



# City of Belleville Zoning Ordinance

Effective July 5, 2013

Amended through December 28, 2020

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

Notes provide relevant district information recommended for review.

Link to *Table of Contents*.

Selected References list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.












# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

## Digital User Note:

### What is a link?


A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.


 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

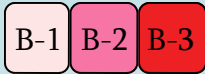
### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.


In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

 **Article tabs** located on the side of each page are linked to the Contents page of each Article.

 **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

 **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

 **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-2	R-3	R-M
Accessory buildings and uses	P/S	P/S	P	P/S
Boarding and renting of rooms	S	S		
Colleges, universities and other institutions of higher learning	S	S		
Convalescent homes				S
Day nursery schools	S	S		
Family day care homes <sup>☞</sup>	P	P	P	P
Group day care home <sup>☞</sup>	S	S	S	S
Home occupations <sup>☞</sup>	S	S		
Libraries - publicly owned and operated	P	P	P	
Mid-rise multiple-family elderly residential				S
Mobile home park <sup>☞</sup>			S	
Multiple-family dwellings <sup>☞</sup>				P
Municipal buildings and uses	P	P	P	
Museums - publicly owned and operated	P	P	P	
One-family detached dwellings <sup>☞</sup>	P	P	P	
Parks - publicly owned and operated	P	P	P	
Places of worship	P	P	P	
Private non-profit clubs <sup>☞</sup>				P
Recreation facilities - publicly owned and operated	P	P	P	
Schools - elementary, intermediate, and / or high schools	P	P	P	P
State licensed residential facilities <sup>☞</sup>	P	P	P	P
Swimming pool clubs	S	S		
Utility and public service and uses (without storage yard)				P

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# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

\* = See District Matrix



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	H	B-1	B-2	B-3	OS-1	I-1	I-2	IP	P-1
Accessory buildings and uses		P		P	P	P	P	P	
Arcades (mechanical amusement devices)				S					
Auto office sales and showroom				P					
Automobile fuel station <sup>Ⓜ</sup>		S		P					
Automobile repair facility				S		S			
Automobile sales				P					
Auto wash				P			P		
Banks		P	*		P				
Banquet facilities				P					
Bars, taverns and live entertainment			*						
Bed & breakfast inn <sup>Ⓜ</sup> and hotel			*						
Boarding and renting of rooms									
Building material sales and storage								P	
Bus passenger stations				P					
Business support services <sup>Ⓜ</sup>		P	*	P					
Carpenter shops								P	
Child care facilities - commercial			*					S	
Contractors - plumbing and electrical								P	
Drive in <sup>Ⓜ</sup> /open front store <sup>Ⓜ</sup>			*	S					
Electronic equipment repair					P				
Extended care facilities	P								
Exterminator and fumigation contractors								P	
Farm machinery sales and repairs								P	
Feed and seed sales								P	
Freight terminals						P	P		
Fuel station								P	
Funeral homes				P	P				
Gas regulator stations						P	P		
Gas regulator stations and service yards (without storage yards)		S							
General retail uses ≤ 6,000 sq ft		P	*	P				S	

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# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

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### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	H	B-1	B-2	B-3	OS-1	I-1	I-2	IP	P-1
General retail uses > 6,000 sq ft		P	*	S				S	
Greenhouse - wholesale								P	
Grocery store ≤ 20,000 sq ft			*						
Grocery store > 20,000 sq ft			*						
Health /fitness facilities and studios			*						
Heating and electric power generating plants							P		
Heliport, private							P		
Home occupations <sup>□</sup>			*						
Hospitals, general	P								
Laboratories - medical and dental								P	
Laundries								P	
Libraries - publicly owned and operated			*						
Lumber and planing mills						S	S	S	
Mail order houses								P	
Manufacturing <sup>□</sup>						P	P		
Manufacturing, heavy <sup>□</sup>							P		
Manufacturing, light <sup>□</sup>						P		P	
Metal plating, buffing and polishing						S	S	S	
Miniature golf courses				S					
Monument, cut stone, and similar products production and sales								P	
Motel <sup>□</sup>				S					
Motor vehicle storage and repair facilities							P		
Moving companies								P	
Multiple-family dwellings <sup>□</sup>			*						
Municipal buildings and uses		P	*	P	P	P	P		
Museums - publicly owned and operated			*						
Nursery sales				S					
Office - dental, medical (including clinics)		P	*		P				
Office - doctors	P	P	*						
Outdoor dining			*	S					

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

\* = See District Matrix



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	H	B-1	B-2	B-3	OS-1	I-1	I-2	IP	P-1
Outdoor sales space				S					
Packaging and crating service								P	
Parking structures			*						P
Parks - publicly owned and operated									
Personal service establishments <sup>1</sup>		P	*	P					
Petroleum bulk storage								P	
Places of worship			*						
Pleasure boat construction								P	
Printing and publishing establishments								P	
Processing, cleaning, and service of goods							P		
Product development, basic research, design, and testing						P	P		
Professional and administrative office uses <sup>1</sup>		P	*	P	P				
Railroad right of way						P	P	P	
Railroad terminal facilities								P	
Railroad transfer and storage yards						P	P		
Recreation / exercise facilities - indoor commercial				P				P	
Recreation / exercise facilities - with outdoor activity				S				S	
Refrigeration service								P	
Reservoirs						P	P		
Residence for doctors and nurses	P								
Residential living units		S		S					
Restaurants		P	*	P				P	
Schools - academic, fine arts, and vocational			*					P/S	
Service yards - gas and electric						P			
Service yards (without outdoor storage)				P					
Sewage treatment plants						P	P		
Stations - radio and television								P	
Storage facilities for sand, gravel, and stone						P	P		
Taxi stands				P					
Theater, cinema, performing arts, places of worship, indoor commercial recreation			*						

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

\* = See District Matrix



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	H	B-1	B-2	B-3	OS-1	I-1	I-2	IP	P-1
Trucking facilities						P	P		
Towers - radio and television								P	
Utility exchanges and substations - public		S		P		P	P	P	
Utility offices - public				P	P				
Warehouse and storage				P		P	P		
Warehousing and wholesale establishments						P	P		
Water and tank holders							P		
Water supply and sewage disposal plants						P	P		
Water treatment plants						P	P		



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

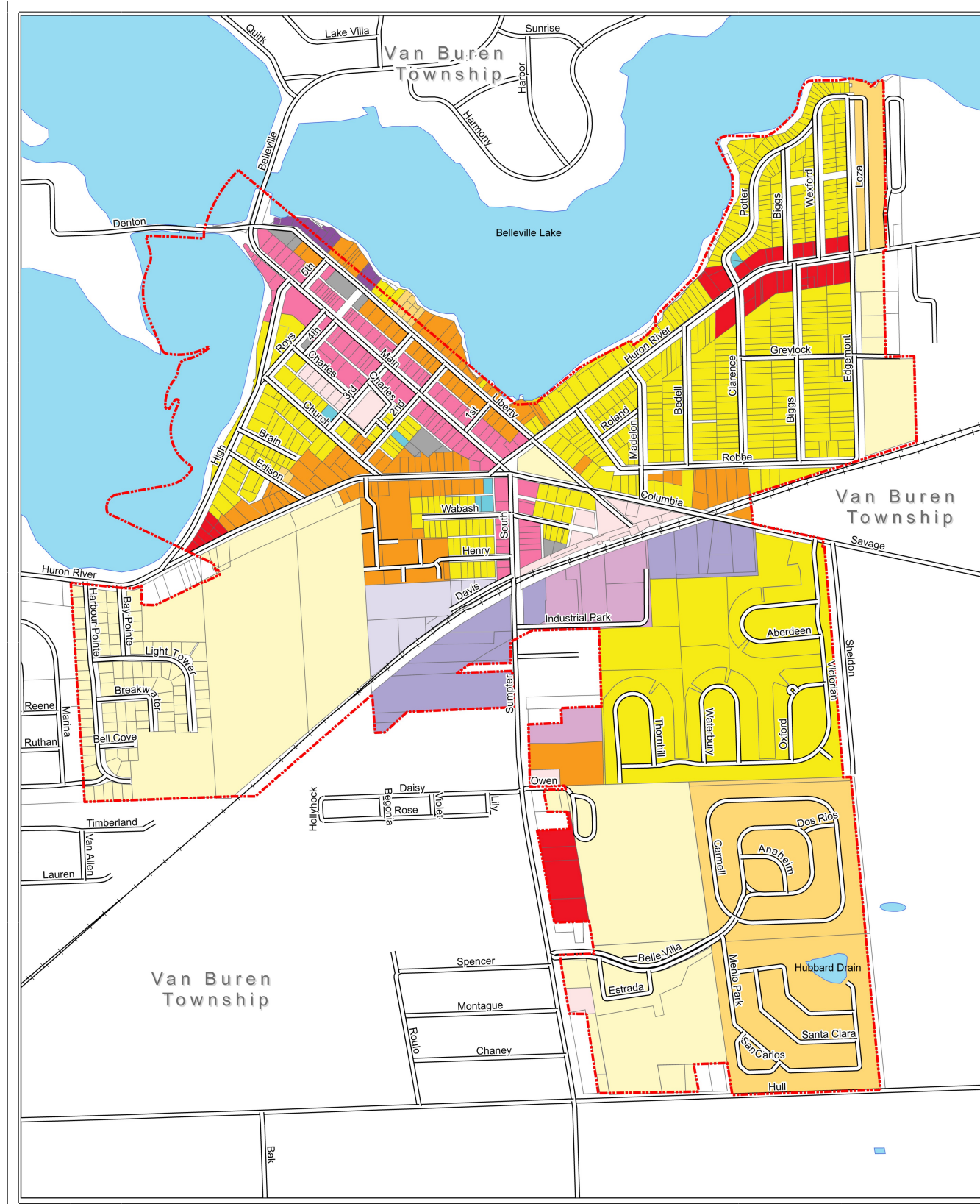
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 One-Family Residential (9,600 sq ft)	9,600 sq ft	80	25	7 min 17 total	35
R-2 One-Family Residential (8,800 sq ft)	8,800 sq ft	80	25	5 min 15 total	35
R-3 Residential District	6,000 sq ft	60	25	10 min 20 total	35
R-M Multiple Family Residential District	See Note to District Standards C	None	25	10 min 20 total	35
H Hospital	20 acres	None	*	*	*
B-1 Local Business	None	None	25	*	20
B-2 Central Business District	*	*	*	*	*
B-3 General Business District	None	None	40	*	20
OS-1 Office Service District	None	None	25	*	20
I-1 Industrial 1 District	2 acres	200	50	*	*
I-2 Industrial 2 District	2 acres	200	50	*	*
IP Industrial Park District	2 acres	200	50	50 min 100 total	50
P-1 Vehicular Parking District					
PUD Planned Unit Development					

\* See district. Multiple standards apply.







# Zoning Map

## City of Belleville

### Wayne County, Michigan



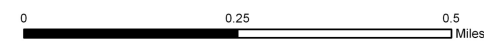
- R-1 One-family Residential (9,600 sq ft)
- R-2 One-family Residential (8,800 sq ft)
- R-3 Residential
- R-M Multiple-family Residential
- B-1 Local Business
- B-2 Central Business
- B-3 General Business
- O-1 Office Service
- I-1 Industrial
- I-2 Industrial
- I-P Industrial Park
- P-1 Vehicular Parking
- PUD Planned Unit Development
- Belleville City Limit

**Digital User Note:**  
Click on a district heading in the map legend to go directly to the corresponding district regulations.

Adopted \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Sources: Michigan Geographic Data Library,  
City of Belleville  
May 14, 2013



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**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# Article 1.0

## *Purpose and Introduction*



<b>Article 1.0</b>	<b>Purpose and Introduction</b>
1.1	Short Title
1.2	Purpose
1.3	Conflicting Regulations
1.4	Scope
1.5	Vested Rights
1.6	Rights and Remedies are Cumulative
1.7	Severance Clause
1.8	Effective Date



# 1.0 Purpose and Introduction

## 1.1 SHORT TITLE

This Chapter shall be known and may be cited as the "City of Belleville Zoning Ordinance."

## 1.2 PURPOSE

The purpose of this Chapter is to promote the public health, safety, and general welfare of the community and a wholesome, serviceable and attractive municipality, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment in which to rear children; that develop permanent good citizenship; that stabilize and enhance property and civic values; that facilitate adequate provisions for increased safety in traffic and transportation; that provide for vehicular parking, parks, parkways, recreation, schools, public buildings, housing, light, air, water supply, sewage, sanitation and other public requirements; that lessen congestion, disorder and danger which often inhere in unregulated municipal development; that prevent overcrowding of land and undue concentration of population; that assist in carrying out a Master Plan of the Municipality; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structure upon which the good of all depends. In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of this comprehensive plan, the Municipality is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights and interests of all and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

## 1.3 CONFLICTING REGULATIONS

Whenever any provision of this Chapter 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 Chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Chapter, then the provisions of such law or ordinance shall govern.

## 1.4 SCOPE

No building or structure or part thereof, shall hereafter 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 Chapter.

## 1.5 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.

## 1.6 RIGHTS AND REMEDIES ARE CUMULATIVE

The right and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## 1.7 SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, subsection 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.

## 1.8 EFFECTIVE DATE

A public hearing having been held hereon by the Planning Commission, its recommendation having been presented to the City Council, and the City Council having adopted the ordinance, the provisions of this Ordinance are hereby given immediate effect upon its publication pursuant to the provisions of Article 4 of Act 110 of the Public Acts of 2006, as amended, which publication occurred on \_\_\_\_\_.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

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# Article 2.0 Definitions



### Article 2.0 Definitions

- 2.1 Construction of Language
- 2.2 Definitions

Accessory Uses or Buildings	General Retail Uses	Professional and Administrative
Adult Entertainment Business*	Grade	Office Uses
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Alterations	Home Occupation	Recreational Vehicle
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Auto Repair Station	Let	Restaurant, Sit Down
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Bed and Breakfast Inn	Lot Area	State Licensed Residential
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Building Line*	Lot, Double Frontage	Street
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Club	Lot Lines*	Temporary Use or Building
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Dwelling Unit	Marihuana facilities*	
Dwelling, Multiple-Family	Master Plan	*Multiple Definitions
Dwelling, One Family	Mezzanine	
Dwelling, Two Family	Mobile Home	
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Family Day Care Home	Nuisance Factor	
Farm	Nursery, Plant Material	
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Full Cut-Off Luminaries	Personal Service Establishment	





# 2.0 Definitions

## 2.1 CONSTRUCTION OF LANGUAGE

1. The following rules of construction shall apply to the text of this Chapter:
  - A. The term "person" shall include firm, association, organization, partnership, trust, company or corporation as well as an individual.
  - B. The present tense includes the future tense.
  - C. The singular number includes the plural, and the plural number includes the singular.
  - D. The word "shall" is mandatory.
  - E. The word "may" is permissive.
  - F. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied".
  - G. The word "building" includes the word "structure".
  - H. The word "dwelling" includes the word "residence".
  - I. The word "lot" includes the words "plot" or "parcel".

## 2.2 DEFINITIONS

For the purpose of this Chapter terms not herein defined shall have the meaning customarily assigned to them; and certain terms or words used herein shall be interpreted as follows:

**ACCESSORY USES OR BUILDINGS** shall mean a use or building on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.

**ADULT ENTERTAINMENT BUSINESS** definitions:

1. **Adult Entertainment Business:** One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult cabaret, adult personal service business, adult novelty business.
2. **Adult Bookstore:** An establishment having as a principal activity the sale or rental of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of specific sexual activities or specific anatomical areas and an establishment with a

segment or section devoted to the display of such materials.

3. **Adult Cabaret:** An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specific anatomical areas of their bodies or who engage in, perform or simulate specific sexual activities.
4. **Adult Novelty Business:** A business which has as a principal activity the sale of devices which simulate human genitals or devices designed for sexual stimulation.
5. **Adult Motion Picture Theater:** An enclosed building used for presenting motion picture films, video cassettes, cable television or other visual media, distinguished or characterized by an emphasis on specific sexual activities or specific anatomical areas for observation by patrons therein.
6. **Adult Personal Services Business:** A business having as a principal activity a person of one sex, while nude or partially nude, providing personal services for a person of the other sex on an individual basis in an enclosed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and individual theatrical performances. It does not include activities performed by persons pursuant to and in accordance with licenses issued to such persons by the State of Michigan.
7. **Principal Activity:** An activity accounting for more than fifteen percent (15%) of a business' sales, gross receipts, display space, floor space, or movie display time per month.
8. **Specific Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic regions, buttocks, female breasts below a point immediately above the line of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specific Sexual Activities:** Shall include but not be limited to human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

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**ALLEY** shall mean any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS** shall mean any change, addition or modification in construction 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."

**APARTMENTS** shall mean the dwelling units in a multiple dwelling as defined herein:

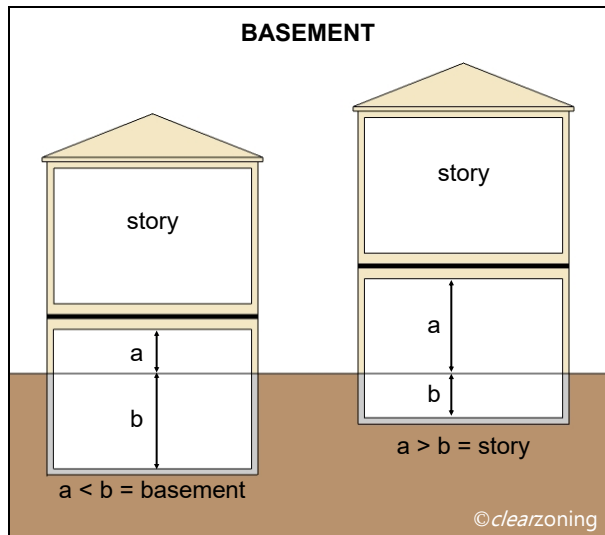
1. Efficiency Apartment: A dwelling unit containing not over three hundred (300) square feet of net floor area, and consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.
2. One Bedroom Unit: A dwelling unit containing a minimum net floor area of at least six hundred and fifty (650) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen and necessary sanitary facilities.
3. Two Bedroom Unit: A dwelling unit containing a minimum net floor area of at least seven hundred and fifty (750) square feet per unit, consisting of not more than four (4) rooms in addition to kitchen and necessary sanitary facilities.
4. Three or More Bedroom Unit: A dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred and fifty (150) square feet for each additional room.

**AUTO FUEL STATION** shall mean a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including related retail.

**AUTO REPAIR FACILITY** shall mean a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**BANQUET HALL** shall mean a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

**BASEMENT** shall mean that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

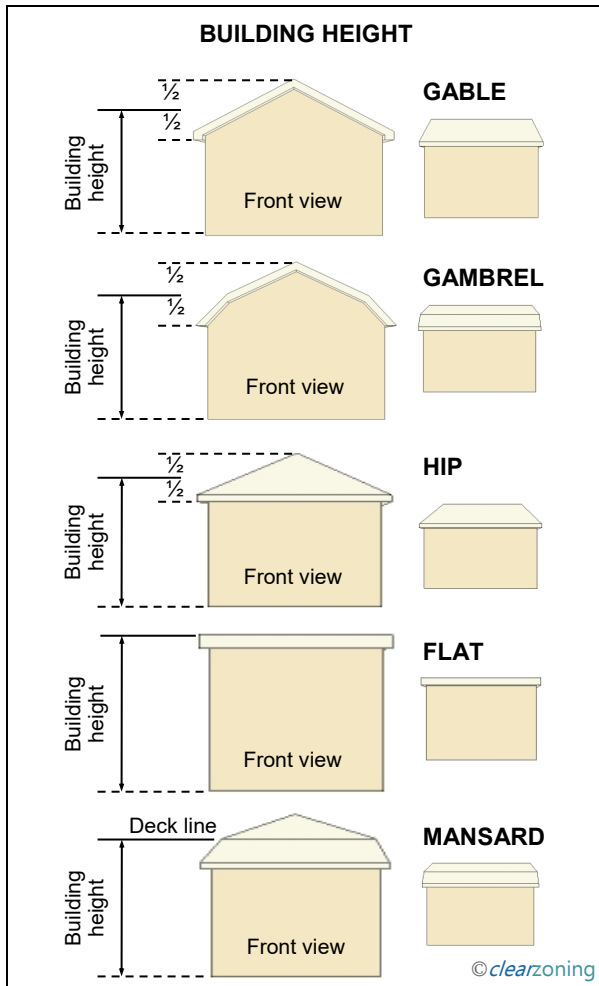


**BED & BREAKFAST INN** shall mean a residence operated primarily as a business with up to 12 guest units. The building must be occupied by the owner, lessee, operator, or proprietor of the building. A restaurant open to the general public may be allowed.

**BLOCK** shall mean the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**BUILDING** shall mean any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.



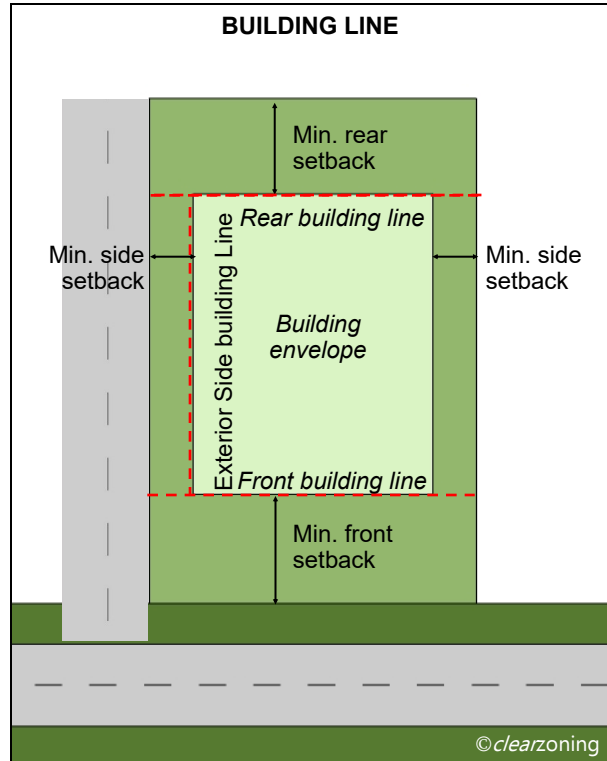


**BUILDING HEIGHT** shall mean the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. 📐

**BUILDING LINE** shall mean a line which is parallel to a lot line and which intersects the minimum required building setback. 📐

1. **Front Building Line:** A line which is parallel to the front lot line, intersects the minimum required front setback, and extends to each side lot line.
2. **Rear Building Line:** A line which is parallel to the rear lot line, intersects the minimum required rear setback, and extends to each side lot line..

3. **Exterior Side Building Line:** A line which is parallel to the side lot line closest to the street on a corner lot, intersects the minimum required exterior side setback, and extends between the front and rear lot lines.



**BUSINESS SUPPORT SERVICES** shall mean establishments providing services principally to other businesses, such as: photocopying and printing; photo finishing; business equipment and furniture rental and leasing; computer and telephone sales, software and support; advertising, mailing, marketing and promotions; business or office incubator, co-working center; and similar uses as determined by the approval authority.

**CLUB** shall mean an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

**CLUB, PRIVATE NON-PROFIT** shall mean a building or facility, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

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

1. Condominium act: Public Act 59 of 1978, as amended.
2. Condominium lot or site: That portion of the land area of a site condominium project intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in Section 3.1.
3. Condominium subdivision plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. Condominium unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
5. Common elements: Portions of the condominium project other than the condominium units.
6. Contractible condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Chapter and the Condominium Act.
7. Conversion condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. Convertible area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Chapter and the Condominium Act.
9. Expandable condominium: A condominium project to which additional land may be added pursuant to express provision in the

condominium documents and in accordance with this Chapter and the Condominium Act.

10. General common elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
11. Limited common elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
12. Master deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
13. Site condominium project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

**COUNCIL** shall mean the duly elected Legislative Body of the Municipality.

**COURT** shall mean an open, unoccupied space, other than a yard, and bounded on at least two sides, by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an Outer Court. Any other court is an Inner Court.

**DECORATIVE FENCE** shall mean a fence which is part of an overall landscaping plan for the site; is decorative in nature (such as a split-rail, picket or wrought iron fence, but not a chain link fence); is no higher than three (3) feet; has at least twenty-five percent (25%) of its total surface area open to the flow of air; and may create a barrier to travel across a portion of the site, but is not used for enclosure.

**DISTRICT** shall mean a portion of the incorporated area of the Municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

**DRIVE-IN** shall mean 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 rather than within a building or structure.



**DRIVE-THRU** shall mean an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DWELLING UNIT** shall mean a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**DWELLING, MULTIPLE-FAMILY** shall mean a building, or a portion thereof, designed exclusively for occupancy by two (2) or more families living independently of each other.

**DWELLING, ONE-FAMILY** shall mean a building designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY** shall mean a building designed exclusively for occupancy by two (2) families, living independently of each other.

**ERECTED** shall mean built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage, and the like shall be considered a part of erection.

**ESSENTIAL SERVICES** shall mean 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, collection, communication, supply or disposal 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 health, safety, or welfare.

**EXCAVATION** shall mean any breaking of ground, except common household gardening and ground care.

**EXCEPTION** shall mean a use permitted only after review of an application by the Zoning Board of Appeals or Planning Commission rather than the Building Official, such review being necessary because the provisions of this Chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Chapter.

**FAMILY** shall mean one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Chapter.

**FAMILY DAY CARE HOME** means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 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. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**FARM** shall mean any continuous parcel of ten (10) acres or more which is used in the raising of agricultural products, livestock, poultry and dairy products. It includes a building used as a residence and necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding or boarding stables, commercial dog kennels. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal, rendering or slaughtering plants.

**FILLING** shall mean depositing or dumping of any matter on to, or into the ground except common household gardening and ground care.

**FLOOR AREA** shall mean, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

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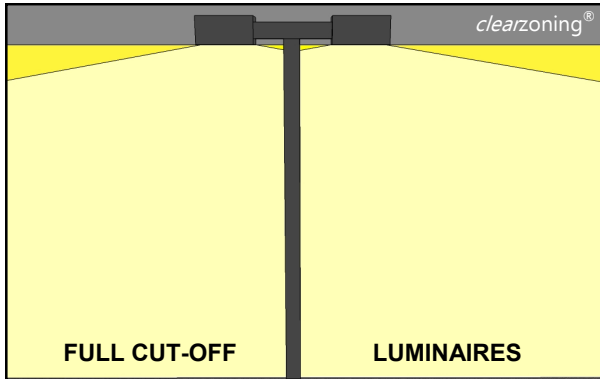
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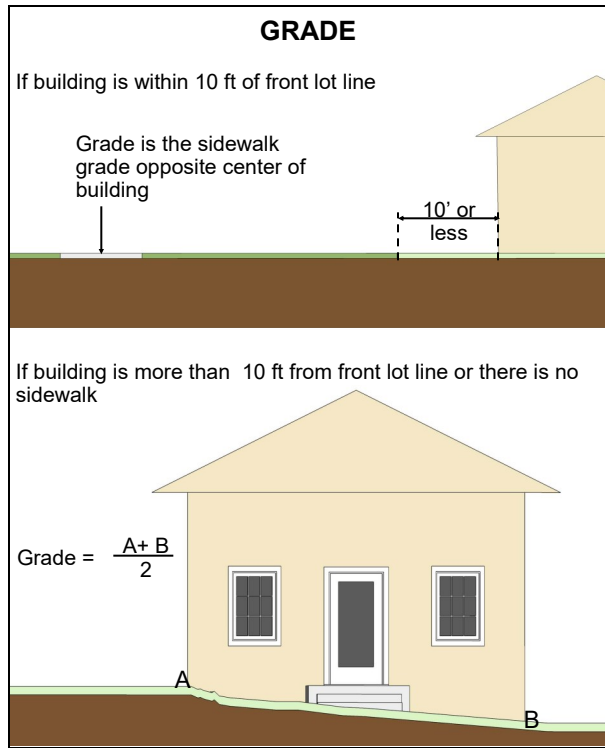
**FENCE** shall mean any structure, partition or gate, whether made of natural living plants, or processed or manmade materials which are erected on posts, for the purpose of acting as a property marker, a barrier or an enclosure to restrict access to or egress from or travel across a lot or parcel of land, whether enclosing all or only part of the lot or parcel. See also “Decorative Fence”.

**FULL CUT-OFF LUMINAIRES** shall mean a luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. ✎



**GENERAL RETAIL USES** shall mean businesses that supply commodities on the premises including, but not limited to clothing shops, art galleries, home furnishings, shoe shops, pharmacy shops, flower shops, stationery shops, and gift shops.

**GRADE** shall mean that the established grade is the mean elevation of the street sidewalk along the front of the lot, as established by the Municipality. The reference level, for any building within ten (10) feet of the front lot line, is the official established sidewalk grade opposite the center of the front of such building. For any building more than ten (10) feet from the front lot line, or where no sidewalk grade is established, the reference level is the mean level of the finished grade of the ground across the front of such building. When the mean finished grade about any portion of a building varies five feet or more from that at the front, such mean may be taken as the reference level for such portion of such building. ✎



**GROUP DAY CARE HOME** means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 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. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**HOME OCCUPATION** shall mean an occupation for gain or support conducted solely by members of a family residing on the premises and conducted entirely within the dwelling; provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

**JUNK YARDS** shall mean 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 “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

**KENNEL, COMMERCIAL** shall mean any lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.

**LET** shall mean to grant the occupancy or use of (land, buildings, rooms, space, etc., or movable property) for rent or hire (sometimes followed by out).

**LOADING SPACE** shall mean an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT** shall mean a parcel of land 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 Chapter. A lot may or may not be specifically designated as such on public records.

**LOT AREA** shall mean the total horizontal area within the lot lines of the lot.

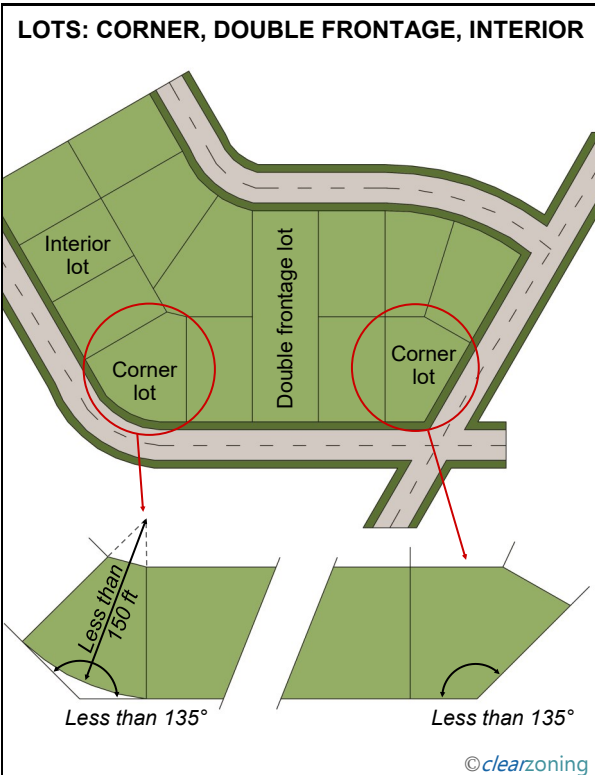
**LOT, CORNER** shall mean a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Chapter if the arc is of less radius than one hundred fifty (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 one hundred thirty-five (135) degrees.

