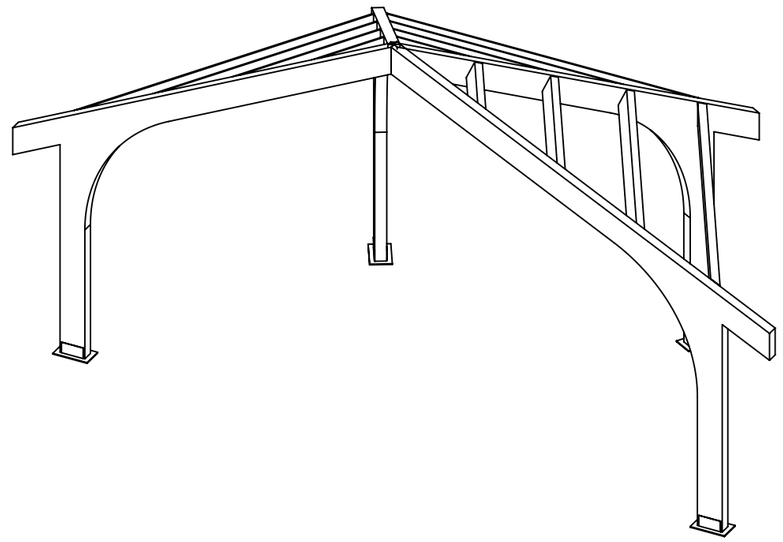
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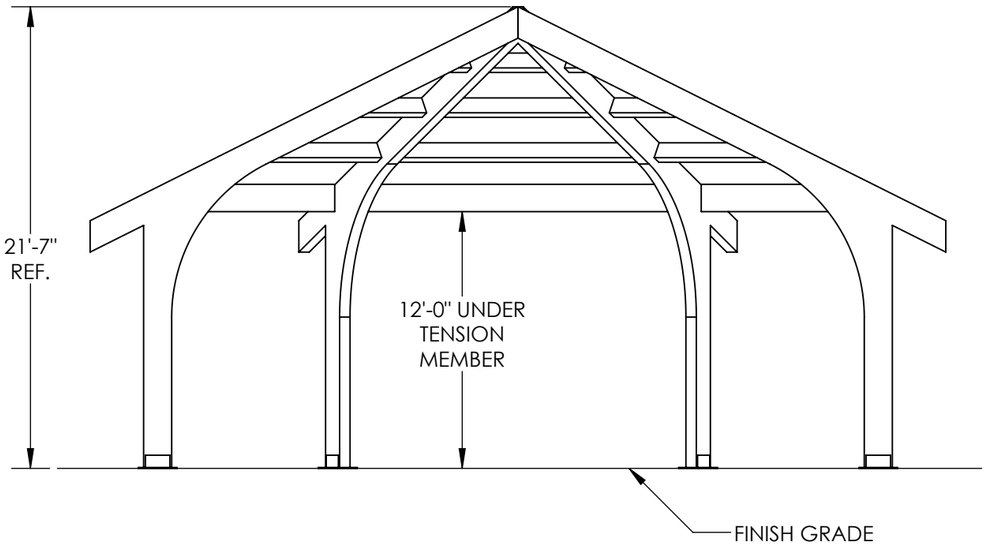
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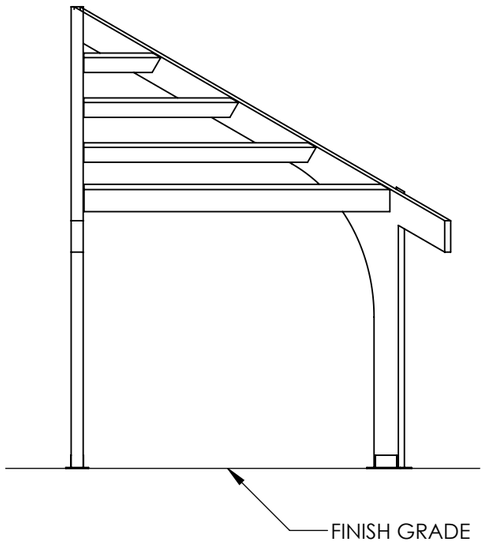
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SHELTER MODEL:
WOOD BANDSHELL 40 w/ WALL
WLLW-40

SCALE:	REV LEVEL:	DATE:
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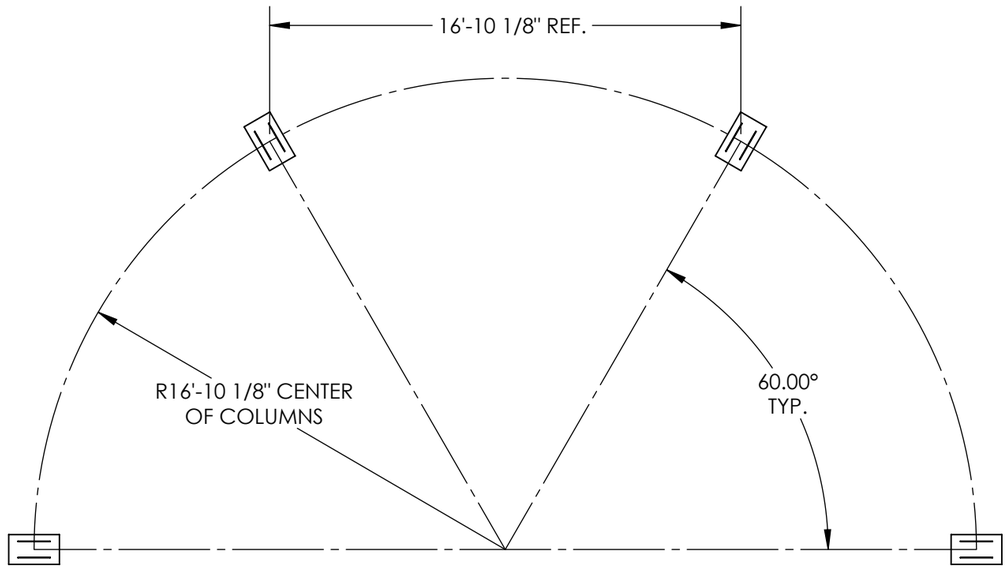
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SHEET
FRAME VIEWS

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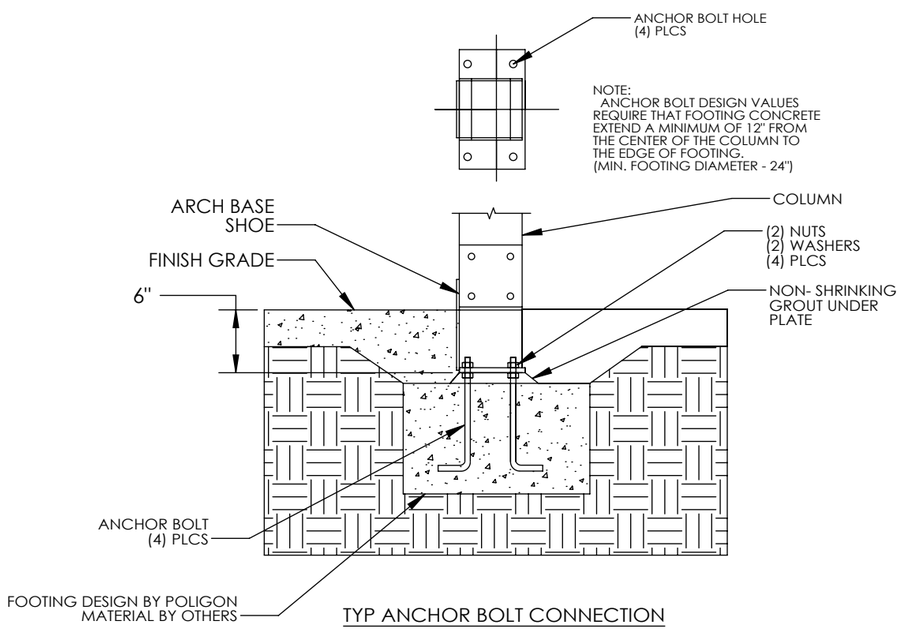
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REFER TO ANCHOR AND FOOTING DOWNLOAD SHEETS FOR GENERAL INFORMATION ON BOTH ANCHOR ATTACHMENT AND TYPICAL FOOTING TYPES. ANCHOR ATTACHMENT AND FOOTING DESIGNS ARE SITE AND SITUATION SPECIFIC AND ARE INTEGRAL TO THE FINAL SHELTER DESIGN.

