

# City of Dexter Zoning Ordinance

*DRAFT: September 26, 2022*





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# **ZONING ORDINANCE CITY OF DEXTER, MICHIGAN**

An ordinance relative to the designation, regulation and restriction of the location and use of buildings, structures and land for agricultural, residence, commerce, trade industry or other purposes; the regulation and limitation of the height, number of stories and size of buildings and other structures, hereinafter erected or altered; the regulation and determination of the size of yards and other open spaces; the regulation and limitation of the density of population; and pursuant to the aforesaid purposes, to divide the City of Dexter into Zoning Districts of such number, shape and area as may be deemed best suited to carry out the provisions of this ordinance and provide for the enforcement thereof pursuant to Act 110 of the Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act.

THE CITY OF DEXTER ORDAINS:

## **Article I**

### **ENACTING CLAUSE, TITLE, PURPOSES**

#### **Section 1.01 ENACTING CLAUSE**

An ordinance adopted under the authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act 110 of 2006 Public Acts of Michigan, to establish comprehensive zoning regulations for the City of Dexter, Washtenaw County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

#### **Section 1.02 TITLE**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of The City of Dexter”. The Zoning Map, referred to herein is entitled “Zoning Map, City of Dexter”.

#### **Section 1.03 PURPOSES**

This ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety and general welfare;

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- B. Protecting the traditional village character and stability of the residential, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of residents, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within the specified zoning district; the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the City of Dexter;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes, and odors, heat, dust, smoke, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Regulate the completion, restoration, reconstruction, extension or substitution of nonconforming uses.
- K. Encourage use of the land and natural resources in accordance with their character and capacity, thus preserving the sensitive and important environmental features in the City such as wetlands, rivers, topography, open space, mature vegetation and wildlife habitat. The ordinance acknowledges the importance of these features for the long term economic climate of all uses in the City and the overall quality of life for City residents.



## Article II

# DEFINITIONS

### Section 2.01 INTERPRETATION

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

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

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

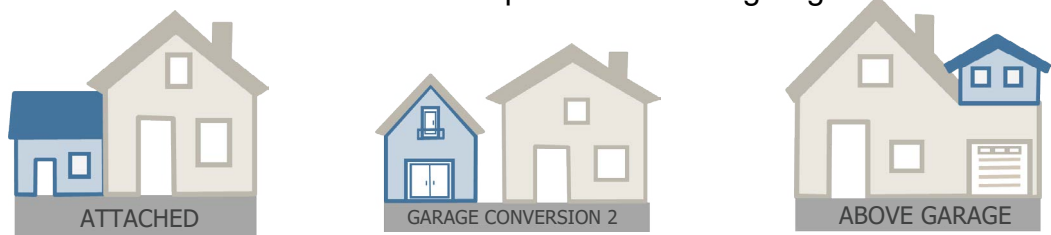
### Section 2.02 DEFINITIONS

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

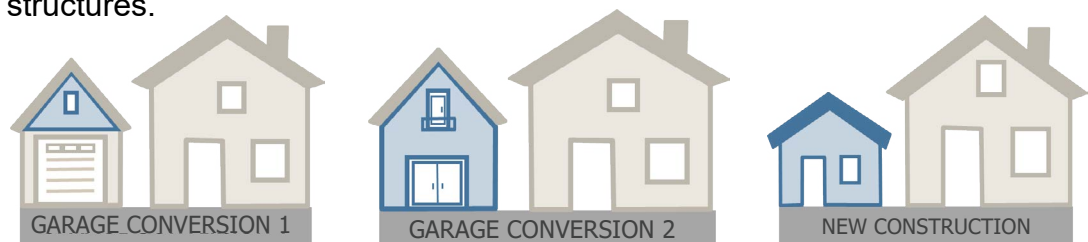
**Accessory use or accessory:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-road parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When “accessory” is used in this text, it shall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

## Zoning Ordinance

- A. Residential accommodations for servants and/or caretakers within the principal building.
- B. Accessory dwelling units (ADUs), also known as accessory apartments, second units, garden apartments, mother-in-law suites, or granny flats, are additional living quarters, which are located on single-family lots and are independent of the primary single-family dwelling unit, and which are for not more than one-family. ADUs are separate living spaces equipped with kitchen and bathroom facilities, which, depending on their location relative to the primary dwelling unit, are attached to or detached from the primary dwelling unit or located within the interior of the primary dwelling unit. ADUs are classified into three (3) categories and further defined as follows:
1. Attached ADUs are living spaces that are added onto the primary dwelling. An attached ADU may be located to the side or rear of the primary structure, as a new addition to the primary structure, a conversion of an attached garage, or a new addition constructed on top of an attached garage.



2. Detached ADUs are living spaces that are structurally separate from the primary dwelling. They can be constructed over or within an existing accessory structure, or through the conversion of an existing detached accessory structure, such as a detached garage, or as a new accessory stand-alone structure separate from the primary dwelling and any other accessory structures.



3. Interior ADUs are another type of attached ADU, with living spaces that are located within the primary dwelling, and are typically built through the conversion an existing space within a primary dwelling, such as, but not limited to, an attic or basement.



- C. Accessory short-term rental housing. See “Housing, accessory short-term rental.”
- D. Outdoor display areas, temporary. See “Outdoor display areas, temporary.”
- E. Outdoor display areas. See “Outdoor display areas.”
- F. Outdoor service areas. See “Outdoor service areas.”
- G. Swimming pools for the use of the occupants of a residence or their guests.
- H. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- I. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- J. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- K. Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

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

**Adult foster care facility:** A governmental or nongovernmental establishment that provides supervision, personal care, and protection, in addition to room and board, for adults for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation at a single address as licensed and regulated by the Adult Foster Care Facility Licensing Act 218 of 1979, as amended, and the associated rules promulgated by the Michigan Department of Licensing and Regulatory Affairs. Adult foster care facilities include facilities and foster-care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Providing room under

a landlord and tenant arrangement does not, by itself, exclude a person from providing adult foster care. An adult foster-care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility or any other facilities which have been exempted from the definition of adult foster-care facility by the Adult Foster Care Facility Licensing Act. The types of licensed adult foster-care facilities include the following, in accordance with the Adult Foster Care Facility Licensing Act and the associated administrative rules promulgated by the Michigan Department of Licensing and Regulatory Affairs:

- A. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. **Adult foster care small group homes:** A facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult foster care large group home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- D. **Adult foster care congregate facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**Adult day care center:** A center other than a private residence in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) -hour period.

**Adult day care home:** A private residence in which six (6) adults or fewer are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) -hour period.

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

- A. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
  - 1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;

2. electrolysis treatment by a licensed operator of electrolysis equipment;
3. continuing instruction in martial or performing arts, or in organized athletic activities;
4. hospitals, nursing homes, medical clinics, or medical offices;
5. barber shops or beauty parlors and salons, which offer massages to the scalp, the face, the neck, or shoulders only;
6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
7. a masseuse licensed by the State of Michigan and not engaged in massaging “specified anatomical areas” or engaged in “specified sexual activities” as described in this Section.

- B. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein), or an establishment with a segment or Section devoted to the sale or display of such material.
- C. **Cabaret:** An establishment where live entertainment is provided, presented, permitted, or performed, which performances are distinguished or characterized by an emphasis on or relationship to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein) for observation by or participation of patrons therein. Also, an establishment, which features any of the following: topless dancers and/or bottomless dancers, gogo dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- D. **Adult motion picture theater or adult live stage performing theater:** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- E. **Adult model studio:** Any place where models who display “Specified Anatomical Areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of

consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

- F. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein).
- G. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein).
- H. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male, or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the “Specified Anatomical Areas” exposed (as defined herein).
- I. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician’s directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician’s direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck, or the shoulders.
- J. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- K. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined

herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

- L. **Specified anatomical areas:** Portions of the human body defined as follows:
1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
  2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- M. **Specified sexual activities:** The explicit display of one (1) or more of the following:
1. human genitals in a state of sexual stimulation or arousal;
  2. acts of human masturbation, sexual intercourse, or sodomy;
  3. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast;

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

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

**Animal hospital:** See Clinic, veterinary.

**Apartment:** See Dwelling, multiple-family.

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

**Automobile or vehicle dealership:** A business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, or other similar motorized transportation vehicles. An automobile or vehicle dealership may maintain an outdoor display and sales area of its inventory of new and/or used automobiles and vehicles for sale or lease. Accessory uses to an automobile or vehicle dealership may exist on-site, such as, but not limited to maintenance, repair and service areas, and parts storage, all within an enclosed building.

**Automobile or vehicle repair center:** An automotive repair establishment which may

conduct activities of automobile or vehicle service centers, defined herein, and one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

**Automobile or vehicle service center:** A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from a gasoline service station (i.e., gas station without repair).

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

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

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

**Bedroom:** A room or space used or intended to be used for sleeping purposes.

**Block:** The property abutting one side of a road and lying between the two (2) nearest intersecting roads, (crossing or terminating) or between the nearest such road and parks, cemeteries, civic spaces, railroad right-of-way, unsubdivided acreage, lines of watercourses, or water bodies; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

**Board of Appeals:** The Zoning Board of Appeals of the City of Dexter.

**Boarding or rooming house:** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.



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

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

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

**Building height:** The vertical distance measured from the established grade 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.

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

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

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

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

**Child care facility:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under the Child Care Organizations Act 116 of 1973, as amended, the Adult Foster Care Facility Licensing Act 218 of 1979, as amended, and the associated rules promulgated by the Michigan Department of Licensing and Regulatory Affairs. Such organizations shall be further defined as follows:

- A. **Child care center:** A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than twenty-four (24) hours a day, where the parents or guardians are not immediately

available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. "Child care center" or "day care center" does not include a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. **Foster family home:** A private home of an individual who is licensed to provide twenty-four (24) -hour care for one (1) but not more than four (4) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
- C. **Foster family group home:** A private home of an individual who is licensed to provide twenty-four (24) -hour care for more than four (4) but fewer than seven (7) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.
- D. **Family child care home:** A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. A family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual.
- E. **Group child care home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. A group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

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

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

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

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

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

**City:** The City of Dexter, Michigan.

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

**Clinic, medical:** Facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing, and injured persons who are not kept overnight on the premises.

**Clinic, veterinary:** An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of animals, including those in need of medical or surgical attention. Veterinary clinics shall be further defined as follows:

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

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

**Cluster development:** A subdivision in which houses are grouped together in several modules, each one visually identifiable as an individual group, and the remainder of the subdivision being developed and reserved for the common enjoyment of the residents of the subdivision as open space or recreation area.

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

**Commercial vehicle:** Any vehicle possessing commercial license plates, and which falls into one (1) or more of the categories listed below:

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

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

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

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

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

**Convalescent home:** A state-licensed medical-care institution providing twenty-four (24) -hour medical services for patients recovering from acute or postoperative conditions.

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

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

**Cul-de-sac:** See Street.

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

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

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

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

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

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

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

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- D. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more Sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purposes of these Zoning Regulations.

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

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

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

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

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

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

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

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

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

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

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

**Family:** means either of the following:

- A. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance



that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

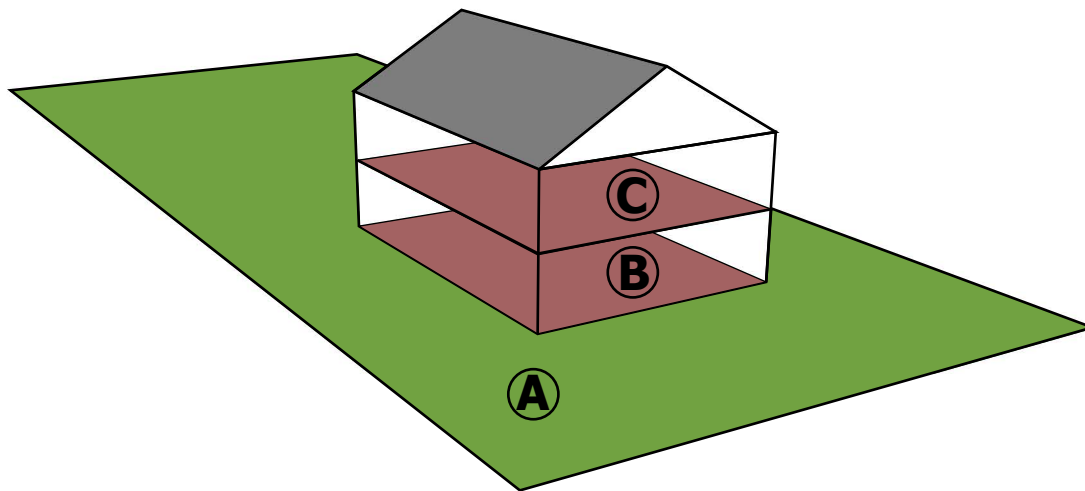
**Fence:** A structure of definite height and location constructed of wood, masonry, stone, wire, metal or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see Sec. 3.18 Fences).

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

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

## FLOOR AREA RATIO

$$\text{Floor Area Ratio} = \frac{\text{Total Floor Area (B + C)}}{\text{Total Area (A)}}$$



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

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

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

**Fraternal organization:** See Club.

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

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

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

**Gasoline service station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles. Gasoline service stations may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

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

**Group home:** See Care Organization.

**Guest bedroom:** A room used or intended to be used by one (1) or more guests for living or sleeping purposes.

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

**Habitable space:** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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

**Height of building:** See Building Height.

**Home occupation:** An occupation or professional that is customarily incidental and secondary to the use of the dwelling. It is customarily conducted within a dwelling, carried out by its occupants utilizing equipment customarily found in a home and, except for a sign allowed by this Ordinance, is generally not distinguishable from the outside.

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for occupancy by transient guests, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

**Housing, accessory short-term rental:** A dwelling unit or portion thereof, or an accessory apartment, that is occupied by a Permanent Resident and is rented or leased to transient guests for a period of fewer than thirty (30) consecutive calendar days per rental period. Consecutive month-to-month rentals or leases shall not be considered accessory short-term rental housing.

**Housing, vacation rental:** A dwelling unit that is not occupied by a Permanent Resident and is rented or leased to transient guests for a period of fewer than thirty (30) consecutive calendar days per rental period.

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

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

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

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

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

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

**Junk yard:** An area where waste, used or 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 open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**Kennel:** Any lot or premises on which four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating commercial kennels.

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

**Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material.

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

- A. **Berm:** A raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- B. **Buffer:** strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.

- C. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.
- D. **Ground cover:** Low-growing plants that form a dense, extensive growth after one (1) complete growing season, and tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- G. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, fiber, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- I. **Nurse grass:** Any of a variety of rapidly growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Planting:** A young tree, vine or shrub or other plant material that would be placed on or in the ground.
- K. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- L. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- M. **Sod:** An area of grass-covered surface soil held together by matted roots.
- N. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan.
  - 1. **Deciduous tree:** A variety of tree that has foliage that is shed at the end of the growing season.
  - 2. **Evergreen tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- O. **Ornamental tree:** A deciduous tree which is typically grown because of its shape,

flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

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

- A. **The live-within type:** A workplace and living area completely overlapping, such that the demarcation line can be adjusted continuously on a daily cycle.
- B. **The live-above type:** The workplace is below the residential quarters. The separation between the two (2) functions is complete, allowing the commercial Section to be independently leased out for limited use.
- C. **The live-behind type:** The workplace in front of the residential quarters, thereby liberating the rear part of the lot for a conventional house. The demarcation between the two (2) uses is complete, allowing the workspace to be leased to a separate entity for limited use.
- D. **The live-in-front type:** A single-family house where the workplace is typically behind the living quarters, along a rear alley. The house is intended to be fully compatible with a conventional house, with freestanding work quarters suitable for restricted uses. The demarcation between the two (2) uses is adjustable to changes in the family life.

**Loading space:** An off-road 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.

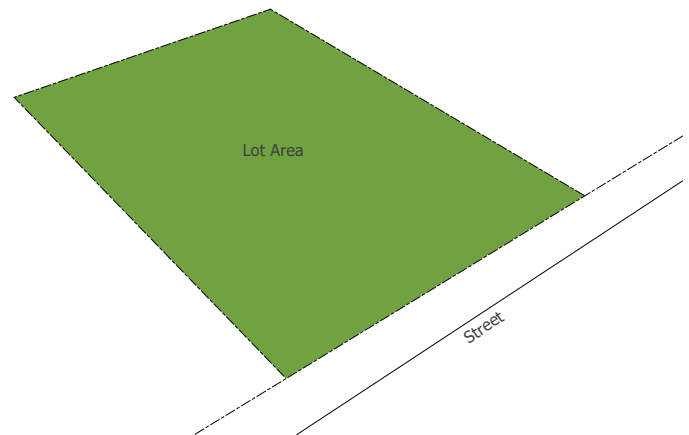
**Local agent:** A person that is authorized by the owner of a vacation rental to manage said vacation rental.

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

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A condominium lot.

E. A piece of land described by metes and bounds.

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

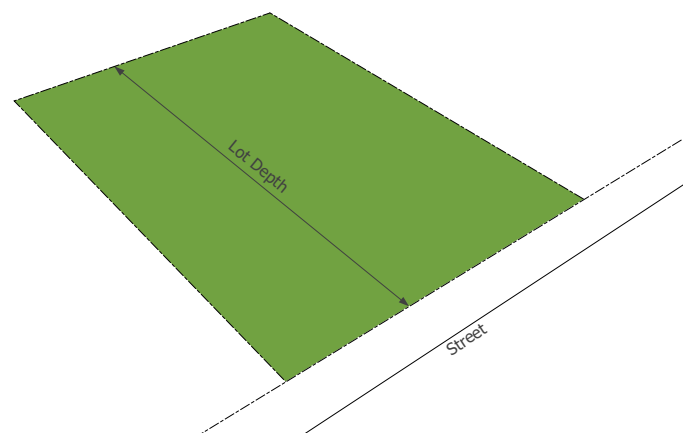


**Lot, contiguous:** Lots adjoining each other.

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

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

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

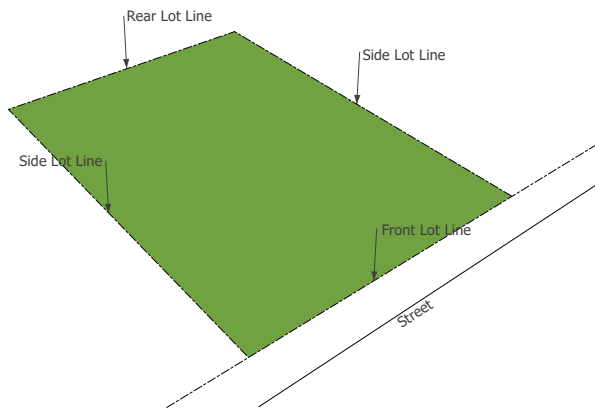


**Lot, flag:** A lot which is located behind other property or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

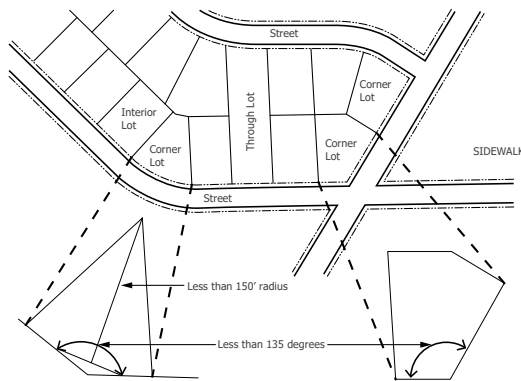
**Lot, interior:** Any lot other than a corner lot.

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

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



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



INTERIOR, THROUGH, AND CORNER LOTS

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

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

**Lot, zoning:** A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as



a tract to be used, developed, or built upon as a unit, under single ownership or control.

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

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

**Marijuana:** Marijuana, also known as Marihuana, also known as Cannabis. The term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

**Marijuana collective, cooperative or dispensary:** Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two (2) or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to an individual registered primary caregiver that provides necessary care and medical marijuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133. A "marijuana collective, cooperative or dispensary" shall not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirm; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan.

**Marijuana dispensary or dispensary:** See Marijuana Collective, Cooperative or Dispensary.

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

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

## Zoning Ordinance

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

**Medical use of marijuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

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

**Microbrewer/small distiller/small wine maker:** A facility in which a limited amount beer, wine or other alcoholic beverages, defined by the State of Michigan Liquor Control Commission, are brewed, fermented, or distilled and then packaged and stored for distribution.

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

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

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

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

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

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

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

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

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

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

**Nursery, plant materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

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

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

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

**Offset:** The distance between the centerlines of driveways or roads across the road from one another.

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

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

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

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

**Open air business:** A business that is conducted primarily outdoors. Unless otherwise specified herein, open air-businesses include, but are not limited retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, hummus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and home improvement equipment, such as lawn mowers, fertilizer spreaders, lawn rollers, etc.

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

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

**Outdoor cafes:** See “Outdoor service areas.”

**Outdoor display areas:** An area of five hundred and fifty (550) square feet or more in size used for the display of goods, products or other materials, typically not in a fixed position and capable of rearrangement, designed for the purpose of sale, rent, lease or exhibit by the principal permitted business whose goods, product or other materials are displayed and which are not removed daily at the time of or prior to the close of business.

**Outdoor display area, temporary:** An area of less than five hundred and fifty (550) square feet used for display and sale of merchandise, located outdoors; typically on a sidewalk facing the road or parking lot, which is directly adjacent and accessory to, but not located within the interior building walls of the principal retail establishment, for the purpose of sale, rent, or lease during the hours of operation of the retail establishment, where retail goods and merchandise are removed daily, at the time of or prior to the close of business.

**Outdoor dining and beverage service:** See “Outdoor service areas.”

**Outdoor eating areas:** See “Outdoor service areas.”

**Outdoor seating:** See “Outdoor service areas.”

**Outdoor service areas:** A porch, patio, deck, sidewalk, parking lot, parking space, or other public or private land area used for seated dining and beverage service, which is adjacent and accessory to, but not located within the interior building walls of food and/or beverage establishments.

**Outdoor storage:** The keeping, in an unroofed area or not within a fully enclosed building, of any goods, junk, material, merchandise or vehicles for more than twenty-four (24) hours.

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

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

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

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

**Permanent resident:** A person who occupies a dwelling unit for at least sixty (60) consecutive days with intent to establish the dwelling unit as his or her primary residence.

A Permanent Resident may be an owner or a lessee.

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

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

**Personal service:** A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location. Personal services include, but are not limited to, hair salons, barber shops, pet grooming, tailor shops, shoe or jewelry repair, laundry, or dry-cleaning services.

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

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

**Places of worship:** A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

**Planning Commission:** The City of Dexter Planning Commission.

**Plug-in electric vehicle stations:** Definitions for plug-in electric vehicle stations include the following:

- A. **Accessible electric vehicle charging station:** An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- B. **Alternating current (AC) level 1 electric vehicle supply equipment (EVSE):** An AC charging station or device that uses 120V AC power.
- C. **AC level 2 EVSE:** An AC charging station that uses 240V AC power.
- D. **Battery charging station:** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- E. **Battery electric vehicle (BEV):** A vehicle that relies on a battery for one hundred percent (100%) percent of the time and must be plugged in to recharge.
- F. **Charging levels:** The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common

charging levels, and include the following specifications:

1. Level-1 is considered slow charging. Voltage including the range from zero (0) through one hundred twenty (120).
2. Level-2 is considered medium charging. Voltage is greater than one hundred and twenty (120) and includes two hundred and forty (240).
3. Level-3 is considered fast or rapid charging. Voltage is greater than two hundred and forty (240).

- G. Charge coupler:** The connector and cord set which connects the vehicle to supply power from the charging station.
- H. Direct current (DC) fast charge:** A Level-3 charging station capable of charging a PEV's battery to eighty percent (80%) in less than thirty (30) minutes. DC fast chargers typically use a three (3) -phase service at 208V AC or higher, with output levels between 2550kW.
- I. Electric vehicle (EV):** Any vehicle that is licensed and registered for operation on public and private highways, roads, and roads; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- K. Electric vehicle charging station (EVCS):** A public or private parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use.
- L. Electric vehicle charging station – private restricted use (EVCS-PRU):** An electric vehicle charging station that is (1) privately owned with restricted access (e.g., single-family and two-family dwellings, multiple-family dwellings, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
- M. Electric vehicle charging station – public use (EVCS-PU):** An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-road parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).
- O. Electric vehicle infrastructure:** Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery

charging stations and rapid charging stations.

- P. Electric vehicle parking space:** Any marked parking space that identifies the use to be exclusively for parking of an electric vehicle.
- Q. Electric vehicle supply equipment (EVSE):** The equipment used to charge the battery onboard a vehicle, commonly referred to as a charging station.
- R. Non-electric vehicle:** Any motor vehicle that does not meet the definition of electric vehicle.
- S. Plug-in electric vehicle (PEV):** A vehicle that draws electricity from a battery with a capacity of at least four kilowatt hours and is capable of being charged from an external source.
- T. Plug-in hybrid electric vehicle (PHEV):** An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

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

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Unenclosed:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Principal use:** The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

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

**Public utility:** A public corporation, franchise, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, telephone service (excluding cellular



phone facilities), cable television services, telegraph, transportation, or water.

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

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

**Recreation, commercial indoor:** An enterprise conducted indoors, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: bowling alleys; ice arenas or skating rinks; indoor soccer, baseball, football, or other athletic fields; indoor miniature golf courses and driving ranges; indoor tennis, basketball or other athletic courts; and other similar facilities or activities.

**Recreation, commercial outdoor:** An enterprise conducted primarily outdoors, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: soccer, baseball, football, or other athletic fields; outdoor miniature golf courses and driving ranges; music concert pavilions and bandshells; tennis, basketball or other athletic courts; outdoor skating rinks; rentals of bicycles, canoe and/or kayak liveries with outdoor storage, pick up or drop off; and other similar facilities or activities.

**Recreation, private non-commercial:** A recreation facility operated by an institution, condominium association or non-profit to provide some recreational activity or facility, indoor or outdoor. Such activities and facilities include, but are not limited to swimming pool clubs, athletic fields, and skating rinks.

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

**Recreational vehicle:** “Recreational Vehicles” shall include the following:

- A. **Travel trailers:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel recreational and vacation uses, and which may be identified as a “travel trailer” by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- B. **Pickup camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during

the process of travel recreational and vacation uses.

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

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

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

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

**Restaurant:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a

motor vehicle or elsewhere on the premises, but outside of an enclosed building.

- C. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.
- D. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure.
- E. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
  2. the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. **Restaurant, bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

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

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

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

**Salvage yard:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, packed, disassembled or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage yard includes junkyards and similar facilities including automobile wrecking yards and any open area

of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

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

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

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

**Senior housing:** A building or group of buildings containing dwellings intended to be occupied by older persons as defined by the Fair Housing Act. Senior housing may include independent and/or assisted living arrangements but shall not include convalescent homes or homes for the aged regulated by the state. The following additional definitions shall apply:

**Senior assisted living:** Housing that provides twenty-four (24) -hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents may receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security and housekeeping. Individual dwellings may contain kitchen facilities.

**Senior independent living:** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project sites shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

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

**Setback:** Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building lines or parking lot. Setbacks from a public road or private road shall be measured from the right-of-way line or easement. Setbacks shall

remain as open space as defined herein, unless otherwise provided for in this ordinance.

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

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

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

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

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

**Awning sign:** See “canopy sign.”

**Banner:** Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. Flags are not considered banners.

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

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

**Box sign:** A sign that contains all the text or text and logo symbols within a single enclosed cabinet.

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

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

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

**Channel letter sign:** Any sign installed as a cabinet or as individual letters, with

self-contained illumination.

**Electronic message sign (EMS):** A sign or portion of a sign that displays an electronic image or video, which may or may not include text, introducing any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

**Flag:** Any sign printed or painted on fabric, plastic, canvas or other like material containing distinctive colors, patterns, or symbols, and attached to a pole or staff anchored along one (1) edge, or supported or anchored at two (2) corners of a single edge.

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

**Integral sign:** Signs carved into stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.

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

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

**Portable sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; and balloons used as signs.

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

**Residential wall plate:** A wall sign mounted on the wall of a residential dwelling unit.

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

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

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

**Vehicular sign:** A sign attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

**Wall sign:** Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

**Window sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Site development plan:** The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; pedestrian and vehicular circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**Solar energy collector:** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

**Building-mounted solar energy collector:** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element, in whole or in part, of a building.

**Ground-mounted solar energy collector:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

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

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

designation. Various types of roads are defined as follows:

- A. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Washtenaw County, the State of Michigan, or the federal government, but which meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior ordinance.
- B. **Public road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Washtenaw County, State of Michigan, or the federal government.
- C. **Arterial road:** A road, which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.
- D. **Collector road:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- E. **Cul-de-sac:** A road with only one (1) end open to vehicular traffic and being permanently terminated at the other end by a vehicular turn-around..
- F. **Local or minor road:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

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

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

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

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

**Structural addition:** Any alteration that changes the location of the exterior walls or area



of a building.

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

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

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

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

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

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

**Temporary uses and seasonal events:** Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals,

## Zoning Ordinance

circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

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

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

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

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

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

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

**Transient guest(s):** A person who occupies a dwelling unit or portion thereof for not more than thirty (30) days.

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

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

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

**Utility trailer:** A small trailer that is designed to be pulled by an automobile, van, or pickup truck.

**Variance:** A modification of the literal provisions of the Zoning Ordinance granted when

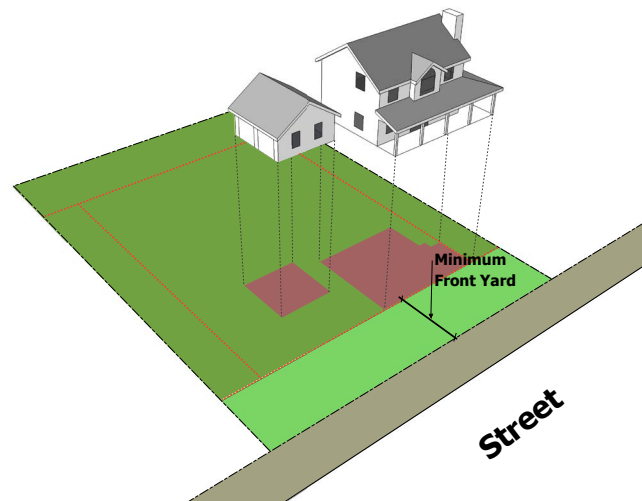
enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

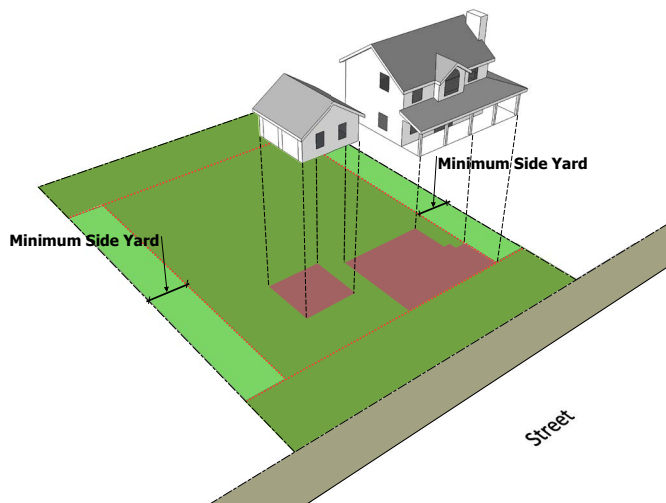
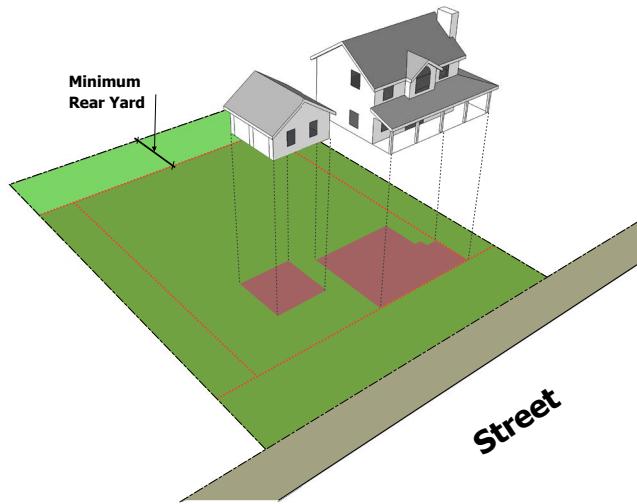
**Wall:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete with a continuous foundation in contrast to a fence which may be constructed of wood.

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

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

- A. Contiguous to any lake, pond, river, or stream.
- B. Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river, or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the





owner.

**Walk, Five (5)-Minute:** A pedestrian route between locations, of approximately 1,320 feet, taking no more than five (5) minutes for an adult with average abilities to walk.

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

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

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

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

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

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

## **Article III**

### **GENERAL PROVISIONS**

#### **Section 3.01 ADMINISTRATIVE REGULATIONS**

##### **A. Scope of Regulations**

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

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

##### **B. Minimum Requirements**

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

##### **C. Relationship To Other Ordinances or Agreements**

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

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

##### **D. Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

**E. Continued Conformity With Yard and Bulk Regulations**

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

**F. Division and Consolidation of Land**

The division and consolidation of land shall be in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended. No lot or parcel shall hereafter be divided into two (2) or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

**G. Unlawful Buildings, Structures, Site Designs and Uses**

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

**Section 3.02 ACCESSORY STRUCTURES**

All accessory buildings and structures, except for Accessory Dwelling Units (see [Section 14.03](#)), permitted in this Zoning Ordinance shall be subject to the following:

- A. Relation to principal building:** Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

- B. Permit required:** Any accessory building or structure greater than one hundred (100) square feet shall require a Zoning Compliance Permit.
- C. Maximum number of detached accessory buildings:** The maximum number of detached accessory buildings shall be as follows:

Zoning District	Maximum Number
R-1, VR-1, VR-2	One (1) detached building of over one hundred (100) square feet  Two (2) detached buildings, each ninety-nine (99) square feet or less
MF, MHP	One (1) detached building per building with dwelling unit(s)
VC, CBD	One (1) detached building for House or Duplex Building Forms  None for all other Building Forms
ARC, BRC, PF, I-1, R-D	One (1) detached building per lot

- D. Maximum Lot Coverage for accessory buildings:** The lot coverage of all principal and accessory buildings, detached or attached, must not exceed the maximum lot coverage for the zoning district.

~~1. Detached accessory buildings in R-1, VR-1 and VR-2 Zoning Districts. Detached accessory buildings in the R-1, VR-1 and VR-2 Zoning Districts shall occupy a maximum of twenty five percent (25%) of a required rear yard (as defined by minimum setbacks).~~

- E. Restrictions on placement for accessory buildings:** Accessory buildings shall not be erected in any right-of-way, easement, or front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.
- F. Required setbacks for attached accessory buildings or structures:** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g., a deck, garage or breezeway), it shall be subject to all the regulations of this Section applicable to principal buildings, structures and uses.
- G. Required setbacks detached accessory buildings:** The required setbacks for detached accessory buildings shall be as follows:

**Zoning Ordinance**

Zoning District	Principal Building	Side Street ROW	Side & Rear Lot Line	Shoreline	Wetland*
R-1	Ten (10) ft.	Ten (10) ft.	Three (3) ft.	Fifty (50) ft.	Ten (10) ft.
VR-1, VR-2, VC, CBD	See Building Form Standards in <a href="#">Section 11.03.D</a>				
MF, MHP	Ten (10) ft.	Ten (10) ft.	Three (3) ft.		
ARC, BRC	Ten (10) ft.	Parking lot setbacks for Building Form of principal building			
PF	Ten (10) ft.	Ten (10) ft.	Ten (10) ft.		
I-1, R-D	<del>Twenty-five (25) ft.</del> <a href="#">Ten (10) ft.</a>	Principal Building Setback			

\* Boundary of a wetland regulated by the Michigan Department of Environment, Great Lakes and Energy (EGLE) or the federal government.

**H. Maximum height of detached accessory buildings or structures:** The maximum building height of any detached accessory building or structure shall be as follows:

Zoning District	Maximum Height
R-1,	Fourteen (14) ft.
VR-1, VR-2, VC, CBD	See Building Form Standards in <a href="#">Section 11.03.D</a>
MF, MHP	Fourteen (14) ft.
ARC, BRC	Ground floor height for building form of principal building
PF, I-1, R-D	<del>Fourteen (14) ft. or Board of Zoning Appeals may review and approve height less than or equal to maximum building height for the zoning district.</del>
	<a href="#">Height of the principal building or maximum building height for the zoning district, which ever is less</a>

**I. Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.

**J. Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade, or occupation, unless otherwise specified by this Ordinance.

**K. Carports and Garages in Multiple Family:** Carports and garages in multiple family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be partially screened by landscape screen walls, berms, retainer walls, or a combination thereof, along the sides and front end facing any public roads or internal road or drive.



## **Section 3.03 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT**

### **A. Incompletely Constructed Structures**

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

## **Section 3.04 TEMPORARY STRUCTURES AND USES**

### **A. General Requirements**

Temporary buildings and structures shall comply with the following requirements:

#### **1. Temporary Structures Used for Residential Purposes**

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

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

- a. Such permits may be issued by the Zoning Administrator for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed twelve (12) months.
- c. Temporary structures shall comply with the setback standards for the district in which they are located.
- d. The Zoning Administrator shall verify electrical and utility connections to any temporary structure. Unless exempted by the Building Code, the temporary structure shall be connected to public water and

sanitary sewer lines. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department.

- e. An approved temporary structure may be moved onto a site fourteen (14) days prior to commencement of construction and shall be removed within fourteen (14) days following issuance of a Certificate of Occupancy for the permanent dwelling.

## **2. Temporary Structures Used for Nonresidential Purposes**

- a. Temporary buildings for nonresidential use, including semitrucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Zoning Administrator. Unless exempted by the Building Code, the temporary structure shall be connected to public water and sanitary sewer lines. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.
- b. A non-residential temporary structure, designed as a sales office, may be used in a residential development, including a PUD, exclusively for the purpose of selling new dwelling units within said residential development. The temporary structure may be used only during the construction of a model home/sales office and shall be removed no later than seven (7) days after the issuance of any occupancy certificate for the model home. In no case may a temporary sales office be used for more than a one (1) year period. The temporary office shall be the sole occupancy of, and located entirely within the buildable area of, a single lot, shall provide the off-road parking required by [Section 5.04](#) and shall meet all requirements of the Building Code. Unless exempted by the Building Code, the temporary structure shall be connected to public water and sanitary sewer lines. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. The temporary structure may not be occupied until a Certificate of Occupancy has been issued.

### 3. Permits

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

- a. The applicant shall furnish the City with a performance guarantee in the amount of five hundred dollars (\$500.00) to assure removal of the temporary structure.
- b. No zoning permit shall be issued until the Zoning Administrator has verification or documented exemptions per the Building Code of electrical, utility, water, and sanitary connections.
- c. The Zoning Administrator may require a performance bond to assure proper cleanup.

### 4. Use as an Accessory Structure

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

### 5. Special Events and Other Temporary Uses

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

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the Zoning Administrator.
- d. The Zoning Administrator shall require the applicant to obtain a Peddlars, and Transient Merchants license under Chapter 34 of the City of Dexter's General Code of Ordinances when the proposed temporary use falls under the provisions of that Chapter.

The following conditions apply to specific temporary uses:

- a. Carnival or Circus
  - Maximum duration: Ten (10) days.

- Operator or sponsor: Nonprofit entity
  - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- b. Sidewalk Display and Sale of Bedding Plants
- Maximum duration: Ninety (90) days.
  - Location: In commercial districts only.
  - Sidewalk Coverage: Shall not cover more than fifty percent (50%) percent of the width of the sidewalk.
- c. Christmas Tree Sales
- Maximum duration: Forty-five (45) days.
  - Location: Shall not be located in or adjacent to any developed residential area.
  - Cleanup: Stumps, branches, and other debris shall be completely removed from site.

## **Section 3.05 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT**

### **A. General Requirements**

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

#### **1. Determination of Compatibility**

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

#### **2. Conditions by which Use May Be Permitted**

If the Planning Commission determines that the proposed use is compatible

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

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

## **Section 3.06 YARD AND BULK REGULATIONS**

### **A. General Regulations**

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

#### **1. Minimum Lot Size**

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

#### **2. Number of Principal Uses per Lot**

Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single-family site condominium project, only one (1) principal building shall be placed on each condominium lot, as defined in [Article II](#).

#### **3. Relocation of Existing Buildings Into the City**

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

## **Section 3.07 PROPERTY MAINTENANCE**

Every parcel of property including buildings, vacant or occupied, and every part thereof, including the yards, courts, passages, areas of alleys connected therewith or belonging to the same, shall be kept clean and shall be kept free from any accumulation of dirt, filth,

rubbish, garbage, or other matter in or on the same. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall also be responsible for complying with the provision of this Section except that the tenants shall be responsible for the cleanliness of those parts of the premises which they occupy and control. Any hazardous places that are necessary during the construction must be fenced or boarded up. Property owners and/or occupants shall be held responsible for the condition, cleanliness, and maintenance of the areas between their lot lines and adjoining roads and curbs, where existing.

### **Section 3.08 DUMPSTER AND WASTE RECEPTACLES**

Dumpster, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the standards of this Section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this Section.

- A. Location:** Waste receptacles shall be located in the rear yard or nonrequired side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public road or adjacent residential districts.
- B. Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- C. Base Design:** The receptacle base shall be at least twelve (12) feet (twenty (20) feet for a dual dumpster corral) by eight (8) feet, constructed of six (6) inches of reinforced concrete pavement. A base apron shall extend ten (10) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- D. Enclosure:** Waste receptacles shall meet the following standards:
  - 1. Each waste receptacle shall have an enclosing lid or cover.
  - 2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public road or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
  - 3. The enclosure shall be constructed of brick, concrete or decorative precast panel with brick effect, or a wooden enclosure, provided that the lumber is

- treated to prevent decay or is determined by the Zoning Administrator to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle.
4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
  5. The enclosure shall be screened with five (5) foot high evergreens planted a minimum of six (6) feet apart wherever the enclosure wall is visible to a public road or residential district. See [Section 6.12](#) waste receptacles and mechanical equipment screening.

### **Section 3.09 FENCES**

Fences are permitted subject to the following regulations:

- A. Permits:** The erection, construction, or alteration of any fence shall require a permit and shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance. All applications for fence permits shall be submitted to the Zoning Administrator and shall be accompanied by the following:
  1. A completed fence permit application form.
  2. Fence design information including dimensions of the fence as proposed, the height of the fence, design of the fence, the type of materials to be used for the fence, footing information, and a picture of the proposed fence.
  3. A survey showing the location of the proposed fence.
    - a. When a fence is proposed directly on the property line, unless otherwise mentioned in this ordinance, the survey must be accompanied by the submission of written consent from all adjacent property owners or a certified survey verifying the location of the property lines.
  4. The fee for the fence permit, as set by resolution of the City Council.
- B. General Fence Requirements:**
  1. Fence height shall be measured from the surrounding grade at every point along the fence line.
  2. Chicken wire fences are strictly prohibited.
  3. Fences that have one (1) finished and one (1) decorative side shall be erected with the finished or decorative side facing to the exterior of the lot to

which the fence is associated. Any reconstruction of a non-conforming fence shall require a permit and must meet current ordinance standards, unless otherwise specified in the ordinance.

4. A single fence is allowed per property line.
5. Fence ownership shall be determined by the fence permit applicant.

**C. Location in front yards:** Fences may be located in a front yard of any lot of record when the following standards are met:

1. The fence is of an ornamental nature of approved materials, of a design as to be nonsight obscuring and of a fence type listed below:
  - a. Post and rail
  - b. Split rail
  - c. Picket
  - d. Wrought iron
  - e. Other types of ornamental fences approved by the Planning Commission on a case-by-case basis.
2. Maximum height of thirty-six (36) inches, with the following exceptions:
  - a. The maximum height may be lower on a corner lot to meet the requirements for clear vision areas in [Section 5.03.D](#).
  - b. Both road frontages on a corner lot are considered the front yard. For the purpose of front yard fencing on corner lots, the maximum height for fences is four (4) feet from the rear building line to the rear lot line.
3. No front yard fence shall be erected closer than six (6) inches to any public sidewalk or the property line, and shall not cross any public rights-of-way.

**D. Side Yard fence standards:** Fences may be located in the side yard when the following standards are met:

1. Maximum height of six (6) feet.
2. Fences shall only extend along the side property line equal distance to the length of the principal building and not extend beyond the front building line. A six (6) foot fence may extend perpendicular from the property line to the front building line.



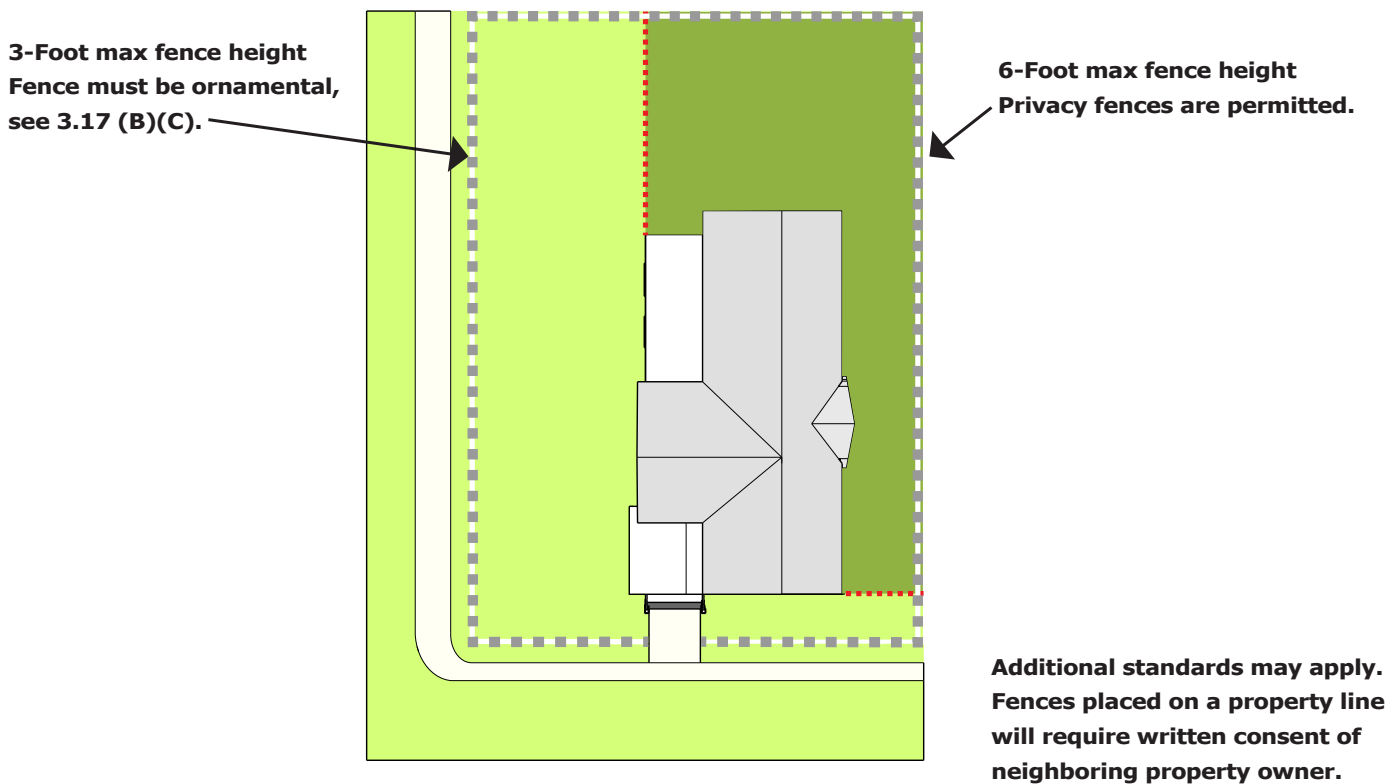
**E. Rear Yard Fence standards:** All fence types, including privacy fences are permitted in rear yards when the following standards are met:

1. Maximum height of six (6) feet in height measured from the surrounding grade at every point along the fence line.
2. Privacy fences may be erected in a rear or side yard on any lot of record provided the privacy fence does not extend beyond the rear property line.

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

**G. Location/height in industrial districts:** Fences are permitted in I-1 and R-D Zoning Districts when the following standards are met:

1. The fence is located in the side or rear yard. Fences are not permitted in the front yard.
2. Maximum height of six (6) feet. A maximum height of eight (8) feet may be allowed on property with a principal building containing an approved industrial use, and when the fence does not constitute an unreasonable hazard or nuisance.



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

### **Section 3.10 RECREATIONAL VEHICLE PARKING AND STORAGE**

The outdoor parking or storage of a mobile home, camper trailer, motor home, race cars, snowmobiles, boats, ATV's, and similar recreational vehicles for periods exceeding forty-eight (48) hours in the front yard on lands not approved for such use is prohibited, except that the Zoning Administrator may issue a temporary permit which shall allow the parking of such a recreational vehicle on private property for a period not exceeding two (2) consecutive weeks. Any parked or stored recreational vehicle shall be legally operable and licensed and shall not be connected to any sanitary facilities. Recreational vehicles may be stored over forty-eight (48) hours provided the vehicles shall be stored only within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further comply with the side and rear yard setback applicable to accessory buildings.

### **Section 3.11 EXTERIOR LIGHTING**

- A. Purpose and Intent.** The purpose of this Section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent of this Section is to encourage lighting that provides safety and security; also, to prevent glare on public roadways, protect the privacy of residents; and reduce atmospheric light pollution and light trespassing. Exterior site lighting shall be permitted in any zoning district subject to the restrictions provided in this Section.

**B. Definitions:**

1. **Fully shielded fixture.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.
2. **Lighting diagram.** A plan showing all exterior proposed on-site lighting and the area to be illuminated by each lighting source. The lighting diagram will also show proposed site lighting - location, type, height, intensity, direction, and typical details.
3. **Glare.** Light that causes annoyance, discomfort, or loss in visual performance and ability because the luminance is sufficiently greater than the luminance to which the human eyes are adapted.
4. **Outdoor lighting fixture.** An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot, flood, and area lighting.
5. **Recessed canopy fixture.** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**C. Outdoor Lighting Compliance Statement.** The applicant for any permit work involving outdoor lighting fixtures governed by this Section shall submit, as a part of the site plan, evidence that the proposed work will comply with this Section. This information shall contain but not be limited to the following:

1. Location of all freestanding, building-mounted, and canopy light fixtures on the site plan and/or building elevations.
2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in footcandles) and ten (10) feet beyond the parcel lines. The Zoning Administrator may waive the requirement for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially zoned property.
3. Specifications and details for the type of fixture being proposed, including the initial lumen rating, type of lamp, method of shielding, type of lens, and all applicable accessories. The details shall include a depiction of the lighting pattern and light levels applicable for the proposed pole height.

**D. Approved Materials and Methods of Construction.** The provisions of this Section are not intended to prevent the use of any design, material, or method of installation

or operation not specifically prescribed by this Section, provided any such alternate has been approved. The City may approve any such proposed alternative provided it:

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

No substitution of any existing light fixture or lamp type is permitted without approval of the Zoning Administrator, who may require sufficient information to ensure compliance with the standards of this chapter.

**E. General Standards.** All exterior lighting shall comply with the following standards:

1. Lighting systems shall limit light trespass, restrict light trespass to specific levels, provide generally even illumination for all intended vehicular and pedestrian areas, and use energy efficient light sources.
2. Site lighting shall be directed away from residential properties as much as possible.
3. Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.
4. All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary as determined by the City.
5. Outdoor lighting in residential districts shall be exempt from the provisions of this subsection, provided that any on-site lighting does not project onto adjacent properties or create glare on an adjacent roadway and motorists.
6. Street lighting in all subdivisions, site condominiums, or other development is required. All street lighting shall conform to the City's Community Street Lighting Program. The City Council, after receiving a recommendation from the Planning Commission, may allow deviations to City street lighting standards when the Council determines that the applicant has adequately demonstrated that alternative lighting plans will meet the intent and purpose

of this ordinance and will provide sufficient lighting necessary for safety and security purposes.

**F. Freestanding pole lighting.** All freestanding pole lighting shall comply with the following standards:

1. Fixture and bulb design:
  - a. Exterior lighting shall be a full cut-off fixture as defined by the Illumination Engineering Society of North America (IESNA) or other suitably shielded fixture, downward directed with a flat lens to prevent light trespass. All lights shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. All light fixtures shall be installed in such a manner that the shielding satisfies the definition of a fully shielded fixture. All fixtures closest to the property line shall have house side shields.
  - b. Replacement of existing metal halide bulbs, mercury vapor bulbs, or other light sources is permitted, provided that such source does not exceed four thousand (4,000) Kelvin.
  - c. All new fixtures shall be LED unless, upon showing a good cause and substantially equivalent energy efficiency, alternative fixtures are specifically approved by the Planning Commission as shown on a photometric and lighting plan.
  - d. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be shown that there will be limited off-site light trespass through the use of low-wattage lamps and the proposed fixtures will be more consistent with the character of the site.
  - e. Light fixtures and poles shall be compatible with the character of the development and zoning district, as determined by the City.
2. Lighting levels.
  - a. Light levels shall comply with the International Dark-Sky Association's goal to eliminate over lighting by using the minimum recommended values as maximum values as stated in Illuminating Engineering Society of North America's (IESNA) RP-8 and RP-33, as amended.

- b. The intensity of light at the base of a light fixture pole shall not exceed ten (10) footcandles. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The City Council, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Council determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
  - c. Light shall not exceed 0.1 footcandle along any boundary, or beyond, any property line of a residentially zoned or used property, and not exceed 0.3 footcandle along or beyond all nonresidential property boundaries.
  - d. Light levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line boundary or road right-of-way line at a height of five (5) feet above grade level.
  - e. Except as stated elsewhere in these regulations, light levels will be limited to those published as recommendations by the Illuminating Engineering Society of North America
  - f. The maximum uniformity (max-to-min) ratio shall be 10:1.
3. Height.
- a. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.
  - b. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of twenty (20) feet measured from the ground level to the centerline of the light source.
  - c. No fixture shall be a height that allows the fixture light source to be directly seen at the property line.
  - d. The City Council, after receiving a recommendation from the Planning Commission, may allow a pole height up to twenty-two (22) feet when the Council determines that the applicant has demonstrated that greater height is necessary.
4. Light pole location. Light poles shall be located not less than five (5) feet from the edge of a drive or parking space, where feasible, and not interfere with traffic flow, access to fire hydrants, or other utilities.

**G. Nonresidential building-mounted lighting:** Building-mounted lighting fixtures for

the purpose of lighting entrances, adjacent sidewalks, parking areas, and loading areas is permitted subject to the following restrictions:

1. Building-mounted lighting shall be a full cutoff fixture or fully shielded and directed downward to prevent light trespass. The intensity of light shall not exceed ten (10) footcandles at grade for any building-mounted fixture. Maximum fixture height shall be twenty (20) feet.
2. Light shall not exceed 0.1 footcandle along or beyond zoned or existing residential property lines and 0.5 footcandle along or beyond nonresidential property lines.
3. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be proven that there will be limited off-site light trespass through the use of low-wattage lamps and the proposed fixtures will be more consistent with the character of the site.

**H. Nonresidential architectural lighting of building facades.** The lighting of a building facade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

1. All building facade lighting shall be low-intensity. All building facade lighting shall be fully shielded and fully confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to the wall as possible, as determined by the City.
2. Luminaires shall be downward directed.
3. The maximum illumination of any vertical surface or angular roof surface shall not exceed five (5) footcandles.
4. Internally illuminated architectural bands or external lighting directed on buildings may be approved where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

**I. Canopy lighting.**

1. Flat lenses are required.
2. Downlight fixtures must be recessed into the ceiling/grid system.
3. Illumination levels shall comply with IESNA standards.
4. Illumination shall not exceed fifty (50) footcandles (432LM/M<sup>2</sup>) under a canopy.

- J. Flagpole lighting.** A flagpole may be illuminated by one (1) of the following methods:
1. With one (1) upward-aimed spotlight fixture, fully shielded and directed away from roads, shining only on the flag and minimizing light spill into the dark night sky. The fixture shall be placed as close to the base of the flagpole as reasonably possible.
  2. With one (1) downward-aimed light fixture, fully shielded and directed away from roads, shining only on the flag and minimizing light spill into the dark night sky.
- K. Prohibited lighting types.** The following lighting types are prohibited:
1. The use of search lights, lasers, or any similar high-intensity light for outdoor advertisement or entertainment.
  2. Floodlights.
  3. Flashing, moving, strobe, or intermittent-type lighting.
  4. Exterior exposed luminous tube lighting (neon, cold cathode, or similar source), or exposed bulb fluorescent lighting.
- L. Exemptions.** The following uses shall be exempt from the provisions of this ordinance, except that the Zoning Administrator may require a lighting and photometric plan when deemed necessary to protect the public health, safety, and welfare:
1. Roadway and airport lighting;
  2. Temporary circus, fair, carnival, or civic uses;
  3. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
  4. Temporary lighting and lighting associated with agricultural activities.

## **Section 3.12 SANITARY SEWER AND WATER FACILITIES**

All uses put in place on or after the effective date of adoption or amendment of this Ordinance in any district, shall be connected to the public sanitary sewer and water supply systems. Onsite facilities and privately owned and operated sewer and water systems are prohibited. Any onsite system which is legal at the time of adoption of this Ordinance may be kept in operation until such system fails. Upon failure of such onsite system, the use must be connected to the public system.



### **Section 3.13 COMPLETION OF CONSTRUCTION**

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

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

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

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

### **Section 3.14 ENGINEERING DESIGN SPECIFICATIONS**

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

appropriate and not merely in compliance with the standards.

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

### **Section 3.15 SOLAR ENERGY SYSTEMS**

A. **Intent:** The City of Dexter promotes the effective and efficient use of solar energy collection systems. It is the intent of the City to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

B. **Criteria for the use of all solar energy equipment:**

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
3. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

C. **Administrative review for building-mounted solar energy equipment:** Building-mounted solar energy equipment may be approved by the Zoning Administrator.

The application shall include the following:

1. Photographs of the property's existing conditions.
2. Renderings or catalogue cuts of the proposed solar energy equipment.
3. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
4. Plot plan to indicate where the solar energy equipment is to be installed on the property.
5. Description of the screening to be provided for ground or wall mounted solar energy equipment.

The following instances are exempt from review by the Zoning Administrator:

1. The installation of one (1) solar panel with a total area of less than eight (8) square feet.
2. Repair and replacement of existing approved solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

D. **Building-mounted solar energy collector requirements:** A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

1. An administrative review and approval by the Zoning Administrator is required of all building-mounted solar energy collectors permitted as an accessory use, except for exemptions listed in subsection C above.
2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3. Solar energy collectors that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
4. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
5. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
6. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
7. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the City Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
8. Solar energy collectors, and the installation and use thereof, shall comply with the City construction code, the electrical code, and other applicable City construction codes.

- E. **Ground-mounted solar energy collector requirements:** A ground-mounted solar energy collector system shall be subject to the approval of the Planning Commission under [Article XXI](#), and subject to the following requirements:
1. Ground-Mounted Solar Energy Systems and Fields are a permitted accessory use in the I-1 and R-D Zoning Districts.
  2. Ground-mounted solar energy collectors shall be located only as follows:
    - a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the site plan.
    - b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the site plan but, in any event, they shall not be located in the required front yard setback.
  3. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
  4. The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.
  5. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the conditional use application and shall be subject to the Planning Commission's approval.
  6. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special use application. The site plan, if granted, may be subject to the Building Official's inspection to determine compliance with the manufacturer's directions.
  7. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
  8. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the City construction code, the electrical code and other applicable City construction codes.
- F. **Solar access requirements:** When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector

that is protected is the portion which:

1. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12) foot obstruction located on the lot line; and
2. Has an area not greater than one-half (0.5) of the heated floor area of the structure, or the largest of the structures, to be served.

G. **Solar access exemptions:** Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Ordinance, whichever is later, are exempt from subsection F above. Said solar access requirements described in subsection F above, controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

## Section 3.16 PLUG-IN ELECTRIC VEHICLE STATIONS

A. **Purpose and Intent:** The intent of these regulations is to remove barriers to the use of electric vehicles and establish a safe, convenient, cost-effective electric vehicle infrastructure to support the use of electric vehicles.

B. **Permitted Locations:**

1. Level-1 and Level-2 electric vehicle charging stations shall be permitted in every zoning district when accessory to the principal permitted use. Such stations located at one-family, two-family, multiple-family, and mobile home park dwellings shall be designed as private restricted use only. Installation shall be subject to a zoning compliance permit, reviewed and approved by the Zoning Administrator, in accordance with [Section 22.04\(B\)](#).
2. Level-3 electric vehicle charging stations are permitted in the CBD, VC, VR, C-1, I-1 and R&D zoning districts, when accessory to the principal permitted use. Installation shall be subject to a zoning compliance permit, reviewed and approved by the Zoning Administrator, in accordance with [Section 22.04\(B\)](#).

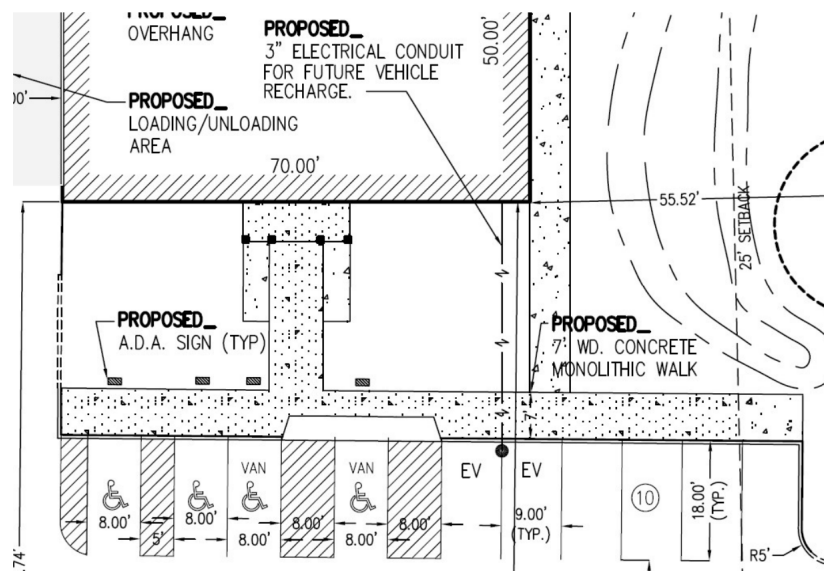
C. **Readiness Requirement:**

1. Residential: In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, all new one- and two-family dwellings, and multiple family dwellings and mobile home developments that have garages or carports are required to be constructed with a 220-240-volt/40amp outlet on a dedicated circuit, in close proximity

to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

2. Non-Residential:

- a. In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., One thousand (1,000) or less parking spaces) have a minimum ratio of two percent (2%) of the total parking spaces be prepared for such stations.
- b. If a property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is to encourage sites to be “roughed-in” with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.



Example Site Plan: “Rough-In” of Electric Vehicle Charging Stations

3. General Requirements for Multi-family and Non-residential Development:

- a. **Parking**
  - i. For Multiple-Family Development, an electric vehicle charging station space shall be included in the calculation for minimum required parking spaces required in accordance with [Article V](#).
  - ii. For Non-Residential Development, an electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with [Article V](#).
  - iii. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- b. **Accessible Spaces**
  - i. **Multiple-Family Development:** It is required that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.
  - ii. **Non-residential Development:** It is strongly encouraged, but not required that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.
- c. **Lighting**
  - i. Site lighting shall be provided where an electric vehicle charging stations is installed, unless charging is for daytime purposes only.
- d. **Equipment Standards and Protection**
  - i. Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-

eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impeded pedestrian travel or create trip hazards on sidewalks.

