City of Troy

ZONING ORDINANCE

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ARTICLE 1

TITLE, PURPOSE AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as "The City of Troy Zoning Ordinance," or the "Zoning Ordinance."

SECTION 1.02 PREAMBLE

A. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.) establishes the right to adopt comprehensive zoning regulations, and empowers the City to enact a zoning ordinance and provides for its administration, enforcement and amendment.

B. The City deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience and general welfare of its residents.

C. The City has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to minimize the burden on public services and utilities; to protect and preserve energy and natural resources, and to ensure a well-balanced community considering its present and potential physical, economic, cultural and environmental assets.

D. The City has identified districts and prepared regulations pertaining to such districts in accordance with the City of Troy Master Plan and in consideration of the character of the districts and their unique suitability for particular uses, with a view towards conserving property values and encouraging the most appropriate use of land throughout the City.

SECTION 1.03 PURPOSE

The purpose of the Ordinance is to promote and safeguard the public health, safety, and welfare, implement the City of Troy Master Plan, and achieve the following purposes:

A. Promote and regulate growth of the City to obtain orderly and beneficial development with a balanced mix of uses that will support economic vitality and sustainability.

B. Protect the character and stability of residential neighborhoods.

C. Regulate the intensity and form of land development to ensure compatibility among land uses and, where applicable, provide transitions between land uses to reduce potential negative impacts.

D. Promote the wise use and conservation of energy and vital natural resources.

E. Improve the appearance and design quality of development.

F. Prevent an unreasonable burden on public facilities and services.

G. Lessen and avoid congestion on highways and streets, and provide safe and convenient access for property.

H. Conserve the taxable value of land, buildings, and structures of the City of Troy.

SECTION 1.04 VALIDITY AND SEVERABILITY

A. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

SECTION 1.05 SCOPE AND CONSTRUCTION OF REGULATIONS

A. This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In the interpretation and application of this Ordinance, these provisions are the minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of this Ordinance shall control. Whenever any provision of this Ordinance imposes less stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of the other law, rule, regulation or permit shall control.

B. No building or structure, or part thereof, shall be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be

made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.06 CONFLICT WITH OTHER LAWS

A. Except as otherwise provided under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended, M.C.L. 125.3101 et seq.), this Ordinance shall be controlling in the case of any inconsistencies between this Ordinance and an Ordinance adopted under any other law.

B. This Ordinance is not intended to prevent compliance with any Federal, State, or local law, ordinance, or regulation, provided that where this Ordinance is more restrictive or imposes a higher standard, the provisions of this Ordinance shall prevail.

C. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement. However, where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

D. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

SECTION 1.07 REPEAL OF ORDINANCE

The City of Troy Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of the City of Troy, are hereby repealed effective coincident with the effective date of this Ordinance.

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ARTICLE 2

DEFINITIONS

SECTION 2.01 RULES OF INTERPRETATION

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

A. The particular shall control the general.

B. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. The word "person" includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.

D. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.

E. The word "shall" is mandatory; the word "may" is permissive.

F. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used" or "arranged to be occupied."

G. A "building" or "structure" includes any part thereof.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either…or," such conjunctions shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

3. "Either…or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

I. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

ACCESSORY BUILDING: A building, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to: horses, cattle, sheep, goats, and fowl, other than a dog house.

B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one (1) or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to boats, trailers, all terrain vehicles and snowmobiles.

C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to snowmobiles, ATV's, and motor scooters.

ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

ACCESSORY SUPPLEMENTAL BUILDING: An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a swimming pool cabana, a building housing a spa or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

A. CABANA: A building used in conjunction with a swimming pool and used for the housing of pool filter equipment, pool accessories such as, but not limited to vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.

B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.

C. GAZEBO: A detached building which is generally of open, screened, or lattice-work construction, and generally used for outdoor seating.

D. GREENHOUSE: A detached building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

E. PLAY HOUSE: A detached building designed and used for children's play.

ACCESSORY USE: A use which is supplemental and subordinate to the main use and used for purposes clearly incidental to those of the main use.

ACTIVE SOLAR ENERGY STRUCTURE: A structure which utilizes mechanically-operated solar collectors to collect, transfer or store solar energy.

ADULT DAY CARE HOME. A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

ADULT DAY CARE CENTERS. 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 FOSTER CARE FACILITIES: A governmental or non-governmental establishment that provides foster care to adults. It include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision or an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, 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, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

A. FOSTER CARE SMALL GROUP HOME: A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

B. 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 supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

C. FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

D. 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.

AGRICULTURE: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar uses, excluding the following: piggeries, the disposal of garbage, sewage, rubbish, offal or rendering plants, the slaughtering of animals except such animals as have been raised or maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of only the persons residing on the premises.