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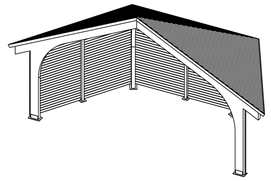
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SHEET
COLUMN LAYOU

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Wood Amphitheater [WLLW]

BANDSHELL DETAIL



Standard Sizes Available

- [x] WLLW-40
- [ ] WLLW-50

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SCALE:	REV LEVEL:	DATE:
1:100	A	9/27/2011

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SHEET: COVER SHEET

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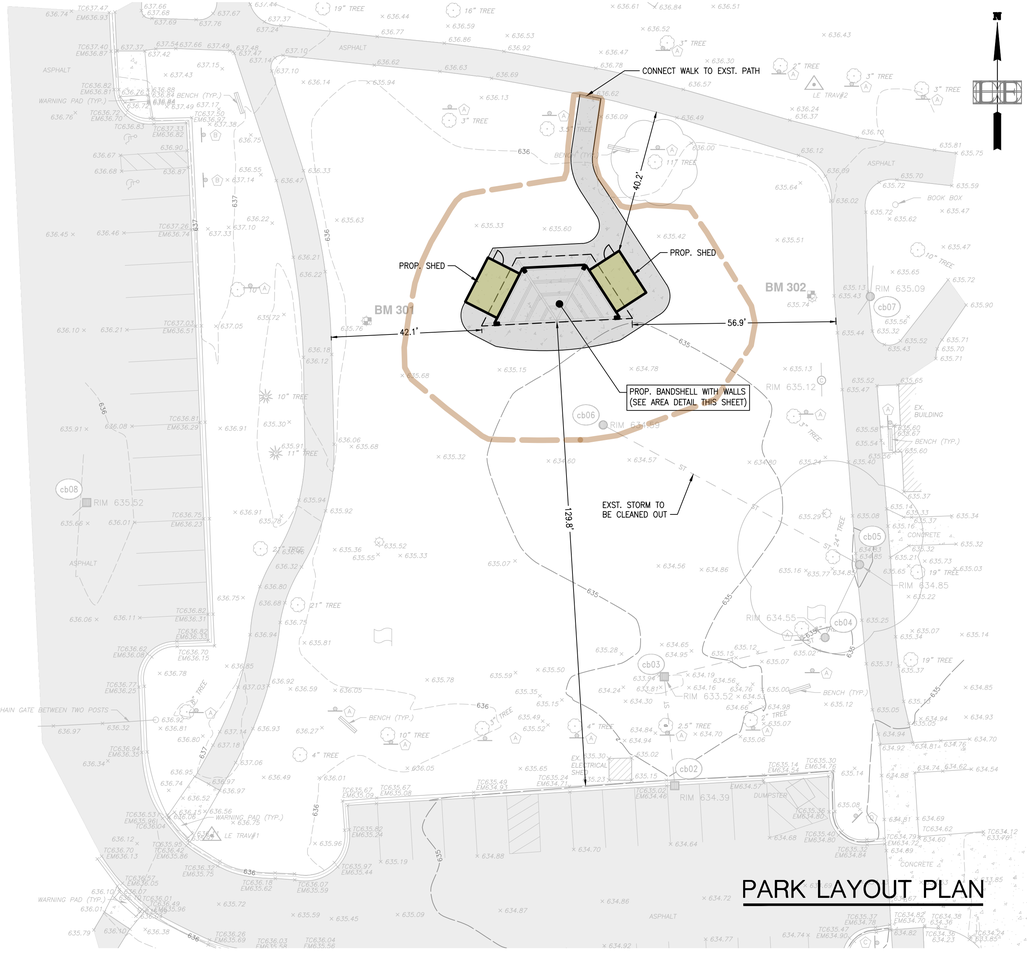


BANDSHELL AREA DETAIL

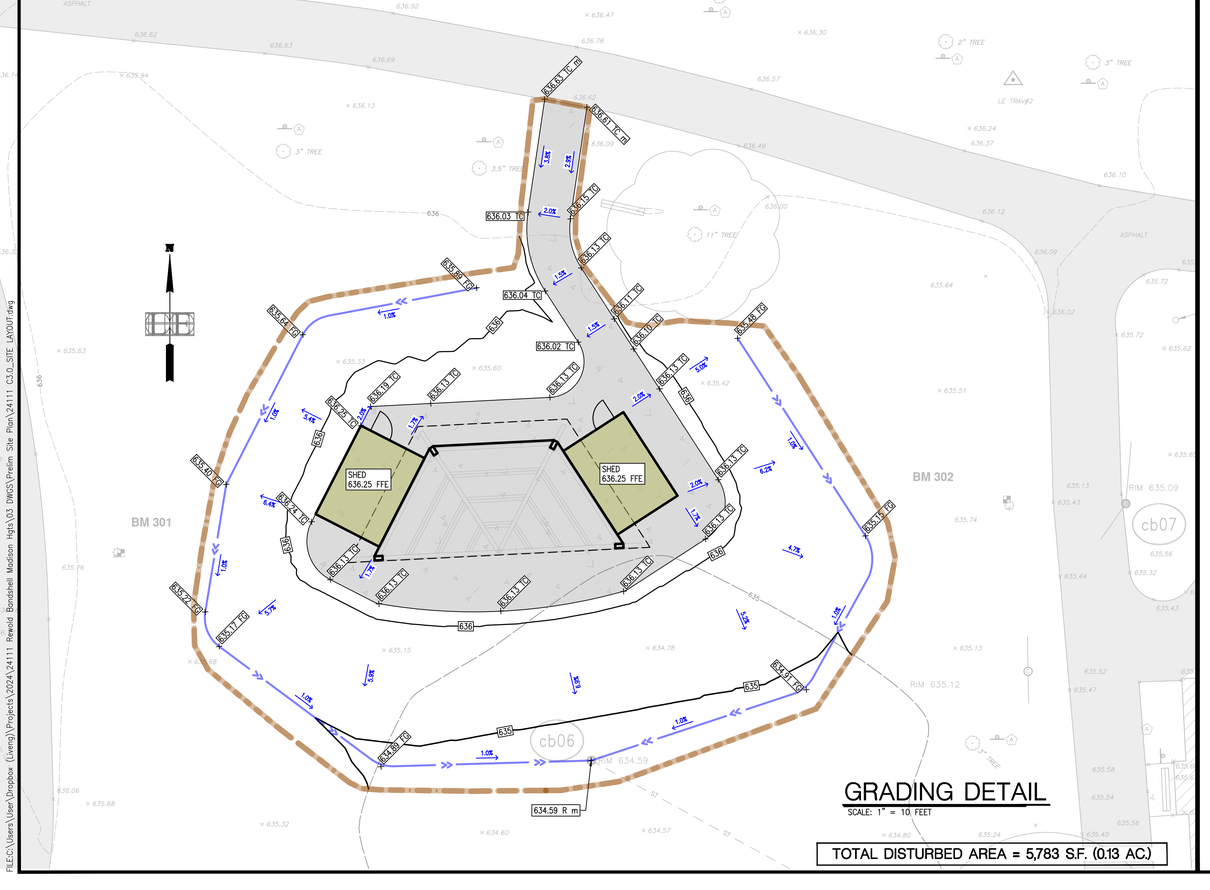
SCALE: 1" = 10 FEET

HATCH LEGEND

PROPOSED CONCRETE



PARK LAYOUT PLAN



GRADING DETAIL

SCALE: 1" = 10 FEET

TOTAL DISTURBED AREA = 5,783 S.F. (0.13 AC.)

GRADE PLAN LEGEND

- PR. CONTOUR — 615
- LIMITS OF GRADING
- RIDGE LINE
- SWALE LINE
- DRAINAGE ARROW — -1.5%
- PR. SPOT GRADE — 611.40TP

SPOT GRADE ABBREVIATIONS LIST

TC	=	TOP OF CONCRETE
R	=	RIM ELEVATION
FG	=	FINISHED GRADE
FFE	=	FINISHED FLOOR ELEVATION
m	=	MATCH EXISTING

BENCHMARKS (NAVD88)

BENCHMARK #300
NW BOLT LIGHT POLE
ELEVATION= 635.83

BENCHMARK #301
CHISELED "X" ON THE SE. CORNER OF CONCRETE LIGHT POLE BASE.
ELEVATION= 637.16

BENCHMARK #302
CHISELED "X" ON THE SW. CORNER OF CONCRETE LIGHT POLE BASE.
ELEVATION= 637.30

LE CONTROL

LE TRAVERSE#1
N. 375094.08
E. 13461845.68

LE TRAVERSE#2
N. 375304.07
E. 13462013.96

NOTE:
NORTHINGS AND EASTINGS SHOWN ON THIS DRAWING ARE BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE INTERNATIONAL FEET (NAD83), ELEVATION BASED UPON NAVD88 DATUM FROM RTK GPS OBSERVATIONS.