- ii. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of twenty-four (24) inches from the face of the curb.
- e. Usage Fees
- i. The property owner of a non-residential development is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- f. Signage
- i. Information shall be posted identifying voltage and amperage levels and any time of use, fee, or safety information related to the electric vehicle charging station.
  - ii. Each electric vehicle charging station in non-residential developments shall be posed with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to Chapter 54, [Article IV](#) of the General Code of Ordinances for the City of Dexter.
- g. Maintenance
- i. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.



## Article IV

# NON-CONFORMITIES

### Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently 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 work shall be diligently carried on until completion of the building involved.

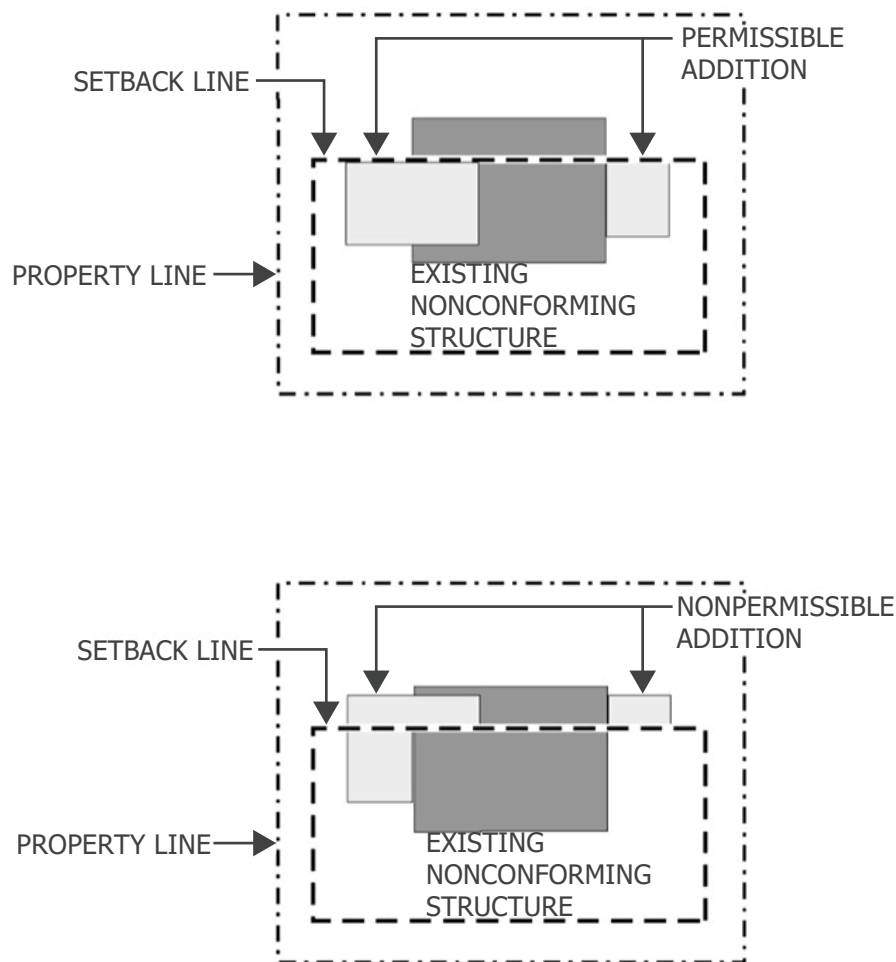
### Section 4.02 DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meaning assigned to them:

- A. **Effective Date:** Whenever this Article refers to the “effective date,” the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a non-conforming situation.
- B. **Non-Conforming Building:** A building or portion thereof which was lawfully in existence at the effective date of this Ordinance, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

- C. **Non-Conforming Lot:** A lot which was lawfully in existence at the effective date of this Ordinance, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.
- D. **Non-Conforming Use:** A use which was lawfully in existence at the effective date of this Ordinance and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- E. **Structural Non-Conformity:** A non-conformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and existing buildings or lot lines does not conform to the standards of the in which the property is located, also sometimes referred to as a dimensional non-conformity.

**Figure 4.02 Permissible and Non-Permissible Additions to an Existing Non-Conforming Structure**



## **Section 4.03 NON-CONFORMING LOTS OF RECORD**

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which singlefamily dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, 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 Ordinance. 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 requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

## **Section 4.04 NON-CONFORMING USES OF LAND**

The lawful use of any land existing on the effective date of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance or amendments 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 this Ordinance.
- 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.

- C. If such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Where nonconforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with [Article XXI](#).

## **Section 4.05 NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Restriction on Creating Non-conformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity.
- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the effective date of this Ordinance.

Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt, or replaced within eighteen (18) months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

- E. A non-conforming structure, except a single-family dwelling and its accessory structures, which are damaged by any means to an extent of more than fifty percent (50%) of its assessed value as determined by the City Assessor, shall not be reconstructed except in conformity with the regulations of the district in which it is located. Any non-conforming structure, except single-family dwellings and their accessory structures, that are damaged to an extent of fifty percent (50%) or less of its replacement cost may be replaced in their location existing prior to such damage, provided replacement is commenced within eighteen (18) months of the date of when the damage occurred and is diligently pursued to completion. Failure to commence replacement within eighteen (18) months shall result in the loss of legal non-conforming status.

Non-conforming structures may be replaced or expanded in accordance with the following requirements:

1. A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
  - a. The dwelling is a permitted use in the district in which it is located; and
  - b. Any expansion shall meet yard, lot coverage, floor area ratio, and impervious surface regulations of the zoning district in which it is located.
2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in [Section 24.05 F](#).

## **Section 4.06 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 Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition or Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance 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. **Extension Throughout Building:** 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 Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Administrator either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Administrator may require conditions and safeguards in accord with the purpose and intent of this Ordinance and/or may request review and determination by the Planning Commission. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced 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. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six (6) consecutive months the non-conforming structure or use of land 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 exempt from this provision.
- F. **Repairs to Non-Conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of eighteen (18) consecutive months on ordinary repairs, improvements, modernization, or on repair or replacement of nonload-bearing walls, fixtures, wiring, or plumbing to correct deterioration, obsolescence, depreciation, and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the effective date of this Ordinance shall not be increased. Repairs begun within the required eighteen (18) consecutive months but not completed upon the expiration of the permitted time period may be completed provided the permits for the repairs have been issued, approved, and maintained, and the work has continued without interruption to eventual completion.

- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.
- H. **Destruction of Non-Conforming Structure.** If a structure devoted in whole or in part to a non-conforming use is destroyed by any means to an extent of more than 50% of its assessed value as determined by the City Assessor at the time of destruction, it shall not be reconstructed and shall not be devoted to any use except in conformity with the regulations of the district in which it is located.

## Section 4.07 NON-CONFORMING SITES

- A. **Intent:** The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Ordinance were established or amended. This section is intended to:
  - 1. Allow for reasonable re-use, maintenance, and improvements to these sites that will gradually improve compliance with these requirements.
  - 2. Permit a proportionate amount of improvements to non-conforming sites relative to the amount of expansion or improvement proposed to the use or building.
  - 3. Allow the needed flexibility in the regulations to encourage gradual site improvements and increased compliance with the intent of the Zoning Ordinance Requirements.
- B. **Required Reviews.** This Section provides for the conditions under which re-occupancy, improvement, and modification to non-conforming sites may occur. It does not replace other reviews and requirements contained elsewhere in this Ordinance. Where improvements and modifications are proposed to non-conforming sites, they shall be subject to Site Plan Review in accordance with [Article XXI](#).
- C. **Standards for Review.** Applications to improve or modify non-conforming sites shall be reviewed in accordance with [Article XXI](#) for new development, redevelopment, or change of use as listed in [Section 21.02](#). Such activity may only be permitted if the following standards are met:
  - 1. **General Standards.**
    - a. Expansions to non-conforming structures or buildings comply with [Section 4.05](#).
    - b. Changes to non-conforming uses comply with [Section 4.06](#).

## Zoning Ordinance

- c. The applicant is proposing reasonable site improvement to the overall site in relation to the scale and construction cost of any proposed building improvements or expansion.
  - d. The applicant has addressed safety related site issues on the overall site.
  - e. The improvements or minor expansion will not increase non-compliance with other site requirements.
2. **Driveways.** Driveways that do not conform to the City of Dexter design standards shall be removed or redesigned to the greatest extent possible.
3. **Sidewalks.** Whenever modifications are proposed, or any expansion of the building, parking lot, or site, the sidewalks shall be installed along the site frontage, as required by the City of Dexter design standards.
4. **Parking.** Existing parking areas must be in good condition, as determined by the Zoning Administrator, and any improvements necessary to provide a safe durable surface have been proposed. For projects involving new development, redevelopment, or change of use, parking areas that are non-conforming in terms of required number of spaces, landscaping, setbacks, lighting, or other requirement of this Ordinance, shall be brought into full compliance with this Ordinance if any of the following occur:
  - a. The non-conforming parking area is expanded or altered by an area that is fifty percent (50%) or more of the original area.
  - b. Twenty-five percent (25%) or more of the surface area of the parking lot is reconstructed (existing pavement removed and replaced).
  - c. Where full compliance is not possible due to existing site conditions, a variance may be requested.
  - d. Whenever re-occupancy is proposed, or the parking area is not proposed to be expanded or reconstructed beyond the percentages noted in a. and b. above, then any necessary repairs shall be made to the existing parking lot pavement as determined by the Zoning Administrator.
5. **Screening.** Whenever modifications or an expansion to the building or site are proposed, then required screening walls for waste receptacles, fencing of outdoor storage, or screening from adjacent residential uses shall be provided.
  - a. Where existing screening walls are in disrepair, they shall be improved



to a sturdy and attractive condition.

- b. All outdoor storage areas shall be screened from adjacent residential uses as required in [Section 6.05](#) and all waste receptacles shall be screened as required in [Section 6.10](#).
6. **Landscaping.** For projects involving new development, redevelopment, or a change of use on sites that are non-conforming by reason of landscaping required by this Ordinance, either by required area, materials, or other requirement of this Ordinance, the site shall be brought into compliance under the following conditions:
- a. Whenever the size of the non-conforming site (building, parking, and outdoor storage) is redeveloped or expanded by an area that is fifty percent (50%) or more of the original non-conforming area, all landscaping on the site shall be brought into compliance.
  - b. Whenever twenty-five percent (25%) or more the surface area of the landscaped area is redeveloped or reconstructed (existing materials and ground cover removed and replaced) the reconstructed portion of the landscape area shall be brought into compliance with this Ordinance.

## Section 4.08 GENERAL REQUIREMENTS

- A. **Structure and Land in Combination.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

## Section 4.09 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES

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

## **Section 4.10 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

## **Section 4.11 ACQUISITION OF NON-CONFORMING USES**

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.

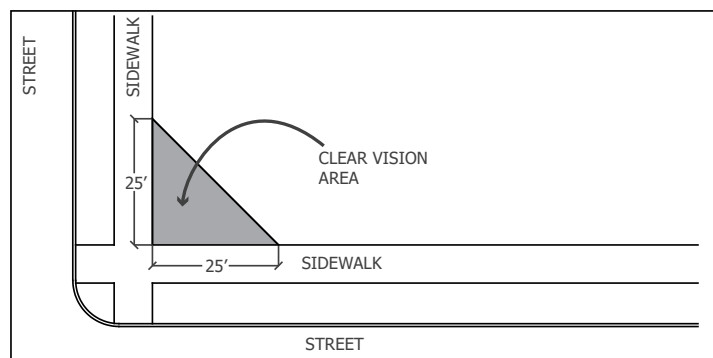
## Article V

### ACCESS, PARKING, LOADING AND SIDEWALKS

#### Section 5.01 STREETS, ROADS AND OTHER MEANS OF ACCESS

- A. **Access to public road required:** In all districts, every use, building, or structure established after the date of this Ordinance shall be on a lot or parcel which adjoins a public road, such road right-of-way being at least sixty (60) feet in width unless a lesser width has been established and recorded prior to the effective date of this Ordinance. This provision does not include alleys.
- B. **Fire protection access, off-road parking and loading required:** Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.
- C. **Access required Zoning Administrator approval:** Curb cuts and driveways may be located only upon approval by the Zoning Administrator and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.
- D. **Clear vision areas:** All corners at an intersection of two (2) public roads shall maintain a clear vision zone free of buildings, fences, walls, signs, structures, and landscaping. The clear vision zone shall be provided vertically between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting roads. The clear vision area shall be provided within a triangular area twenty-five (25) feet in length measured along abutting public road right-of-way lines with the third (3<sup>rd</sup>) side being a line connecting these two (2) sides. A non-obscuring fence may have a maximum height of thirty-six (36) inches in a clear vision zone.

#### CLEAR VISION AREA



## Section 5.02 OFF-STREET PARKING REQUIREMENTS

Off-road parking areas with adequate access to all parking spaces shall be provided in all districts, except in the Central Business District (CBD), at the time of erection or enlargement of any building or structure, or a change to a more intensive use. 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 or as further provided in [Section 22.06](#).

The following requirements apply to all off-road parking areas:

- A. Location.** Off-street parking spaces may be located within a non-required side or rear yard. Off-road parking may be, within the required rear yard setback if allowed by specific regulation elsewhere in this Zoning Ordinance. Off-street parking shall not be permitted within a front yard unless permitted by the Planning Commission.
- B. Accessibility.** Off-street parking shall be convenient and pedestrian accessible, 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 space.
- C. Residential Parking.** Parking for all dwelling units shall meet any parking provisions for the specific use in [Article XIV](#) and the following requirements:
  - 1. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
  - 2. Garages, carports, or other structures used for parking shall be calculated as parking spaces on a one (1) to one (1) basis.
  - 3. Garages, carports or other structures used for parking are subject to the provisions of [Section 3.02](#) Accessory Structures.
- D. Parking Designation.** Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere. In circumstances where the need for parking has been reduced, the Planning Commission may allow a reduction, but not elimination, of off-road parking spaces.
- E. Reduction Limitations for Existing Parking.** Off-street parking existing at the effective date of this Ordinance, 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 new use.
- F. Parking Lot Landscaping.** Parking lot landscaping shall comply with the provisions in [Article VI](#).

## Section 5.03 OFF-STREET PARKING: FLEXIBILITY IN APPLICATION

The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in [Section 5.05](#) may result in development with inadequate parking or parking far in excess of which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent roads or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space, which could be left as open space.

**A. Deviations by the Planning Commission.** The Planning Commission may permit deviations from the requirements of [Section 5.05](#) and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Requests for parking deviations from the Planning Commission shall be subject to the following requirements:

1. An applicant may request a parking deviation at any time, as part of a current site plan, special land use, or rezoning application, or may request a parking deviation as a separate and distinct action with no other concurrent request.
2. The applicant shall provide a parking study with adequate detail and information to assist the Planning Commission of the appropriateness of the request.
3. A parking deviation may be included in an action on a concurrent request or be made separately by resolution.
4. The Planning Commission may attach conditions to the approval of a deviation from the requirement of [Section 5.05](#) that bind such approval to the specific use in question.
5. Where a deviation results in a reduction of parking, the Planning Commission may require the applicant to set aside area for reserve parking (land banking) to be constructed as needed, although this is not a prerequisite for the approval of a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities, such as maneuvering lanes and drainage.

**B. Deviations by the Zoning Administrator.** For developments qualifying for administrative review by the Zoning Administrator under [Section 21.03](#), the Zoning Administrator may permit deviations up to ten percent (10%) from the requirements of [Section 5.05](#) for more or allow less parking whenever they find that such deviation

is more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Requests for parking deviations from the Zoning Administrator shall be subject to the following requirements:

1. An applicant may request a parking deviation as part of the administrative review.
  2. The applicant shall provide a parking study with adequate detail and information to assist the Zoning Administrator of the appropriateness of the request.
  3. The Zoning Administrator may attach conditions to the approval of a deviation from the requirement of [Section 5.05](#) that bind such approval to the specific use in question. Any conditions that require applicant to set aside area for reserve parking (land banking) to be constructed as needed, shall be referred to the Planning Commission for their approval.
  4. The Zoning Administrator may refer the matter to the Planning Commission, if desired.
- C. Shared Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced if a signed agreement is provided by the property owners, and the Planning Commission or Zoning Administrator determines that the peak usage will occur at significantly different periods of the day and/or there is potential for a customer to visit two (2) or more uses.

## **Section 5.04 PARKING UNITS OF MEASUREMENT**

### **A. Floor Area/Gross Floor Area:**

1. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews, or other such seating, shall be counted as one seat.
2. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
3. When units of measurements determining the number of required parking or loading spaces results in a fractional space, any fraction shall be counted as one (1) additional space.
4. See [Section 2.02](#) for Gross Floor Area Definitions. Outdoor seating or sales areas are excluded from gross floor area by definition.

## Section 5.05 PARKING SPACE NUMERICAL REQUIREMENTS

A. **Applicability of Regulations.** The requirements of this Section shall apply except in the following circumstances:

1. **CBD Zoning District.** No minimum parking is required for developments in the CBD zoning district.
2. **On-Street Parking, Public Parking and Municipal Parking Lots.** The Planning Commission may waive part of the off-street parking required in this section when public parking, on-street parking and municipally owned parking lots for public use, are located within 1,320 feet of a site.

The applicant shall submit a parking analysis with a map showing a 1,320-foot buffer from the property lines of the site, and the public parking, on-street parking, municipally owned parking lots for public use, street and pedestrian facilities within the buffer. On the parking analysis, the number of parking spaces publicly available must be listed by type: public parking, on-street parking or within a municipally owned parking lot for public use.

The Planning Commission may request a Parking Demand Study completed by a qualified person or firm that analyzes parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or mix of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

A waiver may be granted when the following are standards met:

- a. On-street parking spaces may be used for required guest or customer parking only. Employee parking and resident parking is restricted to off-street parking, whether private or public.
- b. On-street parking spaces that are completely contained within the street frontage of the site for guest or customer parking may be counted towards the parking required in Section 5.05.B. on a one to one (1:1) basis.
- c. On-street parking spaces not within the street frontage of the site, public parking spaces, and spaces in municipally owned parking lots for public use may be counted towards up to fifty percent (50%) of the parking required in Section 5.05.B. in the VC zoning district, up to twenty-five percent (25%) in the ARC, BRC, I-1, R-D, PF zoning

- districts, and for uses other than single-family dwellings in the VR-1 and VR-2 zoning districts.
- d. The use of public parking, on-street parking, and/or municipally owned parking lots for public use shall not adversely affect parking for surrounding uses.
  - e. The use of public parking, on-street parking, and/or municipally owned parking lots for public use shall not adversely affect pedestrian or vehicle circulation patterns.
  - f. The pedestrian network between the site and the parking spaces considered in the waiver would support a safe, year-round walk on a public route of no more than five (5) minutes.
3. **Deviations.** Deviations approved by the Planning Commission under [Section 5.03](#).
  4. **In-lieu Fees in the Village Commercial Zoning District.** After using on-street, public parking or municipal lot parking spaces towards the required parking, the Planning Commission may waive some or all of the remaining required parking, subject to the applicant's election to contribute a one-time fee to the City's Public Parking Fund in an amount established by resolution of City Council, in lieu of the number of spaces waived.
- B. Minimum Number of Parking Spaces.** The minimum number of off-street parking spaces required for each use shall be determined in accordance with the Schedule of Minimum Number of Required Parking Spaces by Use, except as noted in the above item A. Where two (2) or more uses are present on the premises, parking requirement shall be calculated for each use, unless specifically provided otherwise herein. For uses not specifically listed in the schedule below, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.
- C. Maximum Number of Parking Spaces.** The maximum number of parking spaces are as follows:
1. **Single-Family Residential.** There is not a maximum parking number for a single-family use. However, a private garage facing the street shall not accommodate more than three (3) vehicles.
  2. **All Other Uses.** For all uses other than single-family residential, the permitted for each use shall be the number of spaces listed in the Schedule of Minimum Number of Required Parking Spaces by Use, multiplied by 1.25.



3. **Waiver.** The Planning Commission may allow parking spaces above the maximum number, if an applicant can demonstrate a need for additional parking.

### Schedule of Minimum Number of Required Parking Spaces by Use

USE	NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE
<b>1. Residential</b>	
Single and two-family dwellings	One (1.0) spaces per dwelling unit
Multiple-family dwellings	One (1.0) space per dwelling where on-street parking is available 1.2 spaces per dwelling unit when on-street parking is not available
Senior independent living	One (1.0) space per every two (2) units; plus one (1.0) space per employee during the peak shift
Senior assisted living	One (1.0) space per each room or two (2) beds, whichever is less, plus one (1.0) space per each employee expected during the peak shift
Convalescent homes, nursing home units, sanitariums, rest homes, etc.	One (1.0) space per each three (3) beds or two (2) rooms, whichever is less, up to one hundred twenty (120) beds; plus three (3.0) spaces per each additional eight (8) beds over one hundred twenty (120) beds
Manufactured homes in a mobile home park	Two (2.0) spaces per each manufactured/mobile home unit or site
<b>2. Institutional</b>	
Churches, places of worship	One (1.0) space per each three (3) seats or six (6) feet of pews
Primary schools (elementary and junior high schools)	One (1.0) space per each instructor, employee, and administrator, plus spaces required for any assembly hall, auditorium and/or outdoor arena
Secondary (high) schools, commercial schools, colleges required for any assembly hall, auditorium, or outdoor arena	One (1.0) per each instructor, plus one (1.0) per each employee and administrator, plus five (5.0) spaces per each classroom, plus parking

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<b>USE</b>	<b>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</b>
Dance and union halls, fraternal orders, civic clubs, banquet rooms, and similar uses or facilities	One (1.0) space per every three (3) persons of capacity authorized by the County Building Code
Auditoriums, assembly halls and outdoor arenas	One (1.0) space per each three (3) seats or six (6) feet of bleachers
Theaters and Auditoriums	One (1) space for each three (3) seats plus one (1) for each two (2) employees
Child care centers	Two (2.0) spaces plus one (1.0) additional space per each eight (8) children of licensed authorized capacity
Public Libraries	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Public Recreation Centers	Five (5.0) spaces per one thousand (1,000) square feet of gross floor area
<b>3. Business and Commercial</b>	
Planned Commercial or Shopping Center or enclosed malls	Three (3) spaces per one thousand (1,000) square feet of gross floor area
Automobile Wash (Automatic)	Two (2) spaces, plus one (1.0) space per each employee on peak shift.  Stacking spaces must be provided per <a href="#">Section 14.57</a> – Drive Through Facilities and <a href="#">Section 14.61</a> – Automobile Washes, Automatic or Self-Service
Auto Wash (Self-Service or Coin Operated)	Two (2) spaces for each washing stall in addition to the stall itself  Stacking spaces must be provided per <a href="#">Section 14.57</a> – Drive Through Facilities and <a href="#">Section 14.61</a> – Automobile Washes, Automatic or Self-Service
Barber Shop/Beauty Salon	Two (2) spaces per each barber or beautician’s chair/station and one (1) space for each employee at peak shift

USE	NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE
Bowling Centers	Five (5.0) spaces per lane plus twenty-five percent (25%) of the required parking for any lounge
Ice/Roller Skating Rink	Six (6.0) spaces per one thousand (1,000) sq. ft.
Restaurant - sit down type with liquor license.	Ten (10) spaces for every one thousand (1,000) square feet of gross floor area
Bar/lounges/night club with liquor license and dancing	Ten (10) spaces for every one thousand (1,000) square feet of gross floor area
Restaurant - take out or fast-food only without a drive-through window	One (1) space for every one hundred (100) square feet of gross floor area
Restaurant - standard (a family-type restaurant without a bar or lounge area)	Seven (7) spaces for every one thousand (1,000) square feet of gross floor area
Restaurant – take out or fast food only with drive-through window	One (1) space for every one hundred (100) square feet of gross floor area  Stacking spaces must be provided per <a href="#">Section 14.57</a> – Drive Through Facilities
Showroom of a plumber, decorator, or similar trade	One (1.0) space per one thousand (1,000) sq. ft. of gross floor area
Appliance Store	Three (3.0) spaces per one thousand (1,000) sq. ft. of gross floor area
Convenience Store, with or without gasoline service	Four (4.0) spaces per one thousand (1,000) sq. ft. of gross floor area, plus spaces required for an auto service station activities or gasoline sales.
Equipment Repair	One (1.0) space per one thousand (1,000) sq. ft. of gross floor area
Laundromat	One (1.0) space per each two (2) washing machines
Funeral Homes	One (1.0) space per fifty (50) sq. ft. of gross floor area for service parlors, chapels and reception area, plus one (1.0) space per each funeral vehicle stored on the premises  Assembly areas for vehicles must be provided per <a href="#">Section 14.24</a> – Funeral Homes

**Zoning Ordinance**

<b>USE</b>	<b>NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE</b>
Motel/Hotel with Lounge, Restaurant, Conference or Banquet Rooms or Exhibit	One (1.0) space per guest room plus seven (7.0) spaces per one thousand (1,000) sq. ft. of gross floor area lounge, restaurant, conference or banquet rooms or exhibit space
Motel with Restaurant/Lounge	One (1.0) space per guest room, plus ten (10.0) spaces per one thousand (1,000) sq. ft. of gross floor area for restaurant/lounge space
Motel without Restaurant/Lounge; Bed and Breakfast Inn	One (1.0) spaces per guest room, plus two (2.0) spaces for employees
Automobile Sales	Five (5.0) spaces per one thousand (1,000) sq. ft. of gross floor area, plus two (2.0) spaces per each auto service bay. The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose.
Auto Service Station and Auto Care Centers without Convenience Goods	Two (2.0) spaces per each service bay, plus one (1.0) space per employee, plus one (1.0) space per each tow truck, plus two (2.0) spaces for each one thousand (1,000) square feet of gross floor area devoted to sales of automotive goods
Other general retail uses not specified	Three (3.0) spaces per one thousand (1,000) sq. ft. of gross floor area. See <a href="#">Section 5.04</a> for required stacking spaces.
Commercial Outdoor Recreation	1 for each employee on the largest typical shift plus 0.5 spaces for highest guest occupancy, i.e. two (2) for each tennis court accommodating four (4) players
Health Fitness Centers without Swimming Pool	Four (4.0) spaces per one thousand (1,000) sq. ft. of gross floor area
Swimming Pool	One (1.0) space per each three (3) persons of capacity authorized by the County Building Code
Racquetball/Tennis Centers	One (1.0) space per one thousand (1,000) sq. ft. of gross floor area or six (6.0) spaces per court, whichever is greater
4. Offices	

USE	NUMBER OF REQUIRED PARKING SPACES PER UNIT OF MEASURE
Branch Bank, Credit Union or Savings and Loans	Five (5.0) spaces per one thousand (1,000) sq. ft. of gross floor area.  Stacking spaces must be provided per <a href="#">Section 14.57</a> – Drive Through Facilities
General, Business and Professional Office	Three (3.0) spaces per one thousand (1,000) sq. ft. of gross floor area
Medical/Dental Clinic/Office	Four (4.0) spaces per one thousand (1,000) sq. ft. of gross floor area
5. Industrial	
Light Industrial, Manufacturing, testing Labs, Research and Development Centers	One and a half (1.5) spaces per one thousand (1,000) sq. ft. of gross floor area, or  1.2 spaces per employee at peak shift, whichever is less; plus one (1.0) space for each corporate vehicle.
Warehousing	One and a half (1.5) space per each one thousand (1,000) sq. ft. of gross floor area, or one (1.0) space per employee at peak shift, whichever is greater; plus one (1.0) space for each corporate vehicle (separate standard provided for mini-storage)

## Section 5.06 BICYCLE PARKING

- A. **Bicycle Parking Requirements.** Bicycle parking is required for all multiple-family, commercial, retail, office and industrial buildings. One (1) bicycle hoop shall be provided for every twenty (20) parking spaces.
- B. **Form-Based District Requirements.** In the form-based districts, bicycle parking shall be in the locations prescribed in the general design standards and guidelines and also those for each form-based district.

## Section 5.07 BARRIER FREE PARKING REQUIREMENTS

Barrier free parking space(s) shall be located for convenient access to elevators, ramps, walkways, and entrances so that the physically handicapped are not compelled to wheel or walk behind parked cars to reach them. Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or

concrete material constructed to the engineering specifications and standards of the City.

On each site proposed for use, additions, and/or redevelopment, for which the Zoning Ordinance requires submission of a site plan, designated barrier free parking spaces shall be provided in accordance with the following table. The number of barrier free spaces may be increased if needed to comply with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division, or the Americans with Disabilities Act or for which the Planning Commission determines may have a higher demand for such spaces.

Total Spaces	# Required	Total Spaces	# Required
1-25	1	151-200	6
26-50	2	201-300	12
51-75	3	301-400	12
76-100	4	Over 400	12, plus 2 for every 250 or fraction thereof over 400
101-150	5		

Barrier free space(s) shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth, clearly depicted upon the site plan, and clearly indicated by a sign and/or pavement markings. One (1) in every eight (8) barrier free spaces shall have an access aisle fifteen (15) foot wide space for vans and shall be signed “van accessible.”

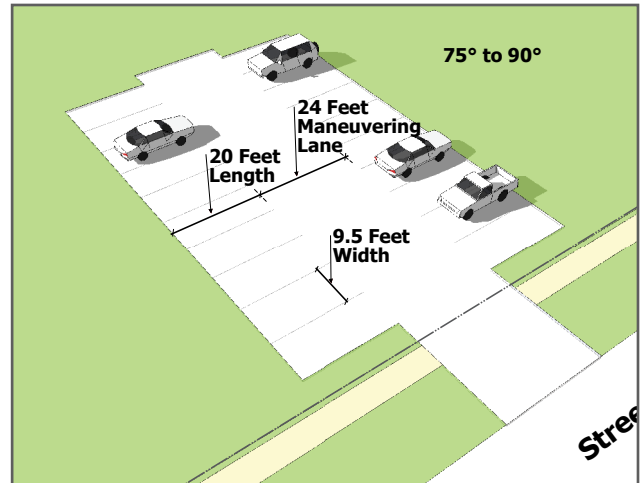
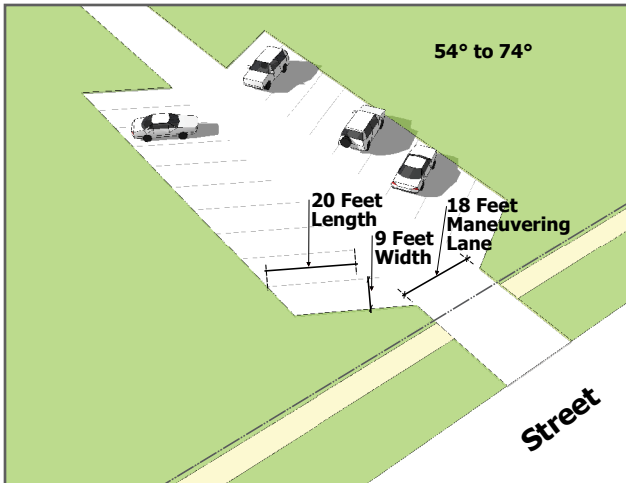
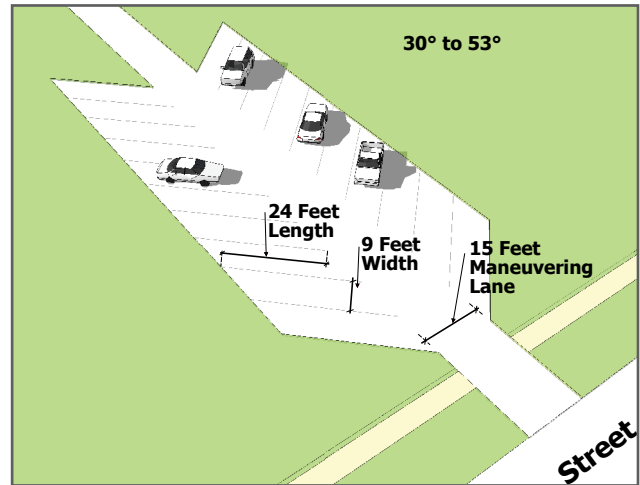
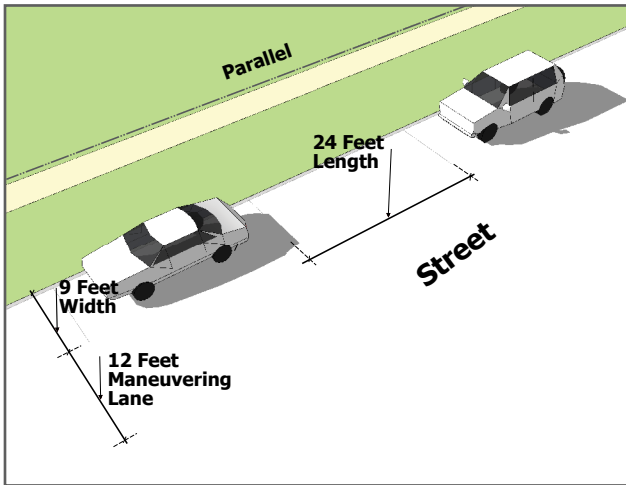
All parking lot surfaces, connecting ramps, and sidewalks shall be constructed in compliance with the Americans with Disabilities Act.

**Section 5.08 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

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

- A. Permit Required.** No parking lot shall be constructed until a permit is issued by the Zoning Administrator. Applications for a permit shall be submitted in a form specified by the Zoning Administrator. Applications shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- B. Concrete Curb And Gutter Required.** Concrete curb and gutter shall be required for all parking lot construction in the City of Dexter, subject to the following requirements:

### Parking Layout Diagrams



1. Concrete curb and gutter shall be constructed to a configuration, dimension, and material which complies with the Michigan Department of Transportation Standard Plan Curb and Gutter and the City of Dexter Engineering Standards, as amended.
2. Proper storm management shall be installed with all roadway and parking lot construction which requires concrete curb and gutter. The storm water runoff from all proposed site development shall be collected and conveyed by means of storm sewers to approved points of discharge. Where an approved point of discharge is not available to a development site as determined by City engineers, such necessary improvements shall be constructed or installed so as to properly and safely dissipate or retain storm water runoff on-site.
3. In RD district, private roadway and parking lots may be constructed without concrete curb except for the approach and the first fifty (50) feet beyond the

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radii of any approach connecting a private drive to a public road. In the absence of concrete curb and gutter, site improvements must be designed, engineered, and constructed in such a manner as to properly and completely collect and convey all on-site storm-water runoff to approved points of discharge.

- C. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<b>Parking Pattern</b>	<b>Maneuvering Lane Width</b>	<b>Parking Space Width</b>	<b>Parking Space Length</b>
0° (Parallel parking)	11 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. Where a parking space is curbed, the following requirements apply:
  - a. The vehicle overhang of the curb may be credited as two feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide.
  - b. The parking spaces must be clearly signed to indicate that backing-in is prohibited.
- D. All spaces shall be provided with adequate access by means of maneuvering lanes. Parking lots shall be designed to prevent vehicles from backing into the road or requiring use of the road for maneuvering between parking rows.
- E. Adequate vehicle ingress and egress to all parking lots shall be provided by clearly defined driveways. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than singlefamily residential use shall be at least twentyfive (25) feet distant from adjacent property located in any One-Family Residential District.
- F. All driveways and parking lots shall have a concrete or asphalt surface in accordance with specifications of the City of Dexter. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued.
- G. See [Article VI](#) for required parking lot screening and internal landscaping.
- H. Off-street parking areas shall be drained to prevent surface flow into adjacent property or toward buildings.
- I. All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located, and/or shielded to prevent spill over onto adjacent



properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public roadways. All lighting shall be shoebox fixtures with no recessed lighting. (See [Section 3.11](#), Exterior Lighting.)

- J. Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

## **Section 5.09 OFF-STREET LOADING AND UNLOADING**

On premise space for standing, loading, and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- A. The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles or traffic flow or public roads.
- B. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping as described in [Article VI](#), Landscape Standards.
- C. Loading/unloading areas or docks shall not be provided in the front yard or on any building side directly visible to a public road.
- D. Office, professional services, retail, or other non-industrial uses may provide a loading space in a “pull-off” loading area located adjacent to an interior access drive not directly visible to a public road.
- E. All required loading and unloading spaces 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.
- F. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable, and dustless surface.
- G. All loading and unloading in the I-1 and RD Districts shall be provided off-street in the rear yard or interior side yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.
- H. Required loading areas shall not be included in calculations for off-street parking space requirements.
- I. The minimum number of loading spaces provided shall be in accordance with the following table:

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<b>Use and Gross Floor Area</b>	<b>Number of Required Loading Spaces</b>
<i>Institutional, Commercial and Office Use</i>	
Up to 5,000 sq. ft.	1
5,001 to 60,000 sq. ft.	1 plus 1 per each additional 20,000 sq. ft. of gross floor area
60,001 sq. ft. and over	3 plus 1 per each additional 50,000 sq. ft. of gross floor area
<i>Industrial &amp; Research Uses</i>	
Up to 1,400 sq. ft.	0
1,401 to 20,000 sq. ft.	1
20,001 to 100,000 sq. ft.	1 plus 1 per each additional 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.
100,001 sq. ft. and over	5

**J. Planning Commission Deviations.** The Planning Commission may permit deviations from the requirements of [Section 5.09](#) and may require more, allow for less, or waive off-road loading and unloading requirements whenever it finds that such changes are more likely to provide a sufficient number of off-road loading and unloading spaces, or that no loading space is required to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation to the requirements of [Section 5.09](#) that bind such approval of the specific use in question. Where a deviation results in a reduction or complete waiver of off-road loading and unloading spaces, the Planning Commission may further impose conditions, which ensure that adequate reserve area (land banking), is set aside for future off-road loading and unloading spaces, if needed in the future.

**K. Deviations by the Zoning Administrator.** For developments qualifying for administrative review by the Zoning Administrator under [Section 21.03](#), the Zoning Administrator from the requirements of [Section 5.09](#) and may require more, allow for less, or allow less parking whenever they find that such deviation a sufficient number of off-road loading and unloading spaces, or that no loading space is required to accommodate the specific characteristics of the use in question. The Zoning Administrator may refer the matter to the Planning Commission, if desired.

The Zoning Administrator may attach conditions to the approval of a deviation to the requirements of [Section 5.09](#) that bind such approval of the specific use in question. Any conditions that require applicant to set aside area for future off-road loading and unloading spaces (land banking) to be constructed as needed, shall be referred to the Planning Commission for their approval.

## **Section 5.10 RESTRICTIONS OF THE USE OF PARKING LOTS**

- A.** Parking and/or storage of recreational vehicles or recreational equipment shall meet the standards listed in the Section 3.10.
- B.** Parking or outdoor storage of commercial vehicles greater than one (1) ton, semitrucks and trailers, mobile homes, tractors, earthmoving equipment, and similar vehicles shall be prohibited from residential districts unless associated with approved construction on the site.
- C.** Parking of commercial vehicles over one (1) ton for a period exceeding 24 hours shall be prohibited in the Village Commercial and Central Business District and prohibited in the front yard in the General Business, Village Residential and One Family Residential Districts.
- D.** The parking of vehicles advertised for sale on land not leased or owned by the owner of the vehicle for over twenty-four (24) hours shall be restricted to permitted automobile sales establishments.
- E.** The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

## **Section 5.11 ACCESS MANAGEMENT**

### **A. Statement of Purpose**

The purpose of this Section is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the road system; while providing property owners with reasonable, though not always direct, access.

### **B. Applicability**

- 1. The standards in this Section shall apply to commercial driveways on roads in the Central Business District (CBD), Village Commercial (VC), Dexter-Ann Arbor Road (ARC), Baker Road Corridor (BRC), Limited Industrial (I-1), Research and Development (R-C), and Public Facilities (PF) Zoning Districts.
- 2. For the purposes of this Section, a commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units or serving an essential public service structure solely.
- 3. Village Streets in the form-based districts and all roads in the One-Family and Multiple-Family Zoning Districts are exempt from this Section.

Entrances to any developments in the Mobile Home Park Residential District are commercial driveway and subject to this Section.

4. The access standards contained herein shall be required in addition to, and where permissible shall supersede the requirements of the Washtenaw Road Commissioner.

**C. Number of Commercial Driveways in the CBD Zoning District**

Commercial driveways in the Central Business District Zoning District shall be subject to the following requirements:

1. **Downtown A Streets.** No new curb cuts established after the date of this Ordinance shall be allowed on Downtown A roads. All access shall be from existing curb cuts, alleys, and easements.
2. **Downtown B Streets.** No new mid-block curb cuts established after the date of this Ordinance are permitted on Downtown B roads. Access changes are permitted where drives can be consolidated, or repositioned for sharing or improved safety, or when more on-road parking can be provided, subject to the provisions in this Section.
3. **Corridor Streets.** No new curb cuts for commercial driveways shall be allowed, except to allow access to Type A property where alley access is not available or feasible.

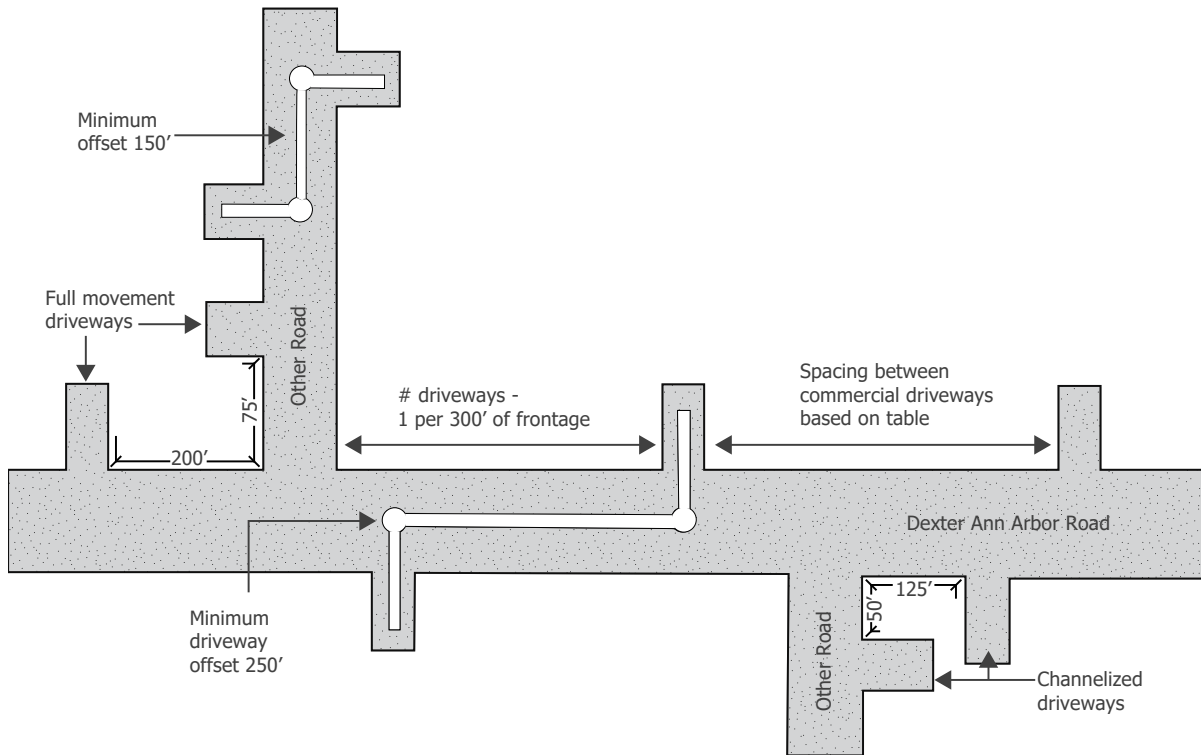
**D. Number of Commercial Driveways in the VC Zoning District**

1. **Corridor Streets.** No new mid-block curb cuts established after the date of this Ordinance are permitted on Corridor roads. Curb cuts may be permitted in cases where drives can be consolidated or repositioned for sharing or improved safety, or when more on-road parking can be provided, subject to the provisions in this Section.
2. **Village Streets.** No new curb cuts for commercial driveways shall be allowed, except to allow access to Type A property where alley access is not available or feasible.

**E. Standards for the Number of Commercial Driveways for ARC, BRC, I-1, R-D, and PF Zoning Districts**

The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible

### Driveway Spacing Diagram



to provide shared access, this access may be by a single commercial driveway. Additional commercial driveways may be permitted at the discretion of the Planning Commission only under one of the following circumstances:

1. One (1) additional commercial driveway may be allowed for properties with a continuous frontage of over three hundred (300) feet, and one (1) additional driveway for each additional three hundred (300) feet of frontage.
2. Two (2) one-way commercial driveways may be permitted along a frontage of at least one hundred twenty-five (125) feet, provided the driveways do not interfere with operations at other driveways or along the road.
3. Additional commercial driveways may be permitted if justified due to the amount of traffic generated by the use without compromising traffic operations along the public road, based upon a traffic impact study submitted by the applicant.

#### F. General Standards for Driveway Location

1. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade to be determined at engineering review.

2. Driveways, including the radii or tapered approach but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the City Engineer and upon written certification (such as an easement) from the adjacent property owner agreeing to such encroachment.

**G. Driveway Spacing Standards**

1. Between driveways: The minimum spacing between two (2) commercial driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacing's indicated below are measured from centerline to centerline of the driveway.

<b>Posted Speed Limit (MPH)</b>	<b>Minimum Driveway Spacing (In Feet)</b>
25	125
30	155
35	185

2. For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, or construction of a driveway along the property line farthest from the intersection.
3. Offsets: To reduce left-turn conflicts, new commercial driveways should be aligned with driveways or roads on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along Dexter-Ann Arbor Road and one hundred fifty (150) feet along other roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.
4. Spacing from intersections: Minimum spacing requirements between a proposed full movement or channelized commercial driveway and an intersection either adjacent or on the opposite side of the road may be set on a case-by-case basis by the Planning Commission during site plan review. In no instance shall the spacing distance be less than the distances listed in the following table. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the road, to the near lane edge of the intersecting road or pavement edge for uncurbed Sections. For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, or construction of a

driveway along the property line farthest from the intersection.

<b>MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS</b>		
<b>Location of Driveway</b>	<b>Minimum Spacing for a Full Movement Driveway</b>	<b>Minimum Spacing for a Channelized Driveway Restricting Left Turns</b>
Along Dexter-Ann Arbor Road	200 feet	125 feet
Along other Roads	75 feet	50 feet

**H. Commercial Driveway Design**

1. All commercial driveways shall be designed according to the City of Dexter Engineering Standards or Washtenaw County Road Commission, as appropriate.
2. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two (2) clearly marked egress lanes.
3. Where a boulevard entrance is desired by the applicant or Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one-hundred-eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions.
4. All commercial driveways shall provide an unobstructed clear vision of ten (10) feet in a triangular area measured ten (10) feet back from the point of intersection of the driveway edge and the road right-of-way.
5. The edge of commercial driveways shall be setback at least four (4) feet from the side or rear property line. This setback is intended to help control storm water runoff, and permit snow storage on site, and provide adequate area for any necessary on-site landscaping.

**I. Shared Driveways and Service Drives**

The use of shared driveways and service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that reducing the number

of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side road, a shared driveway or service road connecting two (2) or more properties or uses may be required in the following cases:

1. Where the driveway spacing standards of this Section cannot be met.
2. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
3. Where there is congestion or a relatively high number of accidents.
4. Where the property frontage has limited sight distance.
5. Where the fire department recommends a second means of emergency access.
6. Where the access is serving properties within the same zoning district, or the uses are determined by the Planning Commission to be compatible such as commercial to professional business uses or single-family to multiple-family development.
7. Where an access agreement between all property owners involved is provided to the City for review.

#### J. Service Road Design Standards

1. **Location:** Service roads shall generally be parallel or perpendicular to the rear property line and may be located either, adjacent to, or behind, principal buildings and shall not be permitted in front of the principal building. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
2. **Access Easement:** The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty (60) feet wide. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
3. **Construction and Materials:** Service roads shall have a base, pavement, and curb with gutter in accordance with the City Engineering Standards for public roads, except the width of the service road shall have a minimum pavement width of eighteen (18) feet face-to-face of curb.
4. **Parking:** The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require



the posting of “no parking” signs along the service road. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

5. **Access to Service Road:** The Planning Commission shall approve the location of all accesses to the service road, based on the driveway spacing standards of this Section.
6. **Temporary Access:** The Planning Commission may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Occupancy permits shall not be issued until monies have been deposited with the City of Dexter.
7. **Elevation:** The site plan shall indicate the proposed elevation of the service road at the right-of-way line and the City shall maintain a record of all service road elevations so that their grades can be coordinated.
8. **Maintenance:** Each property owner shall be responsible for maintenance of the easement and service drive. The required easement agreement shall state the responsibilities of the property owner(s).

#### **K. Modification of Standards for Expansion or Redevelopment of Existing Sites**

For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this Section is unreasonable, the standards shall be applied to the maximum extent possible. For developments qualifying for administrative review by the Zoning Administrator under [Section 21.03](#), the Zoning Administrator may make the same findings and have the power to make modifications. In these situations, suitable alternatives which substantially achieve the purpose of this Section may be accepted by the Planning Commission or the Zoning Administrator, provided that the applicant demonstrates all of the following apply:

1. Size of the parcel is insufficient to meet the dimensional standards.
2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

3. The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent road, based on rates developed by the Trip Generation Institute of Transportation Engineers.
4. There is no other reasonable means of access.

**L. Modification of Standards for New Development**

The Planning Commission shall have the authority to modify the standards of this Section for new development upon consideration of the following:

1. The standards of this Section would prevent reasonable access to the site.
2. Access via a shared driveway or service road is not possible due to the presence of existing buildings or topographic conditions.
3. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
4. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
5. The proposed location and design are supported by the City Engineer as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.
6. The modification shall be of the minimum amount necessary, but in no case shall spacing to another full-access driveway be less than sixty (60) feet, measured centerline to centerline.
7. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.
8. Where installation of additional impervious surface and subsequent additional stormwater cannot be properly managed or justified based on the overall plan and purpose of the additional drive.

## Section 5.12 DRIVEWAYS IN RESIDENTIAL ZONING DISTRICTS

### A. Statement of Purpose

The purpose of this Section is to provide standards for driveways on parcels in the which will ensure public safety along roadways, and protect the public investment in the road system; while providing property owners with reasonable, though not always direct, access.

### B. Applicability

The standards in this Section shall apply to commercial driveways on roads in the One-Family Residential District (R-1), Multiple-Family Residential District (MF), Village Residential 1 District (VR-1), and Village Residential 2 District (VR-) Zoning Districts.

#### 1. Driveway Definitions

For the purposes of this Section, driveways are defined as follows:

- a. Commercial Driveway: A commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units or serving an essential public service structure solely.
- b. Residential Driveway: A residential driveway is defined as any vehicular access serving one (1) or two (2) dwelling units.

### C. Commercial Driveways in Residential Districts

All commercial driveways in the Residential Districts are subject to the provisions in [Section 5.11](#), sub-sections F and H and may be eligible for modifications based on the circumstances and standards in [Section 5.11](#), sub-sections K and L.

Commercial Driveways are subject to the following regulations based on zoning district and street types:

1. All commercial driveways in the R-1 and MF Zoning Districts are subject to the requirements of [Section 5.11](#), sub-sections E and G.
2. All commercial driveways in the VR-1 and VR-2 Zoning Districts are subject to the requirements of [Section 5.11](#), sub-section D.

### D. Residential Driveways

All residential driveways in the R-1, MF, VR-1 and VR-2 Zoning Districts are subject to the following regulations:

1. **Minimum Setback from Side Lot Lines:** All residential driveways must have a minimum setback of two (2) feet from the side lot line.
2. **Number of Residential Driveways:** A maximum of one (1) residential driveway per dwelling unit.

## Section 5.13 PEDESTRIAN ACCESS

- A. Intent:** This Section is intended to provide safe, direct, and convenient pedestrian facilities between all buildings or structures, public roads and sidewalks, and parking. Pedestrian access is important for the overall function, activity level, and comfort of all users.
- B. Where required:** This Section applies to all developments requiring site plan approval, except for developments located in the RD District where sidewalks are not required.
- C. General standards:** The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians, and transit throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, road crossings, visual interest, and security as defined by the standards in this Section.
- D. On-site design standards:** To the maximum extent feasible, pedestrian access shall be accommodated in the following manner:
  - 1. Minimizing pedestrian/vehicular conflicts.** Physical separation of pedestrian and vehicular access shall be considered the most effective means of avoiding conflicts and unsafe conditions. Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety islands, landscaping, lighting, or other traffic calming measures to clearly delineate pedestrian areas for both day and night use.
  - 2. Multi-use paths.** Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclists share walkways, the following design standards shall apply:
    - a. A minimum width of ten (10) feet shall be required.
    - b. Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.

- c. The pathway shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines and applicable City of Dexter Engineering Standards.
  - d. New, reconstructed, or replacement paths shall be aligned with existing or proposed paths.
  - e. If existing infrastructure, natural impediments, topography, or mature trees would make construction of a multi-use path impractical and the City Engineer concurs in such a determination, the Owner shall be required to provide the path in an alternative on-site route which adequately provides a proper connection to the City's existing non-motorized transportation system.
3. **Curb cuts and ramps.** Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists, and for people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Michigan Barrier-Free Code and the Americans With Disabilities Act and, to the extent possible, shall avoid crossing or funneling pedestrian traffic through loading areas, drive-through lanes, and outdoor trash storage/collection areas.
4. **Sidewalks.** All sidewalks shall meet the following design standards:
- a. **Width.** Sidewalks shall have a minimum clear width of six (6) feet and shall be constructed in accordance with the City of Dexter Engineering Standards.
  - b. **Within the site.** Sidewalks within the site shall:
    - i. Be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination. Such sidewalks shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
    - ii. Connecting sidewalks shall either be grade separated from the parking lot or clearly delineated so as to avoid pedestrian/vehicular conflicts, with a paved surface not less than six (6) feet in width.
    - iii. Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such

measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping, and other traffic calming techniques.

- c. **Off-site design standards:** Sidewalks located along or within road rights-of-way shall meet the following design standards.
    - i. Sidewalks shall be installed along all road frontages per the City of Dexter Engineering Standards.
    - ii. New, reconstructed, or replacement sidewalks shall be aligned with existing or proposed paths.
    - iii. If existing infrastructure, natural impediments, topography or mature trees would make construction of a sidewalk impractical and the City Engineer concurs in such a determination, the Owner shall be required to provide the sidewalk in an alternative on-site route which adequately provides a proper connection to the City's existing non-motorized transportation system.
5. **Waivers:** The Planning Commission may make waive the requirements of this Section for areas not already served by sidewalks or if the installation of sidewalks would serve no public benefit.

## Article VI

# LANDSCAPING STANDARDS

### Section 6.01 INTENT

The intent of this Article is to establish minimum standards for the design, installation, and maintenance of landscaping along public roads, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this Article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscape standards of this Article are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design based on the specific conditions of the site or environment. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of the project site.

### Section 6.02 APPLICABILITY OF REGULATIONS

All buildings, structures and uses requiring site plan review under [Section 21.02](#) shall be brought into full compliance with the landscape standards in this Article, except for the situations on existing sites listed below:

- A. The area of the building is proposed to be increased less than ten percent (10%) of the originally approved site plan;
- B. The area of parking is proposed to be increased less than ten percent (10%) of the originally approved site plan; and
- C. The use is being changed to a less intensive use as determined by the Zoning Administrator.

### Section 6.03 LANDSCAPE PLAN REQUIRED

Landscaping shall be illustrated on any site plan reviewed by the City. The landscape plan shall include the information required for landscape plans in [Table 21.08 A-1](#), Preliminary Site Plan and Final Site Plan Submittal Requirements and meet the following requirements:

- A. **Tree Inventory.** A Tree Inventory is required as a component of the preliminary site plan submission as set forth in [Article XXI](#).
  - 1. Tree Inventory shall contain the following:
    - a. Location of all deciduous trees over eight (8) inches in DBH and evergreen trees six (6) feet or greater in height.

- b. Common and botanical names of all identified trees, their size in inches at their DBH, tag number, and a description of each tree's health.
  - c. Indication of all trees to be removed.
  - d. Indication of all trees to be preserved.
2. A Tree Inventory must be prepared by either a certified forester, ISA certified arborist, or Licenced Landscape Architect.
  3. All trees must be tagged on-site with numbered identification that corresponds to the Tree Inventory submitted.
- B. **Tree Protection Plan.** If trees are proposed to be preserved on-site, a tree protection plan, meeting all requirements of [Section 6.16](#) Tree Protection During Construction, must be a component of the landscape plan.
- C. **Landscape Architect Seal.** All landscape plans required for mixed-use, commercial, industrial, office, mobile home park developments, multiple family developments and single-family developments of over three (3) single-family units, submitted to the City of Dexter for review and approval, must be prepared and signed by a State of Michigan licensed landscape architect.

## Section 6.04 GENERAL LAYOUT AND DESIGN STANDARDS

All landscaping must meet the general layout and design standards in this Section:

- A. **Minimum Plant Material Standards:** All proposed landscaping shall meet the minimum following plant standards at the time of installation.

TYPE	MINIMUM SIZE
Deciduous Canopy Tree	3.0" caliper
Deciduous Ornamental Tree	2.0" caliper
Evergreen Tree	8' height
Deciduous Shrub	2' height
Upright Evergreen Shrub	4' height
Spreading Evergreen Shrub	18" – 24" spread

- B. **Percentage of Genus and Species:** To ensure diversity in species throughout the City, the following maximums apply for proposed landscaping on a site:
1. No more than twenty-five percent (25%) of any one (1) genus.
  2. No more than ten percent (10%) of any one (1) species per site plan.



- C. Trees Not Permitted:** Trees with the following characteristics are undesirable: weak wooded, invasive species, or species with a known vulnerability to a specific pest or pathogen. The tree species listed in the table below are not permitted, except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures:

SCIENTIFIC NAME	COMMON NAME/CULTIVARS
<i>Acer negundo</i>	Box Elders
<i>Acer platanoides, saccharinum</i>	Maples (Norway, Silver)
<i>Aesculus hippocastanum</i>	Horse Chestnut (nut bearing)
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus glutinosa</i>	Black alder
<i>Broussonetia papyrifera</i>	Paper mulberry
<i>Catalpa</i> (all)	Catalpa Wayfaring Tree
<i>Eleagnus angustifolia, umbellata</i>	Russian olive, Autumn olive
<i>Ginkgo biloba</i> , female only	Female Ginkgo (male specimens acceptable)
<i>Fraxinus</i> (all)	Ash (all varieties)
<i>Juglans nigra</i>	Black Walnut
<i>Lonicera japonica, maackii, tatarica</i>	Honeysuckle (Amur, Japanese, Tatarian)
<i>Morus abla</i>	White mulberry
<i>Populus alba, deltoides, nigra</i>	Poplars/Cottonwood (White, Silver, Black poplar, Quaking aspen)
<i>Pyrus calleryana</i>	Bradford/Callery Pear
<i>Rhamnus cathartica, frangula</i>	Common/Glossy Buckthorn
<i>Robinina pseudoacacia</i>	Black Locust
<i>Rosa multiflora</i>	Multiflora rose
<i>Salix</i> (all)	Willows
<i>Syringa reticulata</i>	Japanese tree lilac
<i>Ulmus americana</i>	American elm (note: disease resistant cultivars are acceptable)
<i>Ulmus pumila</i>	Elms (Siberian)

- D. Water Supply or Irrigation.** All landscaped areas shall be provided with irrigation, or a readily available and acceptable water supply or with at least one (1) outlet located within one hundred (100) feet of all plant material to be maintained.

- E. Sight Visibility.** Landscaping shall be installed so that at maturity it does not obscure traffic signs or lights, obstruct vision for safety of ingress or egress, or interfere with adequate motorist sight distance. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, and adequate clearance for pedestrians and vehicles.
- F. Fire Hydrant Access.** Landscaping materials and arrangement shall be installed so that at maturity it does not obstruct accessibility to fire hydrants. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.
- G. Drainage.** Landscape plantings shall not obscure drainage patterns on site or on adjacent properties.
- H. Distance for Trees from Underground Utilities.** Required trees shall be located a minimum of six (6) feet from underground utilities.
- I. Distance for Trees from Curb or Pavement.** Required trees shall be located a minimum of three (3) feet from any curb or pavement surface.
- J. Berm Standards.** Berms shall be constructed with slopes no greater than one (1) foot vertical for each four (4) feet horizontal and with at least a three (3) foot wide generally flat top, round top, or contoured top. Adequate protection against wind erosion shall be provided. Berms shall be designed and constructed to appear as a natural feature in the landscape and the vicinity. Uniform heights and shapes should be avoided. If a slope greater than one (1) (vertical) on four (4) (horizontal) is necessary, the surface shall be planted with ground covers that are suitable for stabilizing surfaces. Hydroseed or seed are not acceptable.
- K. Grasses, Sod, Seed, and Hydroseed.** The following common perennial turf grasses may be planted on any site. Species listed below were selected for their ability to withstand the Michigan climate:

  - 1. Kentucky bluegrass
  - 2. Fine-leaved fescue
  - 3. Perennial ryegrass

## **Section 6.05 TREE PRESERVATION**

- A. Purpose.** The standards below are intended to encourage the preservation of existing mature, healthy trees which contribute to the character, welfare, and quality of life in Dexter. These standards are intended to prevent the unnecessary removal of trees prior to, during, and following construction of a site. The standards of this Section in conjunction with the standards for site plan review promote the goals of the City of Dexter Master Plan.

**B. Landmark Tree Preservation.** Landmark Trees should not be removed for development. Site design should consider any Landmark Tree on a site as an important design element.

A landmark tree is defined as a woody plant, in a healthy, live condition (has a health and condition standard factor of over fifty percent (50%) based on standards established by the International Society of Arboriculture).

The following species that meet the minimum size (DBH) requirement are considered landmark trees. All other species, except invasive species and species listed as trees not permitted in [Section 6.04.C](#), with a DBH twenty-four (24") inches or greater, are considered landmark trees.

Common Name	Botanical Name	Size
Basswood	<i>Tilia</i>	18"
Beech, American	<i>Fagus grandifolia</i>	18"
Black Cherry	<i>Prunus serotina</i>	18"
Black Walnut	<i>Juglans nigra</i>	18"
Buckeye, Ohio	<i>Aesculus glabra</i>	18"
Douglas Fir	<i>Pseudotsuga menziesii</i>	18"
Fir	<i>Abies</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
London Planetree/American Sycamore	<i>Platanus</i>	18"
Pine (All species)	<i>Pinus</i>	18"
Spruce	<i>Picea</i>	18"
Tulip Poplar	<i>Liriodendron tulipifera</i>	18"
Hickory	<i>Carya</i>	16"
Honey Locust	<i>Gleditsia tricanthos</i>	16"
Maple (Red)	<i>Acer rubrum</i>	16"
Maple (Sugar)	<i>Acer saccharum</i>	16"
Oak (All species)	<i>Quercus</i>	16"
Arborvitae	<i>Thuja</i>	12"
Bald Cypress	<i>Taxodium distichum</i>	12"

**Zoning Ordinance**

<b>Common Name</b>	<b>Botanical Name</b>	<b>Size</b>
Birch	<i>Betula spp.</i>	12"
Black Tupelo	<i>Nyssa sylvatica</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple	<i>Malus spp.</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroiboides</i>	12"
Ginkgo	<i>Ginkgo</i>	12"
Hackberry	<i>Celtis occidentalis</i>	18"
Hawthorn	<i>Crataegus spp.</i>	12"
Hemlock	<i>Tsuga</i>	12"
Larch/Tamarack	<i>Larix</i>	12"
Magnolia	<i>Magnolia</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweetgum	<i>Liquidamber styraciflua</i>	12"
Yellow Wood	<i>Cladrastis lutea</i>	12"
Blue-Beech/Hornbeam	<i>Carpinus caroliniana</i>	8"
Butternut	<i>Juglans cinera</i>	8"
Cedar of Lebanon	<i>Cedrus spp.</i>	8"
Chestnut	<i>Castanea</i>	8"
Dogwood, Flowering	<i>Cornus florida</i>	8"
Hop-Hornbeam/Ironwood	<i>Ostrya virginiana</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
Paw	<i>Asimina triloba</i>	8"
Redbud	<i>Cercis canadensis</i>	8"
Serviceberry	<i>Amelanchier</i>	8"

**C. Tree Preservation Techniques.** Trees shall be preserved to the greatest extent practicable through the use of site development techniques including but not limited to the following:

1. Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.
2. Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building work.
3. Use retaining walls and other techniques to minimize grade changes near trees.
4. Maintain trees along the perimeter of sites to provide buffer.
5. Maintain grades and moisture conditions within the Critical Root Zone (CRZ) of trees. Many of the native hardwood trees, such as oaks, hickories, maples, beeches, and most old trees, do not adapt to environmental changes brought about by construction. Grading changes should not occur within the CRZ of a tree. In addition, grading on a site should neither increase nor decrease moisture conditions within a tree's CRZ. The area of concern around an important tree may be significantly larger than the CRZ. The drip line of the tree shall be used for comparison, and if larger than the CRZ, the dripline should be used to determine how best to protect an important tree.
6. Locate utility lines away from trees to be retained. If this is not possible, install utility lines through bored tunnels instead of trenches.
7. Conduct any necessary excavation around trees by hand.
8. Upon reasonable notice to the property owner and/or Applicant, the City shall have the right to periodically inspect the site during site plan review, land clearing, and/or construction to ensure compliance.