AGRICULTURAL BUILDING: Any structure used for agriculture as defined by this ordinance, whether the principal use of the property is residential, agriculture or some other use.

AIRPORT: A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars, terminal facilities, and other necessary buildings, facilities, and open spaces. Airports are designated on the Airport Location and Height Control Map, and are further controlled by the provisions of Section 7.09 of this Ordinance.

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

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

AMBIENT NOISE: Regularly occurring background noise.

ANTENNA: Any structure designed to transmit or receive television, radio, data, communications, or other signals from other antennas, satellites, or other services.

AUTOMOBILE: See definition of vehicle.

AVERAGE GRADE: The average elevation of the ground for each face of the building. (See definition of grade for illustration.)

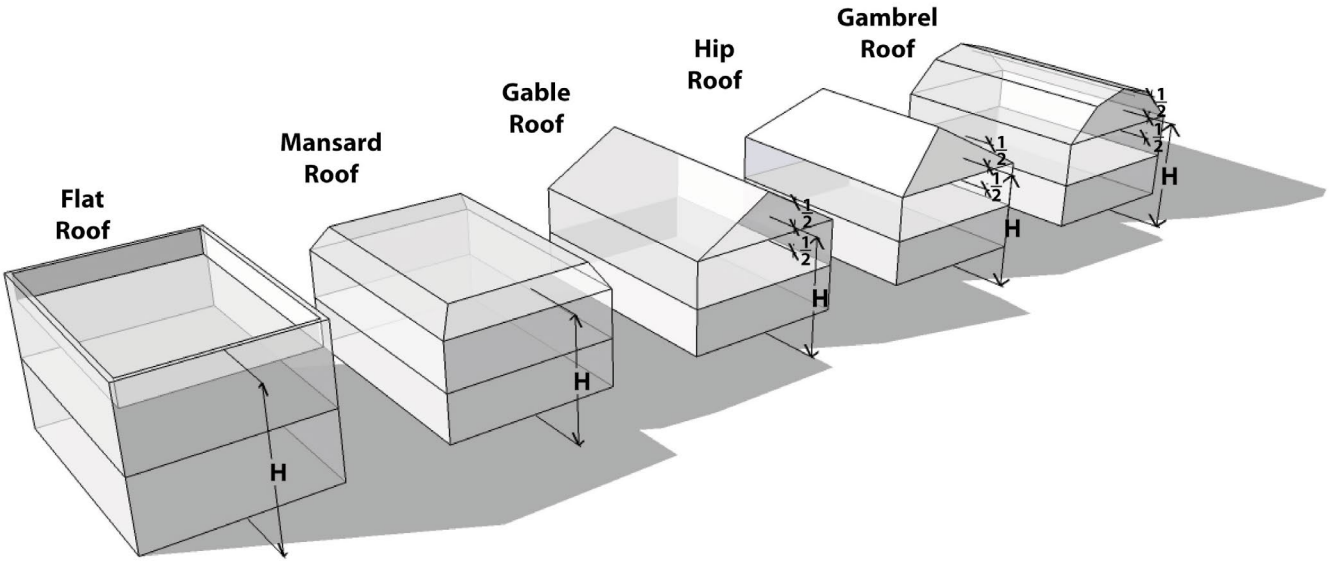
BASEMENT: That portion of a building which is partly or wholly below grade but is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST: An owner occupied private residence at which overnight accommodations and a morning meal are provided to transients for compensation.

BEST MANAGEMENT PRACTICES: Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development or water quality and quantity.

BUILDING: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING HEIGHT: The term "building height" shall mean the vertical distance as measured from the established grade to the highest point of the roof for flat roofs, including walls or parapets that extend above the horizontal roof surface; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. When a non-residential building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. When a residential building is located on sloping terrain, the height shall be measured from the highest grade adjacent to the front of the structure to the highest point of the roof for flat roofs, including walls or parapets that extend above the horizontal roof surface; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. For residential buildings, the major or main roof over the living area shall be used to determine building height, with the following exception: when the total horizontal roof area of dormers and/or minor gables enclosing the living area exceeds twenty (20) percent of the total horizontal area of the roof to which such dormers or gables are attached, the predominant height of such dormers or gables shall be used as the basis for the determination of the building height.



BUILDING LINE: The front setback line of the existing or proposed building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is constructed. Also referred to in this Ordinance as the "main building".

BUILDING OFFICIAL: The person responsible for administering the relevant building code for the City of Troy.