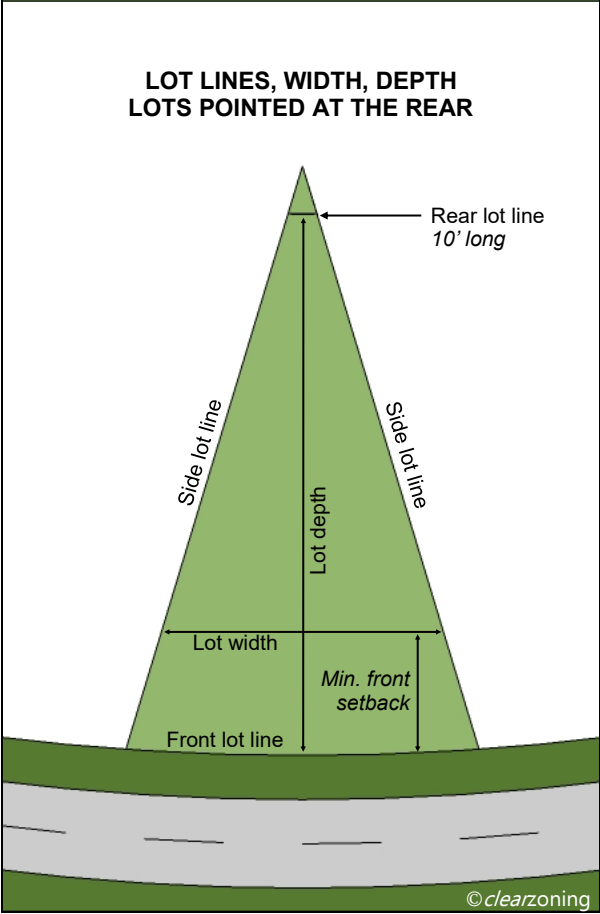
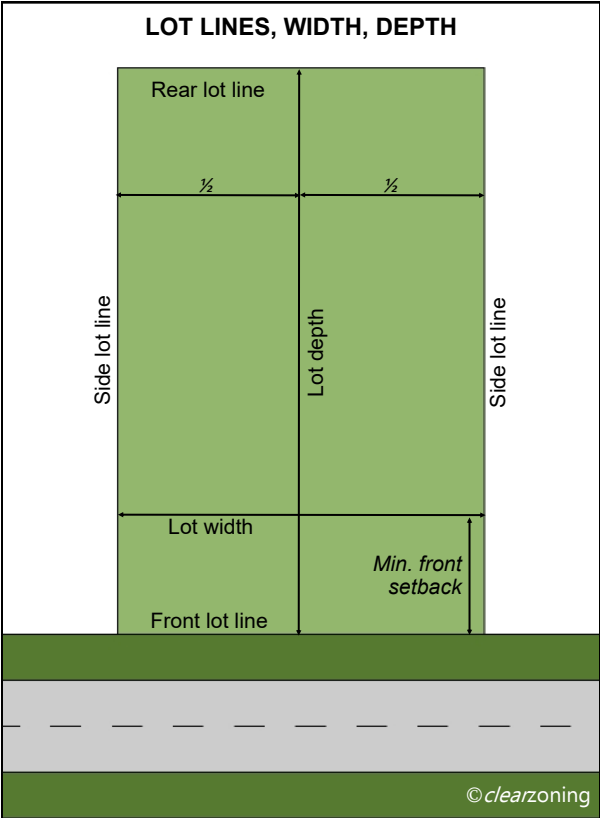
**LOT COVERAGE** shall mean that part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE** shall mean 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 double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**LOT, INTERIOR** shall mean any lot other than a corner lot.





**LOT LINES** shall mean the lines bounding a lot as defined herein:✍

1. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double 'frontage lot: "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a certificate of compliance.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD** shall mean a parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, at the time of inception of this Chapter, or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH** shall mean the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.✍

**LUMINAIRE** shall mean the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast (s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

**MAIN BUILDING** shall mean a building in which is conducted the principal use of the lot upon which it is situated.

**MAIN USE** shall mean the principal use to which the premises are devoted and the principal purpose for which the premises exist.





**MAJOR THOROUGHFARE** shall mean an arterial street which is intended to serve as a large volume traffic-way for both the immediate 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. Any street with a width, existing or proposed, of one hundred and twenty (120) feet shall be considered a major thoroughfare.

**MANUFACTURING, HEAVY** shall consist of the following uses: Blast furnace, steel furnace, blooming or rolling mill; manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris; petroleum or other inflammable liquids, production, refining, or storage; smelting of copper, iron or zinc ore.

**MANUFACTURING, LIGHT** shall mean the following:

1. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
2. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
3. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
4. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
5. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

**MARIHUANA FACILITIES** mean “marihuana facilities” as defined by the State of Michigan. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Agency** shall mean the Marijuana Regulatory Agency or any successor agency.
2. **Air contaminants** shall mean stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
3. **Designated consumption establishment** shall mean a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan Regulation and Taxation of Marihuana Act.
4. **Marihuana facility** shall mean a location at which a license holder is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Regulation and Taxation of Recreational Marihuana Act (MRTMA).
5. **Grower** shall mean a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
6. **Microbusiness** shall mean a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments.
7. **Person** shall mean an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
8. **Processor** shall mean a licensee that is a commercial entity located in the state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

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9. **Provisioning center or retailer** shall mean a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
10. **Safety compliance facility** shall mean a facility authorized to receive marihuana from, test marihuana for, and return marihuana to a licensed marihuana facility.
11. **Secure transporter** shall mean a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
12. **Separation Distance Measure** shall mean the distance computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this ordinance to the nearest property line of the parcel used as a marihuana facility.

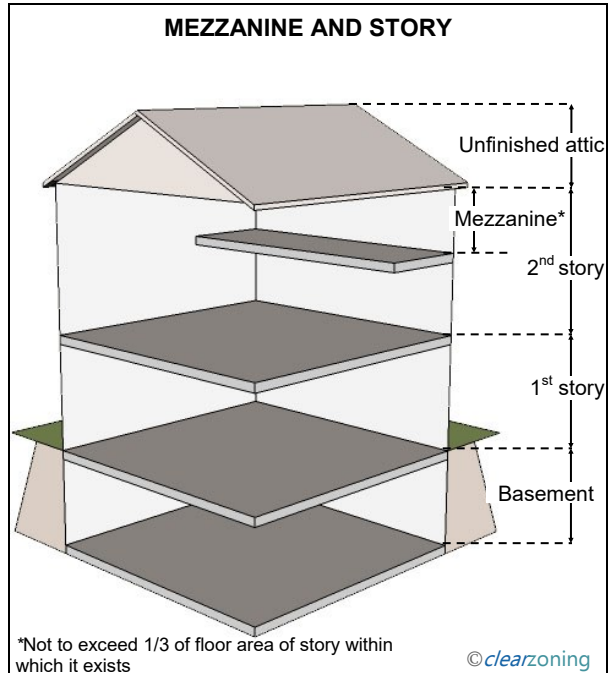
**MASTER PLAN** shall mean the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or Council.

**MEZZANINE** shall mean an intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story. ✍

**MOBILE HOME** shall mean any vehicle, without motive power, so constructed as to permit occupancy as a dwelling for one or more persons and equipped with toilet, lavatory and fixtures for tub or shower bathing within the mobile home.

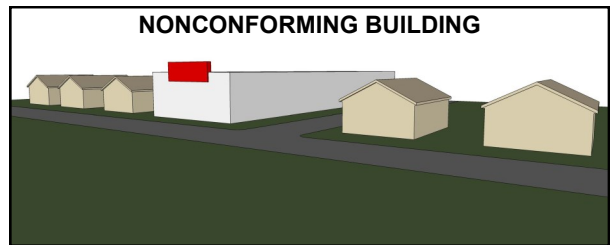
**MOBILE HOME PARK** shall mean any parcel or tract of land under the control of any person or persons upon which provision is made for seventy-five (75) or more mobile homes to be harbored or occupied, and not including sales or service.

**MOTEL** shall mean a series of attached, semi-detached or rental units containing bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

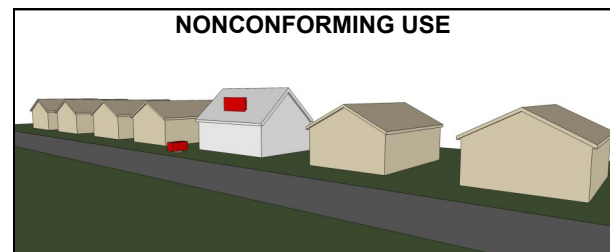


**MUNICIPALITY** shall mean the City of Belleville.

**NONCONFORMING BUILDING** shall mean a building or portion thereof, existing at the effective date of this Chapter, or amendments thereto, and that does not conform to the provisions of this Chapter in the district in which it is located. ✍



**NONCONFORMING USE** shall mean a use which lawfully occupied a building or land at the effective date of this Chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located. ✍



**NUISANCE FACTOR** shall mean an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation or interference, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic, (p) rubbish. Refer to the City of Belleville's City Code for additional references.

**NURSERY, PLANT MATERIAL** shall mean a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**OFF-STREET PARKING LOT** shall mean a facility, other than a one-family residential district, providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**OPEN FRONT STORE** shall mean a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. An "Open Front Store" shall not include an auto repair or service station.

**PARKING SPACE** shall mean an area in square feet as prescribed in Section 5.2 of this Chapter, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**PERSONAL SERVICE ESTABLISHMENTS** shall mean providing non-medically related services, including beauty and barber shops, clothing rental, day spa, dry cleaning pick-up stores, Laundromats. These uses may also include accessory retail sales of products related to the services provided.

**PROFESSIONAL AND ADMINISTRATIVE OFFICE USES** shall mean businesses which serve as offices for professional, executive, and administrative uses, including the offices of accountants, architects, attorneys, financial services, insurance, real estate, government and also computer/data processing facilities.

**PUBLIC UTILITY** shall mean any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under State or municipal regulations to the public: gas, steam, electricity, water supply and sewage disposal, transportation and communication including telegraph, telephone, television and internet.

**RECREATIONAL VEHICLE** shall include but not be limited to: boats, pontoon boats, personal water craft, snowmobiles, all-terrain vehicles, off road or other altered vehicles, (as well as their trailers for storage), pop-up campers, pickup truck campers and tops, travel trailers, fifth-wheel units, motor homes and utility trailers of all types.

**RESTAURANT, CARRYOUT** shall mean a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.

**RESTAURANT, FAST FOOD** shall mean a restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption primarily on the premises.

**RESTAURANT, SIT DOWN** shall mean an establishment at which patrons are served food in a sit down dining area. Food consumption occurs on the premises.

**SETBACK** shall mean the distance between a front, side, or rear lot line and the exterior surface of any building or structure or projection there from. The minimum required setback is the minimum distance between a front, side or rear lot line and the closest point on the exterior surface of any building in order to conform to the "Yard Setback" standards in Section 3.1.

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**SIGN** and the definitions related thereto are regulated by City Code Chapter 66 - Signs.

**STATE LICENSED RESIDENTIAL FACILITY** shall mean a structure constructed for residential purposes that is licensed by the state under PA 218 of 1979 or PA 116 of 1973 and provides residential services for six (6) or fewer persons under 24-hour supervision or care. Such facilities include the following:

1. Adult foster care family home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
2. Foster family home: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
3. Foster family group home: A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

**STORY** shall mean that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) per cent, by cubic content, is below the height level of the adjoining ground. (See Mezzanine)

**STORY, HALF** shall mean an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet six inches (7'-6").

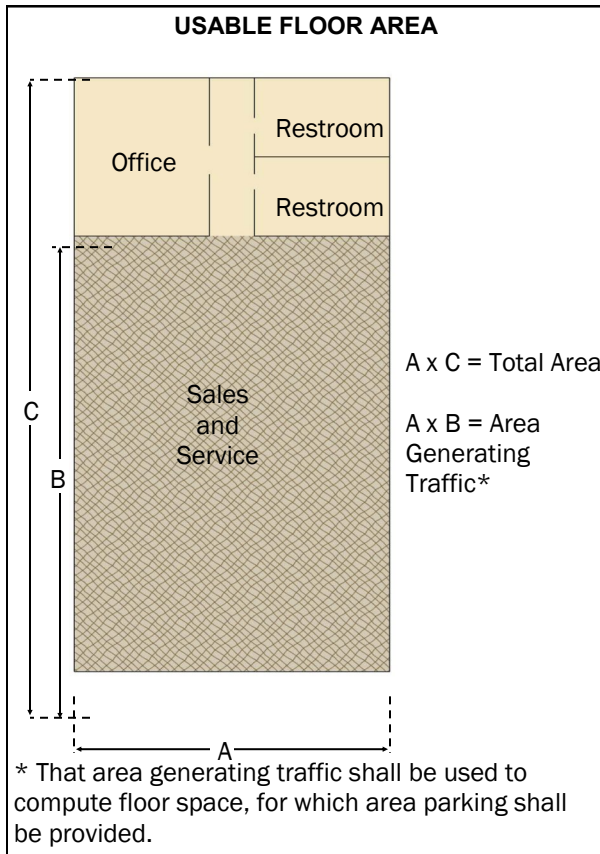
**STREET** shall mean a public thoroughfare which affords the principal means of access to abutting property.

**STRUCTURE** shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**TEMPORARY USE OR BUILDING** shall mean a use of building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**TRAILER COACH** shall mean 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.





**USABLE FLOOR AREA** shall mean (for the purposes of computing parking) that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. ✍

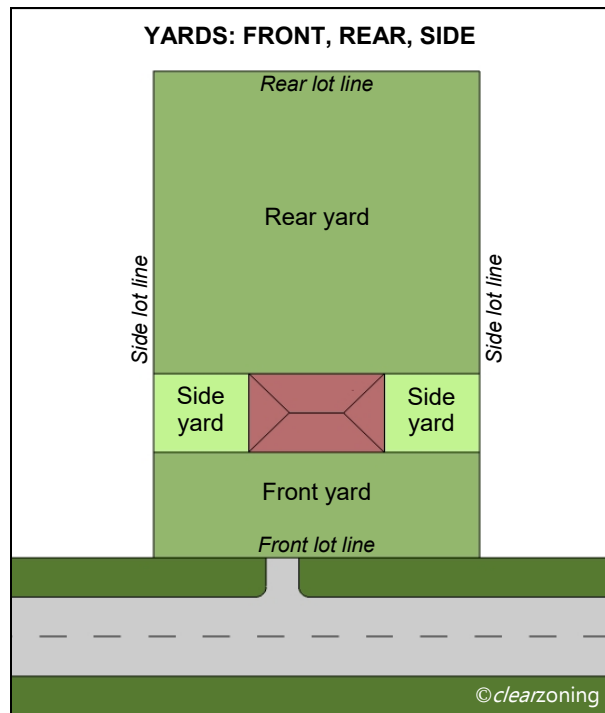
**USE** shall mean the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**VARIANCE** shall mean a modification of the literal provisions of this Chapter granted when strict enforcement of this Chapter would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

**WALL** shall mean a barrier constructed of masonry or other solid materials on a continuous foundation for the purpose of acting as a property marker, a barrier or an enclosure to restrict access to or egress from or travel across a lot or parcel of land, whether enclosing all or only part of the lot or parcel.

**YARDS** shall mean the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter and as defined herein: ✍

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the front setback of the main building.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is rear setback of the main building.
3. **Side Yard:** An open space extending from the front yard to the rear yard, the width of which is the side setback of the main building.



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**ZONING DISTRICT** shall mean any district delineated on the official zoning map of the city under the terms and provisions of this zoning code, or which may hereinafter be created subsequent to the enactment of this code, for which regulations governing the area, height, bulk, use of buildings or use of land, and other regulations relating to development or maintenance of uses or structures, are specified in the zoning ordinance.

**ZONING OVERLAY DISTRICT** shall mean an area of the city, designated as a unique zoning district, where certain additional where certain additional requirements are superimposed upon a base zoning district(s) or underlying district(s) and where the requirements of the base or underlying district (s) may or may not be altered. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply.



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# Article 3.0 Zoning Districts



**Article 3.0 Zoning Districts**

- 3.1 Districts Established
- 3.2 Zoning Maps
- 3.3 District Boundaries Interpreted
- 3.4 Zoning of Vacated Areas
- 3.5 Zoning of Annexed Areas
- 3.6 Belleville Lake
- 3.7 Notes to Schedule of Regulations
- 3.8 B-1 and B-3 Business Districts Required Conditions
- 3.9 OS-1 Office Service District Required Conditions
- 3.10 IP Industrial Park Required Conditions
- 3.11 IP Industrial Park Greenbelt Requirements
- 3.12 Subdivision Open Space Plan
- 3.13 General Exceptions






# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

For the purpose of this Chapter, the Municipality is hereby divided into the following districts:

1. R-1 One-Family Residential District (9,600 Sq Ft)
2. R-2 One-Family Residential District (8,800 Sq Ft)
3. R-3 Residential District
4. R-M Multiple Family Residential District
5. H Hospital District
6. B-1 Local Business District
7. B-2 Central Business District
8. B-3 General Business District
9. OS-1 Office Service District
10. I-1 Industrial 1 District
11. I-2 Industrial 2 District
12. IP Industrial Park District
13. P-1 Vehicular Parking District
14. PUD Planned Unit Development
15. I-2B Industrial Overlay

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

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Zoning  
Districts

**4**  
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Standards

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Site  
Standards

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Procedures

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Enforcement



# 3.1.1 R-1 One-Family Residential (9,600 sq ft)

## A. INTENT

The intent of this district is to provide for an environment of predominantly medium-density, one-family detached dwellings, on the City's larger neighborhood-scale lots, along with other residentially related facilities which serve the residents in the district.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings<sup>ⓘ</sup>
- ii. Places of worship
- iii. Publicly owned and operated museums, libraries, parks, parkways, and recreational facilities.
- iv. Municipal buildings and uses
- v. **Public, parochial and other private elementary, intermediate, and/or high schools** § 4.1
- vi. Family Day Care Homes<sup>ⓘ</sup>
- vii. State licensed residential facilities<sup>ⓘ</sup>
- viii. Accessory buildings and uses, customarily incident to any of the above permitted uses.

## C. SPECIAL APPROVAL USES

- i. **Swimming pool clubs** § 4.2
- ii. **Colleges, universities and other such institutions of higher learning, public and private** § 4.3
- iii. **Home occupations** § 4.4
- iv. **Day nursery schools** § 4.5
- v. Group day care homes<sup>ⓘ</sup>
- vi. Accessory buildings and uses customarily incident to any of the above permitted uses
- vii. **Boarding and renting of rooms** § 4.6



# R-1 One-Family Residential (9,600 sq ft) <sup>3.1.1</sup>

## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 9,600 sq ft min.  
 Lot width<sup>Ⓜ</sup>: 80 ft min.

### Lot Coverage

Maximum lot coverage: 35%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 7 ft least side  
 17 feet total of two sides

### Building Height<sup>Ⓜ</sup>

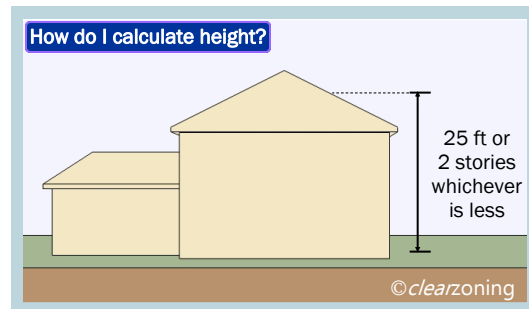
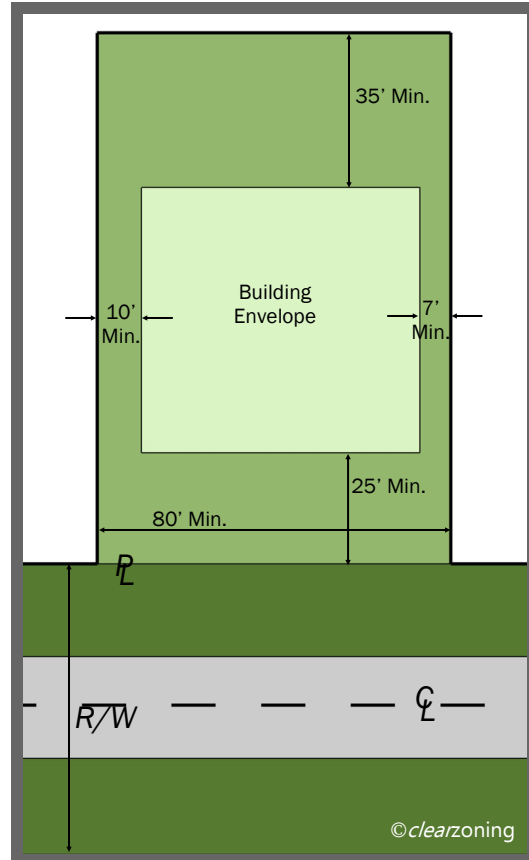
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per unit: 1,200 sq ft

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **A**, **B**, and **D**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Plan § 3.12
- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

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- Uses Under Exception Provisions Not Non-Conforming § 7.2

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## 3.1.2 R-2 One-Family Residential (8,800 sq ft)

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4 Use Standards

5 Site Standards

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### A. INTENT

The intent of this district is to provide for an environment of predominantly medium-density, one-family detached dwellings, on the City's medium-sized neighborhood-scale lots, along with other residentially related facilities which serve the residents in the district.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings<sup>ⓘ</sup>
- ii. Places of worship
- iii. Publicly owned and operated museums, libraries, parks, parkways, and recreational facilities.
- iv. Municipal buildings and uses
- v. **Public, parochial and other private elementary, intermediate, and/or high schools** § 4.1
- vi. Family Day Care Homes<sup>ⓘ</sup>
- vii. State licensed residential facilities<sup>ⓘ</sup>
- viii. Accessory buildings and uses, customarily incident to any of the above permitted uses.

### C. SPECIAL APPROVAL USES

- i. **Swimming pool clubs** § 4.2
- ii. **Colleges, universities and other such institutions of higher learning, public and private** § 4.3
- iii. **Home occupations** § 4.4
- iv. **Day nursery schools** § 4.5
- v. Group day care homes<sup>ⓘ</sup>
- vi. Accessory buildings and uses customarily incident to any of the above permitted uses
- vii. **Boarding and renting of rooms** § 4.6



# R-2 One-Family Residential (8,800 sq ft) <sup>3.1.2</sup>

## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 8,800 sq ft min.  
 Lot width<sup>Ⓜ</sup>: 80 ft min.

### Lot Coverage

Maximum lot coverage: 35%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 5 ft least side  
 15 feet total of two sides

### Building Height<sup>Ⓜ</sup>

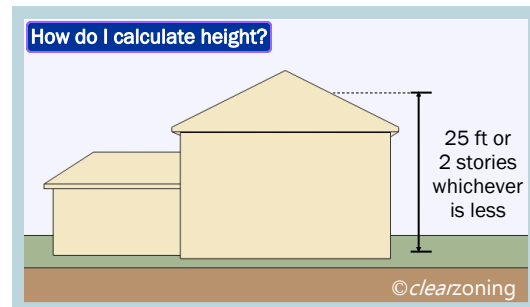
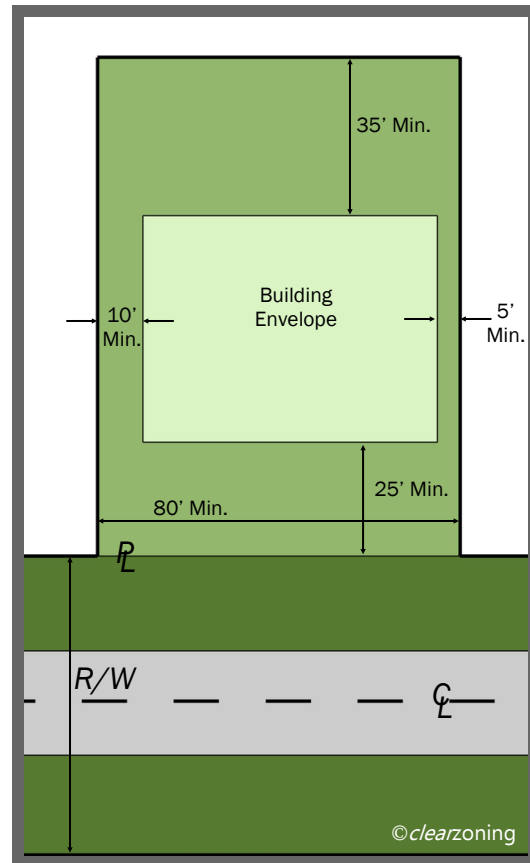
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per unit: 1,050 sq ft

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **A**, **B**, and **D**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Subdivision Open Space Plan § 3.12
- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities § 7.1
- Uses Under Exception Provisions Not Non-Conforming § 7.2

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# R-3 Residential District

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## A. INTENT

The intent of this district is to provide for an environment of predominantly medium- to higher-density, one-family detached dwellings, on the City's smaller neighborhood-scale lots with a special provision for mobile home parks, along with other residentially related facilities which serve the residents in the district.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings<sup>ⓘ</sup>
- ii. Places of worship
- iii. Publicly owned and operated museums, libraries, parks, parkways, and recreational facilities.
- iv. Municipal buildings and uses
- v. **Public, parochial and other private elementary, intermediate, and/or high schools** § 4.1
- vi. Family Day Care Homes<sup>ⓘ</sup>
- vii. State licensed residential facilities<sup>ⓘ</sup>
- viii. Accessory buildings and uses, customarily incident to any of the above permitted uses.

## C. SPECIAL APPROVAL USES

- i. Group day care homes<sup>ⓘ</sup>
- ii. **Mobile Home Park**<sup>ⓘ</sup> § 4.7



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 6,000 sq ft min.  
 Lot width<sup>Ⓜ</sup>: 60 ft min.

### Lot Coverage

Maximum lot coverage: 35%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 10 ft least side  
 20 feet total of two sides

### Building Height<sup>Ⓜ</sup>

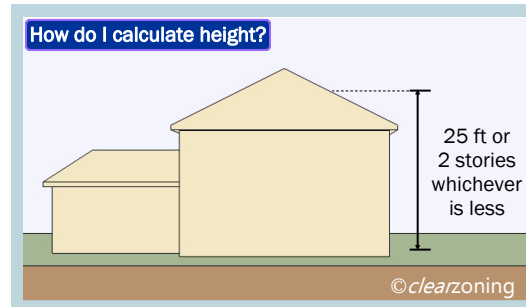
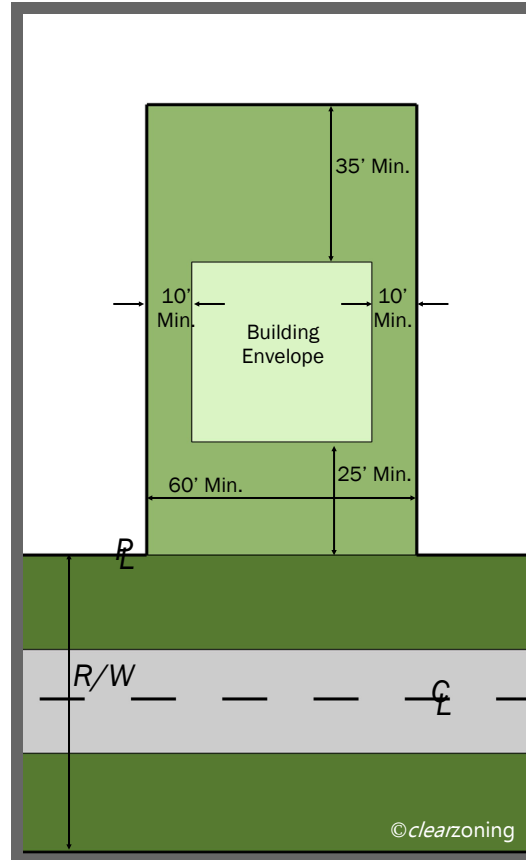
Maximum building height: 25 ft or 2 stories, whichever is less

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per unit: 850 sq ft

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **B**, **D**, and **O**.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities § 7.1
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# 3.1.4 R-M Multiple-Family Residential

## A. INTENT

The intent of this district is to provide for multiple family residential dwellings in the form of townhouses, apartment buildings, and/or mobile homes in organized areas of the City. This use is suitably located as a transition use between single-family residential and more intensive uses. Due to higher density, ample green space and pedestrian connections to schools, employment, and shopping shall be provided.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Multiple-family dwellings<sup>ⓘ</sup>
- ii. Family Day Care Homes<sup>ⓘ</sup>
- iii. State licensed residential facilities<sup>ⓘ</sup>
- iv. **Private non-profit clubs**<sup>ⓘ</sup> § 4.8
- v. **Utility and public service facilities and uses (without storage yards)** § 4.9
- vi. **Public, parochial and other private elementary, intermediate and/or high schools** § 4.1
- vii. Places of worship
- viii. Accessory buildings and uses customarily incident to school uses.

## C. SPECIAL APPROVAL USES

- i. **Mid-rise multiple-family elderly residential** § 4.10
- ii. **Convalescent homes** § 4.11
- iii. Group day care homes<sup>ⓘ</sup>
- iv. Accessory buildings and uses customarily incident to any of the above uses.





## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>☒</sup>: See Section 3.7.2.C  
 Lot width<sup>☒</sup>: None Specified

### Lot Coverage

Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>☒</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 35 ft  
 Minimum side yard setback: 10 ft least side  
 20 feet total of two sides

### Building Height<sup>☒</sup>

Maximum building height: 35 ft or 3 stories, whichever is less

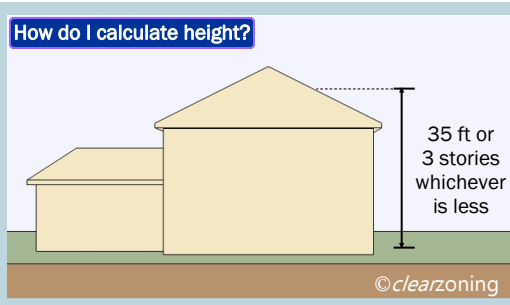
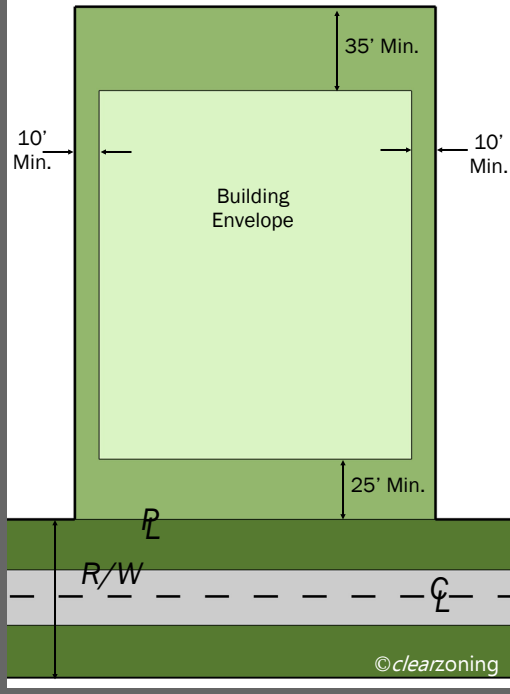
### Floor Area<sup>☒</sup>

Minimum floor area per unit:  
 Efficiency Apartment 300 sq ft  
 One Bedroom Unit 600 sq ft  
 Two Bedroom Unit 750 sq ft  
 Three & More Bedroom Unit 750 sq ft plus an additional 150 sq ft for each room over 4

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **C, D, E, and H.**

Drawing is based on a lot of 32,000 sq ft developed with five 4 room units.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities § 7.1
- Uses Under Exception Provisions Not Non-Conforming § 7.2

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# 3.1.5 H Hospital District

## A. INTENT

The Zoning Ordinance provides land use regulations related to the location of medical facilities.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

## C. SPECIAL APPROVAL USES

- i. **General hospitals** § 4.12
- ii. **Medical offices** § 4.13
- iii. **Extended care facilities** § 4.14
- iv. **Residence for Medical Staff** § 4.14



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area <sup>Ⓜ</sup> :	
General Hospital	20 Acres min.
Other Permitted Uses	None Specified
Lot width <sup>Ⓜ</sup> :	None Specified

### Lot Coverage

Maximum lot coverage:	None Specified
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### Setbacks<sup>Ⓜ</sup>

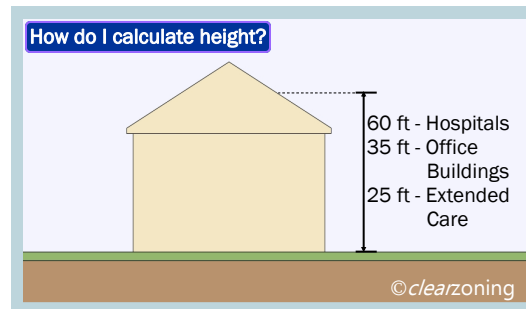
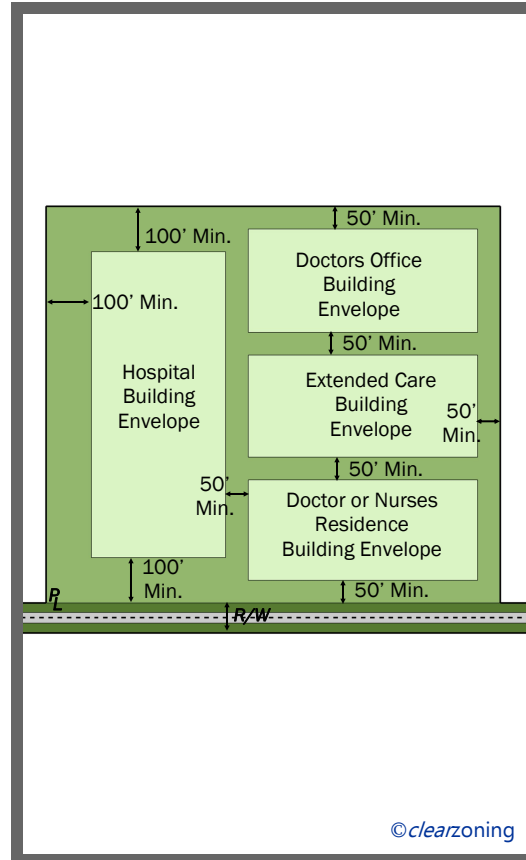
Minimum front yard setback:	
General Hospital	100 ft
Other Permitted Uses	50 ft
Minimum rear yard setback:	
General Hospital	100 ft
Other Permitted Uses	50 ft
Minimum side yard setback:	
General Hospital	100 ft
Other Permitted Uses	50 ft
Minimum distance between buildings:	50 ft

### Building Height<sup>Ⓜ</sup>

Maximum building height:	
Hospital	60 ft or 6 stories, whichever is less
Office building	35 ft or 3 stories, whichever is less
Extended care & medical personnel residences	25 ft or 2 stories, whichever is less

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per residence building unit:	800 sq ft
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The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#) § 3.13

### 4. Use Standards

- [Accessory Building](#) § 4.36
- [Uses Not Otherwise Included within a Specific Use District](#) § 4.37

### 5. Site Standards

- [Off-Street Parking Requirements](#) § 5.1
- [Parking Layout, Entrance & Exit](#) § 5.2
- [Off-Street Loading and Unloading](#) § 5.3
- [Plant Material](#) § 5.4
- [Storage](#) § 5.5
- [Glare and Radioactive Material](#) § 5.6
- [Noise](#) § 5.7
- [Fences and Walls](#) § 5.8

### 6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Special Approval](#) § 6.8

### 7.1 Admin. and Enforcement

- [Non-Conformities](#) § 7.1
- [Uses Under Exception Provisions Not Non-Conforming](#) § 7.2

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# 3.1.6 B-1 Local Business District





## A. INTENT

Includes land in which the principal land use is commercial goods and services that serve the immediate residential neighborhood and does not require frequent or large pick-up and deliveries. Neighborhood commercial uses allow for automobile access but still provide a pedestrian-friendly environment. Buildings should typically be one story in height with consistent architectural character throughout the district. Minimum parking is permitted in the front yard, with side and rear parking encouraged. Auto-oriented uses should be discouraged in neighborhood commercial districts.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the conditions in **Section 3.8**.