**D. Preserved Trees May Satisfy Landscaping Requirements.** Existing trees proposed for preservation may be used to satisfy the requirements of this Article if all the following circumstances are met:

1. The tree preservation plan meets all requirements of [Section 6.16](#) Tree Protection During Construction.
2. If existing plant material is labeled "To Remain" on site plans by the applicant or retention is required by the City, protective techniques in [Section 6.16](#) Tree Protection During Construction are followed.
3. In the event that healthy trees which are used to meet the minimum requirements of this chapter or those labeled "To Remain" are cut down,

destroyed, damaged, or excavated within the CRZ, as determined by the City, the applicant shall replace them or provide an equivalent amount plus a ten percent (10%) administrative fee for later replacement. Replacement trees will either be equivalent in size to the tree(s) removed, if possible, or the applicant will replace the total DBH of the tree(s) which have been removed. The performance guarantee may be used by the City to replace such materials.

- E. Site Plan Approval and Enforcement.** Tree protection and mitigation as approved by the Planning Commission is a condition of Site Plan approval and enforced as such.

## **Section 6.06 TREE REPLACEMENT STANDARDS**

The standards below are intended to encourage the preservation of existing mature, healthy trees on private property which contribute to the character, welfare, and quality of life in Dexter. These standards are intended to prevent the unnecessary removal of trees prior to, during, and following construction on a site. The standards of this Section in conjunction with the standards for site plan review promote the goals of the Dexter Master Plan.

- A. Tree Replacement.** All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table, except for the exemptions in item B of this Section. The Planning Commission may allow replacement trees to satisfy up to fifty percent (50%) of landscaping requirements in this Article.

<b>D.B.H.* of Removed Tree</b>	<b>Number of Trees Required to Be Planted</b>
Landmark Trees	1:1 replacement of the D.B.H. of the Landmark Tree with trees of at least 2.5" caliper
23.9" or larger (non-native)	Four (4) trees of at least 2.5" caliper
12" - 23.9"	Three (3) trees of at least 2.5" caliper
8" - 11.9"	Two (2) trees of at least 2.5" caliper

\* **D.B.H.** is the diameter measured at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

The Planning Commission may not require tree preservation when trees are in proposed building envelopes, essential services, sidewalks, paths driveways or streets, but may require tree replacement.

- B. Exemptions from Replacement.** The following shall be exempt from the requirements of these Tree Replacement as set forth in [Section 6.06.A](#):

1. Parcels of land that are not subject to site plan review.

2. Tree trimming and removal necessary to the operation of essential service facilities of a municipal or other governmental department or agency or public utility franchised to operate in the City.
3. Tree clearing within an existing public road right-of-way or an existing private road easement.
4. The removal of any tree which is demonstrated by the property owner to the Zoning Administrator or designee's satisfaction to have a health and condition standard factor of less than fifty percent (50%) percent based upon the standards established by the International Society of Arboriculture.
5. Trees that are considered invasive by the International Society of Arboriculture.
6. Removal of trees that have become a potential danger to human life or property.

**C. Clearance of Twenty-five percent (25%) or more of Existing Trees.** Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch diameter at breast height (D.B.H.) or greater on a site, as determined by the Planning Commission, shall first notify the City of the intent of such clearing and/or earth change and submit a proposed plan describing the site's features for review and approval by the Planning Commission.

This sub-section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may waive the (D.B.H.) standard for select clearing of lower quality and non-native species including, but not limited to box elders, elms, poplars, willows, and cottonwoods.

**D. Tree Replacement Off-Site as Last Option.** Every effort should be made to relocate or mitigate trees on site. Off-site mitigation or contribution to the City's Tree Replacement Program shall only be allowed after the applicant has demonstrated that on site mitigation is not practical or feasible.

The requirement for on-site mitigation may be altered or waived by the Planning Commission is the proposal meets the following criteria:

1. The proposal meets all other ordinance requirements.
2. The applicant can clearly demonstrate that there is inadequate planting area for the healthy installation of the required trees on site and that maximum effort has been put into locating as many of the required trees as possible.
3. The applicant has made every reasonable effort to preserve as many of the

existing on-site trees as possible.

4. The proposal demonstrates environmental sensitive design in terms of topography, stormwater management, soil erosion management, etc.

Should the proposal meet the above criteria, the Planning Commission may reduce the requirement for on-site mitigation of replacement trees and permit mitigation off site at an approved location or by contribution to the City's Tree Replacement Program. Off-site mitigation or financial contribution shall only apply if the Planning Commission should determine that no practical or feasible alternative exists for on-site mitigation. Payment to the program per tree removed shall be in accordance with replacement fee schedule as established by City Council resolution. Contributions placed in the Tree Replacement Program shall be used in accordance with the Tree Replacement Program Policy Statement.

## **Section 6.07 REQUIRED STREET TREE GREENBELT PLANTING**

Street trees are required between the sidewalk and the curb in a residential subdivision or other development with frontage on a public road meeting the following regulations:

1. **Street Trees.** One (1) road tree is required at a minimum of every twenty-five (25) lineal feet or a maximum of every forty (40) lineal feet on center, depending on the shape (i.e. columnar, oval, etc.). In form-based districts, the minimum distance and spacing of road trees is determined by building form. Placement of road trees on cul-de-sacs shall be reviewed as part of site plan approval. All road trees shall be uniformly spaced to create a tree lined road.
2. **Placement and Utilities.** Street trees shall not be planted within six (6) feet of water or sewer lines and shall not interfere with overhead utility lines or underground utilities. Consideration should be given to the mature size and height of the tree when evaluating placement and species selection near utilities, both underground and overhead.
3. **Required Species.** Street trees must be deciduous trees. Non-deciduous conifers/evergreens are not permitted to be used as road trees since they interfere with visibility, pedestrian safety, and vehicular circulation.
4. **Recommended Species.** Native species are generally preferred. Canopy trees are preferred for road trees, but ornamental trees may be allowed under overhead utility lines.

## **Section 6.08 REQUIRED PARKING LOT SCREENING**

- A. **Required Parking Lot Screening From Public Streets.** Parking lots which abut a public road in all form-based districts shall be in compliance with the parking screening of adjacent road right-of way for the applicable building form. For all parking lots in use-based districts, the following landscape screen shall be provided:



Minimum Buffer Width (in feet)	Minimum Landscaping Requirements – per Sections 6.02, 6.09 and 6.11
Ten (10)	<p>One (1) evergreen tree per <a href="#">Section 6.11</a> for every twenty (20') foot of lineal frontage AND Four (4) two (2) foot shrubs every twenty (20) lineal feet of frontage*</p> <p>*Shrubs shall not be required if an opaque wall or fence having a minimum height of three (3) feet is erected. The Planning Commission or Zoning Administrator, when administrative review is allowed under <a href="#">Section 21.03</a>, for may allow one (1) evergreen tree to be substituted for every (4) shrubs.</p>

## Section 6.09 PARKING LOT LANDSCAPING

Within every parking area containing at least three thousand (3,000) square feet of pavement or twenty-five (25) parking spaces (whichever is less), at least three percent (3%) of the total parking lot area shall be landscaped in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- A. Layout.** Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct safe and efficient traffic flow within the lot. A minimum of one (1) tree shall be planted and included in each landscaping island or required landscaping area pursuant to the calculations of this Section. Landscaping areas shall be covered by grass, other living groundcover or wood mulch.
- B. Parking Lot Island Standards.** All parking lot islands shall comply with the following standards:
  1. All parking lot islands shall be curbed.
  2. Dimensions of islands shall be shown on the site plan and comply with the minimum dimensions in the table below:

DIMENSION	MINIMUM
Width	Ten (10) feet
Radii at ends facing main aisles	Ten (10) feet
Radii not adjacent to main aisles	One (1) foot
Length	Two (2) feet shorter than adjacent parking space

- D. Interior Parking Lot Landscaping.** Interior parking lot landscaping shall be provided in accordance with the following table:

NUMBER OF SPACES	MINIMUM LANDSCAPING
25-100	One (1) canopy/deciduous tree and one hundred (100) s.f. of landscaped area per ten (10) spaces, rounded upward
101-200	One (1) canopy/deciduous tree and one hundred (100) s.f. of landscaped area per twelve (12) spaces, rounded upward
201+	One (1) canopy/deciduous tree and one hundred (100) s.f. of landscaped area per fifteen (15) spaces, rounded upward

Canopy/deciduous trees shall be planted in parking lot islands per the options shown in Figure 6.2.

## Section 6.10 ON-SITE LANDSCAPING

For every new development, except in the One Family Residential, Mobile Home Park Residential, Village Commercial and Central Business Districts there shall be on-site landscaping areas exclusive of any other required landscaping. All on-site landscaping shall conform to the following:

- A. Minimum Area.** On-site landscaping shall be at least five percent (5%) of the total lot area.
- B. Location.** On-site landscaping shall be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. Internal landscaping shall be located and designed to direct traffic flow, particularly near site entrances. Additional landscaping shall be dispersed throughout the site to define vehicular circulation, improve site aesthetics, and provide shade.
- C. Ground Cover.** On-site landscaping areas shall contain grass, ground cover, three (3) inch-deep shredded-bark mulch, or three (3) inch-deep stone mulch. It shall be curbed or edged as necessary.
- D. Minimum Landscaping.** For multiple Family Residential projects, a minimum of one (1) deciduous tree (minimum two and a half (2.5") -inch caliper) or evergreen tree (minimum six (6') foot high) for every one thousand (1,000) square feet of open space on the development site is required. Trees in any required screen may be counted.

For all other development where on-site landscaping is required, the minimum landscaping in the table below is required:

LANDSCAPING	MINIMUM
Canopy tree, ornamental tree, or evergreen tree	One (1) per every four hundred (400) sq. ft. of required interior landscaping area
Deciduous shrub, upright evergreen shrub, or spreading evergreen shrub	One (1) per every two hundred-fifty (250) sq. ft. of required interior landscaping area

## Section 6.11 LANDSCAPE SCREENING BETWEEN LAND USES

A buffer zone with landscaping is required per the following requirements:

- A. When Required:** A buffer zone is required in along the side and rear yard lot lines per the table below. In the CBD and VC Zoning Districts, buffer requirements may be waived or reduced by the Planning Commission or Zoning Administrator if the site design provides for additional landscaping, better site design, or shared parking and/or ingress and egress drives.

		When Contiguous with These Land Uses				
		Single Family Residential	Multiple Family Residential	Office / Retail / Institutional	Industrial	Automotive
Subject Property	Single-Family Residential					
	Multiple Family Residential	Screen 1				
	Office/ Retail / Institutional / Service	Screen 2	Screen 2			
	Automotive	Screen 3	Screen 3	Screen 3		
	Industrial	Screen 3	Screen 3	Screen 3		

Screen	Minimum Plant Materials
1	1 ornamental AND 1 evergreen tree every forty (40) lineal feet along the property line
2	1 ornamental OR 1 evergreen tree AND 7 upright shrubs per each thirty (30) lineal feet along the property line
3	1 ornamental tree, 1 evergreen tree AND 4 upright shrubs per each thirty (30) lineal feet along the property line, rounded upward

## **Section 6.12 WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING**

Waste Receptacles shall be located and screened in accordance with the standards of [Section 3.08](#), Waste Receptacles. Ground mounted mechanical equipment shall be screened with plant materials, fences, or a wall when deemed necessary by the Planning Commission.

## **Section 6.13 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS**

The Planning Commission or Zoning Administrator, when administrative review is allowed under [Section 21.03](#), may determine if existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening.

In making a determination to waive or reduce the landscape and screening requirements of this Article, the following may be considered.

- A. Extent to which existing natural vegetation provides desired screening.
- B. The existence of a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- F. Building heights and views.
- G. The adjacent residential district is over two hundred (200) feet away from the subject site.
- H. Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening required.

## **Section 6.14 INSTALLATION**

- A. **Timing of installation:** Wherever the Zoning Ordinance requires landscaping or plant materials, 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 the following exceptions:

1. Landscaping proposed within the right-of-way at entrances and along the perimeter of the site shall be installed following the installation of the roads and utilities.
2. If installation of landscaping cannot be completed due to weather conditions, as verified by the Zoning Administrator, the landscaping shall be installed as soon as weather permits. If weather is not permitting, the applicant shall post a performance escrow to ensure compliance when weather permits

**B. Performance Guarantee:** A performance guarantee may be required in accordance with [Article XXI](#), Site Plan Review and Approval, [Section 21.16](#), Performance Guarantees.

**C. Documentation:** Upon submittal of final zoning compliance, the applicant shall include information on the species of trees planted and date of planting.

## Section 6.15 PERFORMANCE REQUIREMENTS

All landscaped areas and plant material required by this Article and Zoning Ordinance is subject to the following performance requirements:

- A.** Landscaped areas and plant material, including the lawn, shall be kept free from refuse and debris, and shall be maintained in a healthy growing condition.
- B.** If any plant material required by this Zoning Ordinance dies or becomes diseased, it shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.
- C.** Tree stakes, guy wires, and tree wrap are to be removed after one (1) year.
- D.** Sidewalks must remain clear and unimpeded.
- E.** The clear vision areas required in [Section 5.01.D](#) must be **maintained**.

## Section 6.16 TREE PROTECTION DURING CONSTRUCTION

Protected trees shall be preserved to the greatest extent practicable through the use of site development techniques including, but not limited to the following:

- A. Placement of Materials Near Trees.** No person shall conduct any activity within the drip line of any tree designated to remain including, but not limited to, placing solvents, building materials, construction equipment, or soil deposits within the drip line. Nor shall vehicles or construction equipment be operated in such close proximity of an existing tree so as to cause compaction of the soil within the drip line or the critical root zone of the tree which is to remain.

- B. Attachments to Trees.** During construction no person or entity shall attach any device or wire to any tree which is to remain after construction.
- C. Protective Barriers.** Before development, land clearing, filling, or any other land alteration for which a permit is required, the developer and/or property owner shall erect and maintain suitable barriers to protect existing trees which are to remain after construction. Protective barriers shall remain in place until the City authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal, or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain except in the following cases:
1. **Rights-of-Way and Easements.** Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, or similar material from stake to stake along the outside perimeters of areas to be cleared.
  2. **Large, Separate Areas.** Large areas of property separate from the construction or land clearing area on to which no equipment will venture may also be cordoned off as described in Paragraph A, above.
- D. Critical Root Zone (CRZ):** The CRZ of protected trees shall be maintained and protected during construction as described in [Section 6.05.C.5](#).

## **Section 6.17 LANDSCAPE MATERIAL GUARANTEE**

All landscaping materials planted per the approved site plan shall have a two (2) -year warranty due to soil conditions within the City of Dexter. In that time all plant materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced.

Replacement materials shall meet all standards of the original installation. Two (2) -year landscaping material warranties/performance bonds will not begin until the entire project is complete OR the open space landscaping is completed per the site plan OR for individual residential lots immediately prior to the request for final zoning compliance.

All warranties shall be submitted as a cash bond or warranty bond. Amounts shall be established per City Council resolution. All landscaping materials must be healthy and in good condition at the time of inspection. Landscaping materials will be warrantied from the date of approval as documented on the field inspection sheet.

Verification of planting date and species information shall be submitted with the Final Zoning Compliance application. Final Zoning Compliance Applications will not be released, and Certificate of Occupancy permits not issued until the planting date and species information has been submitted or a performance guarantee has been submitted.

## Article VII

# SIGN REGULATIONS

### Section 7.01 INTENT

The intent of this Article is to regulate the location, size, construction, design and architectural compatibility with the surrounding areas and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare. While this Article recognizes that signs and outdoor advertising are necessary to satisfy the needs of sign uses for adequate identification and communication, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of business and residential areas of the City, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists and other impacts that are contrary to the purpose and intent in the Article.

The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved under this Article that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Article. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; property identification for emergency response and wayfinding purposes; and unique character of areas of the City.

- A. Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians situated between vehicular roads and private properties throughout the City. The City encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

Since most signage on the private properties is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions that can jeopardize traffic and pedestrian safety, this Article is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property

damage, injuries, and fatalities.

This Article is also intended to protect public safety by requiring signs that are poorly maintained and/or structurally unsafe to be repaired or removed to protect against fallen signs or deteriorating sign debris from entering improved roadways, sidewalks and safety paths and causing dangerous conditions for vehicular traffic and pedestrians.

- B. Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This Article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability. Signs that contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views, will be prohibited in efforts to preserve the character, aesthetic qualities, and unique experience within the City. It is also the intent of this Article that signs will reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans, or this Article and other parts of this Zoning Ordinance.
- C. Economic Development and Property Values.** The establishment of the restrictions in this Article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this Article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.
- D. Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, These regulations are compelling and important for the protection of all public health, safety, and welfare, as described below:
1. An excessive number of signs in one (1) location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, establishing setbacks from property lines, and requiring reasonable spacing between signs are compelling interests that can be directed with minimum regulation.



2. Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.
3. Requiring maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures.
4. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. The selection of proper fixture type(s) and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the City's interests.

- E. Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
- F. Maintaining Unique Character of Areas of the City.** This Article acknowledges the unique character of certain areas and districts, and establishes special time, place and manner of regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas/districts.
- G. Protection of the Right to Receive and Convey Messages.** The important governmental interests and regulations contained in this Article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this Article is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.

## Section 7.02 GENERAL CONDITIONS

- A. Location:** All signs shall be located on the premises to which the sign is accessory, unless specified elsewhere in these regulations.
- B. Safety:**
1. All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the City. In the event of conflict between this Section and other laws, the most restrictive shall govern.
  2. All signs shall be placed so as to not interfere with the visibility or effectiveness of any official traffic sign or signal, motorist or pedestrian, or the clear vision are required in [Section 5.01.D](#).
  3. No sign shall be erected, relocated, or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.
- C. Illumination:**
1. No sign shall be illuminated by other than electrical means.
  2. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or with the enjoyment or use of adjacent properties, nor directly shine onto adjacent or abutting properties. Illuminated signs adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candle along the adjacent property line. All externally illuminated signs shall have a shielded light fixture.
  3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing.
  4. No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public road or adjacent property.
  5. The illumination provisions above shall not apply to sign lighting systems owned or controlled by any public agency for the purpose of directing traffic.
  6. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.
  7. Awning signs shall not be “back-lit.”

- D. Prohibited Signs:** All signs not expressly permitted under this Ordinance are prohibited in the City. Such prohibited signs include, but are not limited to, the following:
1. Beacons.
  2. Pennants.
  3. Portable Signs, including those mounted on vehicles, except as otherwise permitted by this Zoning Ordinance.
  4. Roof Signs.
  5. Inflatable signs and tethered balloons.
  6. Animated signs including signs containing flashing, intermittent or moving lights or with moving or revolving parts.
  7. Signs affixed to trees, rocks, shrubs, or natural features.
  8. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices or signs which make use of words such as “Stop,” “Look”, “Danger”, or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.
  9. Permanent signs (other than those erected by a public agency with a permit from the City of Dexter) which are located within or overhang the public right-of-way or on public property unless specified elsewhere in these regulations.
  10. Any strobe, flashing, or oscillating lights either from the interior or exterior of a building.
  11. Moving signs. Except as otherwise provided in this Article, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or fixed condition except for the rotation of barber poles, and except currently licensed vehicles and trailers which have painted upon them in a permanent manner the name of the product which they deliver and/or the name and address of the owner.
  12. Abandoned signs. A sign which, for six (6) months or more, that is located on a vacant property or serves a building that is vacant shall be presumed to be abandoned and shall be deemed a nuisance per se.
  13. Signs which emit audible sound, odor, or visible matter.
  14. Exterior string lights used to advertise a commercial premises, except for outdoor services areas with a permit from the City per [Section 14.74](#) – Outdoor Service Areas.

15. Any sign erected on a tree or utility pole.
16. Awning signs with rear illumination.
17. Vehicular signs.
18. Suspended signs.
19. Any sign or sign structure which is structurally unsafe; constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with the sign or sign structure.

**E. Exempt From Zoning compliance sign permits**

1. Incidental signs or directional signs that direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not exceed two (2) square feet in area per side and four (4) feet in height, shall contain no advertising other than the name of the business and may be illuminated.
2. Signs erected for traffic safety purposes by public road agencies.
3. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.
4. Integral signs, not to exceed a maximum area of six (6) square feet.
5. Paper notices placed on kiosks as approved by the City.
6. Flags, when the following regulations are met:
  - a. The maximum number on a zoning lot is four (4) flags.
  - b. One (1) flag is allowed per flag pole.
  - c. The minimum setback is fifteen (15) feet. When site plan review is required, the location of flag poles shall be indicated on the site plan.
  - d. Each individual flags shall be limited to forty (40) square feet in area.
7. Permanent signs on vending machines or ice containers, provided that such devices must be located within ten (10) feet of the building.
8. Permanent window signs on the premises of retail establishments up to four (4) square feet. Temporary window signs shall meet the requirements in [Section 7.07](#).
9. Banner signs installed by the City. Such signs shall be attached top and

- bottom or on two (2) sides to permanent structural members on a post or building erected for another purpose. Such signs require the permission of the City Manager.
10. Residential wall plates, not to exceed a maximum area of two (2) square feet.

## Section 7.03 GROUND SIGNS

### A. General Requirements:

1. Within all non-residential zoning districts, only one (1) ground sign shall be permitted per zoning lot, with the following exceptions:
  - a. If the frontage of a zoning lot exceeds four hundred (400) linear feet along a single road frontage two (2) such ground signs may be permitted.
  - b. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same road as the primary entrance.
  - c. Lot requirements for ground signs in form-based Zoning Districts in [Section 7.05.A.1.a.](#)
2. One (1) ground sign may be permitted at the primary entrance of a one-family subdivision, site condominium development, multiple-family development, or mobile home park.
3. Within the R-1, MF and MHP Zoning Districts, one (1) ground sign may be permitted per zoning lot where a non-residential special land use has been approved. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same road as the primary entrance. Size and location shall be determined during site plan review.
4. One (1) freestanding identification may be on the premises of a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings, that meet the following standards:
  - a. The sign area shall not exceed one (1) square foot per front foot of building or buildings for which it is erected; up to sixty (60) square feet in area.
  - b. The maximum height is ten (10) feet in height.
  - c. If the lot fronts on two (2) or more collector or arterial roads one (1)

such sign may be permitted for each frontage.

5. Within all PUD Districts, the number and size and location of ground signs shall be determined by the intended use of the premises, subject to the review and approval of the City during PUD plan review.
6. Ground signs shall be set back a minimum of ten (10) feet from all road rights-of-way and shall be located no closer than fifteen (15) feet from the edge of the principal entrance driveway and all property lines.
7. All internally illuminated ground signs shall have a background darker than the lettering. If a ground sign has an opaque background and only the letters are illuminated a ground sign may have a non-illuminated light background.
8. The support structure for a ground sign shall not exceed twenty-five percent (25%) of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process.
9. Up to two (2) additional signs may be permitted for businesses with a drive-through component. Such signs shall not exceed fifteen (15) square feet in area per sign, per face or six (6) feet in height and shall be located only on internal drives to serve the drive-thru portion of the development.

**B. Maximum Height And Area Requirements For Ground Signs.** Ground signs shall meet the maximum height and area applied within each use-based zoning district according to the following schedule. The maximum height and area for ground signs within business centers are pursuant to paragraph 4 above:

**Table A - Ground Signs**

District	Max. Height (ft.)	Maximum Area (sq. ft.)	
		Per Side	Total
R-1	4 ft	20 s.f.	40 s.f.
MF	4 ft	20 s.f.	40 s.f.
RD	4.5 ft	48 s.f.	96 s.f.
I-1	4.5 ft	48 s.f.	96 s.f.
PF	4 ft	32 s.f.	64 s.f.

**Section 7.04 BUILDING SIGNS**

**A. General Requirements:**

1. Within all non-residential, use-based zoning districts, a combination of building

signs may be established not to exceed the maximum sign area per “Table B” for each zoning lot (for a single business), with the following exception:

- a. Signs for multiple tenant shopping centers or multi-tenant buildings shall not exceed one (1) square foot of sign area per one (1) lineal foot of building frontage per tenant.
2. Within all PUD Districts, the number and size of wall signs shall be determined by the intended use of the premises, subject to the review and approval of the City, during PUD plan review.
3. Building signs are not permitted above the first floor.
4. Awnings must be over doorways or windows. Awning signs and awning shall be limited to three (3) colors. Black and white are defined as colors. Awnings with graphics will be considered an awning sign and may not exceed the allowable square footage of signage.

**B. Maximum Area Requirements For Building Signs.** Building signs shall meet the requirements within each zoning district according to the following schedule:

**Table B – Building Signs**

District	Area (s.f.) per One (1) Foot of Building Frontage	Maximum Area in s.f.
R-1	N/A	Three (3) s.f.
MF	N/A	Three (3) s.f.
RD	1	Twenty (20) s.f.
I-1	1	Twenty (20) s.f.
PF	N/A	N/A

## Section 7.05 PERMITTED SIGNS IN FORM-BASED DISTRICTS

**A. General Requirements.** All signs in the VR-1, VR-2, VC, CBD, ARC and BRC Zoning Districts shall meet the following standards:

1. **Ground signs.**
  - a. **Lot Requirements.** Ground sign(s) are only permitted on lots that are at least fifty (50) feet in width and for lots where the building is a minimum of ten (10) feet from the public right-of-way. Ground signs are not allowed on lots with frontage on Downtown A roads.
  - b. **Number.** One (1) ground sign shall be permitted for each lot meeting the lot requirements in item a. above.

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- c. Maximum Area and Height. The maximum area and height shall comply with the standards in the table below:

District	Max. Height (ft.)	Maximum Area (sq. ft.)	
		Per Side	Total
VR-1	4 ft	20 s.f.	40 s.f.
VR-1	4 ft	20 s.f.	40 s.f.
VC	6 ft	25 s.f.	50 s.f.
CBD	6 ft	25 s.f.	50 s.f.
BRC	6 ft	42 s.f.	84 s.f.
ARC	6 ft	42 s.f.	84 s.f.

- d. Minimum Setbacks. Ground signs shall meet the following minimum setbacks:
- i. Ten (10) feet from all road rights-of-way. In the VC and CBD Zoning Districts, the setback from the road right-of-way is five (5) feet.
  - ii. Fifteen (15) feet from the edge of the principal entrance driveway and all property lines in the ARC and BRC Zoning Districts.
- e. Illumination. All internally illuminated ground signs shall have a background darker than the lettering. If a ground sign has an opaque background and only the letters are illuminated a ground sign may have a non-illuminated light background.
- f. Landscaping. One (1) square foot of landscaping adjacent to the sign per one (1) square foot of sign area. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest. The Zoning Administrator may waive this requirement in the CBD and VC Zoning Districts.
- g. Electronic Message Signs (EMS). An EMS may be allowed as a component of a ground sign on a parcel with a gasoline service station when the following conditions are met:
- i. The electronic message is no more than fifty percent (50%) of the allowable ground sign area.
  - ii. Such signs shall contain static messages only and shall not have movement, scrolling words or images, or flashing on any part of the sign structure, design, or pictorial segments of the sign, nor shall such sign have varying light intensity during display of any single message.



- iii. The display on an EMS shall remain fixed.
- iv. No EMS message display shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal, or light or have the brilliance or intensity that will interfere with any official traffic sign, device, or signal.
- v. No auditory message or mechanical sounds may be emitted from the sign.
- vi. All EMS shall meet the illumination standards in [Section 7.02.C](#).

## 2. Building Signs.

- a. Number. Each developed lot shall be permitted one(1) building sign per frontage on right-of-way and parking lot.

All occupants' businesses without ground floor frontage shall be permitted one (1) combined exterior building sign, in addition to the number of signs allocated to the developed lot, with the following exceptions:

- i. In the CBD Zoning District, buildings which contain more than one (1) business where all businesses share a common building entrance or entrances (for example, an office building or other type of building where access to individual tenant space is off an interior common hallway or atrium) the total permitted wall signage area shall be divided between all the tenants, but each business shall be permitted one wall sign. Maximum area shall not exceed that provided in table below.

Multiple-tenant buildings shall be permitted an additional non-illuminated wall sign, mounted on the entrance door or on the wall next to the entrance. The total area of this sign shall not exceed twelve (12) square feet, or one (1) square foot per tenant, whichever is less.

- b. Area. The area of building signs permitted for each lot shall be determined by the table below:

<b>District</b>	<b>Area (s.f.) per One (1) Foot of Building Frontage</b>	<b>Maximum Area in s.f.</b>
VR-1	0.5	12 s.f.
VR-2	N/A	3 s.f.
VC	1	30 s.f.
CBD	1	42 s.f.
ARC	1	42 s.f.
BRC	1	42 s.f.

- c. Design in the CBD and VC Zoning Districts. No sign shall be erected in the CBD or VC in any manner that will obstruct any architectural details of a building.
  - i. Illumination: Box signs and channel letter signs or box signs may be internally illuminated when the signs have a background darker than the light-colored message.
  - ii. Channel Letter Signs: Channel letters may be mounted on a raceway (wire way) or be mounted flat against the building wall. Channel letter signs shall not exceed more than twelve (12) inches from the building wall
- d. Window Signs. Permanent window signs must be located inside the window on the first floor, except in the CBD Zoning District where signs are permitted on second story windows. There is no limit on number, but window signs cannot occupy more than twenty-five percent (25%) of the total window area. In the CBD Zoning District, temporary and permanent window signs shall not exceed thirty-three percent (33%) of the total window area.
- e. Canopy and Awning Signs. A canopy and awning sign is permitted in lieu of a wall sign. The area of awning and canopy signs permitted for each business shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by an occupant a business to a maximum area of one hundred (100) square feet.

Awnings must be over doorways or windows.

Awning signs and awning shall be limited to three (3) colors. Black and white are defined as colors. Awnings with graphics will be considered an awning sign and may not exceed the allowable square footage of signage.

3. **Projecting.** Within the VC, CBD, ARC and BRC Zoning Districts, one (1) projecting sign may be permitted for each first-floor business when the following standards are met:
  - a. Number. Shall be limited to one (1) sign with no more than two (2) sign surfaces.
  - b. Area. Shall not exceed eight (8) square feet in sign area.
  - c. Height from Grade. The lowest part of the sign shall be a minimum of eight (8) feet above grade. The maximum height of a projecting sign shall be fifteen (15) feet from the road to highest part of the sign.
  - d. Location. Projecting signs may extend over abutting sidewalk, but shall not extend over public or private roadways, or parking areas unless approved by the City as a part of the zoning compliance sign permit.
  - e. Projection Distance. Sign may not project more than four (4) feet from the attached façade.

## Section 7.06 COMPUTATIONS/ MEASUREMENTS

The following principles shall control the computation of sign area and sign height:

- A. **Computation Of Area.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the total area of the sign.
- B. **Computation Of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

## Section 7.07 TEMPORARY SIGNS

Temporary signs shall be permitted in accordance with the regulations herein:

- A. Permit Required.** All permitted temporary signs, which are twelve (12) square feet or greater, except those signs where additional sign area is permitted during the time frame and conditions specified in this Section shall require a zoning compliance sign permit. Such permit shall be issued by the City of Dexter Zoning Administrator or designee. The zoning compliance sign permit fee, if any, is to be established by resolution of the City Council.
- B. Temporary Freestanding Signs.** All temporary freestanding signs must meet the following requirements:
1. One (1) temporary freestanding sign shall be permitted per premise, except those signs where additional number is permitted in the time frame and conditions specified in [Section 7.07.D](#).
  2. Temporary signs shall not be illuminated.
  3. Temporary freestanding signs shall meet the requirements within each zoning district according to the following schedule, except those signs where additional area is permitted during the time frame and conditions specified in [Section 7.07.D](#).

District	Maximum Height in feet	Maximum Area in s.f. per side
R-1	4	16
MF	6	16
VR-1	6	16
VR-2	4	16
VC	6	16
CBD	6	16
ARC	6	32
BRC	6	16
RD	6	32
I-1	6	16
PF	4	16

- C. Temporary Window Signs.** Temporary signs for windows are allowed in conjunction with a commercial establishment, provided they do not, individually or combined with other window signs, exceed thirty percent (30%) of the total area of the display window or sixteen (16) square feet, whichever is less. Temporary window signs are permitted

on ground floor windows only.

In the CBD Zoning District, temporary and permanent window signs shall not exceed thirty-three percent (33%) of the total window area.

- D. Temporary Banners And Building Mounted Signs.** Temporary banners and wall-mounted signs are allowed in non-residential districts and non-residential uses in the VR-1 and VR-2 zoning districts. The maximum area is thirty-two (32) square feet. If building mounted, these signs shall be flat wall signs and shall not project above the roof line.
- E. Temporary Ground Signs for Non-Residential Uses in Village Residential Districts.** One (1) temporary ground signs is allowed per parcel occupied by a non-residential uses in the VR-1 or VR-2 zoning districts. The maximum area is thirty-two (32) square feet with a maximum height of four (4) feet.
- F. Standards For All Temporary Signs.** Temporary signs shall meet the following standards:
1. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
  2. Temporary signs on private property must be setback five (5) feet from public property or the road right-of-way.
  3. The maximum display time of temporary signs is thirty (30) days unless additional time is granted under subsection 4, 5, or 6. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of a temporary sign on the same property.
  4. In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of sixty (60) days prior to and three (3) days after a City-designated election day on which there is at least one (1) ballot item: the maximum allowable area of temporary signs shall be increased to sixty-four (64) square feet per premise in all districts. The maximum area of an individual sign remains as stated in the table above during this period.
  5. When all or a portion of a building or land area is listed for lease or when all or a portion of a building or land area is listed for sale, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses except residential uses shall be the duration the building, building unit or land is listed for lease or for sale. The

sign area shall not exceed thirty-two (32) square feet per side.

6. When all or a portion of a parcel is under construction, the following regulations apply:
  - a. The maximum area of a temporary sign shall not exceed thirty-two (32) square feet where the total parcel frontage is twenty-one (21) feet or less. Where parcel frontage exceeds twenty-one (21) feet, such signs shall not exceed one and a half (1.5) square feet per linear foot of thoroughfare frontage, up to a maximum of one hundred (100) square feet.
  - b. The maximum height is ten (10) feet.
  - c. The minimum setback is fifteen (15) feet from any public right-of-way unless attached to a building, construction fence, or barricade.
  - d. All such signs shall be removed promptly upon completion of construction.
  - e. No more than one (1) temporary sign shall be permitted per thoroughfare frontage.

## **Section 7.08 PORTABLE SIGNS**

- A. Intent.** It is the intent of this Section to provide opportunities for businesses to provide pedestrian-scale communication of messages to customers near the entrances to their businesses while preventing sign clutter along the city's thoroughfares.
- B. General Standards:** Portable signs shall be in accordance with the following regulations:
  1. **Size.** Maximum height shall be four (4) feet. Maximum width shall be two (2) feet.
  2. **Location.**
    - a. Portable signs shall be placed on the sidewalk in front of the property in which the business is located, a minimum of three (3) feet from the face of the curb and no more than ten (10) feet from the building in which the sign is intended to serve. A portable sign shall in no case impede pedestrian travel in a sidewalk area and/or public right-of-way and are only permitted when a five (5) foot wide path can be maintained on the sidewalk. Portable signs are not permitted to conceal landscape features in or adjacent to the roads, including grass areas. Portable signs shall not obstruct access to fire hydrants, fire department connections, bicycle racks or curb ramps or interfere with the opening of vehicle doors or access to the sidewalk.

- b. Portable signs must be moved indoors after accumulation of one (1) or more inches of snow and shall not be placed back on the sidewalk until the entire sidewalk and extension on the side of the road where the business is located is clear of snow.
3. Number of Portable Signs.
  - a. One (1) portable sign is allowed for each business in a building, up to a maximum of two (2) signs per property. A sign may contain advertising for more than one business on the property.
  - b. More than two (2) portable signs are permitted on private property or the public common areas in shopping malls only when the businesses have frontage along the sidewalk.
4. Hours. Portable signs may be utilized during hours of operation only. Portable signs left on the sidewalk or outside overnight shall result in revocation of zoning compliance sign permit or fines. Fines must be paid prior to continuation of use of sandwich board signs.
5. Materials/Design.
  - a. Portable signs are encouraged to be visually consistent with the historic City and are intended to promote the pedestrian scale. Hand painted, carved, and unique signage on a flat surface is preferred.
  - b. Portable signs shall be properly designed and heavy enough to withstand typical winds without tipping over, rocking or sliding. It is the responsibility of the sign owner to remove the sign during inclement weather.
6. Illumination. Illumination is prohibited.
7. Insurance. The City accepts no liability for any injury or damage caused by a sidewalk sign. One million dollars (\$1,000,000) of general liability insurance, naming the City as an additionally insured, must be submitted along with the portable zoning compliance sign permit for signs proposed for placement in the right-of-way and on public property.
8. Permitting/Review Process. All sandwich boards require submission of an application, fee, and issuance of a permit. Signs requiring insurance require proof of valid and current insurance for the time of the zoning compliance sign permit request, unless otherwise noted on the zoning compliance sign permit application. Zoning compliance sign permit application fees to be established by the City Council.

## **Section 7.09 SIGNS IN THE PUBLIC RIGHT-OF-WAY**

No signs shall be allowed in the public right-of-way, except for the following:

- A.** Signs erected by or on behalf of a governmental or other public agency, with a permit issued by the City of Dexter.
- B.** Projecting signs pursuant to the provisions of these regulations.
- C.** Portable sidewalk signs pursuant to the provisions of these regulations.
- D.** Banner signs as permitted by the City of Dexter.

## **Section 7.10 NON-CONFORMING EXISTING SIGNS**

### **A. Intent**

It is the intent of this Section to encourage eventual elimination of signs that, as a result of the adoption of this Article, become nonconforming, and to administer this Article to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property rights, therefore;

- 1. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Article if said sign becomes non-conforming due to a change occurring after the original adoption of this article, or in the location of buildings, roads or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
- 2. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered non-conforming, such sign must be removed or made to conform to this Article.

### **B. Lawful Existing Signs**

Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety, and welfare of the community except as hereafter provided.

### **C. Continuance**

- 1. Any lawful nonconforming sign shall be permitted to continue to exist, so long as the non-conforming sign:



- a. is not physically expanded or changed to another non-conforming sign.
  - b. is not relocated or structurally altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign. Altered shall not include normal maintenance or maintenance to protect public safety. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, or repair and replacement of electrical wiring and devices.
  - c. is not reestablished or maintained after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.
  - d. is not repaired or reerected after being damaged if the repair or reerection of the sign would cost more than fifty percent (50%) of the replacement cost of an identical new sign.
2. In the case of a legal non-conforming sign without a defined background (such as individual letters or symbols mounted directly on a building, or lettering on an awning), changes may be made to the letters or symbols, so long as the overall area of the sign is not increased. In such situations, an amended zoning compliance zoning compliance sign permit application shall be filed with the zoning administrator.
  3. Changes to the words or symbols used on a non-conforming sign may be made if an amended zoning compliance zoning compliance sign permit application is filed with the Zoning Administrator. In such cases, the message may be changed without affecting the legal non-conforming status, as long as neither the sign structure nor frame is changed.

## **Section 7.11 PERMITS AND APPLICATIONS**

### **A. Permit Required**

It shall be unlawful for any person to erect, reerect, alter or relocate any sign unless a zoning compliance zoning compliance sign permit shall have been first obtained from the Zoning Administrator except as provided elsewhere in these regulations. All building mounted signs, any sign that makes use of electricity and any ground sign with footings will also require a permit from the Washtenaw County Building Department.

### **B. Site Plan Review**

For new development subject to site plan review under the provisions of [Article XXI](#), the final site plan shall include the location, maximum size and details, if applicable, of all proposed signs. The site plan should note that all signs will be obtained under

a separate zoning compliance sign permit

**C. Applications**

All zoning compliance sign permit applications shall be submitted to the Zoning Administrator for review and shall include the following:

1. A scale drawing of each sign that shows the dimensions of the sign, the height of the sign, design of the sign and lettering, dimensions of the lettering, the type of materials to be used for the sign and its support system, type of illumination, and color.
2. A scale drawing of the site or building, showing the placement of all signs, both existing and proposed. This drawing shall include all the dimensions of the site or building.
3. Detailed information about other existing signs on the property, including dimensions of the sign, the height of the sign, design of the sign and lettering, dimensions of the lettering, the type of materials used for the sign and its support system, type of illumination, and color. The application shall also indicate whether the existing sign is to remain or be removed.
4. The consenting signature of the property owner.
5. The zoning compliance sign permit fee paid in accordance with the current fee schedule, adopted by the City Council.

**D. Permit Approval**

Zoning compliance sign permits for the erection of signs shall only be issued to property owners and/or assignees qualified to carry on such work under the provisions of this article. The Zoning Administrator shall issue zoning compliance sign permits for signs defined in [Section 2.02](#) and permitted in [Article VII](#). Any sign which is not explicitly defined in [Section 2.02](#) Definitions or permitted in [Article VII](#), must be approved by the Zoning Board of Appeals before a zoning compliance sign permit shall be issued. Any required building permits will be under the Washtenaw County Building Department.

**E. Permit Expiration**

A zoning compliance sign permit shall become null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

**F. Servicing**

No zoning compliance sign permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No zoning compliance sign permit is

required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

#### **G. Inspections**

All newly erected signs shall be inspected by the Zoning Administrator. Sign erector's imprint should be visible. Signs for which a zoning compliance sign permit is required shall be inspected periodically by the Zoning Administrator for compliance with this Article and other laws of the City of Dexter and the Washtenaw County Building Department, as applicable.

### **Section 7.12 CONSTRUCTION AND MAINTENANCE REQUIREMENTS**

#### **A. Materials And Design**

All signs shall be designed, constructed, and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the City engineering standards and requirements of this Article.

#### **B. Erector's Imprint**

Signs of every type which come within the purview of this Article, must carry the identification and address of the sign erector, electrical voltage, when applicable, and date of erection in clearly legible letters whether for the initial erection or rehangng of a sign.

#### **C. Fastenings**

All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

#### **D. Support Location**

No pole or support of any nature shall be placed on any publicly owned property, road right-of-way, or proposed road right-of-way, unless an easement is granted by the property owner.

#### **E. Proximity To Electrical Conductors**

No sign shall be erected so that any part including cables, guys, etc. will be within ten (10) feet of any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.

**F. Rehanging**

In case of rehanging or reerection of any sign, the new erector must place his identification, address, and the date on the sign.

**G. Sanitation**

Property surrounding any ground sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

**H. Traffic Interference**

No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

**Section 7.13 REMOVAL OF SIGNS**

**A. Removal.** The Zoning Administrator or designee shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. Notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance with the ordinance. Failure to remove the sign or to comply with this notice shall be a civil infraction. The City shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinance debt or in the manner of taxes and such charge shall be a lien on the property.

**B. Renewal Requirements.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City shall remove it in accordance with the provisions stated in paragraph 7.13. (1), preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

**Section 7.14 VIOLATIONS**

**A.** Any of the following shall be a violation of this ordinance:

1. To install, create, erect, or maintain any sign in a way inconsistent with the terms

of this ordinance or that is inconsistent with any plan or zoning compliance sign permit governing such sign or the zoning lot on which the sign is located;

2. To install, create, erect, or maintain any sign requiring a zoning compliance sign permit without such a permit;
- B.** Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation.
- C.** Unless specified elsewhere in this ordinance any signs placed within a road right-of-way and on utility poles will be considered a violation of this ordinance and may be removed by the City at the expense of the owner.

## **Section 7.15 APPEALS**

Any person aggrieved by any decision, ruling, or order from the Zoning Administrator, may make an appeal to the Zoning Board of Appeals. The ZBA may grant a variance for a sign only in cases involving practical difficulties or unnecessary hardships when the evidence of the appeal is supported by one or both of the following findings of fact:

- A.** That the alleged hardship or practical difficulty, or both, are unique to the property (unusual topography, lot configuration, size, etc.), and the alleged hardship or practical difficulty resulting from conditions do not generally exist throughout the City. Personal and economic hardships do not qualify.
- B.** That the granting of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article. The granting of the variance will not be detrimental to surrounding properties.

## **Section 7.16 ENFORCEMENT**

This Section shall be administered and enforced by the Zoning Administrator or designee.

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## Article VIII

# SPECIAL LAND USES

### Section 8.01 INTENT

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Special Land Use standards in this Article are intended to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- C. Regulate the use of land on the basis of impact to the City overall and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and serviced in a cost effective manner.
- E. Ensure uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide greater flexibility to integrate land uses within the City.

The process for review of a Special Land Use involves a Public Hearing with the Planning Commission with final determination on the use and site plan by the City Council.

### Section 8.02 PROCEDURE

The procedure for Special Land Use Permit application review shall be as follows:

- A. **Application.** An applicant for a Special Land Use Permit shall submit an application for review to the Zoning Administrator, together with the required fee and appropriate information, no fewer than forty-five (45) days prior to the date of the regular meeting of the Planning Commission at which the special use application will be considered. The following information shall also be submitted:
  - 1. A site plan with the required information as set forth in [Article XXI](#).
  - 2. A statement with regard to compliance with the criteria required for approval in [Section 8.03](#), Standards for Special Land Uses and any specific standards required for the specific use in Article XIV, Specific Use Provisions.

3. Failure to provide the required information and materials as part of the application for Special Land Use Permit approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, including when no physical changes to the site are proposed. The Zoning Administrator may allow the information required for administrative review when the project meets the circumstances in [Section 21.03.B](#).
- B. Public Hearing.** The Planning Commission shall hold a public hearing, or hearings, upon any application for special land use, notice of which shall be in the manner required by [Section 22.08](#) Notices.
- C. Planning Commission Action.**
1. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning commission shall review the application for special land use approval in accordance with [Section 8.03](#) and any specific standards in Section 8.11 Special Land Use Specific Requirements.
  2. The Planning Commission shall recommend that the City Council either approve, approve with conditions, or deny the Special Land Use Permit (based on findings outlined in [Section 8.03](#)) and the accompanying site plan.
- D. City Council Action.**
1. The Special Land Use Permit request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve, approve with conditions, or reject the request within sixty (60) days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.
  2. The decision on a special land use required by the City Council shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any condition imposed.
- E. Zoning Compliance.** Upon approval of a Special Land Use by City Council, Zoning Compliance must be obtained in accordance with [Section 22.04](#).

## **Section 8.03 STANDARDS FOR SPECIAL LAND USES**

- A. Standards.** The Planning Commission and City Council shall review: the particular



circumstances and facts of each proposed use: any specific standards for the proposed or uses in [Article XIV](#); and the following standards:

1. **Compatibility with the Master Plan.** The proposed Special Land Use shall be consistent with the goals, objectives, and future land use plan described in the City Master Plan.
2. **Compliance with Zoning Standards.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning district, and shall comply with all applicable ordinance standards.
3. **Compatibility with Adjacent Uses.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
4. **Impact on the Overall Environment.** The proposed Special Land Use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
5. **Impact on Public Facilities.** The proposed Special Land Use shall be served adequately by public facilities and services such as police and fire protection, schools, drainage systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.
6. **Traffic Impact.** The proposed Special Land Use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e.; volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.
7. **Public Safety and Welfare.** The proposed Special Land Use shall be designed, located, planned, and operated to protect the public health, safety,

and welfare.

**8. Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Permit approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

**B. Additional Findings.** The Planning Commission and City Council shall also consider the nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use, including but not limited to, hours of operation, outdoor storage, and work areas.

## Section 8.04 CONDITIONS OF APPROVAL

**A. Authority.** The City Council may, at its discretion, impose additional conditions of approval, when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.

**B. Scope.** Conditions that are imposed by the City Council shall:

1. Be related to and ensure the review considerations of [Section 8.03](#) and the applicable specific regulations are met.
2. Is applicable to a property, not property owners, so long as use remains in effect under terms set from the [Section 8.05](#).
3. Remain unchanged unless an amendment to the Special Land Use Permit is approved by the City Council.

**C.** Approval of a Special Land Use Permit, including conditions made part of the approval, is attached to the property, as described in the application, and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Zoning Administrator.

**D.** A development agreement in accordance with [Section 22.12](#) shall be at the City's discretion.

**E.** A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the City Council to revoke such Special Land Use Permit approval in accordance with [Section 8.08](#).

## Section 8.05 EFFECTIVENESS

**A. Remain in Force.** Upon receipt of final site plan approval, Special Land Use Permit approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the City Council

resolution of approval of the Special Land Use. If final site plan approval is for only part of the site, the Special Land Use Permit approval is in force for each portion of the site as phases are given final site plan approval. For projects with administrative site plan review, the Special Land Use approval begins once administrative site plan approval is granted.

- B. Expiration.** Any Special Land Use Permit approval granted by the City Council shall expire unless a final site plan effectuating the Special Land Use is submitted within one (1) year of the date of approval.
- C. Extension.** Upon written application filed prior to the termination of the period of one (1) year as provided above, the City Council may authorize a single extension of the time limit for an additional period of one (1) year. Such extension shall be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the extension period of one (1) year.
- D. Conforming Use Status.** Any approved Special Land Use Permit shall be deemed a use permitted in the district in which it is located and is not to be considered a nonconforming use.
- E. Abandonment.** When a Special Land Use which has not previously received a Special Land Use Permit ceases operations for more than one (1) year, the Special Land Use Permit shall become null and void, and a new Special Land Use Permit shall be required to reopen the use. The time frame shall be extended to two (2) years for a use which was approved as a Special Land Use under this Article.
- F. Resubmittal.** No application for a Special Land Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

## **Section 8.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE**

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

- A. Amendments.** Any person or agency who has been granted a Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use Permit. The Zoning Administrator shall determine whether the proposed amendment requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is

a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

- B. Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use which has not previously received a Special Land Use Permit.
- C. Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

## **Section 8.07 INSPECTIONS**

The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use Permits to determine continued compliance with all requirements imposed by the City Council and this Ordinance. Noncompliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

## **Section 8.08 REVOCATION**

The revocation of a Special Land Use Permit may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A.** The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- B.** The recipient shall have thirty (30) days to correct any deficiencies to the satisfaction of the City Council.
- C.** If, after thirty (30) days, any deficiencies remain, the City Council may then revoke the Special Land Use, or, if the conditions warrant, allow additional time.
- D.** A repeat violation, after correction of deficiencies to the satisfaction of City Council, may cause immediate revocation of the Special Land Use.

## Article IX

### ESTABLISHMENT OF ZONING DISTRICTS AND MAP

#### Section 9.01 ESTABLISHMENT OF DISTRICTS

The City of Dexter is hereby divided into the following zoning districts:

##### Residential Districts

R-1	One-Family Residential District
MF	Multiple-Family Residential District
MHP	Mobile Home Park Residential District

##### Non-Residential Districts

I-1	Limited Industrial District
R-D	Research and Development District
PF	Public Facilities District

##### Form Based Districts

VR-1	Village Residential 1 District
VR-2	Village Residential 2 District
VC	Village Commercial District
CBD	Central Business District
ARC	Dexter-Ann Arbor Road Corridor District
BRC	Baker Road Corridor District

##### Special Districts

PUD	Planned Unit Development District
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#### Section 9.02 ADOPTION OF ZONING MAP

- A. For the purpose of this Ordinance, zoning districts are shown on “Zoning Map of the City of Dexter.” The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

- B.** Identification of Zoning Map: The Zoning Map shall be identified by the signature of the City Mayor, to be kept and maintained including legal changes on two (2) official, signed and attached copies by the City Clerk. Both copies of the Zoning Map shall be located in the office of the clerk and shall be open to public inspection.
- C.** Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning Map, the following rules for interpretation shall govern:
1. A boundary indicated as approximately following or parallel to the centerline of a highway, alley, easement, recorded lot line, municipal boundary line, railroad right-of-way, shoreline, or the centerline of a river, stream or canal shall be deemed as following or parallel to those lines.
  2. A distance not specifically indicated on the Zoning Map shall be determined by the scale on the Zoning Map.
  3. The Board of Appeals shall interpret the location of the zoning district boundary in the following circumstances:
    - a. Where the district boundary line, as determined by the Zoning Administrator, is a physical or cultural feature existing on the ground that is in conflict with that shown on the official Zoning Map; or
    - b. Any other circumstances not covered by 1 or 2 preceding.

### **Section 9.03 ZONING OF ANNEXED AREAS**

Whenever any area is annexed to the City of Dexter, the land shall be zoned to whichever district of this Ordinance that most closely conforms with the Master Plan amendment required prior to annexation and the Council shall approve same by resolution.

### **Section 9.04 ZONING OF VACATED AREAS**

Whenever any road, alley, or other public right-of-way within the City of Dexter is vacated, such road, alley, or other public right-of-way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches. Ownership of vacated rights-of-way shall be by the property owner adjacent to site unless other arrangements are specified by the City.

### **Section 9.05 DISTRICT REQUIREMENTS**

All buildings and uses in any District shall be subject to the provisions of [Article III](#) - General Provisions.

## **Section 9.06 ZONING OF FILLED LAND**

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches.

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## Article X

### USE BASED DISTRICTS

#### Section 10.01 INTENT

A. **Intent.** The Master Plan identified areas within the City where regulating use and intensity of use are needed, but form-based regulations are not appropriate. These areas are predominantly single-use areas, built outside of the original Village Plat. The City encourages single-use development in these areas, while preserving the environmental features and quality of life in the City as a whole.

#### Section 10.02 R-1 ONE-FAMILY RESIDENTIAL DISTRICT

A. **Intent.** This district is designed to encourage a suitable and healthy environment for family life, and to provide residential areas for one-family residential densities and other uses that will serve the residents in the district.

B. **Use Regulations.** [Section 10.09](#) sets forth permitted, accessory, and special land uses within the R-1 One-Family Residential District.

C. **Dimensional Requirements.** The following dimensional requirements shall apply to the R-1 One-Family Residential District:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet				Min. floor area per unit in s.f.
					Front	Side		Rear	
in s.f.	Width in ft.	Stories	Ft.	Least		Total			
7,800	60	30% <sup>1</sup>	2.5	35	25 <sup>2,3</sup>	10	20	25 <sup>4</sup>	1,000

- 1 When a detached accessory dwelling unit is present, the maximum lot coverage shall be as specified in [Section 14.03](#), Accessory Dwelling Units.
- 2 Front setback may be reduced to fifteen (15) feet if the residential lot fronts a right-of-way greater than sixty-six (66) feet in width.
- 3 A corner lot shall maintain the minimum front yard setbacks for both the primary and secondary front yards.
- 4 For a corner lot, the minimum rear yard setback is the minimum side yard setback.

**D. Supplemental District Standards.**

1. In addition to those bulk regulations listed in [Section 10.02.C](#), all development shall conform to supplemental bulk regulations listed in [Section 10.08](#).
2. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections three (3) feet in length from the structure wall.

**Section 10.03 MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**A. Intent.** The intent of the Multiple-Family Residential District is to provide multiple-family dwelling units including attached single-family dwellings, such as townhouses, and apartment-style dwelling units. This district is intended for locations that have substantial infrastructure including public utilities and are in close proximity to mixed-use areas or local commercial areas that provide retail, personal service, entertainment, and employment opportunities. In addition to the dwellings permitted in this zoning district, certain recreational, institutional, and public uses, compatible with the principal uses of this district, are permitted.

**B. Use Regulations.** [Section 10.09](#) sets forth permitted, accessory, and special land uses within the MF Multiple-Family District.

**C. Dimensional Requirements.** The following dimensional requirements shall apply to the MF Multiple-Family Residential District:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
in acres	Width in feet		Stories	Feet	Front	Side		Rear
				Least		Total		
1	200	30%	2.5	35	25	20	40	30

**D. Supplemental District Standards.**

1. In addition to those bulk regulations listed in [Section 10.03.C](#), all development shall conform to supplemental bulk regulations listed in [Section 10.08](#).
2. All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections three (3) feet in length from the structure wall.

## Section 10.04 MHP MOBILE HOME PARK RESIDENTIAL DISTRICT

- A. Intent.** The purpose of this district is to provide for mobile home parks and to promote mobile home parks with the character of residential neighborhoods. It is the intent of this ordinance that mobile home parks be located in areas which are served adequately by essential public facilities and services such access roads, police, and fire protection, and public sanitary sewer and water and storm drainage facilities. It is further the intent of this ordinance that mobile homes in mobile home parks deserve and require locations, services, and facilities similar to any other single-family and multiple-family dwelling units built at urban densities. It is further the intent of this ordinance that various supporting uses common to urban residential areas, and also those which are unique to mobile home communities, be permitted in the district.
- B. Use Regulations.** [Section 10.09](#) sets forth permitted, accessory and special land uses within the MHP Mobile Home Park District.
- C. Supplemental District Standards.**
- 1. Lot Area and Width.** The minimum area for a mobile home park shall be twenty (20) acres. The tract of land shall comprise a single lot, except where the lot is divided by public roads or where the total property includes separate property for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the mobile home park, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management. The minimum width of any other part of the lot containing dwellings and buildings open to occupants of the mobile home park shall be two hundred (200) feet.
  - 2. Maximum Permitted Density.** The maximum density permitted in a mobile home park shall not exceed seven and one-half (7.5) units per gross acre. For purposes of these regulations, gross acreage shall be computed as all land area within the exterior boundaries of the mobile home park lot, including proposed roads, common open space, lands occupied by management offices and community buildings, lands occupied by mobile home stands or lots, and lands occupied by utilities installations. For purposes of these regulations, gross acreage shall not include land area within rights-of-way of existing roads; surface area of lakes, ponds, or wetlands; land within a one hundred (100) year flood plain; or land within easements more than twenty (20) feet wide. In computations, each dwelling unit shall be considered to require five thousand eight hundred eight (5,808) square feet of gross land area.

- 3. Floor Area Ratio.** The minimum floor area ratio of the entire mobile home park shall not exceed forty percent (40%).
- 4. Yard and Separation Requirements.**
  - a. A yard at least twenty-five (25) feet wide shall be provided along the right-of-way of each public road which the mobile home park abuts along its perimeter. Such yard shall be used to satisfy site and spacing requirements for individual dwellings, but shall not contain carports, recreation shelters, storage shelters, or any other structures prohibited in yards adjacent to roads in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no parking bays or active recreation areas shall be allowed therein.
  - b. Where mobile home park abuts one or more boundaries or other zoning districts without an intervening road or permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining zoning district is residential, the same limitations on occupancy and the use of such yards shall apply. Where the adjoining district is nonresidential, provided that a minimum of ten (10) feet shall be provided between such structures or facilities and the property line, such yards may be used for the following uses:
    - i. On-site parking spaces or parking bays;
    - ii. Recreation facilities,
    - iii. Carports, or
    - iv. Storage shelters.
  - c. The following minimum distances shall be provided and maintained from a mobile home unit and shall be measured from the face of the mobile home unit. If the mobile home has an attached or add-on structure, or other attached structure which is enclosed for more than fifty percent (50%) of its perimeter, the applicable distances shall be measured from the face of the attached structure
    - i. Twenty (20) feet between mobile home units.
    - ii. Ten (10) feet from an on-site parking space on an adjacent site.
    - iii. Ten (10) feet from a detached accessory structure.
    - iv. Ten (10) feet from an attached accessory structure which is

enclosed for fifty percent (50%) or less of its perimeter.

- v. Fifty (50) feet from any principal building which is not a mobile home.
  - vi. Ten (10) feet from the edge of an internal road.
  - vii. Twenty (20) feet from the right-of-way line of a public road within the mobile home park.
  - viii. Seven and one-half (7 1/2) feet from a parking bay.
  - ix. Seven (7) feet from a common pedestrian walkway.
- d. Notwithstanding the requirements of Section 10.04.C.4.c preceding, two (2) or more mobile home units may be attached along common walls if these walls contain no windows, doors, or other openings; are constructed or safeguarded to provide at least one (1) hour fire protection when attached to other dwelling units; and are constructed to meet the acoustic controls to living unit sound transmission limitations of minimum property standards for multi-family housing, U.S. Department of Housing and Urban Development.
- e. Notwithstanding the requirement of Section 10.04.C.4.d preceding, carports, recreation shelters, storage buildings and similar accessory structures on adjacent sites may be attached across site lines, provided they do not impede desirable views, including visibility at intersections of roads or of driveways with roads, or increase fire hazards.

5. **Accessory Structures.** One (1) carport or garage, and one (1) storage building, are allowed on each mobile home site.

## Section 10.05 I-1 LIMITED INDUSTRIAL DISTRICT

- A. **Intent.** This district is composed of those areas of the City whose intended principal use is light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or noxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public roads and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

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- B. Use Regulations.** [Section 10.10](#) sets forth permitted, accessory and special land uses within the I-1 Limited Industrial District.
- C. Dimensional Requirements.** The following dimensional requirements shall apply to the I-1 Limited Industrial District:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
in s.f.	Width in feet		Stories	Feet	Front	Side		Rear
						Least	Total	
21,780	150	25%	2	35	50	50	100	35

- D. Supplemental District Standards.**
  1. In addition to those bulk regulations listed in [Section 10.05.C](#), all development shall conform to supplemental bulk regulations listed in [Section 10.08](#).

**Section 10.06 R-D RESEARCH AND DEVELOPMENT DISTRICT**

- A. Intent.** This district is intended for research, development, and industrial uses that encourage and promote a healthy, stable local economy. This district is intended for areas with road, transportation, and utility service availability needed by the allowed uses. This district should be located in the City’s industrial park or areas relatively isolated from incompatible uses, such as residential, and to limit impacts on adjacent uses including the generation of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or noxious matter. Supplemental standards in this district are intended to provide for appropriate facility design in keeping with the character of the district and the City; and to limit impacts on adjacent properties.
- B. Use Regulations.** [Section 10.10](#) sets forth permitted, accessory and special land uses within the R-D Research and Development District.
- C. Dimensional Requirements.** The following dimensional requirements shall apply to the R-D Research and Development District:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
in acres	width in feet		Stories	Feet	Front	Side		Rear
						Least	Total	
1	150	35%	2	40	50	22.5	45	35

- D. Supplemental District Standards.**
  1. In addition to those bulk regulations listed in [Section 10.06.C](#), all development shall conform to supplemental bulk regulations listed in [Section 10.08](#).