CEMETERY: Grounds and facilities including any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. The term "child day-care center" does not include any of the following:

A. A Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.

B. A facility operated by a religious organization where children are cared for not greater than three (3) hours per day while persons responsible for the children are attending religious services.

CITY COUNCIL: The City Council of the City of Troy.

CITY ENGINEER: The person or firm authorized to advise the City Administration, City Council or Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

CITY OF TROY MASTER PLAN: The policy document outlining the preferred physical development of the City of Troy, as authorized by the Municipal Planning Act, P.A. 285 of 1931, as amended.

CLINIC: 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.

CLUB: An organization and its premises catering exclusively to members and their guests for social intellectual, recreational, cultural, or athletic purposes not operated for profit.

COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

COMMERCIAL VEHICLE: PICK-UP TRUCK: A light truck, including one with an "extended cab" or a "crew cab", manufactured with an open body, low sides, and a tailgate.

COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN: An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout.

CONCEPT DEVELOPMENT PLAN (CDP): The initial plan submitted for Planned Unit Development approval in accordance with Article 11. The Concept Development Plan describes the overall design of the project and its buildings and requires legislative approval. Considered in tandem with a development agreement, approval of a Concept Development Plan by City Council also reclassifies the property as PUD on the Zoning District Map.

CONDOMINIUM PROJECT, CONVENTIONAL: A development in which ownership interest is divided under the authority of the Condominium Act (P.A. 59 of 1978, as amended) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

CONDOMINIUM, GENERAL COMMON ELEMENTS: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (P.A. 59 of 1978, as amended).

CONDOMINIUM, LIMITED COMMON ELEMENTS: Portions of the condominium development other than the condominium unit reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined by the Condominium Act (P.A. 59 of 1978, as amended).

CONDOMINIUM, 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 including those items required in Section 8 of the Condominium Act, P.A. 59 or 1978, as amended.

CONDOMINIUM PROJECT, SITE: A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

CONDOMINIUM UNIT: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

CONTRACTOR'S ESTABLISHMENT: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

dB(A): A-weighted decibels. This is the standard used to measure environmental noise.

DERRICK: Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

DESIGN STANDARDS: Standards established within a form-based district that control specific elements such as materials, site amenities, architectural, pedestrian and vehicular access, parking location and layout, and other site design features.

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading or paving.

DRILLING PAD: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

DRIVE-THROUGH BUSINESS: A principal use or accessory use of an establishment that by design permits customers to obtain goods or services while remaining in their motor vehicles.

DRY CLEANING AND LAUNDRY ESTABLISHMENT: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which may include a dry cleaning plant.

DRY CLEANING PLANT: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

DWELLING UNIT: A building, or portion thereof, designed for the occupancy of one (1) family and having cooking and bathroom facilities.

DWELLING, LIVE/WORK: A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio and a dwelling unit on the upper floors.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for occupancy by

three (3) or more families living independently of each other. Multiple-family dwellings may consist of the following:

A. EFFICIENCY UNIT: a dwelling unit containing not more than one (1) room in addition to kitchen, dining and sanitary facilities.

B. ONE (1) BEDROOM UNIT: a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities.

C. TWO (2) BEDROOM UNIT: a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and sanitary facilities.

D. THREE (3) OR MORE BEDROOM UNIT: a dwelling unit consisting of not more than four (4) rooms in addition to kitchen, dining and sanitary facilities.

DWELLING, ONE-FAMILY: A building consisting of not more than one (1) dwelling unit designed exclusively for the use of one (1) family.

DWELLING, ONE-FAMILY ATTACHED: A building containing not less than three (3) nor more than eight (8) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

ELDERLY: Individuals sixty (60) years of age or older.

ENTRANCE RAMP: A roadway connecting a feeder road with a limited access freeway and used for access on to such limited access freeway.

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

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of 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 towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection with, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

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

EXIT RAMP: A roadway connecting a limited access freeway with a feeder road and used for access from such limited access freeway to a feeder road.

EXTENDED STAY FACILITY: A hotel or motel that offers overnight accommodation primarily for periods of one (1) week or more.

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. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization or group whose association is temporary or seasonal in character or nature. For the purposes of enforcement, it is presumed that a functional equivalent of a domestic family is limited to six (6) or fewer persons.

FAMILY DAY CARE HOME: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family day care home" includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. The owner of the family day care business must also be the owner and resident of the private home.

FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or similar institution, including branch offices and automated teller machines.

FLOOD HAZARD AREA: Any land area which on the basis of available flood plain information is subject to one (1) percent or greater chance of flooding in any given year (the 100-year flood).