- i. General retail uses 
- ii. Personal service establishment 
- iii. Business support services 
- iv. Banks, post offices, and other governmental office buildings
- v. Medical office uses
- vi. Municipal offices
- vii. Professional and administrative office uses 
- viii. Restaurants
- ix. Other uses similar to the above uses, as determined by the Planning Commission
- x. Accessory structures and uses customarily incident to the above permitted uses

## C. SPECIAL APPROVAL USES

- i. **Automobile fuel station** § 4.15
- ii. 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.
- iii. **Residential living units** § 4.16



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>ⓘ</sup>: None Specified  
 Lot width<sup>ⓘ</sup>: None Specified

### Lot Coverage

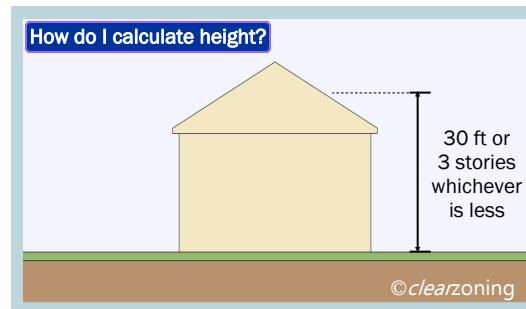
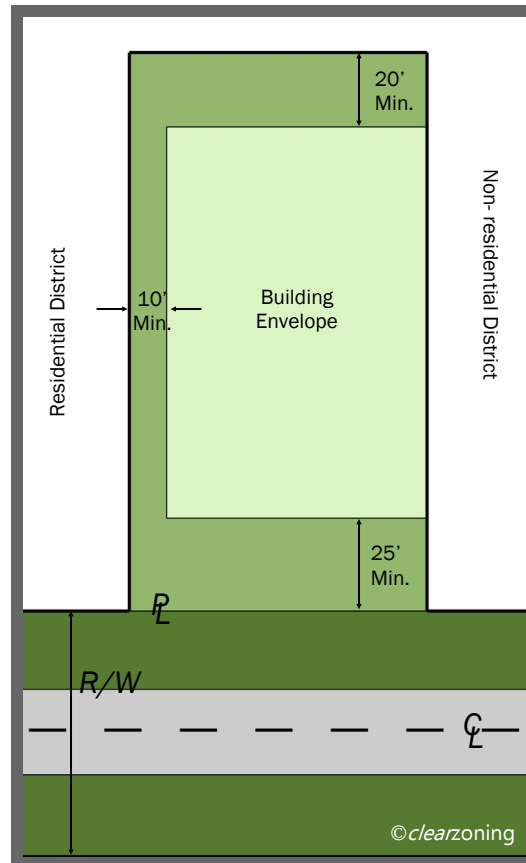
Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>ⓘ</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback:  
     Interior side lot line w/no building opening: None  
     Interior side lot line w/ building openings: 10 ft  
     Exterior side abutting Residential: 10 ft or a residential street

### Building Height<sup>ⓘ</sup>

Maximum building height: 30 ft or 3 stories, whichever is less



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **F, G, H, I, L,** and **P.**

## SELECTED REFERENCES

### 3. Zoning Districts

- B-1 and B-3 Business Districts Required Conditions** § 3.8
- General Exceptions** § 3.13

### 4. Use Standards

- Accessory Building** § 4.36
- Uses Not Otherwise Included within a Specific Use District** § 4.37

### 5. Site Standards

- Off-Street Parking Requirements** § 5.1
- Parking Layout, Entrance & Exit** § 5.2
- Off-Street Loading and Unloading** § 5.3
- Plant Material** § 5.4
- Storage** § 5.5
- Glare and Radioactive Material** § 5.6
- Noise** § 5.7
- Fences and Walls** § 5.8

### 6. Development Procedures

- Site Plan Review** § 6.1
- Special Approval** § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities** § 7.1
- Uses Under Exception Provisions Not Non-Conforming** § 7.2

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3.1.7

B-2 Central Business District

A. INTENT

The primary purpose of the Central Business District (CBD) is to establish and maintain the regulatory basis for a vibrant, pedestrian-oriented area that reflects a traditional small town urban form.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. CENTRAL BUSINESS DISTRICT USES

Use	Primary Street		Secondary Street	
	Ground Floor	Upper Floor	Ground floor	Upper Floor
<b>Commercial Uses</b>				
Banks and financial institutions	P	P	P	P
Bed and breakfast inn, <sup>☒</sup> hotel	P	P	P	P
Business support services	P	P	P	P
Drive-through or drive-in establishments			P	
General retail uses up to 6,000 sq. ft.	P	P	P	P
General retail uses greater than 6,000 sq. ft.	S	S	S	S
Grocery store up to 20,000 sq. ft.	P	P	P	P
Grocery store greater than 20,000 sq. ft.			S	S
<b>Medical offices and clinics</b> § 3.1.7.H	P/S	P	P/S	P
Outdoor dining	P	P	P	P
Parking lots or structures		P	P	P
Personal service establishments <sup>☒</sup>	P	P	P	P
<b>Professional &amp; administrative office uses</b> <sup>☒</sup> § 3.1.7.H	P/S	P	P/S	P
Restaurant, bar, tavern, wineries, brewpub, live entertainment, with or without alcoholic beverages	P	P	P	P
<b>Recreation, Education &amp; Assembly</b>				
Civic uses, library, museum	P	P	P	P
Child care facilities, commercial	P	S	P	S
Health/fitness facilities and studios	P	P	P	P
Schools and other instruction centers for academic, fine arts, and vocational purposes	S	P	P	P
Theater, cinema, performing arts, places of worship, indoor commercial recreation	S	P	P	P
Uses similar to the above uses, as determined by the Planning Commission	P/S			
<b>Residential Uses</b>				
Home occupations/live-work		A		A
Multiple family dwellings <sup>☒</sup>		P	P	P
A= Accessory Use    P=Permitted Use    S=Special Land Use    P/S= Permitted and Special Land Use				



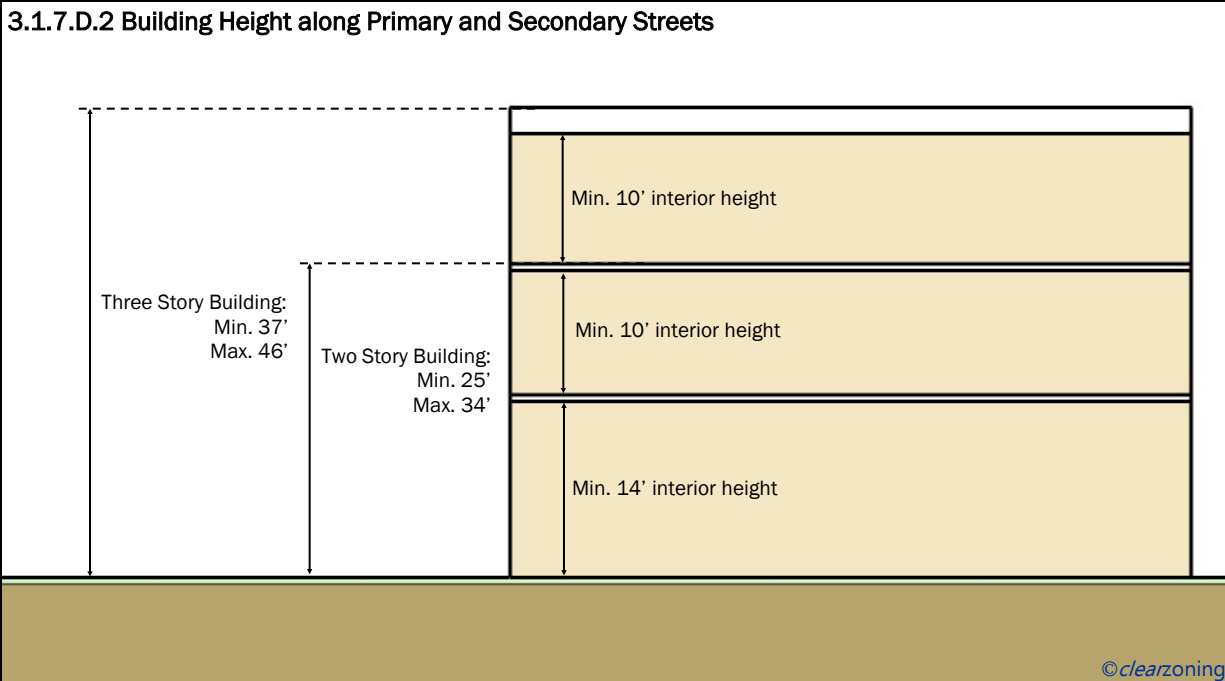
## C. STREET TYPES

Within the CBD, Primary Streets will encourage an environment where continuous building walls and a lively mix of uses, including retail, office, dining / entertainment and residential, will create an engaging street for pedestrians. Primary streets include Main Street, High Street, Huron River Drive, and Columbia Avenue West, where these streets are located in the CBD. Secondary streets will feature a mix of uses, but at a somewhat lower intensity than the Primary streets. Occasional gaps in the street-side building wall will permit vehicular and service uses, while still encouraging pedestrian traffic. All other streets found in the CBD and not identified as Primary streets shall be considered Secondary streets.

## D. BUILDING HEIGHT AND PLACEMENT

1. Intent. Building height along Primary and Secondary Streets will be regulated to ensure that buildings frame the street effectively and support the downtown area's sense of security and comfort. A minimum of two stories is required for new buildings.
2. Building height along primary and secondary streets is as follows:

3.1.7.D.2 Building Height along Primary and Secondary Streets			
Building Height			
Stories All stories shall contain habitable commercial, office or residential spaces	1 Story	2 Stories	3 Stories (max.)
Height	18 feet minimum	25 feet minimum	37 feet minimum
		34 feet maximum	46 feet maximum
Building Floor Heights (measured floor to floor)			
Ground Floor	Minimum: 14 feet; there shall be a clear interior height contiguous to the Build-to-Zone for at least a depth of 15 ft.		
Upper Floor(s)	Minimum: 10 feet		



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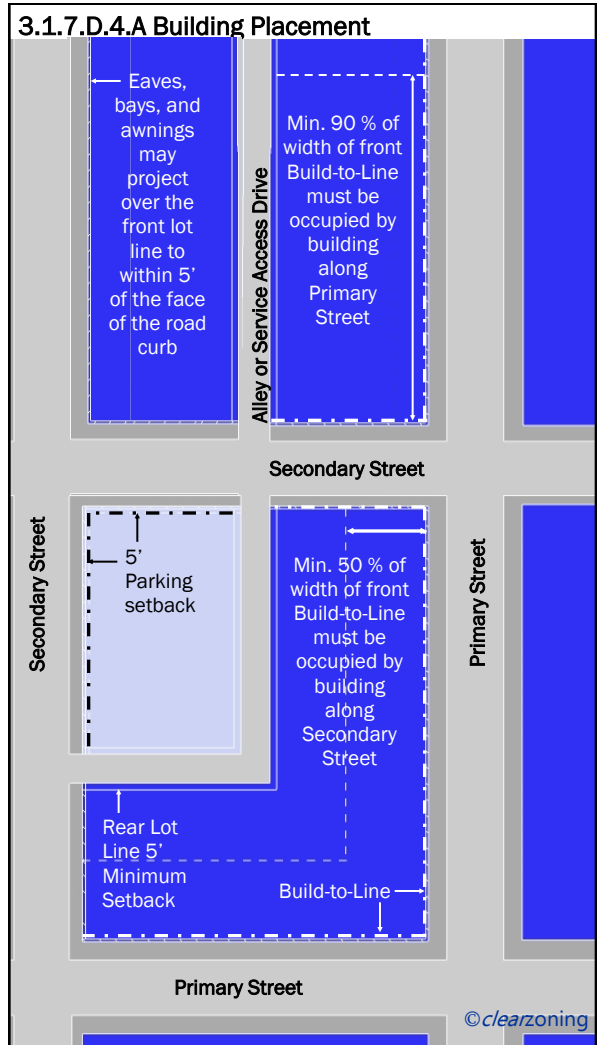
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3. Existing or New One-story Buildings. The Planning Commission may allow the expansion or renovation of a one story building if the architectural style includes a parapet or other appropriate architectural embellishments that are compatible with adjacent buildings in particular and the CBD in general. In such instances, the minimum height of the one story building shall be eighteen (18) feet.
4. Corner or Gateway Buildings. Buildings located at a street corner shall have appropriate architectural features and details that accentuate its prominent location through additional building height and/or adding a building peak, tower element or similar feature at the corner. Special architectural features may be permitted to exceed the maximum building height by up to ten (10) feet, if deemed appropriate by the Planning Commission.

- iv. Paved Areas - All areas located between the building and the street shall be paved for pedestrians unless specific landscaped areas within the paved sections are required and approved.
- v. Alleys & Service Drives - There shall be a minimum building setback from the alley line of five (5) feet from the lot line.

**A. Building Placement.**

- i. Primary Streets - Buildings shall occupy 90% or more of the full width of the parcel. Buildings shall be built at "build-to" lines (property lines) with no setbacks along Primary streets, or the average setback of other buildings on the block as determined by the Planning Commission. The Planning Commission may permit jogs of up to five (5) feet in the front façade plane for architectural variations that are consistent with meeting the intent of this district. Eaves, bays and awnings may project over the front lot line to within five ft. of the face of the road curb.
- ii. Secondary Streets - A building shall occupy 50% or more of the full frontage of the parcel along a secondary street. Off-street parking in lots along Secondary Streets shall be set back five (5) feet from the lot line to provide for vehicle overhang and pedestrian access.
- iii. Interior Side Setbacks - A side setback is not required in the CBD; however, where a building on an adjacent parcel is set back from the side yard property line, new buildings shall be situated so as to ensure adequate maintenance between buildings.



**E. BUILDING ELEMENTS**

1. Intent. Architectural design of a building impacts the creation of a place. By developing requirements for the key components of a building that define the character of the CBD, resulting buildings will be more compatible





with each other, achieving consistency with the intent of the CBD, and be more appealing to those who may wish to live, work and play in the CBD.

2. Front and Street-side Façade Requirements. The requirements listed in this subsection 3.1.7.E.2, shall apply to all front facades as well as facades that directly face a public or private street, park, plaza or waterway. Walls shall not be blank. The following additional requirements shall apply:

A. Façade Requirements:

- i. Building Composition - Walls facing a public street shall include a façade frame, storefront opening, windows, canopy/awning, sign face, and architectural features customarily found on the front façade of a building such as awnings, cornice work edge detail or decorative finish materials. Facades shall be divided vertically into segments no greater than sixty (60) feet.
- ii. Building Materials & Colors - The buildings are to be constructed from permanent materials that will weather handsomely over time, such as brick, stone, masonry, or other natural materials. The use of aluminum siding, mirrored glass and plastic shall not be allowed. Imitation stucco (Dry-Vit, Sto-Wall, E.I.F.S. and other brands) shall not be allowed below 11' height. Imitation stucco type products may be allowed above 11' in height with Planning Commission approval provided the architecture is in character with the historic nature of the district, but shall not comprise more than 10% of the front façade, or more than 30% of a façade facing other buildings. The use of metal panels, wood siding, and cement board siding are generally discouraged but may be allowed by Planning Commission if the architecture is compatible with the character of the district. Colors shall be compatible with adjacent buildings. Brick shall not be painted.
- iii. Building Features - Significant protrusions (more than 6"), such as awnings, cornice lines, details at the top of windows and sills are

encouraged to create shadow lines or bands on the façade. Any building that terminates a view shall provide distinct and prominent architectural features of enhanced character and visibility to reflect the importance of the building's location.

B. Windows and Doors:

- i. Materials - Structural elements to support canopies or signage, along with mullion and frame systems for windows and doors shall be painted, powder-coated or stained (or the equivalent). Glass shall be clear or lightly tinted. Reflective glass is not permitted. Glass block windows shall not be permitted unless the approving body grants an exception for use as an accent along a rear façade. Window muttons shall be wood or metal and shall be painted or bronzed.
- ii. Shutters - When shutters are used, whether operating or decorative, they shall be equal to the width of one half of the adjacent window opening
- iii. Façade Openings - All porches, doors, colonnades, and upper floor windows, shall be vertically proportioned, in keeping with the traditional historic style, and shall maintain a consistent sill height, unless the Planning Commission approves an exception for a decorative window element or similar feature. Glass transom windows above doors are encouraged. Aluminum storefronts are prohibited.
- iv. Ground Floor Windows and Doors - All storefronts shall have doorways, windows, and signage that are integrally designed. Sliding doors and windows are prohibited.
- v. Transparency - Each storefront shall have transparent or lightly tinted areas, equal to at least 70 percent, but not more than 90 percent of its portion of the façade, between two (2) and eight (8) feet from the ground. These required window areas shall be either windows that allow views into retail space, dining areas, office work areas, lobbies, pedestrian entrances, merchandise display windows or other windows consistent with encouraging

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## 3.1.7.E .2.B Windows and Doors

Min. 30% transparent, non-reflective windows on upper floors

Orient windows vertically in upper floors and define edges of each window; group in relation to ground floor openings



Min. 70% and max. of 90% transparent, non-reflective windows on ground floor, measured between 2 and 8 ft above walk

Provide a minimum of one entrance for every 75 ft. of building frontage

©clearzoning

an active pedestrian environment along the storefront. ✍

- vi. Entry - At least one functioning doorway shall be provided for every street-facing storefront, with the primary entrance on the street. As applicable for a single ground floor use, one doorway shall be provided for every seventy-five (75) feet in horizontal building length. Recessed storefront entries are encouraged. Secondary entrances in the rear of buildings are encouraged. ✍
  - vii. Upper Floor Windows and Doors - The glazed area of a façade above the first floor shall be between 30 and 50%, with each façade being calculated separately, floor to floor. ✍
- C. Rear Facades. Rear facades - facades not facing a public or private street, park, plaza or waterway - are, in many cases, as important as street facades, as they are often located adjacent to parking and serve as an entrance to the building. They may also accommodate service and delivery functions. Rear facades shall exhibit the same components as street facades for building materials as noted in 3.1.7.E.2.A.ii. Components for windows and doors as noted in 3.1.7.E.2.B shall also be followed.
- D. Awnings and Canopies - Facades may be supplemented with awnings and canopies that do not serve as signage, but meet the following:
- i. Style and Height - Straight shed awnings or flat canopies shall be used. Awnings and canopies shall be at least eight (8) feet above sidewalk grade at the lower drip edge.
  - ii. Encroachment - Awnings and canopies may encroach beyond the Front or Street-side build-to lines and into the street right-of-way or easement, but must avoid the canopy area of street trees (based on tree maturity); and be set back a minimum of five (5) feet from the face of the road curb. Awnings shall be positioned immediately above the ground floor window, in scale with the window and overall building façade.
  - iii. Colors - Awnings and canopies shall be complementary to the building façade.
  - iv. Materials - Awnings shall be constructed of a durable material such as canvas or other material that will not fade or tear easily. Plastic and vinyl awnings are not permitted. The fascia trim for canopies shall be

- natural finish aluminum, bronze or painted metal. The canopy soffit shall be metal or cement plaster; support rods shall be metal.
- v. Signage - The vertical drip of an awning may be professionally stenciled with signage a maximum of 8 inches by a horizontal length not to exceed 80 percent of the awning width.
- E. Lighting - All lighting in the B-2 district shall follow Section 5.13 and the following additional requirements:
- i. Type - Pedestrian-scale lighting to match the fixture(s) utilized by the Downtown Development Authority throughout the DDA district shall be used along collective walks. The DDA will provide the specifications for these fixtures. All building and parcel lighting shall be compatible with the DDA-specified fixtures. Floodlights, wall pack units, other types of unshielded lights and lights where the lens is visible outside of the light fixture shall be prohibited, except where historical-style lighting is used that is compatible with the DDA fixtures.
  - ii. All new electrical supply shall be located underground.
- F. Security Systems - Security systems shall not cover distinctive architectural features on the façade. Laminated glass or security film must be installed on the inside of the window or door glass. Security bars, solid metal security gates or solid roll-down windows shall be prohibited. Link or grill type security devices shall be permitted, only if installed from inside, within the window or door frames; or, if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors, are encouraged. Other types of security devices fastened to the exterior walls are prohibited.
- G. Building Roof Types - As in most urban areas, the majority of roofs in the CBD are

'flat' (less than 3:1 roof slope) with parapets that conceal the roof itself.

- i. Existing flat roofs and parapets shall be maintained.
- ii. All new retail and office buildings shall have flat roofs and parapets.
- iii. Sloping roofs, gabled (6:12) or hipped, to be allowed only as special architectural features, especially for residential townhouse development subject to review and approval by the Planning Commission. A gable roof shall have no less than a six-twelve pitch. Mansard roofs, geodesic domes and "A" frames are prohibited.

## F. PARKING, CIRCULATION AND SIDEWALKS

- 1. Off-Street Parking. Off-street parking requirements for properties within the CBD shall comply with the requirements set forth in Section 5.1, with the following exceptions:
  - A. Spaces Required - The number of spaces must meet a minimum of 50% and a maximum of 100% of the requirements of Section 5.1, provided, however, that all required parking does not have to be on-site, and uses may provide less than the required number of spaces through the use of shared parking (see D, below).
  - B. Location:
    - i. Off-street parking is not permitted in front of a building.
    - ii. Off-street parking shall be on the same lot as the principal use or within five hundred (500 ft) of the building (measured from the nearest point of the building or use to the nearest point of the parking.) If a public parking lot is used to satisfy this requirement, there shall be a parking study submitted by the applicant to verify that adequate spaces are available off-site for the proposed use.
    - iii. Along Primary Streets, off-street parking facilities shall be located in the rear yard. Structured parking is permitted internally, but must be located behind occupied uses on the ground floor.
    - iv. Along Secondary streets, surface parking lots are permitted in the rear

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or side of any lot and in structures and shall be setback a minimum of five (5) feet from the sidewalk.

- v. If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances, and no other opportunities to share parking off-site within five hundred (500) feet of the principal use are reasonably available, then parking may be allowed on the side of the building if a screening wall and landscape treatment is installed along the frontage (see C below).
  - vi. Parking lot access shall not be permitted off a Primary street.
- C. Parking Lot Screening and Landscaping:
- i. Parking lots adjacent to public or private streets shall be screened from the road with a thirty-inch (30") high decorative brick, stone or other decorative masonry wall complementing the adjacent buildings. A continuous evergreen hedge or decorative ornamental fence with landscaping may be allowed with Planning Commission approval. Screen wall openings for vehicular and pedestrian access shall have a maximum width of (25') twenty-five feet.
  - ii. Parking located in the rear or side yards adjacent to residential districts shall be screened with a four to six foot high decorative brick, stone or other masonry wall complementing the adjacent buildings.
  - iii. When screening is required, there shall be a five (5) foot opening and paved connection to a sidewalk for pedestrian access.
  - iv. Surface parking lots shall be landscaped with a minimum of one and a half (1 ½) square feet of landscape area with a size no less than fifteen (15) square feet for each one hundred (100) square feet of paved area. In addition, there shall be one deciduous shade tree per ten (10) parking spaces with a minimum of one (1) tree per lot.
- D. Shared Parking - In a walkable, mixed-use district, there is an opportunity for uses to share parking spaces. Many uses have different peak parking periods, so when the demand from one use is down, the vacant spaces can be filled by another nearby use that is reaching its peak. The number of required parking spaces can typically be reduced from suburban parking requirements due to the unique features of this type of an environment.
- i. Parking requirements in the CBD shall be determined based upon shared parking principles and methodologies found in the latest edition of Shared Parking, by the Urban Land Institute. The City may require the applicant to submit a shared parking study by a qualified parking consultant.
  - ii. Required parking shall be provided on site or within five hundred (500) feet of the uses.
  - iii. Cross-access and shared parking easements shall be recorded prior to the issuance of any certificate of occupancy for any new building.
2. Bicycle Parking. Secure, visible, and accessible parking for bicycles shall be provided.
  3. Circulation. Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of buildings, circulation and landscaping.
  4. Service Alleys. A service alley or designed loading space shall be reserved at the rear of the building for service vehicles and deliveries/loading.
  5. Sidewalks.
    - A. Access - All buildings, public open spaces, and parking areas shall provide internal sidewalk connections from the public sidewalk.
    - B. Sidewalk Displays - Sidewalk displays of goods related to a ground floor business shall be permitted directly in front of the business establishment provided at least five (5) feet of clearance is maintained along pedestrian circulation routes. Displays are required to comply with the following:

- i. Size - Display cases shall be located against the building wall and shall not be more than two (2) feet deep. The display area shall not exceed fifty (50%) percent of the length of the storefront.
  - ii. Hours and Materials - Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes, pallets & plastic containers shall not be used for sidewalk displays.
  - iii. Maintenance and Style - Sidewalk displays shall maintain a clean and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.
- B. Variety - The species of street tree and exact locations shall be as specified on the future Master Street Tree Plan. In the event that a Master Street Tree Plan has not been prepared, then any of the following street trees shall be planted within the road right-of-way at 25-40 foot intervals: Norway Maple, Red Maple, Cleveland Pear, Aristocrat Pear or Little Leaf Linden.
  - C. Clear vision - Trees shall not be placed closer than thirty (30) feet from intersections, nor be placed in the clear vision triangle.
3. Open Space Standards. Public spaces are meant to provide a means for social interaction. In the CBD, public spaces shall be practically located so that the public is aware of their locations. For public or semi-public open space (including gardens, courtyards and plazas), such space should be functional and purposeful, yet flexible to provide for a variety of uses and shall be connected to the public sidewalk system.

## G. LANDSCAPE AND STREETScape STANDARDS

1. General. Sites should include landscaping as an integral part of the site design and should give consideration as to the use of landscaping for stormwater management. Landscaping shall comply with the provisions of Section 5.17 and 6.1 in addition to the requirements found in this Section.
- A. Plantings - Plants should be selected for specific locations based on size and mass at maturation as well as ease of maintenance.
  - B. Irrigation - Irrigation systems must be installed at the time of development.
  - C. Maintenance of the public realm - The owner shall maintain the appearance of the portion of the street between the lot line and back-of-curb and, if applicable, the portion of the alley between the lot line and the edge of pavement
2. Street Trees. Trees shall be provided along the Primary and Secondary streets. A street tree plan shall be submitted for review and approval, and shall meet the following requirements
- A. Spacing - On every site involving new development or redevelopment, street trees shall be provided at 25-40 foot intervals.
- A. Amenities - Outdoor furniture (benches and tables), art or sculptures, landscaping, change in the type of pavement, semi-enclosure to define the space, drinking fountains, trash receptacles should be added to defined open spaces.
  - B. Awareness - Wayfinding signs should be used to direct the public to the location of open spaces, municipal parks or trailheads.
  - C. Security - Open spaces shall be well-lit, well-maintained and allow for clear views to create a safe environment
  - D. Building facades - The use of well-maintained, quality plant materials to attract and engage pedestrians at the building façade along public or private street is encouraged and shall be permitted, subject to administrative review of a sidewalk permit.
  - E. Rear yards: The private, backyard portions of lots may provide opportunities for businesses to provide a semi-public space for patrons, or semi-private space for apartment or condominium residents to enjoy.

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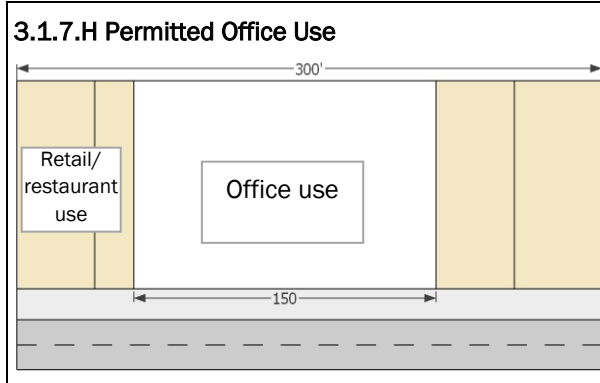
4. Outdoor Dining.
  - A. Size - Any outdoor dining area outside of the building footprint shall not exceed fifteen percent (15%) of the gross floor area of the ground floor level of the principal building.
  - B. Location - Outdoor dining areas shall maintain a five (5) foot clearance for pedestrian circulation. Planters, posts with decorative chains or ropes, or other removable enclosures shall separate such eating areas from all circulation areas.
  - C. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors.
  - D. Location and Screening - The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for single family residential purposes.
  - E. Maintenance - The outdoor eating area shall be kept clean and void of litter at all times. Decorative fences or landscaping shall be provided to control blowing debris.
5. Mechanical Equipment, Trash Screening and Outdoor Storage
  - A. All utility connections, including meters, shall be screened from public view subject to review and approval by the Planning Commission.
  - B. Trash collection and/or compaction, loading and other such uses shall be screened so as not to be visible from public or private rights-of-way, or waterways, and shall be located at least twenty (20) feet from all streets and sidewalks, subject to review and approval by the Planning Commission. A decorative screening gate shall be provided for garbage and refuse collection receptacles and kept closed except for times of active refuse collection. In addition, one (1) vine that adheres to the screening wall, planted every four (4) lineal feet of masonry wall may be required.
  - C. Mechanical Equipment - All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other

- telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.
- D. Fire Escapes - Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.
- E. Outdoor Storage - Outdoors storage of materials sold onsite is permitted in the rear of the building, provided the storage area is no larger than 10% of the first floor building area, up to 500 sq. ft., it is screened from public view by a masonry screenwall or landscape wall that is no higher than six (6) feet, and the height of the material does not exceed the height of the screenwall. Any gate used for access, shall be kept closed when the material is not being accessed, and the material shall be obscuring and decorative. Such areas must be kept clean at all times.