2. Open storage of materials and products on the lots is prohibited.
3. All vehicle access to any lot within an industrial or research and development park shall be constructed or permitted to exit from a park entrance drive.
4. All building and other structures shall be constructed of durable materials, such as face brick, treated concrete, steel, aluminum or other architectural exterior surfaces or equal material, requiring no periodic painting or treatment. All building fronts shall be fifty percent (50%) or more masonry surface including the glass surface.

## Section 10.07 PF PUBLIC FACILITIES DISTRICT

- A. Intent.** The district is intended to provide an appropriate zoning classification for government, civic and recreational facilities where a separate zoning district is deemed appropriate based on land use patterns and surrounding conditions. This district is intended for areas are designated either Public or Open Space on the Future Land Use Map in the Master Plan. This district is intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, to ensure compatibility with adjoining land uses, and, in some cases, to provide an ecological buffer of open space for Mill Creek and the Huron River. Several of the public facilities allowed in this Section are also permitted or special uses in one (1) or more of the other zoning districts, where integration of those uses contribute to the character of the district, such as a park in a residential zoning district or a municipal building in the Central Business District.
- B. Use Regulations.** [Section 10.10](#) sets forth permitted, accessory and special land uses within the PF Public Facilities District.
- C. Dimensional Requirements.** The following dimensional requirements shall apply to the PF Public Facilities District:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet <sup>1</sup>			
in s.f.	Width in feet		Stories	Feet	Front	Side		Rear
--	--	30% <sup>2</sup>	2	30		10	Least	

- 1 The following are exempt from minimum yard and setbacks: access for pedestrians, boating and fishing.
- 2 The Planning Commission may allow up to fifty percent (50%) lot coverage if storm water management best practices are used.

**D. Supplemental District Standards.**

1. In addition to those bulk regulations listed in [Section 10.07.C](#), all development shall conform to supplemental bulk regulations listed in [Section 10.08](#).
2. Special events and temporary events are allowed in the PF Public Facilities Zoning District when approved through the standards in Chapter 34 of the City of Dexter General Code – Peddlers, Solicitors and Transient Merchants.

**Section 10.08 SUPPLEMENTAL DIMENSIONAL REGULATIONS APPLICABLE TO ALL USE BASED DISTRICTS**

- A. Continued conformity with bulk regulations.** The maintenance of setback, height, lot coverage, open space, mobile home site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building, structure, or lot on which such use, building or structure exists. No setback, height, lot coverage, open space, mobile home site, transition strip, lot area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building, or structure.
- B. Corner Lot Setbacks.** A corner lot shall maintain front yard requirements for each road frontage.
- C. Height.** The limitations affecting the height of the structures shall not apply to the following appurtenant and structures provided they comply with all other provisions of this or any other applicable Ordinances: Parapet walls, chimneys, smokestacks, church spires, flag poles, penthouses for mechanical equipment and water tanks.

**Section 10.09 RESIDENTIAL DISTRICT USE TABLE**

- A. Specified Uses.** In all Residential Districts, no building or land shall be used, and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.
- B. Schedule of Uses.** The Schedule of Use Regulations identifies uses as follows:
1. “P” identifies uses permitted as of right.
  2. “S” identifies uses requiring Conditional Use Approval as outlined in [Article VIII](#).
  3. “A” identifies accessory uses.
  4. No marking identifies uses not permitted



Use	R-1	MF	MHP	Notes
<b>Residential</b>				
Single-family detached dwellings	P			Subject to <a href="#">Section 14.02</a>
Residential cluster developments	S	S		Subject to <a href="#">Section 12.02</a>
Two-family dwellings		P		
Single-family attached dwellings		P		
Multiple-family dwellings		P		
Senior assisted living		P		See <a href="#">Section 14.10</a>
Senior independent living		P		See <a href="#">Section 14.10</a>
Home occupations	P			Subject to <a href="#">Section 14.04</a>
Medical marijuana home occupation	P			Subject to <a href="#">Section 14.05</a>
Accessory dwelling units	A			Subject to <a href="#">Section 14.03</a>
Bed and breakfasts	P	P		
Boarding and rooming houses		S		
Accessory short-term rentals	A	A		Subject to <a href="#">Section 14.16</a>
Vacation rental housing	S	S		Subject to <a href="#">Section 14.17</a>
Mobile home parks			P	Subject to <a href="#">Section 10.04</a>
<b>Institutional/Cultural</b>				
Public swimming pools, parks, playgrounds, and playfields		S		
Family child care homes	P	P		Subject to <a href="#">Section 14.08</a>
Foster family homes	P	P		Subject to <a href="#">Section 14.08</a>
Foster family group homes	P	P		Subject to <a href="#">Section 14.08</a>
Group child care homes	P	P		Subject to <a href="#">Section 14.08</a>

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<b>Use</b>	<b>R-1</b>	<b>MF</b>	<b>MHP</b>	<b>Notes</b>
Adult day care homes	P	P		Subject to <a href="#">Section 14.09</a>
Adult foster care family homes	P	P		Subject to <a href="#">Section 14.09</a>
Adult foster care group homes (small and large)	P	P		Subject to <a href="#">Section 14.09</a>
Adult foster care congregate facilities		S		Subject to <a href="#">Section 14.09</a>
Child care centers		S		
Nursing and convalescent homes		S		Subject to <a href="#">Section 14.11</a>
Places of worship	S	S		
Primary and secondary non-profit schools, colleges, and universities		S		
Government or community-owned buildings	S	S		
Community center	P	P		
Essential service structures	P	P	P	
<b>Other</b>				
Management office, laundry facilities, recreation areas, and similar uses and structures commonly provided to serve the residents of a mobile home park or multiple-family community		A	P	
Accessory uses, buildings, or structures	A	A	A	Subject to regulations in <a href="#">Article III</a> .

## Section 10.10 NON-RESIDENTIAL DISTRICT USE TABLE

- A. Specified Uses.** In all Non-Residential Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.
- B. Schedule of Uses.** The Schedule of Use Regulations identifies uses as follows:
1. “P” identifies uses permitted as of right.
  2. “S” identifies uses requiring Conditional Use Approval as outlined in [Article VIII](#).
  3. “A” identifies accessory uses.
  4. No marking identifies uses not permitted

Use	I-1	RD	PF	Notes
<b>Industrial</b>				
Research & testing facilities	P	P		
Laboratories - experimental, film, testing.		P		
Manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.	P	P		
Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.	P			
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or natural gas.		P		
Sheet metal products manufacturing and repair.		P		Repair is only allowed when incidental to manufacturing.

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Use	I-1	RD	PF	Notes
Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth, or other similar materials not generated on-site.	P	P		
Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as 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.		P		
Printing, lithographic, blueprinting, and similar processes when used to manufacture product but excluding retailing of product or service, such as a copy and printing center for carry-in/carry out service.		P		
Commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.	P			
Light manufacturing industrial uses which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.	P			
Light-metal cutting	S			

Use	I-1	RD	PF	Notes
Warehousing and material distribution centers and contractors' establishments provided all products, material, and equipment are stored within an enclosed building.	S			
Indoor storage of materials to be used on-site and of products made on-site, but excluding warehousing of items not involved in the on-site processes.	P	P		
Wholesale businesses, but not including junkyards or used auto wrecking establishments or business handling wastes, coal yards, junk; the incubation, raising or storing of poultry; the slaughtering of animals or poultry.	S			
Manufacturing of wine, beer and/or other alcoholic beverages.		P		
Recycling centers		S		
<b>Office / Retail / Service</b>				
Large animal clinics	S			Subject to <a href="#">Section 14.38</a>
Retail/Showroom for goods manufactured on site or in conjunction with site operations.		P		Maximum fifteen percent (15%) of total gross floor area.
Restaurants and cafeterias within principal buildings	A			
Restaurants and cafeterias in stand-alone buildings	P			
Tasting rooms				Subject to <a href="#">Section 14.75</a>
Personal fitness centers		S		

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<b>Use</b>	<b>I-1</b>	<b>RD</b>	<b>PF</b>	<b>Notes</b>
Open air businesses for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, such as household equipment, small tools, pneumatic-tired two and four wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.	S			
Self-storage facilities	P	P		Special land use if abutting or across the road from a residential zone or use.
<b>Automotive/Transportation</b>				
Automobile or vehicle repair centers	P			
Bus, truck, taxi, and rail terminals	S			
<b>Institutional/Cultural</b>				
Public swimming pools, parks, playgrounds and playfields			P	Minimal encroachment and/or intrusion upon the natural resource areas
Commercial outdoor recreational facilities, such as, but not limited to, canoe/kayak/liveries, concession stands, swimming pools			S	Minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties.
Cemeteries			P	
Primary and secondary non-profit schools, colleges and universities			P	
Child care center within principal building	A	A		
Child care center in stand-alone building	S	S		
Essential services structures	P	P	P	
Essential services buildings	S	P	S	

Use	I-1	RD	PF	Notes
Outdoor storage for essential service buildings	S	S	S	
<b>Other</b>				
Any use producing more than seventy (70) decibels at the property line	S	S		Not an allowed use when adjacent to residentially used or zoned property.
Radio, television, microwave, and cellular phone towers	S		S	
Accessory uses, buildings, or structures	A	A	A	Subject to regulations in <a href="#">Article III</a> .

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## Article XI

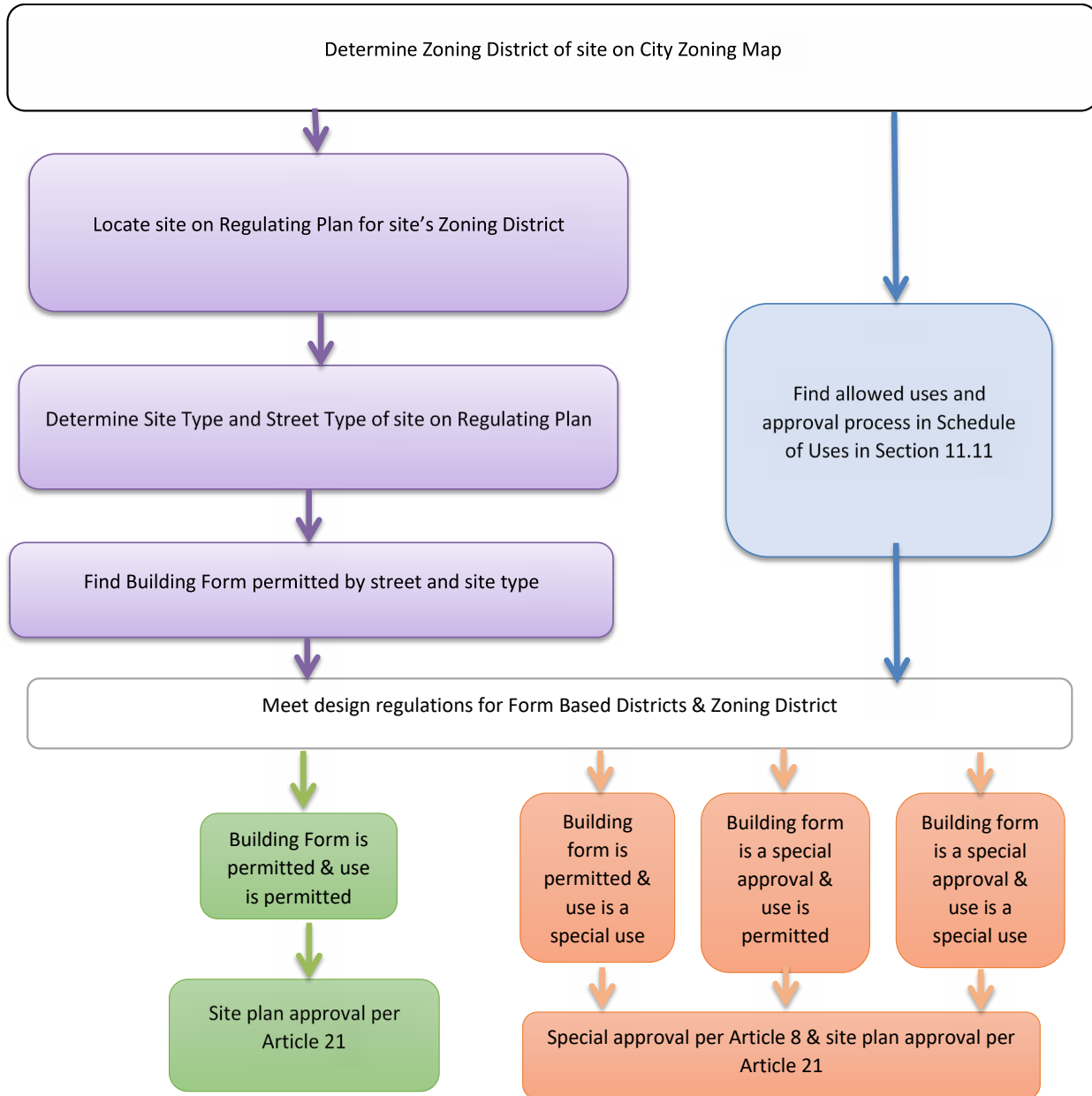
### FORM-BASED DISTRICTS

#### Section 11.01 INTENT, PURPOSE AND USE

- A. Intent.** The Master Plan identified areas within the City where regulating urban form and character of development is needed in addition to regulating use and intensity of use. Within these focus areas the City encourages development with a mix of uses, including public open space, in order to provide development in a sustainable way, while preserving the historic character of the City. The Form-Based Districts are intended to implement the vision, goals, and objectives of the Master Plan and any other applicable Plans.
- B. Purpose.** The general purposes of these regulations are to:
1. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and non-motorized spaces.
  2. Preserve the historic design, road layout, and character of the Downtown, and the original City plat.
  3. Promote infill development and redevelopment.
  4. Promote a compact growth pattern to efficiently use the remaining developable land, and to enable the cost-effective extension of utilities, services, roads, and transit service.
  5. Promote mixed-use development within the form-based districts and within buildings.
  6. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
  7. Improve mobility options and reduce the need for on-site parking by encouraging alternative means of transportation.
- C. Factors for Regulation.** These regulations are based on two (2) significant factors: site context and building form.
1. The form-based districts use site context to customize the regulations to the inherent conditions of the places where these regulations are applied. Site context is derived from existing and desired characteristics, which include street types and site types.
    - a. Streets are divided into various types based on purpose and unique attributes.

- b. Sites are divided into site types. Site types are distinguished from one another by their context, which includes shape, size, orientation, configuration, road patterns, location, existing land uses, and intensity of uses.
  2. Building form addresses the manner in which buildings and structures relate to their lots, surrounding buildings, and road frontage. The shape of the building, the land area-to-volume ratio, and the orientation of the building have significant impacts upon the general feel and character of an area. Building form standards control height, placement, building configuration, parking location, and ground story activation applicable to the site context.
  3. Regulations are tailored to meet a more specific intent of each district. These districts and intents are set forth elsewhere in this Article.
- D. Regulating Plans.** The form-based districts use Regulating Plans, which rely on street types and site types to determine building forms and allowable uses for a given parcel. The steps to determine the regulations that apply to a specific parcel within a form-based district are as follows:
1. Find the site in question on the Zoning Map and its zoning district.
  2. Find the site in question on the appropriate Regulating Plan map.
  3. Identify the street type of types adjacent to the site in question. Streets will be classified Downtown A, Downtown B, Corridor or Village.
  4. Identify the site type for the site in question. Sites will be classified Site Type A, B, C, D, E, or F.
  5. Consult the Building Forms Permitted tables for the district in which the site is located. The tables will identify if a building form is permitted, permitted by special approval per [Article VIII](#), or not permitted for the site type and street type combination of the site in question.
  6. Consult the Use Table in [Section 11.11](#) to identify if the use is permitted, permitted and subject to other regulations, permitted by special approval per [Article VIII](#), or not permitted for the zoning district in question.
  7. Follow the regulations for the chosen building form when designing the development application. Building form regulations are established in [Section 11.03](#).
  8. Follow the design standards as listed in [Section 11.11](#) and in Sections [11.04.D](#), [11.05.D](#), [11.06.D](#), and [11.07.D](#).
  9. Obtain site plan approval or special use approval for the chosen building form and use, as appropriate.

### Form-Based Districts Process



## Section 11.02 APPLICABILITY AND ORGANIZATION

### A. Applicability

1. Any new use or expansion of existing use that requires site plan review shall comply with the requirements of this Article and other applicable requirements of this Ordinance.
2. The requirements of this Article shall not apply to:
  - a. Continuation of a permitted use within an existing structure.
  - b. Changes of use within existing structures that do not require increased parking.
  - c. Normal repair and maintenance of existing structures that do not increase building size or parking demand.
  - d. Continuation of a legal non-conforming use, building, and/or structure, in accordance with [Article IV](#).
  - e. The expansion of a legal non-conforming use, building, and/or structure, in a manner that does not increase its level of nonconformity, in accordance with [Article IV](#).

**B. Regulating Plans.** Each form-based district to which these standards apply shall be governed by a Regulating Plan that is specific to each focus development area. The Regulating Plan, based on the context of street type and site type, determines building form and allowable use for each parcel within a form-based district.

**C. Street Types.** Street types, as set forth in [Section 11.03.B](#), recognize that road patterns within the City of Dexter are established. Streets range from Downtown and Corridor roads which carry a large volume of traffic to Village Streets which carry lower volumes of neighborhood traffic.

**D. Site Types.** Site Types, as set forth in [Section 11.03.C](#), are determined by lot size, lot configuration, location, and relationship to neighboring adjacent sites.

**E. Building Form Standards.** Building form standards, set forth in [Section 11.03.D](#), establish the parameters for building form, height, and placement, and are specifically applied to each district based upon the Regulating Plan.

**F. Design Standards.** General design standards, set forth in [Section 11.11](#), and the design standards established for each district are supplementary to other requirements of the Ordinance. Generally, the design standards regulate parking, public spaces, landscaping, and other site design requirements.

- G. Modification of District Boundaries.** Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of [Article XXIII](#), Amendments.
- H. Modification of Regulating Plan.** Specific building form, use group, and design standards applied within each Regulating Plan are based upon the designation of street type and site type. Any modification of street type or site type shall be determined by the City Council, after a recommendation by the Planning Commission, following a public hearing and notice in accordance with [Section 22.08](#) of this Ordinance. The City Council and Planning Commission shall consider the following when deciding whether to modify a site type or street type designation:
  1. The applicant’s property shall be used for a purpose permitted in the form-based district.
  2. Area has been added to or deleted from the subject site in question, requiring the modification.
  3. The proposed modification and resulting development will not alter the essential character of the area.
  4. The proposed modification meets the intent of the district.
  5. Existing roads have been improved and/or new roads constructed that may result in the modification of a specific site type or street type.
  6. Modification of the Regulating Plan is in conformance to the Master Plan.

## **Section 11.03 STANDARDS APPLICABLE TO ALL USES**

- A. Intent.** The following standards are applicable to all uses and define the elements of the form-based regulations. Each parcel has a street type, site type, and building form.
- B. Street Types.** Street types are described below and are in order of intensity, from most intense to the least intense.
  1. **Downtown A:** The Downtown Street Type A refers to roads in the Central Business District that form the core of the dense, walkable, historic downtown of the City. These roads are characterized by multiple story, mixed use buildings with zero setbacks. The roads have on-road parking and wide sidewalks with road trees and landscaping. Plazas and parks are integrated into the sidewalks and connected via crosswalks and non-motorized pathways. Intersections are designed to create a sense of place, while safely guiding pedestrian circulation in the downtown. Lighting and signs are at pedestrian scale and reflect the character of the historic downtown.

Parking is provided by public parking, in municipal parking lots or on-road parking. Vehicle access is from the rear or side of property via alleys or adjacent side roads. On-site loading and waste disposal areas are in the rear of the properties or adjacent alleys.

2. **Downtown B:** The Downtown Street Type B refers to roads on the edges of the Central Business District. These roads connect the Central Business District to adjacent neighborhoods and corridors and are characterized by a variety of buildings – ranging from multi-story buildings to adaptively re-used historic houses to single-story buildings. Buildings are typically set back from the road, with sidewalks buffered from the road by trees, planting areas and on-road parking. These roads have pedestrian scale lighting and signs, with well-marked intersections for walkability and safety.

While on-road parking and public parking areas are available, curb cuts for individual property are allowed, with side and rear on-site parking. Loading and waste disposal areas are in the rear of the properties and adjacent alleys.

3. **Corridor:** The Corridor street type refers to mixed use corridors in the City, which are characterized by high traffic volumes and have the widest spacing between building fronts of all roads within the mixed-use districts. Corridor roads accommodate the majority of the traffic traveling through the City of Dexter, connects the City with its adjacent communities, and serve as the primary framework for circulating throughout the City. Corridor roads are envisioned to integrate features designed to accommodate through traffic and local traffic and to enhance experience of traveling along corridors for all forms of transportation, including walking and bicycling.

These roads will evolve over time to form “complete roads”, with sidewalks and accommodations for cyclists, while continuing to accommodate pass through vehicular traffic. These roads have distinct landscaping, pedestrian and traffic-scale lighting, effective signage, non-motorized pathways, and a complementary relationship with transit opportunities. The intersections will be signature places with enhanced community and corridor landmarks. The spaces will be defined by a stable and consistent building-to-building ratio complemented by landmark structures, superior landscaping, and memorable architecture.

On these roads, parking is provided on site in the rear or side yards with loading and waste disposal areas in the rear yards. On-road parking may be available. Curb cuts are allowed but should be limited and consolidated as much as possible.

4. **Village:** The Village street type are those roads tying together the neighborhoods in the original Village plat and Village annex. They act as

the backbone of these neighborhoods and tie those areas to Downtown or Corridor roads. These roads are characterized by sidewalks with road trees in buffer planting areas, buildings set back from the road and bicycle lanes or pathways, when appropriate.

Intersections provide safe pedestrian crossings, facilitating walkability. While on-road parking is provided, Village street types allow curb cuts for individual property when alley access is not available.

**C. Site Types**

**1. Site Type A.** These sites have the following characteristics:

- a. Small lots located in the original Village plat or Village Annex plat.
- b. Lot widths are a minimum of forty-nine and a half (49.5) feet but are typically sixty-six (66) or ninety-nine (99) feet, based on the original plat.
- c. They are typically located on Village roads but are also on Corridor and Downtown B roads.
- d. They accommodate Building Forms House (H) and Two-Family Dwelling (2F).
- e. Uses are typically residential but can be used in a non-residential manner in appropriate circumstances.

**2. Site Type B.** These sites have the following characteristics:

- a. Medium sized lots located adjacent to Village Residential zoning districts or to Public Use Zoning. The sites are typically at least two (2) lots, but in some cases an entire block, of Village plat or Village Annex which had be combined for an institutional or business use within the original Village neighborhoods. Some sites are larger lots adjacent to public school property.
- b. Lot widths are typically ninety-nine (99) feet or greater.
- c. They are typically located on Village roads but are also on Corridor roads.
- d. They accommodate Building Forms House (H), Two-Family (2F), Single Use (SU), and Institutional (I).
- e. Uses are residential or non-residential uses appropriate adjacent to residential or semi-public/public uses.

3. **Site Type C.** These sites have the following characteristics:
  - a. Small to medium sized lots located in the center of the City's historic downtown.
  - b. These sites range in size from twenty (20) foot wide lots to entire city blocks.
  - c. They are located exclusively on Downtown A roads.
  - d. They accommodate Building Form Downtown Mixed Use (DMU) and, in special circumstances, Single Use (SU).
  - e. A mix of commercial, office, restaurants, institutional and residential uses within buildings and blocks is allowed.
  - f. Buildings located on Site Type C lots shall provide district and prominent architectural features, or site elements which reflect the historic character and context of the City's downtown.
4. **Site Type D.** These sites have the following characteristics:
  - a. Medium sized lots located at the entrances to the City or the Downtown, often with historical significance.
  - b. These sites range in size from ten thousand (10,000) square feet to a several acres.
  - c. They are located on Downtown A, Downtown B, and Corridor roads.
  - d. The Building Forms depend on the street type and zoning district.
  - e. Uses are dependent on the zoning district.
  - f. Buildings located on Site Type D lots shall provide distinct and prominent architectural features or site elements which reflect the importance of the building's location and/or history, and create a positive visual landmark.
5. **Site Type E.** These sites have the following characteristics:
  - a. Lots of various sizes located in the VC, ARC, or BRC zoning districts.
  - b. These sites range in size from ten thousand (10,000) square feet to a few acres.
  - c. They are located on Downtown B, Corridor, and Village roads.



- d. The Building Forms depend on the street type and zoning district.
- e. A mix of commercial, office, restaurants, institutional and residential uses within buildings and blocks is allowed.

**6. Site Type F.** These sites have the following characteristics:

- a. Medium to large sized lots with development or redevelopment potential located in and near the Downtown, along corridors or adjacent to entrances to the City.
- b. These sites range in size from thirty-two thousand six hundred and seventy (32,670) square feet to ten (10) or more acres.
- c. They are located on Downtown A, Downtown B, and Corridor roads.
- d. The Building Forms depend on the street type and zoning district. Building Form Large Format (LF) would be appropriate for large sites on Corridor roads.
- e. A mix of commercial, office, restaurants, institutional uses, and residential uses within buildings and blocks is allowed.

**D. Building Form Standards**

- 1. The mixed-use districts permit a series of building forms, dependent on the site context. The nine (9) building forms are established in this Section as follows.
- 2. Building forms are designated within each district location based on the Regulating Plan. Building forms are classified in the following manner:
  - a. **Permitted Building Forms.** These building forms are permitted as of right in the locations specified.
  - b. **Special Building Forms.** These building forms are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in [Article VIII](#) and the standards in this Ordinance.
  - c. **Exceptions.** For all building forms in all locations, awnings, signs, other projections (e.g., architectural projections, bay windows, etc.) may project into the right-of-way beyond the required building line by up to three (3) feet.
- 3. The Regulating Plan dictates the site type and street type for each individual

- parcel in the district. Building forms are identified within each district as permitted or permitted subject to special use approval based upon the combination of the site type and the street type of each parcel.
4. If a site is adjacent to two (2) different street types, the more intense street type shall control the purpose of determining allowable building forms.
  5. **Lot Size determines Building Form.** The size of the lot determines what type of building may be placed on a lot, in addition to Street Type and Site Type. For instance, a house or a duplex building type may be constructed on an eight thousand five hundred (8,500) square foot lot, since both of those building types fit within the allowed lot size for those building types, but multiple family building is not allowed. Maximum lot depth and width do not determine building types, but all building types must meet the minimum lot width, depth, and size.
  6. **Definitions of Terms in Building Forms Standards.** The following terms used in the Building Forms Standards are defined as in [Article II](#) of this Zoning Ordinance: lot size, lot width, lot coverage, setback, building height. Floor area is the gross floor area as defined in [Article II](#).

The following terms in the Building Forms Standards are defined as:

- a. **Frontage buildout:** The percentage of the front façade of a building that projects into the space between the minimum front yard setback and the maximum front yard setback.
- b. **Dwelling unit floor area:** The gross floor area for each individual dwelling unit within a building form.
- c. **Porch or stoop front setback:** The minimum required distance between the right-of-way line or easement for the public road or private road and the nearest edge of a porch or stoop.
- d. **Garage face:** The setback between the right-of-way line or easement for the public road or private road and the front façade of an attached garage.
- e. **Principal building setback:** The distance between the principal building and the accessory building.
- f. **Screening of adjacent road right-of-way:** The required screening of parking areas from the view of adjacent road rights-of-way.

**E. Height, Setback and Landscaping Deviations**

1. The City Council, upon recommendation by the Planning Commission, may grant height, setback, and landscaping deviations if the following are found:
  - a. The deviation will not adversely impact public health, safety, and welfare.
  - b. The deviation maintains compatibility with adjacent uses.
  - c. The deviation is compatible with the Master Plan and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.
  - d. The deviation will not adversely impact essential public facilities and services, such as: roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water, and sewage facilities, and schools.
  - e. The deviation will be in compliance with all other Zoning Ordinance standards.
  - f. The deviation will not adversely impact any on-site or off-site natural features.

# Zoning Ordinance

## Form A - House

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	4,900	--
Lot width (SF)	49.5	--
Lot coverage (%)	--	30
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	15	25
Side setback one side (ft)	5	--
Side setback combined (ft)	15	--
Rear setback (ft)	25	--
Frontage buildout (%) <sup>1</sup>	60	80
BUILDING REQUIREMENTS	MIN	MAX
Floor area (sf)	1,000	--
Height (ft)	--	35
Height (stories)	1	2.5
FRONT FACADE	MIN	MAX
Porch or stoop front setback (ft)	5	--
Garage Face (ft)	20 <sup>2</sup>	--

ACCESSORY BUILDING(S)	MIN	MAX
Number allowed	--	2
Front setback (front) (ft)	15	--
Side street/alley setback (ft)	10	--
Principal Building setback (ft)	10	--
Side setback (ft)	3	--
Rear setback (ft)	3	--
Height (ft)	--	14 <sup>3</sup>

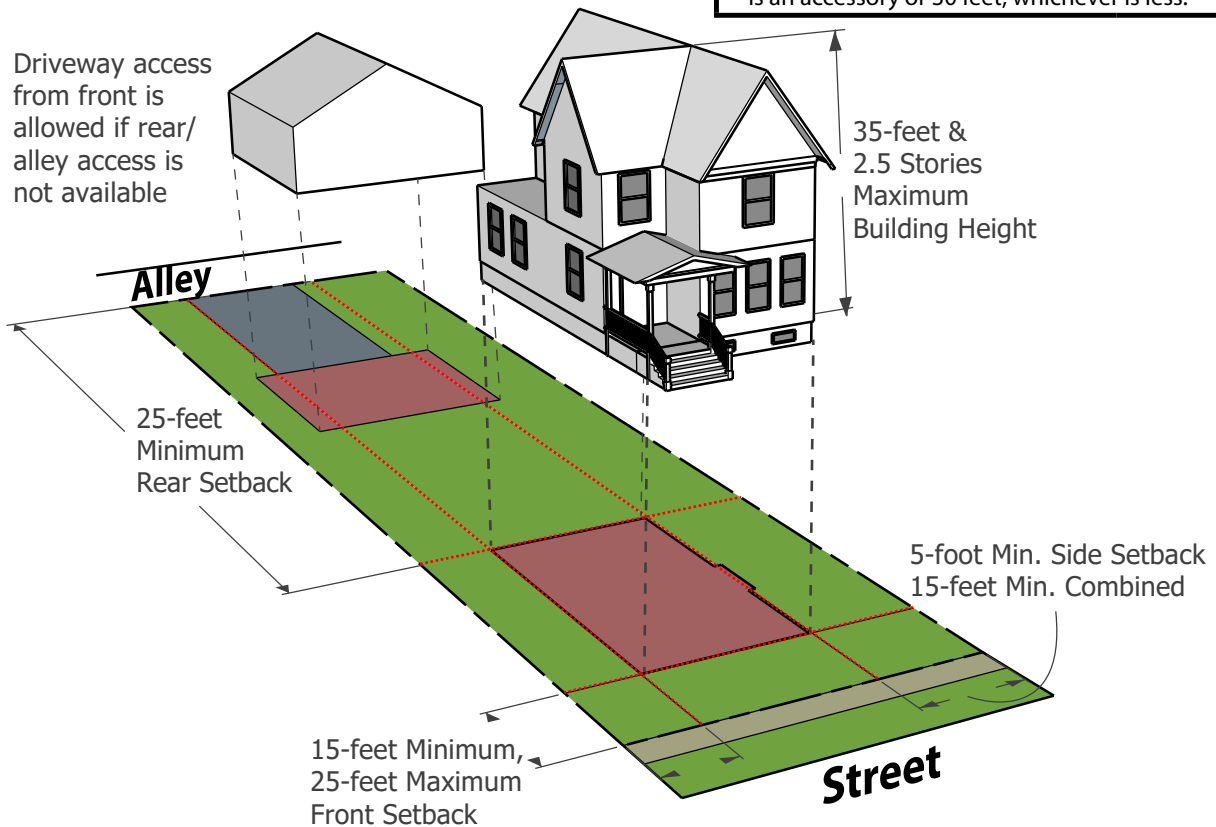
### PARKING

Location	Side & rear yards
Driveway Access	From rear, permitted from front if alley access is not available.
Screening of adjacent street right-of-way	For non-residential uses, 2-foot evergreen shrubs

### NOTES

- <sup>1</sup> Front building façade location requirements do not apply to street side yards.
- <sup>2</sup> The garage face minimum set back is 5 feet from the front of the house or 20 feet from the front property line, whichever is greater.
- <sup>3</sup> The maximum height of a detached accessory dwelling unit is the height of the single-family dwelling to which it is an accessory or 30 feet, whichever is less.

Figure 1. Form A - House - Orthographic View

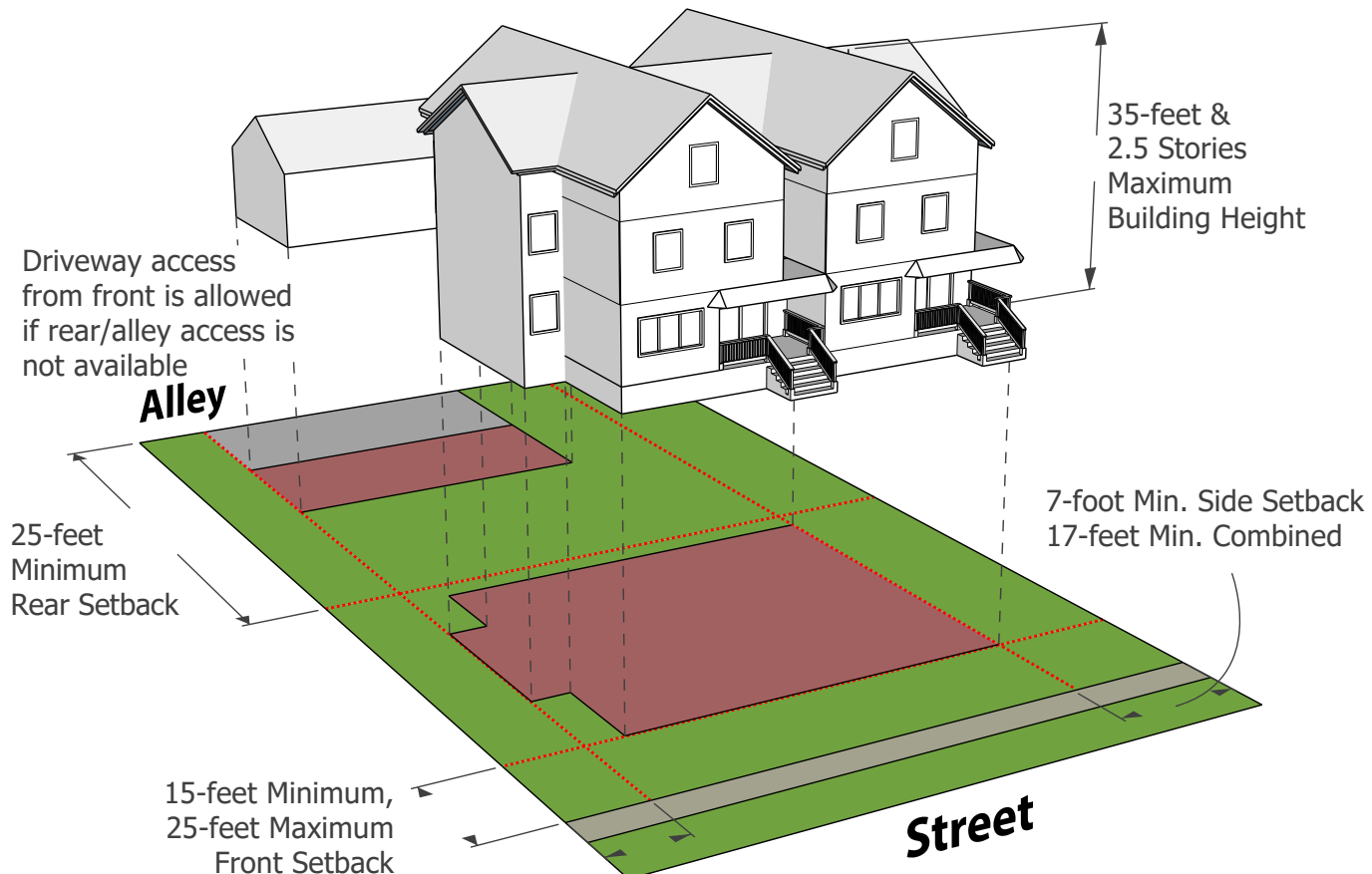


**Form B - Duplex / Two-Family**

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	8,500	--
Lot width (SF)	60	--
Lot coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	15	25
Side setback one side (ft)	7	--
Side setback combined (ft)	17	--
Rear setback (ft)	25	--
Frontage buildout (%) <sup>1</sup>	60	80
BUILDING REQUIREMENTS	MIN	MAX
Floor area (sf)	700	--
Height (ft)	--	35
Height (stories)	1	2.5
FRONT FACADE	MIN	MAX
Porch or stoop front setback (ft)	5	
Garage Face	20 <sup>2</sup>	

ACCESSORY BUILDING(S)	MIN	MAX
Number allowed	--	2
Front setback (front )(ft)	15	--
Side street/alley setback (ft)	10	--
Principal Building setback (ft)	10	--
Side setback (ft)	3	--
Rear setback (ft)	3	--
Height (ft)	--	14
PARKING		
Location	Side & rear yards	
Driveway Access	From rear, permitted from front if alley access is not available.	
Screening of adjacent street right-of-way	For non-residential uses, 2-foot evergreen shrubs	
NOTES		
<sup>1</sup> Front building façade location requirements do not apply to street side yards		
<sup>2</sup> The garage face minimum set back is 5 feet from the front of the house or 20 feet from the front property line, whichever is greater.		

Figure 2. Form B - Duplex / Two-Family - Orthographic View



# Zoning Ordinance

## Form C - Multiple Family Building

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	9,000	--
Lot width (SF)	60	--
Lot coverage (%) <sup>1</sup>	--	60
BUILDING ENVELOPE <sup>1</sup>	MIN	MAX
Front setback (front or side) (ft)	15 <sup>2</sup>	25
Side setback one side (ft)	10	--
Side setback combined (ft)	20	--
Rear setback (ft)	10 <sup>3</sup>	--
Frontage buildout (%)	75	90
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	500	--
Ground floor height (ft)	12	--
Height (ft)	--	45
Height (stories)	2	3
FRONT FACADE	MIN	MAX
Porch or stoop front setback (ft)	5	--

Porches or stoops are required for 1st floor units with front door entrances to the street.

Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.06	
PARKING		
Location	Side street, side & rear yards.	
Driveway Access	From front, rear or side.	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	

### NOTES

- <sup>1</sup> In the CBD, there are no minimum yards and 100% maximum lot coverage allowed
- <sup>2</sup> The Planning Commission may adjust front yard setbacks, up to 10 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.
- <sup>3</sup> If adjacent to a one or two family use or zoning district, the minimum setback is 25 feet.

Figure 3. Form C - Multiple Family Building - Orthographic View

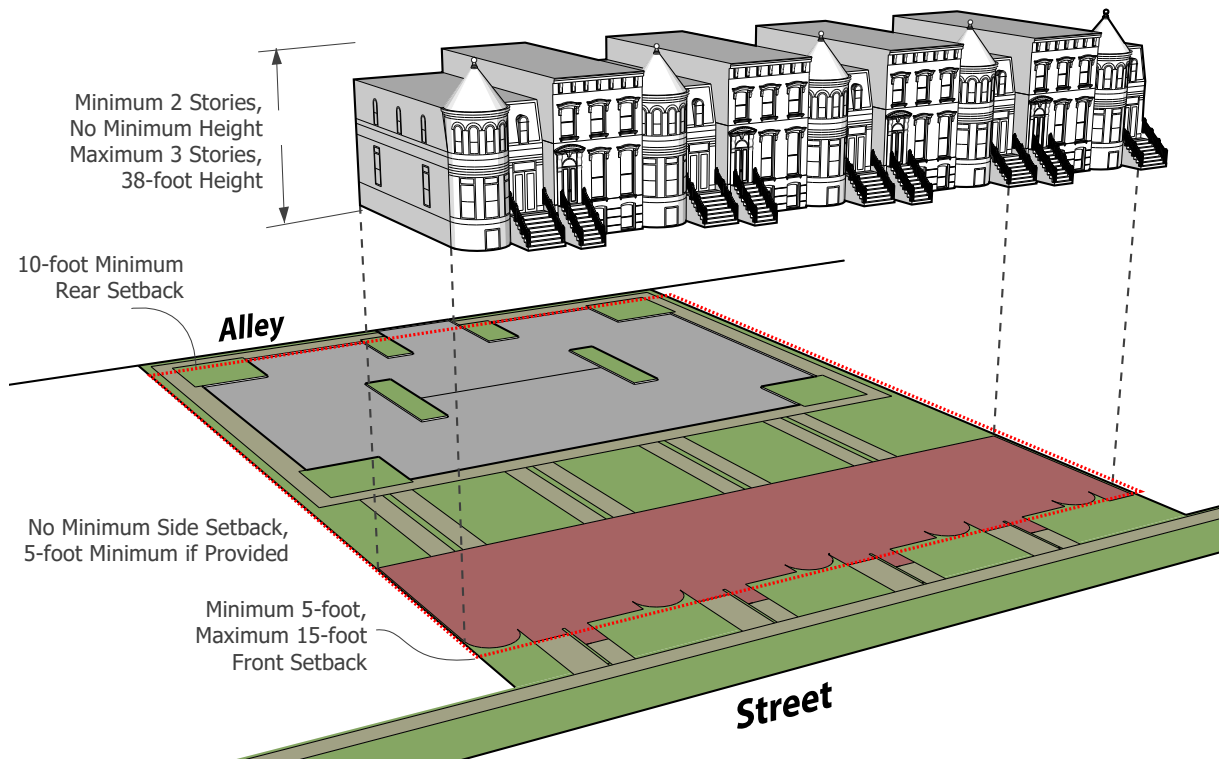


**Form D - Attached Residential / Townhouse**

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	--	--
Lot width (SF)	--	--
Lot coverage (%) <sup>1</sup>	--	80
BUILDING ENVELOPE <sup>1</sup>	MIN	MAX
Front setback (front or side) (ft)	5 <sup>2</sup>	15
Side setback one side (ft)	-- <sup>3</sup>	--
Side setback combined (ft)	-- <sup>3</sup>	--
Rear setback (ft)	10 <sup>4</sup>	--
Frontage buildout (%)	75	90
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	500	--
Ground floor height (ft)	12	--
Height (ft)	--	45
Height (stories)	2	3
FRONT FACADE		
Porch or stoop front setback (ft)	5	--
Porches or stoops are required for 1st floor units with front door entrances to the street.		
Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.		

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.06	
PARKING		
Location	Side street, side & rear yards.	
Driveway Access	From front, rear or side.	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
<sup>1</sup> In the CBD, there are no minimum yards and 100% maximum lot coverage allowed		
<sup>2</sup> The Planning Commission may adjust front yard setbacks, up to 10 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.		
<sup>3</sup> Minimum of 5-foot side yard if provided		
<sup>4</sup> If adjacent to a one or two family use or zoning district, the minimum setback is 25-feet.		

Figure 4. Form D - Attached Residential / Townhouse - Orthographic View



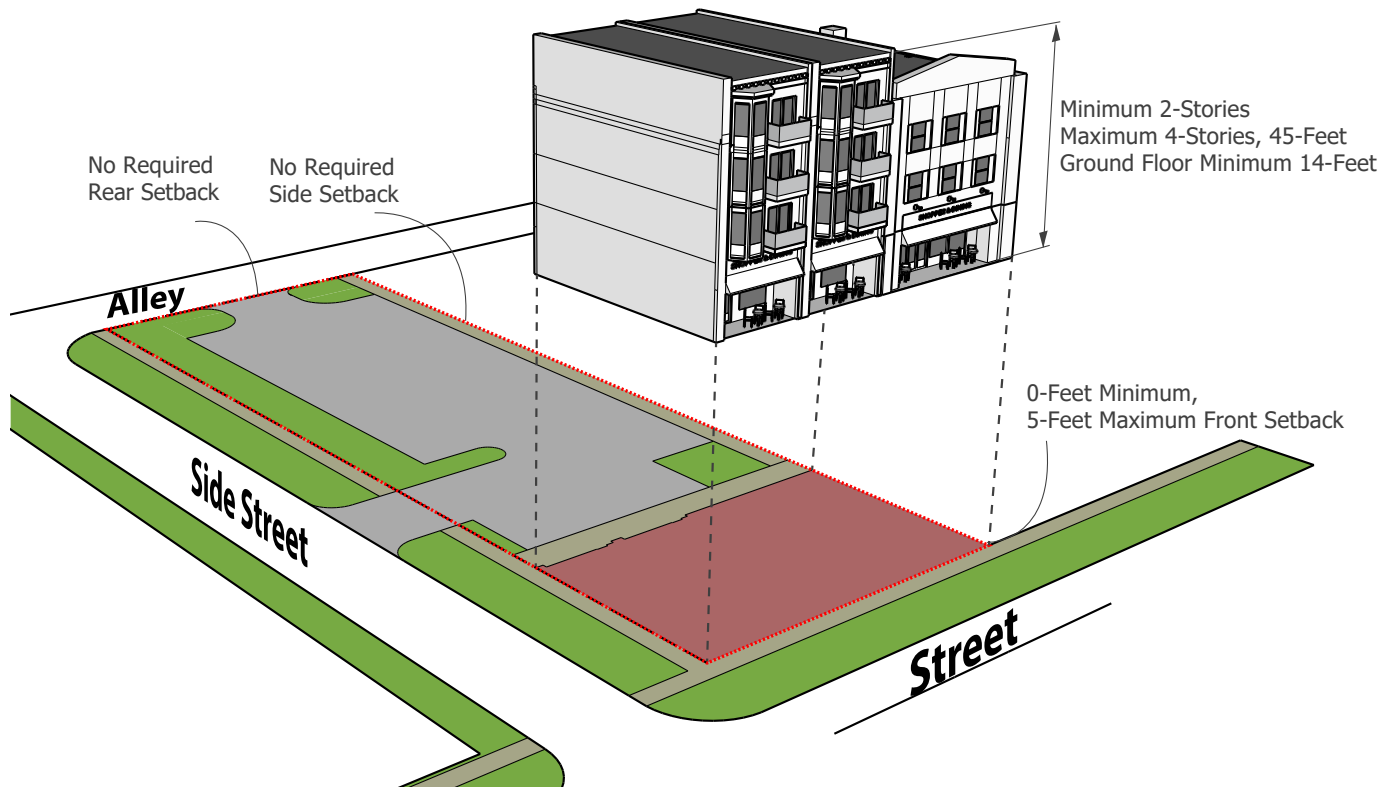
# Zoning Ordinance

## Form E - Downtown Mixed Use

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	--	--
Lot width (SF)	--	--
Lot coverage (%)	--	100
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	0 <sup>1</sup>	5
Side setback one side (ft)	--	--
Side setback combined (ft)	--	--
Rear setback (ft)	--	--
Frontage buildout (%)	80	100
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	500	
Ground floor height (ft)	14	--
Height (ft)	--	45
Height (stories)	2	4
FRONT FACADE	Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.	

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	--	
PARKING		
Location	Rear yards	
Driveway Access <sup>2</sup>	From side or rear on Downtown A streets and front, rear or side on Downtown B streets.	
Screening of adjacent street right-of-way	--	
NOTES		
<sup>1</sup> The Planning Commission may adjust front yard setbacks, up to 20 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.		
<sup>2</sup> If a garage or below-grade parking is integrated into the building, it must be accessible from a side yard, rear yard, an alley, or from a side street in the case of a corner lot.		

Figure 5. Form E - Downtown Mixed Use - Orthographic View



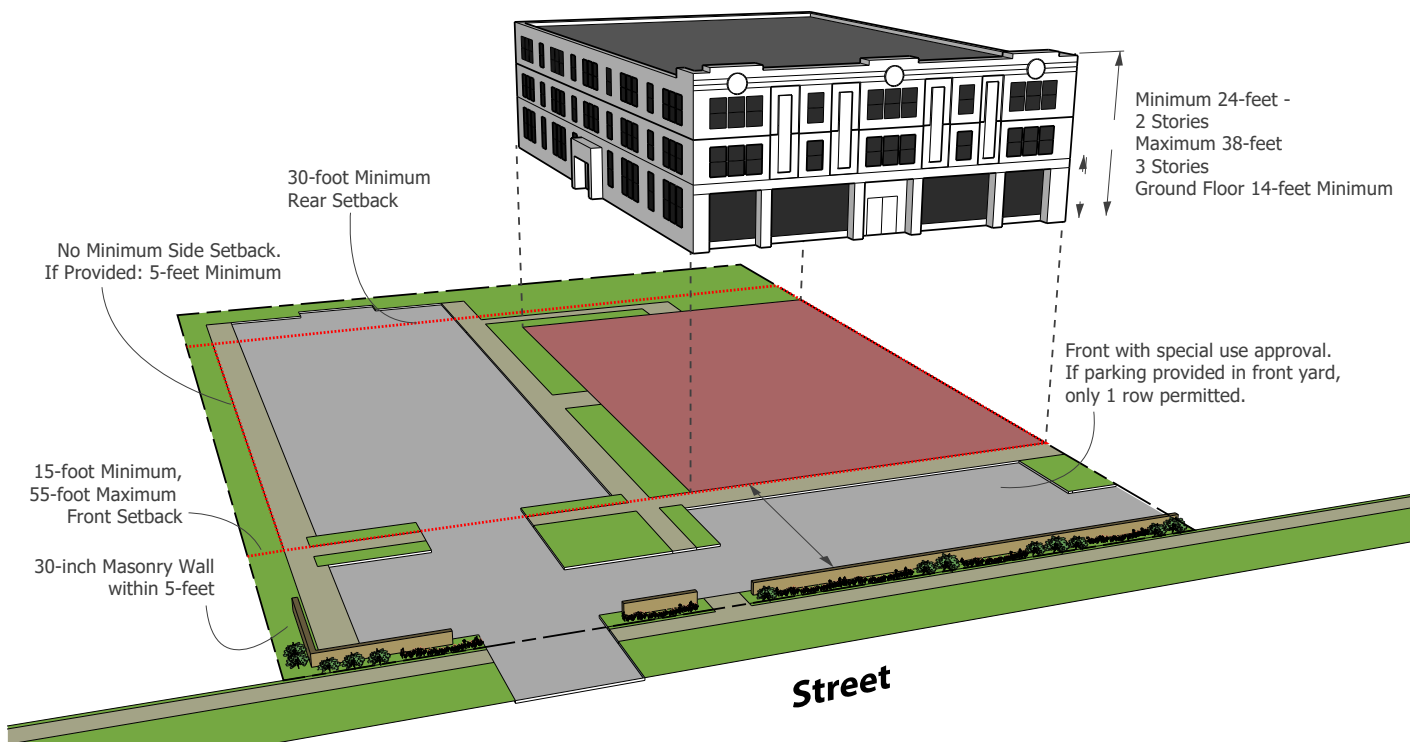


**Form F - Commercial Mixed Use/Live Work**

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	43,560	--
Lot width (SF)	100	--
Lot coverage (%) <sup>1</sup>	--	60
BUILDING ENVELOPE <sup>1</sup>	MIN	MAX
Front setback (front or side) (ft)	15 <sup>2</sup>	55
Side setback one side (ft)	-- <sup>3</sup>	--
Side setback combined (ft)	-- <sup>3</sup>	--
Rear setback (ft)	10 <sup>4</sup>	--
Frontage buildout (%)	50	75
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	--	--
Ground floor height (ft)	12	--
Height (ft)	--	38
Height (stories)	2	3
FRONT FACADE		
Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.		

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.06	
PARKING		
Location	Side and rear yards. Front with special use approval.	
Driveway Access	From front, rear or side	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
<sup>1</sup> In the CBD, there are no minimum yards and 100% maximum lot coverage allowed		
<sup>2</sup> The Planning Commission may adjust front yard setbacks, up to 20 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.		
<sup>3</sup> Minimum of 5' side yard if provided		
<sup>4</sup> If adjacent to a one or two family use or zoning district, the minimum setback is 25 feet		

Figure 6. Form F - Commercial Mixed Use /Live Work - Orthographic View



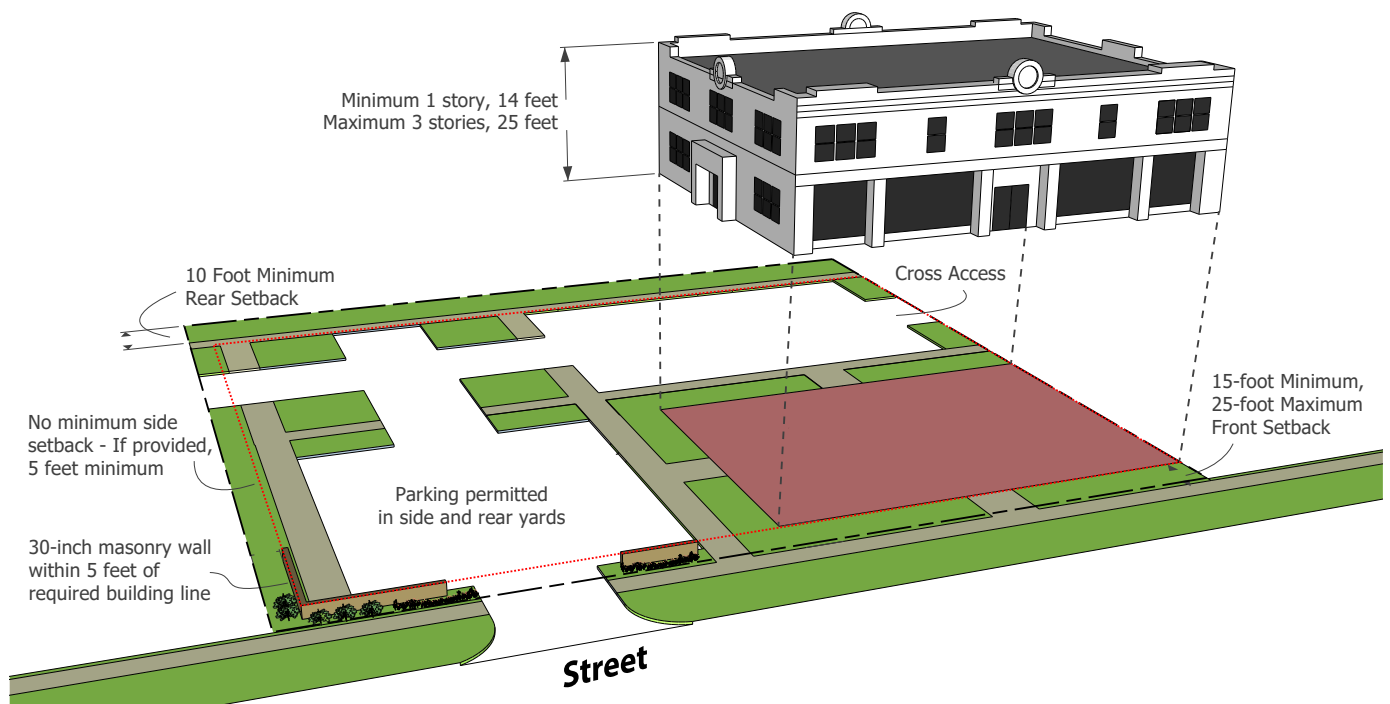
# Zoning Ordinance

## Form G - Single Purpose Building

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	21,780	--
Lot width (SF)	50	--
Lot coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	15	25
Side setback one side (ft)	-- <sup>1</sup>	--
Side setback combined (ft)	-- <sup>1</sup>	--
Rear setback (ft)	10 <sup>2</sup>	--
Frontage buildout (%)	50	75
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	--	--
Ground floor height (ft)	12	--
Height (ft)	--	38
Height (stories)	1	3
FRONT FACADE	Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.	

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.06	
PARKING		
Location	Side and rear yards	
Driveway Access	From front, rear or side	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
<sup>1</sup> Minimum of 5' side yard if provided		
<sup>2</sup> If adjacent to a one or two family use or zoning district, the minimum setback is 25 feet		

Figure 7. Form G - Single Purpose Building - Orthographic View

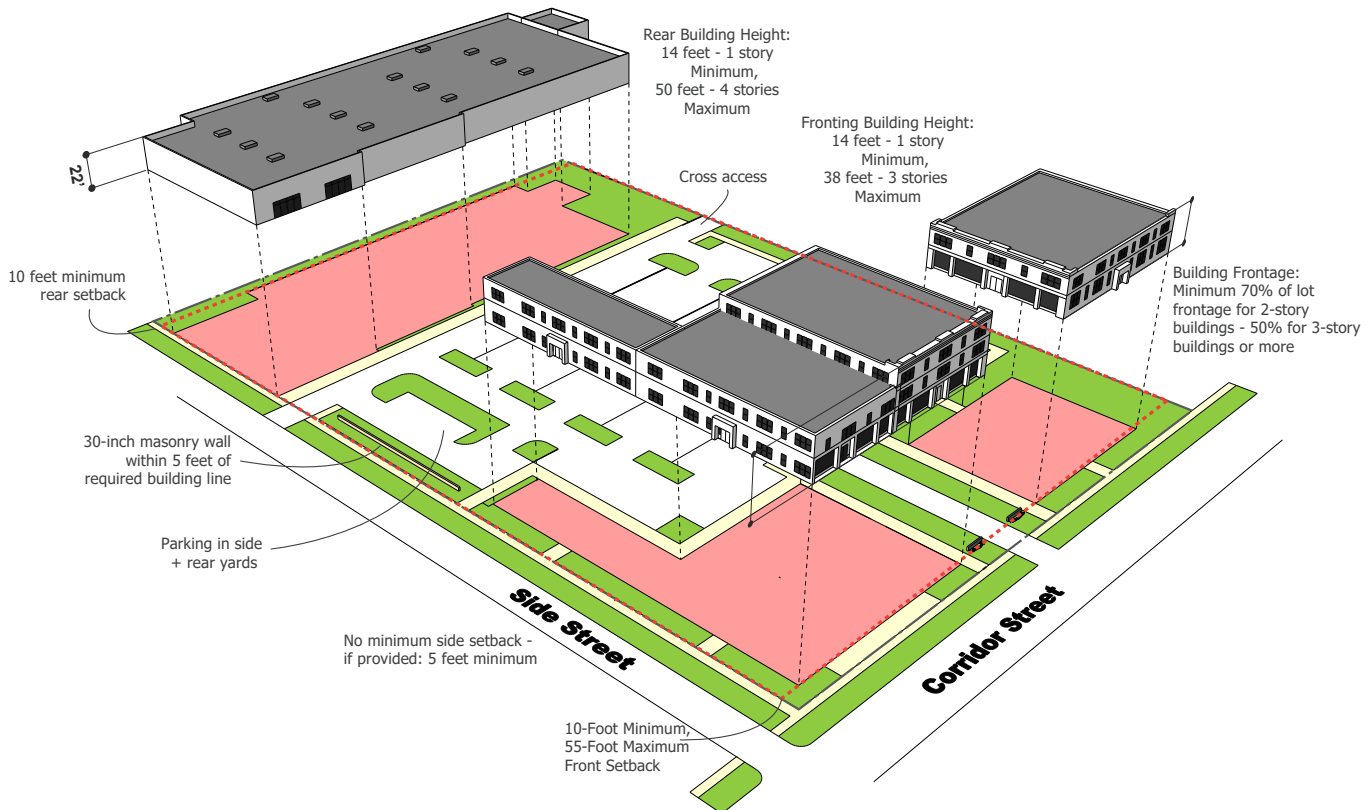


**Form H - Large Format**

LOT REQUIREMENTS	MIN	MAX
Lot size (acres)	2	--
Lot width (SF)	200	--
Lot coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	15	55
Side setback one side (ft)	-- <sup>1</sup>	--
Side setback combined (ft)	-- <sup>1</sup>	--
Rear setback (ft)	10 <sup>2</sup>	--
Frontage buildout (%)	50	75
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	--	--
Ground floor height (ft)	12	--
Height (ft)	--	38
Height (stories)	1	3
FRONT FACADE	Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.	

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	See Section 6.06	
PARKING		
Location	Front, side and rear yards	
Driveway Access <sup>1</sup>	From front, rear or side	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
<sup>1</sup> Minimum of 5' side yard if provided		
<sup>2</sup> If adjacent to a one or two family use or zoning district, the minimum setback is 25 feet		

**Figure 8. Form H - Large Format - Orthographic View**



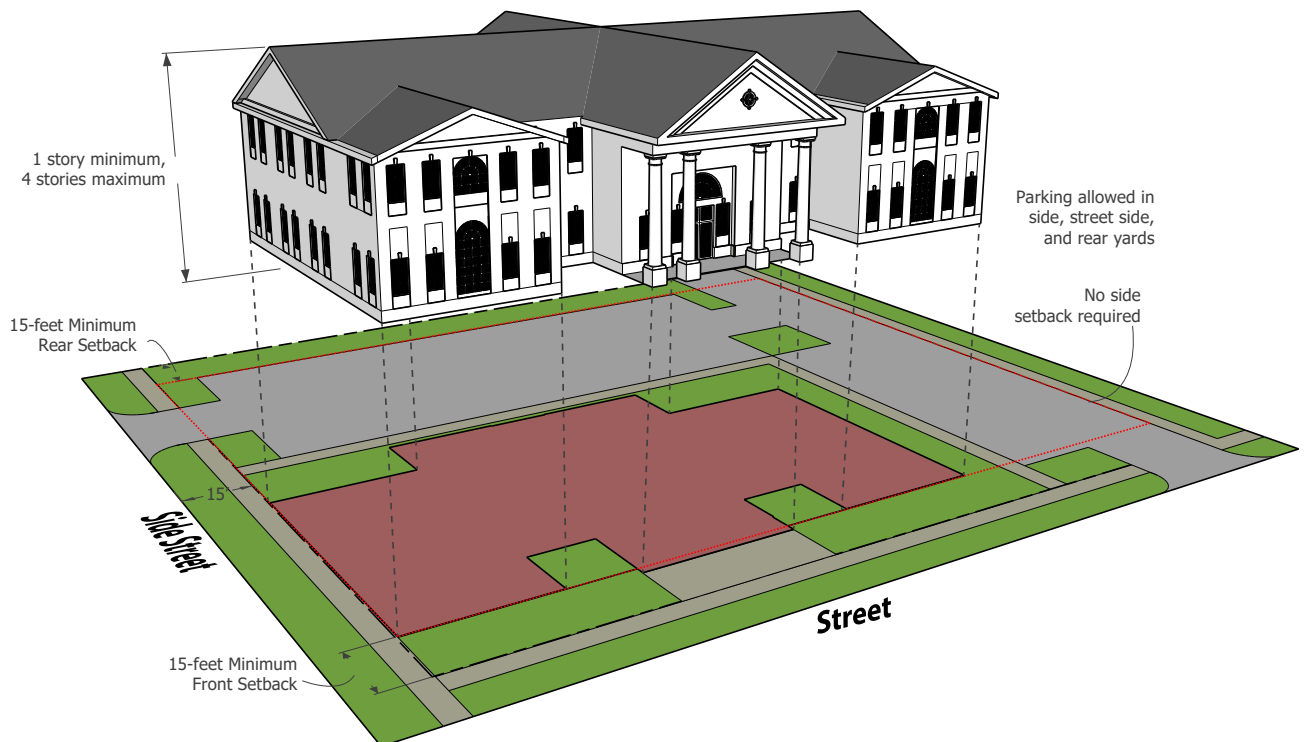
# Zoning Ordinance

## Form I - Institutional

LOT REQUIREMENTS	MIN	MAX
Lot size (SF)	--	--
Lot width (SF)	--	--
Lot coverage (%)	--	60
BUILDING ENVELOPE	MIN	MAX
Front setback (front or side) (ft)	15 <sup>1</sup>	25
Side setback one side (ft)	10	--
Side setback combined (ft)	20	--
Rear setback (ft)	15	--
Frontage buildout (%)	50	100
BUILDING REQUIREMENTS	MIN	MAX
Dwelling Unit floor area (sf)	--	--
Ground floor height (ft)	14	--
Height (ft)	--	45
Height (stories)	1	3
FRONT FACADE	Front facades must meet design standards in 11.03.G as well as specific design standards for the applicable zoning district.	