TOPOGRAPHIC SURVEY LEGEND

- ELECTRIC MANHOLE
- LIGHT POLE
- STORM CLEANOUT
- STORM MANHOLE
- CATCH BASIN ROUND
- CATCH BASIN SQUARE
- CATCH BASIN IN CURB
- FLAG POLE
- SIGN
- HANDICAP
- CONIFEROUS TREE
- DECIDUOUS TREE
- EXISTING U.G. STORM SEWER LINE EXCEPT AS NOTED
- TRAVERSE POINT-SET
- BENCHMARK
- ASPHALT
- CONCRETE

EXISTING STORM SEWER SCHEDULE

STR #	TYPE	DIA	RIM ELEV	INVERT DATA
cb01	CATCH BASIN	1.5'	633.30	4" PVC INV. 632.30 NE. T/WATER 632.30
cb02	CATCH BASIN	2'	634.39	6" PVC INV. 630.72 N. T/WATER 631.01
cb03	CATCH BASIN	2'	633.52	8" CLAY INV. 630.25 NE. 6" PVC INV. 630.40 S. T/WATER 630.25
cb04	CATCH BASIN	2'	634.55	8" CLAY INV. 629.31 NE. 8" CLAY INV. 629.31 SW. T/WATER 629.54
cb05	CATCH BASIN	4'	634.85	8" CLAY INV. 629.17 NW. 8" CLAY INV. 629.65 SW. T/WATER 629.45 BOTTOM 628.31
cb06	CATCH BASIN	3'	634.59	DOWNTURNED SE. T/WATER 630.79
cb07	CATCH BASIN	4'	635.09	10" PVC INV. 630.24 NNE. UNKNOWN SW. T/WATER 629.38
cb08	CATCH BASIN	2'	635.52	10" CLAY INV. 632.42 SW. T/WATER 632.67

UTILITY DISCLAIMER

811 Know what's **below.** **Call** before you dig.

Utilities as shown indicate approximate location of facilities only, as described by the various companies and no guarantee is given either as to the completeness or accuracy thereof. Contractor shall call "MISS DIG" 1-800-482-7171 prior to the start of construction. Electric, gas, phone and television companies should be contacted prior to the commencement of field activities.

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LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S. 23, BRIGHTON, MI 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699
WWW.LIVINGSTONENG.COM

SCALE: 0' 20' 40'
GRAPHIC SCALE: 1" = 20'
EXCEPT AS NOTED

CLIENT
FRANK REWOLD & SONS
303 E. Third Street : Suite 300
Rochester, MI 48307

PROPOSED BANDSHELL
CIVIC CENTER PARK
CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MI
SITE PLAN
LAYOUT PLAN

REVISIONS	DATE
REV 1 GRADING PLAN ADDED	02/21/2024 03/04/2024

JOB. NO. 43111
DRAWN: TJZ
CHECKED: TJZ
APPROVED: TJZ
DATE: 01/17/2024

C3.0

FILE:C:\Users\User\Dropbox (Liveng)\Projects\2024\24111 Rewold Bandshell Madison Hgts\03 DWGS\Prelim Site Plan\24111 C3.0_SITE LAYOUT.dwg

CONCRETE NOTES:

Contractor & all sub-trades are responsible for reviewing & complying with all applicable specifications contained herein. Where discrepancies occur between design drawings and these notes, design drawing specifications are to supersede.

A: Measuring, mixing and placing of concrete shall be in accordance with ACI 304.

B: Protection and curing of concrete shall be in accordance with ACI 305, 306 and 308.

C: All pertinent sections of ACI 318 shall apply.

D: Reinforcing steel shall be fabricated and placed in accordance with the ACI 315.

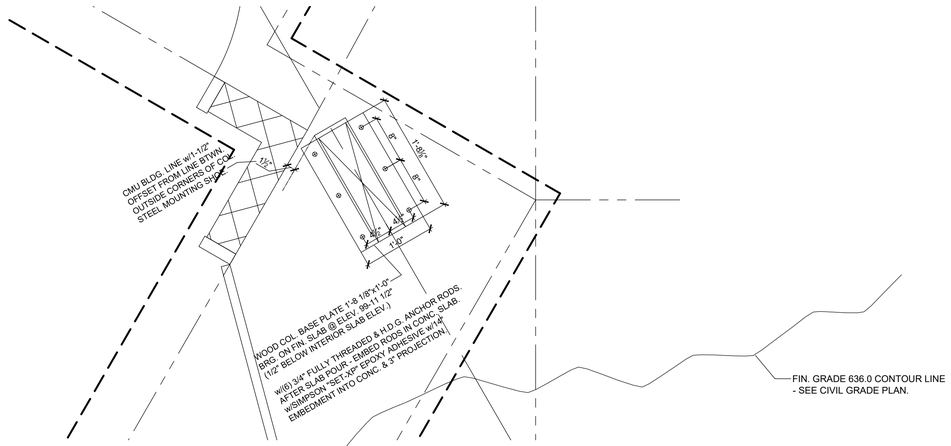
E: All reinforcing steel shall be ASTM A615 Grade 60, deformed in accordance with ASTM 305, unless otherwise noted.

F: Step all footings at a ratio of (2) horizontal to (1) vertical.

G: All footings to rest on undisturbed soil.