**H. OFFICE USES**

1. Office uses are permitted on the ground floor of a building, provided that office uses do not comprise more than 50% of the street level building frontage within one block.
2. Office uses that exceed 50% of street level building frontage within one block may be permitted as a special land use if the following standards are met:
  - A. Building height, placement, elements, and façades meet the requirements Section 3.1.7, Central Business District. In the case of a building that was built prior to 1960, these standards may be relaxed by the Planning Commission if the applicant shows that the spirit of the regulations is being met.
  - B. The applicant will actively promote the use of ground floor windows that face the primary street to engage pedestrians and contribute to a lively street experience.
  - C. The applicant is able to show that the vacancy rate for existing ground floor space exceeds 20%.





**NOTES**

- For additions to the above requirements, refer to Section 3.7.2: **G, H, I, K, L** and **P**.

**SELECTED REFERENCES**

**3. Zoning Districts**

- **General Exceptions** § 3.13

**4. Use Standards**

- **Accessory Building** § 4.36
- **Uses Not Otherwise Included within a Specific Use District** § 4.37

**5. Site Standards**

- **Off-Street Parking Requirements** § 5.1
- **Parking Layout, Entrance & Exit** § 5.2
- **Off-Street Loading and Unloading** § 5.3
- **Plant Material** § 5.4
- **Storage** § 5.5
- **Glare and Radioactive Material** § 5.6
- **Noise** § 5.7
- **Fences and Walls** § 5.8

**6. Development Procedures**

- **Site Plan Review** § 6.1
- **Special Approval** § 6.8

**7.1 Admin. and Enforcement**

- **Non-Conformities** § 7.1
- **Uses Under Exception Provisions Not Non-Conforming** § 7.2

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## A. INTENT

The B-3 general business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business district or the community business district.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Funeral Homes
- ii. **Automobile fuel stations** § 4.15
- iii. Taxi Stand
- iv. **Auto wash** § 4.17
- v. Bowling alleys, billiard parlor or club, indoor skating rinks, archery, tennis, or other similar indoor commercial recreational establishments
- vi. Bus passenger stations
- vii. Business support services<sup>ⓘ</sup>
- viii. Professional and administrative uses<sup>ⓘ</sup>
- ix. Auto office, sales or showroom
- x. Municipal Uses
- xi. Utility exchanges and substations
- xii. **Warehouse and storage** § 4.18
- xiii. General retail uses ≤ 6,000 sq. ft.
- xiv. Personal service establishments<sup>ⓘ</sup>
- xv. Restaurants
- xvi. Banquet facilities
- xvii. Child care facilities, commercial
- xviii. Other uses which are similar to the above uses, as determined by the Planning Commission
- xix. Accessory structures customarily incident to the above permitted uses.

## C. SPECIAL APPROVAL USES

- i. **Outdoor sales space** § 4.19
- ii. **Motel** § 4.20
- iii. **Business in the character of a drive-in/open front store** § 4.21
- iv. **Commercially used outdoor recreational space for children's amusement parks, including carnivals and miniature golf courses** § 4.22
- v. General retail uses > 6,000 sq ft
- vi. **Nursery sales** § 4.23
- vii. **Arcades (mechanical amusement devices)** § 4.24
- viii. **Residential living units** § 4.16
- ix. **Automobile repair facility** § 4.25
- x. **Outdoor dining** § 4.26



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: None Specified  
 Lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

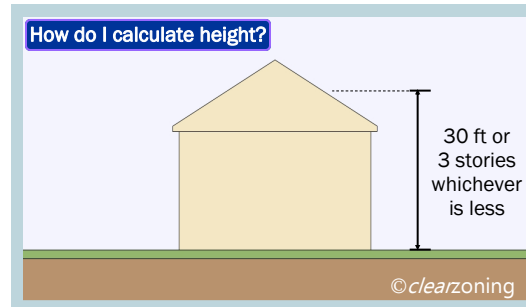
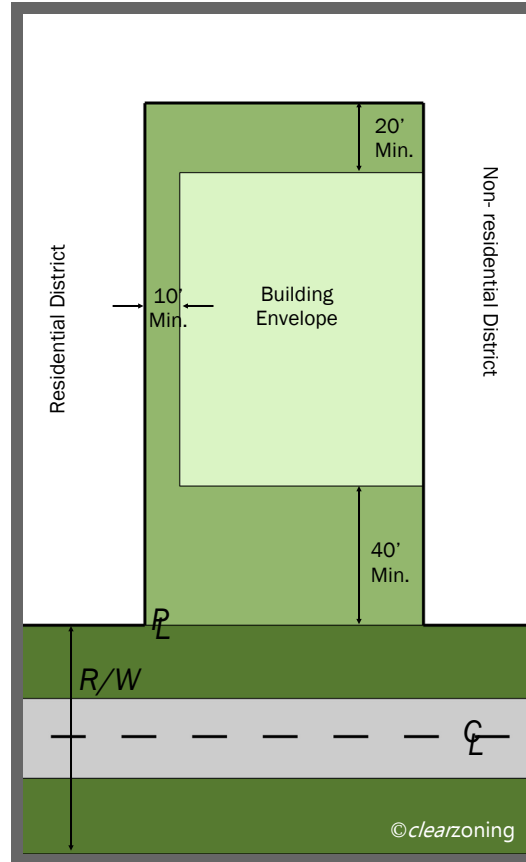
Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 40 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback:  
     Interior side lot line w/no building opening: None  
     Interior side lot line w/ building openings: 10 ft  
     Exterior side abutting Residential: 10 ft or a residential street

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 3 stories, whichever is less



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **F, G, H, I, K, L** and **P**.

## SELECTED REFERENCES

### 3. Zoning Districts

- B-1 and B-3 Business Districts Required Conditions** § 3.8
- General Exceptions** § 3.13

### 4. Use Standards

- Accessory Building** § 4.36
- Uses Not Otherwise Included within a Specific Use District** § 4.37

### 5. Site Standards

- Off-Street Parking Requirements** § 5.1
- Parking Layout, Entrance and Exit** § 5.2
- Off-Street Loading and Unloading** § 5.3
- Plant Material** § 5.4
- Storage** § 5.5
- Glare and Radioactive Material** § 5.6
- Noise** § 5.7
- Fences and Walls** § 5.8

### 6. Development Procedures

- Site Plan Review** § 6.1
- Special Approval** § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities** § 7.1
- Uses Under Exception Provisions Not Non-Conforming** § 7.2

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# 3.1.9 OS-1 Office Service District

## A. INTENT


Office uses maintain high architectural standards, promote a small-town character, and are one to two stories in height. Office uses should not generate high volumes of traffic, and architectural standards should encourage residential-style structures or the reuse of former houses.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

## C. SPECIAL APPROVAL USES

The following uses are permitted subject to the conditions in **Section 3.9**.

- i. Professional and administrative office uses 
- ii. Medical office uses, including clinics
- iii. Banks
- iv. **Municipal buildings, and public utility offices**  
§ 4.27
- v. Funeral homes (mortuaries)
- vi. **Facilities for the repair of electrical equipment**  
§ 4.28
- vii. Other uses similar to the above uses
- viii. Accessory buildings and uses customarily incident to any of the above permitted uses

- i. Reserved



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: None Specified  
 Lot width<sup>Ⓜ</sup>: None Specified

### Lot Coverage

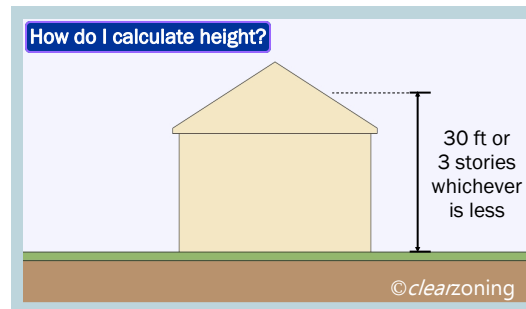
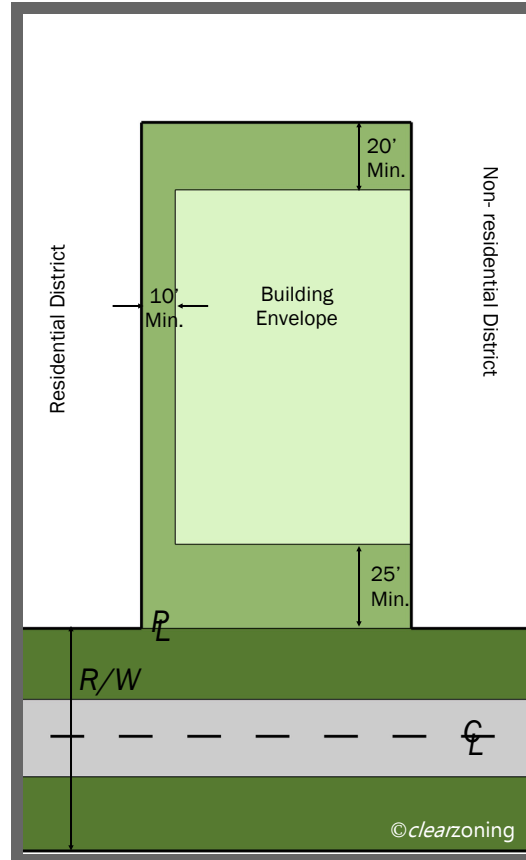
Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback:  
     Interior side lot line w/no building opening: None  
     Interior side lot line w/ building openings: 10 ft  
     Exterior side abutting Residential: 10 ft or a residential street

### Building Height<sup>Ⓜ</sup>

Maximum building height: 30 ft or 3 stories, whichever is less



The above drawings are not to scale.

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **F, G, H, I, K, and L.**

## SELECTED REFERENCES

### 3. Zoning Districts

- OS-1 Office Service District Required Conditions** § 3.9
- General Exceptions** § 3.13

### 4. Use Standards

- Accessory Building** § 4.36
- Uses Not Otherwise Included within a Specific Use District** § 4.37

### 5. Site Standards

- Off-Street Parking Requirements** § 5.1
- Parking Layout, Entrance & Exit** § 5.2
- Off-Street Loading and Unloading** § 5.3
- Plant Material** § 5.4
- Storage** § 5.5
- Glare and Radioactive Material** § 5.6
- Noise** § 5.7
- Fences and Walls** § 5.8

### 6. Development Procedures

- Site Plan Review** § 6.1
- Special Approval** § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities** § 7.1
- Uses Under Exception Provisions Not Non-Conforming** § 7.2

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# 3.1.10 I-1 Industrial 1 District

## A. INTENT

Certain areas along the railroad corridor have been designated for light manufacturing, warehousing, and other industrial uses. Conflicts with neighboring land uses should be minimized through landscaping, sign controls, lighting restrictions, increased street appeal, and adequate screening of industrial activity from adjacent uses. Automobile related uses, such as auto sales, repair shops, oil change facilities, and gas stations should be encouraged in industrial districts.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

## C. SPECIAL APPROVAL USES

- i. **Basic research, design, and pilot or experimental product development** § 4.31
- ii. **Warehousing and wholesale establishments, and trucking facilities** § 4.32
- iii. **Manufacturing, light** § 4.32
- iv. Public utility buildings and related yards for, telephone exchange, electrical transformer stations and sub-stations, and gas regulator stations
- v. Railroad transfer and storage trucks. Railroad rights-of-way
- vi. Freight terminals
- vii. **Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies** § 4.33
- viii. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- ix. Accessory buildings and uses customarily incident to any of the above permitted uses.

- i. **Auto repair facility** § 4.25
- ii. **Lumber and planing mills** § 4.34
- iii. **Metal plating, buffing and polishing** § 4.29
- iv. Other uses of a similar character to the above uses



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 2 acres min.  
 Lot width<sup>Ⓜ</sup>: 200 ft min.

### Lot Coverage

Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>Ⓜ</sup>

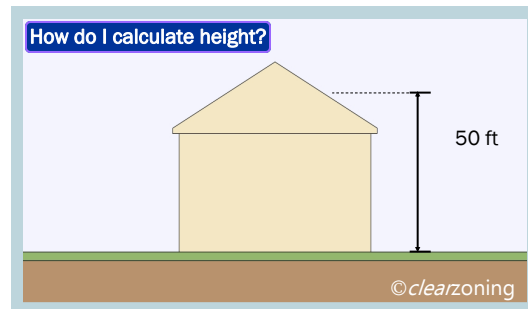
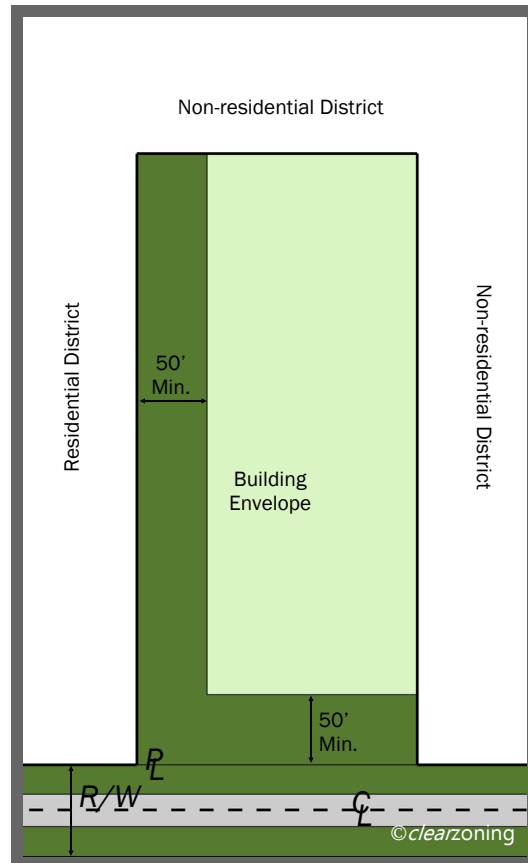
Minimum front yard setback: 50 ft  
 Minimum rear yard setback:  
     Abutting residential 50 ft  
     Abutting non-residential None specified  
 Minimum side yard setback:  
     Abutting residential 50 ft  
     Abutting non-residential None specified

### Building Height<sup>Ⓜ</sup>

Maximum building height: 50 ft

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **H, J, K, L, and M.**



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance and Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities § 7.1
- Uses Under Exception Provisions Not Non-Conforming § 7.2

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### 3.1.11

## I-2 Industrial 2 District

#### A. INTENT

Certain areas along the railroad corridor have been designated for heavier manufacturing, warehousing, and other more intensive industrial uses. Conflicts with neighboring land uses should be minimized through landscaping, sign controls, lighting restrictions, increased street appeal, and adequate screening of industrial activity from adjacent uses.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

#### B. PRINCIPAL PERMITTED USES

- i. **Basic research, design, and pilot or experimental product development** § 4.31
- ii. **Warehousing and wholesale establishments, and trucking facilities** § 4.32
- iii. **Manufacturing, light** § 4.32
- iv. **Manufacturing, heavy** § 4.35
- v. Electric and gas service buildings and yards
- vi. Public utility buildings, telephone exchange buildings, electrical transformer stations and sub-stations, and gas regulator stations
- vii. Railroad transfer and storage trucks. Railroad rights-of-way
- viii. Freight terminals
- ix. **Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies** § 4.33
- x. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- xi. Heating and electric power generating plants, and all necessary uses.
- xii. Processing, cleaning, and service of goods and materials
- xiii. Motor vehicle storage and repair
- xiv. **Auto wash** § 4.17
- xv. Accessory buildings and uses customarily incident to any of the above permitted uses.

#### C. SPECIAL APPROVAL USES

The following uses are permitted as special approval uses subject to the conditions in **Section 4.29**.

- i. **Lumber and planing mills** § 4.34
- ii. Metal plating, buffing, and polishing
- iii. Chemical processing and production
- iv. Cosmetics production
- v. Private heliports
- vi. Soap manufacturing
- vii. Other manufacturing, processing, storage, or commercial uses
- viii. **Motor vehicle storage and repair facilities** § 4.30



## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 2 acres min.  
 Lot width<sup>Ⓜ</sup>: 200 ft min.

### Lot Coverage

Maximum lot coverage: See Section 3.7.2.H

### Setbacks<sup>Ⓜ</sup>

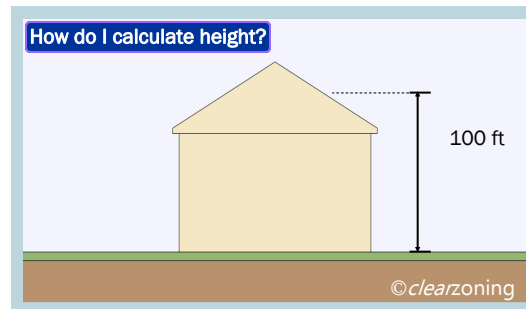
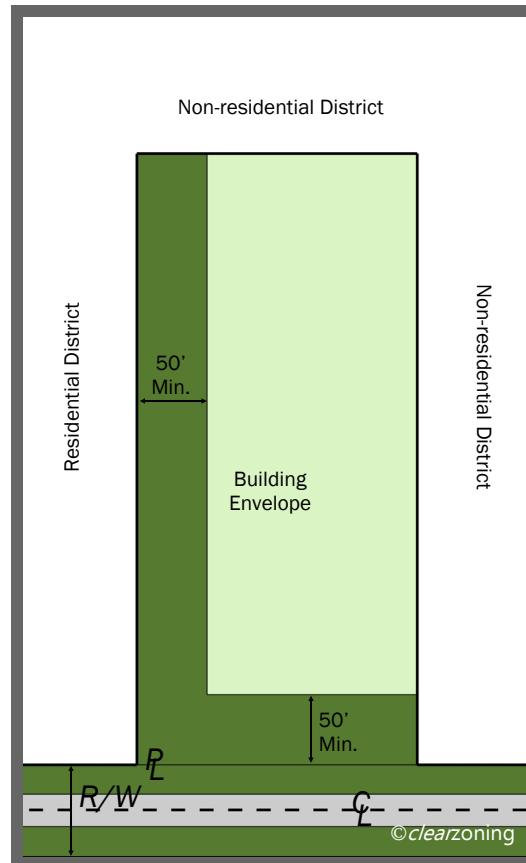
Minimum front yard setback: 50 ft  
 Minimum rear yard setback:  
     Abutting residential 50 ft  
     Abutting non-residential None specified  
 Minimum side yard setback:  
     Abutting residential 50 ft  
     Abutting non-residential None specified

### Building Height<sup>Ⓜ</sup>

Maximum building height: 100 ft

### NOTES

- For additions to the above requirements, refer to Section 3.7.2: **H, J, K, L, and M.**



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 3.13

### 4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

### 5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
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### 6. Development Procedures

- Site Plan Review § 6.1
- Special Approval § 6.8

### 7.1 Admin. and Enforcement

- Non-Conformities § 7.1
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### 3.1.12

## IP Industrial Park District

#### A. INTENT

The purpose of this Section is to provide for a planned industrial park development area within the city. The industrial park should be developed in a coordinated manner according to an overall development plan which sets forth a unified street pattern and utilities systems. The industrial park will contain light industries which will be characterized by low land coverage, the absence of objectionable external effects and attractive industrial architecture. Regulations in this district are also designed to protect those areas adjacent to the industrial park which are utilized for non-industrial uses.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

#### B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the condition in **Section 3.10**.

- i. Light manufacturing<sup>Ⓔ</sup>
- ii. Building materials sales and storage
- iii. Carpenter shops
- iv. Extermination and fumigation contractors
- v. Feed and seed sales
- vi. Farm machinery sales and repair
- vii. Fuel station
- viii. Greenhouses wholesale
- ix. Laboratories for research and testing
- x. Laundries
- xi. Mail order houses
- xii. Medical and dental laboratories
- xiii. Monuments, cut stone and similar products - production and sales
- xiv. Moving companies
- xv. Packing crating and distributing services
- xvi. Petroleum bulk storage
- xvii. Pleasure boat construction
- xviii. Plumbing and electrical contractors
- xix. Printing and publishing establishments
- xx. Professional offices
- xxi. Public utility and service uses
- xxii. Radio and television stations and towers
- xxiii. Railroad rights-of-way and railroad terminal facilities
- xxiv. Refrigeration service
- xxv. Restaurants
- xxvi. Business schools or private schools operated for profit.
- xxvii. Recreation and exercise facilities.
- xxviii. Accessory uses, incidental to and on the same lot as the principal use.

#### C. SPECIAL APPROVAL USES

- i. Business schools or private schools operated for profit, which include outdoor activities
- ii. Recreation and exercise facilities, which include outdoor activities
- iii. **Child care facilities, commercial** § 4.38
- iv. **General Retail** § 4.39
- v. The following uses are permitted as special approval uses subject to the conditions in **Section 4.29**.
  - a. **Lumber and planing mills** § 4.34
  - b. Metal plating, buffing, and polishing
  - c. Chemical processing and production;
  - d. Cosmetics production;
  - e. Private heliports;
  - f. Municipal sewage-treatment plants;
  - g. Soap manufacturing;
  - h. Other manufacturing, processing, storage, or commercial uses





## D. DEVELOPMENT STANDARDS

### Lot Size

Lot area<sup>Ⓜ</sup>: 2 acres min.  
 Lot width<sup>Ⓜ</sup>: 200 ft min.

### Lot Coverage

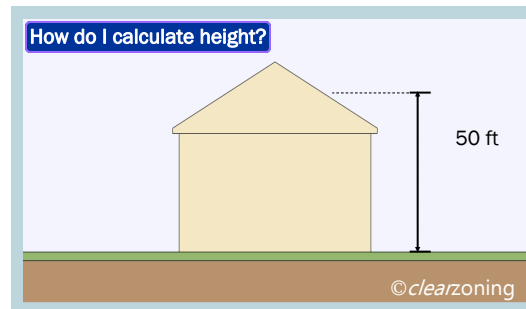
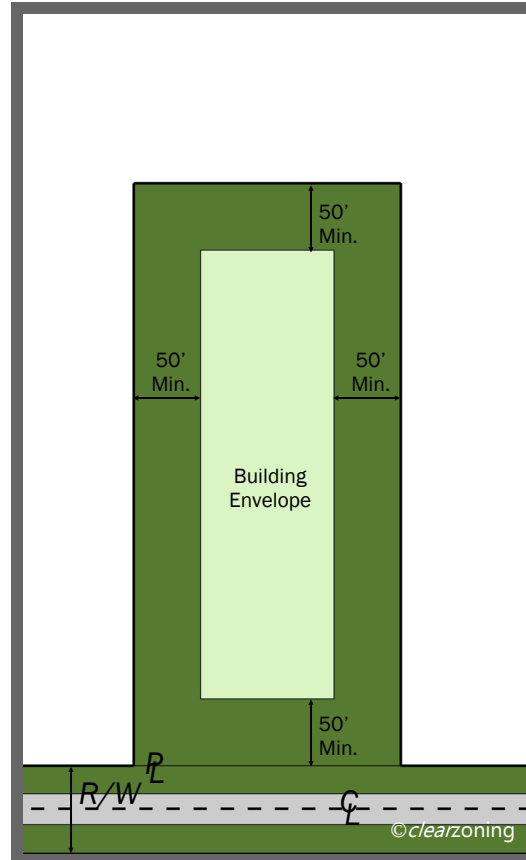
Maximum lot coverage: None

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 50 ft  
 Minimum side yard setback: 50 ft least side  
 100 ft total of two sides

### Building Height<sup>Ⓜ</sup>

Maximum building height: 50 ft



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [IP Industrial Park Required Conditions](#) § 3.10
- [IP Industrial Park Greenbelt Requirements](#) § 3.11
- [General Exceptions](#) § 3.13

### 4. Use Standards

- [Accessory Building](#) § 4.36
- [Uses Not Otherwise Included within a Specific Use District](#) § 4.37

### 5. Site Standards

- [Off-Street Parking Requirements](#) § 5.1
- [Parking Layout, Entrance & Exit](#) § 5.2
- [Off-Street Loading and Unloading](#) § 5.3
- [Plant Material](#) § 5.4
- [Storage](#) § 5.5
- [Glare and Radioactive Material](#) § 5.6
- [Noise](#) § 5.7
- [Fences and Walls](#) § 5.8

### 6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Special Approval](#) § 6.8

### 7.1 Admin. and Enforcement

- [Non-Conformities](#) § 7.1
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### 3.1.13

# P-1 Vehicular Parking District

## A. INTENT

The P-1 vehicular parking district is intended to accommodate the off-street parking for those nonresidential uses that are not able to provide adequate space within their own district boundaries.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

Premises in a P-1 Vehicular Parking District shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

## C. LIMITATION OF USE

1. The parking area shall be accessory to, and for use in connection with one or more business, or industrial establishments, or in connection with one or more existing professional or institutional office buildings or institutions.
2. The parking area shall be used solely for parking of private passenger vehicle, for periods of less than one (1) day.
3. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area, and shall be subject to the Sign Regulations in City Code Chapter 66 – Signs.
4. No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
5. Such parking lots shall be situated on premises which have an area of not less than six thousand (6,000) square feet and shall be contiguous to a B-1, B-2, B-3, OS-1, I-1, or I-2 district. Parking areas may be approved when adjacent to said districts or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such B-1, B-2, B-3, OS-1, I-1 or I-2 districts.
6. Applications for P-1 district rezoning shall be made to the Planning Commission by submitting a layout of the area requested showing the intended parking plan.

## D. VEHICULAR PARKING DISTRICT REGULATIONS

1. **SIDE YARDS** - Where the P-1 district is contiguous to side lot lines of premises within a residentially zoned district, the required wall shall be located at least five feet (5') from the side lot line opposite the residential unit, or vacant residential lot.
2. **FRONT YARDS** - Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet, or whichever is the greater. The required wall shall be located on this minimum setback line.
3. **APPROVAL AND MODIFICATIONS**
  - A. The Planning Commission, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
  - B. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten feet (10') from such alley line in order to permit a wider means of access to the parking area.
  - C. In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the Planning Commission for the protection of the residence district abutting such parcel or parcels in which the parking area is to be located.



(Intentionally Blank)

## SELECTED REFERENCES

### 3. Zoning Districts

- [General Exceptions](#) § 3.13

### 4. Use Standards

- [Accessory Building](#) § 4.36
- [Uses Not Otherwise Included within a Specific Use District](#) § 4.37

### 5. Site Standards

- [Plant Material](#) § 5.4
- [Storage](#) § 5.5
- [Glare and Radioactive Material](#) § 5.6
- [Noise](#) § 5.7
- [Fences and Walls](#) § 5.8

### 6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Special Approval](#) § 6.8

### 7.1 Admin. and Enforcement

- [Non-Conformities](#) § 7.1
- [Uses Under Exception Provisions Not Non-Conforming](#) § 7.2



**A. INTENT**

This Section is intended to promote mixed-use development that conserves historical sites and significant natural features such as trees and wooded areas, significant views and open space. The Planned Unit Development (PUD) is also intended to promote innovative site design and buildings with architectural integrity, that result in enhanced housing, employment, shopping and recreational opportunities while conserving and/or efficiently utilizing public services, utilities and open space. Provisions of this Section are intended to result in land development that is substantially consistent with the planning and zoning standards generally applied.

**B. DESCRIPTION**

The provisions of this Section provide enabling authority and standards for the submission, review and approval of applications for Planned Unit Development. The approval of a PUD shall require an amendment to the zoning map. The PUD designation will overlay the underlying zoning district. Approval granted under this Section is specific to all aspects of the final plan and any conditions imposed on it, and shall constitute an inseparable part of the zoning amendment. Within an area designated Planned Unit Development, lot size, building size and setbacks, building and fence height, buffers, and density, may be flexible depending on the character and benefit to the neighborhood and community. Land uses not ordinarily permitted in the underlying zoning district may be approved up to 40% of the overall PUD development site. Any use proposed that is not permitted in the underlying zoning district, shall be compatible with the surrounding land uses and/or zoning and provide substantial benefit to the surrounding area. In addition to requiring open space, a Planned Unit Development approval may require road improvements for any impact associated with the PUD, dedication of easements, or other public amenities and improvements as determined by the Planning Commission and/or City Council.

**C. PROCEDURE**

The Planned Unit Development shall be submitted and processed pursuant to Section 7.13 - Changes & Amendments. The applicant shall submit a zoning change application with ten (10) copies of the development plan along with the required

application fee. The application shall include the following:

1. Required Information:
  - A. Name, address and phone number of the applicant & property owner;
  - B. Legal description of proposed site;
  - C. Present use of property;
  - D. Conceptual development plan;
  - E. Anticipated timing and phasing of the development.
2. Development Plan:
  - A. Vicinity / project location map;
  - B. Location, development type(s);
  - C. Drainage plan (calculations required for review by the City's Engineer prior to final approval or issuance of permits);
  - D. Location and amount of open space(s);
  - E. Gross site acreage, net site area (less roads, easements, right-of-way);
  - F. Total lot coverage (%);
  - G. Topography at two feet (2') intervals;
  - H. Existing features of development site including water features, existing trees (significant type or size - 8" caliper or greater), streets, easements, utility lines, surrounding and land use(s);
  - I. Street layout and names;
  - J. Existing building(s) to remain or be removed, and if the existing buildings remain, indicate proposed use;
  - K. All proposed signs excluding street signs;
  - L. Proposed method of street / building lighting and dumpster screening;
  - M. Landscape plan with materials identified by common and botanical name;
  - N. Location, area, and dimensions of all lots, setbacks, and building envelopes including proposed utilities;
  - O. Required number of parking spaces and number of spaces proposed;
  - P. Proposed ownership and maintenance of common, open space;
  - Q. Building elevations and materials.



## D. ADDITIONAL INFORMATION

Additional Information. The Planning Commission and/or City Council may require additional information such as professionally prepared maps, studies or reports including environmental assessments and/or traffic impact studies for the proposed development. Any such request shall be the responsibility and expense of the applicant.

## E. STANDARDS

### 1. General:

- A. The development shall be in conformance with the goals and objectives of the City's Master Plan, Chapter, Downtown Development Plan, and applicable Subdivision Regulations.
- B. The uses shall be compatible with the proposed and existing surrounding land uses and have a beneficial effect in terms of public health, safety, and welfare.
- C. The arrangement of land uses and buildings on the site shall integrate and/or preserve the topography, natural features, views, traffic access and the arrangement of usable, common open space.
- D. Provides for public amenities as the Planning Commission and/or City Council may recommend.

### 2. Specific - Residential:

- A. There shall be no minimum lot size, lot-width, building size or height, fence height, or setback requirement except as provided for in Section 3 - Zoning Districts.
- B. No less than (10%) of the entire Planned Unit Development site, none of which is a part of any yard, right-of-way or utility easement, shall be allocated to usable, accessible, consolidated and contiguous, common open space.
- C. The maximum number of dwelling units permitted per total site area shall be the same as permitted in the underlying zoning district. Additional dwelling units may be permitted by the Planning Commission and/or the City Council based on the applicant's ability to meet the objectives outlined in Section 3.1.14.C above.

D. When abutting a non-residential district, a perimeter setback shall be required. The depth of the perimeter setback shall be determined by the Planning Commission and/or City Council based on the type and intensity of the non-residential use. This perimeter setback may not be used for any parking, outdoor storage, or any other use. It is intended that these perimeter setbacks provide a buffer to mitigate any potential impact to the residential district. Fencing, masonry walls and/or extensive landscaping may also be required.

E. Telephone, electrical, cable, and other utilities, shall be located underground where possible. Otherwise, appurtenances shall be located in a passive area of the site and sufficiently screened from view

### 3. Specific - Commercial:

- A. There shall be no minimum lot size, lot-width, building size or height, setbacks, fence height except as provided for in Section 3 - Zoning Districts.
- B. No less than (10%) of the entire Planned Unit Development site, none of which is a part of any yard, right-of-way or utility easement, shall be allocated to usable, accessible, consolidated and contiguous, common open space.
- C. Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 5.1 - Parking Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development unless otherwise reduced by the Planning Commission and City Council.
- D. A perimeter setback shall be required when abutting a residential district. The depth of the perimeter setback shall be determined by the Planning Commission and/or City Council based on the type and intensity of the commercial use. This perimeter setback may not be used for any parking, outdoor storage, or any other use. It is intended that these perimeter setbacks provide a buffer to mitigate any potential impact to the residential district. Fencing, masonry walls and/or extensive landscaping may also be required.