FLOOD, BASE: Means a flood which has one (1) percent chance of being equaled or exceeded in any given year. This flood is also referred as the 100-year flood and is the

basis of the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP: Means an official map of the City of Troy issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated as "Zone A".

FLOOD INSURANCE RATE MAP: Means an official map of the City of Troy on which the Federal Emergency Management Agency (FEMA), has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Troy.

FLOOD PLAIN: Means any land area, normally dry, susceptible to being inundated by water from the unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD WAY: Means the channel of a water course and adjacent land areas which must be reserved in order to discharge the base flood.

FLOOR AREA: The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls, or from the centerline of common walls of adjoining buildings. For the purposes of this Ordinance, the following definitions shall apply:

A. FLOOR AREA, GROSS: The floor area within the inside perimeter of the walls of a building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

B. FLOOR AREA, NET: Measurement of the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms, and closets.

C. RESIDENTIAL FLOOR AREA: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and/or unenclosed porches.

D. COMMERCIAL BUILDING FLOOR AREA: Measurement of the gross floor area shall be the sum of all the horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.

Authority and Administration
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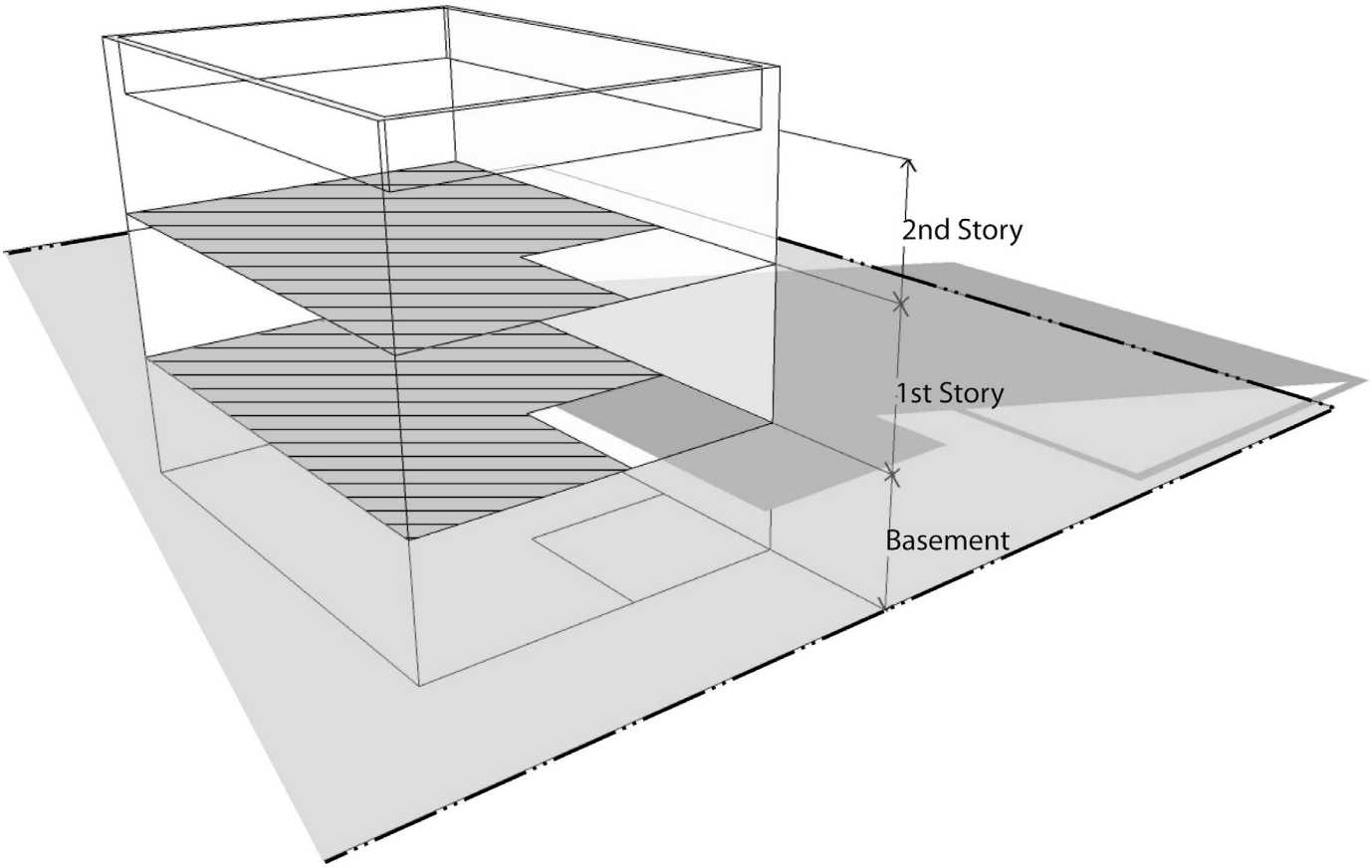
E. OFFICE BUILDING FLOOR AREA: (Other than medical office buildings) Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.) sanitary facilities, mechanical spaces, and storage areas. In the absence of detailed floor plans, the usable floor area shall be equal to eighty (80) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