LANDSCAPING	MIN	MAX
Street Trees (1 tree per x lineal feet of street frontage)	30	40
Screening between land uses	--	
PARKING		
Location	Side street, side and rear yards	
Driveway Access <sup>1</sup>	From front, rear or side	
Screening of adjacent street right-of-way	30 inch masonry wall with shrubs or landscaping within 5 feet of street right-of-way	
NOTES		
<sup>1</sup> The Planning Commission may adjust front yard setbacks, up to 20 feet, and the minimum building frontage to allow a permanent public space, developed as part of the principal building.		

Figure 9. Form I - Institutional - Orthographic View



## Section 11.04 CENTRAL BUSINESS DISTRICT (CBD)

**A. Intent.** This District is the historical commercial center of the City. The intent is to foster continued improvements and redevelopment, preserving the historic context of the “old Dexter”, while adding residential options, gathering spaces, and green areas to expand the social and environmental diversity of the Downtown and to improve its economic viability. To foster an appealing high-density pedestrian environment, the CBD is intended to be physically compact and to provide a diversity of products and services, convenient parking, and pedestrian and vehicle safety.

### B. Regulating Plan

1. The Regulating Plan, as set forth in this Section, identifies allowable uses and permissible development within the District based on location.
2. All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and the Schedule of Uses in [Section 11.11](#).



**Zoning Ordinance**

**C. Authorized Building Forms.** The following Building Forms, determined by the Street Type and Site Type in the CBD Regulating Plan, are allowed by the approval process in Table 11.04.1 below:

**TABLE 11.04.1**

<b>Street Type</b>	<b>Site Type</b>	<b>Building Form</b>	<b>Approval</b>
<b>Downtown A</b>	A	House	Permitted if adaptive re-use Special if new construction
		Two-Family	Special
	C	Downtown Mixed Use	Permitted
		Single Use	Special
	D	Institutional Downtown Mixed Use	Permitted
		Single Use	Special
	F	Downtown Mixed Use	Permitted
		Institutional Single Use	Special
<b>Downtown B</b>	A	House	Permitted if adaptive re-use Special if new construction
		Two-Family Townhouse/Attached Residential	Special
	E	House Two-Family Townhouse/Attached Residential Downtown Mixed Use Multiple Family	Permitted
		Single Use	Special
<b>Corridor</b>	A	House	Permitted if adaptive re-use Special if new construction
		Two-Family Townhouse/Attached Residential	Special
	E	House Two-Family Downtown Mixed Use Multiple Family	Permitted
		Single Use	Special Use

- D. Design Standards.** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.
- 1. Sidewalks and Pedestrian Access.** The CBD is intended to be walkable and pedestrian friendly environment. Sidewalks must be provided along the entire frontage of every parcel in the CBD according to the following design specifications:
    - a. The total width of the sidewalk area shall be ten (10) to twenty (20) feet based on available right-of-way and road design.
    - b. A dedicated walkway with a minimum width of five (5) to fifteen (15) feet shall be provided immediately adjacent to the lot line.
    - c. A planting or furniture zone, with a width of three (3) to five (5) feet, shall be located between the walkway and the back of the curb. Such zone shall be reserved for road trees, planter boxes, streetlights, benches, bike racks, waste receptacles, wayfinding signs, and similar appurtenances.
  - 2. Parking.** Uses in this district are exempt from the vehicular parking space requirement in [Section 5.03](#) of the Zoning Ordinance.
    - a. **Bicycle Parking.** Buildings over six thousand (6,000) square feet gross floor area must provide a minimum of two (2) bicycle hoops on Downtown B and Corridor roads.
  - 3. Architectural Design.** Architectural concepts, colors, and materials will be reviewed as part of a site plan review per the following standards and guidelines:
    - a. **Standards.**
      - i. New construction, additions and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Architectural features to be considered when determining if harmonious are roof lines and cornices, fenestration and brackets, shape and style of windows, shape, and style of lights within windows, colors, and finish materials.
      - ii. General architecture, front facade, and overall building appointments should be consistent with the historical buildings of the same building type within a one-block radius.
      - iii. Exterior building materials shall employ a variety of textures

- and colors and window and door details. Exterior building materials in [Section 11.04.3b](#) are encouraged.
- iv. Exterior building colors must be derived from a historical color palette and shall ordinarily be consistent with the majority of the existing buildings within a one (1) block radius. The use of paint to attract attention or advertise using geometric shapes and color or is inconsistent in other ways with the surrounding architecture is prohibited.
  - v. The elevation of the first-floor and floor-to-floor heights shall be compatible with those of the front facades of buildings on the same block.
  - vi. When used, shutters shall be sized and placed to equal the width that would be required to cover the window opening.
  - vii. Standards for Building Form House (H):
    - (1) The roof must be principally of gable, hip style, or similar residential roof design.
    - (2) Building materials must have a texture, pattern, and scale similar to other Building Form House (H) structures on the same block.
    - (3) Accent materials must be similar in texture and scale to other Building Form House (H) structures on the same block. Accent material can include brick and stone masonry, wood details such as windows, finished lumber applied to achieve traditional patterns e.g., horizontal siding rather than diagonal, finished painted metal and sheet metal, brick, clay and ceramic pavers.
    - (4) Exterior materials not permitted include EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass, and reflective glass.
    - (5) Existing awnings may be repaired and replaced. No new awnings that conceal original architectural detail on an existing building are permitted.
  - viii. Standards for Building Forms other than Building Form House (H):
    - (1) Cornices are required to delineate the tops of facades.



Expression lines are required to delineate the division between the ground floor and upper stories. Cornices and expression lines must have a minimum depth of two (2) inches.

- (2) Buildings shall have a base, where the ground floor is articulated differently from the rest of the building, either by a change of material or setback. Material on the base shall be of the same or higher quality than the upper stories.
  - (3) Except for ground floor display windows, windows on the front façade must have lintels and sills, which are not flush with the front façade. The height of these windows must be equal to or greater than the width.
  - (4) Upper stories must have a minimum twenty percent (20%) transparency, accomplished principally by the use of windows.
  - (5) EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass, and reflective glass shall not be used in large applications but can be used as detail material or as a small application.
- ix. The following standards apply to additions to an existing building façade facing a public road or park:
- (1) Modifications are consistent with the existing architectural motif.
  - (2) New exterior additions are constructed to minimize the loss of historical materials, and character-defining features are not obscured, damaged, destroyed or covered.
  - (3) Attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building.
  - (4) New exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.

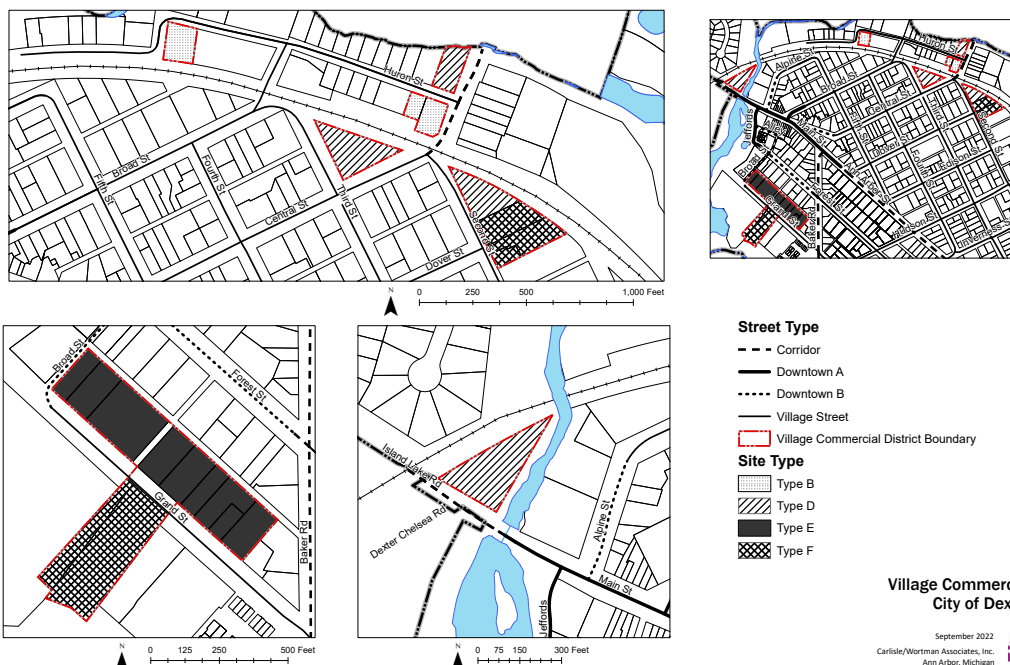
- b. Guidelines
  - i. Upper story windows should be smaller than ground story windows.
  - ii. Desirable materials include brick, stone (natural and cast), wood siding and glass.

## Section 11.05 VILLAGE COMMERCIAL (VC)

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

### B. Regulating Plan.

1. The Regulating Plan, as set forth in this Section, identifies allowable uses and permissible development within the District based on location.
2. **Relationship to Master Plan.** All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and the Schedule of Uses as described in [Section 11.11](#).



**C. Authorized Building Forms.** Authorized building form regulations, as set forth in [Section 11.03.D](#), are applied to the site types and street types in the Village Commercial District in Table 11.05.1.

**TABLE 11.05.1**

Street Type	Site Type	Building Form	Approval
<b>Corridor</b>	B	Single Use	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Multiple Family Townhouse/Attached Residential Single Use	Special
	D	Single Use Institutional	Permitted
		Townhouse/Attached Residential Multiple Family	Special
		Single Use	Permitted if adaptive re-use Special if new construction
<b>Village</b>	B	House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Townhouse/Attached Residential Multiple Family	Special
		Two-Family Townhouse/Attached Residential Multiple-Family Commercial Mixed Use	Permitted
	D	Single Use	Permitted if adaptive re-use Special if new construction
		House Two-Family Downtown Mixed Use Multiple Family	Permitted
	E	Single Use	Special

Street Type	Site Type	Building Form	Approval
<b>Village</b>	F	Multiple Family Townhouse / Attached Residential Commercial Mixed Use	Permitted
		Single Use Large Format	Special

**D. Design Standards.** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. **Sidewalks.** Sidewalks must be provided along the entire frontage of every parcel in the VC district. The minimum width of the sidewalk area is five (5) feet.
2. **Parking.**
  - a. Off-road parking must be located on the side or rear yard, per the building form.
  - b. Participation in the public parking program is strongly encouraged.
  - c. The City Council, upon recommendation by the Planning Commission, may waive all or part of the off-road parking required in [Section 5.03](#), subject to the applicant’s election to contribute a one (1) time fee, to the City’s Public Parking Fund, in an amount established by resolution of City Council, in lieu of the number of spaces waived.
3. **Architectural Design.** Architectural concepts, colors, and materials will be reviewed as part of a site plan review per the following standards and guidelines:
  - a. Standards.
    - i. New construction, additions, and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Architectural features to be considered when determining if harmonious are roof lines and cornices, fenestration and brackets, shape and style of windows, shape, and style of lights within windows, colors, and finish materials.
    - ii. General architecture, front façade, and overall building appointments should be consistent with the historic nature of other structures in the vicinity in terms of rooflines and cornices, fenestration and brackets, shape and style of windows, colors,

and finish materials.

- iii. Exterior building materials shall employ a variety of textures and colors and window and door details. Exterior building materials in [Section 11.05.3.b.ii](#) are encouraged. The use of reflective/tinted glass on the first-floor front, side and rear building windows requires Planning Commission approval.
- iv. Exterior building colors must be derived from a historical color palette and shall ordinarily be consistent with the majority of the existing buildings within a one (1) block radius. The use of paint to attract attention or advertise using geometric shapes and color or is inconsistent in other ways with the surrounding architecture is prohibited.
- v. The elevation of the first-floor and floor-to-floor heights shall be compatible with those of the front facades of buildings on the same block.
- vi. When used, shutters must be sized and placed to equal the width that would be required to cover the window opening.
- vii. Standards for Building Forms other than House and Duplex: except for Building Forms House (H), and Two-Family Dwelling (2F):
  - (1) Cornices are required to delineate the tops of facades. Expression lines are required to delineate the division between the ground floor and upper stories. Cornices and expression lines must have a minimum depth of two (2) inches.
  - (2) Buildings shall have a base, where the ground floor is articulated differently from the rest of the building, either by a change of material or setback. Material on the base shall be of the same or higher quality than the upper stories.
  - (3) Except for ground floor display windows, windows on the front façade must have lintels and sills, which are not flush with the front façade. The height of these windows must be equal to or greater than the width.
  - (4) Upper stories must have a minimum twenty (20%) percent transparency, accomplished principally by the

use of windows.

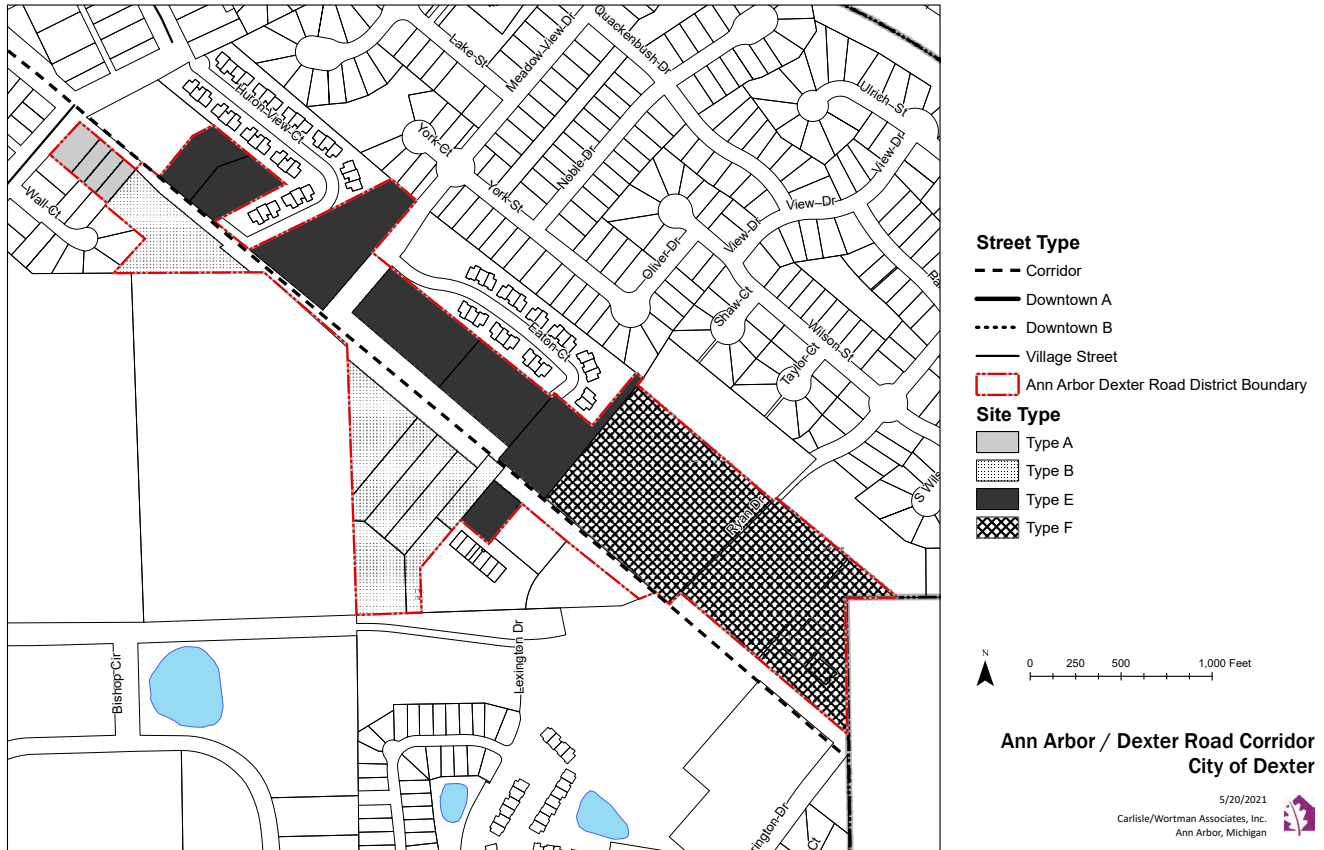
- viii. The following standards apply to additions to an existing building façade facing a public road or park:
  - (1) Modifications are consistent with the existing architectural motif.
  - (2) New exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered.
  - (3) Attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building.
  - (4) New exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.
- b. Guidelines
  - i. Upper story windows should be smaller than ground story windows.
  - ii. Desirable materials include brick, stone (natural and cast), wood siding and glass.
  - iii. EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass should not be used in large applications but can be used as detail material or as a small application.

## **Section 11.06 DEXTER ANN ARBOR ROAD CORRIDOR DISTRICT (ARC)**

- A. Intent.** The Dexter-Ann Arbor Road Corridor District (ARC) is intended to provide a mix of commercial, office, high-tech research and design, service, and residential uses as an entrance to the City as well as a transition area between the originally platted Village area and the eastern portion of the City.

**B. Regulating Plan**

1. The Regulating Plan, as set forth in this Section identifies allowable uses and permissible development within the District based on location.
2. **Relationship to Master Plan.** All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and the Schedule of Uses as described in [Section 11.11](#).



- C. **Authorized Building Forms.** Authorized building form regulations, as set forth in [Section 11.03.D](#) are applied to the site types and street types in the ARC District in Table 11.06.1.

**TABLE 11.06.1**

Street Type	Site Type	Building Form	Approval
<b>Corridor</b>	A	House	Permitted
		Two-Family Dwelling	
	B	Townhouse/Attached Residential	Special
		House	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Two-Family Dwelling	
		Townhouse/Attached Residential	Special
	E	Multiple Family	Permitted
		Townhouse/Attached Residential	
		Commercial Mixed Use	
	F	Single Use	Special
Institutional			
Townhouse/Attached Residential		Permitted	
Multiple Family			
Commercial Mixed Use			
Single Use	Special		
Large Format			

- D. **Authorized Uses.** Authorized uses, as set forth in [Section 11.11](#) are applied to the site types and street types in ARC District Regulating Plan.
- E. **Design Standards.** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.
- Sidewalks.** Sidewalks must be provided along the entire frontage of every parcel in the ARC district. The minimum width of the sidewalk area is five (5) feet. A planting zone with a minimum width of ten (10) feet, shall be located between the walkway and the back of the curb.



- a. If the Planning Commission allows a front setback deviation to allow a dedicated public space or outdoor cafes, the following standards must be met:
  - i. A dedicated walkway with a minimum width of eight (8) to fifteen (15) feet shall be provided immediately adjacent to the lot line.
  - ii. A planting or furniture zone, with a width of three (3) to five (5) feet, shall be located between the walkway and the back of the curb. Such zone shall be reserved for road trees, planter boxes, streetlights, benches, bike racks, waste receptacles, wayfinding signs, and similar appurtenances.
- 2. Parking.**
  - a. Off-road parking is preferred in side or rear yard but may be allowed per building type regulations.
- 3. Site Design.** Signs, landscaping, walls, lighting, street lighting and other site elements shall be coordinated and harmonious with the intended character of the District.
  - a. Street lighting shall be provided along roads to match the existing streetscape lighting poles and layout.
- 4. Architectural Design Standards.** Architectural concepts, colors and materials will be reviewed as part of a site plan review per the following standards.
  - a. Variety in building design shall be provided by architectural features, details, and ornaments such as archways, colonnades, towers, cornices, or peaked roof lines.
  - b. Building entrances shall utilize windows, canopies, and awnings; provide unity of scale, texture, and color; and provide a sense of place.
  - c. Roof shape and materials shall be architecturally compatible with the ARC District and enhance the predominant streetscape. Gable, hip, and gambrel roofs shall be the roof shape between Meadow View Drive and Kensington Street.
  - d. Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, or the rear or side of the site will be used for public access or parking, such facade(s) shall be constructed to a finished quality comparable to the front facade.

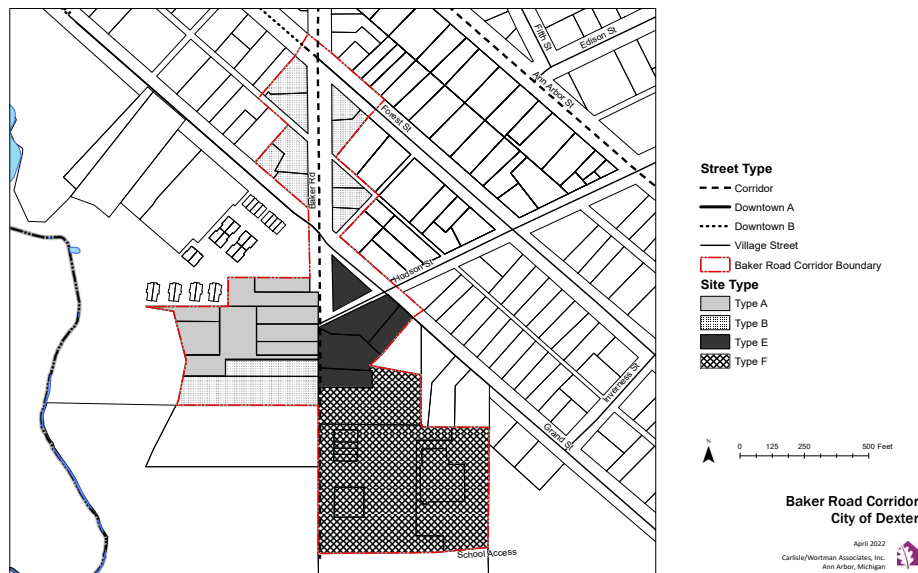
- e Buildings located on corner lots shall provide distinct and prominent architectural features or site elements which reflect the importance of the building's corner location and create a positive visual landmark. An entry feature or site landmark may be required by the Planning Commission. Entry features may include benches, signage, public art, or other features.
- f. Franchise architecture (building designs that are prototypical or identifiable with a particular chain or corporation) must be revised if the proposed building design does not conform with these design standards. The developer shall provide color pictures of other national tenant buildings (non-prototype examples) that have been built in other cities and states.

## Section 11.07 BAKER ROAD CORRIDOR DISTRICT (BRC)

**A. Intent.** The Baker Road Corridor District (BRC) is intended to be a walkable corridor that is a gateway between the downtown area and adjacent neighborhoods. New development and redevelopment should be in accordance with the “Baker Road Corridor” goals and objectives as described in the City of Dexter Master Plan.

**B. Regulating Plan.**

1. The Regulating Plan, as set forth in this Section, identifies allowable uses and permissible development within the District based on location.
2. **Relationship to Master Plan.** All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
3. The Regulating Plan is based on four (4) factors: Street Type; Site Type;



Building Form; and the Schedule of Uses as described in [Section 11.11](#).

- C. Authorized Building Forms.** Authorized building form regulations, as set forth in [Section 11.03.D](#), are applied to the site types and street types in the BRC District in Table 11.07.1.

**TABLE 11.07.1**

Street Type	Site Type	Building Form	Approval
<b>Corridor</b>	A	House Two-Family Dwelling	Permitted
	B	House Two-Family Dwelling Townhouse/Attached Residential Multiple Family Building	Permitted
	E	Townhouse/Attached Residential Multiple Family Building Commercial Mixed Use Single Use Building	Permitted
	F	Townhouse/Attached Residential Multiple Family Building Commercial Mixed Use Single Use Building	Permitted
		Large Format	Special

- D. Authorized Uses.** Authorized uses, as set forth in [Section 11.11](#) are applied to the site types and street types in BRC Regulating Plan.
- E. Design Standards.** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.
1. **Sidewalks.** Sidewalks must be provided along the entire frontage of every parcel in the BRC district. The minimum width of the sidewalk area is five (5) feet. A planting zone with a minimum width of five (5) feet, shall be located between the walkway and the back of the curb.
    - a. If the Planning Commission allows a front setback deviation to allow a dedicated public space or outdoor cafes, the following standards must be met:

- i. A dedicated walkway with a minimum width of eight (8) to fifteen (15) feet shall be provided immediately adjacent to the lot line.
- ii. A planting or furniture zone, with a width of three (3) to five (5) feet, shall be located between the walkway and the back of the curb. Such zone shall be reserved for road trees, planter boxes, streetlights, benches, bike racks, waste receptacles, wayfinding signs, and similar appurtenances.

**2. Parking.**

- a. Off-road parking is preferred in side or rear yard but may be allowed per building type regulations.

**3. Site Design.** Signs, landscaping, walls, lighting, street lighting, and other site elements shall be coordinated and harmonious with the intended character of the District.

- a. Street lighting shall be provided along roads to match the existing streetscape lighting poles and layout.

**4. Architectural Design Standards.** Architectural concepts, colors, and materials will be reviewed as part of a site plan review per the following standards.

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

or architectural metal. Design, color, and materials shall be compatible with the building to which it is attached.

- d. Roof shape and materials shall be architecturally compatible with the BRC District and enhance the predominant streetscape. Consideration should be given to surrounding buildings when determining roof shape. Gable, hip, and gambrel roofs shall be the predominant roof shape for Building Forms House (H), Two-Family (2F), Multiple Family, and Townhouse/Attached Residential in the BRC District.
- e. The use of EIFS (Exterior Insulation Finishing System) shall be limited to vertically sloped architectural elements only and shall be limited to no more than five (5%) percent of each exterior building elevation.
- f. Franchise architecture (building designs that are prototypical or identifiable with a particular chain or corporation) must be revised if the proposed building design does not conform with these design standards. The developer shall provide color pictures of other national tenant buildings (non-prototype examples) that have been built in other cities and states.

## **Section 11.08 VILLAGE RESIDENTIAL 1**

- A. Intent.** The intent of the Village Residential 1 District (VR-1) is to maintain the well-established character, scale, and density of the traditional pattern of the neighborhoods in the original plat of the Village, while allowing uses other than single-family residential for adaptive re-use of public and institutional buildings.
- B. Regulating Plan.**
  - 1. The Regulating Plan, as set forth in this Section, identifies allowable uses and permissible development within the District based on location.
  - 2. **Relationship to Master Plan.** All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
  - 3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and the Schedule of Uses as described in [Section 11.11](#).
- C. Authorized Building Forms.** Authorized building form regulations, as set forth in [Section 11.03.D](#), are applied to the site types and street types in the VR-1 District in Table 11.08.1.

**IF VR-1 BOUNDARIES ARE CHANGED, THE REGULATING PLAN WOULD BE UPDATED, ACCORINGLY. ONLY THE BOUNDARIES WOULD CHANGE**



Village Residential-1 District  
 City of Dexter  
 April 2022  
 Carlisle/Wortman Associates, Inc.  
 Ann Arbor, Michigan

**TABLE 11.08.1**

Street Type	Site Type	Building Form	Approval
<b>Corridor</b>	A	House Two-Family	Permitted
	B	Single Use Institutional	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Townhouse/Attached Residential Single Use Institutional	Special

Street Type	Site Type	Building Form	Approval
<b>Village</b>	A	House Two-Family	Permitted
	B	Single Use Institutional	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Townhouse/Attached Residential Single Use Building Institutional	Special

**D. Authorized Uses.** Authorized uses, as set forth in [Section 11.11](#) are applied to the site types and street types in the District Regulating Plan.

## Section 11.09 VILLAGE RESIDENTIAL 2

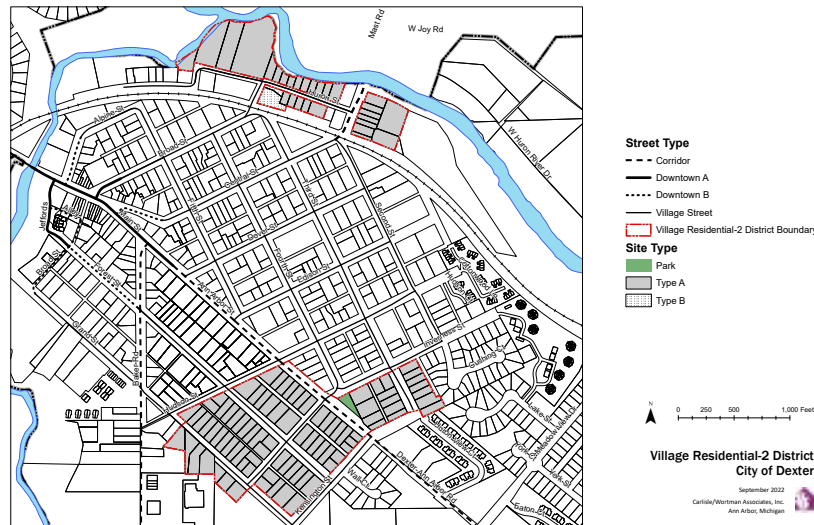
**A. Intent.** The intent of the Village Residential 2 District (VR-2) is to maintain the well-established character, scale, and density of the traditional pattern of the neighborhoods in the Village annex, while maintaining primarily single-family neighborhoods.

**B. Regulating Plan.**

1. The Regulating Plan, as set forth in this Section, identifies allowable uses and permissible development within the District based on location.
2. **Relationship to Master Plan.** All development shall be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
3. The Regulating Plan is based on four (4) factors: Street Type; Site Type; Building Form; and the Schedule of Uses as described in [Section 11.11](#).

**C. Authorized Building Forms.** Authorized building form regulations, as set forth in [Section 11.03.D](#), are applied to the site types and street types in the VR-2 District in Table 11.09.1.

**IF VR-2 BOUNDARIES ARE CHANGED, THE REGULATING PLAN WOULD BE UPDATED, ACCORINGLY. THE BOUNDARIES WOULD CHANGE AND THE STREET TYPES & SITE TYPES IN THE VR-1 REGULATING PLAN WOULD TRANSFER TO THIS REGULATING PLAN.**



**TABLE 11.09.1**

Street Type	Site Type	Building Form	Approval
<b>Corridor</b>	A	House Two-Family	Permitted
	B	Single Use Institutional	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Single Use Institutional	Special
<b>Village</b>	A	House Two-Family	Permitted
	B	Single Use Institutional	Permitted if adaptive re-use Special if new construction
		House Two-Family	Permitted if parcel is split into smaller lots, including as a site condominium, based on the minimum lot size and width of the applicable building forms
		Institutional	Special



**D. Authorized Uses.** Authorized uses, as set forth in [Section 11.11](#) are applied to the site types and street types in the VR-2 District Regulating Plan.

## Section 11.10 FORM-BASED DISTRICT USE TABLE

**A. Specified Uses.** In all Form-Based Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

**B. Schedule of Uses.** The Schedule of Use Regulations identifies uses as follows:

1. “P” identifies uses permitted as of right.
2. “S” identifies uses requiring Special Approval as outlined in [Article VIII](#).
3. “A” identifies accessory uses.
4. No marking identifies uses not permitted

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
<b>All Uses</b>							
<i>All buildings over 10,000 square feet to 20,000 square feet in gross floor area</i>	S	S	P	S	P	P	
<i>All buildings over 20,000 square feet in gross floor area</i>	S	S	S	S	P	P	
<b>Residential</b>							
Single-family detached dwellings	P	P	<u>P</u>				Subject to <a href="#">Section 14.02</a>  <a href="#">In the CBD, on Site Type A and E parcels fronting Downtown B and Village Streets only.</a>
Residential cluster development	S	S					Subject to <a href="#">Section 12.02</a>

**Zoning Ordinance**

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
Two-family dwellings	P	P	<u>P</u>		P	P	<a href="#">In the CBD, on Site Type A and E parcels fronting Downtown B and Village Streets only.</a>
Single-family attached dwellings	S		<u>P</u>	S	P	P	<a href="#">In the CBD, on Site Type A and E parcels fronting Downtown B and Village Streets only.</a>
Multiple-family dwellings	S		<u>P</u>	S	P	P	<a href="#">In the CBD, on Site Type A and E parcels fronting Downtown B and Village Streets only.</a>
Senior assisted living					P	P	Subject to <a href="#">Section 14.10</a>
Senior independent living					P	P	Subject to <a href="#">Section 14.10</a>
Upper story residential			P	P	P	P	
Home occupation	P	P					Subject to <a href="#">Section 14.04</a>
Medical marijuana home occupation	P	P					Subject to <a href="#">Section 14.05</a>
Accessory dwelling units	A	A					Subject to <a href="#">Section 14.03</a>
Bed and breakfast	P	P	P	P			
Accessory short-term rental housing	A	A	A	A			Subject to <a href="#">Section 14.16</a>
Vacation rental housing	S	S	S	S			Subject to <a href="#">Section 14.17</a>
First floor dwelling unit for resident manager					S	S	

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
Live/Work Units				P	P	P	Subject to Section 14.07
<b>Institutional/Cultural</b>							
Public swimming pools, parks, playgrounds and playfields		S					
Family child care homes	P	P			P	P	Subject to <a href="#">Section 14.08</a>
Foster family homes	P	P					Subject to <a href="#">Section 14.08</a>
Foster family group homes	P	P					Subject to <a href="#">Section 14.08</a>
Group child care homes	P	P			P	P	Subject to <a href="#">Section 14.08</a>
Adult day care homes	P	P					Subject to <a href="#">Section 14.08</a>
Adult foster care group homes (small and large)	P	P					Subject to <a href="#">Section 14.09</a>
Adult foster care family homes							Subject to <a href="#">Section 14.09</a>
Adult foster care congregate facilities	S	S					Subject to <a href="#">Section 14.09</a>
Child care centers	P	P			P	P	
Nursing and convalescent homes					S	S	Subject to <a href="#">Section 14.11</a>
Places of worship	S	S		S			
Private clubs, fraternal organizations, and lodge halls				S			
Public and private nurseries for children	S	S					
Primary and secondary non-profit schools, colleges and universities	S	S					
Vocational & technical training facilities				S			
Government or community-owned buildings	S	S	P				

**Zoning Ordinance**

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
Museums			P	P			
Libraries			P	P			
Community centers	P	P		P	P	P	
Essential service structures	P	P	P	P	P	P	Subject to <a href="#">Section 14.43</a>
Essential service buildings	P	P					Subject to <a href="#">Section 14.44</a>
<b>Office/Retail/Service</b>							
Business, professional & medical offices			P	P	P	P	
Kennels, Commercial/Pet Day Care			S	S	S	S	Subject to <a href="#">Section 14.37</a>
Small animal clinics			S	S	S	S	Subject to <a href="#">Section 14.38</a>
Banks and other financial institutions	S		P	P	P	P	
Retail sales	S		P	P	P	P	
Food sales							
<i>up to 2,000 sq. ft</i>			P	P	P	P	
<i>2,000 sq. ft or more</i>			S	S	P	P	
Personal service			P	P	P	P	
Service or retail establishment with office/workshop			S	S	P	P	Accessory wholesale or warehouse uses not permitted. In VC & CBD, not more than 50% of the total usable floor area for service, repair or processing.
Restaurants (no alcohol served)			P	P	P	P	
Bars/Taverns/Lounges (restaurants serving alcohol)			S	S	S	S	
Restaurants, carry-out			S	S	P	P	

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
Restaurants, open-front			S	S	S	S	
Restaurants, drive-in					S	S	
Microbrewer/small distiller/ small wine maker			S	S	S	S	
Tasting room with microbrewer/small distiller/ small wine maker			A	A	A	A	Subject to <a href="#">Section 14.75</a>
Funeral homes	S				S	S	Subject to <a href="#">Section 14.24</a>
Motels & hotels					S	S	Subject to <a href="#">Section 14.18</a>
Outdoor service areas			P		P	P	Subject to <a href="#">Section 14.74</a>
Open air businesses			P		S	S	
Outdoor display areas				S	S	S	Subject to <a href="#">Section 14.72</a>
Indoor commercial recreation			S		S	S	Subject to <a href="#">Section 14.31</a>
Commercial outdoor recreation				S			Subject to <a href="#">Section 14.30</a>
Theaters/Cinemas			P	P	P	P	
Performing and visual arts studios			P	P	P	P	
Printing & photographic reproduction establishments			P	P	P	P	
Adult regulated uses					S	S	Subject to <a href="#">Section 14.67</a>
Drive through facilities					S	S	Subject to Section 14.57
Urgent medical care centers					S	S	
Use/storage of hazardous or flammable materials					S	S	
<b>Automotive/Transportation</b>							
Automobile or vehicle service and repair centers						S	Subject to <a href="#">Section 14.59</a>
Gasoline service stations					S	S	Subject to <a href="#">Section 14.60</a>

Use	VR-1	VR-2	CBD	VC	ARC	BRC	Notes
Automobile or vehicle dealerships					S	S	Subject to <a href="#">Section 14.58</a>
Automobile washes, automatic or self-service					S	S	Subject to <a href="#">Section 14.61</a>
<b>Temporary</b>							
Temporary outdoor display area					P	P	Subject to Section 14.72
<b>Other</b>							
Accessory uses, buildings or structures	A	A	A	A	A	A	Subject to regulations in <a href="#">Article III</a> .

## Section 11.11 DESIGN STANDARDS

- A. Intent.** The intent of these design standards is to preserve the historic character and maintain a minimum design standard in the form-based districts. Design standards are requirements but guidelines in those Sections are optional.
- B. Design Standards for One-Family and Two-Family Dwellings.** The following design standards apply to one-family and two-family dwellings in all form-based districts:
- 1. Primary Entrance Orientation and Connection to the Street.** A primary entrance to the dwelling or dwelling(s) must face the road. A pedestrian connection at least three (3) feet wide to the primary entrance must be provided.
  - 2. Porch or Stoop Encouraged.** Front porches or stoops are encouraged on the front façade.
- B. Design Standards and Guidelines.** In addition to standards set forth in this Zoning Ordinance, all proposed development, except for one-family and two-family dwelling units, in the Form-Based Districts shall comply with the standards below and should comply with the guidelines below to the greatest extent possible:
- 1. Site Design**
    - a. Intent.** To ensure that site layout considers the internal organization of a development project and the external relationship with the public right-of-way, adjacent properties, naturalized features, in order to relate to the road context.

- b. **Site Design Standards.** Existing and planned pedestrian and bicycle circulation systems and easements shall be integrated into site design. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary road upon which the building fronts and the building. The pedestrian connection shall comply with the following:
  - i. Fully paved and maintained surface not less than five (5) feet in width.
  - ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
  - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
  
- c. **Site Design Guidelines.**
  - i. Site design should consider the placement of adjacent buildings and natural features.
  - ii. Site and building design should accommodate pedestrian circulation on-site from parking areas to plazas, open space, pedestrian pathways, and to adjoining buildings.
  - iii. Coordinate site design with adjoining sites to take advantage of shared access and parking, similar perimeter landscape themes, or similar features.
  - iv. As part of site design, the City of Dexter strongly encourages the use of sustainable practices including:
    - (1) Naturalized stormwater management features such as rain gardens, green roofs, bioswales, and bio-retention basins, which are integrated in a cohesive and logical manner to take advantage of site topography, orientation, and visibility;
    - (2) Use of pervious paving in lieu of impervious paving;
    - (3) Reductions in paved areas to the minimum necessary to accomplish site circulation and parking;
    - (4) Use of native landscaping;

- (5) Inclusion of natural and open space with access as public space;
- (6) Inclusion of renewable energy features;
- (7) Building siting to take advantage of solar orientation and wind protection; and
- (8) Use of recycled products for infrastructure, site, and building material.

**2. Building Placement and Orientation.**

- a. **Intent.** To require building placement that provides a strong visual and functional relationship with its site, adjacent sites, and nearby thoroughfares and to ensure consistency within sites and with adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.
- b. **Building Placement and Orientation Standards.**
  - i. Primary building entrances shall front on the public roads.
  - ii. Sidewalks shall be provided along the full length of the building along any façade featuring a public entrance.
  - iii. Building entries shall be located so that they are easily identifiable with convenient public access. Each project shall provide a well-defined entry sequence for pedestrian and vehicular uses from the road to the building.
  - iv. All additional public entrances, regardless of location, must provide direct pedestrian access of the same quality and design as that required for the main entrance.
- c. **Building Placement and Orientation Guidelines.**
  - i. Building placement and orientation should be coordinated with adjoining sites to take advantage of similar perimeter landscape themes, common access, or similar features.
  - ii. Plazas, courtyards, and public art are strongly encouraged.
  - iii. Where feasible, accessory facilities such as mechanical equipment, trash collection, loading areas, storage areas, and vehicle service areas shall be located away from portions of the site which are highly visible from public roads or private properties with dissimilar improvements.



3. **Parking Placement, Orientation, and Screening.**

a. **Intent.** To provide a circulation system that efficiently moves vehicles in a well-defined manner, while reducing the visual impact of parking areas and mitigating conflict between pedestrians, bicycles, and automobiles.

b. **Parking Placement, Orientation and Screening Standards.**

i. **Required Parking.** Off-road vehicle and bicycle parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance in accordance with the standards set forth in [Article V](#).

The mixed-use districts are intended to encourage non-motorized and transit friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in [Article V](#) and flexibility in application set forth in [Article V](#).

ii. **Location.**

(1) Bicycle parking shall be located, when feasible, near to primary building entrances and should not be located immediately adjacent to service, trash or loading areas. Bicycle parking may be located on a sidewalk or in the road right-of-way, subject to approval by the City of Dexter.

(2) When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than twenty-five percent (25%) of the total linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.

(3) For a corner lot, no more than twenty-five percent (25%) of the cumulative linear feet along the required lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located the corner of the lot adjacent to the intersection.

(4) For a double frontage lot or a lot that has frontage on three (3) roads, the cumulative total of all frontages occupied by parking shall be no more than thirty-five percent (35%) of the total linear feet along a required building line or sixty (60) feet, whichever is less.

- (5) Where off-road parking is visible from a road, it shall be screened in accordance with the standards in the building forms.
- iii. **Parking Structures.** Parking structures shall be located behind buildings in locations that minimize visibility from public roads. Parking structures may be located along public road frontages, subject to the following standards:
    - (1) Building height and placement requirements for principal building shall be met.
    - (2) A lining of retail, office, or residential use with a useable depth of no less than twenty (20) feet shall be provided along the entire length of the frontage on the public road.
    - (3) At least fifty percent (50%) of the upper floors facing a public road shall consist of exposed openings. The openings shall be designed with one (1) or more treatments of:
      - a ) Planter boxes with living plants;
      - b ) A rail or fence to give the appearance of a balcony; and/or
      - c ) Framing and mullions to give the appearance of large windows.
    - (4) An indoor bicycle parking area or areas providing one (1) rack or hoop per twenty (20) vehicular parking spaces.
  - iv. Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting areas.
  - v. Measured from the inside of the outermost curb line, a parking lot shall employ at least ten percent (10%) of landscaped area in the form of parking islands, planting strips between parking rows. A parking peninsula extending from the outside curb line will count towards the ten percent (10%).
  - vi. No landscaped area within a parking lot shall be less than one hundred (100) square feet.

- vii. Every ten (10) parking lot spaces must be broken up with a landscape island or peninsula.
- viii. Height of parking lot poles shall be consistent with the building height and generally not exceeding thirty (30) feet above the ground.

c. **Parking Placement, Orientation and Screening Guidelines.**

- i. Large parking lots are discouraged in favor of smaller, connected parking lots that utilize landscaping screening, transitions, and buffers.
- ii. Visitor and employee parking should be separated when possible. Visitor parking lots should be placed closer to the building. Employee parking lots should be oriented to the rear or side of the building and screened from the public right-of-way.
- iii. The placement and design of parking areas and structures should foster safe nonmotorized access and circulation and clearly identifiable public access, bicycle parking and vehicular visitor parking.
- iv. Pedestrian access to parking lots, regardless of location, should be equal to the quality of materials and design of the primary entrance.
- v. Parking lot poles should be located so as not to present an obstacle to pedestrians or hazard to vehicles.

4. **Building Massing and Scale.**

- a. **Intent.** To maintain consistent massing and scale and ensure the use of properly proportioned building elements.
- b. **Building Massing and Scale Standards.**
  - i. Building massing, height, bulk, scale, and proportion shall maintain consistency with the existing character of the adjacent buildings.
  - ii. Building design should employ coordinated massing to produce overall unity, scale, and interest.

- iii. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale.

**1. Architectural Design and Building Materials**

- a. **Intent.** To preserve the historic character of the Downtown and nearby areas and to create a character for the mixed-use districts that encourages the greatest amount of visual interest, architectural consistency, and high-quality material use. The standards are not intended to limit imagination, innovation, or variety.
- b. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. More restrictive regulations may be applied in individual form-based districts.
  - i. Eighty percent (80%) of walls visible from public roads, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of high-quality materials (i.e., brick veneer, quarried stone, glass, precast concrete).
  - ii. Exterior walls facing public rights-of-way and customer parking areas shall have a finished appearance, using the same materials as used on the front of the building.
  - iii. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
  - iv. Material selection shall be consistent with architectural style in terms of color, shades, and texture. However, monotony shall be avoided.
  - v. Materials shall be consistent with adjoining buildings.
  - vi. Buildings shall have the same materials, or those that are architecturally compatible, for construction of all building walls and other exterior building components wholly or partly visible from public rights-of-way and public parking lots.
  - vii. Preferred building materials: quarried stone, cultured stone, full veneer brick, composite lap siding, architectural concrete (with recessed panels and reveal lines), colored CMU block and architectural CMU block (i.e., split face, fluted, scored, honed, etc.), architectural metals and standing seam metal roofing, and dimensional shingles.

- viii. Preferred accent materials are precast cast stone, natural stone accents, and glass accents.
  - ix. Prohibited Materials are plain, flat faced CMU block (painted CMU), brick tiles, metal walls and EIFS. EIFS may be used if no more than five percent (5%) percent permitted and used as an accent only.
  - x. The applicant shall provide a schedule indicating percentage of façade materials totaling one hundred percent (100%) and the applicant shall provide a sample board to the Planning Commission.
- c. **Building Variation.** Building articulation or architectural design variations for building walls facing the roads are required to ensure that the building is not monotonous in appearance.
- i. Building facades shall be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings.
  - ii. The height to width ratio of these subdivided facades of single story buildings shall not exceed 1:2. The height to width ratio of these subdivided facades of two-story buildings shall not exceed 1:1.
  - iii. The maximum linear length of an uninterrupted building façade facing public roads and/or parks shall be thirty (30) feet. Building articulation shall be accomplished through a combination of the following techniques:
    - (1) Façade modulation: Stepping portions of the façade to create shadow lines and changes in volumetric spaces.
    - (2) Use of engaged columns or other expressions of the structural system.
    - (3) Horizontal and vertical divisions: Use of textures and materials, combined with façade modulation.
    - (4) Dividing facades into storefronts with visually separate display windows.
    - (5) Providing projections such as balconies, cornices, covered entrances, pergolas, arcades, and colonnades.

- (6) Variations in the rooflines by use of dormers windows, overhangs, arches, stepped roofs, gables, and other similar devices.
- d. **Transparency.** The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the roads.
  - i. The first floor of any front façade facing a right-of-way of road on the Regulating Plans shall meet the minimum requirements based on street type and building form in Table 11.12.B.5.d.i. The minimum transparency requirement shall apply to all sides of a building that abut an open space, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley. If a building form and street type is not specified, the minimum percentage is fifty percent (50%) :

**Table 11.12.B.5.d.i.  
 1<sup>st</sup> Floor Transparency Requirements**

<b>BUILDING FORM</b>	<b>STREET TYPE</b>	<b>MIN. 1<sup>ST</sup> FLOOR TRANSPARENCY (%)</b>
House, Two-Family	All street types	0
Multiple-Family, Attached Residential/Townhouse	All street types	30
Institutional	All street types	50
Downtown Mixed Use	All street types	70
Commercial Mixed Use/Live Work Single Use Large Format	Village, Corridor, Downtown B	50
All building forms	Downtown A	70

- ii. If a building is on a corner and the side road is classified as a Village street in a Regulating Plan, the minimum transparency for the facades facing a side road may be reduced to no less than thirty percent (30%) of the façade.
- iii. Transparency Alternatives. The following alternatives may be used singularly or in combination. If used in combination,

they may count toward no more than eighty percent (80%) of the transparency requirement set forth in Table 11.12.B.5.d.i:

- (1) Wall Design. Wall designs that provide visual interest and pedestrian scale may count toward no more than fifty percent (50%) of primary road and fifty percent (50%) of side road transparency requirements. Wall designs must provide a minimum of three (3) of the following elements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:
  - a) Expression of structural system and infill panels through change in plane not less than three (3) inches.
  - b) System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, and pilasters.
  - c) System of horizontal and vertical reveals not less than one (1) inch in width/depth.
  - d) Variations in material module, pattern, and/or color.
  - e) System of integrated architectural ornamentation.
  - f) Green screen or planter walls.
- (2) Permanent Art. Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall may count toward no more than forty percent (40%) of the transparency requirement.
- (3) In the ARC and BRC, inclusion of outdoor dining/seating located between the building and the primary road lot line.

## 6. Landscaping.

- a. **Intent.** To incorporate appropriate native landscaping to enhance visual appearance, provide transitions between properties, and screen unsightly areas.
- b. **Landscaping Standards.** Landscaping in all form-based districts shall meet the following standards:

- i. Street trees shall be provided at a minimum of one (1) tree per every forty (40) feet of lineal road frontage, and at a maximum of one (1) tree per every thirty (30) feet of lineal road frontage.
- ii. Plant, shrub, and tree species shall be appropriate to the southeast Michigan climate and should require minimal water and care.
- iii. Landscaping shall be protected from vehicular encroachment by the use of curbs.
- iv. Except on roads designated Downtown A on the Regulating Plan, landscaping shall be provided around the perimeter of a building to minimize the “hard edge” that is created where the building meets the pavement.
- v. Screening between land uses shall be provided in compliance with [Section 6.11](#).

c. **Landscaping Guidelines.**

- i. The use of naturalized stormwater management techniques (bioswales, roof gardens, rain gardens) is highly encouraged to reduce stormwater runoff.
- ii. Landscaping should conform and incorporate existing landscape and topographic features.
- iii. Landscaping within courtyards and patios may include hardscape and softscape materials.
- iv. Landscaping should maintain adequate sight lines for visual safety, visibility, and efficient security.
- v. Pedestrian areas and walks should be distinguishable from parking and circulation areas with distinct paving materials, shade trees, and groundcover planting

7. **Utilities and Mechanical Screening.**

- a. **Intent.** To ensure that utilities are designed to be a part of the overall building so to reduce the visual impact.
- b. **Utilities and Mechanical Screening Standards.**
  - i. New utilities shall be located underground.



- ii. Ground mechanical equipment and utilities shall be screened from the public right-of-way with the use of walls, fencing, or roof-top mechanical equipment and utilities shall be screened from view of adjacent parcel or the public right-of-way.
- iii. Walls, fencing, and architectural details for screening shall compliment the materials used in the associated building's architectural style.

8. **Loading and Storage Areas**

- a. **Intent.** To ensure that loading, storage, and other building utility features are designed to be a part of the overall building as so to reduce the visual impact.
- b. **Loading and Storage Areas Standards.**
  - i. Loading and service areas shall be located on the sides or rears of the buildings.
  - ii. Loading and service areas shall be screened from the public right-of-way with the use of fencing, landscaping, or walls.
  - iii. Freestanding storage facilities (including warehousing) shall comply with all design standards.
  - iv. Trash storage and pick-up facilities shall be located in the rear or side of a building or site and screened from view of adjacent parcel and the public right-of-way.
  - v. Outdoor trash storage shall be screened with fencing or walls, which are consistent with the associated primary building color and materials.

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## Article XII

### DEVELOPMENT OPTIONS

#### Section 12.01 SITE CONDOMINIMUMS

- A. Intent.** The intent of this Section is to:
1. Regulate site condominium projects to ensure compliance with this Article and other applicable standards of the City of Dexter.
  2. Provide procedures and standards for review and approval or disapproval of such developments
  3. Ensure that each project will be consistent and compatible with other developments in the community.
- B. Approval required.** Pursuant to authority conferred by Section 141 of the Condominium Act (MCL 559.241), preliminary and final site plans for all site condominiums shall be approved by the City Council, per recommendation of the Planning Commission, in accordance with the provisions set forth in [Article XXI – Site Plan](#).
- C. General requirements.** All site condominium projects shall meet the following standards:
1. Each condominium lot shall be located within a Zoning District that permits the proposed use.
  2. For the purposes of this Article, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the Zoning District in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the area of the condominium lot.
  3. Each condominium lot shall be connected to public water and sanitary sewer facilities.
  4. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act (MCL 559.148), shall comply with all regulations of the Zoning District

in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

5. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act (MCL 559.149), shall comply with all regulations of the Zoning District in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

- D. Preliminary site plan requirements.** Preliminary site plans for site condominium projects shall include all land that the developer intends to include in the site condominium project.

The preliminary site plan shall include all information required in [Article XXI – Site Plan](#). In the case of a development that consists only of condominium lots and not buildings or other structures at the time of preliminary site plan review, the location, and dimensions of condominium lots rather than individual buildings, and other structures, and required yards, shall be shown on the preliminary site plan

- E. Final site plan requirements.**

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the City Council and is in effect.
3. A final site plan shall include all information required by Section 66 of the Condominium Act (MCL 559.166), and the master deed and bylaws. The final site plan shall also include all information required in [Article XXI- Site Plan](#). In the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location, and dimensions of condominium lots rather than individual buildings, and other structures, and required yards, shall be shown on the final site plan.
4. The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the site condominium development. The City Council shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

- F. **Revision of condominium subdivision plan.** If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by City Council before any building permit may be issued, where such permit is required.
- G. **Amendment of master deed or bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the City Council before any building permit may be issued, where such permit is required. The City Council may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- H. **Relation to Subdivision Regulations.** The provisions of Division 4 of the City of Dexter Subdivision Regulations shall apply to site condominiums, and these provisions are incorporated herein by reference. In applying the design, development standards, and the improvement requirements of Division 4 of the City of Dexter Subdivision Regulations, the standards and requirements that are intended to apply to lots in a subdivision shall apply instead to condominium lots. All other provisions of the Articles shall apply, including the requirements for posting financial securities, completing improvements, inspection fees and condominium completion.

The following terms as used in Division 4 shall mean the following when applied to site condominiums:

1. *Before Final Plat.* Before any building permit is issued.
2. *Lot(s).* Unit(s).
3. *Preliminary Plat as finally approved by the City Council.* Final site plan as approved by the City Council including any conditions imposed by their approval.
4. *Subdivision.* Site condominium.

Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended

- I. **Development agreement.** The City Council shall require, as a condition of approval, that the applicant enter into a development agreement with the City of Dexter, incorporating the terms and conditions of final site plan approval, and record the same in the Office of Register of Deeds for Washtenaw County, in accordance with the provisions set forth in § 40-3.10, Development agreements.

- J. Monuments.** Monuments shall meet the following standards:
1. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
  2. The City Engineer may grant a delay of the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the City cash, a certified check, or an irrevocable bank letter of credit running to the City of Dexter, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- K. Roads rights-of-way.** Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the City of Dexter for all road right-of-way, public water and sanitary sewer lines and appurtenances.
- L. Improvements.** All improvements in a site condominium shall comply with the design specifications as adopted by the City Council and any amendments thereto.

## **Section 12.02 RESIDENTIAL CLUSTER DEVELOPMENT**

- A. Purpose.** The cluster development provision has the following purposes:
1. To permit flexibility in the layout of subdivisions;
  2. To permit variety in the size and shape of residential lots;
  3. To permit flexibility in the location of residential buildings and grouping of same;
  4. To encourage creative approaches in traditional design and development of the residential area; and interconnect with the City pattern of development and road system.

5. To permit economy of the required improvements;
6. To preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and
7. To permit provision of open space for the use of residents of the subdivision or to the City at large, and to concentrate such open spaces in locations of such size and shape as to be accessible, usable, and maintainable.

**B. General Regulations.** Cluster development is a designation permitted to be applied to a parcel(s) of land in the R-1 Zoning District, subject to all of the regulations of the district in which located, except as specifically modified in this Section. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations but is not designed as separate zoning district.

**C. Minimum Area.** The minimum parcel area for a cluster development shall be twenty (20) acres.

**D. Permitted Uses.** Permitted, accessory, and conditional uses as listed herein in the R-1 and Zoning District are permitted in a cluster subdivision in each zoning district.

**E. Density of Development.** The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district of the subject site. The permitted number of dwelling units shall be calculated on the basis of the following dwelling unit densities:

1. R1 3.63 dwelling units per acre of total lot area;
2. The land area used in the calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision, but shall not include any existing right-of-way of any boundary roads of the subdivision. Only twenty-five percent (25%) of the acreage comprised of open water, land within the one hundred (100)-year floodplain elevation, and/or wetlands protected by the GoemaereAnderson Wetland Protection Act, PA203 of 1979, shall be calculated toward the total site acreage.

**F. Area, Placement, and Height Regulations.** Cluster developments shall be laid out so as to reduce the lineal feet of road for economy and safety that would otherwise be needed to serve the area; to economize on cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of

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grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this Section.

In so doing, the minimum lot areas, lot widths, and other standards may be modified as follows, for single family dwellings and their accessory structures only:

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			Min. floor area per unit in s.f.	
in s.f.	Width in feet		Stories	Feet	Front	Side			Rear
						Least	Total		
5,850	50	--	2.5	35	25	5	10	15	--

**G. Common Open Spaces and Facilities.** For each square foot of excess land area resulting from the lot reductions provided in subsection F preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public, meeting the following standards:

1. The manner of dedication shall be approved by the City Council. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses. The proprietor shall insure the permanence of both the existence and proper maintenance of the open space by either dedicating it to public agency responsible for areas and activities or by dedicating it to a homeowner’s association to be made up of the residents of the subdivision.

Where homeowner’s associations are to be used, the following conditions shall be met:

- a. The association shall be established before dwellings are sold.
- b. Membership shall be mandatory for each homebuyer and any successive buyer.
- c. Open space must be held and maintained as open space in perpetuity.
- d. The association shall be responsible for local taxes, maintenance of grounds and facilities, liability insurance, and other similar duties of ownership. The proprietor shall file declaration of covenants and



restrictions with the preliminary plats, setting forth these and other features of the association. The proprietor shall also supply to the governing body a copy of articles of incorporation and a complete set of bylaws of the association.

The City Council may require that, in addition to the restrictive covenants and the homeowner's association, an easement over the open space area be given to the public to ensure that the area will remain open in perpetuity. Such an easement is intended only to preserve open space and is not intended to provide public access thereto.

2. Open space in any one cluster development shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity, whether such areas are or will be public or private. In the case of two (2) or more adjacent developments, proprietors may cooperatively allocate open space areas if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.
3. Parks and/or recreation areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the City Council. Such land areas shall not include, as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain.
4. The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition.
5. If the open space area is to consist of two (2) or more properties, at least one (1) parcel shall have the minimum area of four (4) acres.
6. The minimum lot width or depth of open space shall in all cases be one hundred (100) feet. The location size and shape of any parcel shall be subject to approval by the City Council.
7. A parcel divided by a drainage course, stream, or river shall be considered one (1) parcel.
8. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of roads or pedestrian walkways.
9. Areas dedicated to the public shall have at least one (1) access point by a public road for each separate open space parcel. The City Council shall have the discretion to require additional vehicular and/or pedestrian access points.

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10. The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Common open space shall have a legal description therefor, which shall include an accurate statement of land areas, all of which shall be certified by a registered land surveyor.
- H. Sewer and Water Services.** All lots in a cluster subdivision shall be served by a public water and sanitary sewer facilities.
- I. Procedures.** The applicant for approval of a preliminary plat or condominium site plan shall, at the same time, apply for a Cluster Development designation (hereafter referred to as CD designation) if such designation is desired.
1. Application. The application shall consist of:
    - a. A completed form.
    - b. Fees.
    - c. All information required for review of a preliminary plat submitted for tentative approval.
  2. Planning Commission and City Council Review. The Planning Commission shall review the preliminary plat as set forth in the Subdivisions Ordinance and shall include its analysis and recommendations concerning the CD designation in its report to the City Council on the preliminary plat or condominium site plan. If the City Council approves the CD designation, it shall indicate the CD designation in its tentative approval of the preliminary plat or condominium site plan.
- J. Procedures with Zoning Amendment.** If the property included in the CD designation request must also be rezoned to an applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall, in this case, include a waiver, signed by the applicant, that the ninety (90) day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The City shall not give tentative approval to the preliminary plat unit after it has approved the zoning amendment. With this exception the procedures set forth in Item i, preceding, shall apply.
- K. Calculations.** All calculations and other information needed to review conformance of the plat with the Zoning Ordinance regulations shall be provided on the preliminary plat.
- L. Authority.** The City Council shall have the authority to approve or deny a request for a CD designation. The Council shall also have the authority to require changes in the

size and shape of lots; in lot and road layout; location, size, and shape of open area; and in other features of the design and character of a CD subdivision as proposed in a preliminary plat. This authority may be exercised by the Council when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.

- M. Improvements.** Improvements, or security in lieu thereof, shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the City, or security in lieu thereof, shall be provided by the developer prior to approval of the final plat by the City Council for the first stage of the subdivision. Agreement as to the required improvements for such open space areas shall be made by the developer and City Council prior to the Council's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth in the Subdivision Ordinance.

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**Article XIII**  
**RESERVED**

**Zoning Ordinance**

## Article XIV

### SPECIFIC USE PROVISIONS

#### Section 14.01 INTENT

The intent of this Article is to provide standards for specific uses, whether regulated as a principal permitted use, accessory use, or a special use.

#### Section 14.02 SINGLE FAMILY DWELLING DESIGN STANDARDS

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

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

- A. Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
- B. Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the County Building Code and other building regulations.
- C. Certification:** If the dwelling unit is a mobile home, the mobile home must either be (1) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (2) used and certified by the manufacturer and/or appropriate inspection agency as meeting

the standards referenced in subsection (3) above, and found, on inspection by the Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy.

- D. Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in [Article IX](#) or [Article XI](#) for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- E. Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
- F. Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage, and chassis.
- G. Architectural Compatibility:** In the event that such dwelling unit shall be a manufactured, modular, or mobile home as defined herein, each such home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. Surrounding area shall be defined as within five hundred (500) feet of the subject dwelling unit, with measurements made from the edge of the lot in each direction. The determination shall be made by the Zoning Administrator based on the following factors:
  - 1. The residential floor area of the proposed dwelling shall be at least seventy five percent (75%) of the average square footage of constructed single-family dwellings in the surrounding area.
  - 2. The type of material used in the proposed dwelling is not grossly dissimilar to the type of materials used in single-family homes in the surrounding area, provided the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel.
  - 3. The design and position of windows shall not be grossly dissimilar in relation to other single-family homes in the surrounding area.
  - 4. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.



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

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

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

## **Section 14.03 ACCESSORY DWELLING UNITS**

### **A. General Provisions.**

1. **Purpose and Intent.** It is the policy of the City of Dexter to promote and encourage the creation of legal accessory dwelling units (ADUs) in a manner that:
  - a. Supports the City's housing affordability goals;
  - b. Supports the efficient use of existing housing stock and public infrastructure;
  - c. Provides housing that responds to changing family need, smaller households, and increasing housing costs;
  - d. Meets the housing needs of residents;

- e. Provides accessible housing for seniors and person with disabilities;  
and
- f. Enhances residential neighborhoods.

**B. Eligibility, Permits, and Application.**

**1. Eligibility.**

- a. Notwithstanding the regulations in [Section 21.03.B](#), one (1) accessory dwelling unit shall be permitted on a parcel that has one (1) single-family dwelling as the principal permitted use, in any zoning district that permit a single-family dwelling on an individual lot as a principal permitted use, subject to administrative review and approval of the Zoning Administrator.
- b. Accessory dwelling units are not subject to restrictions in [Section 3.02 B and C](#).
- c. The property owner shall occupy either the accessory dwelling unit or the single-family dwelling for which the ADU is accessory, except for temporary absences not to exceed a combined total of six (6) months in a calendar year.
- d. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a detached ADU, while simultaneously constructing a new primary dwelling on the site.