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- E. Telephone, electrical, cable and other utilities shall be located underground where possible. Otherwise, the appurtenances shall be located in a passive area and sufficiently screened from view.
- 4. Specific - Industrial:
  - There shall be no minimum lot size, lot-width, building size or setbacks, building or fence height except as provided for in Section 3 - Zoning Districts.
  - No less than (10%) of the entire Planned Unit Development site, none of which is a part of any yard, shall be allocated to usable, accessible, consolidated and contiguous, common open space.
  - Industrial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Section 5.1 - Parking Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development unless otherwise reduced by the Planning Commission and City Council.
  - A perimeter setback shall be required when abutting a residential district. The depth of the perimeter setback shall be determined by the Planning Commission and/or City Council based on the type and intensity of the industrial use. This perimeter setback may not be used for any parking, outdoor storage, or any other use. It is intended that these perimeter setbacks provide a buffer to mitigate any potential impact to the residential district. Fencing, masonry walls and/or extensive landscaping may also be required.
  - Telephone, electrical, cable and other utilities shall be located underground where possible. Otherwise, appurtenances shall be located in a passive area of the site and sufficiently screened from view.

**F. CHANGE TO APPROVED PLAN**

Any proposed changes or alterations to the approved development plan require the submittal of a letter detailing the proposed changes and, if applicable, a revised site plan. This letter and/or site plan will be reviewed by the Planning

Commission and City Council, and if the proposed change is determined to be minor in scope, the request may be approved immediately. If the Planning Commission and City Council determine that the proposed changes are major in scope, the requested amendment will require a zoning change pursuant to the procedures outlined in Section 7.13 - Changes & Amendments.

**G. EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

If construction of any phase of the approved Planned Unit Development begins within (1) year after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within (1) year after the approval is granted, the Planned Unit Development shall be void and the land shall revert to the zoning district established prior to the approval of the Planned Unit Development. The Planning Commission and City Council may consider an extension of the one year time limit.



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**2** Definitions

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# Industrial Overlay District

Purpose and Introduction

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## A. INTENT

The purpose and intent of the Industrial Overlay district is to provide a location for permitted marihuana facilities in the city in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the city. This area, identified on the City of Belleville's Zoning Map, is intended to provide reasonable access for marihuana facilities and minimize the potential public health, safety, and nuisance impacts of such uses on local residents and businesses. This area is designated to minimize adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other locations where minors congregate. In addition, this area is designated to minimize environmental impacts that can accompany the cultivation and processing of marihuana.

Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance; or allow any activity relating to the cultivation, manufacturing, testing, distribution or consumption of marihuana that is otherwise illegal under Michigan law.

## B. PERMITTED USES

This overlay allows the uses permitted by right and by special land use as provided in the underlying zoning districts. In addition, marihuana facilities licensed by the City are principal permitted uses, pursuant to the standards in Section 4.40 and obtaining site plan approval as provided in Section 6.1.

## C. DEVELOPMENT STANDARDS

The development standards and all other standards in the underlying district apply.

## D. CONFLICT

Whenever any provision of this Section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance or by another provision of this Zoning Ordinance, then the provisions of this Section shall govern.





### 3.2 ZONING MAPS

Each area shall be set forth on a map containing such information as may be acceptable to the Council and showing by appropriate means the various districts into which the area is divided, which maps shall be entitled "Zoning Map" and shall bear the date adopted or amended and it shall be the duty of the Mayor and Clerk to authenticate such records by placing their official signatures thereon. All such maps with all explanatory matter thereon, are hereby made part of this Chapter and shall be as much a part of this Chapter as if the matters and information set forth thereon were all fully described herein.

### 3.3 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of any of the districts established in this Chapter as shown on the Zoning Map, the following rules shall be applied.

1. Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map. If no such distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundaries shall be deemed to be located midway between the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Municipality unless otherwise indicated.
6. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.

7. Where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Chapter, there is any uncertainty, contradiction or conflict 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, or upon its own motion, by the Zoning Board of Appeals.

### 3.4 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Municipality 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.

### 3.5 ZONING OF ANNEXED AREAS

Any area annexed to the Municipality shall immediately upon such annexation, be automatically classified as an "R-1" district until a Zoning Map for said area has been adopted by the Council. The Planning Commission shall recommend appropriate zoning for such area within three (3) months after the matter is referred to it by the Council.

### 3.6 BELLEVILLE LAKE

There shall not be any zoning maps to cover Belleville Lake, and all that part of the Municipality known as Belleville Lake shall not be used for any purpose other than recreation and storage of water.

### 3.7 NOTES TO SCHEDULE OF REGULATIONS

1. Applicability. The notes contained in Section 3.7.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of individual notes to each district is provided in the table on the following page.
2. Notes to District Standards
  - A. See Section 3.12 - Subdivision Open Space Plan, regarding exceptions as to lot area and density controls.
  - B. The side yard abutting upon a street shall not be less than ten feet (10') when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard



abutting a side yard of an adjacent lot, or when said side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district.

C. In an R-M Multiple-Family Residential District, the total number of rooms of one hundred (100) square feet or more (not including kitchen and sanitary facilities) shall not be more than the area of the parcel in square feet divided by sixteen hundred (1,600). All units shall have at least one (1) living room and one (1) dining room, except that ten (10) per cent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

- i. One Bedroom - 2 rooms
- ii. Two Bedrooms - 3 rooms
- iii. Three Bedrooms - 4 rooms
- iv. Four Bedrooms - 5 rooms

(Plans presented showing 1-, 2-, or 3-bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.)

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

D. The front yard setbacks herein specified shall be altered under the terms and conditions as hereafter provided:

Applicability of Notes to District Standards												
Notes to District Standards	Districts											
	R-1	R-2	R-3	RM	H	B-1	B-2	B-3	OS-1	I-1	I-2	IP
A	✓	✓										
B	✓	✓	✓									
C				✓								
D	✓	✓	✓	✓								
E				✓								
F						✓		✓	✓			
G						✓	✓	✓	✓			
H				✓		✓	✓	✓	✓	✓	✓	
I						✓	✓	✓	✓			
J										✓	✓	
K							✓	✓	✓	✓	✓	
L						✓	✓	✓	✓	✓	✓	
M										✓	✓	
N												
O			✓									
P						✓	✓	✓				



- i. Where a front yard of greater or lesser depth than in this Section specified exists in front of dwellings existing on more than sixty (60) per cent of the lots on record, or building sites, on one side of a street in any block, the depth of front yard of any building subsequently erected or placed on any one of such lots, or building sites, shall not be less, and need not be greater, than the average depth of the front yards of such existing dwellings, but this shall not be deemed to require in any district a front yard of greater depth than thirty-five (35) feet or permit a less depth than fifteen (15) feet in any case.
  - ii. Additions or alterations to existing non-conforming single-family structures in R-1 and R-2 districts may be allowed, where they will not encroach on the required setbacks any more than the existing structure.
- E. See definitions under Section 2.2 for Apartments, concerning the floor area requirements under the various multiple dwelling bedroom counts.
- F. No sideyards are required along the interior side lot lines, except as otherwise specified in the building Code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10) feet on the side or residential street. If walls of structures, facing such interior side lot lines, contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
- G. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements, except in the instance of "OS-1" districts loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.
- H. The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading, and required yards.
- I. Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater.
  - J. No building shall be closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
  - K. Planned developments involving five (5) acres or more under one ownership shall be subject to the approval of the Planning Commission, after public hearing, regarding modifications with respect to height regulations. In approving an increase in structure height the Planning Commission shall require that all yards shall at least equal in their depth the height of the structure.
  - L. An obscuring wall or fence not less than four feet, six inches (4'-6") nor more than five feet (5') in height shall be provided on those sides of the property abutting land zoned for residential use.
  - M. Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the Planning Commission.
  - N. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent district or public street.
  - O. Mobile home parks are to be controlled by the specific provisions in Section 4.7.
  - P. For specific requirements and conditions, including minimums and maximums, refer to Section 3.1.7.D.

**3.8 B-1 AND B-3 BUSINESS DISTRICTS  
REQUIRED CONDITIONS**

- 1. In the B-1 and B-3 districts:
  - 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.

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- B. All businesses, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- 2. In the B-3 district, outdoor storage of commodities shall be expressly prohibited.

**3.9 OS-1 OFFICE SERVICE DISTRICT REQUIRED CONDITIONS**

- 1. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story, or in the basement.
- 2. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.
- 3. Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

**3.10 IP INDUSTRIAL PARK REQUIRED CONDITION**

All principal and accessory uses shall be conducted entirely within an enclosed building.

**3.11 IP INDUSTRIAL PARK GREENBELT REQUIREMENTS**

- 1. A greenbelt not less than thirty (30) feet wide shall be developed along all property lines in the industrial park zone which face, abut, or are adjacent to, a residential zoning district. This buffer strip shall be planted with trees and shrubs in accordance with the provisions of Section 5.4.
- 2. A masonry obscuring wall not less than 6 feet in height shall be provided on those sides of the property abutting land zoned for residential use. The obscuring wall shall be placed on the property on the interior side of the required greenbelt. All storage shall be in the rear yard and shall be completely screened with a masonry obscuring wall not less than six (6) feet high.

**3.12 SUBDIVISION OPEN SPACE PLAN**

The intent of this Section is to permit one-family residential subdivisions or site condominiums to be planned as a comprehensive unit allowing, therefore, certain modifications to the standards as outlined in the Section 3.1 to be made in R-1 and R-2 One-Family Residential Districts when the following conditions are met:

- 1. The lot area in all One-Family Residential Districts may be reduced by twenty (20) percent provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required under R-1 and R-2 districts. In accomplishing the twenty percent (20%) lot reduction, no lot width shall be reduced by more than twenty (20) feet. All calculations shall be predicated upon these one-family districts having the following number of dwelling units per acre.
  - A. R-1 = 4.53 dwelling units per gross acre\*
  - B. R-2 = 4.95 dwelling units per gross acre\*

\*Gross acreage includes all land area of the site including roads and dedicated or conveyed open space.
- 2. For each square foot of land gained under the provisions of Item 1 above, of this Section 3.12, within a residential subdivision or site condominium, through the reduction of lot size below the minimum requirements as outlined in Section 3 - Zoning Districts, equal amounts of land shall be dedicated or conveyed to the subdivision, or to the City provided that the City Council accepts dedication or conveyance of a specific legal description by resolution. The City may make payment for such lands in the case of improved park lands conveyed to the City to meet the open space requirements of this Section. The City Council may refuse to accept dedication or conveyance of land for park purposes under this Section if the land does not have utility for recreational use, scenic value, will be difficult to maintain, because of environmental concerns or contamination, or for other public purpose factors. These dedications or conveyances shall be either rights in fee or easement, and retained as open space for park, recreation, and related uses. All lands dedicated or conveyed in fee or easement shall meet the requirements of the Planning Commission.



3. The area to be dedicated or conveyed for public park and recreation purposes only, shall in no instance be less than five (5) acres and shall be in a location and shape approved by the Planning Commission in reviewing the proposed subdivision plan or site condominium project. Said land shall be so graded and developed as to have natural drainage. For parks accepted for dedication or conveyance to the City, all proposed improvements and construction plans shall be submitted to the City for approval prior to any construction, and all improvements shall be designed and constructed to meet minimum design specifications of the City prior to dedication.
4. In approving the application of "Subdivision Open Space Plan" technique the Planning Commission's decision shall be subject to the following standards:
  - A. To provide a more desirable living environment by preserving or creating the natural character of open fields, stands of trees, brooks, topography, and similar natural assets;
  - B. To encourage a more efficient, aesthetic and desirable use of the street, right-of-way and open area while recognizing a reduction in development costs, and by allowing the developer to by-pass natural obstacles in the site.
5. This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the Council or Planning Commission and the subdivider or developer.

### 3.13 GENERAL EXCEPTIONS

Area, Height and Use Exceptions- The regulations in this Chapter 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 Municipality of Belleville; it being the intention hereof to exempt such essential services from the application of this Chapter.
2. Voting Place - The provisions of this Chapter 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 public election.
3. Height Limit - The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public

monuments or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval or under Section 7.1.5.

4. Lots Adjoining Alleys - In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Chapter, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
5. Yard Regulations - When yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-Family District, or where their application cannot be determined on lots existing and of record at the time this Chapter became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Planning Commission.
6. Multiple-Dwelling Side Yard - For the purpose of side yard regulations, a two-family, a terrace, a row house, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
7. Terrace - An open, unenclosed paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
8. Projections into Yards - Architectural features, including bay windows, window sills, belt courses, cornices, eaves, roof overhangs and similar features, may project no more than eighteen (18) inches into required side yard areas and no more than three (3) feet into required front or rear yard areas. Architectural features shall not include those details which are nominally demountable.



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# Article 4.0 Use Standards



## Article 4.0 Use Standards

- 4.1 Public, Parochial and Other Private Elementary, Intermediate, and/or High School
- 4.2 Swimming Pool Clubs
- 4.3 Colleges Universities and Other Such Institutions of Higher Learning, Public and Private
- 4.4 Home Occupations
- 4.5 Day Nursery Schools
- 4.6 Boarding and Renting of Rooms
- 4.7 Mobile Home Parks
- 4.8 Private Non-Profit Clubs
- 4.9 Utility and Public Service Facilities and Uses without Storage Yards
- 4.10 Mid-Rise Multiple-Family Elderly Residential
- 4.11 Convalescent Homes
- 4.12 Hospitals
- 4.13 Medical Offices
- 4.14 Extended Care Facilities and Residence for Doctors or Nurses
- 4.15 Automobile Fuel Station
- 4.16 Residential Living Units in the B-1 and B-3 Districts
- 4.17 Auto Wash
- 4.18 Warehouse and Storage Facilities
- 4.19 Outdoor Sales Space
- 4.20 Motel
- 4.21 Business in the Character of a Drive-in/Open Front Store
- 4.22 Commercially Used Outdoor Recreational Space
- 4.23 Nursery Sales
- 4.24 Arcades (Mechanical Amusement Devices)
- 4.25 Automobile Repair Facility
- 4.26 Outdoor Café Use Associated with Restaurants
- 4.27 Municipal Buildings, and Public Utility Offices
- 4.28 Facilities for the Repair of Electrical Equipment
- 4.29 Special Land Uses in Industrial Districts
- 4.30 Motor Vehicle Storage and Repair Facilities
- 4.31 Basic Research, Design, and Pilot
- 4.32 Warehouse, Manufacturing, Wholesale
- 4.33 Storage Facilities
- 4.34 Lumber and Planing Mills
- 4.35 Production or Heavy Manufacturing
- 4.36 Accessory Buildings
- 4.37 Uses Not Otherwise Included within a Specific Use District
- 4.38 Child Care Facilities, Commercial
- 4.39 Retail Business in the IP District
- 4.40 Marihuana Facilities





# 4.0 Use Standards

## 4.1 PUBLIC, PAROCHIAL AND OTHER PRIVATE ELEMENTARY, INTERMEDIATE, AND/OR HIGH SCHOOLS

In the R-1, R-2 and R-3 districts, public, parochial, and other private elementary, intermediate, and/or high schools are permitted when offering courses in general education and not operated for profit.

## 4.2 SWIMMING POOL CLUBS

In the R-1 and R-2 districts, swimming pool clubs are permissible on special approval when incorporated as a non-profit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision, or other specified areas, for the exclusive use of members and their guests, all subject to the following conditions:

1. As a condition to the original granting of such permit and the operation of such non-profit swimming pool club, as a part of said application, the applicant shall obtain from one hundred (100) percent of the freeholders residing or owning property, within a one hundred and fifty (150) foot radius, immediately adjoining any property line of the site herein proposed for development; a written statement or waiver addressed to the Council recommending that such approval be granted. Also, approval from fifty-one (51) percent of the homeowners within one thousand (1,000) feet shall be received in writing.
2. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare (see Major Thoroughfare Plan), and the site shall be so planned as to provide ingress and egress directly on to said major thoroughfare.
3. Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to non-residential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
4. Buildings erected on the premises shall not exceed one (1) story in height.

5. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
6. Whenever the parking plan is so laid out as to beam automobile headlights toward any residential land an obscuring wall or fence, not less than four feet, six inches (4'-6") nor more than five feet (5') in height shall be provided along that entire side of the parking area.
7. Whenever a swimming pool is constructed under this Chapter, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

## 4.3 COLLEGES UNIVERSITIES AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING, PUBLIC AND PRIVATE

In the R-1 and R-2 districts, colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit are permissible upon special approval subject to the following conditions:

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
2. All ingress to and egress from said site shall be directly on to a major thoroughfare having an existing or planned right-of-way of at least one hundred and twenty (120) feet of width.
3. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.

## 4.4 HOME OCCUPATIONS

In the R-1 and R-2 districts, home occupations are permissible upon special approval when they are not in conflict with the overall residential character of the area, all subject to the following conditions:

1. All home occupations shall be so conducted as not to be visible on the exterior of a dwelling.
2. Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

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#### 4.5 DAY NURSERY SCHOOLS

In the R-1 and R-2 districts, day nursery schools are permissible upon special approval, subject to the restriction that not more than one (1) child shall be enrolled or kept in said school for each three hundred (300) square feet of yard area, exclusive of buildings and front yard space required, when approved by the Planning Commission after public hearing, is not being injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Chapter.

#### 4.6 BOARDING AND RENTING OF ROOMS

In the R-1 and R-2 districts, boarding and renting of rooms shall be permissible upon special approval subject to the following conditions.

1. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
2. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least fifty (50) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
3. Boarding and the renting of rooms shall not include the operating of what is normally termed a Restaurant or similar use where meals are served to transient guests. Board shall not be provided to other than those rooming in the residence.

#### 4.7 MOBILE HOME PARKS

1. Mobile Home Parks may be permitted in an R-3 district after the park plan therefore has been approved by the Planning Commission of the Municipality to insure adequate streets and open spaces essential to the public health, welfare and convenience and to insure that such plan is in accordance with the spirit and purposes of said Chapter and subject to compliance with the following requirements and conditions:
  - A. The tract or parcel of land being proposed for a mobile home park shall be of such land area as to provide for a minimum of seventy-five (75) mobile home sites, exclusive of streets, buildings, structures, enclosures and recreational areas.
  - B. Each mobile home site shall contain a minimum area of five thousand (5,000)

square feet. All such mobile home sites shall be computed exclusive of roads, sidewalks, service drives, facilities and recreational space. Provided, however, not more than ten (10) percent of the sites may contain a minimum of four thousand (4,000) square feet if the park plan shows the smaller lots to be in a cluster with adequate open areas. The Planning Commission shall be the judge of adequacy in such cases.

- C. Each mobile home park shall have access to a major thoroughfare of at least a one hundred and twenty (120) feet right-of-way within the City by directly abutting thereon and having frontage on said thoroughfare of at least four hundred (400) feet in width. In the alternative, the mobile home park must have access to a major thoroughfare within the City of at least one hundred twenty (120) feet right-of-way by a private road over property owned by or subject to use by the mobile home park owner, which private road shall not be more than one thousand three hundred twenty (1,320) feet in length and shall have a right-of-way of a minimum of eighty-six (86) feet in width. Said right-of-way to be improved with at least four (4) lanes of paved roadway, which roadway totals at least forty-eight (48) feet in width. In addition, there shall be constructed within the private road right-of-way a five (5) foot concrete sidewalk on each side of the private road. The roadway shall be constructed of blacktop or poured concrete in accordance with standard road building practice. The roadway shall be designed and graded for adequate storm sewer drainage and shall be provided with curbs and gutters. The plan for the roadway shall be approved by the City Engineer and the developer shall pay any charge made by the City Engineer for such services.
  - D. If the parcel or tract of land to be used for a mobile home park abuts or crosses a section line or section quarter line, the owner shall dedicate a strip of land for street purposes as determined by the Planning Commission.
2. The mobile home park shall comply with the following additional requirements:
    - A. The tract or parcel of land being proposed for a mobile home park shall be of such land area as to provide for a minimum of seventy-five (75) mobile home sites, exclusive of streets, buildings, structures, enclosures and recreational areas.
    - B. Each mobile home site shall contain a minimum area of five thousand (5,000)



- A. The boundaries of each site shall be clearly and permanently designated according to the dimensions and the locations shown on the approved plot plan.
  - B. There will be one side yard between the site plot line and the mobile home of twenty (20) feet and there shall be a total side yard of thirty (30) feet.
  - C. Buildings or structures which are necessary to the mobile home park shall have a front and rear yard of at least forty (40) feet, and side yards of at least twenty (20) feet each. In addition, off-street parking shall be provided for such buildings or structures as required for retail stores under Section 5.1.
  - D. Each mobile home site shall provide for a front yard of at least twenty (20) feet, said space to be between the front site line and the front of the mobile home and a rear yard of at least fifteen (15) feet.
  - E. Each mobile home site shall abut or face a service right-of-way having a width of not less than forty (40) feet. The right-of-way shall be improved with a blacktop or poured concrete street or road at least twenty-four (24) feet in width and a four (4) foot concrete sidewalk on each side of the street or road. The street or road shall be designed and graded for adequate storm sewer drainage and shall be provided with curbs and gutters. The streets or roads shall be constructed in accordance with standard road building practice.
  - F. Two (2) paved off-street parking spaces shall be provided for each mobile home site.
  - G. The mobile home park to provide a twelve (12) foot greenbelt adjacent to all abutting properties and public rights-of-way. The greenbelt shall be located within the mobile home park site and shall comply with Section 5.4 of this Chapter. In the alternative, the Planning Commission may permit the mobile home park owner to erect an obscuring wall or fence not less than four feet six inches (4'6") or more than five (5) feet in height on all sides of the trailer court. Provided, further, that the Planning Commission may require a combination of both the greenbelt and the obscuring wall or fence adjacent to any public rights-of-way.
  - H. Street and yard lights sufficient to permit safe movement of vehicles and pedestrians at night shall be provided, and shall be so located and shaded as to direct the light away from adjacent properties.
3. All mobile home park developments shall further comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended.
  4. No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities required therein without first obtaining the approval of the Planning Commission and securing a building permit authorizing the construction, addition or alteration.
  5. Each person who desires to construct or alter a mobile home park shall submit to the City and the Planning Commission construction plans and specifications prepared by a registered professional engineer or architect and which will include:
    - A. A plan of the entire tract or parcel including the legal description of the lands involved. If the mobile home park is to be constructed in stages, the plan must show the individual areas to be developed. The plan must show the continuity of streets and other facilities and the provision for recreation areas in relation to the proposed use.
    - B. The layout and location of all facilities and of all provisions made for lighting of buildings and park area.
    - C. The location and size of all roadways and sidewalks within the mobile home park.
    - D. The plan for the access road if the park does not have the required frontage on a major thoroughfare within the City.
  6. The fee for the construction permit shall be paid to the City at the time the permit is actually issued. No permit shall be issued until the applicant has received a construction permit from the State of Michigan as required by Act 243 of the Public Acts of the State of Michigan of 1959, as amended, and a copy of the plans submitted to the State have been filed with the City.
  7. No site within the mobile home park shall be occupied by any mobile home or trailer coach unless the same is equipped with toilet, lavatory and fixtures for tub or shower bathing within the mobile home or trailer coach.

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8. Each mobile home in the mobile home park shall have a minimum of four hundred and eighty (480) square feet of floor space for the first two (2) occupants, and an additional one hundred (100) square feet of floor space for each occupant over two (2). This provision shall not apply to any mobile home park (or trailer park) on the effective date of this Chapter.
9. Campers, boats, trailers, trailer coaches, snowmobiles and similar recreational equipment owned by the occupant may be stored on individual mobile home sites when the following conditions are met:
  - A. All storage shall be in the rear yard only.
  - B. All provisions of Act 243, Public Acts of 1959, as amended, are followed.
  - C. All storage shall be at least four (4) feet from any site line.
  - D. All items stored are in good working order and must be maintained so as not to be detrimental to the appearance of the park.
  - E. The area occupied by stored items shall not exceed three hundred and fifty (350) square feet.
10. It shall be unlawful for any person, firm or corporation to occupy a mobile home site or for any owner or agent thereof to permit the occupation of any mobile home site for any purpose until a certificate of occupancy has been issued by the building official. The certificate of occupancy shall state that the mobile home park complies with all the provisions of this Chapter, as amended, and the plan as approved by the Planning Commission.
11. Whenever any provision of Sections 5.2(a) imposes overlapping or contradictory requirements to any other provision of this Chapter or other Chapters of the City of Belleville, that provision which is more restrictive or imposes higher standards or requirements shall govern.

**4.8 PRIVATE NON-PROFIT CLUBS**

In the RM district, non-profit clubs are permitted provided that no residential facilities of any kind be a part of the premises, and provided further that they shall not be let for commercial purposes (such as but not limited to: receptions, banquets or parties) nor be allowed a liquor license of any kind.

**4.9 UTILITY AND PUBLIC SERVICE FACILITIES AND USES WITHOUT STORAGE YARDS**

In the R-3 district, utility and public service facilities and uses without storage yards are permitted when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.

**4.10 MID-RISE MULTIPLE-FAMILY ELDERLY RESIDENTIAL**

In the R-M district, mid-rise multiple-family elderly residential is permissible upon special approval subject to the following special approval conditions:

1. The site for such housing shall be a minimum of two (2) acres.
2. A site plan shall be required for all such uses, regardless of size or area.
3. The entire area of the site shall be designed and developed so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the principal building(s).
4. The minimum number of off-street parking spaces shall equal sixty percent (60%) of the total number of dwelling units plus one space for each two (2) employees on staff. All off-street parking shall be for the exclusive use of building residents, their guests and staff, anything to the contrary in this Chapter notwithstanding.
5. A detailed landscaping plan identifying the location, type, size and dimensions of all landscaping shall be submitted for review and approval.
6. An interior site circulation plan shall be submitted for review and approval.
7. Prior to issuance of the building permit, and as a condition of approval hereunder, the applicant shall provide evidence to the satisfaction of the Planning Commission, of compliance with all City, County, State and Federal ordinances, regulations and applicable licenses and permits.
8. The building shall contain a fire sprinkler system with not less than one sprinkler located in each dwelling unit.
9. Area, height, bulk and placement requirements for mid-rise multiple-family uses shall be as set forth in the following schedule, anything to the contrary in this Chapter notwithstanding.



- A. Maximum Lot Coverage: 15%
- B. Maximum Height of Building: 6 stories & 60 feet
- C. Minimum Unobstructed Yard Setback:
  - i. Front Yard Setback: 40 feet
  - ii. Side Yard Setback – one side: 40 feet
  - iii. Side Yard Setback – total for two sides: 100 feet
  - iv. Rear Yard Setback: 40 feet

For a yard(s) abutting a single-family zoned district, the minimum yard(s) shall be equal to at least one hundred percent (100%) of the height of the tallest abutting building, except where a lot line abuts a public street, one-half (1/2) the yard setback, so computed (building height x 100%) shall be the minimum yard. In no instance shall any yard setback be less than forty (40) feet.

- D. Minimum Floor Area per Dwelling Unit:
  - i. Efficiency: 400 sq. ft.
  - ii. One (1) Bedroom: 535 sq. ft.
  - iii. Two (2) bedroom: 800 sq. ft.

Density shall not exceed forty (40) units per acre. All units shall have at least one (1) living room and one (1) bedroom, except that not more than thirty percent (30%) of the units may be of an efficiency type. The area used for computing density shall be the total site area exclusive of any dedicated publicly owned road right-of-way or waterway.

#### 4.11 CONVALESCENT HOMES

In the R-M district, convalescent homes are permissible upon special approval when the following conditions are met:

1. Buildings not to exceed a height of two (2) stories,
2. The site shall consist of at least one (1) acre.
3. The maximum coverage shall not exceed seventy-five percent (75%) for all buildings including principal structures and those incident to the principal structure.

#### 4.12 HOSPITALS

In the Hospital district, general hospitals are a permitted use, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease, not to exceed six (6) stories when the following conditions are met:

1. All such hospitals shall be developed only on sites consisting of at least twenty (20) acres in area.
2. The proposed site shall have at least one (1) property line abutting a street.
3. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2), the distance from any street shall be increased by at least twenty (20) feet.
4. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height. Ingress and egress to the site shall be directly from a street.
5. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a street.

#### 4.13 MEDICAL OFFICES

In the Hospital district, medical offices are a permitted use provided they do not exceed three (3) stories.

#### 4.14 EXTENDED CARE FACILITIES AND RESIDENCE FOR MEDICAL STAFF

In the Hospital district, extended care facilities and residence for medical staff are a permitted use provided they do not exceed two (2) stories.

#### 4.15 AUTOMOBILE FUEL STATION

In the B-1 and B-3 districts, automobile fuel stations are permissible upon special approval, for sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating.

1. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards

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in the streets immediately adjacent thereto. Entrances shall be no less than sixty (60) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

2. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Provided further, that before a permit is issued to build or construct a new automobile service station there shall be filed with the application for building permit, the written consent of seventy-five (75) percent of the property owners of all property within a radius of four hundred (400) feet of any part of the premises whereon the new automobile service station is to be built or constructed: this proviso shall not apply to the modernization or reconstruction of existing automobile service stations.
3. There shall be provided, on those sides abutting or adjacent to a residential district, an obscuring wall or fence not less than four feet, six inches (4'6") nor more than five feet (5') in height. The height of the walls shall be measured from the surface of the ground.
4. All lighting shall be shielded from adjacent residential districts.

**4.16 RESIDENTIAL LIVING UNITS IN THE B-1 AND B-3 DISTRICTS**

In the B-1 and B-3 districts, residential living units are permissible upon special approval in any building, the use of which is in compliance with this Chapter, provided:

1. The units may only be established in a building in which there exists a non-residential permitted use, which occupies at least the entire ground-level floor area of the building;
2. The minimum number of off-street parking spaces shall be one and one-half (1.5) spaces per unit, which shall be in addition to any parking requirements related to the other permitted uses. (This provision is to apply notwithstanding any other provision in this Chapter to the contrary);
3. Each residential unit shall contain a minimum of eight hundred fifty (850) square feet and must include a kitchen and sanitary facilities.

**4.17 AUTO WASH**

1. In the B-3 district, an auto wash is permitted when completely enclosed in a building. Provided, however, that before a permit is issued to build or construct a new auto wash or to enlarge an existing auto wash, there shall be filed with the application for building permit a written consent of seventy-five (75) percent of the property owners of all property within a radius of four hundred (400) feet of any part of the premises whereon the auto wash is to be built, constructed or enlarged.
2. In the I-2 district, auto washes are permissible when completely enclosed in a building.

**4.18 WAREHOUSE AND STORAGE FACILITIES**

In the B-3 district, warehouse and storage facilities are permitted when incident to, and physically connected with, any principal use permitted, provided that such facility be within the confines of the building or part thereof, occupied by said establishment.

**4.19 OUTDOOR SALES SPACE**

In the B-3 district, outdoor sales space is permissible upon special approval for exclusive sale of secondhand automobiles or house trailers subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
3. The entire area used for storage, display, or sale, shall have asphalt or concrete surfacing in accordance with specifications approved by the Municipal Engineer. Such facilities shall be so drained so as to dispose of all surface water accumulated in the area.
4. An obscuring wall or fence of not less than four feet, six inches (4'6") nor more than five feet (5') in height shall be provided when abutting or adjacent districts are zoned for residential use.
5. No major repair or major refinishing shall be done on the lot.



#### 4.20 MOTEL

In the B-3 district, motels are permissible upon special approval subject to the following:

1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
2. An obscuring wall or fence of not less than four feet, six inches (4'6") nor more than five feet (5') in height shall be provided where abutting or adjacent districts are zoned for residential use.
3. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
4. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.

#### 4.21 BUSINESS IN THE CHARACTER OF A DRIVE-IN/OPEN FRONT STORE

In the B-3 district, businesses in the character of a drive-in or so-called open front stores are permissible upon special approval subject to the following:

1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Ingress and egress points shall be located at least sixty (60) feet from intersection of any two (2) streets.
3. All lighting shall be shielded from adjacent residential districts.
4. An obscuring wall or fence of not less than four feet, six inches (4'6") nor more than five feet (5') in height shall be provided where abutting or adjacent to a residential district. The height of the wall shall be measured from the surface of the ground.
5. Before a permit is issued to build or construct a new drive-in, so-called, or so-called open front store, or the enlargement of any such existing use, there shall be filed with the application for building permit the written consent of seventy-five (75) percent of the property owners of all property within a radius of four hundred (400) feet of any of the premises whereon the drive-in or open front store is to be built, constructed or enlarged.