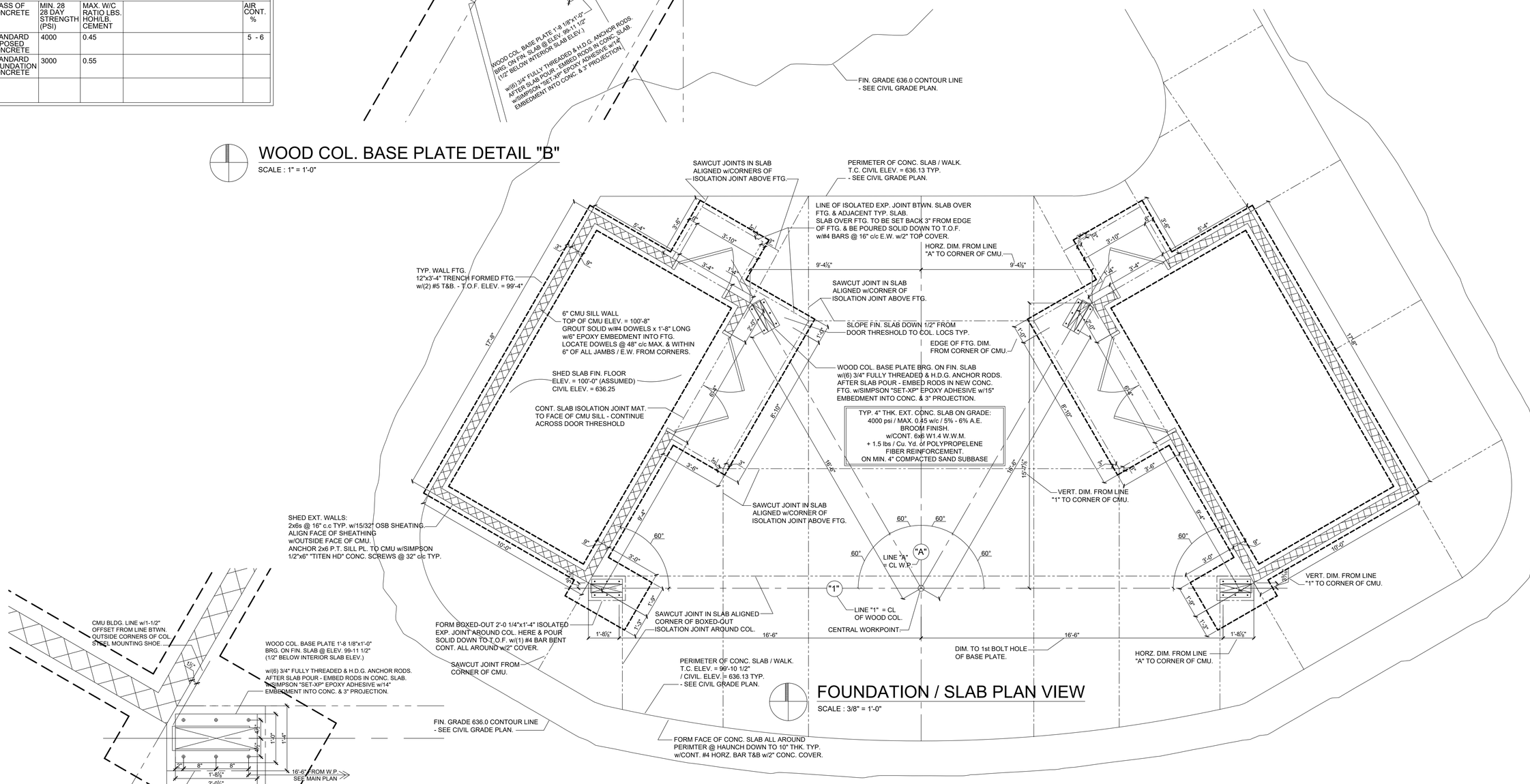
CONCRETE MIX GUIDE

CLASS OF CONCRETE	MIN. 28 28 DAY STRENGTH (PSI)	MAX. W/C RATIO LBS. HOH/LB. CEMENT		AIR CONT. %
STANDARD EXPOSED CONCRETE	4000	0.45		5 - 6
STANDARD FOUNDATION CONCRETE	3000	0.55		



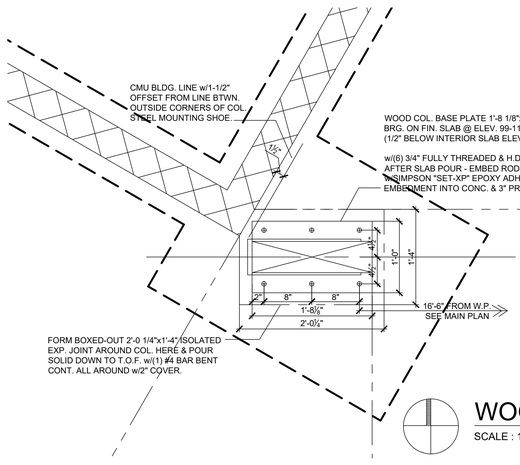
WOOD COL. BASE PLATE DETAIL "B"

SCALE : 1" = 1'-0"



FOUNDATION / SLAB PLAN VIEW

SCALE : 3/8" = 1'-0"



WOOD COL. BASE PLATE DETAIL "A"

SCALE : 1" = 1'-0"

STRUCTURAL ENGINEER:
Paradis Associates Inc.
CONSULTING STRUCTURAL ENGINEERS
418 S. MAIN St. - Suite A
Rochester, Michigan 48307
(248) 650-4905
email@paradisassoc.com

CIVIL ENGINEER:
LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S. 23, BRIGHTON, MI 48114
PHONE: (810) 225-7700 FAX: (810) 225-7699
WWW.LIVINGSTONENGR.COM

GENERAL CONTRACTOR:
FRANK REWOLD & SONS, INC.
303 E. Third Street, Suite 300
Rochester, MI 48307
248.651.7242

No.	DESCRIPTION:	DATE:	DRAWN	CKD	APPD
5					
4					
3					
2	PERMIT / CONST.	04-11-24	M.R.P.	M.R.P.	G.O.P.
1	ISSUE:		M.R.P.	M.R.P.	G.O.P.

FOUNDATION / SLAB PLAN

NEW BUILD for:
Civic Center Park Bandshell
City of Madison Heights, Michigan



SHEET NO.
S-1.0
JOB NO.
24111.07

AGENDA ITEM SUMMARY FORM

MEETING DATE: 5/13/24

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Rezoning PRZN 23-02 (Ordinance 2199): 1035 W. 12 Mile Rd. - B-3 to M-1

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant and property owner, Isam Yaldo, requests to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business (Regional Business in proposed Zoning Ordinance) district, to M-1, Light Industrial district. The subject site consists of one (1) parcel which contains a total area of 0.93 acres and is improved with a 6,500 commercial/retail structure and associated parking lot. The property is located just west of the 12 Mile/I-75 interchange.

RECOMMENDATION:

Staff recommends that City Council adopt Ordinance # 2199 (PRZN 23-02) upon first reading and schedule a public hearing and second reading for the June 10th, 2024 City Council meeting.

MEMORANDUM

Date: May 1st, 2024
To: City of Madison Heights City Council
Meeting Date: May 13th, 2024 (First Reading)
From: Matt Lonnerstater, AICP – City Planner
Subject: Rezoning Request PRZN 23-02 – 1035 W. 12 Mile Road – B-3 to M-1

Introduction

The applicant and property owner, *Isam Yaldo*, requests to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business district, to M-1, Light Industrial district. The subject site consists of one (1) parcel which contains a total area of 0.93 acres and is improved with a 6,500 commercial/retail structure and associated parking lot. The property is located just west of the 12 Mile/I-75 interchange.

Planning Commission Action and Findings

At their April 16th, 2024 meeting, the Planning Commission approved the following motion pertaining the proposed rezoning:

> *Move to recommend to City Council **APPROVAL** of the requested rezoning of 1035 W. 12 Mile Road (parcel #44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial, after the required public hearing, based upon the following findings:*
>
> 1. *The M-1 district permits a range of industrial, warehousing, office, recreational, and limited retail uses which are generally appropriate for the subject site.*
> 2. *The intent of, and the uses permitted within, the M-1 district are generally compatible and consistent with adjacent industrial and commercial land uses.*
> 3. *The M-1 district is compatible with adjacent B-3 and M-1 zoned parcels.*
> 4. *The M-1 district is aligned with the "Industrial" future land use designation for the site and furthers the land use goals and objectives of the adopted 2021 Madison Heights Master Plan.*

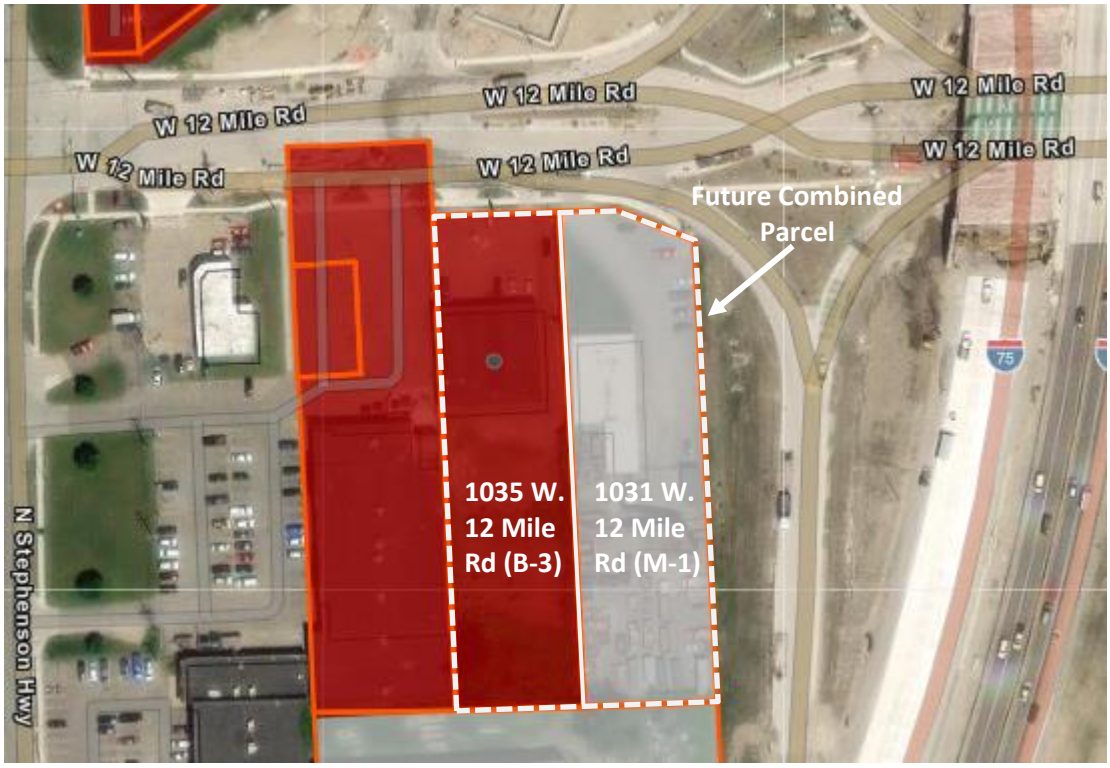
Background

The property owner's affiliate, *Arctic Fox, LLC d/b/a JARS Cannabis*, has entered into a settlement agreement with the City of Madison Heights which enables the construction of a new marihuana growing, processing, and provisioning facility at 1031 and 1035 W. 12 Mile Road. The property at 1031 W. 12 Mile Road is presently zoned M-1, Light Industrial, while 1035 W. 12 Mile is zoned B-3, General Business. The property owner intends to purchase the adjacent property at 1031 W. 12 Mile Road, combine the two properties into a single parcel, and lease the parcel to Artic Fox, who will proceed to develop the property for marihuana-related uses.