**2. Permit.**

- a. No person shall create an accessory dwelling unit without first obtaining a Zoning Compliance Permit.

**3. Application Requirements.**

- a. All applications for a zoning compliance permit for an accessory dwelling unit shall be filed with the City of Dexter Zoning Administrator, on forms provided by the Zoning Administrator, subject to the requirements of [Section 22.04\(B\)](#).
- b. Each applicant shall certify to the City that the proposed accessory dwelling unit included in the application is in compliance with the regulations in this Zoning Ordinance. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.

- c. Within ten (10) business days of receiving a complete application, the Zoning Administrator shall notify by mail notices all property owners within three hundred (300) feet of the property proposed for an accessory dwelling unit. The notice shall:
  - i. Describe the nature of request.
  - ii. Identify the property that it the subject of the request, including by address or parcel identification number.
  - iii. Indicate when and where written comments may be submitted concerning the request.

## C. Development Regulations.

### 1. Conversion of an existing accessory structure.

- a. An accessory dwelling unit may be permitted in a legally non-conforming accessory structure that was constructed before June 30, 2021.
  - i. If the existing accessory building is more than two hundred (200) square feet in gross floor area, it may be replaced or modified for use as an accessory dwelling unit, provided the new or modified accessory building conforms to the standards and regulation of this Zoning Ordinance.
- b. An illegal non-conforming accessory structure that was constructed before June 30, 2021, which is over two hundred (200) square feet in gross floor area shall be replaced or modified prior to use as an accessory dwelling unit, provided the new or modified accessory structure conforms to this Zoning Ordinance.

### 2. Short-term rental. Short-term rental of an accessory dwelling unit shall be prohibited.

### 3. Deed Restriction. A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Washtenaw County Register of Deeds prior to occupancy, and it shall incorporate the following restrictions:

- a. The accessory dwelling unit may not be sold separately from the principal dwelling unit to which it is an accessory.
- b. The owner occupancy requirement of subsection B.1.c, herein.

**4. Minimum Lot Area.**

- a. The minimum lot area required for an ADU shall be 5,000 sq. ft.
- b. Notwithstanding the provisions of [Section 3.02.B](#) and C, the maximum gross floor area (gfa) of an ADU shall be as follows:

<b>Lot Area</b>	<b>ADU Max. (gfa)</b>
5,000 sq. ft. to <7,800 sq. ft.	600 sq. ft.
7,800 sq. ft. to <12,000 sq. ft.	700 sq. ft.
≥ 12,000 sq. ft.	800 sq. ft.

**5. Setbacks.**

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling unit, including by a breezeway, shall be subject to the same setback requirements as the principal single-family structure.
- b. Detached ADU.
  - i. A detached ADU shall be at least ten (10) feet from the single-family dwelling and other accessory structures; however, the setback may be reduced to five (5) feet, if the ADU is constructed with fire rated walls, in accordance with building code requirements.
  - ii. A detached ADU shall be at least five (5) feet from any side or rear lot line, at least fifty (50) feet from any shoreline and at least ten (10) feet from the boundary of a regulated wetland.

**6. Lot coverage.** Notwithstanding the maximum lot coverage regulations in Section 20.01 for residentially zoned lots in the R-1A, R-1B, and VR District, the maximum lot coverage for a detached ADU shall be as follows:

<b>Zoning District</b>	<b>Max. Lot Coverage Detached ADU</b>	<b>Max. Lot Coverage All Structures on the Lot</b>
R-1A	8%	33%
R-1B and VR	10%	40%

**7. Height.**

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling, including by a breezeway, shall be subject to the same height

requirements, as the principal single-family structure to which it is attached. At no time shall the attached ADU exceed the height of the single-family dwelling to which it is attached.

- b. Detached ADU. At no time shall the detached ADU exceed the height of the single-family dwelling to which it is an accessory or thirty (30) feet, whichever is less
- 8. Public Utilities.** All ADUs must be served by municipal water and municipal sanitary sewer through connection with existing service for the principal building or, if that is determined infeasible by the Superintendent of Public Services, a separate service connection.
- 9. Design**
- a. ADUs shall be designed to enhance the residential neighborhood in which it is located.
  - b. ADUs shall comply with the single-family design standards in [Section 3.04](#) of the Ordinance.
  - c. The orientation of the proposed ADU shall, to the extent practical, maintain the privacy of residents in adjoining dwellings, as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.

## Section 14.04 HOME OCCUPATION

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions.

- A.** Application and approval of the home occupation is received from the City of Dexter in accordance with this Section.
- B.** Certain uses by the nature of their operation have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. This Section is not intended to prohibit offices related to the administration of uses listed below, including construction contracting, landscaping, maintenance, and snow removal businesses. The following uses shall not be permitted as home occupations:
  - 1. Medical care services (unless otherwise permitted by law and City ordinance),
  - 2. Mortuaries or funeral homes,

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3. Tea rooms (cafés & coffee houses),
  4. Antique shops,
  5. Restaurants,
  6. Private clubs,
  7. Veterinary clinics or animal grooming establishments,
  8. Barbers shops or beauty parlors with more than one (1) stylist,
  9. Medical clinics or hospitals,
  10. Commercial stables or kennels,
  11. Real estate offices,
  12. Vehicle repair or painting shops,
  13. Retail sales,
  14. Landscape installation and maintenance businesses, and snow removal businesses,
  15. Construction contractors,
  16. Trailer rentals,
  17. Nursing homes,
  18. Adult regulated uses and
  19. Repair shops in general.
  20. Use determined by the Zoning Administrator to have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties.
- C.** The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than one-quarter (25%) of the floor area of the dwelling unit may be used for the purposes of the home occupation or for storage purposes in conjunction with the home occupation.
- D.** A home occupation shall be conducted completely within the principal structure.
- E.** There shall be no change in the outside appearance of the structure or premises,

or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas, including the expansion of off-road parking areas in excess of residential standards.

- F.** No article shall be sold or offered for sale on the premises except such as is primarily produced within the dwelling.
- G.** A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, wireless communications interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated in a similarly zoned residential district.
- H.** Signs not customarily found in residential areas shall be prohibited. However, one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
- I.** There shall be no deliveries to or from a home occupation with a vehicle larger than a fifteen thousand (15,000) pound truck with not more than two (2) axles.
- J.** In no case shall a home occupation be open to the public earlier than 8:00 a.m., nor later than 7:00 p.m.
- K.** No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises. The home occupation shall not be visible from the road.
- L.** Bed & Breakfast operations shall be permitted in Residential Districts as regulated in [Section 14.15](#) of this Zoning Ordinance.
- M.** No more than one (1) other person shall be employed or involved with such activity on premises other than a member of the immediate family residing in the dwelling unit.
- N.** Services and transactions shall be conducted by appointment only, walk-in retail trade shall be prohibited.

## **Section 14.05 MEDICAL USE OF MARIJUANA**

- A.** The acquisition, possession, cultivation, use, delivery, or distribution of marijuana to treat or alleviate a debilitating medical condition is prohibited except in compliance with the Michigan Medical Marijuana Act (“MMMA”) of 2008 and applicable provisions of the City Zoning Ordinance.
  - 1. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this subsection, shall

be permitted as a home occupation, as regulated by this subsection. The City makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:

- a. The MMMA does not create a general right for individuals to use, possess, or deliver marijuana in Michigan.
- b. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
- c. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
- d. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marijuana.
- e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marijuana to more than five (5) persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
- f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions or symptoms to obtain the benefits of the medical use of marijuana in a residential setting, without having to unnecessarily travel into commercial areas.
- g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
  - i. A registered primary caregiver is not assisting more than five



- (5) qualifying patients with their medical use of marijuana, and
    - ii. A registered primary caregiver does not unlawfully expand its operations beyond five (5) qualifying patients, so as to become an illegal commercial operation, in the nature of a marijuana collective, cooperative or dispensary.
- 2. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver.
  - a. The medical use of marijuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.
  - b. A registered primary caregiver shall not possess marijuana, or otherwise engage in the medical use of marijuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
  - c. Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
  - d. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), up to twelve (12) marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
  - e. A sign identifying the home occupation by word, image, or otherwise, or indicating that the medical use of marijuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
  - f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
  - g. Distribution of marijuana or use of items in the administration

- of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of any marijuana.
- h. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
  - i. No one under the age of eighteen (18) years shall have access to medical marijuana.
  - j. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marijuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
  - k. Medical marijuana shall not be grown, processed, handled, or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
  - l. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
  - m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
  - n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
  - o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Zoning Administrator or other authorized official.
  - p. The property, dwelling, and all enclosed, locked facilities shall be available for inspection upon request by the Zoning Administrator, Building Official or law enforcement official.
3. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Zoning Compliance Permit.

- a. A complete and accurate application shall be submitted on a form provided by the City and an application fee in an amount determined by resolution of the City shall be paid.
  - b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card, or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marijuana cultivation and processing; and a description of the location at which the use will take place. The Zoning Administrator may require additional information necessary to demonstrate compliance with all requirements. The Zoning Administrator shall review the application to determine compliance with this Zoning Ordinance, the MMMA and the MMMA General Rules. A permit shall be granted if the application demonstrates compliance with this Zoning Ordinance, the MMMA and the MMMA General Rules.
  - c. The use shall be maintained in compliance with the requirements of this Zoning Ordinance the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
  - d. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the City, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
4. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective, or cooperative within the City, even if such use is intended for the medical use of marijuana.
  5. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and City ordinance requirements must be met.
  6. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with

the MMMA, for which a permit is not required.

## Section 14.06 MARIHUANA ESTABLISHMENTS PROHIBITED

- A. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the City, and may not be established or operated in any zoning district, by any means, including by way of a variance.
- B. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are completely prohibited in the City and may not be established, licensed, or operated in any zoning district, by any means, including by way of a variance.
- C. Nothing in this Section 14.06 shall limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

## Section 14.07 LIVE/WORK UNITS

- A. **Purpose.** Live/Work Units are intended to provide the following:
  - 1. Provide for the appropriate development of units that incorporate both living and working space;
  - 2. Provide flexibility for the development of live/work units, particularly within existing buildings;
  - 3. Provide locations where appropriate new businesses can start up;
  - 4. Provide opportunities for people to live in mixed use commercial areas when it is compatible with existing uses;
  - 5. Protect existing and potential commercial uses and nearby residential uses from conflicts with one another; and
  - 6. Ensure the exterior design of live/work buildings is compatible with the exterior design of commercial and residential buildings in the area.
- B. **Location.** Live/Work Units are allowed as a permitted use in the VC, Village Commercial district.
- C. **Uses.** The commercial component of the live/work unit must be a use permitted by right or by special land use in the VC, Village Commercial district. If a special land use, the applicant must request approval from the Planning Commission and City

Council, in accordance with [Article VIII](#).

**D. Requirements.**

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

## **Section 14.08 GROUP DAY CARE HOMES**

Group day care homes shall be subject to the following requirements:

- A. The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the use would be located.
- B. An onsite drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public road.
- C. A minimum of outdoor play area as required by the State of Michigan Licensing requirements shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.

## **Section 14.09 ADULT FOSTER CARE FACILITIES**

Adult foster care facilities shall be subject to the following requirements:

- A. Adult foster care small group homes serving between seven (7) and twelve (12) persons.
  1. A site plan, prepared in accordance with Article XXI shall be submitted.
  2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  3. The property is maintained in a manner that is consistent with the character of the neighborhood.
  4. One (1) off-road parking space per employee and/or caregiver shall be provided.
  5. Appropriate licenses with the State of Michigan shall be maintained.

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- B.** Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public road and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  2. A site plan, prepared in accordance with Article XXI shall be submitted.
  3. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  4. The property is maintained in a manner that is consistent with the character of the neighborhood.
  5. One (1) off-road parking space per employee and/or caregiver and one (1) visitor be provided.
  6. Appropriate licenses with the State of Michigan shall be maintained.
- C.** Adult foster care congregate facilities serving more than twenty (20) persons.
1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public road and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  2. A site plan, prepared in accordance with Article XXI shall be submitted.
  3. The subject parcel shall meet the minimum lot area requirements for the zoning in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  4. The property is maintained in a manner that is consistent with the character of the neighborhood.
  5. One (1) off-road parking space per employee and/or caregiver and one (1) visitor shall be provided.
  6. Appropriate licenses with the State of Michigan shall be maintained.
  7. The building shall meet all design standards for the underlying zoning district. In addition, the maximum length of an uninterrupted building façade facing public roads and residentially zoned or used property shall be thirty (30)

- feet. Façade articulation or architectural design variations for building walls facing the road are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
8. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

## **Section 14.10 SENIOR ASSISTED AND INDEPENDENT LIVING**

- A. Dwellings may be provided for as single-family detached, two-family, or multiple-family units.
- B. Height, lot coverage and setback requirements of the MF District as set forth in Section 9.08 shall apply.
- C. Parking is not allowed in any required front yard. Parking is permitted in the side and rear yards provided a minimum twenty (20) foot setback is observed.
- D. The maximum length of an uninterrupted building façade facing public roads and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the road are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- E. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located in a manner that will not create congestion on the site or within a public roadway.

## **Section 14.11 NURSING AND CONVALESCENT HOMES**

- A. There shall be provided on the site, not less than four hundred (400) square feet of land area for each occupant of the home. The four hundred (400) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
- B. The maximum length of an uninterrupted building façade facing public roads and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the road are required to ensure that the building is not monotonous in appearance. Building wall offsets

(projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

- C. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

## **Section 14.12 RESERVED**

## **Section 14.13 RESERVED**

## **Section 14.14 RESERVED**

## **Section 14.15 BED AND BREAKFASTS**

### **A. Requirements.**

1. No person shall operate a bed and breakfast without first obtaining a Zoning Compliance Permit. Bed and breakfasts shall be exempt from site plan review by the Planning Commission and City Council.
2. The owner-operator shall reside on the premises of the bed and breakfast establishment.
3. Meal service or other services provided on the premises shall only be available to transient guests of the bed and breakfast.

### **B. Application Requirements.**

1. All applications for a bed and breakfast permit shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of [Section 22.04\(B\)](#).
2. Each applicant shall certify to the City that the bed and breakfast included in the application is in compliance with the provisions of this Chapter. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.

### **C. Structural and Occupancy Requirements.**

1. Every guest bedroom shall contain not fewer than seventy (70) square feet. Every guest bedroom occupied by more than one (1) person shall contain not fewer than fifty (50) square feet of floor area for each occupant thereof.
2. Every guest bedroom shall have access to a bathroom, including a toilet,



sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.

3. One (1) private bathroom, exclusively for transient guests, shall be provided for every two (2) guest bedrooms.
4. Accessory dwellings in existence as of the effective date of this Section and located on the same parcel as a bed and breakfast may be utilized for guest bedrooms, in accordance with this Section.
5. No separate cooking facilities shall be allowed in guest bedrooms.

**D. Parking.** At least one (1) off-road parking space is required for the owner-operator. One (1) parking space shall be required for each guest bedroom. The Zoning Administrator may permit existing, improved on-road parking spaces to be used for guest parking, for the purposes of this requirement. The Zoning Administrator may attach conditions to the permitted use of existing, improved on-road parking spaces as guest parking.

**E. Signs.** Only one (1) ground sign or only one (1) building sign shall be permitted per bed and breakfast. One (1) additional ground sign or one (1) additional building sign may be permitted if the bed and breakfast is located on a lot with more than one (1) road frontage. Sign design and materials are to be compatible with the architecture of the building. Internal illumination is prohibited. The maximum height and area of ground signs shall comply with the zoning district requirements established in [Section 7.03\(2\)](#), Table A. The maximum area of building signs shall be one (1) square foot per one (1) linear foot of building frontage, not to exceed a maximum sign area of twelve (12) square feet in the R-1A, R-1B, R-3, and VR Districts, and the maximum sign area permitted in [Section 7.04\(2\)](#), Table B in the VC District, and the CBD. Building signs shall comply with the requirements established in Sections 7.04(1)(D) and 7.04(1)(E).

## Section 14.16 ACCESSORY SHORT-TERM RENTAL HOUSING

### A. Permit Required.

1. No person shall operate an accessory short-term rental without first obtaining a Zoning Compliance Permit.
2. Applicants must be a Permanent Resident of the proposed short-term rental. Permanent residency of a dwelling unit shall be established by providing the documentation required in Section 3.27(B)(3)(ii).
3. All short-term rental permits expire December 31st of the current year and must be renewed annually through administrative review. The annual permit

fee for establishing and maintaining a short-term rental shall be established by City Council resolution.

4. Accessory short-term rental permits are not transferable. If a property is sold or transferred and the new owner wishes to continue the accessory short-term rental of the dwelling unit or any portion thereof, a new permit must be obtained.

**B. Application Requirements.**

1. All applications for a new accessory short-term rental permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of [Section 22.04\(B\)](#).
2. Each applicant shall certify to the City that the accessory short-term rental included in the application is in compliance with the provisions of this Chapter. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
3. The initial application for an accessory short-term rental permit shall contain the following:
  - a. The name, address, and contact information of the Permanent Resident. If the Permanent Resident is not the Property Owner, the application must also include the name, address, and contact information of the Property Owner, as well as the Property Owner's signature authorizing the use of the property as an accessory short-term rental.
  - b. Information sufficient to show that the applicant is the Permanent Resident of the accessory short-term rental. Permanent residency shall be established by showing that the dwelling is listed as the applicant's residence on at least two (2) of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the unit as the applicant's primary residence for a standard homestead credit; or utility bill.
4. The permit holder shall notify the City of any changes to the approved application within thirty (30) days of the date of the change, including change of mailing address, or contract information.

**C. Structural and Occupancy Requirements.**

1. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent, or other temporary structure. Accessory dwellings in

existence as of the effective date of this Section and located on the same parcel as the Permanent Resident's principal dwelling, may be utilized for guest bedrooms, in accordance with this Section.

2. Every guest bedroom shall contain not fewer than seventy (70) square feet. Every guest bedroom occupied by more than one (1) person shall contain not fewer than fifty (50) square feet of floor area for each occupant thereof.
  3. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
  4. One (1) private bathroom, exclusively for transient guests, shall be provided for every two (2) guest bedrooms.
  5. Kitchens and non-habitable spaces shall not be used as guest bedrooms.
  6. No separate cooking facilities shall be allowed in guest bedrooms.
- E. Parking.** At least one off-road parking space is required for the Permanent Resident of the dwelling unit. One (1) parking space shall be required for each guest bedroom. The Zoning Administrator may permit existing, improved on-road parking spaces to be used for guest parking, for the purposes of this requirement. The Zoning Administrator may attach conditions to the permitted use of existing, improved on-road parking spaces as guest parking.
- F. Violations.** An accessory short-term rental permit may be revoked subsequent to its issuance by the Zoning Administrator or their designee upon findings that the accessory short-term rental dwelling(s) fails to comply with this Section and/or for violations of the City's general code, fire code, Zoning Ordinance, or other applicable laws and regulations.
- G. Conflicts.** In the event that the provisions of this article conflict with any other provision within the City's Code of Ordinances, the provision that is more restrictive shall apply.

## Section 14.17 VACATION RENTAL HOUSING

- A.** Each vacation rental permit shall expire December 31<sup>st</sup> of the current year and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining a vacation rental shall be established by City Council resolution.
- B.** All applications for a new vacation rental permit or a permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning

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Administrator. Each applicant shall certify to the City that the vacation rental included in the application is in compliance with the provisions of this Article. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.

- C.** Every vacation rental owner-operator shall appoint a local agent to manage the vacation rental.
- D.** In addition to the application requirements of this Article, all applications for a new vacation rental permit or a permit renewal shall include a Local Agent Agreement reflecting the local agent's authority and acceptance of all responsibilities under this Article.
- E.** The local agent shall:
  - 1. Keep their permanent residence within one hundred (100) miles of the vacation rental, or if a property management company or similar business entity, have offices within one hundred (100) miles of the vacation rental;
  - 2. Be authorized on behalf of the owner of the vacation rental, to accept service of all notices from the City or service of legal process relating to any and all matters relating to the vacation rental;
  - 3. Be authorized to allow City officers, employees, or agents, to enter the owner's property for purposes of inspection and enforcement of this Article or any other ordinance, statute, rule, or regulation the City may have the duty or authority to enforce;
  - 4. Be authorized on behalf of the owner of the vacation rental in all matters relating to dealing with renters of the vacation rental;
  - 5. Be authorized to undertake, or cause to be undertaken, any repair or act of maintenance of the vacation rental necessary to comply with any City ordinance, or any applicable state building regulations.
- F.** The permit holder shall notify the City of any changes to the approved application within thirty (30) days of the date of the change, including change of mailing address, contract information, or appointed Local Agent.
- G.** One (1) parking space shall be required for each guest bedroom. The Planning Commission may approve existing, improved on-road parking spaces to be used for guest parking, for the purposes of this requirement. The Planning Commission may attach conditions to the approved use of existing, improved on-road parking spaces as guest parking.
- H.** Structural and Occupancy Requirements.

1. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent, or other temporary structure. Accessory dwellings in existence as of the effective date of this Section and located on the same parcel as the principal dwelling unit that is utilized as a Vacation Rental, may be utilized for guest bedrooms, in accordance with this Section.
2. Every guest bedroom shall contain not fewer than seventy (70) square feet. Every guest bedroom occupied by more than one (1) person shall contain not fewer than fifty (50) square feet of floor area for each occupant thereof.
3. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
4. One (1) bathroom shall be provided for every two (2) guest bedrooms.
5. Kitchens and non-habitable spaces shall not be used as guest bedrooms.
6. No separate cooking facilities shall be allowed in guest bedrooms.

## **Section 14.18 MOTELS AND HOTELS, INCLUDING ACCESSORY CONVENTION/MEETING FACILITIES AND RESTAURANTS**

- A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- B. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- C. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.

## **Section 14.19 RESERVED**

## **Section 14.20 RESERVED**

## **Section 14.21 RESERVED**

## **Section 14.22 RESERVED**

## **Section 14.23 CEMETERIES**

Cemeteries shall be subject to the following requirements:

- A. New cemeteries shall have a minimum property size of twenty (20) acres.

- B.** All grave sites, buildings, and structures, in new or existing cemeteries, shall be setback at least twenty-five (25) feet from all property lines.
- C.** A cemetery with a memorial park setting may be allowed as an accessory use to a place of worship with City Council approval.
- D.** The use shall be so arranged that adequate assembly area is provided off-road for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required parking.
- E.** Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

## **Section 14.24 FUNERAL HOMES**

All funeral homes shall provide an adequate off-street assembly area for a minimum of five (5) vehicles to be used in a funeral procession. Such an assembly area shall be provided in addition to any required off-street parking area. Parking areas may be used for off-road assembly areas for more than the required five (5) vehicle spaces if the maneuvering lanes in the parking area are at least twenty-two (22) feet in width and can accommodate two-way circulation.

A residence may be provided within the main building of mortuary establishments.

## **Section 14.25 PLACES OF WORSHIP**

Places of worship shall be subject to the following requirements:

- A.** Minimum lot area shall be one (1) acre.
- B.** Buildings of greater than the maximum height permitted in [Article IX](#) may be allowed provided the front, side, and rear yard setbacks are increased above the minimum required by one (1) foot for each foot of building height that exceeds the maximum permitted. For places of worship in the form-based districts, places of worship shall meet the height requirements for the Institutional Building Form (Form I).
- C.** All vehicular access to the site shall be onto an arterial or collector road, as classified in the Master Plan. The Planning Commission may allow secondary access onto local (residential) roads if the uses fronting the road which would be most impacted by traffic flow are predominantly two-family or multi-family housing.
- D.** Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence, landscaped area, or combination thereof, at least five (5) feet in height, shall be provided. The Planning Commission may reduce this buffer based on the standards of [Article VI](#) - Landscaping.

**Section 14.26 RESERVED**

**Section 14.27 RESERVED**

**Section 14.28 RESERVED**

**Section 14.29 RESERVED**

**Section 14.30 RECREATION: COMMERCIAL OUTDOOR RECREATION ESTABLISHMENTS (EXCLUDING GOLF RELATED USES)**

- A. Uses accessory to commercial outdoor recreation use may include refreshment stands, retail shops selling related items, maintenance buildings, office for management functions, spectator seating, and service areas, including locker rooms and rest rooms.
- B. The site shall be adequate to accommodate the intended use(s), parking, and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust, or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.
- C. No building or structure with spectator seating shall be located within one hundred (100) feet of any residential district or permitted use.

**Section 14.31 RECREATION: COMMERCIAL INDOOR RECREATION**

- A. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.
- B. All uses shall be conducted completely within a fully enclosed building.
- C. The buildings shall be soundproofed.

**Section 14.32 RECREATION: PRIVATE, NONCOMMERCIAL**

- A. The proposed site shall have at least one (1) property line abutting an arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
- B. Front, side, and rear yards shall be at least eighty (80) feet wide and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained

in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

- C. Off-street parking shall be provided so as to accommodate not less than one-third of the member families and/or individual members. The City Council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases, wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the City Council on the basis of usage.

### **Section 14.33 RESERVED**

### **Section 14.34 RESERVED**

### **Section 14.35 RESERVED**

### **Section 14.36 RESERVED**

### **Section 14.37 KENNELS, COMMERCIAL/PET DAY CARE REGULATIONS**

- A. For kennels or pet day cares housing dogs, the minimum lot size shall be one (1) acre.
- B. A caretaker's quarters may be permitted.
- C. Buildings wherein animals are kept shall be setback at least one hundred (100) feet from abutting residential districts, churches, or restaurants on the same side of the road; fifty (50) feet from the front property line; and fifty (50) feet from all other property lines.
- D. Dog runs and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area. Outdoor exercising is allowed when the animal is accompanied by an employee.
- E. No animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.



- F. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, soundproofing, sanitary requirements). Such facilities adjacent to a residential district shall have the following construction features:
  - 1. Walls are soundproofed to all a maximum transmission of sixty-five (65) dB measured at any point on the outside of the exterior wall.
  - 2. Doors must be solid core.
  - 3. Ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.
- G. An operations/management plan shall be submitted, as part of the special use permit application, with a waste management plan and a plan for how noise will be attenuated.
- H. Training classes shall be permitted only if specifically authorized in the Special Land Use Permit.
- I. The kennel shall not be operated for breeding purposes, unless specifically authorized in the Special Use Permit.
- J. The Special Land Use Permit shall establish a limit on the number of animals that may be boarded at one (1) time. The permit may limit the specific species of animals that are permitted and on other measures of the intensity of use.
- K. Pet grooming (including bathing, fur, and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded. For animals not being boarded, pet grooming shall be permitted if allowed in the zoning district.
- L. The sale of pet and veterinary products shall be incidental to the kennel shall be permitted if allowed in the zoning district.
- M. Veterinary care shall be incidental to the kennel unless specifically authorized in the Special Land Use Permit.

### **Section 14.38 VETERINARY CLINICS AND HOSPITALS (SMALL ANIMAL CLINIC, LARGE ANIMAL CLINIC, SMALL ANIMAL HOSPITAL, AND VETERINARY HOSPITAL)**

- A. The following regulations apply to all animal clinics and hospitals:
  - 1. The use shall be operated by a licensed or registered veterinarian.

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2. Any indoor boarding shall be limited to that incidental to treatment or surgery.
  3. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
    - a. Walls are soundproofed to all a maximum transmission of sixty-five (65) dB measured at any point on the outside of the exterior wall.
    - b. Doors must be solid core.
    - c. Ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.
  4. A caretaker's quarters may be permitted.
  5. Adequate on-site parking shall be required.
  6. A minimum of one thousand (1,000) square feet of green space (grass area) in the rear and/or side yard shall be required.
- B.** The following regulations apply to all Small Animal Clinics in addition to items in subsection A of this Section:
1. Principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
  2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- C.** The following regulations apply to all Large Animal Clinics in addition to subsections A and B of this Section:
1. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches, or restaurants on the same side of the road; fifty (50) feet from the front property line; and fifty (50) feet from all other property lines.
  2. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
  3. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

- D. The following regulations apply to all Veterinary Hospitals and Small Animal Hospitals in addition to subsections A, B, and C of this Section:
1. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches, or restaurants on the same side of the road; fifty (50) feet from the front property line; and fifty (50) feet from all other property lines.
  2. Minimum one (1) acre lot.
  3. No dogs are permitted in outside boarding area between 8:00 p.m. and 7:00 a.m.

### **Section 14.39 RESERVED**

### **Section 14.40 RESERVED**

### **Section 14.41 RESERVED**

### **Section 14.42 RESERVED**

### **Section 14.43 ESSENTIAL PUBLIC SERVICES**

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

- A. Public and on-Site Utilities:** Prior to issuance of a building permit under the terms of this Zoning Ordinance, the applicant shall obtain engineering approval from the City.
- B. Wireless Facilities:** The location and installation of wireless communication towers, poles, and related facilities is not considered an essential public service as defined and regulated by this Zoning Ordinance. Regulations pertaining to the location, construction, and use of wireless communication facilities within the City may be found in Section 14.51 of this Zoning Ordinance.

## **Section 14.44 ESSENTIAL PUBLIC SERVICE BUILDINGS AND STRUCTURES**

Essential public services buildings and structures shall be subject to the following requirements:

- A. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- B. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. They cannot be located in the district front yard setback.
- C. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip (See [Section 6.05](#) and [Section 6.11](#)).
- D. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of masonry construction.

## **Section 14.45 ESSENTIAL PUBLIC SERVICE STORAGE YARDS**

Essential public service storage yards shall be subject to the following requirements:

- A. The requirements of [Section 14.43](#), Essential Public Services Buildings And Structures, shall be met.
- B. The minimum lot size shall be three (3) acres.
- C. A chain link fence six feet (6') in height shall be constructed on the boundary property lines. The required fence shall be screened from any adjacent residential district by a buffer strip, as required in [Section 6.05](#) and [Section 6.11](#).

## **Section 14.46 RESERVED**

## **Section 14.47 RESERVED**

## **Section 14.48 RESERVED**

## **Section 14.49 RESERVED**

## **Section 14.50 RECEPTION ANTENNAE**

In all zoning districts, the installation or use of a reception or transmission antenna facility shall be permitted only as an accessory use, and only when meeting the standards of this Section. Upon review of the application, the Zoning Administrator shall grant approval if it is

found that the plans comply in all respects with this Zoning Ordinance. It is the intent and purpose of this Section to provide reasonable regulations for the mounting of reception antenna facilities.

**A. Intent:** The intent of this Section is to regulate reception antenna facilities to achieve the objectives listed below.

1. Promote safety and prevent hazards to persons and property resulting from accidents involving antenna facilities which could fall from building or structural mountings due to wind load, snow load or other factors.
2. Promote utilization of ground mounting for antennae facilities where reasonably feasible.
3. Require screening of ground-mounted facilities and minimize visibility to roof or structure mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
4. Exclude from provisions of this Section, conventional VHF and UHF television antennae, FM reception antennae and short wave radio antennae used by amateur radio operators based upon the following findings: there is relatively minor concern for wind and snow load issues due to an established safety record; there has been an historical acceptance of such facilities from architectural and aesthetic standpoints; amateur radio operators provide benefits to emergency service providers, and the cost of complying with the procedure for application and review would be unreasonable in relation to the cost of purchasing and installing the facility.
5. Balance regulations on the placement and manner of reception antenna installation to the minimum required to achieve the objectives herein.
6. Promote and protect the public health, safety, and welfare by the exercise of City police powers in relation to a property owner's right to construct and use reception antennae to receive signals without reasonable restriction.

**B. Ground-mounted facilities:** Shall be subject to the conditions listed below.

1. The maximum diameter shall be ten (10) feet for a dish type receiver where diameter can be measured.
2. The maximum height of any part of the facility shall be fourteen (14) feet.
3. The antenna facility shall be located only in the rear yard and shall not be located in a required yard setback area.
4. An antenna facility within fifty (50) feet of a residential property line or

public road right-of-way shall be screened from view by a wall, fence, berm, evergreen plantings, or a combination of these elements, provided, if there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Zoning Administrator or if the antenna is mesh type, screening need not exceed six (6) feet in height.

5. The color of all antennae shall be of color tones similar to the surroundings. Ground-mounted antennae shall not be white unless they are of a mesh type or unless the background consists primarily of a white building. Bright colors shall not be used in any instance.
6. If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Board of Zoning Appeals, provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this Section.
7. All electrical and antenna wiring shall be placed underground, where applicable, and grounded to meet County Building Code requirements.
8. The antenna shall be located and designed to meet manufacturer specifications to withstand a wind force of one hundred (100) miles per hour.
9. No advertising or identification display shall be placed on any portion of the antenna or tower except the name and logo of the manufacturer and the serial number.

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

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

facility; and/or seventeen (17) feet above grade in the case of a structure mounted facility.

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

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

**E. Interpretation guidelines.** The provisions of this Section shall be interpreted to carry out the stated objectives of this Section and shall not be interpreted so as to impose costs on the applicant which are excessive in light of the purchase and installation cost of the antenna facility and accessory equipment.

**F. Exemption.** Up to three (3) conventional VHF or UHF television antennae, FM reception antennae and antennae, used by amateur radio operators licensed by the FCC, are exempt from the requirement of applying for and receiving approval under this Section, when the following regulations are met:

1. Width and height dimensions of the antennae are not more than one hundred thirty-five (135) inches and ten (10) feet, respectively,
2. The antennae are situated on that portion of the roof adjacent to the rear yard on the property,
3. The antennae do not extend higher than three (3) feet above the ridge and/or peak of the roof or the maximum height limitation in a residential zoning district or ten (10) feet above the roof in a nonresidential district.

**G. Variance.** If a hardship or practical difficulty exists on a particular lot or parcel of land such that compliance with the provisions of this Zoning Ordinance is impossible because satellite reception signals are blocked, then a variance may be sought from the Zoning Board of Appeals.

**Section 14.51 WIRELESS COMMUNICATION FACILITIES**

It is the general purpose and intent of the City of Dexter to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner which will retain the integrity of neighborhoods and the

character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this Section, attempts have been made to balance these potentially competing interests and promote the public health, safety, and welfare.

**A. Definitions**

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

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

1. **Permitted Uses By Right.** The following uses are specifically permitted:
  - a. Antennas or towers located on property owned, leased, or otherwise controlled by the City, provided a license or lease authorizing such antenna or tower has been approved by the City Council.



## 2. Administratively Approved Uses.

- a. Locating a tower or antenna, including the replacement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.
- b. Locating antennas on existing structures or towers consistent with the terms below:
  - i. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multiple family structure of eight (8) or more dwelling units, provided the antenna: does not exceed more than thirty (30) feet above the highest point of the structure; complies with all applicable FCC and FAA regulations; and complies with all applicable building codes.
  - ii. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator, if tower is in compliance with this Zoning Ordinance or was legally approved by the City previously, and proposed collocation complies with the terms and conditions of any previous final approval of the tower. A tower which is modified or reconstructed to accommodate the collocation of additional antenna shall be of the same tower type as the existing tower unless the Zoning Administrator allows reconstruction as a monopole. The following conditions shall also be met for antennas on existing towers:
    - (1) The overall height of the wireless communications support structure is not increased by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
    - (2) The width of the wireless communications support structure is increased by no more than the minimum necessary to permit collocation.
    - (3) The area of the existing equipment compound is increased to no greater than two thousand five hundred (2,500) square feet.
  - iii. A tower which is being rebuilt to accommodate the collocation of an additional antenna. Such towers may be moved onsite

within fifty (50) feet of its existing location. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

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

**C. Standards for Approval.**

1. **Administratively Approved Uses.** The following provisions shall govern the issuance of administrative approval for towers and antennas:
  - a. The Zoning Administrator may administratively approve only those uses stipulated in this Zoning Ordinance.
  - b. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in this Zoning Ordinance and a non-refundable fee as established by Resolution of the City Council to reimburse the City for the costs of reviewing the application.
  - c. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with [Section 14.51.C](#).
  - d. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approval or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
  - e. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements, up to fifty percent (50%).
  - f. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - g. If an administrative approval is denied on the basis of non-compliance with items i, ii, or iii of [Section 14.51.B.2.b](#), the applicant may file an

application for a special use permit pursuant to [Article VIII](#) prior to filing an appeal that may be available under this Zoning Ordinance. The City Council must approve or deny the application within sixty (60) days after the application is considered to be administratively complete. If the City Council fails to approve or deny the application within this time period, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.

2. **Special Use Permit Procedure.** Special use permit application shall follow the procedure below, in compliance with Section 514 of the Michigan Zoning Enabling Act.
  - a. **Fees.** The fee required to accompany an application shall not exceed one thousand (\$1,000.00) dollars.
  - b. **Zoning Administrator Review.** After an application for a special land use approval is filed with the City, the Zoning Administrator shall determine within fourteen (14) business days from when the application was received whether the application is administratively complete. If the Zoning Administrator finds that the application is incomplete, the Zoning Administrator shall notify the applicant, in writing or by electronic notification, that the application is not administratively complete, specifying the information necessary to make the application administratively complete. If the Zoning Administrator does not notify the applicant within fourteen (14) business days of the City's receipt of the application that the application is administratively incomplete, the application shall be considered complete.
  - c. **Special Use Approval.** The application shall be reviewed per the procedures and standards in [Article VIII](#) of this Zoning Ordinance and be approved or denied within ninety (90) days after the application is considered to be administratively complete. If the City Council fails to approve or deny the application within this time period, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.
  
3. **Special Use Permits.** Applications for special use permits under this Section shall be subject to the procedures and requirements of [Article VIII](#) of this Zoning Ordinance. In granting a special use permit, the City Council may impose conditions to the extent the Council considers such conditions to be

necessary to minimize any adverse effect of the proposed tower on adjoining properties.

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

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

- strength to support applicants proposed antenna and related equipment;
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
  - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs which exceed new tower development or tower lease costs are presumed to be unreasonable.
  - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- i. The applicant for a special use permit shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
    - i. Proximity to an interstate or major thoroughfare
    - ii. Areas of population concentration
    - iii. Concentration of commercial, industrial, and/or other business centers
    - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions
    - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate
    - vi. Other specifically identified reason(s) creating facility need
  - j. In single-family residential neighborhoods, site locations may be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this Section:
    - i. Municipally owned site
    - ii. Other governmentally owned site
    - iii. Religious or other institutional site

- iv. Public park and other large permanent open space areas when compatible
- v. Public or private school site
- vi. Other locations if none of the above is available

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

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.
3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
5. **Height.** The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
6. **Setback, Residential.** The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
7. **Setback, Non-residential.** Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as

- provided in the schedule of regulations for the zoning district in which the support structure is located.
8. **Access.** There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts; minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
  9. **Property Size Requirements.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
  10. **Roof Mounted Equipment.** Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
  11. **Aesthetics.** The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
  12. **Code Compliance.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
  13. **Maintenance.** A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term,

continuous maintenance to a reasonably prudent standard.

14. **Signs.** No signs shall be allowed on an antenna or tower.
15. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The provisions of this Section shall not prohibit security lighting for unmanned equipment shelters.
16. **Fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate devices to discourage climbing, provided however that the City Council may waive such requirements as it deems appropriate.
17. **Landscaping.** Unless otherwise stipulated by this Zoning Ordinance, the following requirements shall govern the landscaping surrounding towers for which a special use permit is required.
  - a. Tower facilities shall be landscaped with a type 1 buffer as described in [Section 6.11](#).
  - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. This determination must be made by the City Council.
18. **Buildings or Equipment Storage.**
  - a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
    - i. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than twelve (12) feet in height;
    - ii. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment shall not occupy more than ten percent (10%) of the roof area; and
    - iii. Equipment storage buildings or cabinets shall comply with all



applicable building codes.

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

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

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

- 1. **Site Plan.** A site plan prepared in accordance with Article XXI shall be submitted, including the location, size, screening and design of all buildings and structures, including fences and outdoor equipment.
- 2. **Landscaping Plan.** The site plan shall also include a detailed landscaping plan where the support structure is being placed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure.

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3. **Fencing.** Fencing shall be shown on the plan, which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
4. **Engineering Statement.** The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
5. **Security.** The application shall also include a description of security to be posted at the time the facility is to be removed when it has been abandoned or is no longer needed. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
6. **Inventory.** The application shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

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

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

### F. Collocation

1. **Statement of Policy.** It is the policy of the City to minimize the overall number of

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

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

2. **Feasibility of Collocation.** Collocation shall be deemed to be “feasible” for purposes of this Section where all of the following are met:

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

3. **Requirements for Collocation.**

- a. A Special Land Use Permit for the construction and use of a new wireless communication facility shall not be granted unless and until

the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
  - c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
  - d. If a party who owns or otherwise controls a wireless communication facility fails or refuses to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
4. **Offer of Collocation Required.** An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation.
  5. **Approval.** Final approval for a wireless communication support structure shall be effective for a period of six (6) months.
  6. **Incentive.** Review of an application for collocation, and review of an application for a permit for use of an existing facility shall be expedited by the City.

**G. Removal.**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners

upon the occurrence of one (1) or more of the following events:

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

## **Section 14.52 SMALL CELLULAR FACILITIES**

All small cellular facilities proposed in the public right-of-way are governed by [Article IV - Small Wireless Communications Facilities In The Public Right-Of-Way And Public Spaces](#) of Chapter 50 – Telecommunications of the General Code of Ordinances of the City of Dexter.

## **Section 14.53 RESERVED**

## **Section 14.54 RESERVED**

## **Section 14.55 RESERVED**

## Section 14.56 RESERVED

## Section 14.57 DRIVE-THROUGH FACILITIES

- A. Ingress and Egress.** Ingress and egress to a drive-through facility shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. A drive-through facility shall be designed in a manner which promotes pedestrian and vehicular safety.
- B. Traffic control.** Projected peak hour traffic volumes which will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the road serving the site.
- C. Location.** A drive-through must be located behind the facade on the opposite side of the road (i.e., the back of the building) or detached from the principal building and shall be located in a manner that will be the least visible from a public thoroughfare.
- D. Detached Design Requirements.** If detached, the point-to-point tube transport system (pneumatic tubes) must be located underground to serve the drive-through kiosk or canopy.
- E. Canopy Design.** Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.
- F. Stacking Space Requirements.** Each drive-through facility shall provide stacking space meeting the following standards:
1. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
  2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
  3. All stacking lanes must be clearly delineated through the use of striping, landscaping, curbs, or signage.
  4. The number of stacking spaces per service lane shall be provided for the uses as listed in the table below. When a use is not specifically mentioned, the requirements for off-road stacking space for the use with similar needs, as determined at the discretion of the Zoning Administration, shall apply.

Use	Stacking Spaces per Service Lane*
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Vehicle Use Quick Oil Change	2
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2
*The Planning Commission, based on a recommendation from the Zoning Administrator, may require more stacking spaces for a specific user, if it is determined that said user, based on their specific operation requires additional stacking for a typical day.	

## Section 14.58 AUTOMOBILE OR VEHICLE DEALERSHIPS

Automobile or vehicle dealerships with repair facilities or outdoor display area shall be subject to the following requirements:

- A. Outdoor Display Area.** Outdoor display areas shall be subject to the regulations in [Section 14.72](#).
- B. Outdoor Storage.** Outdoor storage shall be prohibited. All partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- C. Servicing Of Vehicles.** Any servicing of automobiles or vehicles, including major motor repair and refinishing, shall be subject to the following requirements:
  1. Service activities shall be clearly incidental to the automobile or vehicle sales operation.
  2. Automobile or vehicle service activities shall occur within a completely enclosed building.
  3. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

4. The building containing service operations shall be set back a minimum of fifty (50) feet from any property line.
  5. There shall be no external evidence of service operations, in the form of dust, odors, or noise, beyond the service building.
- D. Broadcasting Devices.** Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
- E. Minimum Lot Area.** The minimum lot area required for automobile or vehicle dealerships, including repair facilities and outdoor display areas, shall be 43,560 square feet.

## **Section 14.59 AUTOMOBILE SERVICE CENTERS AND MAJOR AUTOMOTIVE REPAIR**

Automobile service centers (minor repair) and major automotive repair (such as body shops), not including those which are accessory to an automobile or vehicle dealership, shall be subject to the following requirements:

- A.** All principal and accessory structures shall be set back a minimum of fifty (50) feet from a one-family residential district.
- B.** If the gas station has auto repair, there shall be a minimum lot frontage on a paved road of one hundred (100) feet.
- C.** Overhead doors shall not face a public road or residential district. The Planning Commission can modify this requirement upon determining there is no reasonable alternative, and the poor visual impact will be diminished through use of landscaping beyond that required in [Article VI](#).
- D.** Only one (1) driveway shall be permitted from any road unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.
- E.** Where adjoining a residential district, the landscape screening required in [Section 6.11](#) shall be erected along any common lot line. Any fence or wall erected as part of the required screening shall be continuously maintained in good condition.
- F.** All repair work shall be conducted completely within an enclosed building.
- G.** There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.
- H.** Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one day.



- I. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department and Washtenaw County Water Resources Commission.

## **Section 14.60 AUTOMOBILE SERVICE (GASOLINE) STATIONS**

Automobile service (gasoline) stations including those which are accessory to another use, shall be subject to the following requirements:

- A. The minimum lot area for gasoline service stations shall be fifteen thousand (15,000) square feet for up to two (2) service bays. There shall be added three thousand (3,000) square feet for additional service bay and one thousand five hundred (1,500) square feet for each additional pump island. At least one (1) road lot line shall be at least one hundred fifty (150) feet in length along one (1) major thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.
- B. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.
- C. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.
- D. Access driveways shall have access on an arterial road. Only one (1) driveway shall be permitted from any road unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.
- E. Where adjoining residential district, the landscape screening required in [Section 6.11](#).
- F. All repair work shall be conducted completely within an enclosed building.
- G. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the City Council and which extends no more than ten (10) feet beyond the building.
- H. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
- I. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back

catch basins and automatic shut off valves and approved by the Washtenaw County Water Resources Commission.

- J. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.

## **Section 14.61 AUTOMOBILE WASHES, AUTOMATIC OR SELFSERVICE**

Automobile washes, automatic or selfservice, not including those, which are accessory to an automobile or vehicle dealership shall be subject to the following requirements:

- A. Only one ingress/egress driveway shall be permitted on any single road.
- B. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- C. All washing facilities shall be within an enclosed building.
- D. Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
- E. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the road right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in [Article V](#), Parking Standards and [Section 14.57](#).
- F. Truck wash must be at least one hundred (100) feet from all property lines and entirely screened using landscaping from residential

## **Section 14.62 RESERVED**

## **Section 14.63 RESERVED**

## **Section 14.64 RESERVED**

## **Section 14.65 RESERVED**

## Section 14.66 ACCESSORY USE OR STORAGE OF HAZARDOUS MATERIALS

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan State Police, County Sheriff, Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:

- A. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, or other surface water body or into the groundwater.
- B. Description of storage of any salt, oil, or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- C. Description of any transportation, onsite treatment, storage, or disposal of hazardous waste generated in quantities of at least two hundred fifty (250) gallons or two thousand two hundred (2,200) pounds per month.
- D. Description of any secondary containment measures proposed including design, construction materials and specifications, volume, and security measures.
- E. Name and phone number(s) of person(s) responsible for materials and available twenty-four (24) hours, in case of detected spill.

## Section 14.67 ADULT REGULATED USES

- A. **Purpose and Preliminary Statements:** Sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City. There is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties. The City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods; and deter the spread of urban blight.

Certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment. See, e.g., *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10<sup>th</sup> Cir. 2003) (“[T]he Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not

engaged in expressive activity.”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977) (upholding ban on commercial distribution of sexual devices), dismissed for want of a substantial federal question, 435 U.S. 982 (1978).

Sexually oriented businesses have often manipulated their inventory or business practices to avoid regulation while retaining their “adult” nature. See, e.g., *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store’s “argument that it is not an adult entertainment establishment” to be “frivolous at best”); *People ex rel. Deters v. The Lion’s Den*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that adult store manager’s testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid regulation); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the nonadult video selections appeared old and several of its display cases were covered with cobwebs”). The manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business. See, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742 (Nov. 1, 2012) (upholding sex paraphernalia store location restriction which exempted stores in regional shopping malls because malls are on large property that buffer sensitive land uses, have their own security personnel, and limit signage and hours of operation). The City intends to regulate such businesses as sexually oriented businesses through a narrowly tailored Zoning Ordinance designed to serve the City’s content-neutral substantial interest in preventing the negative secondary effects of sexually oriented businesses, and its regulations shall be narrowly construed to this end. The purpose and intent of this Section is to regulate sexually oriented businesses, in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Zoning Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Zoning Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment

to their intended market. Neither is it the intent nor effect of this Zoning Ordinance to condone or legitimize the distribution of obscene material.

- B. Findings and Rationale:** Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Trustees, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Bronco's Entm't, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995);

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Gora v. City of Ferndale, 456 Mich. 704 (1998); Rental Property Owners Ass'n of Kent County v. City of Grand Rapids, 455 Mich. 246 (1996); 15192 Thirteen Mile Road, Inc. v. City of Warren, 626 F. Supp. 803 (E.D. Mich. 1985); City of Warren v. Executive Art Studio, Inc., No. 197353, 1998 WL 1993022 (Mich. App. Feb. 13, 1998); Tally v. City of Detroit, 54 Mich. App. 328 (1974); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Enlightened Reading, Inc. v. Jackson County, 2009 WL 792492 (W.D. Mo. March 24, 2009); MJJG Restaurant, LLC v. Horry County, 2014 WL 1314445 (D.S.C. Mar. 28, 2014); Cricket Store 17, LLC v. City of Columbia, --- F.Supp.2d ---, 2014 WL 526339 (D.S.C. Feb. 10, 2014); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Warren Gifts, LLC v. City of Warren, No. 2:02-cv-70062, R. 26 (E.D. Mich. June 21, 2002) (denying motion for preliminary injunction); Patterson v. City of Grand Forks, Case No. 18-2012- CV-00742, Memorandum Decision and Order (Grand Forks Cnty. Dist. Ct. Nov. 1, 2012); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984, 2009; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Strip clubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on

Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), the City Council finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one (1) area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City of Dexter has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Zoning Ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Zoning Ordinance are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

**C. . Uses Regulated.** The following uses are regulated by this Section:

1. Adult Book or Supply Store
2. Adult Model Studio
3. Adult Motion Picture Arcade
4. Adult Motion Picture Theater or Adult Live Stage Performing Theater

5. Adult Outdoor Motion Picture Theater
6. Adult Physical Cultural Establishment
7. Cabaret
8. Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions Section ([Article II](#)).

**D. Required Spacing.** The establishment of the types of Adult Regulated Uses listed in “C” above shall meet all of the following space requirements’ with the distance between uses measured horizontally between the nearest point of each property line:

1. At least five hundred (500) feet from any other adult regulated use;
2. At least five hundred (500) feet from all churches, convents, temples, and similar religious institutions;
3. At least five hundred (500) feet from all public, private, or parochial nursery, primary or secondary schools, public parks, and hospitals;
4. At least five hundred (500) feet from any use defined as a “care organization”;
5. At least five hundred (500) feet from any one-family or multiple-family residential district or use;
6. At least five hundred (500) feet from any pool or billiard hall, coinoperated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters-, ice- or roller-skating rinks and similar uses frequented by children and teenagers.

**E. Special Site Design Standards:**

1. Maximum size of the building shall be five thousand (5,000) square feet.
2. The building and site shall be designed, constructed, and maintained so material such as a display, decoration or sign depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas” (as defined in this Zoning Ordinance) cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
3. Adult regulated uses shall be located within a free-standing building. A shared or common wall structure or shopping center are not considered to be a free-standing building.
4. The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.



5. A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
6. Access shall be from an arterial roadway.

**F. Waivers.** Upon denial of any application for an Adult Regulated Use, the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals consistent with the standards set forth below. The Zoning Board of Appeals may waive the location provisions set forth herein, after all the following findings are made:

1. Compliance with Regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;
2. Not Enlarge District: The proposed use will not enlarge or encourage the development of a “skid row” or “strip”;
3. Consistent with Programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;
4. Consistent with Law: All applicable City, state or federal laws and regulations will be observed.

**G. Procedure for Waiver.** Prior to granting a waiver of the location restrictions set forth above, and no less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this Section, the City Council shall publish, in a newspaper of general circulation in the City, one (1) notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within five hundred (500) feet of the boundary of the premises in question, and to the occupants of all structures within five hundred (500) feet. If the name of the occupant is not known, the term “occupant” may be used in making notification.

1. The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, or the property owner or occupant, no less than eighteen (18) years of age, of a structure located within three hundred (300) feet of the boundary of the property being considered for the regulated use. The applicant, City Council, or Zoning Board of Appeals may request a public hearing.

**H. Conditions of Approval.** Prior to the granting of approval for the establishment of

any Adult Regulated Use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

- I. **Specific Penalties.** No person operating an adult entertainment business shall permit any person under the age of eighteen (18) to be on the premises of said business either as an employee or customer.

## **Section 14.68 RESERVED**

## **Section 14.69 RESERVED**

## **Section 14.70 RESERVED**

## **Section 14.71 RESERVED**

## **Section 14.72 OPEN AIR BUSINESSES**

The following regulations shall apply to permanent open-air businesses:

### **A. Generally.**

1. The minimum lot size for open-air businesses shall be twenty-one thousand seven hundred and eighty (21,780) square feet.
2. Notwithstanding the regulations in [Section 5.11](#) Access Management, sub-Section F.4, the minimum spacing requirements between a commercial driveway and an intersection shall be set on a case-by-case basis by the Planning Commission during site plan review, as recommended by the City engineer.
3. Parking shall be setback a minimum of ten (10) feet from any existing or planned road right-of-way line.
4. All loading, unloading, and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to encroach into adjacent road rights-of-way.
  - a. Automobiles or vehicles dealerships shall comply with the requirements in [Section 14.58](#).
  - b. Nurseries and garden centers, which deal with plant materials shall comply with the following:

- i. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery or garden center is located.
- ii. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

**B. Outdoor display areas.** The following regulations shall apply to outdoor display areas:

1. Grading, surfacing, and drainage.

Outdoor display areas, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the City Engineer.

2. Off-road parking, loading, and unloading.

- a. Outdoor display areas, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for off-road parking spaces, as described in [Article V](#).
- b. All outdoor display areas, loading, unloading, and parking areas shall be confined within the boundaries of the site, and shall not be permitted to encroach into adjacent roads rights-of-way.
- c. All outdoor display parking areas adjacent to residential and non-residential zoning districts shall provide landscape buffer and screening, as described in [Article VI](#).

**C. Access Management.** Notwithstanding the regulations in [Section 5.11](#) Access Management, subsection F.4, the minimum spacing requirements between a commercial driveway and an intersection shall be set on a case-by-case basis by the Planning Commission during site plan review, as recommended by the City engineer.

## **Section 14.73 OUTDOOR DISPLAY AREAS, TEMPORARY**

**A. Permit Required.**

1. No person shall operate a temporary outdoor display area without first obtaining a Zoning Compliance Permit.

2. All temporary outdoor display area permits shall expire on December 31<sup>st</sup> of the current year, unless another time frame is specified in the permit, or by the requirements of this Section, and shall be renewed annually, by administrative review.
3. The application and annual permit fee for operating a temporary outdoor display area shall be established by Resolution of City Council.

**B. Application Requirements.**

1. All applications for a temporary outdoor display area permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of [Section 22.04\(B\)](#).
2. All applications for a temporary outdoor display area permit or permit renewal shall include the following:
  - a. A location sketch that identifies the location and dimensions of the temporary outdoor display area, including the width of the sidewalk, as applicable, in relation to the business it will serve, the entrance to the business, adjacent properties (include addresses) and their building entrances, as well the location of existing landscaping, road, trees, catch basins, fire hydrants, and other utilities.
  - b. Photographs, drawings, or manufacturers brochures fully describing the appearance of all proposed merchandise display furnishings and fixtures for the temporary outdoor display area, including but not limited to shelving, tents, canopies, igloos, greenhouses, portable heaters, decorative lighting, and other fixtures used during colder weather, shall be included with the application.
  - c. A signed Hold Harmless Agreement as provided by the City.
3. In addition to the documents listed above, permit applications for a temporary outdoor display area proposed in a public right-of-way or on other public property shall be accompanied by a Certificate of Liability Insurance, in an amount acceptable to the City, including workers compensation, and naming the City as an additionally insured.

**C. General Regulations.**

1. For a temporary outdoor display area located on a sidewalk, a minimum of ten (10) feet of sidewalk width must be provided, of which a minimum of five (5) feet must be maintained free of any encumbrances, to allow for unobstructed pedestrian access along the sidewalk, as well as ingress/egress to the principal use for which the temporary outdoor display area is accessory.

2. The maintenance of an outdoor display area shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
3. Extended awnings or canopies attached to the building within which the temporary outdoor display area permittees principal use is located may be allowed and shall be complementary with the architecture and color of said building.
4. All temporary outdoor display area furnishings and fixtures shall be of substantial weight so that at no time shall the temporary outdoor display area present an obstruction or risk to public safety, especially during inclement weather.
5. All temporary outdoor display area furnishings and fixtures shall be maintained in a state of good repair. Any temporary outdoor display area furnishings and fixtures having broken, peeling, or rusting features or are showing other signs of disrepair shall be promptly removed and replaced.
6. The City of Dexter reserves the right to deny, revoke, or suspend a temporary outdoor display area permit, if the permittee has failed to correct violations of the temporary outdoor display area permit, within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the temporary outdoor display area standards must be appealed before the Zoning Board of Appeals.

## **Section 14.74 OUTDOOR SERVICE AREAS**

### **A. Permit Required.**

1. No person shall operate an outdoor service area without first obtaining a Zoning Compliance Permit.
2. All outdoor service area permits shall expire on December 31<sup>st</sup> of the current year, unless another time frame is specified in the permit, or by the requirements of this Section, and shall be renewed annually, by administrative review.
3. Permitted outdoor service areas may be operated all year; however, the use of public on-road parking spaces shall be limited to May 1st - November 1st.

4. The application and annual permit fee for operating an outdoor service area shall be established by Resolution of City Council.

**B. Application Requirements.**

1. All applications for an outdoor service area permit or permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator, subject to the requirements of [Section 22.04\(B\)](#).
2. All applications for an outdoor service area permit or permit renewal shall include the following:
  - a. Sketch Plan: A sketch plan (top-view drawing of the outdoor service area) shall include:
    - i. The location of an outdoor service area in relation to the business it will serve, the entrance to the business, adjacent properties (include addresses) and their building entrances, as well the location of existing landscaping, road, trees, catch basins, fire hydrants, and other utilities.
    - ii. The dimensions of the outdoor service area footprint, including dimensions and total square footage. Identify the number of parking spaces to be combined, if using parking spaces, and include setback dimensions.
    - iii. The location of the access ramps, platforms, and internal barriers such as planters, stanchions, or railing, if using parking spaces.
    - iv. Any hardware such as fasteners to be used in the construction of ramps and platforms.
    - v. The location and dimensions of all road furniture and furnishings, including, but not limited to tables, chairs, trash receptacles, benches, and sun shading.
    - vi. The location of outdoor lighting fixtures, as applicable, as well as the location of wiring and a description of how the wiring will be secured to prevent trip or electrical hazards.
    - vii. Photographs, drawings, or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other furnishings/fixtures related to the outdoor service area, including but not limited

to portable heaters, and other fixtures used during colder weather, shall be included with the application.

viii. A signed Hold Harmless Agreement as provided by the City.

3. Temporary shelters. Outdoor service area permittees may be allowed to erect temporary shelters, such as tents, igloos, bubbles, garden sheds, or similar type from November 1st through April 30th, excepted as cited herein, with the submittal of a separate sketch plan that includes the following:

- a. The location and dimensions of all temporary shelters within the permitted outdoor service area, and shall include a dimensioned interior seating layout, and the materials of which the shelters are fabricated.
- b. The type, size and location of portable heating elements, fuel tanks, and decorative lighting. Non-electric heating elements are prohibited inside any temporary shelters.
- c. Non-electric portable heating elements shall be a minimum of ten (10) feet from the temporary shelter for which it is used and ten (10) feet from all other permanent or temporary structures.
- d. The type and location of decorative lighting to be used.
- e. The power source for portable heating elements and decorative lighting.

4. In addition to the documents listed above, permit applications for an outdoor service area proposed in a public right-of-way or on other public property shall be accompanied by a Certificate of Liability Insurance, in an amount acceptable to the City, including workers compensation, and naming the City as an additionally insured. An outdoor service area in which alcohol is served shall also provide a liquor liability policy or certificate of insurance naming the City as an additionally insured.

**C. General Regulations.** On-road parking spaces, parking lots, sidewalks, and similar areas may be closed for their current uses and made available for use by a nearby business for outdoor dining and beverage service, subject to the following regulations:

1. Use of sidewalks.
  - a. Sidewalk outdoor service areas shall only be permitted on sidewalks that are ten (10) feet in width or greater.

- b. All outdoor services areas, whether located on a sidewalk or accessed from a sidewalk, must allow a minimum of five (5) feet of unobstructed pedestrian access along the sidewalk, as well as ingress/egress to the principal use for which the outdoor service area is accessory.
2. Use of on-road or parking lot spaces.
- a. A minimum of two (2) parking spaces are required for use of public on-road or parking lots spaces as an outdoor service area.
  - b. Parking space outdoor service areas shall be setback at least two (2) feet from adjacent auto traffic lanes and at least three (3) feet from adjacent parking spaces not used as an outdoor service area.

**(Updated graphic here)**

3. Access. Outdoor service areas shall be Michigan Barrier Free Code compliant, including but not limited to the following:
- a. Entrances must be a minimum of forty-eight (48) inches wide.
  - b. Connections between platforms, ramps, sidewalks, or parking spaces must be flush, and must not leave a horizontal gap greater than half (1/2) inch, or a vertical separation greater than a quarter (1/4) inch. 1:4 bevels are required for vertical differences that exceed a quarter (1/4) inch.
  - c. For outdoor service areas proposed on parking spaces with grades that exceed five percent (5%), level platforms must be provided.
  - d. Ramps must be provided for parking space outdoor service areas that are accessed from curbed sidewalks.
4. Enclosures and railings.
- a. A continuous rigid physical separation (enclosure) is required to separate outdoor service areas from vehicular traffic. Such enclosures are required along the curb separating a sidewalk outdoor service area from the roadway, and on all three (3) sides of parking space outdoor service areas that are adjacent to vehicular parking spaces or roadway.
  - b. All enclosures shall be a minimum of forty-two (42) inches in height.
  - c. Railings shall be a minimum height of thirty-six (36) inches in height and not exceed forty-two (42) inches in height.



- d. Enclosures and railings shall be constructed of wrought iron, cast aluminum, steel, or other substantial metal material and painted/colored black or the primary color of the building. Enclosure and railing spacing shall not exceed four (4) inches in width. Opaque enclosures are prohibited.
5. Bolting of ramps and platforms into the road or penetrating the surface of the road/parking space is prohibited. Ramps and platforms may be bolted to the existing curb. Curbs must be restored to the satisfaction of the Superintendent of Public Services, for the City of Dexter.
6. Ramps and platforms shall be designed and constructed to maintain unobstructed drainage flow along the gutter.
7. Platform and ramp substructures must be made of quality materials: i.e., wood, treated wood, or composite materials. Platform and ramp surfaces must be of a non-slip, composite material (not wood).
8. The maintenance of an outdoor service area shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
9. Outdoor service area furniture and enclosures shall not block the view of traffic, including pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices. It should not obstruct motorists' visibility of traffic signals from two hundred (200) feet away (about half a block).
10. Hanging or overhead objects, including umbrellas, must have a clearance of at least seven (7) feet (or eighty-four (84) inches), and cannot exceed ten (10) feet (including poles, posts, canopies, wires, signs) from the ground.
11. Alcohol Service.
  - a. Alcoholic beverages may be served in an outdoor service area, as licensed by the State, for consumption by customers of the licensee.
  - b. The City may restrict the hours of operation for an immediately adjacent to residential uses.
  - c. The outdoor service area shall be no more than twenty-five (25) feet from the licensed premises.