#### 4.22 COMMERCIALLY USED OUTDOOR RECREATIONAL SPACE FOR CHILDREN'S AMUSEMENT PARKS, CARNIVALS, MINIATURE GOLF COURSES

In the B-3 district, commercially used outdoor recreational space for children's amusement parks, carnivals, and miniature golf courses are permissible upon special approval subject to the following:

1. Children's amusement park shall be fenced on all sides with a four (4) foot wall or fence.
2. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four (4) foot chain link type fence where adjacent to the use.

#### 4.23 NURSERY SALES

In the B-3 district, nursery sales for the retail of plant materials not grown on the site, lawn furniture, garden and lawn supplies and equipment are permissible upon special approval subject to the following conditions:

1. The minimum site area shall be fifty thousand (50,000) square feet and there shall be erected on the site a permanent enclosed building of at least two thousand (2,000) square feet.
2. Off-street parking constructed as required in Section 5.2 of this Chapter shall be provided on the basis of one (1) parking space for each four hundred (400) square feet of outside storage, sales space and usable floor area within the building.
3. There shall be no storage of loose top soil, fertilizer, stone or other similar types of loose materials unless such materials are stored in bins having dimensions of not less than sixteen (16) feet by twelve (12) feet, and a height not more than eight (8) feet and such bins shall provide covering to keep the loose materials from blowing around the area.
4. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
5. There shall be provided, on those sides abutting or adjacent to a residential district, an obscuring wall or fence no less than four feet, six inches (4'6") nor more than five feet (5') in height. The height of the wall shall be measured from the established grade level of the ground.

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**4.24 ARCADES (MECHANICAL AMUSEMENT DEVICES)**

In the B-3 district, arcades (mechanical amusement devices) are permissible upon special approval subject to the following:

1. Before a permit is issued to use any premises for an arcade or mechanical amusement device business, there shall be filed with the application for permit the written consent of seventy-five (75) percent of the property owners of all property within a radius of one thousand (1,000) feet of any of the premises whereon the arcade is to be operated.
2. An obscuring wall or fence of not less than four feet, six inches (4'6") nor more than five feet (5') in height shall be provided where abutting or adjacent to a residential district. The height of the wall shall be measured from the surface of the ground.
3. All lighting shall be shielded from adjacent residential districts.
4. Any provision in this Chapter to the contrary notwithstanding, one (1) parking space shall be provided for each four hundred (400) square feet of floor space used for machines plus one (1) parking space for each mechanical device on the premises.

**4.25 AUTOMOBILE REPAIR FACILITY**

1. In the B-3 district, automobile engines, repair and undercoating shops are permissible upon special approval subject to the following conditions:
  - A. No structure or building shall be higher than adjacent R-1 or R-2 allowable heights.
  - B. All vehicle storage shall take place in a paved, screened, fenced area. Fencing height shall be no greater than six (6) feet. Screening shall include, but not be limited to, a solid screened fence with planted shrubs, evergreen material and/or ornamental trees at fifteen (15) foot intervals on the outside of the fence. A fifteen (15) foot greenbelt shall be maintained outside of all perimeter fencing.
  - C. No impounded vehicle storage or stacking of vehicles shall be permitted. No vehicles stored with the vehicle storage area shall be placed within fifteen (15) feet of perimeter fencing.

- D. All Michigan Department of Natural Resources and Environmental Protection Agency requirements shall be met, and paved and curbed areas for vehicles that may leak petroleum or petroleum products shall be provided.
2. In the B-3 and I-1 districts, all repair, work, painting and undercoating is to be done in a completely enclosed area.

**4.26 OUTDOOR CAFÉ USE ASSOCIATED WITH RESTAURANTS**

In the B-3 district, outdoor café use associated with restaurants is permissible upon special approval in spaces where they are determined to be appropriate by the Planning Commission and/or the City Council as applicable, subject to the following:

1. Cafés shall only be permitted where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators nor unduly impede pedestrian traffic.
2. Outdoor cafés may be located on private property only, unless a license to operate on public property has been obtained, and must be attached to a building which also services as a dining area for the establishment with which they are associated. This requirement may, however, be waived by the Planning Commission to allow extension of the outdoor café to adjacent establishment property if the same is deemed appropriate and is acceptable to the adjacent property owner. Outdoor café areas must remain clear of litter, food scraps, and "soiled" dishes at all times. Outdoor cafés which are located within the public right-of-way are subject to the Outdoor Café Ordinance.
3. Dining areas serving alcoholic beverages, shall be continuously supervised by employees of the establishment.
4. All alcoholic beverages to be served at outdoor cafés shall be prepared within the existing restaurant and alcoholic drinks shall only be served to patrons seated at tables.
5. The perimeter of the outdoor café shall be delineated by setting up a barrier such as planters or a railing to physically separate patrons from pedestrian traffic. All barriers used for outdoor cafés serving liquor shall also conform to Michigan Liquor Control Commission (M.L.C.C.) regulations. A sign, one foot square, reading "No Food or Beverages Allowed Beyond Railing" shall be posted at a





conspicuous location within the perimeter of outdoor cafés serving alcoholic beverages.

6. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, railings, tables, chairs and planters containing plants. Furnishings may not be attached, even in a temporary manner, to the outdoor or other public property, except that covers and railings may be secured by means of flush mounted anchors in a manner to be approved by the Planning Commission. No objects which are part of an outdoor café, except lighting fixtures, railing, awning, or other non-permanent covers, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and the outdoor café are not open for daily use, all furnishings and fixtures shall be removed from public property or stored in an approved manner which shall not cause a public hazard. The Planning Commission, in its review, shall determine when a hazardous condition exists in the public right-of-way.
7. An outdoor café shall not interfere with any public service facility, such as a telephone, mailbox or bench, located within the public right-of-way.
8. Operation of an outdoor café shall not adversely impact adjacent or nearby residential, religious, educational or commercial properties, and shall be in accordance with all applicable codes and regulations.
9. All electrical wiring and fixtures associated with or part of the outdoor café shall be installed and remain in conformance with the appropriate codes of the City of Belleville.
10. Tables, chairs, umbrellas and any other objects provided with the outdoor café shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.

#### 4.27 MUNICIPAL BUILDINGS AND PUBLIC UTILITY OFFICES

In the OS-1 district, municipal buildings, and public utility offices are permitted, but not including storage yards, transformer stations, exchanges, or substations.

#### 4.28 FACILITIES FOR THE REPAIR OF ELECTRICAL EQUIPMENT

In the OS-1 district, facilities for the repair of electrical equipment are permissible, including computers, which are not noxious or offensive by reason of the omission of odor, fumes, dust, smoke, noise or vibration, and which will not require the use of mechanical power exceeding five (5) rated horsepower. The electrical current to such facility shall not exceed one hundred (100) amps.

#### 4.29 SPECIAL LAND USES IN THE INDUSTRIAL DISTRICTS

In the IP, I-1, and I-2 districts, metal plating, buffing, and polishing; chemical processing and production; cosmetics production; private heliports; municipal sewage treatment plants; soap manufacturing; and other manufacturing, processing, storage, or commercial uses are permissible upon special approval when determined by the Planning Commission to be of the same general character as the uses permitted as principal permitted uses, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic, or other noxious matter, or glare or heat.

#### 4.30 MOTOR VEHICLE STORAGE AND REPAIR FACILITIES

In the I-2 district, motor vehicle storage and repair facilities are permissible upon special approval, wherein all work performed on motor vehicles shall occur in an enclosed building. All outside storage of motor vehicles shall be in an area enclosed with an obscuring concrete wall of not less than six (6) nor more than eight (8) feet in height, which wall is obscured through the planting of vegetation/landscaping.

#### 4.31 BASIC RESEARCH, DESIGN, AND PILOT OR EXPERIMENTAL PRODUCT DEVELOPMENT

1. In the I-1 district, any use charged with the principal function of basic research, design, and pilot or experimental product development is permissible when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
2. Such activities are required to be conducted within a completely enclosed building.

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4.32 WAREHOUSING, MANUFACTURING, WHOLESALE, TRUCKING FACILITIES, COMPOUNDING, PROCESSING, PACKAGING AND LABORATORIES

In the I-1 district, warehousing, wholesale, trucking facilities, manufacturing, compounding, processing, packaging and laboratories are permissible when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot fence or solid wall. Said fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use.

4.33 STORAGE FACILITIES

In the I-1 district, storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies are permitted provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential, or business districts, and on any yard abutting a public thoroughfare. In any "I-1" district the extent of such fence or wall may be determined by the Planning Commission on the basis of usage. Such fence or wall shall not be less than five feet (5') in height, and may, depending on land usage, be required to be eight feet (8') in height. A chain link type fence with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

4.34 LUMBER AND PLANING MILLS

In the I-1, I-2, and IP districts, lumber and planing mills are permissible upon special approval when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the district.

4.35 PRODUCTION OR HEAVY MANUFACTURING

In the I-2 district, production or heavy manufacturing uses (not including storage of finished products), are permissible provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district.

4.36 ACCESSORY BUILDINGS

Accessory buildings except as otherwise permitted in this Chapter shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Chapter, applicable to main buildings.
2. Accessory buildings shall not be erected in any required yard, except a rear yard.
3. An accessory building may occupy not more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any non-required rear yard.
4. No detached accessory building shall be located closer than ten feet (10') to any main building nor shall it be located closer than three feet (3') to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within an easement right-of-way.
5. No detached accessory building in an R-1, R2, R-3, R-M, B-1, B-2, B-3, or OS-1 district shall exceed one (1) story or fourteen feet (16') in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals review and approval.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.



**4.37 USES NOT OTHERWISE INCLUDED  
WITHIN A SPECIFIC USE DISTRICT**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the Planning Commission under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any R-1, R-2, R-3, or R-M residential districts.

These uses require special consideration since they service an area larger than the Municipality and require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. Outdoor theaters - Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 districts only. Outdoor theaters shall further be subject to the following conditions:
  - A. The proposed internal design shall receive approval from the building official and City Engineer as to adequacy of drainage, lighting and other technical aspects.
  - B. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares (one hundred and twenty (120) foot right-of-way or greater), and shall not be available from any residential street.
  - C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
  - D. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed on to the premises of the outdoor theater site.
2. Commercial television and radio towers and public utility microwaves, and public utility TV transmitting towers - Radio and television towers, public utility microwaves and public utility TV transmitting towers and their attendant facilities shall be permitted in OS-1, I-1, and I-2 districts provided said use shall be located centrally on a continuous parcel of not

less than the height of the tower plus fifty feet (50') measured from the base of said tower to all points on each property line.

3. Regulations Concerning Adult Entertainment Businesses
  - A. Location of Adult Entertainment Businesses - An adult entertainment business may be located in the City only in accordance with the following restrictions:
    - i. No such business shall be located within two hundred fifty (250) feet of the property line of any district which, pursuant to this Chapter, has been classified as R-1, R-2, R-3 or R-M.
    - ii. No such business shall be located within 500 feet of the property line of any public or private school, college or university or any nursery school, day nursery or child care center.
    - iii. No such business shall be located within five hundred (500) feet of the property line of any church or other religious facility or institution.
    - iv. No such business shall be located within one thousand (1,000) feet of the property line of any other adult entertainment business.
    - v. The distances provided for in this subsection shall be measured by projecting a straight line without regard for intervening buildings or structures from the nearest point of the property line, specified use, or zoning district boundary from which the property use is to be separated to the nearest property line of the proposed use.
  - B. Use Regulations.
    - i. No person shall reside in or permit any person to reside in premises of an adult entertainment business.
    - ii. No person shall become lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
    - iii. No lessee or sub-lessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

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4.38 CHILD CARE FACILITIES, COMMERCIAL

1. An outdoor play area of at least twelve hundred (1,200) square feet shall be provided for use by children attending the center, which shall conform to all requirements of Rule 400.5117 of the State of Michigan Licensing Rules for Child Care Centers. The Planning Commission may require a larger play area when the minimum amount is not adequate for safe and accessible use by the number of children to be cared for by the center.

A sketch plan shall be submitted showing the location of the outdoor play area, the distance from the building entrance, the pedestrian route from the building to the play area, and details of the fencing and play equipment.

2. Children in care shall not be permitted to ride all terrain vehicles, motor bikes, go-carts, recreational, and other motorized vehicles.

A. The care giver shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond or other body of water located on or adjacent to the property.

B. The Planning Commission should be satisfied after a Public Hearing, that in light of all the information provided, the proposed location

- i. Does not appear to create a risk of injury to the children;
ii. Will not be detrimental to adjacent properties; and
iii. Will not be contrary to the spirit and purpose of the Zoning Regulations,

and the Planning Commission shall make findings consistent therewith.

4.39 GENERAL RETAIL BUSINESS IN THE IP DISTRICT

In the IP district, any generally recognized retail business that supplies commodities on the premises, including outdoor sales & storage and drive-through service, such as, but not limited to: Foods, drugs, liquor, furniture, clothing, dry-goods, notions, or hardware shall be permitted upon special approval subject to the following:

- 1. The subject site shall have frontage (minimum 100 linear feet) on Sumpter Road.
2. The proposed retail development shall meet the area, bulk, and yard setback standards of

the B-3, General Business district in Section 3.1.8.

- 3. The proposed retail development shall meet the requirements of Sections 5.9 through 5.17.
4. Sign design and installation for retail developments shall meet the sign requirements for the B-3, General Business district in City Code Chapter 66, Sign Regulations.

4.40 MARIHUANA FACILITIES

1. Purpose. It is recognized by this Chapter that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Chapter. However, when properly regulated, these uses can make a positive contribution to the economic vitality of the city. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties.

2. Applicability. Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of marihuana or any other activity involving a marihuana-related use shall require review and approval pursuant to Article 6. Any facility not specifically authorized in this Ordinance is prohibited. Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMA).

- 3. Approval Procedures for Marihuana Facilities.
A. Zoning approval. Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility.
B. License required. Licensing for marihuana facilities is required per Section 5 of General Code.



4. Zoning review application requirements. Zoning applications for marihuana facilities shall be submitted as required in Section 6.1. In addition, the following information is also required:
  - A. As provided in Section 6.1, a site plan is required, showing the proposed building(s) to be used, remodeled or reconstructed, along with the parking, landscaping and lighting plans. Existing and proposed building elevations shall be provided, including building materials, window glazing calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
  - B. A plan for general waste disposal, chemical disposal and plant waste disposal.
  - C. A notarized statement by the property owner that acknowledges use of the property for a marihuana facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana facility. Written consent shall also include approval of the owner and operator for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
  - D. A copy of official paperwork issued by LARA as follows: paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.
  - E. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the MRTMA or applicable State laws, covering the marihuana establishment and naming the City as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors;
  - F. A map, drawn to scale, containing all schools within one thousand (1,000) feet of the proposed location. Distances shall be measured in accordance with the Separation Distance Measurements, as defined in Section 2.2.
  - G. Security Plan. A security plan shall address security measures related to the transportation and disposal of product and employee and customer safety. Video surveillance is required, and the camera system shall be equipped with software allowing local authorities to login securely to cameras remotely. The Belleville Police Department shall review the security plan prior to acceptance of the application and shall approve the plan prior to the Planning Commission public hearing. At a minimum, the security plan shall address the following:
    - i. All marihuana waste shall be disposed of in a manner consistent with federal, state, and local laws so that the marihuana waste is destroyed properly and rendered unusable. All waste containers must be maintained within the secure facility and must be equipped with locks and tamper resistant seals until they are removed by an authorized waste disposal company.
    - ii. To the extent applicable, the security plan should include additional strategies for onsite protection from power outages, fire, chemical spills, and address other applicable issues such as storage, access control, credentialing, security officers, cameras, alarms, and internal theft.
    - iii. The plan shall address surveillance methods, access control strategies, territorial reinforcement, maintenance, and target hardening; including the experience of customers, employees, and neighbors (residents, offices, businesses, etc.).
    - iv. An explanation of how the video surveillance system will be operated, including who is responsible for monitoring the video footage and storing any video recordings.

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- v. A diagram showing where all cameras are located and assigning a number to each camera for identification purposes. The diagram shall be to scale and shall be correlated with a camera index for all assigned cameras. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises and allows for the clear and certain identification of any person and activities in all areas required to be recorded. Cameras must be placed in all rooms with exterior windows, exterior walls, and roof hatches. Entrances and exits to the premises or site shall be recorded from both indoor and outdoor vantage points. Parking areas shall also be recorded. Recording distance/range of each camera should be identified on the site plan.
  - vi. Areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises shall be recorded, as well as limited-access areas, security room(s) and area storing the surveillance system storage device.
  - vii. Licensed retailers shall record point-of-sale areas and areas where marihuana products are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling marihuana products or selling marihuana products, or any person in the retail area, with enough clarity to determine identity.
  - H. Operations and Management Plan. An operations and management plan shall be submitted. The plan should describe security measures in the facility; this may include the movement of the product, methods of storage, cash handling, etc.
  - i. All permitted facilities shall be bonded to guarantee that all accounting and taxes are paid in full according to the law and that the operation or facility performs in accordance with all government standards.
- 5. Separation Distances. It is recognized that these uses which, because of their very nature, have serious objectionable operational characteristics, and that separation distances are necessary from certain uses as described in this Section. No marihuana facilities are permitted within one thousand (1,000) feet of the following uses: K through 12 public or private school building.
  - 6. General requirements for marihuana facilities.
    - A. Consumption of marihuana shall only be permitted in designated consumption facilities, and a sign shall be posted on the premises of each other facility type indicating that consumption is prohibited on the premises.
    - B. Residential uses within the same structure/building are prohibited.
    - C. Outdoor storage or discharge of toxic, flammable or hazardous materials into city sewer or storm drains is prohibited.
    - D. No marihuana facilities shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated.
    - E. Interior construction and design of a facility shall not impede the future use of a building for other uses as permitted in the zoning district.
    - F. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
    - G. Parking facilities.
      - i. Parking lots adjacent to public or private streets shall be screened from the road with a thirty-inch (30") high decorative brick, stone or other decorative masonry wall complementing the adjacent buildings. A continuous evergreen hedge or decorative ornamental fence with landscaping may be allowed with Planning Commission approval.



- ii. Parking located in the rear or side yards adjacent to residential districts shall be screened with a four- to six-foot-high decorative brick, stone or other masonry wall complementing the adjacent buildings.
- H. Air contaminants must be controlled and eliminated by the following methods:
- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter (s) shall be rated for the applicable CFM.
  - ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - iii. Negative air pressure must be maintained inside the building.
  - iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - v. The building official may approve an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- I. Screening for Parks and Open Space. All marihuana facilities shall be screened along any lot line adjacent to a public or private park or open space by a six (6) foot high masonry screenwall and evergreen screening. The screenwall shall have a decorative finish facing the park or open space and the evergreen screening, shall be planted on the park or open space side of the wall such that the wall is mostly obscured. There shall be no building entrances of any kind facing a park or open space area.
- J. Building entrances. For buildings fronting on Savage Road, the primary building entrance for customer and deliveries shall not be on the side facing Savage Road.
7. Specific requirements for marihuana retailers, microbusinesses and designated consumption facilities. Such uses shall be presented as being for retail purposes for the general public. The sale or dispensing of alcohol or tobacco products at a marihuana retail facility is prohibited. On-site parking shall be provided for such uses consistent with retail stores as required in Section 5.1.2.
- A. Hours of operation. No marihuana retailer shall be open to the public between the hours of 8 p.m. to 8 a.m. unless otherwise permitted in the Section 8 of general code.
- B. Facility Exterior. The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. Building element standards in Section 3.1.7.E apply to marihuana retailers, microbusinesses and designated consumption facilities in order to promote a vibrant, safe and comfortable district.
- i. No marihuana or equipment used in the sale, testing or transport of marihuana can be placed or stored outside of an enclosed building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or marihuana is not left in an unattended vehicle.

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- ii. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will comply with Section 5.13.
- iii. Drive-through facilities, temporary and mobile facilities are prohibited.
- C. Facility Interior.
  - i. Neither marihuana nor marihuana-infused products may be placed within twenty (20) feet of the front façade.
  - ii. Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.
  - iii. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.
- 8. Specific requirements for Marihuana Safety Compliance Facility, Secure Transporters, Processors and Growers.
  - A. Shall have a secured growing, processing, laboratory space and marihuana storage areas that cannot be accessed by the general public.
  - B. Have appropriate education, training and/or experience to comply with state regulations on testing medical marihuana.
  - C. There shall be no other accessory uses permitted within the same facility other than those permitted in Sections 4.3 and 4.4 of General Code.
  - D. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- 9. Violations.
  - A. A marihuana facility shall not be granted a state operating license until the findings and approvals of this Section are completed.

- B. Civil infraction. It is unlawful to disobey, neglect, or refuse to comply with any provision of this Chapter. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to fines as determined by the City Council.
- C. Failure to comply with the requirements of this Section shall be considered a violation and may jeopardize the site plan approval and/or license.
- D. Consumption. Unless otherwise permitted in a licensed designated consumption establishment, it shall be a violation of this Chapter for smoking, inhalation, or other consumption of marihuana, or for a person to knowingly allow this behavior to take place on or within the premises of any facility. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:
  - i. The person had control over the premises or the portion of the premises where the marihuana was consumed;
  - ii. The person knew or reasonably should have known that the marihuana was consumed; and
  - iii. The person failed to take corrective action.
- 10. Loss of State Operating License. If at any time an authorized facility violates this Chapter or any other applicable City ordinance, the City Commission may request that LARA revoke or refrain from renewing the facility's state operating license.
  - A. Revocation of site plan approval. Any approval granted for a facility may be revoked or suspended for any of the following reasons:
    - i. Revocation or suspension of the licensee's authorization to operate by LARA.
    - ii. A finding by LARA that a rule or regulation has been violated by the licensee. After an automatic revocation of a site plan approval, a new site plan review application shall be required for a facility to commence operation at the same location.





- B. Failure to obtain state license. In addition to the requirements in this chapter, if the applicant fails to obtain the necessary license from LARA within the one (1) year approval period or any extension, the site plan approval shall expire.
  - C. Cessation of operations. Cessation of operations for one (1) year, including failure to maintain state licenses necessary to engage in the approved land use is cause for revocation of the site plan approval.
11. Rights. The operation of a licensed marihuana facility is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this Chapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in these activities either prior to or after the enactment of this amendment without obtaining the required authorization is deemed to be an illegally established use and is not entitled to nonconforming use status. Nothing in this Chapter may be held or construed to grant a vested right, license, permit or privilege to continued operations within the City.
12. State Law. Nothing in this Chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, MRTMA, or other applicable state marihuana law or rules.
13. Federal Law.
- A. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules.

- B. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Acts do not protect users, caregivers or the owners of properties on which the use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

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# *Article 5.0 Site Standards*



**Article 5.0 Site Standards**

- 5.1 Off-Street Parking Requirements
- 5.2 Parking Layout, Entrance and Exit
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# 5.0 Site Standards

## 5.1 OFF-STREET PARKING REQUIREMENTS

1. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space 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. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant. Publicly owned parking spaces may be included, if the development proposal includes the addition of public parking spaces as part of the project, or if research demonstrates to the satisfaction of the Planning Commission that adequate parking spaces are available for all existing uses in the area.
  - B. Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve and subject to the provisions of Section 4.36, Accessory Buildings, of this Chapter.
  - C. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
  - D. Off-street parking existing at the effective date of this Chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
  - E. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
  - F. In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Planning Commission may grant an exception.
  - G. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
  - H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers as being similar in type.
  - I. For the purpose of computing the number of parking spaces required, the definition of usable floor area in Section 2.
2. Spaces Required. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

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**5.1.2 Minimum Off-street Parking Spaces**

Use	Minimum number of parking spaces per unit of measure
<b>A. Residential:</b>	
i. R-1, R-2, R-3 residential	One (1) for each dwelling unit, except mobile home park.
ii. R-M residential	Two (2) for each dwelling unit.
iii. Mobile home park	Two (2) for each trailer site and one (1) for each employee of the trailer court.
<b>B. Institutional:</b>	
i. Churches or religious institutions	One (1) for each three (3) seats in the main unit of worship.
ii. Theaters and auditoriums (except schools)	One (1) for each four (4) seats.
iii. Elementary & junior high schools	One (1) for each two (2) teachers, employees, or administrators, and one (1) for each ten (10) students.
iv. High schools	One (1) for each two (2) teachers, employees, or administrators, and one (1) for each ten (10) students.
v. Golf clubs, swimming pool clubs	One (1) for each five (5) members
vi. Private clubs, or lodges	One (1) for each five (5) members
vii. Fraternity or sorority	One (1) for each five (5) active members
viii. Hospitals	Hospital District - One (1) parking space for each bed; one (1) parking space for each two (2) employees; one (1) parking space for each two (2) members of the medical staff.  All other districts - One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff
ix. Homes for the aged and convalescent homes	One (1) for each six (6) beds and one (1) for each two (2) employees and/or members of the staff
x. Housing for the elderly	One (1) for each two (2) dwelling units, and one (1) for each employee
xi. Stadium, sports arena or similar outdoor place of assembly	One (1) for each six (6) seats or twelve (12) benches.
xii. Extended care facilities	Hospital District - One (1) parking space for each bed; one (1) for each two (2) employees; and one (1) for each two (2) members of the medical staff
xiii. Residence for doctors or nurses	Hospital District - One and one-half (1.5) parking space for each resident.



5.1.2 Minimum Off-street Parking Spaces (cont.)	
Use	Minimum number of parking spaces per unit of measure
<b>C. Business and commercial:</b>	
i. Retail stores except as specified otherwise herein	One (1) for each one hundred and fifty (150) square feet of usable floor area.
ii. Furniture and appliances, hardware stores, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
iii. Beauty parlor or barber shops	Two (2) for each beauty or barber shop chair
iv. Mortuary establishments	One (1) for each fifty (50) square feet of assembly room usable floor space
v. Motor vehicle sales and service establishments	One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each auto service stall in the service room
vi. Pool hall or club	One (1) for each one (1) game table or one (1) for each one hundred and fifty (150) square feet of usable floor space in game rooms, or whichever is greater
vii. Bowling alleys	Four (4) for each bowling lane
viii. Dance halls, roller rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each one hundred (100) square feet of usable floor area.
ix. Motel	One (1) for each rental unit
x. Auto fuel stations	One (1) for each lubrication stall rack, or pit; and (1) for each one (1) single or dual gasoline pump.
xi. Laundromats	One (1) for each two (2) washing machines
xii. Restaurant, sit down	One (1) for each seventy (70) square feet gross floor area (14.3 spaces per one thousand (1,000) square feet).
xiii. Restaurant, carry-out/fast food	One (1) for every two (2) employees, plus (1) for every two (2) customers allowed under maximum capacity (including waiting areas).
<b>D. Office:</b>	
i. Banks	One (1) for each two hundred (200) square feet of usable floor area
ii. Business offices or professional offices except as indicated in item (iii) below	One (1) for each four hundred (400) square feet of usable floor area
iii. Professional offices of doctors, dentists, or similar professions	One (1) for each one hundred (100) square feet of usable floor area in waiting room, and one (1) for each examining room, dental chair, or similar use area



5.1.2 Minimum Off-street Parking Spaces (cont.)	
Use	Minimum number of parking spaces per unit of measure
<b>E. Industrial:</b>	
i. Industrial or research establishments	One (1) for each two (2) employees in the largest working shift. Space on the site shall also be provided for all construction workers during periods of plant construction.
ii. Wholesale establishments	One (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, or whichever is greater.
iii. Marihuana safety compliance facilities, marihuana transport facilities, marihuana processors and marihuana growing facilities.	One (1) for each two (2) employees in the largest working shift.

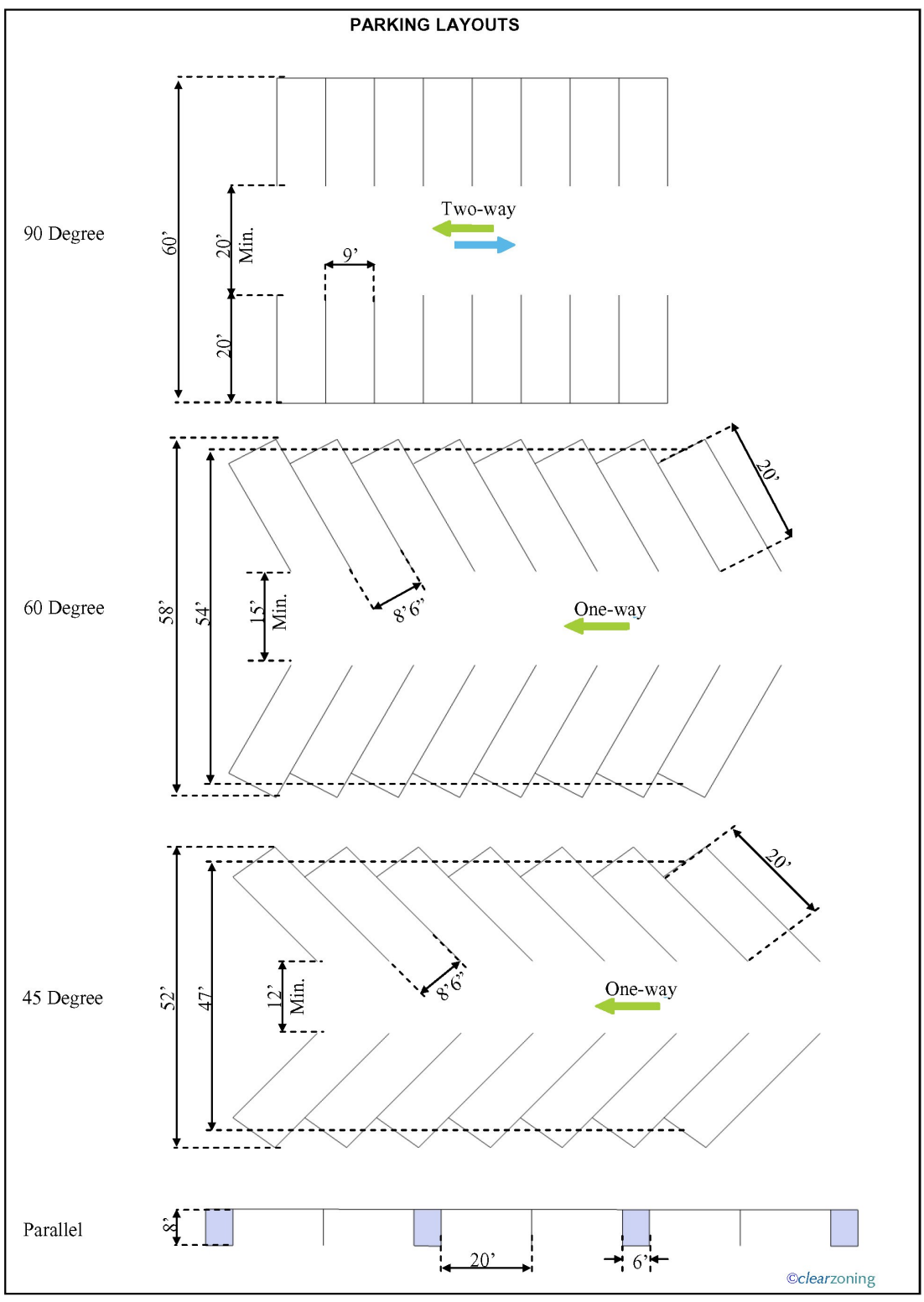
**5.2 PARKING LAYOUT, ENTRANCE AND EXIT**

Off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. All spaces shall be exclusive of the maneuvering lane laid out in the following dimension:
  - 90 degree pattern-180 square feet
  - 60 degree pattern-170 square feet
  - 45 degree pattern-170 square feet.
2. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly on to a street shall be prohibited in the P-1 district.
3. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided for all vehicles.
4. Plans for the layout of the parking area shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane) of at least the following for the various patterns:
  - A. A 90 Degree Pattern: Sixty feet (60') of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twenty feet (20') in width. This minimum aisle width shall permit two-way traffic movement.
  - B. A 60 Degree Pattern: Fifty-eight feet (58') for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle width, being fifteen feet (15') in width. This minimum aisle width shall permit one-way traffic movement.
  - C. A 45 Degree Pattern: Fifty-two feet (52') of two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve feet (12') in width. This minimum aisle width shall permit one-way traffic movement.
  - D. A 45 Degree Herringbone Pattern: Forty-seven feet (47') for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve feet (12') in width. This minimum aisle width shall permit one-way traffic movement.
5. Each entrance and exit to and from such parking lots in the P-1 district shall be at least twenty feet (20') distant from any adjacent property located in any residential district.