Per the City's Medical and Adult Use Marihuana Facilities Ordinances, such facilities are only permitted on properties zoned either M-1, Light Industrial, or M-2, Heavy Industrial. The subject property's current B-3, General Business zoning does not permit medical/adult-use marihuana facilities. As such, the applicant has applied to rezone the subject property to M-1, Light Industrial, to enable the parcel combination and allow for the development of a medical/adult-use marihuana growing, processing, and provisioning facility per the settlement agreement.

NOTE: While the city is close to finalizing its comprehensive zoning ordinance and map update, the settlement agreement requires both parties to adhere to Madison Height's rezoning procedures. Therefore, this rezoning request is proceeding separately from the comprehensive rewrite. The proposed Zoning Map zones the subject property as B-3, Regional Business (as opposed to B-3, General Business in the current Zoning Ordinance). If the new Ordinance/Map is adopted on May 13th, the rezoning ordinance language (Ordinance No. 2199) will be updated by the time of the public hearing to reflect a rezoning from B-3, Regional Business, to M-1, Light Industrial, thereby amending the newly-adopted Zoning Map.

Existing Zoning



Zoning and Land Use Considerations

Per the Zoning Ordinance, the existing B-3, General Business zoning district is, *"designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic."*

The proposed M-1, Light Industrial zoning 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."*

The Planning Commission should consider all of the potential uses that could be developed on this site if it were to be zoned M-1. Some of these more intense uses are highlighted in the table below, compared with the uses permitted under the current B-3 zoning designation.

USE	B-3 General Business	M-1 Light Industrial
General Retail Business	P	
Personal Service (e.g. beauty parlors, barbershops)	P	
Office Uses	P	P
Medical Offices	P	P
Restaurants/Bars	P	P
Gas Stations	S*	
Auto Washes	S*	
Equipment Rental	P	P
Theaters/Assembly Halls	P	
Motor Vehicle Repair/Maintenance	S	S
Indoor/Outdoor Recreational Uses	S	P
Regulated Uses	S*	
Warehousing/Wholesaling/Storage		P
Light Manufacturing/Assembly		P
Medical/Adult Use Marihuana Facilities		P*

P = Permitted by Right S = Special Approval Required Blank = Not Permitted
**Subject to additional siting requirements.*

When reviewing a rezoning request, the Planning Commission should review the proposed district's consistency and compatibility with existing adjacent land uses, zoning designations and the future land use map as laid out in the Master Plan:

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	Commercial Building (vacant)	B-3, General Business
North (across 12 Mile)	Carpool Lot	No Zoning
South	Industrial/Indoor Recreation	M-1, Light Industrial
East	Industrial Building (Vacant)	M-1, Light Industrial
West	Retail	B-3, General Business

Adjacent land uses consist primarily of commercial and light industrial uses, with an I-75 carpool lot to the north across 12 Mile.

Existing Conditions at Subject site



Future Land Use

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 (across 12 Mile)	Industrial
South	Industrial
East	Industrial
West (across John R)	Industrial

The future land use designation of the subject site is *Industrial*. Per the Master Plan, the Industrial designation is intended to accommodate a *"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.

Transportation

The subject parcel is located just west of the 12 Mile/I-75 divergent diamond interchange. Per the 2021 Master Plan, 12 Mile Road is designated as a principal arterial road and handles regional, passer-by traffic. Per SEMCOG, this stretch of 12 Mile Road handles approximately 25,000 vehicles per day, likely due to its proximity to the I-75 interchange.

Staff Analysis

The subject property is located in primarily industrial area near the Stephenson industrial corridor and is in close proximity to the 12 Mile/I-75 interchange. Existing zoning, adjacent land uses, and the future land use map lend support to an industrial rezoning. If the M-1 rezoning request is approved, any major re-

development 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, any marihuana-related use is subject to the stipulations of the consent judgment between the city and the applicant's affiliate.

Next Step

Based on the aforementioned findings and recommendation of approval from the Planning Commission, staff recommends that the City Council adopt Ordinance #2199 (PRZN 23-02) upon first reading and schedule the required public hearing and second reading for the June 10th, 2024 City Council Meeting.

CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES (DRAFT)
April 16, 2024
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 Pro Tem Mark Bliss
	Mayor Roslyn Grafstein
	City Manager Melissa Marsh
	Commissioner Eric Graettinger
	Commissioner Melissa Kalnasy
	Commissioner Cliff Oglesby
	Commissioner Grant Sylvester (arrived @ 5:37 p.m.)
Also Present:	City Planner Matt Lonnerstater
	Assistant City Attorney Tim Burns
	Deputy City Clerk

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Graettinger, seconded by Commissioner Grafstein to excuse Commissioner Sylvester.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Commissioner Graettinger, seconded by Kalnasy to approve the minutes of the regular Planning Commission meeting of March 19, 2024.

Motion carries unanimously.

PUBLIC HEARING

5. **Rezoning Request No. PRZN 23-02** by Isam Yaldo to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial district.

City Planner Lonnerstater reintroduced the rezoning request PRZN 23-02 which was postponed from the meeting on November 21, 2023. The applicant and property owner, Isam Yaldo is now formally requesting to rezone one parcel of land located at 1035 W. 12 Mile Road from B-3, General Business district, to M-1, Light Industrial district. The property owner intends to purchase

the property at 1031 W. 12 Mile Road and combine the two properties into a single parcel, and lease the parcel to Artic Fox, who will develop the property for marihuana-related uses. The applicant has applied to rezone the subject property to M-1, Light Industrial, to enable the parcel combination and allow for the development of a medical/adult-use marihuana growing, processing, and provisioning facility per the settlement agreement. The adult use and medical facilities map outside of the zoning ordinance would need to be amended and added to the same agenda as the final reading of Ordinance 2198 - New Zoning Ordinance and Zoning Maps. The rezoning approval applies to the current parcel unless it gets changed.

Chair Champagne opened the floor for public comment at 5:45 p.m. Seeing none, public comment was closed at 5:46 pm.

City Manager Marsh explained that there will be a new green zone map and this parcel may be removed if there was a use going there that wasn't needed in the green zone. Col's Place changed from M-1 to B-3 and removed itself from the green zone because it no longer met the qualifications.

Assistant City Attorney Burns added there may be some envisions to the green zone map after the litigation is resolved. If the rezoning request is not approved the applicant can potentially have a judge order for it to be approved. Or it could disrupt the whole settlement agreement and we would be back in court on that case.

Motion made by Commissioner Sylvester, Seconded by Commissioner Grafstein, to recommend to City Council approval of the requested rezoning of 1035 W. 12 Mile Road (parcel #44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial, after the required public hearing, based upon the following findings:

1. The M-1 district permits a range of industrial, warehousing, office, recreational, and limited retail uses which are generally appropriate for the subject site.

2. The intent of, and the uses permitted within, the M-1 district are generally compatible and consistent with adjacent industrial and commercial land uses.

3. The M-1 district is compatible with adjacent B-3 and M-1 zoned parcels.

4. The M-1 district is aligned with the "Industrial" future land use designation for the site and does further the land use goals and objectives of the adopted 2021 Madison Heights Master Plan

Voting Yea: Bliss, Champagne, Graettinger, Grafstein, Kalnasy, Marsh, Oglesby, and Sylvester

Motion Carried.

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

Chair Champagne opened the floor for public comment at 5:53 p.m. Seeing none, public comment was closed at 5:54 pm.