- d. The maximum size of an outdoor seating area shall not exceed twenty- thousand (20,000) sq. ft.
  - e. The outdoor service area shall not be separated from the license premises by a public road, road, or alley.
  - f. The outdoor service area shall not be located on a balcony or rooftop.
  - g. The outdoor service area shall include a removable enclosure, such as, but not limited to planters, posts with ropes, or other decorative equipment to define and secure the outdoor service area for consumption.
12. Street furniture and furnishings.
- a. Extended awnings or canopies attached to the building within which the outdoor service area permittees principal use is located may be allowed and shall be complementary with the architecture and color of said building.
  - b. Sun shading in public spaces shall be limited to umbrellas; sun shading in private spaces may include umbrellas, shelters, and tents. All sun shading shall be constructed of fire-retardant materials.
  - c. Tables, chairs, umbrellas, planters, trash receptacles, and other elements of road furniture/fixtures shall be of high-quality materials that are consistent with the character of the district in which the outdoor service area is located.
  - d. Decorative outdoor lighting may be permitted, provided such lighting shall be limited to the hours of operation of the outdoor seating area and shall not create glare that negatively impacts public safety or adjacent properties and shall be secured in a manner to prevent trip or electrical hazards.
  - e. All outdoor service area road furniture/fixtures shall be of substantial weight so that at no time shall the outdoor service area furniture present an obstruction or risk to public safety, especially during inclement weather. All umbrellas shall be closed or removed each evening.
  - f. All outdoor service area furniture/fixtures shall be maintained in a state of good repair. Any outdoor service area furniture/fixtures having broken, peeling, or rusting features or are showing other signs of disrepair shall be promptly removed and replaced.

13. Violations. The City of Dexter reserves the right to deny, revoke, or suspend an outdoor service area permit, if the permittee has failed to correct violations of the permit, within the time specified on the violation notice. If the City denies, revokes, or suspends the permit, the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the outdoor service area standards must be appealed before the Zoning Board of Appeals.

## Section 14.75 TASTING ROOMS

Tasting rooms shall meet the following requirements:

- A. A tasting room shall be accessory to a wine, beer, and/or other alcoholic beverage manufacturing facility, licensed as such by the State of Michigan.
- B. The square footage of the tasting room shall not exceed 15% of the gross floor area of the principal facility in the R-D or I-1 Zoning Districts.
- C. A tasting room licensee may be permitted to operate an outdoor service area, subject to [Section 14.74](#) and the following additional regulations:
  1. The consumption of alcoholic beverages outside of the outdoor service area enclosure shall be prohibited.
  2. Hours of operation shall be consistent with the hours of operation of the tasting room.
  3. All other federal, state, and local approvals.

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## ARTICLE XV

### ENVIRONMENTAL PROVISIONS

#### Section 15.01 PURPOSE

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety, and quality of the City of Dexter. Any use that does not conform to the environmental standards set forth in this Article shall be prohibited.

#### Section 15.02 PERFORMANCE STANDARDS

No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards:

- A. **Fire Hazard.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- B. **Airborne Emissions.**
  - 1. **Smoke and Air Contaminants.** It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public; or which endanger comfort, repose, health, or safety of persons; or which cause injury or damage to business or property.
  - 2. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
  - 3. **Gases.** The escape or emission of any gas that is injurious, destructive, or harmful to persons or property, or explosive, shall be unlawful and shall be abated.

- C. Noise.** Noise restrictions are provided in Section 18-61 of the City of Dexter Codified Ordinances.
- D. Vibration.** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- E. Glare.** No direct or reflected glare shall be permitted which is visible from any property, or from any public road, road, or highway.
- F. Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- G. Hazardous Uses.** Any activity defined as a hazardous use, as defined in [Article II](#), shall abide by the following standards:
  - 1. Areas storing hazardous substances must be designed to prevent spills and discharges to the air, surface of the ground, stormwater system, groundwater, lakes, streams, rivers, or wetlands.
  - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for maximum anticipated time necessary for the recovery of any released substance.
  - 3. General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
  - 4. State and federal requirements for storage, spill prevention, records keeping, emergency response, transport, and disposal of hazardous substances shall be met. No discharge shall be allowed without required permits and approvals.

### **Section 15.03 PRESERVATION OF ENVIRONMENTAL QUALITY**

The preservation of enhancement of natural features is essential to maintaining the City of Dexter's character, ecological diversity and stability, economic well-being, and quality of life. For purposes of this Section, "natural features" shall include wetlands, watercourses, floodplains, woodlands and trees, steep slopes, threatened or endangered species habitats, and ground water recharge areas. When natural features exist on a site proposed to be developed, the applicant shall do the following:

- A. Federal, State, and Local Permits.** Development in or affecting natural features may be regulated by the Federal, State, County, or City governments, and require

licenses, permits or approvals. Permits and approvals required by the City of Dexter shall not relieve a person from obtaining applicable permits or approvals from other relevant jurisdictions. Similarly, obtaining permits from the Federal, State, or County government does not relieve a person from obtaining the required permits from the City of Dexter.

**B. Applicable for Parcels Five (5) Acres or Larger.** For property five (5) acres or larger in any zoning district, none of the following natural features shall be obstructed, removed, altered, transformed, or otherwise impacted in any way at any time by any person unless as part of an approved site plan as provided in [Article XXI](#), Site Plan Review:

1. Area, water level, vegetation, edge, bank, shore, or natural condition of a river, stream, watercourse, drainageway, lake, or pond, whether filled or partially filled with water or dry in certain seasons.
2. Area, water level, vegetation, or natural conditions of a marsh, swamp, or wetland.
3. Living tree(s) in any wooded lot, grove, bush, park, wooded area, or forested land.
4. Land having a slope of twelve percent (12%) or greater.

If such person wishes to obstruct, remove, alter, transform, or otherwise impact the natural features in items 1-4 above on a parcel five (5) acres or larger, they must submit a site plan to the Planning Commission containing the information described in sub-sections C and D below. If approved, any such alterations shall be made in conformance to applicable local, State, and Federal requirements.

**C. Natural Features Impact Statement.** As part of the site plan review process, the applicant is required to determine if natural features exist on the site, and within one hundred (100) feet of the site. If one (1) natural feature is determined to exist on a site, then the Zoning Administrator shall require the applicant to submit a Natural Features Impact Statement containing the following information:

1. Site inventory map clearly showing locations and types of natural features both on-site and those within one hundred (100) feet beyond the property lines. For natural features beyond the property lines, aerial photographs and publicly available data and maps may be used. The drawing shall delineate:
  - a. Edges of woodlands and description of plant community type.
  - b. Landmark trees identified and labeled on the plans and in an accompanying table showing corresponding species, size, and

condition data for individual trees. Trees on the site must be tagged in the field and tag numbers shown on the site inventory map.

- c. Edges of wetlands, watercourse stream banks, ordinary high-water marks of water features, floodways, floodplains, areas of hydric soils, highly permeable soils, and groundwater recharge areas.
  - d. Steep slopes.
2. Written description that illustrates the quality, character, and health of the natural features.

**D. Natural Feature Protection Plan.** In addition to the Natural Features Impact Statement, the applicant shall provide a Natural Features Protection Plan as part of the site plan review process, showing:

1. Natural features that are excluded from the development.
2. Natural features that are to be retained as part of the development, and the measures taken to sustain the natural features.
3. Landmark trees, as defined in [Section 6.05.b](#), to be retained, in compliance with [Section 6.16](#), Tree Protection During Construction.

## Section 15.04 WETLAND PROTECTION

The City of Dexter intends to promote compliance with Part 303 Wetlands Protection, of the Natural Resources and Environmental Protection Act of 1994, Public Act 451 as amended. The City encourages placement of buildings to protect Michigan Department of Environment, Great Lakes and Energy (EGLE) regulated wetlands and nonregulated wetlands between two (2) acres and five (5) acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Dexter Master Plan.

- A.** Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an EGLE regulated wetlands, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the EGLE, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with EGLE standards.
- B.** Judicious effort shall be made through site plan design to preserve wetlands not protected by EGLE, which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.
- C.** Where stormwater is planned to drain into a wetlands, the standards of [Section 15.05 D](#) shall be met.



- D. Land shall not be subdivided in a manner creating property or lots which cannot be used in conformance with the requirements of this Section or the EGLE regulations.

## Section 15.05 STORMWATER MANAGEMENT

- A. **Purpose.** Efforts shall be made to preserve water features (including natural wetlands and watercourses) in a natural state, and to avoid stormwater and sedimentation discharge that may damage these features.

- B. **Stormwater Drainage / Erosion Control.** All stormwater drainage and erosion control plans shall meet the standards of the City of Dexter and shall, to the maximum extent feasible, utilize non-structural control techniques including, but not limited to:

1. Limitation of land disturbance and grading.
2. Maintenance of vegetated buffers and natural vegetation.
3. Use of terraces, contoured landscapes, run-off spreaders, grass, or rock-lined swales.
4. Use of infiltration devices.

Best management practices to reduce stormwater runoff and erosion, such as rain gardens and pervious surfaces, are encouraged.

- C. **General Standards.**

1. Sites shall be designed and managed utilizing low impact development techniques to emulate the natural water cycle and maintain local and regional hydrologic patterns. The Low Impact Development Manual for Michigan, published by the Southeast Michigan Council of Governments (SEMCOG) provides guidance for the designer and developer.
2. Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.
3. All new development and redevelopment of properties shall include on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets City standards.
4. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation of water quality for adjacent or downstream property owners.

5. The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.
  6. Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments, and large areas of impervious surfaces for parking, oil separators shall be required.
  7. For sites that store or use chemicals, a spill response plan shall be submitted and approved by the City.
- D. Use of Wetlands.** Wetlands may be used for stormwater management, provided applicable permits are obtained from EGLE and/or the appropriate federal agency.

## **Section 15.06 CONSTRUCTION WITHIN DESIGNATED FLOODPLAIN AREAS**

- A. Intent.** It is the intent and purpose of this Section to establish those standards necessary to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Dexter; and further comply with the provisions and requirements of the National Flood Insurance Program.
- B. Delineation of Flood Hazard Areas.** The boundaries of flood hazard areas shall be determined by reference to the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and any amendment thereto, as provided by the National Flood Insurance Program.
- C. Development Requirements.** In cases of conflict, the flood hazard area development requirements shall take precedence over the standards and requirements of the existing zoning district. Compliance with the requirements of this Section shall be necessary for all development occurring within flood hazard areas.
- D. Uses Permitted.**
1. Within flood hazard areas, no land shall be used except for one (1) or more of the following uses:
    - a. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, nature paths and trails, and wildlife preserves.
    - b. Required open space or lot area for uses in compliance with zoning district requirements of contiguous property not within the flood hazard area.

- c. Off-road parking, roads, drives, roads, and outdoor lay equipment or structures, provided that such equipment and/or structures would not cause an increase in water surface elevation, obstruct flow, or reduce impoundment capacity. Such equipment and/or structures shall be anchored to prevent flotation and lateral movement. When possible and approved by the City Engineer, use of pervious surfaces is expected.
  - 2. New and/or substantially improved structures shall be permitted, provided that such structures comply with the standards and requirements of Sections 6.12.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations".
- E. Permits.** No structure shall be erected, converted, or substantially improved or placed, and no land filled or used in a flood hazard area without the granting of any applicable permits by the Washtenaw County Building Department and the City Engineer, as well as any other authorized state or federal agency.

## **Section 15.07 GRADING, REMOVAL AND FILLING OF LAND**

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

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**Article XVI**  
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**Article XVIII**  
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# Article XIX

## PUD PLANNING AND DEVELOPMENT

### REGULATIONS FOR PLANNED UNIT

### DEVELOPMENT DISTRICTS

#### Section 19.01 PURPOSE AND INTENT

The Planned Unit Development (PUD) is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use in terms of variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Specifically, the PUD District regulations set forth herein are intended to achieve the following and a petitioner for a PUD must demonstrate all of the following as a condition for a PUD:

- A. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
  - 1. The applicant shall demonstrate to the Planning Commission and City Council that the PUD provides at least three of the following site design elements that could not be attained through a project design under conventional zoning:
    - a. Mixed-use development with residential and non-residential uses or a variety of housing types.
    - b. Redevelopment of brownfield or grayfield sites.
    - c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site.
    - d. High quality architectural design beyond the site plan requirements of this Ordinance.

## Zoning Ordinance

- e. Extensive landscaping beyond the site plan requirements of this Ordinance.
  - f. Preservation, enhancement, or restoration of natural resources (e.g. trees, slopes, non-regulated wetland areas, views to Mill Creek and/or the Huron River).
  - g. Preservation or restoration of historic resources.
  - h. Provision of open space of public plazas or features.
  - i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape, etc.).
  - j. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach.
  - k. Shared vehicular access between properties or uses.
  - l. Mitigation of off-site impacts on public facilities such as road improvements.
  - m. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reused/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
- B. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.
- C. The PUD shall incorporate design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks, and pathways.
- D. Long term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which identifies and integrates natural resources and features in the overall site design concept and encourages the provision of open space for active and passive use.
- E. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.

- F. Achieve economy and efficiency in the use of land, natural resources, energy and the provision for public services and utilities, provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
- G. The PUD shall be harmonious with public health, safety, and welfare of the City.
- H. The proposed PUD shall not result in an unreasonable negative environmental impact or loss of historic structure(s) on the subject site.
- I. The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.
- J. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the zoning district and City of Dexter Master Plan and shall not be detrimental to the adjoining districts.
- K. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
- L. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards.

## **Section 19.02 PUD REGULATIONS**

- A. A PUD may be applied in any zoning district.
- B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety, and welfare to ensure the compatibility of varied land uses both within and outside of the development and to the limitations of this Article.
- C. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved final PUD site plan, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance.
- D. Regulations shall be the continuing obligation of any subsequent interest in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this [Article XIX](#). The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved

final PUD site plan.

- E. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under petition for, a PUD district classification, until the requirements of this article have been met.

## **Section 19.03 GENERAL PROVISIONS**

All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as Permitted Principle Uses. In all cases, the strictest provision shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the petitioner and deemed adequate by the City Council, upon recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.

For properties approved for PUD designation, the PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and in some situations, the density requirements of this Ordinance on the basis of the total PUD plan, subject to the approval of the PUD by the City Council, based on a recommendation of the Planning Commission, in accordance with the requirements set forth herein. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this Section.

### **A. Residential Density.**

1. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. Provided, however, City Council may allow, based on a recommendation by the Planning Commission, up to a 25% density bonus upon a finding that:
  - a. Additional density is consistent with the Master Plan and/or DDA Plan; and
  - b. The project provides more than five recognizable and material benefits listed in [Section 19.01 A.1](#).
2. Further, in the determination whether a project warrants additional density, the Planning Commission and City Council may also consider the following factors including, without limitation: innovative design; pedestrian or vehicular safety;

long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of the resources base and contributes to an area wide open space network; and improvements to the City's infrastructure.

3. To determine density achievable with the underlying zoning for projects 20 acres or greater, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional requirements, access to public utilities, and density allowed by right in the district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered. The "net buildable area" consists of the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights-of-way, easements that cannot be included in residential lots, and other site features that would prevent use of the site for residential purposes. The parallel plan shall be submitted as part of the preliminary PUD application. Projects less than twenty (20) acres do not require a parallel plan.
4. If the parcel is not zoned for residential use immediately prior to classification under this Article, the City shall make a determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.
5. Where a PUD is proposed for a land area that includes multiple underlying zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the underlying zoning districts. The location and distribution of dwellings within the PUD shall be determined through design that meets the intent of this Article, preservation of natural features and compatibility with surrounding land uses.

- B. Mixed Use Projects.** For planned unit development projects which contain a residential component, the City shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, the natural features, and natural resources of the subject parcel.

Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscaping berms and/or decorative walls, shall be employed in accordance with [Article VI](#).

**C. Open Space Regulations.**

1. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
2. Open space areas shall be conveniently located in relation to dwelling units.
3. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
4. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
5. Landscaping shall be preserved and/or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
6. Efforts shall be made to preserve natural, historical, and architectural features and the integrity of the land, including EGGLE regulated and non-EGGLE regulated wetlands or floodplains.
7. When completed, the PUD shall have significant areas devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive recreation purposes harmonious with peaceful single-family residential uses in and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
8. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways convenient to the majority of the residents within the development connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
9. Areas not considered open space.
  - a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
  - b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.



- c. The area within any manmade storm water detention or retention pond.
- d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.

**D. Preservation of Natural Resources and Natural Features.** Taking into consideration the criteria set forth in [Sections 19.01](#) and [19.03](#), the City shall evaluate the proposed PUD to determine the following:

1. Natural resources will be preserved to the maximum extent feasible.
2. The proposed PUD respects the natural topography and minimizes the cutting, filling, and grading required.
3. The proposed PUD will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands and will preserve and incorporate such features into the development's site design.
4. The proposed PUD will not cause off-site soil erosion or sedimentation problems.
5. The conveyance and storage of storm water will enhance the aesthetics of the site.

## Section 19.04 DESIGN STANDARDS

**A. Generally.** The proposed development shall be consistent with the general principles and objectives of the adopted Master Plan, the subdivision ordinance, and all applicable building codes.

**B. Setbacks in the PUD Project.** All regulations applicable to front, side and rear yard setbacks, shall be met in relation to each respective land use in the PUD upon zoning district regulations in which the proposed use is listed as a Permitted Principle Use or Special Land Use.

**C. Vehicular and Pedestrian Circulation.**

1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid system or a modified grid system and traditional neighborhood design (TND) guidelines.
2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except

where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between or through all open space areas, and to appropriate off-site amenities. Informal trails may be constructed of gravel or other similar material. However, the City may require the construction of a pathway of up to eight (8) feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.

3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic. Traffic calming techniques may include but are not limited to the following, pedestrian refuge islands, central islands, chicanes, roundabouts, chokers, curb extensions, and/or raised pedestrian crossings.
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street or private street or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission, as part of the preliminary and final site plans. All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the preliminary and final site plans provide for separation of pedestrian and vehicular traffic and adequate, off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.
8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in [Section 19.03.A.3](#). If private streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.
9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

10. Thoroughfare, drainage, and utility design shall meet and exceed standards otherwise applicable in connection with each of the respective types of uses served.

**D. Parking and Loading Regulations.**

1. The parking and loading requirements set forth in [Article V](#), herein, shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the preliminary and final site plans. Such reduction shall be based upon specific findings and further based on the provisions in [Article V](#).
2. Parking areas within the PUD shall meet the minimum requirements of City Ordinances, unless modified by the Planning Commission and City Council.

**E. Utilities.**

1. Each principal building shall be connected to public water and sanitary sewer lines.
2. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention/detention ponds may be permitted.
3. There shall be underground installation of utilities, including but not limited to, electrical, telephone, and cable television lines, provided, however, that distribution lines may be placed overhead if approved by the City Council. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
4. The uses proposed in the PUD shall not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.

**F. Storm water Drainage/Erosion Control.** All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction and shall to the minimum extent feasible, utilize non-structural control techniques, including but not limited to:

1. Limitation of land disturbance and grading;
2. Maintenance of vegetated buffers and natural vegetation;
3. Minimization of impervious surfaces;
4. Use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock-lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio-retention swales.

- G. Design Elements.** It is the intent of this article to promote excellence and innovation in design. Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character and the community, surrounding developments, and natural features of the area.

Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that the scenic views across or through the site are protected and that the residential development is buffered from different land uses.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network, and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

## **Section 19.05 APPLICATION AND PROCESSING PROCEDURES**

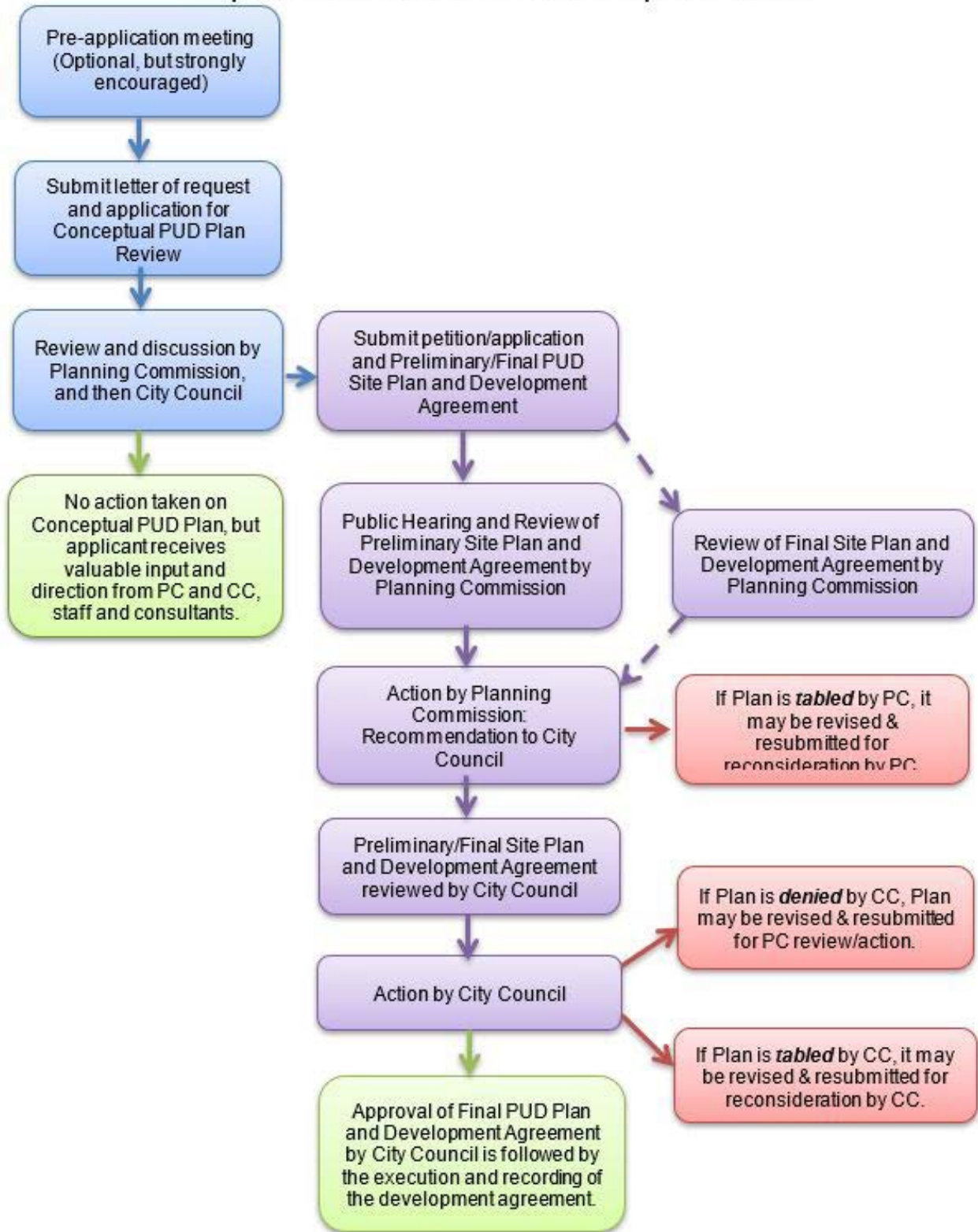
- A. Pre-Application Meeting (Optional).** An optional pre-application meeting with the Zoning Administrator may be requested by the applicant, and may include the Fire Inspector, other City department heads, and the City's engineer and planning consultants, as determined by the Zoning Administrator. The intent of the Pre-Application meeting is to discuss the appropriateness for the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. A generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Statements made during the pre-application meeting shall not be legally binding commitments.
- B. Conceptual Review.** All Planned Unit Development (PUD) projects are required to undergo a conceptual review process to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because PUD projects are generally complex projects with potentially higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety, and general welfare of City residents.
- 1. Conceptual Review Procedure.** Conceptual review shall be undertaken first by the Planning Commission and then by the City Council at public meetings

held pursuant to all applicable notice requirements. At this stage, complete details of landscaping, site grading, drainage, and utilities, etc. are not essential. Basic questions of use, density, design, architecture, integration with existing development in the area, and impacts on and the availability of public infrastructure are generally discussed. No formal action shall be taken on a plan submitted for conceptual review. Statements made during conceptual review shall not be legally binding commitments.

2. **Information Required for Conceptual Review.** The following information shall be required for conceptual review and shall be submitted to the Zoning Administrator at least thirty (30) days prior to a Planning Commission or City Council meeting, as appropriate. If complete and accurate plans and documents are submitted, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).
  - a. An application, in a form provided by the Zoning Administrator, along with the applicable fee, as set forth by resolution of the City Council.
  - b. A conceptual plan for the proposed PUD, drawn to an engineer's scale of not less than one (1) inch = twenty (20) feet for property less than three acres, or one (1) inch = one hundred (100) feet for property three (3) acres or more in size, that includes all of the following:
    - i. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions.
    - ii. Scale and northpoint;
    - iii. Location map drawn to a separate scale;
    - iv. A legal description of the property;
    - v. Zoning classification of site and all abutting parcels;
    - vi. Net acreage (minus rights-of-ways) and total acreage. For parcels less than one acre, square footage must be provided;
    - vii. Adjacent land uses;
    - viii. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within one hundred (100) feet of the site;

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- ix. Location, type, and land area of each proposed land use; type of dwelling units, if residential use is proposed, along with the number of units and proposed density;
  - x. Proposed lot lines, lot dimensions, property liens, setback dimensions, and other improvements;
  - xi. Location and height of all proposed buildings and structures;
  - xii. Location of existing and proposed roads, driveways, parking lots, sidewalks, and pathways on or within two hundred and fifty (250) feet of the site;
  - xiii. Proposed off-street parking lots and number of spaces;
  - xiv. Conceptual landscape plan;
  - xv. The general location of existing plant material;
  - xvi. Location of existing drainage courses, floodplains, rivers, and EGLE regulated wetlands;
  - xvii. Location of existing and proposed sanitary sewers;
  - xviii. Location of existing and proposed water mains;
  - xix. Stormwater retention and detention pond locations and existing, or proposed storm sewers;
  - xx. Number and location of residential units;
  - xxi. Density calculation by type of residential unit; and
  - xxii. Location and size of recreation and open space areas.
- c. Documentation indicating how the criteria for qualifications for a PUD have been met (as outlined in [Section 19.01](#)).
  - d. A table which details all deviations from the established zoning district uses; area, height, and setback requirements; off-street parking regulations; general provisions; or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This table shall clearly identify the allowed regulation in comparison to the requested deviation.
  - e. Any additional information requested by the Planning Commission and City Council to better assist in the determination of PUD qualification such as, but

not limited to: market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

- C. Preliminary PUD Application – Submission and Content.** Following the Conceptual Review with the Planning Commission and City Council, sixteen (16) paper copies and one electronic PDF copy of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Preliminary PUD Plan shall contain the following information:
1. All information required for Preliminary Site Plan Review in accordance with [Section 21.08](#), Data Required for Preliminary and Final Site Plans.
  2. A narrative describing:
    - a. The nature of the project, projected phases, and timetable.
    - b. The proposed density, number, and types of dwelling units if a residential PUD.
    - c. A statement describing how the proposed project meets the intent of the PUD District pursuant to [Section 19.01](#).
    - d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
    - e. Proof of ownership or legal interest in property.
- D. Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with [Section 22.08](#), Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six (6) months, the Preliminary PUD submittal shall become null and void. A single extension may be granted at the discretion of the Zoning Administrator upon written request by the applicant to the Zoning Administrator with additional information provided for a period of six (6) months. The Zoning Administrator will notify the Planning Commission and the City Council of the extension.
- E. Preliminary PUD Plan – Planning Commission Review and Recommendation.** The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in [Sections 19.03](#) through [19.05](#). Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:



1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
3. The PUD shall not change the essential character of the surrounding area.
4. Proposed phases and timetable.
5. The proposed PUD shall be under single-ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Article. This provision shall not prohibit transfer of ownership or control which must be requested in writing to the Zoning Administrator and shall require approval of City Council.

**F. Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection E. above.

**G. Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within twelve (12) months of receiving Preliminary PUD approval or the application shall be null and void.

**H. Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:

1. All information required for Final Site Plan Review in accordance with [Section 21.08](#), Data Required for Preliminary and Final Site Plans.
2. Detailed construction and engineering plans in accordance with [Section 21.10](#).
3. PUD Agreement. The applicant shall submit a Development Agreement in accordance with [Section 22.12](#).

- I. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the PUD District in addition to all development standards outlined in [Sections 19.03](#) through [19.05](#).
- J. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
- K. **Final PUD Plan and Rezoning – Effect of Approval.** The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:
  1. **Information Related to the Condominium Development.** The following information shall be provided with the final site plan for a condominium development
    - a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
    - b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
  2. Legal description of the property.
  3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
  4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request

of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

## **Section 19.06 RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS**

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

## **Section 19.07 PUD CONDITIONS**

- A. Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent land uses; and promoting the use of land in a socially and economically desirable manner consistent with the Master Plan.
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; necessary to meet the intent and purpose of this Ordinance; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the record of the approved PUD which shall include a Final PUD plan and development agreement signed by the City and the petitioner.

## **Section 19.08 PHASING AND COMMENCEMENT OF CONSTRUCTION**

- A. **Phasing.**
  - 1. Where a project is proposed for construction in phases, upon completion, each phase shall be capable of standing on its own in terms of the presence of

safe and convenient vehicular and pedestrian access, adequate utility services and facilities; recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area, including sidewalk connections and roadway improvements. In addition, each phase of the development which includes residential and non-residential uses shall provide the relative mix of uses and the scheduled completion of construction shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.

2. The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council.
3. The Planning Commission may require, as part of a Final PUD Plan review of a development phase, that land shown as open space on the approved Preliminary PUD Plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

**B. Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a one (1)-year period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and

applicable law and Ordinance provisions prior to any construction. Extensions on Final PUD Plan approvals are limited to two (2), one (1)-year extension periods.

- C. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued for a PUD until the requirements of this Article have been met.

## **Section 19.09 AS-BUILT DRAWINGS**

As-built drawings shall be provided in accordance with [Section 21.13](#), herein.

## **Section 19.10 PERFORMANCE GUARANTEE**

Performance guarantees shall be provided in accordance with [Section 21.16](#) herein.

## **Section 19.11 MODIFICATION TO AN APPROVED PUD PLAN**

- A. A developer may request a change in an approved Preliminary PUD Plan, or an approved Final PUD Plan. A change which is determined by the Zoning Administrator to be a major change shall require an amendment to the approved Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions herein required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development.
- B. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions; potential improvements in layout or design features; unforeseen difficulties; or advantages mutually affecting the interest of City of Dexter and the developer, such as: technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.
- C. The following changes shall be considered major:
  - 1. A change in concept of the development.
  - 2. A change in use or character of the development.
  - 3. Changes in type(s) of dwelling units.

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4. A change in the number of dwelling units (density).
  5. Changes in non-residential floor area of over five percent (5%).
  6. Changes in lot coverage and/ or floor area ratio of the entire development greater than one percent (1%).
  7. The rearrangement of lots, blocks, and building tracts.
  8. A change in the character or function of any street.
  9. A reduction in land area set aside for common open space or the relocations of such area(s).
  10. Horizontal and/or vertical elevation changes of five percent (5%) or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
  2. A change in non-residential floor area of five percent (5%) or less.
  3. Horizontal and/or vertical elevation changes of five percent (5%) or less.
  4. An increase in designated “areas not to be disturbed” or open space.
  5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one (1:1) or greater basis.
  6. Changes to approved building materials to higher quality materials.
  7. Changes floor plans which do not alter the character of the use.
  8. Slight modifications of sign placement or reduction of size.
  9. Minor variations in layout which do not constitute major changes.
  10. An increase in gross floor area or floor area ratio of the entire development of one percent (1%) or less.
- E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, the owner(s) of record, and/or the legal representative(s) of said owner(s) and submitted for the record.

## Section 19.12 VIOLATIONS

- A. A violation of an approved Preliminary PUD Plan, and/or a Final PUD Plan, shall be grounds for the City Council to order that all construction be stopped, and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.
- B. Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in [Section 21.11](#).

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**Article XX**  
**RESERVED**

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## Article XXI

### SITE PLAN REVIEW

#### Section 21.01 INTENT

The intent of this Article is to provide consistent standards and methods for review and approval of site plans to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, state, and federal regulations. Further, the intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land; encourage innovative design solutions; protect natural resources; ensure safety for both internal and external vehicular and pedestrian users; achieve innovative storm water management solutions; and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

This Article also allows administrative approval in certain cases where there is a change in use, a minor change to an existing site, or a minor change determined necessary in the field during construction.

#### Section 21.02 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

- A. Site Plan Review Requirement.** The following buildings, structures, and uses require site plan review:
1. All proposed or permitted uses and related buildings, except single- and two-family dwellings located on individual lots and their associated accessory structures.
  2. All proposed special land uses and related buildings.
  3. Any alteration, addition, or expansion of an existing permitted or special use and/or related building.
  4. Any parking lot or addition thereto.

#### Section 21.03 ADMINISTRATIVE REVIEW

- A. Authority.** The City Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may seek the review and comments of applicable staff and/or consultants and reserves the right to refer the matter to the Planning Commission if desired.

- B. Projects to be Reviewed Administratively.** Administrative review of a site plan may be conducted for the following projects or under the following circumstances:
1. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.
  2. Expansion or reduction of an existing conforming structure or use of one thousand (1,000) square feet or less or five percent (5%) of the floor area of the structure, whichever is less, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
  3. A change in use to a similar or less intense use provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
  4. Increase in parking or loading area of up to twenty-five percent (25%) or six thousand (6,000) square feet of pavement area without any building changes.
  5. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.
  6. Site improvements such as installation of walls fences, lighting, or landscaping consistent with the Ordinance standards.
  7. Temporary uses, sales, and seasonal events.
- C. Information Required.** At the direction of the Zoning Administrator, any information required in [Section 21.05](#) and [Section 21.06](#) of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:
1. Proprietors', applicants, and owner's names, addresses and telephone numbers.
  2. Date (month, day, year), including revisions.
  3. Title Block and Scale.
  4. North arrow.
  5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.
  6. Floor plans and Elevations. Two (2) or three (3) dimensional color renderings may be requested by the Zoning Administrator.

- D. The Zoning Administrator shall consider the criteria set forth in [Section 21.09](#) in the review of the site plans submitted under this Section.

## **Section 21.04 PRE-APPLICATION MEETING (OPTIONAL)**

An optional pre-application meeting with the City Zoning Administrator and/or the Site Plan Review Committee, may be requested by the applicant, and may include the Fire Inspector, other City department heads, and the City’s engineer and planning consultants, as determined by the Zoning Administrator. The intent of the pre-application meeting is to discuss the appropriateness of the development concept, solicit feedback, and receive requests for additional materials supporting the proposal. A generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Statements made during the pre-application meeting shall not be legally binding commitments.

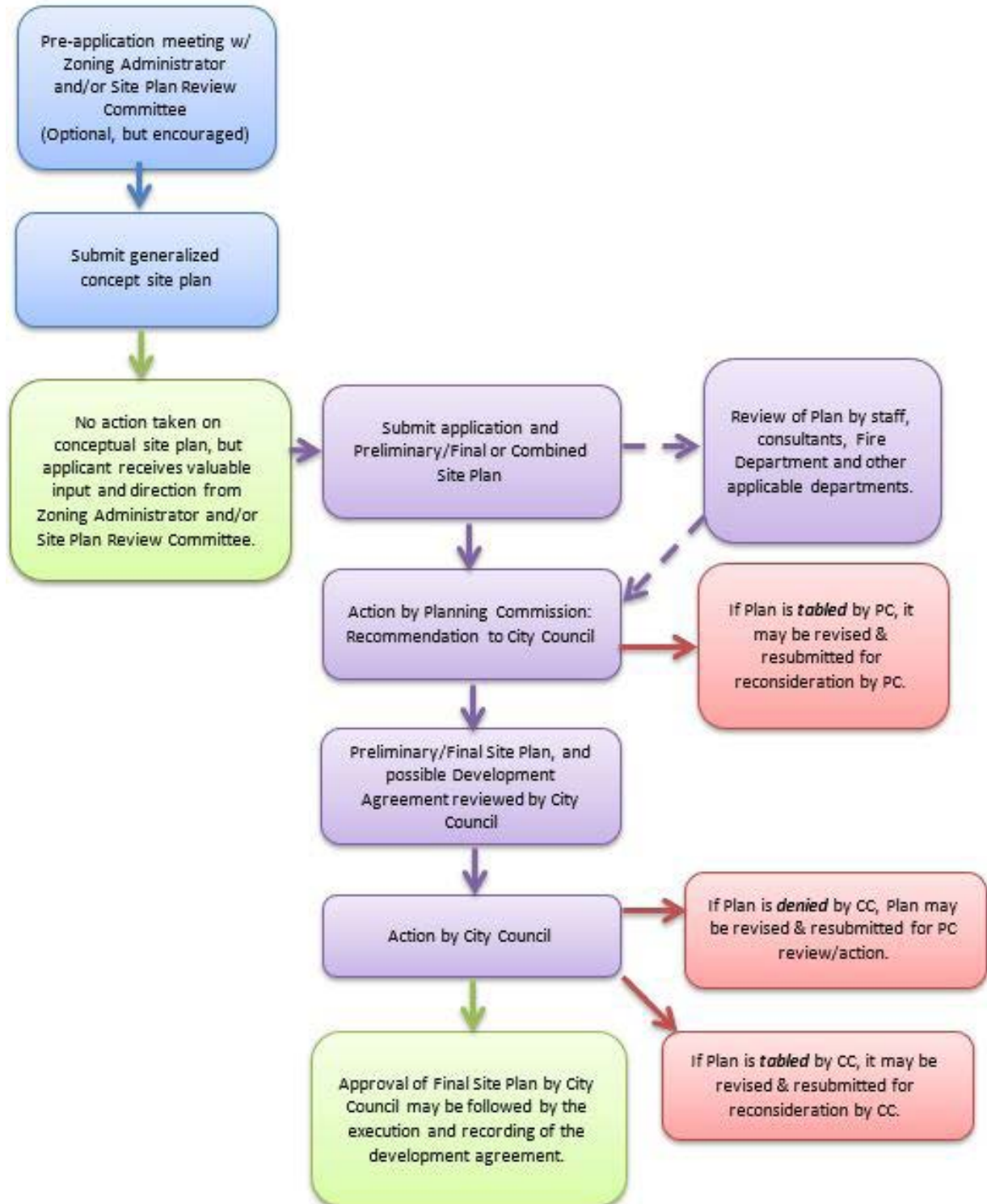
## **Section 21.05 PRELIMINARY SITE PLAN REVIEW**

- A. **Application and Fee for Preliminary Site Plan Review.** An application for a preliminary site plan review shall be filed with the Zoning Administrator and include the number of copies specified on the application. An application for preliminary site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information hereinafter required.
- B. **Required Data for a Preliminary Site Plan.** An application for approval of a preliminary site plan shall provide the information required for a preliminary site plan as set forth in [Section 21.08](#).
- C. **Staff/Consultant Review of Preliminary Site Plan.** The Zoning Administrator shall determine if the preliminary site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the preliminary site plan to all applicable City Departments, City Consultants, outside agencies, and other applicable review entities. City Departments, City Consultants, outside agencies, and other applicable review entities shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions, and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. All plan revisions must be clearly demonstrated, i.e. “bubbled” on the revised plan sets, and accompanied by a written narrative summarizing the revisions. Any plan revised in response to comments from the Planner, Engineer, or agencies/departments having jurisdiction shall not be placed on the Planning

# Zoning Ordinance

## Article 21 Site Plan Review Process



Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

- D. **Planning Commission Review of Preliminary Site Plan.** If complete, the Zoning Administrator shall transmit complete submittals of the application and preliminary site plan drawing(s), including Planner and Engineer reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.
- E. **City Council Approval of a Preliminary Site Plan – Effect of Approval.** After recommendation of the Planning Commission, the City Council may approve, deny, or may require changes in the preliminary site plan, and may attach conditions to its approval. Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in [Section 21.09](#).
- F. **Expiration of Approval.** Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator.
- G. **Phased Site Plans.** If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three (3) years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.
- H. **Extension of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written request by the applicant and review and approval by City Council.

## Section 21.06 FINAL SITE PLAN REVIEW

- A. **Application and Fee for Final Site Plan Review.** Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Zoning Administrator, including the number of copies specified on the application of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.

## Zoning Ordinance

- B. **Required Data for a Final Site Plan.** An application for approval of a final site plan shall provide the information required for a final site plan as set forth in [Section 21.08](#).
1. **Information Related to a Condominium Development.** The following information shall be provided with the final site plan for a condominium development:
    - a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
    - b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
  2. Legal description of the property.
  3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
  4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.
- C. **Staff/Consultant Review of Final Site Plan.** The Zoning Administrator shall determine if the final site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the final site plan to all applicable City Departments, City Consultants, outside agencies, and other applicable review entities. City Departments, City Consultants, outside agencies, and other applicable review entities shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the



Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

- D. **Planning Commission Review of a Final Site Plan.** The Zoning Administrator shall transmit complete submittals and applicable consultant reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.

The Planning Commission shall include in its study of the site plan consultation with the Zoning Administrator, the Fire Chief, planning and engineering consultants, other governmental officials and departments, and public utility companies that might have an interest in or be affected by the proposed development.

- E. **City Council Review of a Final Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny or may require changes in the final site plan, and may attach conditions to its approval. The Zoning Administrator shall advise the applicant in writing of City Council's action and any required modifications to a final site plan necessary to achieve conformance to the standards specified in this Ordinance after approval of the Official Meeting Minutes.

- F. **Approval of a Final Site Plan.** Upon approval of a final site plan by the City Council, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five (5) copies of the approved final site plan. A single electronic copy of the approved site plan in PDF format shall also be provided for the City's records. The Zoning Administrator shall transmit two (2) signed copies of the plan and any conditions attached to the approval to the applicant and City project file.

The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance is agreed by the landowner and the City Council.

- G. **Effect of Approval.** Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

- H. **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect two (2) years following the date of approval unless a Zoning Compliance Permit has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

- I. **Extensions of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

**Section 21.07 COMBINING PRELIMINARY AND FINAL SITE PLANS**

An applicant may, at the applicant’s discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

**Section 21.08 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS**

All plans shall be prepared by a professional engineer registered in the State of Michigan whose seal shall be affixed to the first sheet. All landscape plans shall be prepared by a Landscape Architect licensed in the State of Michigan whose seal has been affixed to the Landscape Plan. Preliminary and final site plans shall include the information set forth in Table 21.08 A-1.

**Table 21.08 A-1. Preliminary Site Plan and Final Site Plan Submittal Requirements**

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
<b>A. Application Form</b>		
Name and address of the applicant and property owner	X	X
Address and common description of property and complete legal description	X	X
Dimensions of land and total acreage	X	X
Zoning on the site and all adjacent properties	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Name and address of firm or individual who prepared the site plan	X	X
Proof of property ownership	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
<b>B. Site and Zoning Data</b>		
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site	X	X
Proposed lot lines, lot dimensions, property lines setback dimensions, structures, and other improvements to the site and within 100 feet of the site.	X	X
All existing and proposed easements, including type	X	X
Zoning district of site and all adjacent properties	X	X
Land use of site and all adjacent property	X	X
Proposed use of site	X	X
Gross and net lot area in acres and square feet, net lot area excluding all existing road rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water (including streams, ponds, lakes), and 90% of the area of all existing drainage easements	X	X
Ground floor and total floor area to be constructed	X	X
Lot coverage (ground floor area divided by net lot area)	X	X
Impervious surface (total impervious area and percentage of impervious area to total net lot area)	X	X
Floor area ratio (total floor area divided by net lot area)	X	X
Number and type of dwelling units and density, for residential projects	X	X
Building height, in feet and number of floors	X	X
Required yards	X	X
<b>C. Natural Features</b>		
General location of existing plant materials, with identification of materials to be removed and materials to be preserved	X	X
Location, sizes, types, and condition of existing trees	X	X
Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark	X	X
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	X	X

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Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Wetlands delineated both in the field and on the plan. The existing area must be shown for each wetland. All impacted areas and mitigation areas shall be shown with calculations provided.	X	X
Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey or equivalent information.	X	X
Groundwater information on the site, with supporting evidence including, but not limited to site-specific soils information.	X	X
<b>D. Access and Circulation</b>		
Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements		X
Driveways and intersections within 250 feet of the site		X
Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways	X	X
Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized paths illustrating materials and thickness		X
Dimensions of acceleration, deceleration, and passing lanes		X
Calculations for required number of parking and loading spaces, location, and layout	X	X
Dimensions of parking spaces, islands, circulation aisles, and loading zones		X
Fire protection plan	X	X
Traffic regulatory signs and pavement markings		X
<b>E. Landscape Plans</b>		
General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material.	X	X
Existing live plant material to remain, and if material will be applied to landscaping requirements	X	X
Existing and proposed topography, by contours, correlated with the grading plan	X	X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Location of all proposed improvements, as shown on the site plan	X	X
Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/staking details), botanical and common names, spacing, and quantity		X
Irrigation system plan for watering and draining landscape areas		X
Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells.		X
Proposed means of protecting existing plan material during construction		X
Proposed dates of installation		X
Landscape maintenance schedule		X
<b>F. Building, Structure, and Miscellaneous Site Information</b>		
Location, height, and outside dimensions of all proposed buildings and structures	X	X
Building floor plans and total floor area		X
Details on accessory structures and any screening		X
Location, size, height, and lighting of all proposed site and wall signs		X
Building façade elevations for all sites, drawn at an appropriate scale		X
Description of exterior building materials and colors (samples may be required)		X
Location of exterior lighting (site and building lighting)		X
Lighting details, including size, height, initial lumen rating, type of lamp, method of shielding, type of lens, and depiction of lighting pattern for all site and building lighting		X
Lighting photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on site and 10 feet beyond parcel lines		X
Location of trash receptacle(s) and transformer pad(s) and method of screening		X

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Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Location of any outdoor sales or display area	X	X
<b>G. Information Concerning Utilities, Drainage, and Related Issues</b>		
Location of existing and proposed sanitary sewer systems	X	X
Size of existing and proposed sanitary sewer systems		X
Location of existing and proposed water mains, water service, and fire hydrants	X	X
Size of existing and proposed water mains, water service, and fire hydrants		X
Site grading, drainage patterns, and other stormwater management measures	X	X
Stormwater drainage and retention/detention calculations	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls		X
Location of storm sewers and drains	X	X
Size of storm sewers and drains		X
Location of above and below ground gas, electric, and telephone lines, existing and proposed	X	X
Location of transformers and utility boxes		X
Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable		X
<b>H. Additional Information Required for Multiple-Family Residential Development</b>		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	X
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage and/or carport locations and details, if proposed		X
Mailbox clusters		X
Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable		X
Swimming pool fencing detail, including height and type of fence, if applicable		X

Plan Data	Required For:	
	Preliminary Site Plan	Final Site Plan
Location and size of recreation and open space areas		X
Indication of type of recreation facilities proposed for recreation area		X
<b>I. Additional Study (as required by the Zoning Administrator)</b>		
Traffic Study	As required by Zoning Administrator	
Environmental Assessment	As required by Zoning Administrator	
Noise	As required by Zoning Administrator	
Additional Study as required by the Zoning Administrator	As required by Zoning Administrator	

NOTE: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

## Section 21.09 CRITERIA FOR SITE PLAN REVIEW

- A. **Standards.** The Planning Commission (and City Council) shall review the site plan to ensure that it complies with all of the criteria below:
1. **General.**
    - a. The proposed development shall be consistent with the general principles and objectives of the adopted City Master Plan, the subdivision ordinance, and all applicable building codes.
    - b. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of lot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  2. **Building Design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development.

3. **Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, MDEQ designed/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the MEDQ.
4. **Landscaping.** The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping shall be provided and designed in accordance with the provisions of [Article VI](#), Landscaping Standards.
5. **Streets.** All streets shall be developed in accordance with the City of Dexter Subdivision control Ordinance and Engineering Standards.
6. **Access, Driveways, and Circulation.** Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
  - a. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  - b. All driveways shall meet the design and construction standards of the City.
  - c. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
  - d. For uses having frontage and/or access on a major traffic route, as defined in the City of Dexter Master Plan, the number, design, and location of access driveways, and other provisions for vehicular circulation shall comply with the provisions of [Section 5.11](#) Access Management.
7. **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the City fire and police departments.
8. **Sidewalks, Pedestrian, and Bicycle Circulation.**
  - a. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned



streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with City of Dexter Non-Motorized Pathways Plan.

- b. A pedestrian circulation system shall be separated from vehicular circulation systems.
  - c. In order to ensure public safety, special pedestrian measures, such as crosswalks and crossing signals, other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high-traffic areas of pedestrians or bicycles.
9. **Barrier-Free Access.** The site has been designed to provide barrier-free parking and pedestrian circulation.
  10. **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the maximum standards outlined in [Article V](#), Parking and Loading. However, the Planning Commission may reduce the required number of parking spaces as permitted in [Section 5.03](#) Off-Street Parking: Flexibility in Application and [Section 5.05.A](#).
  11. **Loading and Storage.** All loading and unloading areas and outside storage areas shall be screened, as determined by the Planning Commission, in accordance with Article VI, Landscaping Standards.
  12. **Soil Erosion Control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Engineer.
  13. **Utilities.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
  14. **Stormwater Management.**
    - a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
    - b. Storm water detention, retention, transport, and drainage facilities

shall be designed to conserve and enhance the natural storm water system on site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Washtenaw County Water Resource Commissioner. Deviations from the Washtenaw County Water Resource Commissioner standards may be permitted upon review and approval by the City Engineer.

15. **Lighting.** Exterior lighting, in accordance with [Section 3.11](#), Exterior Lighting, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
16. **Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
17. **Mechanical Equipment and Utilities.** Mechanical equipment and utilities, roof, building- and ground-mounted, shall be screened in accordance with the requirements of [Article VI](#), Landscaping Standards.
18. **Waste Receptacles.** Waste receptacles shall be provided as required in [Section 3.08](#), Dumpster and Waste Receptacles.
19. **Signs.** The standards of [Article VII](#) must be met.
20. **Hazardous Materials or Waste.** For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
21. **Industrial site plan requirements.**
  - a. Site plan proposals for new or expanded industrial development shall comply with the site plan requirements in Articles XVI, I-1, Limited Industrial District and XVII, RD Research and Development District.
  - b. In order to plan for and accommodate new industries in the City of Dexter, the following information shall be provided for all proposed industrial businesses. An industrial activity statement is required in conjunction with site plan review. An industrial activity statement is also required for a new industry prior to occupying an existing

building, even if a formal site plan review is not required. Responses shall be submitted on company letterhead, signed, and dated by the chief executive of the proposed facility.

- i. Business name.
- ii. Business mailing address.
- iii. Business phone no., fax no., and emergency phone no.
- iv. If a subsidiary, the name and address of the parent company.
- v. The names and titles of individuals involved in management of the business in the City of Dexter.
- vi. A detailed description of the business to be located in the City of Dexter, including, at minimum, the following information (this information, including the levels of emissions and discharges specified will become a part of the approved site plan, and may be used by the city to monitor compliance with the approved site plan):
  - (1) The types of industrial processes to be used.
  - (2) The products to be created.
  - (3) Identification of chemicals, hazardous substances, flammable or combustible liquids, pesticides, fertilizers, and oil products to be used, stored, or produced.
  - (4) Description of the type and maximum level of any air contaminants or air emissions to be produced by the industrial processes, and description of the measures to be taken to protect air quality.
  - (5) Description of the type and maximum amount of wastewater to be produced, and description of the measures to be taken to prevent discharge of pollutants into or onto the ground.
  - (6) Description of the type and level of noise to be created by the industrial processes, and description of any noise abatement measures to be taken
- vii. If the business is relocating from another municipality, the addresses of previous location(s).

- viii. The expected daily hours of operation.
  - ix. The days of the week when expected to be in operation.
  - x. Number of employees expected at the facility.
  - xi. Indication whether the business has been cited within the past five years, in any form or manner, by any governmental authority for violation of any laws and regulations, including environmental laws and regulations, and indication whether the business had any permits revoked because of noncompliance with governmental regulations, with detailed explanation.
  - xii. Indication whether, in the past five (5) years, any employees sustained on-the-job disabling injuries or injuries necessitating recovery lasting more than two (2) weeks, or whether any employees have been killed on the job, with detailed explanation.
  - xiii. Indication whether there are any special fire protection devices or measures required by this business, with detailed explanation.
  - xiv. Indication whether there are any special waste treatment procedures or measures required by this business, with detailed explanation.
- c. **Certification Statements.** In the letter containing the above information, the following statement shall be inserted prior to the signature by the chief executive officer of the City of Dexter facility:
- i. I hereby swear or affirm that I have sufficient knowledge concerning the proposed business to provide the information provided herein and that this information is true and accurate. I further swear or affirm that I have the authority to sign this document on behalf of the applicant.
  - ii. I acknowledge that the information contained in this document is required under the City of Dexter Zoning Ordinance and shall become a part of our site plan review application. I acknowledge that any omission or material misrepresentation as to the information contained herein shall be cause for denial of the application, and if the omission or material misrepresentation is discovered subsequent to

site plan approval, for revocation of that site plan approval. I acknowledge that any operations of the business that are inconsistent with or in conflict with the information presented herein shall constitute a violation of the Zoning Ordinance, and shall be subject to the penalties and corrective action specified in the Zoning Ordinance.

22. **Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the MDEQ, MDOT, Washtenaw County Road Commission, Washtenaw County Water Resources Commission, Washtenaw County Health Department, and other Federal and State agencies, as applicable.

## **Section 21.10 FINAL SITE PLAN AND ENGINEERING**

- A. No certificates of zoning compliance or building permits shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
- B. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

## **Section 21.11 AMENDMENT, REVISION OF SITE PLAN**

- A. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes may be approved by the Zoning Administrator. The Zoning Administrator must provide, in writing to the Planning Commission and City Council, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Ordinance, nor any specified conditions of the plan. In considering such determination, the Zoning Administrator shall consider the following to be a minor change:
1. Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
  2. Change in square footage of non-residential buildings by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller.
  3. Alterations to horizontal and /or vertical elevations by up to five percent (5%).
  4. Movement of a building or buildings by no more than ten (10) feet.

## Zoning Ordinance

5. Increase in designated “areas not to be disturbed”.
  6. Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping, which provides a similar screening effect on a one to one (1:1) or greater basis, with approval of the Zoning Administrator.
  7. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
  9. Changes in floor plans, which do not alter the character of the use.
  10. Modification of sign placement or reduction of size.
  11. Internal rearrangement of parking lot, which does not change the number of parking spaces by five percent (5%) or alter access locations or design.
  12. Changes required or required by the City of safety reasons.
  13. Other minor site improvements that meet all Ordinance requirements.
- C. Should the Zoning Administrator determine that the requested site plan modification is not minor, the Planning Commission and City Council shall be notified in writing, and the applicant shall submit an application for an amendment to an approved site plan to the Zoning Administrator, in accordance with the procedure under [Section 21.06](#).

### **Section 21.12 MODIFICATION OF PLAN DURING CONSTRUCTION**

- A. All site improvements shall conform to the approved final site plan, including engineering drawings approved by the City Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant’s risk, without any assurances that the City Council will approve the changes.
- B. It shall be the responsibility of the applicant to notify in writing the Zoning Administrator, and the City Council of any changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan, approve the proposed modification or require the applicant to make the modification request to the City Council.
- C. Any deviation from the approved site plan, except as authorized in [Section 21.11](#), Amendment to an Approved Site Plan, shall be considered a violation of this Article.

## **Section 21.13 AS-BUILT DRAWINGS**

- A. The applicant shall provide as-built drawings and a project engineer's certificate of all sanitary sewer, water, and stormsewer lines and all appurtenances, which were installed on a site for which a final site plan was approved. As-built drawing requirements are available in the City's current engineering standards. The drawings shall be submitted to the Zoning Administrator, and shall be approved by the City Engineer prior to the release of any performance guarantee or part thereof covering such installation. An as-built performance deposit is required to ensure the completion of the as-built drawings.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type, and location of pipes; location and size of valves, fire hydrants, tees, and crosses; depth and slopes of retention basins; and location of any type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.
- D. Upon acceptance of the as-built drawings, the applicant shall submit the required information for the dedication of public infrastructure, if applicable.

## **Section 21.14 PHASING OF DEVELOPMENT**

The applicant may divide the proposed development into two (2) or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase. A construction timeline must be submitted for phased development. The City Council may impose restrictions on the approval of subsequent plans and phases due to lack of permit activity for a period of more than one year. Prior to the approval of subsequent phases the City Council may require that incomplete site work, such as but not limited to incomplete sidewalks, roads or other site amenities that affect the quality of life for residents, be completed.

## **Section 21.15 INSPECTION**

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All subgrade improvements, such as utilities subbase installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall deposit with the

City, to be held by the City in escrow, an amount deemed reasonable by the Zoning Administrator and/or City Engineer to pay for anticipated inspections. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the City Fire Chief, and Engineer, where applicable. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the City Council and the Planning Commission in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the City Council and the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the City Council and the Planning Commission of progress toward compliance with the approved final site plan and when compliance is achieved.

**Section 21.16 PERFORMANCE GUARANTEES**

- A. Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of final zoning compliance. Site improvements shall include but not be limited to: streets and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens, storm drainage, exterior lighting, trash enclosures, utilities and any other information shown on the approved final site plan.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and City Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.



- E. The Zoning Administrator may refuse to sign a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

## **Section 21.17 FEES**

Fees for the application and review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the City Council.

## **Section 21.18 VIOLATIONS**

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the City Council agrees to such changes as provided in this Article. Any violation of the provisions of this Article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

## **Section 21.19 PROPERTY MAINTENANCE AFTER APPROVAL**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. A storm water management maintenance schedule shall be part of the master deed. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities, which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

Prior to the transitional control date, the developer shall not amend the Master Deed without approval from the Planning Commission.

## **Section 21.20 DEVELOPMENT AGREEMENTS**

The City Council may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City, as set forth in [Section 22.12](#).

## Article XXII

### ADMINISTRATION AND ENFORCEMENT

#### Section 22.01 PURPOSE

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of provisions of this Ordinance and amendments thereto.

#### Section 22.02 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

#### Section 22.03 DUTIES AND POWERS OF THE ZONING

##### ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with said provisions.
- B. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance. Certificates of Occupancy are issued by the Washtenaw County Building Department. It is the applicant's responsibility to submit a copy of the Certificate of Occupancy to the Zoning Administrator upon receipt.
- C. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, Engineer, Attorney, and applicable outside agencies as deemed necessary, in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- D. The Zoning Administrator shall identify and process violations of this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of the City or parts thereof for the purpose of finding violations of this Ordinance.

- E. The Zoning Administrator shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- F. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

## **Section 22.04 ZONING COMPLIANCE PERMIT**

- A. **Purpose.** A Zoning Compliance Permit must first be obtained by the Zoning Administrator prior to all of the following actions;
  - 1. Procurement of a building permit from the Washtenaw County Building Department.
  - 2. Attaining a Certificate of Occupancy from the Washtenaw County Building Department.
  - 3. A change in use of a lot or structure.
  - 4. Extending a use on a lot where there is a non-conforming use or structure.
- B. **Requirements.**
  - 1. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a description of the proposed use, specifications including a dimensional plot plan or site plan as required in [Section 21.08](#) herein, or any other information requested by the Zoning Administrator necessary to determine zoning compliance. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the City's document retention policy.
  - 2. A certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal non-conformities exist. In such case, the certificate of zoning compliance shall clearly list each legal non-conformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal non-conformity exists thereon.
  - 3. Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the property owner, the application shall either be signed by the property owner or, it shall be accompanied by a letter from the property owner stating they give authorization to the applicant

to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. Subject to the limitations of this section, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

C. **Issuance of a Certificate.** The Zoning Administrator shall examine or cause to be examined all applications and required supplemental materials for a certificate of zoning compliance and amendments thereto within seven days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved".

D. **Voiding of a Certificate.** An application for a certificate of zoning compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.

## Section 22.05 BUILDING PERMITS

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

## Section 22.06 CERTIFICATES OF OCCUPANCY

- A. **General Requirement.** It shall be unlawful to use or occupy or to permit the use of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of final zoning compliance has been issued by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall be obtained from the Washtenaw County Building Department, following issuance of final zoning compliance, as cited herein. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under [Section 22.11](#), herein.
- B. **Change in Use.** A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. **Existing Structure and Use.** A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal non-conforming status. All legal non-conformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal non-conformities exist.
- D. **Accessory Structures.** An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- E. **Application.** Application for certificates of occupancy shall be made in writing to Washtenaw County on forms therefore furnished. Upon receipt a copy shall be forwarded to the Zoning Administrator.
- F. **Certificate to Include Zoning.** Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures shall also constitute certificates of occupancy as required by this ordinance.
- G. **Temporary Certificates.** Where permitted under the County Building Code, a temporary certificate of occupancy may be issued by the County subject to a recommendation of approval by the Zoning Administrator.

## Section 22.07 RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

## Section 22.08 NOTICES

Except as otherwise provided below, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act as follows:

- A. Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the City not less than fifteen (15) days before the hearing.
- B. Notice Requirements.** At least fifteen (15) days before the hearing, notices shall be mailed or hand-delivered to the following:
  - 1. The applicant and the owner(s) of the property, if the applicant is not the owner.
  - 2. All persons to whom real property is assessed within three hundred (300) feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the property is located within the City.
  - 3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City, except as set forth in [Section 22.08 B.4](#).
  - 4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
  - 5. The notice under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

**C. Exemption.** Actions exempt from notification:

1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
2. Requirement for individual notice as set forth in [Section 22.08.B](#) does not apply to any group of adjacent properties numbering eleven (11) or more that are proposed for rezoning.

**D. Content of Notice.** The notices shall:

1. Describe the nature of the request.
2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are not street addresses, other means of identification (including illustrations) may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

## **Section 22.09 FEES**

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be altered or amended only by the City Council. No permit, certificate, space land use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until charges and fees have been paid in full.

## **Section 22.10 COMPLIANCE WITH PLANS AND APPLICATIONS**

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in [Section 22.11](#), herein.

## **Section 22.11 VIOLATIONS**

- A. A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of the City of Dexter (Section 22-9). The imposition of any sentence shall not exempt the



offender from compliance with the requirements of this Ordinance nor prevent the City from seeking injunctive relief or any other remedy available under the law. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,
2. Issue a “Stop Work Order” if any one of the following apply:
  - a. A zoning compliance permit has not been issued.
  - b. Work in progress does not comply with the plan of the corresponding zoning compliance permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order or the noted violation has not been rectified within the time period afforded, the Zoning Administrator is authorized to issue a Municipal Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. **Public Nuisance Per Se.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to

be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## Section 22.12 DEVELOPMENT AGREEMENTS

- A. **Development Agreement Requirement.** Following the approval of a planned unit development (PUD) or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. Development agreements following the approval of site plans or special land uses shall be at the City's discretion. All costs incurred by the City, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.
- B. **Minimum Terms.** The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:
1. A survey of the acreage involved in the proposed development.
  2. A description of the ownership of the subject property.
  3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
  4. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
  5. Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
  6. General description of any improvements to roads or utilities.
  7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
  8. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
  9. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the City.
  10. Provisions to ensure adequate protection of natural features.