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- The parking area shall be provided with a continuous and obscuring wood or masonry wall or fence at a height of not less than four feet, six inches (4'6") nor more than five feet (5'), measured from the surface of the parking area. This wall or fence shall be provided on all sides where the next zoning district is designated as a residential district. Whenever such wall is required, all land between said wall and boundaries of the parking area shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at thirty foot (30') intervals, six feet (6') from wall. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- The entire parking area, including parking spaces and maneuvering lanes, required under this Section, shall have asphalt or concrete surfacing in accordance with specifications approved by the Municipal Engineer. The perimeter of the parking lot shall be constructed with a concrete curb and gutter properly drained. Wheel chucks, bumper blocks or header curbs may not be used in lieu of curbs.
- All lighting used to illuminate any off-street parking area shall not exceed twenty feet (20') in overall height above ground level and shall be so installed as to be confined within and directed on the parking area only by the use of full cut-off luminaries.

### 5.3 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 rights-of-way. Such space shall be provided as follows:

- All spaces in B-1, B-2, and B-3 and OS-1 districts shall be provided in the ratio required Section 3.7.2.G.
- All spaces in an I-1 and I-2 district shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area. Loading dock approaches shall be provided with a permanent, durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:

5.3.2 I-1 and I-2 Loading and Unloading Space Ratios	
Gross floor area (in square feet)	Loading & unloading space required in terms of square feet of usable floor area
0 -1,400	None
1,400 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 29,001 square feet.
100,001 and over	Five (5) spaces



## 5.4 PLANT MATERIALS

Wherever in this Chapter a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

### 1. Plant material spacing:

5.4.1 Plant Material Spacing	
Plant material	Required spacing
Evergreen trees	not more than thirty (30) feet on centers
Narrow evergreens	not more than three (3) feet on centers
Deciduous trees	not more than thirty (30) feet on centers.
Tree-like shrubs	not more than ten (10) feet on centers.
Large deciduous shrubs	not more than four (4) feet on centers.
<ul style="list-style-type: none"> <li>■ Plant materials shall not be closer than four (4) feet from the fence line or property line.</li> <li>■ Where plant materials are planted in two or more rows, plantings shall be staggered in rows.</li> </ul>	

### 2. Suggested plant materials and minimum size:

5.4.2 Suggested Plant Material and Minimum Size	
Plant material	Minimum size
Evergreen trees	
Red Cedar	Five (5) feet
Hemlock	Five (5) feet
Spruce	Five (5) feet
Pines	Five (5) feet
White Cedar	Five (5) feet
Narrow evergreens	
Pyramidal Arbor-Vitea	Three (3) feet
Columnar Juniper	Three (3) feet
Arborvitae	Three (3) feet Four (4) feet
Tree-like shrubs	
Dogwood	Four (4) feet
Flowering Crabs	Four (4) feet
Russian Olives	Four (4) feet
Mountain Ash	Four (4) feet
Redbed	Four (4) feet
Large deciduous shrubs	
Forsythia	Four (4) feet
Honey Suckle	Four (4) feet
Rose of Sharon	Four (4) feet
Lilacs	Four (4) feet
Ninebark	Four (4) feet
Mock-Orange	Four (4) feet
Viburnum	Four (4) feet

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**5.4.2 Suggested Plant Material and Minimum Size (cont.)**

Plant material	Minimum size
Large deciduous trees	
Hackberry	Eight (8) feet in height and 1.5 inch caliper
Hard Maples	Eight (8) feet in height and 1.5 inch caliper
Locust	Eight (8) feet in height and 1.5 inch caliper
Ginko	Eight (8) feet in height and 1.5 inch caliper
Sycamore	Eight (8) feet in height and 1.5 inch caliper
Linden	Eight (8) feet in height and 1.5 inch caliper
Oaks	Eight (8) feet in height and 1.5 inch caliper

3. Trees not permitted:
  - A. Box Elder
  - B. Soft Maples
  - C. Elms
  - D. Poplars
  - E. Ailanthus (Tree of Heaven)
  - F. Ash
4. State-not recommended:
  - A. Horse Chestnut
  - B. Silver Maples
  - C. White Birch
  - D. Catalpa
  - E. White Mulberry
  - F. Willows
  - G. Royal Paulownia
  - H. Black Locust
5. Diversity of Tree Species Required. In order to promote a healthy, sustainable tree stock in the City, every landscaping plan shall provide for a diversity of tree species. If more than one (1) tree of the same species is proposed, then no more than twenty percent (20%) of the trees in the landscape project shall be of the same species.

6. Street Trees and Trees on Public Property. The planting of trees within street rights-of-way and on property owned or under the control of the City of Belleville is governed by the regulations of the City Tree Board (see also City Code Chapter 34).

**5.5 STORAGE**

1. In all Business, Office and Industrial districts, the open storage of any equipment, vehicles, and all materials including refuse and waste materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall which may, depending upon the land usage, be required to be eight (8) feet in height. In no instance shall said obscuring wall or fence be less than four feet, six inches (4'-6") measured from the surface of the adjacent building footing. Open storage of trailer coaches may be permitted upon review and approval of the Board of Appeals. In granting approval, the Board of Appeals shall require storage in the rear yard and shall prohibit connection of utilities to the stored trailer, and further, shall prohibit occupancy of the trailer. The Board of Appeals may establish specific conditions in approving storage to insure that public health, safety, and welfare is maintained.
2. In Business, Office and Industrial districts, a lot which is being used exclusively for a non-conforming residential use may store vehicles, including recreational vehicles, in conformance with the provisions of sub-sections 3 and 4 below, as long as no storage is occurring pursuant to sub-section 1 above.
3. In all Residential districts, the storage of dismantled vehicles shall be within completely enclosed accessory structures.



4. In all Residential districts, and on all parcels in other districts which are being used for a non-conforming residential occupancy, the storage of recreational vehicles and trailers shall be subject to the following provisions:

A. Intent - The intent of this sub-section is to provide for the convenience and safety of recreational vehicle owners, while considering adjacent property owners by adherence to the parking and storage provisions of this Section. Residents of Mobile Home Parks and Subdivisions with Association Regulations are also subject to those Regulations. In addition, renters of apartments, duplex units or homes must also comply with the Landlord's restrictions.

It is recognized that the provisions herein will not satisfy all situations with regard to parking and storage of recreational vehicles but they are intended to best serve the vast majority of our community without being overly restrictive.

B. Short-term Parking - A recreational vehicle may be parked on a public street or in any driveway with the permission of the owner of such lot for the purpose of loading or unloading the vehicle or for general maintenance not to exceed seven (7) days in any thirty (30) day period provided that the owner has obtained a permit to do so from the Belleville Police Department. Parking for other purposes or for a longer time period shall be considered "Storage" under this Section and be subject to the provisions which follow:

C. Storage, General Provisions - All stored recreational vehicles shall be stored in compliance with the following provisions:

i. Boats and portable recreational vehicles shall be on trailers and stored without the benefit of cradles or other artificial stationary supports; provided, that truck camper bodies may be stored on the supports provided if the supports are integral to the camper body. The area under and surrounding the stored units shall be kept free of debris, weeds and unsightly vegetation. Ragged, torn or flapping covers shall be repaired, replaced or removed.

ii. All recreational vehicles shall be fully operable, readily movable, kept in good repair, and display the current license plate and/or registration as may be appropriate under state law of the particular type of vehicle.

iii. No person shall remove or cause to be removed the wheels or tires from any stored recreational vehicle except for the purpose of repair, which shall be limited to the time allowed under a permit issued pursuant to subsection B above.

iv. No person shall spill or drain any wastewater or waste liquid of any kind from any recreational vehicle upon the ground or paved area.

v. Recreational vehicles shall not be used for general storage, including explosive materials or flammable liquids in movable containers.

D. Storage, Location - All stored recreational vehicles shall comply with one of the following three provisions:

i. To reduce visibility of the stored recreational vehicle to street traffic and neighbors, a recreational vehicle shall be allowed to be placed behind the front building line of the main structure on the lot, or behind that portion of the front building line of the main structure which is farthest from the front lot line if the front building line is not a continuous straight line. When located in the rear yard, storage shall meet the requirements of Section 4.36 Accessory Buildings, in this Chapter. When located in the exterior side yard of a corner lot, screening of the visible side of the recreational vehicle shall be required. For all lots, including lakefront lots, the front of the lot shall be considered to be the side adjacent to the street as defined in Section 2.2. The footprint of the recreational vehicle shall be considered as the rectangle created by the measurements of the length and the width of such vehicle.



- ii. A recreational vehicle may be stored under a permit issued by the Building Official, subject to satisfying the conditions which follow: (Building Officials review will be completed within thirty (30) days of owner's written submission)
  - a. The use shall be necessary because of the peculiar shape, exceptional narrowness or shallowness, topography or area of the lot, as shown on the site plan of the proposed storage location.
  - b. The neighbors on adjacent parcels, including the parcel immediately across the street from the proposed storage location and on either side of that parcel, shall be requested by the Building Official to indicate in writing their individual approval of the proposed storage location and screening; and if one or more of these neighbors declines to give approval, then a permit shall not be issued under this subsection D.
  - c. Aesthetically acceptable screening shall be provided to the extent practical. Screening shall include evergreen trees and bushes, or other natural material. A permit shall not be issued under this subsection if the relocation or removal of existing fencing would allow use of part of the side and/or rear yards in compliance with this Chapter.
  - d. No recreational vehicle in excess of twenty-eight (28) feet in length shall be stored under a permit issued pursuant to this subsection.
- iii. A recreational vehicle may be stored as variance from the Zoning Board of Appeals, subject to satisfying the conditions which follow:
  - a. The use shall be necessary because of the peculiar shape, exceptional narrowness or shallowness, topography or area of the lot, as shown on the site plan of the proposed storage location.
    - b. Aesthetically acceptable screening shall be provided to the extent practical. Screening shall include evergreen trees and bushes, or other natural material. Special approval shall not be granted if the relocation or removal of existing fencing would allow use of part of the side and/or rear yards in compliance with this Chapter.
    - c. No recreational vehicle in excess of twenty-eight (28) feet in length shall be stored under a special use permit issued pursuant to this subsection.
    - d. The neighbors on adjacent parcels, including the parcel immediately across the street from the proposed storage location and on either side of that parcel, shall be notified and given an opportunity to appear at the variance hearing.
- F. Temporary Occupancy - When placed in an approved storage location, a travel trailer, fifth-wheel unit, pop-up camper, or motor home may be occupied subject to the following conditions:
  - i. The owner of the property where the vehicle will be stored shall obtain a permit from the Police Department which shall include the property owner's name and address, the description and license plate number of the vehicle to be stored, the name and address and number of persons who will occupy the vehicle, and the beginning and ending dates during which the vehicle will be occupied.
  - ii. The time period for such occupancy shall not exceed two (2) consecutive weeks, nor four (4) weeks in any twelve (12) month period.
  - iii. The occupant shall be an invited guest (not a rent-paying tenant) of the owner/occupant of the permanent residence on such lot.
  - iv. The invited guest shall have written consent signed by the owner/occupant of the permanent residence, and shall have reasonable access to the sanitary facilities of the residence.



**5.6 GLARE AND RADIOACTIVE MATERIALS**

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and is 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.

**5.7 NOISE**

1. The intensity level of sounds being emitted from any operation within a B-1, B-2, B-3, OS-1, I-1 or I-2 district shall not exceed the decibel level emitted by their adjacent use.

<b>5.7.1 Noise Intensity Level Measurement Locations</b>	
Adjacent use	Where measured
Abutting street or thoroughfare	Right -of-way
Residential district	Common property line
Other uses	Common property line

- Objectionable noises, due to intermittence, high frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
2. The sound level, in decibels, measured at the points adjacent to the various use districts shall meet the levels emitted by the adjacent use districts ninety (90) percent of the time, and shall at no time exceed this sound level by more than ten (10) percent. The sound levels shall be measured by a standard approved by the U.S. Bureau of Standards.

**5.8 FENCES & WALLS**

Fences and walls shall be permitted or required subject to the following:

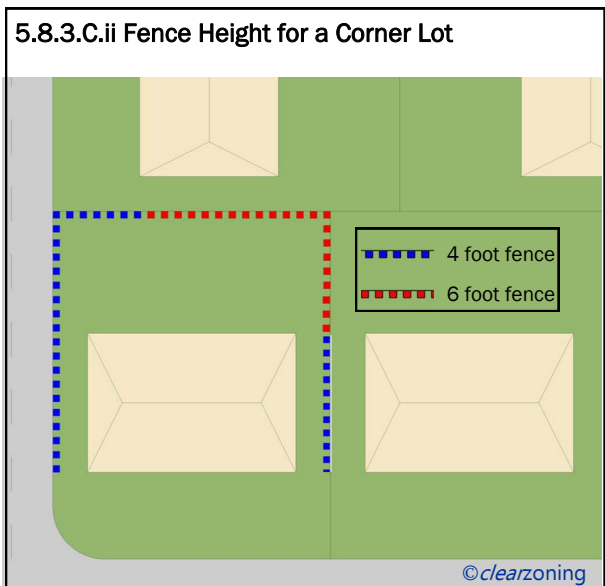
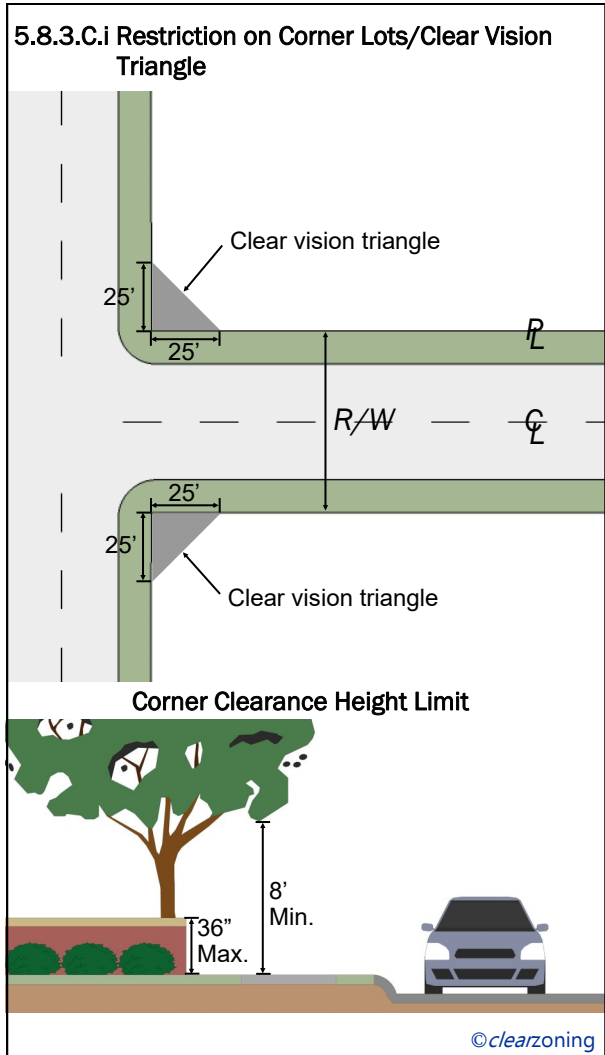
1. Permit Required. It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall on any property within the city without first obtaining a permit therefore. Any person desiring to construct a fence or wall on property within the city shall first apply to the city building department for a permit, for which there shall be a fee in the amount set from time to time by resolution of the city council. Such permit shall be issued by the Building Official upon written application, which shall contain such information as may be necessary to allow the Building Official to determine that such fence or wall will not violate the provisions of this Section, or the City Code or state law.
2. Relationship of this Section to other provisions in this Ordinance. Whenever any other section of this Ordinance conflicts with the provisions of this Section, then such other provisions shall prevail to the extent of such conflict, regardless of the order of adoption or amendment of the sections involved.
3. General Conditions Applicable to All Fences and Walls
  - A. Fences & Walls on Property Lines - All fences and walls must be located entirely on the private property of the person constructing such fence or wall; provided, however, that if adjoining property owners jointly apply in writing for a fence or wall permit on the basis that it will be erected on their common property line, then it may be so erected.
  - B. Restrictions on All Lots - No portion of a fence, landscape treatment or landscaping shall extend or project beyond the owner's property line; provided, that fences and landscaping material which parallel a sidewalk or alley shall be no closer than twelve (12) inches from the closest edge of the sidewalk or alley right-of-way line. Any shrubs, bushes, tree limbs or other growing plants which project into or across adjacent land may be trimmed by the adjacent property owner back to the lot line.



C. Restriction on Corner Lots/Clear Vision Triangle

- i. On a corner lot, no fence, wall, bush, tree, plant or other obstruction to vision with a height greater than three (3) feet above the elevation of the public sidewalk shall be erected, placed or maintained within the triangular yard space formed by the intersecting street lines and a line joining the point on each such street line twenty-five (25) feet from the point of intersection of the street lines; provided, that if there is no public sidewalk, then the elevation of the lawn at a point five (5) feet from the edge of the traveled roadway shall be used; and provided further, that trees may occupy the triangular yard space described above as long as all limbs are at least eight (8) feet above the ground; and provided further, that this shall not apply to a building which is otherwise allowed to be built within such triangular space.
- ii. On a corner lot, a fence which runs along the exterior side yard lot line, or along the rear lot line from the exterior side lot line to a distance equal to the front yard set-back of the adjacent lot, shall be limited to a height of four (4) feet.

- D. Prevention of Hazards - No fence or wall shall have exposed beneath a height of eight (8) feet any sharp protrusions which would be likely to cause physical damage to persons or clothing. Every wall shall be capped with a peaked coping of sufficient pitch to discourage walking. It shall be unlawful to construct or maintain any fence which is charged or connected to an electrical current in such a manner as to transmit such current as a shock to persons or animals which might come in contact with it. No fence or wall shall contain barbed wire or other dangerous or hazardous material; provided, that barbed wire may be used as specifically permitted in Section 5.8.3.K and 5.8.4.C herein.



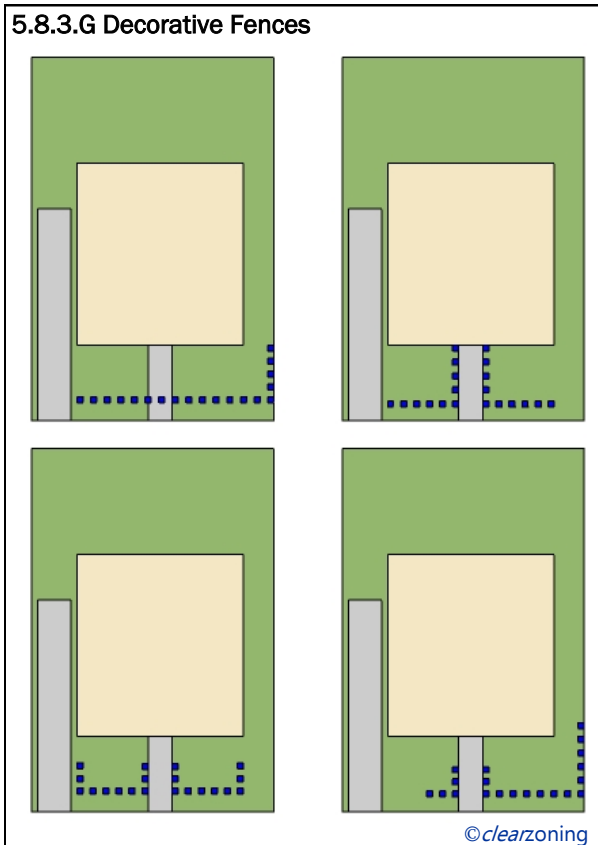


- E. Entrance Gate Recommended - It is strongly recommended but not required that every fence and wall which encloses a lot or parcel of land or a portion thereof shall be provided with a gate which is at least three (3) feet wide and with a clear height when open of at least seven (7) feet, to allow ready access for emergency personnel.
- F. Swimming Pool and Deck Fences - A fence or wall which encloses a swimming pool, or is mounted on a deck, shall comply with the provisions of the city building code for such enclosures. Such a fence or wall shall not exceed the height, measured from the walking surface of the pool or deck, which would be permitted for a ground-mounted fence in the same yard space.
- G. Decorative Fences - The total length of a decorative fence shall not exceed the sum of the width of the lot and the depth of the front yard. A decorative fence shall not include a gate across a driveway, but may include a gate entrance for the sidewalk leading from the public sidewalk to the residence, which shall be included in measuring the total length of the decorative fence.✍

- H. Establishing Lot Lines - The Building Official may require the owner of property upon which a fence or wall is to be constructed to establish lot lines upon such property, by identifying the existing permanent survey markers, or by the placement of such permanent markers by a licensed surveyor. If required, the establishment of such lot lines shall be completed and verified before the permit for such fence or wall is issued.
- I. Materials and Installation - All fences and walls shall be installed in compliance with the provisions of the city building code. If the fence or wall has posts or supporting members which are visible from one side only, then that side shall face the property of the owner of the fence or wall.
- J. Maintenance - Every fence and wall shall be maintained and provided adequate support so as to retain its original appearance, shape, plumb and true. Elements of the fence or wall which are missing, damaged, deteriorated or destroyed, including the need for masonry tuck pointing or painting, shall be repaired or replaced to maintain the original appearance of the fence or wall.
- K. Public Utility Fences - Notwithstanding anything to the contrary in this Chapter, barbed wire cradles may be placed on top of a fence which encloses a public utility installation in any zoning district, provided that such fence is eight (8) feet in height and the barbed wire cradle does not extend more than two (2) feet above the top of the eight (8) foot fence.

- 4. Requirements Specific to Zoning Districts - The following conditions, in addition to all other applicable provisions in this Chapter, shall apply to all fences and walls (excluding playgrounds, parks and school grounds) in the zoning districts indicated:

- A. Residential Zoned Districts -
  - i. Height and Location - In a rear yard behind the rear line of the building, a fence or wall shall not exceed six (6) feet in height. In a side yard behind the front line of the building, a fence or wall shall not exceed four (4) feet in height. No fence other than a decorative fence shall occupy a front yard.



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- ii. Other: Fences and walls shall not contain barbed wire or other dangerous or hazardous material or electric current.
- B. Office and Commercial Zoned Districts -
  - i. Height and Location - A fence or wall shall not exceed six (6) feet in height, and shall be located entirely behind the rear line of the building.
  - ii. Other: Fences and walls shall not contain barbed wire or other dangerous or hazardous material or electric current.
- C. Industrial Zoned Districts -
  - i. Height and Location - Fences and walls shall not exceed eight (8) feet in height, and shall be located entirely behind the rear line of the building.
  - ii. Other - Barbed wire may be placed on arms which are mounted on the top of a fence which is eight (8) feet in height, and which arms do not extend more than two (2) feet above the top of the eight (8) foot fence.
- 5. Temporary Construction Site Fences. Temporary fences required to secure materials and equipment and/or protect the public from hazards on a construction site may be erected without obtaining a permit under this Section, provided that it is approved by the Building Official as part of the conditions of a building permit issued for the project.

- E. Enhancing the environmental quality of the site;
- F. Minimizing the extent of impervious ground cover; and
- G. Minimizing the destruction of natural features which contribute to the environmental quality.
- 3. The arrangement of a single building or structure to likewise accomplish the objectives described above where applicable should similarly be illustrated on the plan.

5.10 NATURAL MODIFICATIONS

The extent to which the natural features of the site or parcel of land to be developed will be modified including all cut and fill activities, removal of vegetation, alteration of water bodies, wetlands (seasonal and permanent), and floodplain areas should be shown on the plan.

5.11 VEHICULAR AND PEDESTRIAN CIRCULATION

- 1. The location and design of driveways providing vehicular ingress and egress from the site; in relation to streets giving access to the site, and in relation to pedestrian traffic should be shown on the plan.
- 2. Traffic circulation features within the site and location of automobile parking areas should be clearly illustrated, and the manner in which such requirements will assure:
  - A. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
  - B. Satisfactory and harmonious relationship between the development on the site and existing and prospective development of contiguous land and adjacent neighborhoods, including the provision of landscaping techniques to screen parking lots of a residential use from vehicular noise and glare from headlights.
- 3. All driveways serving customer or employee parking lots and driveways shall provide for two-way traffic, unless otherwise part of a one-way ingress/egress system.

5.9 BUILDING ARRANGEMENTS

- 1. The arrangement of building(s) and structure(s) relative to building(s) and structure(s) on the project site and within one hundred fifty (150) feet of the site should be clearly illustrated. The arrangement of building(s) and structure(s) shall take into account such features as scale and design compatibility. The measured distance of all buildings between one another and to all lot lines shall be shown on the site plan.
- 2. Where more than one (1) building is intended for a site, the plans will show the relationship of one (1) building to another, and take into account such features as:
  - A. Scale and design compatibility;
  - B. Circulation of light and air;
  - C. Adequate access to and around buildings for fire and police protection services;
  - D. Establishment of pleasant vistas;



4. All driveways shall be a minimum of twenty-four (24) feet in width. The Planning Commission may permit a lesser width if it can be shown that the driveway will be increased to twenty-four (24) feet due to a cooperative joint use arrangement with an adjacent property owner.
5. Driveways shall be constructed with a raised concrete curb and said curb line should continue to the edge of the travel portion of the public street if curbing is in place within the existing right-of-way or is otherwise a planned capital improvement.
6. Driveways, where deemed necessary by the City Engineer, should be designed with a deceleration lane or other technique that would permit automobiles to gain access to the site without impeding the free flow of traffic in the public right-of-way.
7. Curb cuts shall be limited to one (1) per development. If a proposed development has frontage on more than one street, an additional curb cut may be permitted on the secondary street if its determined by the City Engineer that safe and adequate circulation and access cannot be achieved without the additional curb cut.

#### 5.12 BUILDING CHARACTERISTICS AND ARCHITECTURAL RELATIONSHIPS

1. A floor plan showing the intended use and how the building is entered and exited shall be submitted.
2. Building elevations detailing the building's appearance shall be submitted. For a project with several buildings all of the same architectural design only typical elevations need be shown.
3. A gable roof shall have no less than a six-twelve pitch.

#### 5.13 SIGNS AND LIGHTING

1. The Planning Commission shall determine the appropriateness of all on-site signs including their impact on vehicular circulation and compatibility with the surrounding area, subject to the Sign Regulations in Chapter 66 – Signs.
2. The site development plan shall show the location, height, style, and material of all proposed lighting. The minimum requirement of one (1) foot-candle of illumination at the surface of all parking areas must be indicated on the plan.
3. Lighting is intended only to illuminate parking and vehicular areas for the purpose of increasing safety to the user.
4. Any lighting used to illuminate any P-1 district off-street parking area shall not exceed twenty (20) feet in overall height.
5. The light source shall be energy efficient (e.g., LED).
6. The lighting source shall not be directly visible from adjoining properties. The lighting shall be shielded so as to direct the light on the site and away from adjoining properties.
7. Intensity: In parking areas, the light intensity shall average a minimum of 1.0 foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five (5) feet above the surface.
8. Height: The maximum height of light poles to the top of the fixture shall be twenty (20) feet high.

#### 5.14 PUBLIC UTILITIES

The plans will show connections to all public utilities and the Planning Commission will determine from affected agency reviews if off-site public utilities have sufficient capacity to handle the development or what steps need to be taken to overcome any off-site deficiency.

#### 5.15 IMPACT ON PUBLIC SERVICES

The Planning Commission will take into account the impact of the development on public services such as police and, fire protection, and may require the site plan to be revised to assure that these services can be most effectively provided.

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5.16 STORM DRAINAGE

- 1. The plans shall show how surface water will be drained from the site. Surface drainage, otherwise referred to as sheet drainage, to the public right-of-way is unacceptable.
- 2. Where connection to a public storm sewer system is not possible, the applicant shall utilize on-site storm drainage retention engineering techniques in accordance with the City of Belleville engineering standards.
- 3. Storm drainage via an underground system to the public storm drainage system shall ensure that all surface water runoff flows to an on-site catch basin and that the invert or the catch basin in relationship to the invert of the public storm drain is sufficient to provide an adequate gravity flow condition.

5.17 LANDSCAPE IMPROVEMENTS AND SCREENING

- 1. The applicant shall submit a landscape plan either as a separate sheet or included with other site plan maps. Except as otherwise specified in the general requirements for each zoning district all landscaping shall conform to the following standards:
  - A. Wherever by the terms of this Chapter, a greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, it shall be planted within six (6) months from the date of the issuance of the Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. See Section 5.4. Said area shall be minimally landscaped as follows:
    - i. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
    - ii. One (1) tree for each thirty (30) lineal feet or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area.

- iii. In addition, a hedge, wall or berm, or other landscape elements with a vertical rise of at least three (3) feet shall be developed within said separation zone. The hedge, wall or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall, he/she shall in addition plant one (1) shrub or vine for each four (4) lineal feet of masonry wall on the street side of the wall.
    - iv. The remainder of the required landscaped separation area shall be landscaped with grass, ground cover or other landscape treatment, excluding paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving.
- 2. Whenever by the terms of this Chapter, a buffer landscape area is required between two (2) different zoning districts as provided in Section 3, said area shall be minimally landscaped as follows:
  - A. The latest developer of land zoned differently than the adjacent land shall install and maintain a landscape buffer.
  - B. A minimum of one (1) tree shall be provided for each thirty (30) lineal feet of such landscape or fraction thereof. Such trees shall be located between the common lot line and use area within the ten (10) foot buffer area.
  - C. If, at the discretion of the developer, a masonry wall is determined to be the preferential buffer device, the developer shall in addition to the masonry wall plant one (1) shrub or vine abutting the wall for each four (4) lineal feet of masonry wall.
- 3. Whenever under the terms of this Chapter, a developer is required to construct a parking lot and / or vehicular use area, the following landscape requirements shall apply:
  - A. Off-street parking and / or vehicular use areas shall have one (1) and one-half (1/2) square feet of landscape area for each one hundred (100) square feet, or fraction thereof, of paved. Landscaped space required as a buffer planting area or separation space between the public right-of-way and the vehicular use area cannot be considered as vehicular use landscape area.



- B. Interior landscaped areas shall be no less than fifteen (15) square feet and shall have a minimum dimension of at least three (3) feet and shall be adequately landscaped. Authorized landscaping material, excepting trees, shall be maintained so as not to exceed three (3) feet in height. The total number of trees shall not be less than one (1) for each one hundred (100) square feet, or fraction thereof of required interior landscaped area.
  - C. A vehicle may encroach upon any interior landscaped area when said area is protected by wheel stops or curbing so that the wheels of a motor vehicle cannot be stationed on required landscaped areas.
4. Garbage and refuse collection receptacles shall be screened from view from a public street. Wood fencing or masonry walls may be used to screen trash receptacle areas in conjunction with one (1) vine that adheres to the fence and planted every four (4) lineal feet along said wood fence.
  5. The Planning Commission may alter the total landscaping plan if it can show cause, and particularly may require additional planting material when said planting is to facilitate a visual screen or to block the transmission of noise, fumes, erosion or other matter which may be objectionable to the public.
  6. The plans as submitted and approved shall not be otherwise modified unless after application for reconsideration the Planning Commission agrees to such modifications: Failure to comply with the approved plan will result in a withholding of the occupancy permit.



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# Article 6.0 Development Procedures



**Article 6.0 Development Procedures**

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- 6.2 Issuance of Building Permit
- 6.3 Length of Time Approval Valid
- 6.4 Conformity to Approved Site Plan
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# 6.0 Development Procedures

## 6.1 SITE PLAN REVIEW

1. Statement of Purpose. The purpose of site plan review is to ensure that each proposed development and its components, appearance, and function are in compliance with this Chapter, other City ordinances, and State and Federal laws. These purposes apply to development of previously unimproved sites; to the redevelopment, expansion, contractions or alteration of existing sites; and to the alteration or replacement of existing uses.

Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences; prevention of air, water and noise pollution; provision of screening and shade, and limitation of obnoxious odors, glare, and exposure to dangerous or toxic substances and wastes. The site plan review procedures and standards in this Section are intended to provide a consistent and uniform method of review of proposed development plans.