7. PLANNER UPDATES

City Planner Lonnerstater updated the Commissioners on the Zoning Ordinance #2198 adoption. City

Council approved the first reading of Zoning Ordinance Rewrite at their meeting on April 8, 2024. Council has scheduled a second and final reading and public hearing for the May 13th, 2024, City Council meeting. Madison Heights is a participant in a safe street for all Regional Transportation Plan with our surrounding communities. It's an action plan and the federal goal for zero pedestrian deaths and fatalities. City Planner Lonnerstater and Commissioner Champagne are members of the Safety Action Plan Committee. Once the plan is adopted it will open for implementation grant funding opportunities. The action plan is expected to be complete in a year and includes some public input opportunities. The goal is for each community to adopt an action plan before we can implement grants and specific projects. The City of Ferndale is the lead municipality and Tool is their consultants. The Southeast Oakland County Safe Streets Plan includes Oak Park, Ferndale, Pleasant Ridge, Berkley, Hazel Park, Madison Heights, and Huntington Woods. Royal Oak applied for their own Safety Action Plan which explains why they aren't part of our group. Madison Heights received the Planning Grant and has contributed at least $8,000 to this action plan. The Open House is scheduled for Wednesday, May 8th from 6 to 7:30 p.m. at the Pleasant Ridge Community Center. City Planner Lonnerstater gave an update on the status of Chipotle, Goodwill, and Quality Roots. Eleven Mile Streetscape Plan, the Downtown Development Authority (DDA) authorized funding for potentially a four to three lane conversion. Commissioner Graettinger is on the wait list for the Michigan Association of Planning (MAP) Planning and Zoning Workshop on Monday, April 29th.

Mayor Grafstein noted that Oak Park, Hazel Park, and Madison Heights are part of the Justice Forty (40) and she is on the task force.

City Manager Marsh added that Justice Forty (40) are census tracks of underprivileged areas within each community that are deemed that way due to education levels, transportation, or different types of economic hardship conditions. Madison Heights has three Justice Forty tracks. Eleven Mile Streetscape Plan is for Eleven Mile Road from I-75 just pass Wood Pile which cost an additional $26,000. Funding for new bus stops and benches is part of the Eleven Mile Streetscape Plan. Madison Heights has partnered with Smart to update the bus stops around the city and currently enhancements are scheduled on John R Road for the summer of 2026.

8. PUBLIC COMMENT

Meeting adjourned by Chair Champagne at 6:05 p.m.

DRAFT

ORDINANCE NO. 2199

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

T1N, R11E, SEC 14, CR83A-1, PART OF NW 1/4 BEG AT PT ON N SEC LINE DIST S 89-24-00 W 215 FT FROM N 1/4 COR, TH S 89-24-00 W 102.41 FT, TH S 02-01-00 E 456.70 FT, TH N 89-24-00 E 102.67 FT, TH N 02-03-00 W 456.70 FT TO BEG EXC N 60 FT TAKEN FOR HWY. 0.93 ACRES

PIN 44-25-14-127-053. 1035 W. 12 MILE RD.

Shall be changed from B-3, GENERAL BUSINESS [REGIONAL BUSINESS (NEW ZONING ORDINANCE)], to M-1, LIGHT INDUSTRIAL.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk

DRAFT

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on _____, 2024.

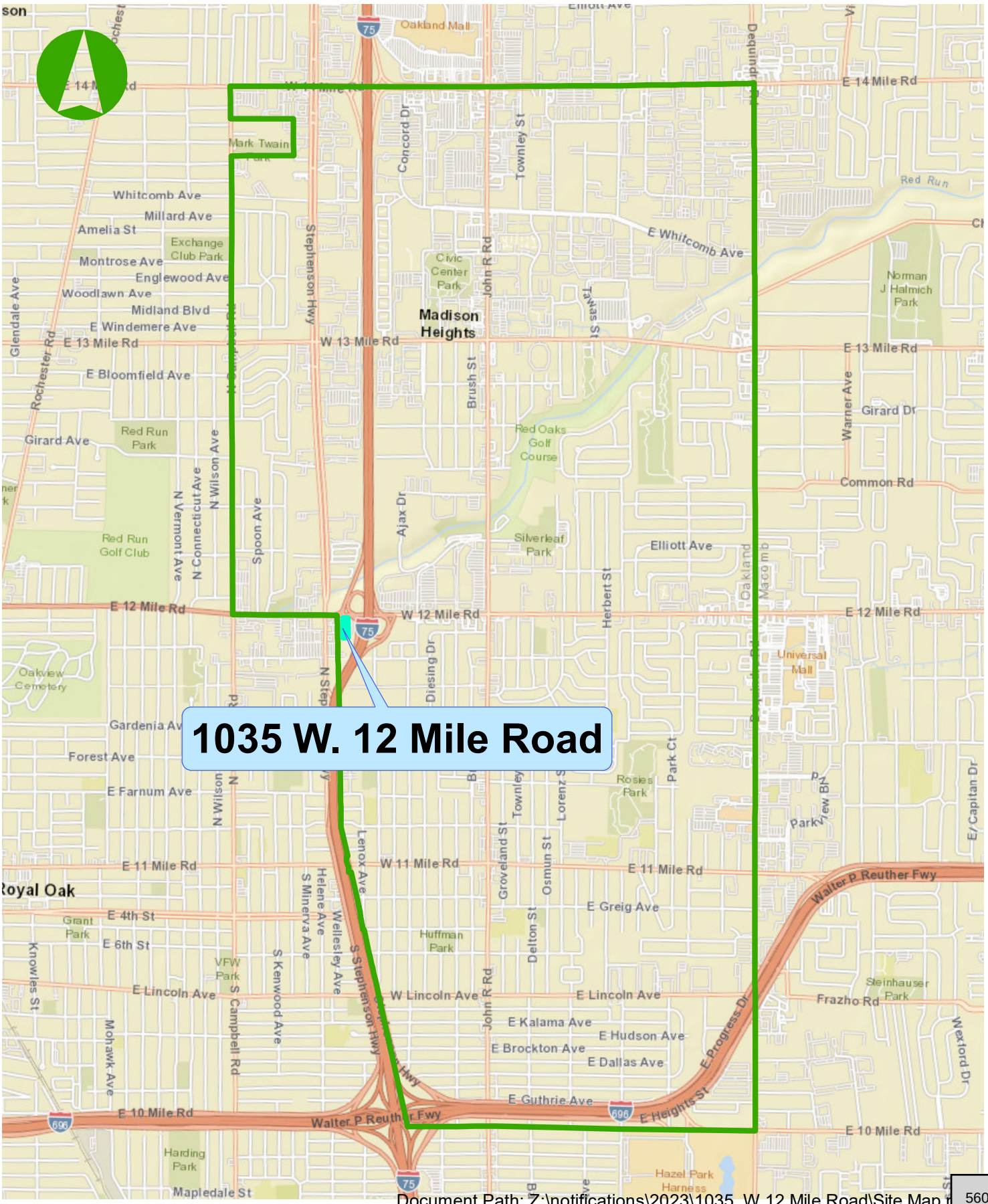
_____

Cheryl E. Rottmann
City Clerk

FIRST READING: May 13th, 2024
PUBLIC HEARING:
ADOPTED:
PUBLISHED:
EFFECTIVE:

DRAFT

PRZN CASE: 23 - 02

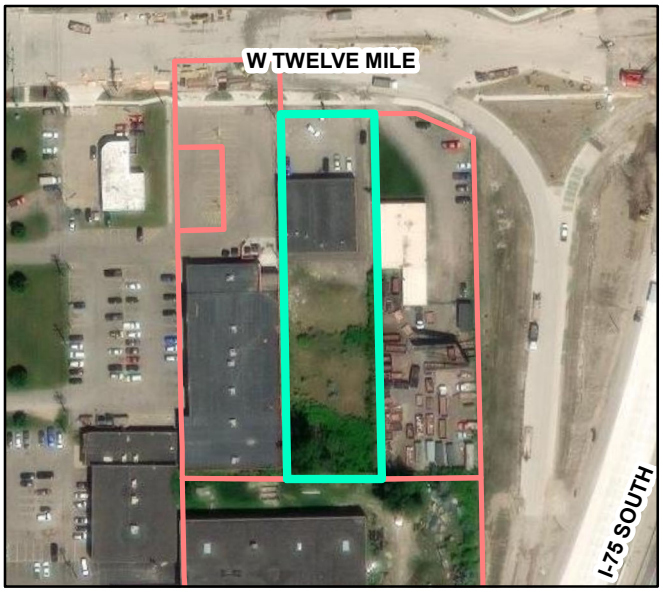


Document Path: Z:\notifications\2023\1035. W 12 Mile Road\Site Map.r

Site Address: 1035 W. 12 Mile Road

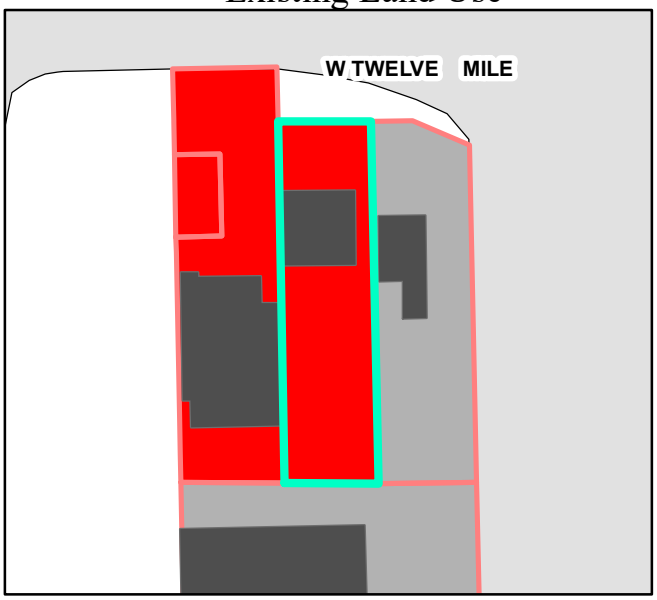
Click for maps

Aerial



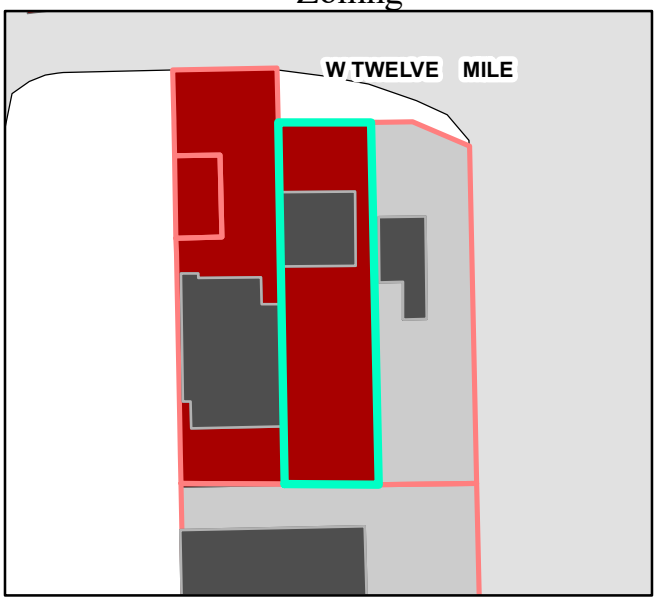
1035 W 12 Mile Road
Parcels

Existing Land Use



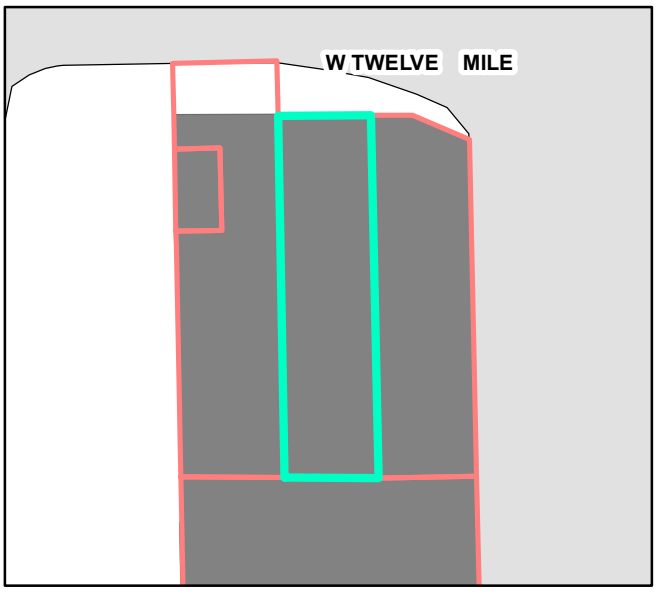
1035 W 12 Mile Road
Buildings
Parcels
Commercial
Industrial

Zoning



1035 W.12 Mile Road
Buildings
Parcels
M-1 Light Industrial
B-3 General Business

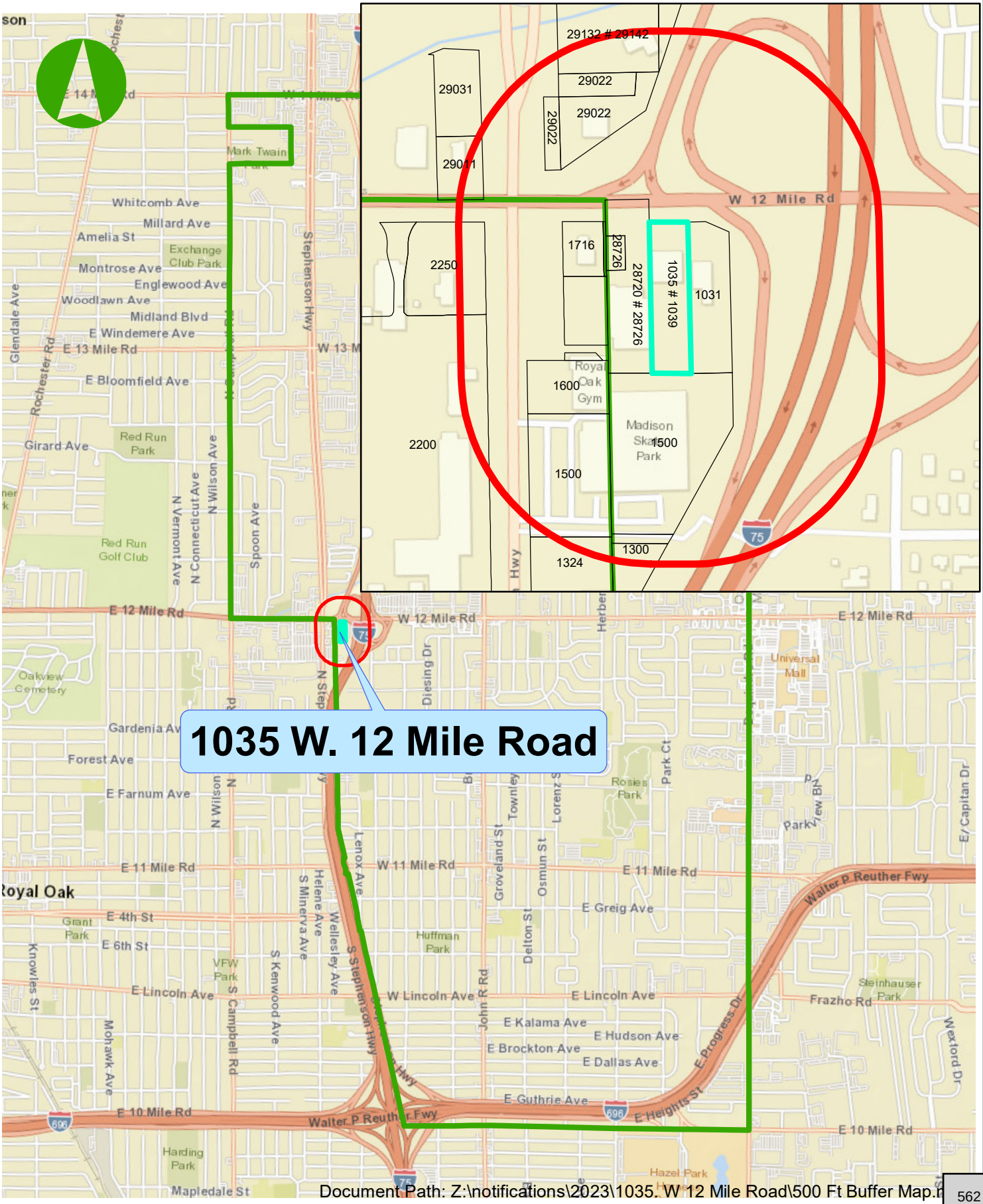
Future Land Use



1035 W.12 Mile Road
Parcels
Industrial

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PRZN CASE: 23 - 02
BUFFER 500 FT