11. Financial assurances in accordance with [Section 21.16](#) Performance Guarantee, to guarantee the completion of all site improvements.
12. Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
13. The site plan, special land use, planned unit development (PUD), or conditional rezoning shall be incorporated by reference and attached as an exhibit.
14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.
15. An acknowledgement by the applicant that the terms and conditions of the approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each condition and provision of the development agreement.

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## Article XXIII

### AMENDMENT PROCEDURE

#### Section 23.01 INITIATION OF AMENDMENTS

The City Council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments may be initiated by resolution of the City Council, the Planning Commission, or by petition of one or more property owners to be affected by the proposed amendment.

#### Section 23.02 AMENDMENT REQUEST

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the Zoning Amendment application form:

- A. A legal description and street address of the subject property, together with a scaled map identifying the subject property in relation to surrounding properties clearly showing the property's location.
- B. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property.
- D. The land use classification for the subject site as illustrated on the City's Master Plan.
- E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- F. A written description of how the requested rezoning meets [Section 23.05](#) Criteria for Amendment of the Official Zoning Map, or [Section 23.06](#) Criteria for Amendments to the Zoning Ordinance Text.

#### Section 23.03 AMENDMENT PROCEDURE

- A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) as provided in [Section 22.08](#).
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation

to the City Council. The Planning Commission shall consider the criteria listed in [Section 23.05](#) for a requested amendment to the Official Zoning Map, and the criteria listed in [Section 23.06](#) for requested amendments to the standards and regulations in the text.

- C. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. The Zoning Ordinance and any amendment shall be approved by a majority vote of members of the City Council. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in [Section 23.05](#).
- D. Following adoption of a zoning ordinance or any subsequent amendments by the City Council, the Zoning Ordinance or subsequent amendments shall be filed with the City Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the City of Dexter within fifteen (15) days of after adoption.

The notice required shall include all of the following information:

- 1. In the case of a newly adopted Zoning Ordinance, the following statement:  
“A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Dexter.”
  - 2. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  - 3. The effective date of the ordinance or amendment.
  - 4. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.
- E. Except as otherwise provided under [Section 23.03](#) D., a Zoning Ordinance shall take effect upon the expiration of seven days after publication as required by [Section 23.03](#) E. or at such later date after publication as may be specified by the City Council.

## **Section 23.04 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

## **Section 23.05 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

- A. **Review.** In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the City Council.
- B. **Findings.** The facts to be considered by the Planning Commission and City Council shall include, but not be limited to the following criteria:
1. **Consistency with the City of Dexter Master Plan.** If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic, and environmental issues) have changed significantly since the Master Plan was adopted. Consistency with recent development trends in the area may be considered.
  2. **Compatibility with the Environment.** Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
  3. **Return on Investment.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
  4. **Use Compatibility.** The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  5. **Impact on City Services.** The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare."
  6. **Demand for Use.** The apparent demand for the types of uses permitted in the requested zoning district in the Dexter area in relation to the amount of land currently zoned and available to accommodate the demand.
  7. Other factors deemed appropriate by the Planning Commission and City Council.

## **Section 23.06 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT**

The Planning Commission and City Council shall consider the following criteria to

determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- C. The City Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- E. Other factors deemed appropriate by the Planning Commission and City Council.

## **Section 23.07 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST**

An application for an amendment to the Official Zoning Map that has been denied shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.

## **Section 23.08 CONDITIONAL REZONING OF LAND**

- A. **Authorization and Limitations.** As an alternative to a rezoning amendment as described in [Section 23.01](#) of this Ordinance, the City Council shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Council. In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:
  - 1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time of the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
  - 2. The owner's offer of conditions may not authorize uses or developments not permitted in the proposed zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
  - 3. Any use or development proposed as part of an offer of conditions that



would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of [Article XXIV](#) of this Ordinance.

4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of [Article VIII](#) of this Ordinance.
5. In addition to the informational requirements provided for in [Section 23.02](#) of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance. The site plan shall show the location, size, height, or other dimensions for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that are the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the City. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

**B. Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the City Council, provided such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

**C. Procedure.** The procedure for consideration of a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to [Article XXIII](#) of this Ordinance in addition to the following:

1. A conditional rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement. A conditional Rezoning Agreement shall include the following information:
  - a. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
  - b. A written statement that confirms the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
  - c. A list of conditions proposed by the applicant.

## Zoning Ordinance

- d. A timeframe for completing the proposed improvements.
  - e. A legal description of the land.
  - f. A sketch plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
2. The notice of public hearing on a conditional rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
  3. A conditional rezoning may only be approved upon a finding and determination that all of the following are satisfied:
    - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
    - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one (1) of the following:
      - i. A change in City policy since the Master Plan was adopted.
      - ii. A change in conditions since the Master Plan was adopted.
      - iii. An error in the Master Plan.
    - c. The conditions, proposed development, and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
    - d. Public services and facilities affected by the proposed development will be capable of accommodating service and facility loads caused by use of the development.
    - e. The conditions, proposed development and/or proposed use shall ensure compatibility with adjacent uses of land.
- D. **Amendment to Zoning Map.** Upon approval by the City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- E. **Expiration** A Conditional Rezoning Approval shall expire two (2) years from the effective date of the rezoning unless development has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.

1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
  2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
    - a. The property owner seeks a new zoning classification for the property; and/or
    - b. The City initiates a new request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
  3. The two (2) year allotted approval may be extended upon the application of the landowner and approval of the City.
- F. **Recording.** A Conditional Rezoning Approval shall not become effective until a copy of the Conditional Rezoning Agreement is filed with the Washtenaw County Register of Deeds, and a certified copy of the Agreement is filed with the City Clerk.
- G. **Violation of Conditional Rezoning Agreement.** If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

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## Article XXIV

### ZONING BOARD OF APPEALS

#### Section 24.01 CREATION

A Zoning Board of Appeals is hereby established in accordance with Act 110, P.A. 2006, as amended.

#### Section 24.02 MEMBERSHIP AND TERMS

- A. Number of Members.** The Zoning Board of Appeals shall consist of not less than five (5) members and no more than two (2) alternate members to be appointed by the legislative body, and shall be composed of the following five (5) members whose terms shall be as stated:
1. One (1) member shall be a member of the Planning Commission and one member shall be a member of the City Council. The member of the City Council that serves on the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals.
  2. The remaining regular and any alternate members of the Zoning Board of Appeals shall be selected from the electors residing within the City. The members selected shall be representative of the population distribution and of the various interests present in the City.
- B. Terms of Office.** The term of office for each member shall be for three (3) years except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of the Planning Commission or City Council respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be selected and appointed by resolution of the City Council for any unexpired vacated position.
- C. Employees/Contractors as Members.** An employee or contractor of the City Council shall not serve as a member of the Zoning Board of Appeals.
- D. Removal of Members / Conflict of Interest.**
1. The City Council shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
  2. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- E. Alternate Members.** An alternate member may be called 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 in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

### **Section 24.03 MEETINGS**

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary, or his representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

### **Section 24.04 APPEAL**

The Zoning Board of Appeals shall hear and decide appeals from and a review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance. Such appeal shall be in writing and taken within such time as shall be prescribed by the Zoning Board of Appeals, by filing with the Zoning Administrator and with the Zoning Board of Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the documents and records pertaining to the action being appealed. Decisions related to Planned Unit Developments or Special Land Uses shall not be appealed to the Zoning Board of Appeals

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee, as established by the City Council shall be paid to the City Clerk at the time the notice of appeal is filed.

## Section 24.05 JURISDICTION

- A. General Powers.** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Public Act 110 of 2006, as amended. The specific powers of the Zoning Board of Appeals are enumerated in this section.
- B. Delegated Duties.** To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.
- C. Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. In exercising the powers set forth in this Article, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order requirements, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.
- D. Interpretation.**
1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the zoning map, taking into consideration the intent and purpose of this Ordinance and the Master Plan.
  2. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the rules of interpretation set forth in [Section 2.01](#).
  3. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Zoning Board of Appeals shall request the Planning Commission to review any ordinance amendment it deems necessary.
- E. Variances.** Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties by reason of narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exception topographic conditions or other extraordinary or exceptional conditions of a property, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the dimensional provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance

shall be granted unless the requirements of [Section 24.06 A](#). are met.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purpose of objectives of the master plan.
5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.
6. No provision contained in this Section shall be construed to give or grant the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, to rezone or to grant use variances, such power and authority being reserved to the City Council in the manner provided under Public Act 110 of 2006, as amended.

**F. Expansions, Alterations, and Substitutions:** The Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended or whether a non-conforming use can be substituted. In considering expansions, alterations, and/or substitutions related to non-conforming structures and uses, the Zoning Board of Appeals shall review the following criteria:

1. The reasons for a non-conformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a structure that is non-conforming due to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the existing non-conformity, except as permitted under a variance.
2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.
3. The proposed improvement shall conform to all requirements of the district in which situated.



4. The retention of the non-conforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
5. The proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and
6. The proposed improvement is reasonably necessary for continuation of the use on the lot.
7. The Zoning Board of Appeals shall have authority to require modification of the non-conformity, where such requirement is reasonable, as a condition of approval. The Zoning Board of Appeals may attach other conditions of approval which it deems necessary to protect the public health, safety, and welfare.
8. All expansions permitted under this Section shall meet all requirements of [Article XXI](#), herein, Site Plan Review, if a site plan is required. The site plan may be a final site plan, and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit the site plan and a summary of its review to the Zoning Board of Appeals. The Zoning Board of Appeals shall then act upon the request and return the site plan and the Board's findings on the request to the Planning Commission for its action.
9. A structure which does not conform to zoning ordinance regulation shall not substitute for, or replace, any conforming or non-conforming structure.
10. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Zoning Board of Appeals, provided that no structural alterations are made, and that such nonconforming use is more appropriate than the existing non-conforming use in the district in which it is located. The Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

## **Section 24.06 STANDARDS FOR VARIANCES AND APPEALS**

Variances or reversal on appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the Zoning Board of Appeals; however, all of the applicable criteria must be found by the Zoning Board of Appeals in order to receive a variance or appeal.

**A. Criteria Applicable to Variances.**

1. **Practical Difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
2. **Substantial Justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.
3. **Public Safety and Welfare.** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured. The granting of such variance or modification will not be detrimental to the public welfare or injurious to the property or improvement in such zone or district in which the property is located.
4. **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be selfcreated. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
5. **No Safety Hazard or Nuisance.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
6. **Relationship to Adjacent Land Uses.** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to the purpose and objectives of the master plan, prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

**B. Criteria Applicable to Appeals.** The Zoning Board of Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision appealed (Also refer to [Section 24.06A](#) for decision criteria):

1. Was arbitrary or capricious, or
2. Was based on an erroneous finding of a material fact, or
3. Constituted an abuse of discretion, or
4. Was based on erroneous interpretation of the Zoning Ordinance or zoning law.
5. Appeals from denial of Zoning Board of Appeals may be taken to Washtenaw County Circuit Court.

## **Section 24.07 ORDERS**

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement decision, or determination as ought to be made, and to that end, shall have all the powers of the administrative official or body from whom the appeal is taken.

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or City Council shall not participate in a public hearing on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirements, decision, or determination of the administrative official or body, decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.

## **Section 24.08 NOTICE**

The Zoning Board of Appeals shall make no determination, except in a specific case, until after a public hearing. Notice of the public hearing shall be published in the manner required by [Section 22.08](#) Notices.

## **Section 24.09 EFFECTIVENESS**

No order of the Zoning Board of Appeals permitting the erection of a building 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 started and completed 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 where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

## **Section 24.10 APPEAL OF BOARD OF ZONING APPEAL DECISION**

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Washtenaw County Circuit Court as provided in Act 110 of Public Acts of Michigan of 2006, as amended. An appeal under this section shall be filed within whichever of the following deadlines comes first:

- A. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson.
- B. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

# **ARTICLE XXV**

## **SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION**

### **Section 25.01 SEVERABILITY**

This Ordinance and the various parts, sentences, paragraphs, sections, and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the City, unless otherwise stated in the judgment.

### **Section 25.02 REPEAL**

The Zoning Ordinance text adopted by the City of Dexter on <insert date> and the Zoning Map adopted by the City of Dexter on <insert date> and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

### **Section 25.03 EFFECTIVE DATE**

Made and passed by the City Council of the City of Dexter, Washtenaw County, Michigan on <insert date> and effective fifteen (15) days following publication of notice of Ordinance adoption by the City Clerk in a newspaper of general circulation in the City of Dexter. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

### **Section 25.04 ADOPTION**

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on <insert date>.

- a. Public Hearing by Planning Commission: <insert date>.

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- b. Resolution of Planning Commission to Approve Zoning Ordinance Text and Map and Recommend to City Council Adoption: <insert date>.
- c. Resolution of City Council to Adopt Zoning Ordinance Text and Map: <insert date>.
- d. Date Ordinance Shall Take Effect: <insert date>.

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Mayor

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Clerk

# ***City of Dexter Subdivisions Ordinance***

***DRAFT: July 5, 2022***



***Subdivisions Ordinance***

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## ARTICLE II

### SUBDIVISIONS

#### DIVISION 1. - GENERALLY

**Sec. 20-21. - Short title.**

The ordinance from which this article was derived shall be known and referred to as the “City of Dexter Subdivision Regulations.”

**Sec. 20-22. - Purposes.**

These subdivision regulations have been enacted to promote development patterns that support the creation of complete neighborhoods with a mix of housing, civic, retail, and service choices within a compact, walkable environment. in accordance with the City of Dexter’s Master Plan. The purpose of these regulations is to:

- (1) Provide clear standards for private development that influence the function and character of a neighborhood.
- (2) Ensure orderly growth and development through the conservation, protection, and proper use of land through adequate provisions for circulation, utilities, and services.
- (3) Ensure street connectivity and safety within walkable neighborhoods having numerous route options.
- (4) Promote walkable urban places.
- (5) Provide access to open space.
- (6) Promote the health, safety, and general welfare of the City

**Sec. 20-23. - Authority.**

Where regulations are made, interpreted and enforced by the City Council and City Planning Commission under authority of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.

**Sec. 20-24. - Interpretation.**

The provisions of the regulations shall be construed to be the minimum requirements necessary for the preservation of public health, safety, and welfare

within the City. These regulations are not intended to repeal, abrogate or supersede any existing regulations of the State of Michigan or Washtenaw County, except that these regulations shall prevail in cases where they impose a lawful restriction or requirement more severe than existing statutes, laws, or regulations.

**Sec. 20-25. - Scope.**

Subsequent to the effective date of these regulations, no plat within the City of Dexter shall be approved by the City Council unless it conforms to these regulations. In the absence of a City Council approved master plan, reference to such plan shall mean the general development plan plus any expansions thereof.

## DIVISION 2. - DEFINITIONS

### SEC. 20-26. - DEFINITIONS.

For the purpose of this Ordinance, certain rules of construction apply for the text:

- (1) Words used in the present tense include the future tense,
- (2) The singular includes the plural unless the context clearly indicates the contrary;
- (3) The term “shall” is always mandatory and not discretionary and “may” is permissive;
- (4) Words or terms interpreted or defined by this Article shall be used with a meaning of common or standard utilization.
- (5) Any word or term not defined herein shall have the meaning of common or standard use, which is reasonable for context in which used herein.

The following definitions apply to the meanings of respective terms as they are to be construed in these regulations.

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

**As-built plans.** Construction plans revised to show an improvement as actually constructed.

**Block.** A tract of land that is bounded by a combination of streets, parks, cemeteries, civic spaces, railroad right-of-way, subdivided acreage, lines of watercourses, or water bodies, municipal boundary lines, or any other barrier to the continuity of development.

**Building line.** A line established in a plat for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right-of-way, other public area, lakeshore, or riverbank.

**Certificate of final completion.** A certificate issued by the City Engineer, which signifies that the improvement for which the certificate is issued was installed according to the approved engineering plans and the City of Dexter engineering standards and has passed final City inspection.

**City.** The City of Dexter, Washtenaw County, State of Michigan.

**City clerk.** The clerk of the City of Dexter.

**City council.** The City Council of Dexter, Washtenaw County, Michigan.

**City engineer.** A civil engineer registered in the State of Michigan as a professional engineer and appointed to the position of City Engineer by the City Council.

**City staff.** The City manager, administrator, fire chief, City Engineer, City financial manager, and community development manager.

**Cluster development.** A subdivision in which houses are grouped together in several modules, each one visually identifiable as an individual group, and the remainder of the subdivision being developed and reserved for the common enjoyment of the residents of the subdivision as open space or recreation area.

**Commercial development.** A planned-commercial center providing building area, parking areas, service areas, screen planting, and turning movement and safety lane roadway improvements where necessary or required.

**Common open space.** An area within a subdivision which is held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the common open space.

**Comprehensive development.** A commercial or industrial park.

**Council.** The City of Dexter City Council and mayor.

**County.** Washtenaw County, State of Michigan, U.S.A.

**County Health Department.** Washtenaw County Health Department.

**County Road Commission.** Washtenaw County Road Commission.

**County Water Resources Commissioner.** Washtenaw County Water Resources Commissioner.

**Crosswalk/way.** Right-of-way dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

**Cul-de-sac or cul-de-sac street.** A local street with only one (1) end open to vehicular traffic and being permanently terminated at the other end by a vehicular turn-around.

**Dead end street.** A street with only one end open to vehicular traffic and not provided with a vehicle turn-around at the other end.

**Dedication.** The intentional appropriation of land by the owner to public use.

**Development.** Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of the ordinance from which this article was derived, or the act of building structures and installing site improvements.

**Easement.** A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.

**Engineer.** A civil engineer registered in the State of Michigan as a professional engineer.

**Filing date.** The date of the Planning Commission meeting at which the Planning Commission receives complete application from the City Clerk.

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

**Greenbelt or Buffers.** A landscaped strip or parcel of land, privately restricted or publicly dedicated as an open space, located between residential property and/or commercial property and/or industrial property and/or institutional property, or between residential property and/or commercial property and/or industrial property and/or institutional property and a primary or collector street for the

purpose of protecting and enhancing the environment of the subdivision and/or limiting access to certain streets.

**Improvements.** Any additions to the natural state of the land, which increase its value, utility or habitability. Improvements include street pavement, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, street trees, and other appropriate and similar items.

**Industrial development.** A planned industrial area designed specifically for industrial use providing screened buffers, wider streets, and turning movement and safety lane roadway improvements, where needed.

**Land Division Act.** Act 288, 1967, of the State of Michigan Public Acts, as amended, formerly and commonly known as the Subdivision Control Act, Act 288, 1967.

**Lot.** A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- (1) **Lot area.** The total area within the lot lines of the lot exclusive of any abutting public street right of way or private road easements, or the area of any lake.
- (2) **Lot depth.** The horizontal distance between the front and rear lot lines, measured along the median between the lot lines.
- (3) **Lot width.** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.
- (4) **Lot coverage.** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures, such as, but not limited to decks, stairways, porches, breezeways and swimming pools, but excluding sidewalks and driveway within non-required yards.

**Master Plan.** The Master Plan for the City of Dexter, Washtenaw County, Michigan as adopted by the City Planning Commission in accordance with Act 33 of Public Acts of 2008, as amended.



**Model home.** A dwelling unit used initially for display purposes which typifies the type of dwelling units that will be constructed in the subdivision.

**Outlot.** An “outlot” when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site such as a park or other land dedicated to public use or reserved to private use.

**Parcel or tract.** A unit of land in single or joint ownership that has not been divided or subdivided according to the provisions of the Subdivision Control Act.

**Pedestrian way.** A separate right-of-way dedicated to or reserved for public use, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

**Planning Commission.** The Planning Commission of the City of Dexter as established under Act 33, Public Acts of 2008, as amended.

**Plat.** A map or chart of a subdivision of land showing the lot and street arrangement or other features of the area being subdivided.

- (1) **Pre-preliminary plat.** A sketch plan of a proposed subdivision at sufficient accuracy and scale to serve the purposes of procedure as set forth in the ordinance from which this article was derived.
- (2) **Preliminary plat.** A map showing the salient features of a proposed subdivision submitted to the City Council for purposes of preliminary consideration.
- (3) **Final plat.** A map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such map must meet the requirements of the ordinance from which this article was derived and of the Land Division Act, Act 288, Public Acts of 1967, as amended.
- (4) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

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**Proprietor.** Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this article was derived, and which hold an ownership interest in land, whether recorded or not. The term “proprietor” includes such common references as subdivider, developer, and owner. The word “proprietor” shall not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

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

**Reserve strip.** A strip of land in a subdivision which extends across the end of a street proposed to be extended by future platting or a strip which extends along the length of a partial width street proposed to be widened by future platting, to the minimum permissible width. All reserve strips shall be designated as outlots on the plat.

**Right-of-way.** A strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way. Such land area within the right-of-way shall not be included within the dimensions or areas of adjoining lots or parcels. Right-of-way intended for streets, pedestrian ways, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, shall be dedicated to public use by the proprietor, when dedication is requested by the governing body.

**Right-of-way, street.** The distance between property lines measured at right angles to the centerline of the street.

**Sidewalk.** A facility, placed within the right-of-way of streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

**Street.** A right-of-way dedicated and deeded for public use, other than an alley, which provides for vehicular and pedestrian traffic.

- (1) **Major.** Those streets of considerable continuity having the primary functions of accommodating relatively large volumes of vehicular traffic and serving to connect areas of principal traffic generation and designated as an arterial in the comprehensive development plan of the subdivision.
- (2) **Collector.** Those streets used to collect and distribute traffic between local and major streets, including principal entrance streets to large residential and nonresidential developments.
- (3) **Local.** Those streets having a primary function of providing service access to abutting land uses and not designed for high volume of traffic.

**Street width.** The shortest distance between those lines delineating the right-of-way of streets.

**Structure.** Any object constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

**Subdivide or subdivision.** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years. The term subdivision also refers to any area, which is subdivided in accordance with the foregoing definition.

**Subdivider.** Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this article was derived, and which hold an ownership interest in land, whether recorded or not. The term “proprietor” includes such commonly references as subdivider, developer, and owner. The word “proprietor” shall not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

**Surveyor.** A land surveyor who is registered in the State of Michigan.

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

**Zoning Ordinance.** The Zoning Ordinance of the City of Dexter, Washtenaw County, Michigan, adopted in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended, and which is now in effect as the Zoning Ordinance of the City of Dexter, Washtenaw County, Michigan.

### **DIVISION 3. - SUBDIVISION PROCEDURE**

#### **Sec. 20-27. - Initial procedures.**

Before making or submitting a final plat for approval, the proprietor may make a pre-preliminary plat, and shall make a preliminary plat and a final plat for review by City staff. The proprietor is encouraged to consult the City of Dexter Master Plan, general development plans and detailed plans of any units of government that effect the tract to be subdivided and the area surrounding it. The proprietor should also become acquainted with the Zoning Ordinance of the City, this Subdivision Ordinance, and other ordinances and requirements, which regulate the subdivision of land in the City. The proprietor should also discuss the concepts of the proposed subdivision with the City Engineer, the City Council, and the Planning Commission.

#### **Sec. 20-28. - Preapplication review meeting.**

A preapplication review meeting is recommended as an aid both to the developer and to the City. Under this procedure, a developer provides a concept plan, which is described below, and the representatives from the reviewing agencies, including City Council and Planning Commission, then reviews the information provided. During the preapplication review design stage, changes and additions, which may have to be made before a mutual agreement is reached, can be made as such with minimal difficulty. Acceptance of the concept plan does not assure acceptance of the preliminary or final plats. This material is intended to serve as an information base for discussions between the developer and City, County and State officials and staff.

- (1) Submittal. The proprietor shall submit to the City Zoning Administrator an electronic copy and fifteen(15) paper copies of the concept plan. The City Zoning Administrator shall promptly transmit copies to the City Planning Consultant, Department of Public Services, Dexter Area Fire Department, City Engineer and any other agency that must attend or be informed of the preapplication review meeting per item 3 of this Section.
- (2) Information required. The following information shall be shown on the concept plan or submitted with it:
  - a. The plat date, north arrow, and scale;

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- b. The proposed name of subdivision or development, including the name of the City and the county;
- c. Names and addresses of the proprietor, planners, designer, engineer and/or surveyor who designed the subdivision layout;
- d. The pre-preliminary plat shall be drawn at a scale of 100 feet to one inch or larger and shall include a legal description of the entire site to be subdivided. The legal description shall include the location of the subdivision giving the numbers of the section, township and range;
- e. An overall map showing the relationship of the subdivision to its surroundings, such as existing road rights-of-way, buildings, watercourses, railroads, public spaces and other physical features on and adjacent to the tract;
- f. Aerial photograph of the site and surrounding area, with the site defined;
- g. Location and purpose of existing and proposed rights-of-way of streets, alleys, easements, parks, open spaces and lot lines with dimensions;
- h. All parcels of land proposed to be dedicated to public use and conditions of such dedication;
- i. Zoning status of the property and of all the adjacent properties, including zoning of parcels on and adjacent to the tract;
- j. Civil jurisdiction of all properties;
- k. The tentative lot layout, number of lots and typical lot size;
- l. Stages of development if the subdivision or development will be completed in more than one stage. Sequential listing is required for the various stages;
- m. Existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands with a clear indication of all

- natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy;
- n. Identification, location, and nature of all uses other than single-family residences to be included within the subdivision;
  - o. The proprietor shall furnish the a statement indicating the proposed use to which the subdivision will be put, along with a description of residential building and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses may not be in conflict with the Zoning Ordinance;
  - p. Other related data as the Planning Commission deems necessary;
  - q. If the proprietor has an interest or owns any parcel identified as “outlots” or “excepted,” the pre-preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing or proposed zoning district in which it is located and with an acceptable relationship to the layout of the proposed pre-preliminary plat;
  - r. An affidavit, signed by the proprietor, certifying the identity of all legal owners of record of the property in the subject subdivision; and
  - s. Proposed deed restrictions or protective covenants: if none, a statement of such in writing.
- (3) Pre-application review meeting. The preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, Zoning Administrator, City Engineer, City Planning Consultant, representatives of the City Council, Planning Commission, Public Services, Dexter Area Fire Department, the Water Resources Commissioner, the Health Department and the Road Commission, if the proposed subdivision includes or abuts roads under the jurisdiction of the Road Commission. Representatives of the Michigan Department

of Transportation, Department of Labor and Economic Opportunity, and Department of Environment, Great Lakes and Energy must be informed of and may attend the preapplication review meeting, if they are entitled to review the preliminary plat under sections 115 to 117 of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.

- (4) School authorities. The School Board or Superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the preapplication review meeting by the Zoning Administrator. A letter or document from the School Board or Superintendent indicating awareness of the proposed plat shall be submitted to the Zoning Administrator and reviewed during the preapplication review meeting.
- (5) Procedures. The following procedures shall be followed :
  - a. The Zoning Administrator, City Planning Consultant and City Engineer shall review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the City Master Plan and within the standards of this Subdivision Ordinance.
  - b. After reviewing comments of the reviewing parties or agencies copies of the concept plan, the officials and representatives attending shall make appropriate comments and suggestions concerning the proposed development. The Zoning Administrator shall retain one copy of the concept plan which shall become a matter of permanent record in the City's files and the proprietor shall minutes of the preapplication review meeting.
  - c. The Zoning Administrator shall inform the Planning Commission and City Council of the results of the preapplication review meeting.

**Sec. 20-29. - Preliminary plat—Tentative approval.**

Tentative approval under this section shall confer upon the proprietor for a period of (1) one year from date, approval of lot size, lot orientation, and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the City Council in writing.



- (1) Submittal. The proprietor shall submit one (1) electronic copy and ten (10) paper copies of the preliminary plat and other data to the City Clerk at least 30 days before a meeting of the Planning Commission, and copies shall be distributed to:
  - a. City Clerk/staff;
  - b. Planning Commission;
  - c. City Engineer;
  - d. City Planning Consultant
  - d. Superintendent of schools; and
  - e. Dexter Area Fire Department.
  
- (2) Information required. The following information shall be shown on the preliminary plat or submitted with it:
  - a. All items required as part of the preapplication review concept plan in [Section 20-28\(2\)](#) of this chapter;
  - b. Name and addresses abutting property owners and subdivisions;
  - c. Layout of the streets indicating street names, surface composition, right-of-way widths and connections with adjoining platted streets;
  - d. Lot layout, dimensions, setback requirements, area of each lot in square feet or acres, and lot numbers;
  - e. Indications of parcels of land intended to be dedicated or set aside for the use of property owners in the subdivision;
  - f. Contours shall be shown on the preliminary plat with sufficient detail to determine appropriate development of the site;
  - g. The proprietor shall submit preliminary engineering plans for street, water, sewers, drainage, sidewalks, and other required public improvements. The engineering plans shall contain enough detail to enable the City Engineer to make preliminary

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- determination as to conformance of the proposed improvements to the latest City of Dexter engineering standards;
- h. Identification, location and nature of all uses other than single-family residences to be included within the subdivision;
  - i. Ten (10) copies of the proposed protective covenants and deed restrictions, or statement in writing that none are proposed;
  - j. Zoning status of property included in the preliminary plat and of all the adjacent properties, civil jurisdiction of all properties; and
  - k. Any additional information as required per the City of Dexter Zoning Ordinance, Article 21, Site Plan Review and Approval.

If the preliminary plat does not meet all requirements, the Zoning Administrator shall notify the proprietor by letter, giving the earliest date for resubmission of the plat and additional information required.

### (3) Procedures.

- a. The City Clerk shall request the chair of the Planning Commission to place the preliminary plat on the agenda of the next regular meeting of the Planning Commission. A public hearing shall be on the agenda with the preliminary plat, with due notice to be sent by registered mail to the applicant, owners of real property and occupants of structures within three hundred (300) feet of the proposed plat and published in a newspaper of general circulation in the City, at least fifteen (15) days before the date of hearing.
- b. The Planning Commission shall review the preliminary plat, the comments of the City staff and consultants and hold the public hearing. The following procedure shall be followed:
  - 1. After the public hearing, the Planning Commission may recommend tentative approval, tentative approval with conditions, or rejection of the preliminary plat to the City Council;

2. Give its report to the City Council not more than 33 days after the preliminary plat was submitted to the City Clerk.
- c. The City Council on or before their second meeting after receiving the recommendation from the Planning Commission shall review said preliminary plat and shall tentatively approve, tentatively approve with conditions, or reject, the preliminary plat. The City Council shall record their approval on the plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval within the following time period, as applicable:
1. Within sixty (60) days after the preliminary plat was submitted to the City Clerk, if a preapplication review meeting was conducted under [Section 20-28](#) of this Subdivision Ordinance.
  2. Within ninety (90) days after it was submitted to the clerk, if a preapplication review meeting was not conducted under [Section 20-28](#) of this Subdivision Ordinance..
- d. The proprietor upon receiving tentative approval from the City Council shall submit the preliminary plat to all authorities as required by the Land Division Act, Act 288, Public Acts of 1967, as amended.

**Sec. 20-30. - Preliminary plat—Final approval.**

Final approval of the preliminary plat under this section shall confer upon the proprietor for a period of two years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the City Council in writing. Written notice of the extension shall be sent by City Council to the other approving authorities.

- (1) Submittal. The preliminary plat for final approval shall be submitted to the City Clerk.
- (2) Information required. The following information shall be shown on the preliminary plat or submitted with it:

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- a. A list of all such authorities to the City Clerk, certifying that the list shows all authorities as required;
  - b. Submit all approved copies of the preliminary plat to the City Clerk after all necessary approvals have been secured;
  - c. Copy of the receipt from the City Treasurer that all fees, as provided for in the Ordinance from which this article was derived, have been paid; and
  - d. Engineering review and inspection fees, and other charges and deposits provided for in the ordinance from which this article was derived.
- (3) Procedures. The City Council, after receipt of the necessary approved copies of the preliminary plat, shall:
- a. Consider and review the preliminary plat at its next meeting, or within twenty (20) days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat;
  - b. Instruct the City Clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected, to give reasons;
  - c. Instruct the City Clerk to note all proceedings in the minutes of the meeting; said minutes shall be open for inspection;
  - d. No construction of improvements shall be commenced by the subdivider until they have:
    1. Received notice of final approval of the preliminary plat by the City Council;
    2. Entered into a subdivision agreement with the City for construction of all required subdivision improvements; and
    3. Deposited with the City a performance escrow as required guarantee and cash under [Section 20-47](#) of this Chapter.

**Sec. 20-31. - Final plat.**

Following final approval of the preliminary plat by the City Council, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.

- (1) Submittal. Final plats shall be submitted to the City Clerk. A final plat shall not be accepted after the date of expiration of the preliminary plat approval.
- (2) Information required. All final plats of subdivided land shall comply with the provisions of survey and mapping requirements cited in the Land Division Act, Act 288, Public Acts of 1967, as amended.
  - a. A policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision.
  - b. Submit all approved copies of the preliminary plat to the City Clerk after all necessary approvals have been secured.
- (3) Procedures.
  - a. The final plat shall be reviewed by the City Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
  - b. The City Council shall review all recommendations and act on the final plat within 30 days.
  - c. The City Council shall require all improvements and facilities to be constructed or require a bond in lieu of construction of facilities before it approves the final plat. (Refer to [Section 20-48](#) of this Chapter.)
  - d. Upon the approval of the final plat by the City Council, the subsequent approvals shall follow the procedure set forth in the Land Division Act, Act 288, Public Acts of 1967, as amended. If disapproved, the City Council shall give the proprietor its reasons in writing.

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- e. The City Council shall instruct the clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the City certificate of the approved plat on behalf of the City Council.
- f. A final plat received by the State Treasurer more than one year following the date of approval of the City or county treasurer shall be returned to the treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments and tax liens or titles.

## **DIVISION 4. - DESIGN STANDARDS FOR SUBDIVISION PLANNING**

### **Sec. 20-32. - Streets and alleys.**

The specifications herein set forth are hereby declared to be the standards and general plan adopted by the City of Dexter council for the width and location of all highways, streets, and alleys, which may hereafter, be platted or accepted within the City of Dexter. All such regulations are intended to be in harmony with all road and right-of-way standards and policies of the Washtenaw County Road Commission and the City of Dexter Engineering Standards and to implement the City's commitment to Complete Streets, with accommodations for vehicles, bicycles, transit and pedestrians.

Design of streets and alleys shall conform to all road and right-of-way standards and policies of the City of Dexter Engineering Standards, the Washtenaw County Road Commission , and to the latest publication and revision of A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials. Where there is a conflict between any of the aforementioned, the more restrictive shall govern.

- (1) Layout. The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of a width as great as that of the street so extended. Due consideration shall be given to the following:
  - a. Traffic safety;
  - b. Continuation of the street layout from surrounding areas in order to integrate subdivisions into the fabric of the City;
  - c. The proposed use of the subdivision and proper allowance made in commercial and industrial subdivisions, for potential and existing railroad right-of-way as conditions will permit. Any intersection occurring on a street which crosses a railroad track shall not be less than 400 feet from the nearest railroad right-of-way. Greater distances may be required if it is deemed necessary for safety, approach gradients or future grade separations.

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- (2) Major streets. Where the subdivision abuts or contains an existing or proposed major street, the City Planning Commission may, at its discretion, require the construction of deep lots with rear-service alleys, double frontage of lots with provision of a screen planting contained in a no-access reservation along the rear property lines, or other treatment which the Planning Commission considers essential for separation of through and local traffic and adequate protection of residential lots.
- (3) Private streets and alleys. Private streets and alleys shall not be permitted. All streets and alleys shall be dedicated to the public.
- (4) Access to property. The following provisions apply:
  - a. All lots must have frontage on a public street.
  - b. All proposed buildings shall have access to a public street or alley.
  - c. Each residential lot within a subdivision shall be provided with a satisfactory means of access for pedestrians and vehicles.
  - d. There shall be no reserve strips controlling access to a street, except where the control of such is definitely placed with the City Council.
  - e. Driveways and curb cuts shall conform to the City of Dexter Engineering Standards and the Washtenaw County Road Commission standards, when the Road Commission has jurisdiction over the street in question.
- (5) Intersections. Intersecting streets shall be laid out so that the intersection angles are 90 degrees. Deviations from this may be considered by the City Engineer. No more than two streets shall cross at one intersection.
- (6) Visibility. No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the sight distance of the driver of a vehicle approaching the intersection. The minimum clearance of any overhanging portion of a tree thereof shall be ten (10) feet over sidewalks and fourteen (14) feet over all streets.



- (7) Half-street. Half-streets shall be prohibited, except for such major streets as may be recommended in the City Master Plan or by the Washtenaw County Road Commission. They shall be permitted only when the City Planning Commission considers the use of a half-street essential to the reasonable development of the subdivision in accordance with the intent of these regulations and where it finds it practicable to require the dedication of the other half of the right-of-way when the adjoining property is subdivided. Wherever there already exists a dedicated and recorded half-street or half alley on an adjoining plat, the other half shall be dedicated on the proposed plat to make the street or alley complete. A one-foot reserve may be required to be placed between a half-street and the subdivision boundaries. This reserve shall be designated as an outlot and shall be deeded in fee simple to the City at such time as the City so requests in writing.
- (8) Street jogs. Street jogs with centerline offsets of less than 150 feet shall be prohibited. Where streets intersect major streets, their alignment shall be continuous.
- (9) Cul-de-sac and cul-de-sac streets. Cul-de-sac and cul-de-sac streets shall be avoided. Where required for the utilization of the property, cul-de-sacs may be allowed by the Planning Commission. The maximum permissible length of cul-de-sacs streets shall be two hundred (200) feet measured from the right-of-way line of the nearest intersecting street to the farthest point on the right-of-way.
- (10) Dead-end streets. Dead-end streets shall be permitted only in cases where the Planning Commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is platted. If the Planning Commission permits the platting of dead-end streets with the expectation of such future extension, the Planning Commission shall determine whether the subdivider shall provide a temporary turnaround at the closed end of the street. A one-foot reserve may be required to be placed at the end of a dead-end street, which terminates at subdivision boundaries. This reserve shall be designated as an outlot and shall be deeded in fee simple to the City at such time as the City so requests in writing.

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- (11) Alleys. Alleys may be permitted or required in residential areas, for the purposes of vehicular access and trash pick-up. Alleys may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading. Alleys shall meet the following standards:
  - a. All alleys shall have a minimum width of twenty-six (26) feet.
  - b. A diagonal cut-off shall be made at all acute and right-angle intersections of two alleys sufficient to provide an inside turning radius of thirty (30) feet.
  - c. Dead-end alleys shall be prohibited except when provided with forty (40) foot outside turning radius at the dead end.
- (12) Street names. Street names shall not be permitted which might cause confusion with names of existing streets in or near the City of Dexter. Streets that will be continuations of existing streets shall be called by the same names as such existing streets. All names shall be approved by the City Planning Commission, the Fire Chief, and the Washtenaw County Road Commission.
- (13) Building lines and setback lines. Building lines shall conform to the requirements of the City Zoning Ordinance.
- (14) Right-of-ways width. Minimum right-of-way width shall be 66 feet. Greater right-of-way widths for major streets as required by the Road Commission or designated on the City Master Plan may be required as necessary.

<b>TYPE OF STREET</b>	<b>RIGHT OF WAY WIDTH</b>
Major	99'
Collector streets	66'
Local streets	66'
Local streets in industrial subdivision	66'

- (15) Horizontal alignment. The centerline of pavement shall coincide with the centerline of right-of-way, except for roads with irregular right-of-way widths and with the approval of the City Planning Commission.

- (16) Street grades and curvature. Horizontal and vertical alignment shall be provided on all proposed streets.
- (17) Radii at intersections. Minimum edge of pavement or curb radii shall be uniform at intersections and shall be 40 feet at intersections of major streets, 35 feet at intersections with collector streets and 25 feet on local streets.
- (18) Surface drainage. Surface drainage and detention shall be provided in accordance with the City of Dexter Engineering Standards. In the event it is found to be essential to the economical development of substantial portions of a project, drainage easements may be permitted.
- (19) Street drainage. All streets and alleys shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Plans for such drainage shall be approved by the City Engineer.
- (20) Other required streets. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential areas, or the commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (21) Streets standards and specifications. Streets and roads shall be provided in accordance with the street and road standards adopted by the Michigan Department of Transportation, the County Road Commission, and the City of Dexter.

**Sec. 20-33. - Pedestrian ways.**

- (1) A right-of-way and/or facilities for mid-block pedestrian crosswalks in the middle of blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The City Engineer should decide whether the right-of-way or facilities are needed based on land uses, present and future demand,

pedestrian compliance, speed, safety, and crash history of the street or similar streets in the City. Right-of-way and/or facilities for mid-block pedestrian crosswalk shall be placed in locations with appropriate sight distance as certified by an engineer. The right-of-way shall be at least ten feet wide and extend entirely through the block. Appropriate signing, pavement markings and appurtenances shall be provided.

- (2) Sidewalks. Sidewalks with sufficient right-of-way shall be installed on both sides of the street in all subdivisions, except in Industrial Parks under [Section 20-42](#) of this Subdivision Ordinance. Access easements may be required should the sidewalks be installed outside of the public right-of-way.

**Sec. 20-34. - Utility and other easements.**

- (1) A subdivider shall contact the City of Dexter Department of Public Services for preferred locations of utilities. Water main and sanitary sewer service shall be placed within public right-of-way, except with written approval of City staff and City Council. If public utilities are placed outside of the public right-of-way, easements shall be granted in accordance with the City of Dexter engineering standards.
- (2) All public utilities within the subdivision shall be underground.
- (3) Storm sewer, drainage and surface drainage easements shall be provided along sewers, any natural water course, drainage ditch, channel or stream. Such easements shall be of adequate width for the particular conditions of the site.
- (4) The subdivider shall work with private utilities to determine the placement of such utilities and easements.

**Sec. 20-35. - Lots.**

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision as for the type of development and use contemplated. Lots shall be of such size as to permit a variety of house types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazard, and to provide for setbacks from the street line and allow sufficient space for household purposes. All lots shall conform to the requirements of the City Zoning Ordinance. All lots when developed, shall be connected to City sewer and water systems.

- (1) Area. The width and depth of lots shall be such that the minimum lot areas will be in accordance with the adopted City of Dexter Zoning Ordinance.
- (2) Width. The minimum width of any lot shall be 50 feet, except that greater widths may be required in the Zoning Ordinance. Where desirable to plat wedge-shaped lots so as to best utilize a parcel of land, the required lot width shall be measured at a line located 25 feet from the front of property line.
- (3) Depth. No lot shall be less than one hundred and twenty (120) feet in depth. The depth of a lot should not exceed a depth to width ratio of four to one (4 to 1).
- (4) Side lot lines. Side property lines of lots shall generally be perpendicular to straight lines or radial to curved street line. Property lines on sides and rear of lots should be straight. The Planning Commission may allow variations to match the lot shapes of adjacent areas, preserve natural features, allow for recreational facilities or pathways.
- (5) Corner lots shall have extra width to permit appropriate building setbacks from both streets. If the Zoning Ordinance does not require a greater width, this Ordinance shall control in which case the corner lot should be ten to 20 percent wider than minimum interior lots. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots unless the width of the crosswalk right-of-way is not less than one-third of the width of the street right-of-way that the crosswalk intersects.
- (6) Single-family residential lots shall not open or face directly onto a freeway right-of-way, an arterial street or other heavily traveled street, shopping centers, or other large nonresidential area. In such situations, single-family residential lots shall be laid out in one of the following ways:
  - a. Lots can back onto the above features but shall be separated there from by a landscaped strip with a berm, wall, or fence along the rear property line. The landscaped strip must meet the requirements for landscape screening between land uses in the

- Zoning Ordinance. The landscaped strip shall not be considered part of the lot's minimum length or area. The landscaping shall be such as to create a screen to insure the privacy of each lot.
- b. Lots may face onto a heavily traveled street with a shared driveways and rear alley. A maximum of five (5) single-family residential lots can share a single driveway.
  - c. Lots may be face onto intersecting streets with driveways opening onto the intersecting streets. These corner lots, which abut the major street right-of-way, shall a 20-foot wide landscape strip with street trees as required in Zoning Ordinance. Where the landscaped strip abuts a residential street at a major street right-of-way, a clear vision (sight) easement shall be designated on the plat.
  - d. Lots may be grouped around short loop streets, which open onto the major street. In such situations, the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in subsections (6)(a) and (6)(c) of this section.
  - e. The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points and preserve the traffic carrying capacity of the major street and to protect each lot's privacy and its freedom from noise and litter. Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement but be designated as an outlot.
- (7) Lots in business or commercial plats. No lot or parcel within a plat classified as business or commercial shall be platted that is less than fifty (50) feet in width, nor less than twenty-one thousand seven hundred and eighty (21,780) square feet in area, nor shall it exceed four (4) acres or ten percent (10%) of the total planned acreage to be developed whichever is greater. Exceptions to the above may be approved by the Planning Commission. Off-street parking and loading shall be in accordance with the requirements of the Zoning Ordinance.

- (8) Lot division. The division of a lot in a recorded plat is prohibited, unless approved following application to the City Council. The application shall be filed with the City Clerk and shall state the reasons for the proposed division. The resulting lots shall be not less in area than permitted by the City of Dexter Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the City Council and the suitability of the land for building sites has been approved by the county. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.
- (9) Division of unplatted parcel. The division of unplatted land shall conform to the City Land Division Ordinance.

**Sec. 20-36. - Blocks.**

The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to continue the established street pattern of the City, permit good lot orientation, safe street design and economical use of the land.

- (1) Length. The length of blocks between intersecting streets shall meet the regulations in the table below:

Future Land Use	Min. Block Length (feet)	Max. Block Length (feet)
Village Residential – 1, Village Residential -2, Multi Family Residential, Baker Road Corridor (for residential blocks only), Village Commercial or similar	400	800
Suburban Residential, Dexter Ann Arbor Road Corridor (for residential blocks only) or similar	500	1,300
Light Industrial, Research Development or similar	None	None

The Planning Commission may allow exceptions to the above regulations where the topography of the land makes it advisable to

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do so in order to protect the public safety and convenience. In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic of ten feet wide for pedestrian traffic only where needed or desirable, and may specify further, at its discretion, the five-foot wide paved footpath be provided by the proprietor.

- (2) **Perimeter.** The perimeter of a block, measured by the length of all four (4) street faces, shall meet the regulations below:

<b>Future Land Use</b>	<b>Min. Block Perimeter (feet)</b>	<b>Max. Block Perimeter (feet)</b>
Village Residential – 1, Village Residential -2, Multi Family Residential, Baker Road Corridor (for residential blocks only), Village Commercial or similar	1,115	1,915
Suburban Residential, Dexter Ann Arbor Road Corridor (for residential blocks only) or similar	1,260	1,560
Light Industrial, Research Development or similar	None	None

The Planning Commission may allow exceptions to the above regulations where the topography of the land makes it advisable to do so in order to protect the public safety and convenience.

- (3) **Arrangement.** A block shall be so designed as to provide two tiers of lots. A single tier of lots may be permitted in the following situations:
- a. Lots back into an arterial street, natural feature or subdivision boundary; or
  - b. A portion of or an entire tier is a dedicated park, recreation space, pathway or facility.



- (4) Non-residential blocks. Blocks intended for purposes other than residential shall be especially designed for such purposes and shall have adequate provision for off-street parking and loading in accordance with the requirements of the Zoning Ordinance.

**Sec. 20-37. - Use.**

- (1) Control. No property shall be subdivided for residential use if such is considered unsuitable for building purposes by existing State of Michigan Local Ordinance and Statutes.
- (2) Restrictions. Wherever property is subdivided with the intention that it shall have a use different than that designed in the Zoning Ordinance, such use shall be stated in an application for an amendment to the Zoning Ordinance in a separate statement filed with the Planning Commission. Conformance with the objectives of the City general development plan shall be required so as to ensure general uniformity of land uses within blocks and neighborhoods.
- (3) Conformance with Zoning Ordinance. Property use and area restrictions must be in accordance with the Zoning Ordinance.
- (4) Land subject to flooding. Any area of land within the proposed subdivision which is subject to flooding or inundation by storm water shall be clearly shown on final plat. Such land shall not be platted for residential occupancy, or for such uses as may increase danger to health, life or property, or unduly aggravate the flood hazard. No building shall be placed within the 100-year floodplain. Any earth change within the 100-year floodplain shall only be allowed with permission of the Michigan Department of Natural Resources.

**Sec. 20-38. - Open spaces and Linkages.**

In the design of the plat, thorough and equitable consideration shall be given by the subdivider and the Planning Commission for the provision of suitable sites for recreation; including tot lots, both active and passive recreation areas, schools, and for other public purposes. Linkages to the Non-Motorized Network in the City of Dexter shall be considered as well. All plats shall meet the following standards:

- (1) The area reserved for recreation shall be provided for all plats having twenty (20) or more residential dwelling units the size of such reserved

area for recreation shall be no less than three hundred (300) feet by three hundred (300) feet or ninety thousand (90,000) square feet. This reserved area shall be increased in size by two hundred (200) square feet for each residential dwelling unit in the development exceeding thirty (30) dwelling units.

- (2) If a plat abuts or is located within five hundred (500) feet of any portion of a public trail, a direct linkage from the subdivision to such public trail shall be provided.

**Sec. 20-39. - Commercial or industrial modification.**

These subdivision design standards may be modified in accordance with Division 5 of this Article in the case of subdivisions specifically for commercial or industrial development, including shopping district, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

**Sec. 20-40. - Cluster developments.**

Where Section 12.02 of the Zoning Ordinance permits, a proposed residential subdivision may be designed instead as a cluster subdivision.

The plan for a cluster development shall be submitted in accordance with the procedures and standards of the Zoning Ordinance and this Ordinance.

In cluster subdivisions, the common space shall remain and be maintained in open space in perpetuity.

**Sec. 20-41. - Commercial developments.**

Where commercial developments such as shopping centers, or office parks fall within the definition of subdivision as set forth in Act 288, P.A. 1967, as amended, such development shall conform to all provisions of the Subdivisions Ordinance that may be reasonably applied. Such development shall conform to all Zoning Ordinance requirements.

In addition to other requirements of this Ordinance, the plan shall show the following:

- (1) Basic building pattern to be constructed.
- (2) The general pattern of tenants or types of stores and shops.

- (3) The parking and circulation pattern shall be clearly delineated and shall be designed so that the circulation system is safe and convenient to customers, can be used with a minimum of congestion, and permits ease of entry and exit from parking spaces.
- (4) Compliance with standards in Article 5 of the City of Dexter Zoning Ordinance.
- (5) Landscaping features on the site should be provided pursuant to the Zoning Ordinance.
- (6) Any intended future expansion should be provided for in the layout of the initial center and should be shown on the pre-preliminary plat. The area to be included in the expansion, and all connections thereto shall be indicated on the preliminary and final plats. Parking areas, utilities, landscaping, etc., shall be designed with future expansion in mind.
- (7) All separate buildings in the center, not connected to the principal center buildings, such as but not limited to supermarkets, gasoline service stations, theaters, offices, drive-ins, and facilities, shall be shown on the plans, along with the circulation and parking patterns to service such facilities.
- (8) Pedestrian movement from parking bays to the center and other buildings should be clearly defined and so laid out as to separate, to the greatest extent possible, pedestrians from moving vehicles.

**Sec. 20-42. - Industrial parks.**

Where industrial developments, such as industrial parks fall within the definition of subdivisions as set forth in Act 288, P.A. 1967, as amended, such developments shall conform to all provisions of the ordinance from which this article was derived that may be reasonably applied. Such developments shall conform to all Zoning Ordinance requirements.

In addition to the requirements of this Ordinance and the Zoning Ordinance, the plan shall show

- (1) The basic pattern of streets, service drives, parking areas, and blocks.

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- (2) Individual lots within each block should be defined as they are sold. The plan should emphasize flexibility to accommodate various industrial needs for space and should concentrate on the size and shape of blocks rather than on individual lots.
- (3) The plan shall clearly show the various stages for developing the industrial park.
- (4) The parking areas and circulation systems shall be clearly delineated in such a way as to provide safe traffic movements.
- (5) Service and loading areas should be separate from other parts of the parking and circulation system.
- (6) The parking lots shall be designed so as to channel traffic into appropriate aisles and to prohibit random movement.
- (7) Streets shall be laid out so as to prohibit through traffic.
- (8) All streets within the park shall be designed and constructed to accommodate the movement of large trucks safely, easily and conveniently.
- (9) The internal circulation system, and the points of its connection to the public street system serving it, shall be so designed and constructed to provide a safe roadway such that congestion or hazardous traffic conditions on either system will not be created.
- (10) Streets within the park shall not be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic.
- (11) Landscaping features on the site should be provided pursuant to the Zoning Ordinance. The entire park, parking lots and common areas shall be landscaped with trees, sod, shrubs, and other materials suitable for this area.
- (12) Maintenance requirements for landscaping on each lot shall be set forth in restrictive covenants.

- (13) Pedestrian movements within the park shall be provided for with sidewalks and clearly marked pedestrian paths. These shall be convenient and safe, with the greatest separation from vehicular traffic feasible.
- (14) Bicycle traffic within the park shall be provided for with multi-use pathways or clearly marked bicycle lanes. These shall be convenient and safe, with the greatest separation from vehicular traffic feasible.
- (15) Restrictive covenant carried in deeds or leases are encouraged to be provided by the proprietors. Items such as, but not limited to, types of activities permitted, minimum site size, site coverage, outdoor storage, landscaping, building design and construction, and sign control should be covered. The covenants should be discussed with the Planning Commission in the pre-preliminary plat and preliminary plat stages. The covenants should be coordinated with, and complementary to, the City policy power controls.
- (16) The proprietor's continuing interest in the park shall be clearly described.
- (17) All streets in the industrial district shall be designed according to the City of Dexter Engineering Standards. All streets shall be paved with curb and gutter.
- (18) Parking and loading on all streets in the Industrial and Research Development Zoning Districts shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering trucks in loading/unloading operations shall be provided on each site.
- (19) Parking and loading areas shall be paved and loading areas shall be adequately screened.

**Sec. 20-43. - Restrictive covenants.**

Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the City's continuing regulation of the subdivision through its zoning and building code powers.

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Blanket covenants may contain items such as, but not limited to:

- (1) Land use control.
- (2) Architectural control, including walls and fences as well as buildings; yards and setback requirements.
- (3) Minimum lot size.
- (4) Prohibition of nuisances
- (5) Regulation of signs.
- (6) Control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site;
- (7) Scenic or open space easements;
- (8) Other similar controls.

Covenants shall be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power controls.

Covenants shall be recorded prior to the sale of any lot within the subdivision. The City Council has authority to enforce covenants as conferred by the Land Division Act, Act 288, 1967, as amended.

### **Sec. 20-44. - Subdivision improvements.**

It is the purpose of this Section to establish and define the public improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements.

- (1) **Standards.** Improvements shall be provided by the proprietor in accordance with these regulations, the latest revision of the City of Dexter engineering standards or with any other applicable standards and requirements which may from time to time be established by ordinance by the governing body, and by the published rules of the

various departments of the City and county and state agencies. The improvements required under this article shall be considered as the minimum acceptable standard.

- (2) **Preparation of plans.** It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for the required public streets, utilities, and other facilities required in this section. Such construction plans shall conform to the preliminary plans, which have been approved with the tentative preliminary plat, and shall be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with the City of Dexter engineering standards and their standards and specifications.
- (3) **Engineering drawings of improvements.** Prior to construction. Engineering drawings of all required improvements shall be reviewed and approved by the City Engineer. Improvements to be made under the jurisdiction of the County Road Commission, County Water Resources Commissioner, or other county or state agencies, shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the City Engineer shall obtain written confirmation of such approvals.

No grading, land filling, removal of trees or other vegetation, or construction of improvements shall commence until the engineering drawings of same have been approved as provided in the ordinance from which this article was derived.

- (4) **Modification during construction.** All installations and construction shall conform to the approved engineering drawings. If the proprietor chooses to make minor modifications in design and/or specifications during construction, s/he shall submit revisions to the City Engineer, and any other agency having jurisdiction, for approval. No work outside of the approved engineering drawings shall be allowed until approval has been granted. The City may require that any work done prior to approval of the changes be removed at the expense of the proprietor. All changes shall be shown on the as-built drawings.

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- (5) **As-built drawing.** Upon completion of construction, the proprietor shall submit to the City Engineer three copies of as-built engineering drawings for review and approval prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval.
- (6) **Easements.** Upon completion of construction, descriptions of all easements within the subdivision shall be provided to the City Engineer for review and approval. Once approved, it is the responsibility of the proprietor to record the easements with the Washtenaw County Register of Deeds. Copies of the recorded easements shall be submitted to the City staff and the City Engineer prior to final plat approval.
- (7) **Construction schedule.** The proprietor shall submit to the City Engineer a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule shall meet the procedural requirements and inspection needs of the City, county, and state agencies.

### **Sec. 20-45. - Utilities and improvements.**

In order to provide healthful, clean and desirable living conditions, the subdivider shall be entirely responsible for installing the following site improvements or shall furnish a surety bond acceptable to the City Council sufficient to permit the completion of all contemplated improvements, before a plat shall be accepted by the City.

- (1) **Street pavement and storm drainage.** All subdivisions shall have streets and intersections of bituminous pavement surfacing with enclosed storm sewers as required in the City of Dexter engineering standards and approved by the City staff and City Engineer. All such improvements shall be provided by the subdivider/developer. All work shall be carried out under the supervision of the City Engineer.
- (2) **Installation of public utilities.** Public utilities shall be located in accordance with the City of Dexter engineering standards. The underground work for utilities shall be stubbed to the property line and made available for future connection. All public utilities in a subdivision shall be underground.



- (3) **Sanitary sewerage system.** The location and design of all trunkline and lateral sanitary sewers and any other necessary appurtenances, such as pump stations, shall conform to the City of Dexter engineering standards and be approved by the City staff and City Engineer and all applicable reviewing agencies. All work shall be carried out and provided by subdivider/developer under the supervision of the City Engineer.
- (4) **Water system.** The location and design of water mains with house connections and the installation of fire hydrants, and any other necessary appurtenances shall conform to the City of Dexter engineering standards and be approved by the City staff, City Engineer, the fire chief, and all applicable reviewing agencies as to suitability. All work shall be carried out and provided by subdivider/developer under the supervision of the City Engineer.
- (5) **Sidewalks.** Sidewalks, along with crosswalks where necessary, shall be provided along all streets and at any other location where the City Council and/or Planning Commission shall determine that sidewalks are necessary for public safety or convenience. Sidewalks shall conform to the City of Dexter engineering standards and be approved by the City Engineer and all applicable reviewing agencies as to suitability. All work shall be carried out and provided by subdivider/developer under the supervision of the City Engineer.
- (6) **Curbs and gutters.** Concrete curbs and gutters shall be required on all streets and shall be constructed in accordance with the City of Dexter engineering standards. All work shall be carried out and provided by subdivider/developer under the supervision of the City Engineer.
- (7) **Driveways.** All driveway openings in curbs shall conform to the City of Dexter engineering standards.
- (8) **Street name signs.** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the City of Dexter.
- (9) **Trees.** Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of two per

single family residential lot or at a maximum distance apart of forty (40) feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type—see Article 6 of the Zoning Ordinance, Landscaping Standards, for permitted and prohibited species. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways.

All trees shall be protected from damage by wind and other elements during the first full year after planting.

- (10) **Street lighting.** Streetlights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed prior to the occupancy of structures within the subdivision. Streetlights shall be provided in all subdivisions except those one acre or larger residential lots.

**Sec. 20-46. - Protection of natural features.**

Due regard shall be shown for all natural features, such as large trees, exceptionally fine groves of trees, water courses, scenic points, historic spots, and similar community assets, which if preserved, will add attractiveness and value to the subdivision. The subdivider/developer shall take every precaution against injury to natural features, to store his apparatus, materials, supplies, and equipment in such a manner as not to damage trees or other natural features. Any trees or natural features liable to damage shall be fenced or boxed in.

**Sec. 20-47. - Guarantee of completion of improvements required by the City.**

- (1) Financial guarantee arrangements, exceptions. In lieu of the actual installation of the required public improvements, the City Council, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance for those requirements, which are not under the jurisdiction of the county road commission, county drain commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Planning Commission may recommend, and

the City Council may waive, financial guarantees of performance under the ordinance from which this article was derived for sidewalks, streetlights, or street trees. The completion of public improvements shall be required prior to the issuance of occupancy permits.

**(2) Performance bond.**

- a. Accrual. The bond shall accrue to the City, covering construction, operation and maintenance of the specific public improvement.
- b. Amount. The bond shall be in an amount equal to the total estimated cost of completing construction of the specific public improvement, including contingencies, as estimated by the City Council.
- c. Term length. The term length in which the bond is in force shall be for a minimum period necessary to construct the public improvement, as specified by the City Council.
- d. Bonding or surety company. The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the City Council.
- e. The escrow agreement. Shall be drawn and furnished by the City Council.

**(2) Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.**

- a. Treasurer, escrow agent or trust company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the City Council, shall accrue to the City. These deposits shall be made with the City Treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the City Council.
- b. Dollar value. The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific

public improvement including contingencies, as estimated by the City Council.

- c. Escrow time. The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the City Council.
- d. Progressive payment. In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

**Sec. 20-48. - Condition of City approval of final plat—Financial guarantees.**

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishments of one of the following:

- (1) The construction of improvements required by the ordinance from which this article was derived shall have been completed by the subdivider and approved by the City Council.
- (2) Surety acceptable to the City shall have been filed in the form of a cash deposit, certified check, negotiable bonds, irrevocable bank letter of credit or surety bond.
  - a. Special agreement. A special agreement shall be entered into between the subdivider and the City Council where street trees and streetlights have been required by the City Council.
  - b. Inspection of public improvements under construction. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the City Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
  - c. Penalty in case of failure to complete the construction of a public improvement. In the event the subdivider shall, in any case, fail

to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter or credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the City Council and the subdivider.

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## **DIVISION 5. - VARIANCES**

### **Sec. 20-49. - General.**

The Planning Commission may recommend to the City Council a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance from which this article was derived or that application of such provision or requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the impact to public utilities and area drainage, and the probable effect of the proposed work in the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- (1) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of the ordinance from which this article was derived would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission;
- (2) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated;
- (3) That such variance will not violate the provisions of the State Land Division Act, Act 288, 1967, as amended;
- (4) The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the City Council and shall also record its reasons and actions in its minutes;
- (5) That such variance will not have the effect of nullifying the interest and purpose of the ordinance from which this article was derived and the general development plan of the City.

### **Sec. 20-50. - Topographical/physical limitation modification.**

## *Subdivisions Ordinance*

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the ordinance from which this article was derived would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of the ordinance from which this article was derived, the Planning Commission may recommend to the City Council a modification or a waiver of these requirements be granted contingent upon the following:

- (1) The proposed project will constitute a desirable and stable community development.
- (2) The proposed project will be in harmony with adjacent areas.



## **DIVISION 6. - FEES**

### **Sec. 20-51. - Schedule of fees.**

The schedule of fees for subdivision plat shall be as follows:

- (1) Application fees. Pre-preliminary, preliminary and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees and other applicable development charges shall be paid by the subdivider/developer as may be provided for as follows, or by other ordinances of the City. The subdivider/developer shall, upon first submission of a pre-preliminary plat pay to the City Clerk a fee as listed in a fee schedule adopted by the City Council.

There shall be an additional fee as listed in a fee schedule adopted by the City Council.

- (2) Engineering review fees. Such fees shall be established by resolution of the City Council.

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## **DIVISION 7. - VIOLATION—PENALTY**

### **Sec. 20-52. - Penalty.**

Any person who shall violate any of the provisions of the ordinance from which this article was derived, whether such person be the agent of the owner of the property, shall be fined not to exceed the sum of \$100.00, and the cost of the prosecution or by imprisonment for not more than 90 days or both, at the discretion of the court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in the State Land Division Act, Act 288, 1967, as amended.