2. Approval by Planning Commission Required. Submittal of a site plan shall be required for any of the following:
  - A. Any proposal to construct, move, relocate, convert or structurally alter any building, except single family residential dwellings, that increases the existing area of the building by more than ten (10%) percent or that results in an increase in the requirement for off-street parking as defined in this Chapter. A structural alteration shall be defined as one that changes the location of the exterior walls and / or the area of the building.
  - B. All condominium developments.
  - C. Any proposal to fill, excavate, or grade land which causes more than a cumulative one hundred (100) cubic yards of earth to be disturbed within a six (6) month period.
  - D. Any proposal to create, expand or alter a use or structure which involves using, storing, or generating hazardous substances.
  - E. Change in the zoning classification of the parcel.
  - F. Any site change that affects internal traffic circulation of the property or affects traffic circulation for properties surrounding the property.

- G. Any proposal or use for which submission of a site plan is required by provisions of this Chapter.

3. Site Plan Not Required. Submission of a site plan shall not be required for any proposal to construct, move relocate, convert, or structurally alter a single-family detached house or related residential accessory buildings in a residential district. In addition, normal repairs and maintenance do not require site plan review.
4. Application Information. Application for site plan approval shall be made to the City by filing of not less than twenty (20) copies of the application and a detailed site plan with the office of the building official at least ten (10) days in advance of the regularly scheduled Planning Commission meeting at which the plan is to be first considered. Fees are required to be paid within the fee schedule in effect as established by the Council at time application is made.

The building official shall examine the site plan to determine that it contains all of the necessary information. If it is incomplete, it shall be returned to the applicant. If it is generally complete and appears to comply with this Chapter, it shall be processed in accordance with this Chapter.

5. Site Plan Information. Each submittal for site plan review shall be accompanied by a detailed site plan, which shall consist of an accurate drawing, showing the entire site and all land within one hundred fifty (150') feet of the site. The scale of the site plan shall be not less than one (1 ") inch = twenty (20') feet if the subject property is less than three (3) acres, and one (1") inch = one hundred (100') feet if three (3) acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot on file with the City, the building official may waive the requirement for a site plan. The following information shall be included:
  - A. Name of development and general location sketch.
  - B. Name, address and phone number of owner(s), developer and designer.
  - C. North arrow, scale, and date of original drawing and each revision.
  - D. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered

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Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner on the site plan.

- E. A legal description and address of the property in question.
- F. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.
- G. The dimensions of all lots and subject properties showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.
- H. Existing topographic elevations at two (2') foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow.
- I. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage-ways, floodplains, and wetlands.
- J. Location and type of significant existing vegetation, including location of all existing trees over eight (8") inches in diameter, stands rather than individual trees may be indicated.
- K. Any significant site amenities and unique features.
- L. Existing land uses and zoning classification of the subject parcel(s) and adjacent parcel(s).
- M. All required minimum setbacks from the existing or proposed right-of-way and from adjacent lots.
- N. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within one hundred fifty (150') feet of the subject property.
- O. The location and width of all existing public roads, rights-of-way or private easements of records, abutting streets, alleys, and driveway locations to abutting streets.
- P. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
- Q. With non-residential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
- R. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per Chapter requirements) and type of surfacing.
- S. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development within one hundred fifty (150') feet.
- T. Proposed traffic and pedestrian circulation patterns, both within the site and in public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carpools.
- U. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
- V. The dimensions and location of all signs, both wall signs and freestanding signs, and of lighting structures and shielding, subject to the Sign Regulations in City Code Chapter 66 – Signs.
- W. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities, if required by the standards of this Chapter.
- X. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
- Y. Notation of any variances which have been or must be secured.
- Z. Notation of performance guarantees to be provided including amounts, types, and terms.



- AA. Statement that applicant will comply with State, Local, and Federal laws, as applicable to the site or intended use.
- BB. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or City. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the City's tax base and adjacent property values.
- CC. Other data which the City may reasonably deem necessary for adequate review.
- DD. The site plan shall indicate size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities of hazardous substances which will be used or stored on-site in quantities greater than one hundred (100) kilograms or twenty-five (25) gallons per month.
- EE. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
- FF. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated.

The following information may be required by the building official to be submitted with the site plan prior to Planning Commission review, or submitted prior to final site plan approval and / or required as a condition of final site plan approval:

- GG. Proposed finish grade of buildings, driveways, walkways, and parking lots.
- HH. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior. The architectural plans of the buildings shall be prepared by

and bear the seal of a Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by a licensed builder or contractor.

- II. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and / or considerations for extensions to loop other public water mains.
- JJ. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
- KK. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and / or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
- LL. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police, and other emergency equipment.
- MM. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
- NN. Soil erosion and sedimentation control measures.
- OO. Detailed landscaping plan, indicating location, quantity, types and sizes of material. A landscaping maintenance plan and schedule for pruning mowing, watering, fertilizing, irrigating and replacement of dead and diseased materials shall be provided. Also, cross sections of any berms shall be provided.
- PP. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
- QQ. The extent to which the natural features of the site or parcel of land to be developed will be modified, including all cut and fill activities, removal of vegetation, alteration of water bodies, wetlands (seasonal and

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permanent), and floodplain areas should be shown on the plan.

6. Pre-Application Conference. A pre-application conference may take place to review a generalized site plan presented by a prospective applicant for consideration of the overall idea of the development. The purpose of the conference is to discuss basic questions regarding use, density, and integration with existing developments in the area and impacts on the availability of public infrastructure. Also, the applicant may be presented with the applicable procedures required by this Chapter for approval of the proposed development and with the applicable procedures required by this Chapter for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for a variance. The conference may be scheduled by a prospective applicant with the building official, other City representatives as appropriate, the City Planner or other City Consultants if requested by the Planning Commission.

7. Criteria for Granting Site Plan Approval. Each site plan shall conform to all applicable provisions of this Chapter. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The City shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- B. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in Section 3.1, unless otherwise provided in this Chapter.
- C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.

- D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.
- E. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- G. All streets shall be developed in accordance with the City Subdivision Regulations and Wayne County specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the column of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a City recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the City in order to achieve access that is safe and convenient.
- H. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not



create nuisance pending in paved areas. Where possible, the drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.

- I. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts, or public thoroughfares shall be screened by walls or landscaping of effective height, if required by the standards of this Chapter. Building entrances designed for vehicular access shall not access any building through the front yard of a development.
- J. Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets.
- K. Adequate services and utilities including sanitary sewers and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- L. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gasses, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshall. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- M. An objective of site plan review shall be to protect and to promote public health, safety, and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system

and solve, storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.

- N. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the City and with the City Master Plan.
  - O. A major objective shall be to retain, enhance and protect the quality, value and privacy of single-family land uses.
  - P. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
  - Q. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.
8. Review and Approval. Guidelines for consideration of each case shall follow this Chapter and other applicable ordinances. Site Plans shall be reviewed in accordance with the following procedures:
- A. Department Review - The building official shall secure comments from all relevant City Departments and the City Engineer and Planner, and forward all comments to the Planning Commission for its review. The Commission shall review the plans and may solicit further comments from the Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
  - B. Site Plan Approval - The Commission, after reviewing the site plan, is hereby authorized to take any one of the following actions:
    - i. grant preliminary approval of the site plan with conditions;



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- ii. grant final approval of the site plan as submitted;
- iii. grant final approval of the site plan with conditions; or
- iv. deny approval of the site plan as submitted.
- C. Record of Action - Each action of the Commission authorized in subsection B above shall be duly recorded in full in the minutes of the Commission. The Building Official shall furnish the applicant with a written copy of the action taken as soon as possible.
- D. Preliminary Approval with Conditions - When the Commission grants preliminary approval of a site plan with conditions, the building official shall require the applicant to submit a revised site plan with a revision date, indicating said conditions on the cover sheet of the site plan, with reference to the page on which the condition has been satisfied when applicable, for further review at the next Planning Commission meeting.
- E. Final Site Plan - When site plan approval is required, no building permit shall be issued until three (3) copies of the final site plan have been signed by the Chairman of the Commission and the Building Official, and a copy filed with the City: Clerk, Building Official, and the Applicant. When the Commission grants final approval of a site plan with conditions, the building official shall require the applicant to submit a revised site plan with a revision date, indicating said conditions on the cover sheet of the site plan with reference to the page on which the condition has been satisfied when applicable, and indicating any required variance and the date granted by the Zoning Board of Appeals, for signing by the Chairman of the Commission and the Building Official.

**6.2 ISSUANCE OF BUILDING PERMIT**

Complete construction plans including component phases, shall be submitted for review by the building official and, as applicable, the City Engineer. Upon review and finding that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the City, the building official shall issue a building permit for said construction. All building permits shall be posted on the premises in a conspicuous

place, and shall remain posted for the duration of the construction.

**6.3 LENGTH OF TIME APPROVAL VALID**

Site plan approval hereunder shall be valid for one year from the date of approval. If an applicant does not obtain a building permit within one (1) year after site plan approval, the site plan approval expires and is of no force or effect, unless extended by the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner.

**6.4 CONFORMITY TO APPROVED SITE PLAN**

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Chapter.

**6.5 SUBMITTAL OF AS-BUILT PLANS**

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the building official two copies of an "as built" site plan, certified by an engineer or architect upon completion of the project. The building official shall withhold a Certificate of Occupancy in any case where the site plan and major conditions as approved by the Planning Commission have not been complied. Any minor variations may be approved by the building official, and shall be reported within thirty (30) days to the Planning Commission after the issuance of Certificate of Occupancy.

**6.6 AMENDMENTS TO APPROVED SITE PLANS**

1. The Planning Commission may make amendments to an approved site plan provided that such changes conform to this Chapter and the land owner agrees. The building official may approve minor changes to an approved site plan after construction has begun provided no such change results in any of the following:
  - A. A significant change in the use or character of the development.
  - B. An increase in overall coverage of structures.
  - C. A significant increase in the intensity of use.



- D. A reduction in required open space.
  - E. A reduction in required off-street parking and loading.
  - F. A reduction in required pavement widths or utility pipe sizes.
  - G. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
2. No fees shall be required for the following minor amendments:
    - A. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building (s). Relocation of building entrances or exits, or shortening of building canopies.
    - B. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.
    - C. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below Chapter requirements.
    - D. Moving of ingress and egress drives a distance of not more than ten (10') feet if required by the appropriate state, county or other local road authority with jurisdiction.
    - E. Substituting landscape plan species provided a landscape architect certifies the substituted species is similar in nature and screening effects.
    - F. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
    - G. Increase peripheral yards.
    - H. Changing the location of an exterior building wall or location not more than five (5) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of this Chapter is violated and no significant reduction in safety or in the amount of open space is thereby affected.
  3. If the building official finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder and the Planning Commission in writing that site plan approval has been suspended pending approval by the Planning Commission, as applicable, of the proposed amendment. The

permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the building official for that portion of the project that is not in compliance with this Chapter. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with this Chapter requirements, or reinitiate the Site Plan Review process by submitting a new, revised site plan, application, and application fee. When the issue has been resolved, the building official shall send a written notice to the permit holder and the Planning Commission that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

#### 6.7 APPEALS OF FINAL SITE PLANS

1. Any person aggrieved by a decision of the Planning Commission in granting or denying approval of a final site plan may appeal the decision to the Belleville City Council. The appeal must be filed within seven (7) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.
2. The Belleville City Council shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Belleville City Council may approve the final site plan if the requirements of this Section and other applicable ordinance requirements are met. The Belleville City Council shall make written findings in support of its opinion on the appeal.
3. An appeal of the Belleville City Council decision concerning a site plan shall be to the Circuit Court.



## 6.8 SPECIAL APPROVAL

The Planning Commission shall have the following specific powers and duties concerning special approvals.

1. Statement of Intent. The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special approval. In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive Chapter is found upon the division of the City into district, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special approval uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.
2. Application. The application for special approval land use shall be accompanied by the following:
  - A. The section of this Chapter under which the special approval land use is sought.
  - B. A detailed site plan which shall include all the information required by this Chapter in Section 6.1.4 through 6.1.6.
  - C. A description of the proposed use of the property.
  - D. Other information which the Planning Commission may reasonably deem necessary for adequate review. The application shall be submitted by the owner of an interest in land for which special approval use is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.
3. Notice of Public Hearing. Upon receipt of a complete application, site plan, and attachments, if any, the Planning Commission shall schedule a public hearing on the request. Notice of the public hearing shall be given as provided in Section 7.10 of this Ordinance.
4. Planning Commission Determination. Following public hearing, the Planning Commission shall review the application for the special approval use proposal, together with the public hearing findings and reports and recommendations of the building official, the Police and Fire Department, the City Engineer, and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval. Performance guarantees may be required by the Planning Commission, in accordance with Section 6.9 to ensure compliance with special approval conditions.
5. Standards for Granting Special Approval. Approval of a special approval shall be based on the determination that the proposed use will comply with all requirements of this Chapter, including site plan review criteria set forth in Section 6.1.7. In addition, the following standards shall be met:
  - A. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
  - B. The proposed use shall not adversely impact the social and economic well being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the City as a whole.
  - C. The proposed special approval land use shall be compatible with and in accordance with the general principles and future land use configuration of the City Master Plan and shall promote the intent and purpose of this Chapter.
  - D. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special approval application is considered.
  - E. The proposed use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
    - i. The bulk, placement, and materials of construction of the proposed use in relationship to surrounding areas.
    - ii. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
    - iii. The location and height of buildings; the location, nature and height of walls





- and fences; and the nature and extent of landscaping.
  - iv. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relationship to surrounding development.
  - v. The hours of operation of the proposed use. Approval of a special approval land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- F. The location of the proposed special approval land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
- i. Proximity and access to major thoroughfares.
  - ii. Estimated traffic generated by the proposed area.
  - iii. Proximity and relationship to intersections.
  - iv. Location of and access to off-street parking.
  - v. Required vehicular turning movements.
  - vi. Provision for pedestrian traffic.
- G. The proposed special approval land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
- H. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health safety and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
- I. The location of the proposed special approval land use shall not result in a small residential area being substantially surrounded by nonresidential development, nor shall the location of the proposed special approval land use result in a small non-residential area being substantially surrounded by incompatible uses.

- J. The proposed use shall be compatible with the natural environment and conserve natural resources and energy.
6. Recording of Planning Commission Action. Action taken with reference to a special approval shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special approval proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.
7. Effective Duration of Special Approval. Special approvals shall run with the land and shall not be issued for specified periods, unless the use is clearly temporary or time-related.
8. Amendments to Special Approvals. When an application is received to expand or change the use, traffic pattern, or other elements of a special approval, the application shall be subject to the same procedures followed for an original special approval.
9. Revocation of Special Approval. A special approval and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the building official shall place the special approval on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists that has not been remedied prior to the hearing.

#### 6.9 PERFORMANCE GUARANTEES

To insure compliance with the provisions of this Chapter and any conditions imposed thereunder, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the City to ensure the faithful completion of improvements in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the City may require a performance guarantee include, but are not limited to, landscaping, berms wall, lighting, surfacing of drives, parking and acceleration / deceleration lanes, traffic control devices, sewer or water line



expansion, storm water retention areas and land reclamation activities.

1. Scope of Requirement. The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.
2. General Requirements. A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:
  - A. To meet the costs of improvements required to be made by the applicant to public facilities owned by the City as a condition of site plan approval.
  - B. To ensure completion of common elements of site plan affecting two or more parties.
  - C. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy. The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the City or the health, safety, or welfare of residents, project users, or the general public.
3. General Conditions.
  - A. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related City permit shall be issued unless the building official is satisfied that the guarantee is in full compliance with this Article.
  - B. The performance guarantee shall be in the form of:
    - i. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the State of Michigan, or
    - ii. An irrevocable letter of credit issued on behalf of the City by a bank authorized

to do business in the State of Michigan, or

- iii. A surety bond in a form and manner acceptable to the City Attorney. The costs of the review of a surety bond by the City Attorney shall be paid by the applicant as part of the issuance of a permit.
- C. The amount of the performance guarantee shall be sufficient to cover the estimated costs of the improvements for a project that has received site plan approval or zoning variance. The applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The building official shall review the submitted costs and shall determine an accurate amount for the performance guarantee. In determining the amount, the building official may consider signed contracts or sub-contracts supplied by the applicant or the building official may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.
- D. Cash funds or a certified check made payable to the City shall be deposited by the City into an interest bearing account in a financial institution with which the City regularly conducts business.
- E. In the case of a guarantee exceeding \$2,000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements, provided that a minimum of ten percent (10%) shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the building official.
- F. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the City for at least one (1) year following the installation of said materials to insure proper maintenance and, if necessary replacement. This amount shall be released to the applicant upon certification by the building official that all landscape materials are being maintained in good condition.



- G. The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the City Manager and a positive determination by the building official that the required improvements have been satisfactorily completed as shown on the approved final site plan.
  - H. The developer may appeal a decision of the building official under this subsection to the City Engineer / Engineering Consultant to resolve disputes regarding the amount of work completed and the amount of the guarantee to be released.
4. **Unsatisfactory Completion of Improvements.** When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this Chapter or as agreed upon between the applicant and the Planning Commission or Zoning Board of Appeals, the building official may order the improvements completed by the City or by an independent contractor, or may order that the site be returned to its original condition.
- The building official shall order the completion of the improvements and so notify the applicant by certified mail at least fourteen (14) calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the City. All costs incurred by the City for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee including any interest accrued on any funds deposited in escrow.
5. **Subdivision Improvements.** This Article shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the City by the applicant pursuant to the Subdivision Control Act (P.A. 288 of 1967, as amended).

**6.10 CONDOMINIUM DEVELOPMENT STANDARDS**

- 1. **Intent.** The intent of this article is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to

- prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.
  - 2. **Application of Requirements.** Definitions contained in Section 2, Definitions, are intended to make comparison possible between the definitions of terms in this Chapter for lots, conventional platted lots and subdivisions and to ensure that the standards in this Chapter are properly and uniformly applied to condominiums and site condominium projects.
- The relocation of boundaries as defined in Section 148 of the Condominium Act shall conform to all setback requirements of this Section 3.1 for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.
- 3. **Approval of Plans.** Prior to the issuance of any building permit, all condominium plans must be approved by the Planning Commission following the site plan review process provided in Section 6.1. In reviewing the project, the Planning Commission shall consult with the city attorney, city planner and the city engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.
  - 4. **Streets and Necessary Easements.** Condominium projects with streets shall comply with all street requirements found in the Belleville Code of Ordinances. Projects which connect to public streets shall have the project street dedicated to the public. The condominium plan shall include all easements granted to the City necessary to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose providing public utilities. Public utilities shall include, but not limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
  - 5. **Subdivision of Unit Sites.** Subdivision of condominium unit sites or lots is permitted subject to Planning commission approval and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan

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approval, and shall be made as part of the bylaws and recorded as part of the master deed.

- 6. Master Deed. The project developer shall furnish the building official with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The master deed and bylaws shall be reviewed for compliance with the City's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee the financing of adequate maintenance of common elements. Master Deeds submitted to the City for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the City Planning Commission for review and approval. Fees for these reviews shall be as established, from time to time, by the City Council.
- 7. As-Built Plan and Occupancy. Submission of an as-built plan of a condominium project is required. The building official may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the bond shall be determined by the City Council based on an estimate of the City Engineers.
- 8. Bylaws, Consolidated Master Deed and Site Plan. Upon approval of the condominium site plan, the applicant shall furnish the City Clerk a copy of the final bylaws and consolidated master deed. A site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.
- 9. Compliance with Other Statues and Ordinances. All condominium projects shall comply with federal, state and local laws, statutes and ordinances.



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# Article 7.0

## Administration, Appeals and Enforcement



**Article 7.0 Administration, Appeals and Enforcement**

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# 7.0 Administration, Appeals, and Enforcement

## 7.1 NONCONFORMITIES

1. Non-Conforming Uses, General Provisions. Within the districts established by this Chapter or amendments that may later be adopted there exists lots, structures, and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter. The intent is to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this Chapter that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. Signs shall be subject to the Sign Regulations in City Code Chapter 66 – Signs.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has 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 completion of the building involved.

2. Non-Conforming Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at

the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance in yard requirements shall be obtained through approval of the Zoning Board of Appeals.

3. Non-Conforming Uses of Land. Where at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such non-conforming 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 Chapter;
  - B. No such non-conforming 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 Chapter;
  - C. If such non-conforming use of land ceases for any reason for a period of more than six months and the previous use is abandoned, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.
4. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structure may be enlarged or altered in a way which increases its non-conformity;
  - B. Should such structure be damaged or destroyed by any means, it may be restored to its original condition and location which existed immediately prior to such damage or destruction; provided, that such restoration shall meet all building and safety codes in effect at the time a permit is issued for such restoration, and such

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restoration is commenced not later than twelve (12) months after such damage or destruction, is diligently pursued to completion, and is completed within twelve (12) months of its commencement, or within such other extended time limits which the Planning Commission may approve, based on documented circumstances beyond the control of the owner.

- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Non-Conforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Chapter, that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
  - B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building;
  - C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate in the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Chapter;
  - D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a

permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;

- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;
  - F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
6. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Chapter shall not be increased.
- Nothing in this Chapter 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.
7. Change or Tenancy of Ownership. There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises provided there is no change in the nature or character of such non-conforming uses.

**7.2 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES**

Any use for which a special exception is permitted as provided in this Chapter shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.



### 7.3 ESTABLISHING OF BUILDING OFFICIAL

Except where herein otherwise stated, the provisions of this Chapter shall be administered by the building official or such other official or officials as may be designated by the Council. The building official shall have the power to:

1. Issue Building Permits.
2. Grant Certificates of Occupancy Permits.
3. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Chapter.
4. Perform such other further functions necessary and proper to enforce and administer the provisions of this Chapter.

### 7.4 BUILDING PERMIT APPLICATION

No building or structure within the Municipality shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair or raze until a building permit shall have been obtained from the building official, nor shall any change be made in the use of any building or land without a building permit having been obtained from the building official. The term "altered" and "repaired" shall include changes in structural parts, stairways, type of construction, light or ventilation, means of ingress and egress, but does not include non-structural changes involved in the normal maintenance and upkeep of a structure. No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this Chapter and all amendments hereto. Unless construction is started within six (6) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The building official may reinstate a building permit that has become void for failure to commence construction without payment of further fees in his discretion. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Chapter shall be collected by the building official in advance of issuance. The amount of such fees shall be established by the resolution of the Council.

### 7.5 RECORD ON NON-CONFORMING USES

The building official shall record all non-conforming uses existing at the date of this Chapter for the purposes of carrying out the provisions of Section 7.1.1 hereof.

### 7.6 PLANS AND SPECIFICATIONS REQUIRED

1. The building official shall require that all applications for building permits be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:
  - A. The actual shape, location and dimensions of the lot drawn to scale.
  - B. The shape, size, and location of all buildings or other structures upon it, including, in residential areas the number of dwelling units the building is intended to accommodate.
  - C. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.
  - D. One copy of the plans shall be returned to the applicant by the building official, after he shall have marked such copy either as approved or disapproved. The second copy shall be retained in the office of the building official.

### 7.7 INSPECTION

Upon the completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the building official. The building official shall make such final inspection promptly.

### 7.8 CERTIFICATE OF OCCUPANCY

1. Certificates of Occupancy. No land, building, structure, or part thereof shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such new use.
2. Certificates Not to be Issued. No Certificates of Occupancy pursuant to the building Code of the Municipality 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 Chapter.
3. Certificate Required. No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.
4. Certificates Including Zoning. Certificates of Occupancy as required by the building Code for new buildings or structures, or parts thereof, or

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for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Chapter.

5. Certificates for Existing Buildings. Certificates of Occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this Chapter.
6. Temporary Certificates. Nothing in this Chapter shall prevent the building official from the issuing of 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 (6) months nor more than five (5) days after the completion of the building ready for occupancy, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Chapter.
7. Records of Certificates. A record of all Certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
8. Certificates for Dwelling Accessory Buildings. Buildings accessory to dwelling shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
9. Application for Certificates. Applications for Certificates of Occupancy shall be made in writing to the building official on forms furnished by the Department, and such Certificates shall be issued if, after final inspection, it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Chapter. If such Certificate is refused for cause, the applicant, therefore, shall be notified in writing of such refusal and cause thereof.

**7.9 RECORD OF USES PERMITTED ON SPECIAL APPROVAL**

The building official shall prepare and maintain a record of all uses which have been permitted on special approval of the Planning Commission, including for each case the property address, tax

identification number, description of the specially permitted use, statement of findings and conclusions by the Planning Commission, conditions of approval and the date of the Planning Commission approval, and the date of any Zoning Board of Appeals action related to the use being permitted. The list shall be available for public review.

**7.10 NOTICE OF PUBLIC HEARING**

1. Except as otherwise provided in this Ordinance, if the City is required to provide notice of a public hearing, the City shall do all of the following:
  - A. Publish notice of the request in a newspaper of general circulation in the City;
  - B. Mail or personally deliver notice to the owners of property for which approval is being considered; and
  - C. Mail or personally deliver notice to all persons to whom real property is assessed within 300 feet of the subject property and to occupants of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located in the City. If the name of an occupant is not known, the term "occupant" may be used.
2. The notice specified above shall be given not less than 15 days before the date of the hearing.  
 The notice shall do all of the following:
  - A. Describe the nature of the request to be considered at the hearing;
  - B. Indicate the property that is the subject of the request by street address or, if none, other appropriate descriptive terms;
  - C. State when and where the request will be considered; and
  - D. Indicate when and where written comments will be received concerning the request.

**7.11 PLANNING COMMISSION**

The Planning Commission, as established in accordance with Act 285 of the Public Acts of 1931, as amended, is designated as the Commission specified in Section 301 of Act 110 of the Public Acts of 2006, as amended, and shall perform the duties of said Commission as provided in the



statute in connection with the amendment of this Ordinance.

## 7.12 ZONING BOARD OF APPEALS

1. Creation and Membership. There shall be established and appointed by the Council of the Municipality, in accordance with Act 110 of the Public Acts of 2006, as amended, a Zoning Board of Appeals. The Board shall consist of five (5) members, one of whom may be a member of the Planning Commission and one of whom may be a member of City Council. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years; respectively, thereafter, each member shall be appointed to hold office for the full three (3) year term. Any vacancies in the Board shall be filled by the Council for the remainder of the unexpired term. The Board shall annually elect its own Chairman, Vice Chairman, and Secretary. Any member of the Board who is currently a member of City Council shall not serve as Chairman.
2. Alternate Members. City Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
3. Procedures of Zoning Board of Appeals. Meetings of the Board shall be heard at the call of the Chairman and at such other time 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. 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 filed in the office of the Clerk of the Municipality and shall be a public record. The fees to be charged

for appeals shall be set by resolution of the Council. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Board, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Zoning Board of Appeals.

4. Appeals, How Taken. An Appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Chapter 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 official. Such appeal shall be taken by filing a notice of appeal with the Zoning Board of Appeals on appropriate forms provided by the building official; payment of the required fee, and shall specify the grounds for such appeal. The building official 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 reasonably required to said Board 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.

Before such hearing, the City Manager may request an opinion from the City Attorney as to the Board's proper discretion related to a variance requested under Section 7.12.5. After such hearing and before the Board takes action, if the City Manager has not requested such an opinion, then the Board may request such an opinion. The City Attorney shall provide such opinion within twenty-one (21) days of such request. If such opinion has been requested by the City Manager or the Board, then the Board shall not take action on the appeal until such time as it has received such opinion.

The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to parties, according to the provisions of Section 7.10. 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 vote of the majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the building official or to decide in favor of the applicant any matter

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upon which they are required to under this Chapter or to effect any variation in this Chapter. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official 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 certificate 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 official and on due cause shown.

5. Power of Zoning Board of Appeals. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Chapter, but does have power to act on those matters where this Chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:
  - A. Administrative Review - To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building official or any other building official in carrying out or enforcing any provisions of this Chapter.
  - B. Exceptions and Special Approvals - To hear and decide in accordance with the provisions of this Chapter, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Chapter specifically authorizes the Board to pass. Any exception or special approval permit shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Chapter.
  - C. Variances - To authorize, upon an appeal, a variance from the strict applications of the provisions of this Chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the

regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Chapter. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance. For Use Variances, approval by 2/3 of the Board is required

6. Temporary Permits. The Board may issue the following Temporary Permits:
  - A. Permit the following character of use in an Industrial 1 district or Industrial 2 district for periods not to exceed ten (10) years, with the granting of two (2) year renewal extensions being permissible: Commercial Recreation, when said use requires substantial land area but does not require large capital investment in structures, provided only that if any such permission is granted for a period exceeding five (5) years, then and in that event it shall be necessary for the Planning Commission of the Municipality to approve such use by a majority vote of its members elect as not impairing the carrying out of the Master Plan.
  - B. In other cases the Zoning Board of Appeals may grant a permit for temporary buildings or uses for periods not to exceed two (2) years.
  - C. The granting of permits under A. and B. shall be done under the following conditions:
    - i. The granting of a temporary permit shall in no way constitute a change in the basic zoning district and principal uses permitted therein.
    - ii. The granting of the temporary permit shall be granted in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.



- iii. All setbacks, land coverage, off-street parking, lighting and other necessary requirements to be considered in protecting the public health, safety and general welfare of the people of the Municipality shall be made at the discretion of the Zoning Board of Appeals or Planning Commission as the case may be.
  - D. Carnivals, Circuses and Special Events - Refer to the Code of Ordinances of the City of Belleville, Chapter 6 entitled "Amusements and Entertainments".
  - E. Public Utility, Height and Bulk Exceptions - Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefore to the height and bulk requirements herein established which said Board considers necessary for the public safety and welfare.
7. Standards. Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring Board approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The Board shall give consideration to the following:
- A. The location and size of the use.
  - B. The nature and intensity of the operations involved in or conducted in connection with it.
  - C. Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
  - D. The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.
  - E. Taking into account among other things, convenient routes of pedestrian traffic, particularly of children.
  - F. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.

- G. The location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - H. The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic.
  - I. The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.
8. Miscellaneous. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one (1) 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. 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 (1) 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.
9. Appeal of Decision. A party aggrieved by the decision of the Zoning Board of Appeals may appeal to the Wayne County Circuit Court. An appeal of the decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. Appeals of decisions of the Zoning Board of Appeals shall be subject to the provisions of Section 606 of Act 110 of the Public Acts of 2006, as amended.

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### 7.13 CHANGES AND AMENDMENTS

The Council may, from time to time, on recommendation from the Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Chapter in accordance with the authority of Act 110 of the Public Acts of 2006, as amended. Upon presentation to the Planning Commission of a petition for amendment of said Chapter by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Council and shall be used to defray the expense of publishing the required notices and the expense of said Planning Commission. The Planning Commission shall give notice of a proposed amendment to the Zoning Ordinance or Zoning Map, as provided in Section 7.10, with the exception that if eleven (11) or more adjacent properties are proposed for rezoning, notice need not be sent by mail or personal delivery and the notice need not list individual addresses of the subject properties.

An amendment to the Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require a 2/3 vote of the City Council. The protest petition shall be presented to City Council before final legislative action on the amendment and shall be signed by one or more of the following:

1. The owners of at least 20% of the area of land included in the proposed change.
2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of land included in the proposed change.

Publicly owned land shall be excluded in calculating the 20% land area requirement above.

### 7.14 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance of the City of Belleville, effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and all amendments thereto, and any ordinance or parts of ordinances in conflict herewith are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### 7.15 INTERPRETATION

1. In the interpretation and application, 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 to 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.

### 7.16 VIOLATION

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 more than one hundred (\$100.00) dollars for each conviction, or shall be punished by imprisonment for a period not to exceed ninety (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. Every day that a violation of this Ordinance is continued and permitted to exist without compliance, shall constitute a separate offense punishable upon conviction in the same manner as prescribed herein for the original offense.

### 7.17 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.

### 7.18 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, and 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 fines and imprisonment herein provided



# Appendix A - Amendments

## 2020 - Ordinances to Amend Chapter 106 of the Code of Ordinances of the City of Belleville

<b>Ordinance No.</b> 20-1228	<b>Effective</b> December 28, 2020
Section 2.2	Definition of Marihuana facilities
Section 2.2	Definition of Zoning district
Section 2.2	Definition of Zoning district overlay
Section 3.1	Districts established
Section 3.15	I-2B Industrial overlay district
Section 4.40	Marihuana facilities
Section 5.1.2.E	Minimum number of parking spaces