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COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from B3 to M1.
2. The property address is 1035, 1037, 1039 W 12 Mile and the parcel is located on the South side of 12 Mile Rd street between Stephens Hwy and Jak R. streets.
3. The legal description of said property is as follows: (attach separately if necessary)
   T1N R11E Sec 14 CR83A-1 Part of NW¼ Beg. at Pt on N Sec Line Dist S89-24-00 W215Ft From N¼ Cor, TH S 0-03-00 W 1024.41 ft Th S 89-24-00 E 456.70 ft Th N 0-03-00 E 1024.41 TH S 89-24-00 W 456.70' To Beg Exc N 66' Taken for Hwy .93 Acres.
4. The sidwell number for the property is: 44 - 25 - 14 - 127 - 053
5. The owner of said property is:
   Name: 1275 LLC
   Street Address: 31000 NW Hwy # 110
   City, State, Zip: Farmington Hills MI. 48334
   Phone: 2485210978 Email: isamyaldoo@AOL.C
6. The Applicant is:
   Name: Isam Yaldo
   Street Address: 31000 NW Hwy # 110
   City, State, Zip: Farmington Hills MI. 48334
   Phone: 2485210978 Email: isamyaldoo@aol.com
7. The applicant is the:
   [X] Owner [ ] Legal Representative [ ] Purchaser [ ] Other _____
8. Description of proposed use:
   _____
   _____
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the $1,500.00 application fee.

Signature of Owner: I. Yaldo
Signature of Applicant: I. Yaldo
Date: 10-16-2023

Notary's Signature: _____
Notary's Print Name: Marisa Fatouhi
Notary Public, State of Michigan, County of: Oakland
My Commission Expires on: February 27 2030
Acting in the County of: Oakland

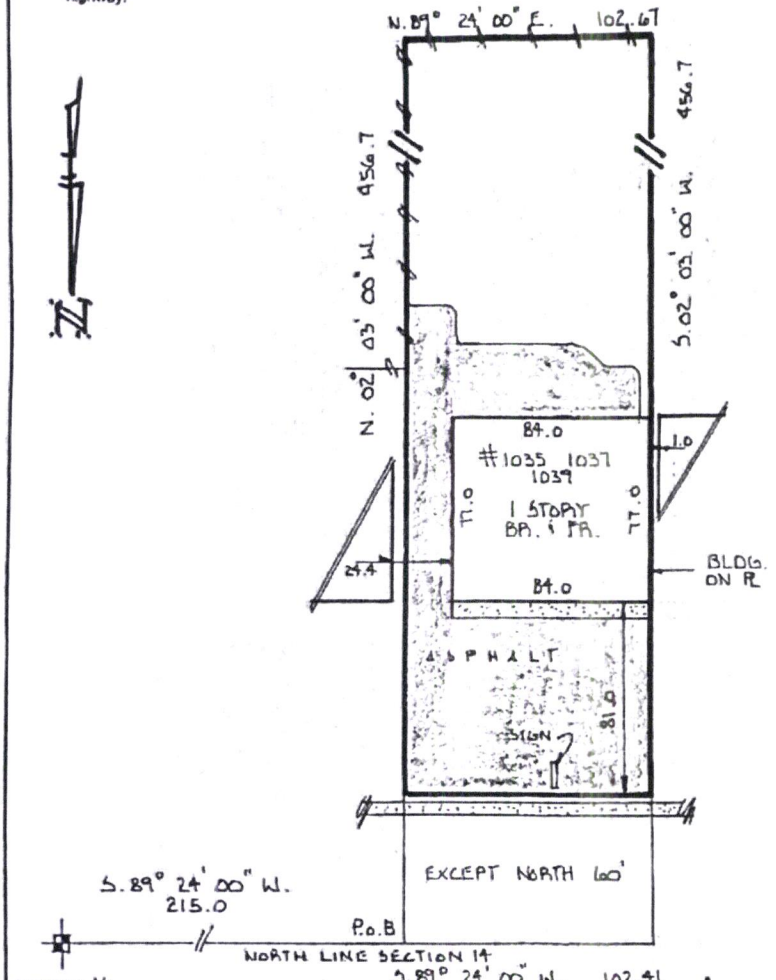
Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.

Oakland

McNEELY & LINCOLN ASSOCIATES, INC. 37741 Pembroke, Livonia, MI 48152 (734) 432-9777 Fax (734) 432-9786

Land situated in the City of Madison Heights, County of Oakland in the State of Michigan and described as follows:

Part of the Northwest 1/4 of Section 14, Town 1 North, Range 11 East, beginning at a point on the North section line, distant South 89 degrees 24 minutes 00 seconds West 215.00 feet from the North 1/4 corner; thence South 89 degrees 24 minutes 00 seconds West 102.41 feet; thence South 02 degrees 01 minutes 00 seconds East 456.7 feet; thence North 89 degrees 24 minutes 00 seconds East 102.67 feet; thence North 02 degrees 03 minutes 00 seconds West 456.7 feet to the point of beginning, except the North 60 feet taken for highway.



MORTGAGE CERTIFICATE

We hereby certify to Community Choice Credit Union / Transworld Title
a mortgage lender, and certify to all Title Insurance Companies for the purpose of a mortgage loan to be made by said lender to

1275, LLC

that we have measured the property herein described: that there are located entirely thereon building(s) and improvement(s) and that said building(s) and improvement(s) are within the property lines and that there are no existing encroachments upon the land and property described, except as shown. **LEGAL DESCRIPTION PROVIDED BY OTHERS.**

*This mortgage certificate was prepared specifically for **IDENTIFICATION PURPOSES** for the sole use of the mortgage and Title Insurance Companies disclosed hereon. Nothing herein shall be construed to give any rights or benefits to the present or future land owners or occupants. This certificate is not intended nor represented to be a land boundary or property line survey and is not to be used to establish property lines, easements, public right-of-way, building lines, conformity or non-conformity to State, County or local ordinances and/or codes, etc. No boundary markers were set.

Job No 2-22-5 Scale: 1"=50' Date February 16, 2022 Final

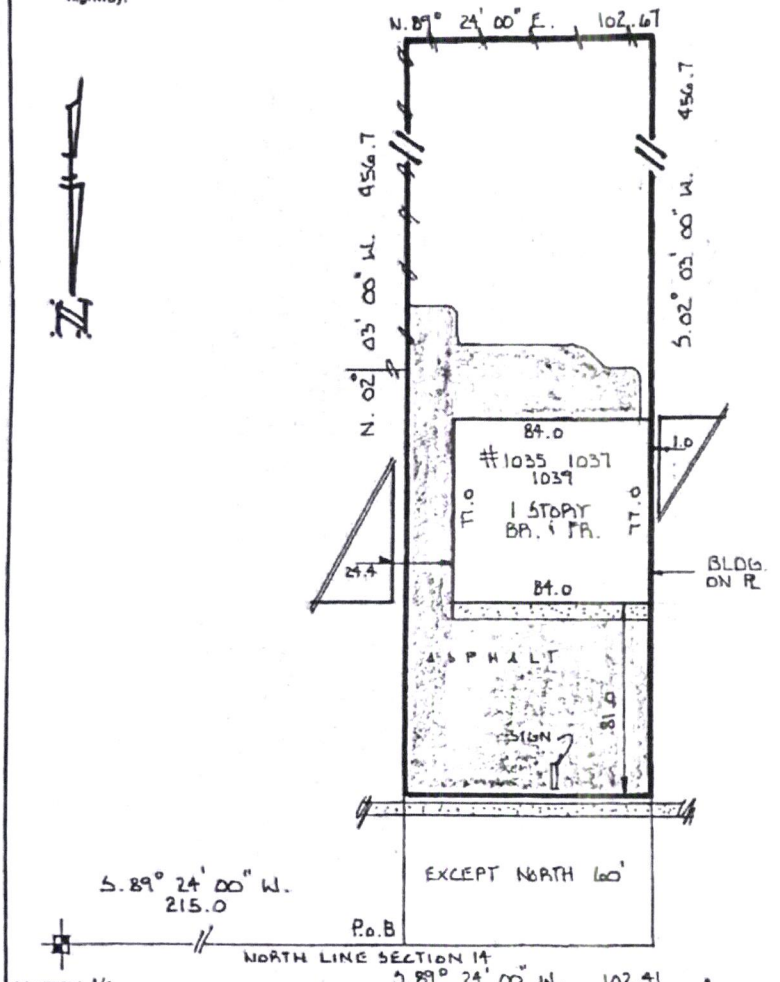
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