F. MEDICAL OFFICE BUILDING FLOOR AREA: Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.), sanitary facilities, mechanical spaces and storage areas. In the absence of detailed floor plans, the usable floor area of medical office buildings shall be equal to eighty-five (85) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.



FLOOR AREA RATIO: The gross building square footage divided by the square footage of the lot.

FORM BASED CODE: A means of regulating development with enhanced control over physical form to achieve a predictable, planned outcome.

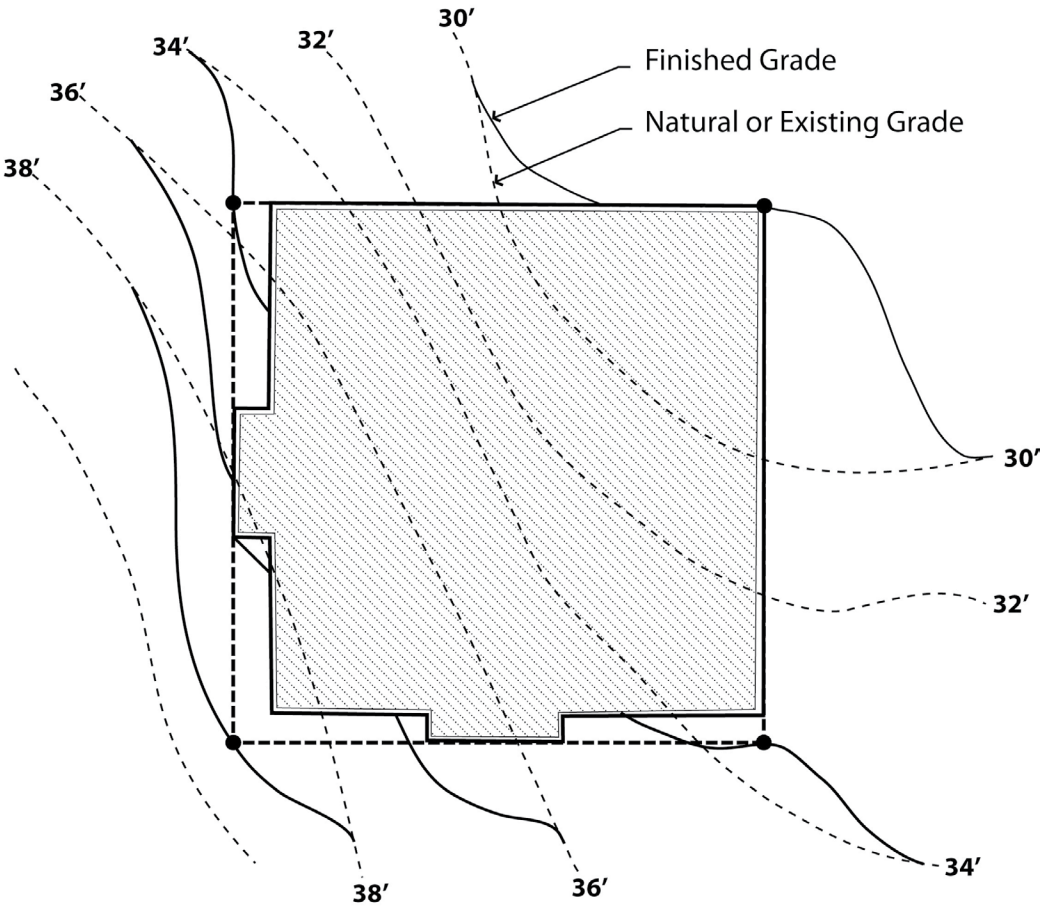
FREESTANDING TOWER STRUCTURE: An unsupported structure specifically designed to elevate an apparatus, antenna, or other equipment for technical purposes.

FREEWAY: A multilane highway for continuous traffic flow with all crossroads separated by grade, with fully controlled access. Interstate 75 is the only freeway within the City of Troy.

FRONTAGE: Any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

GOLF COURSE: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

GRADE: A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the average grade shall be applied.



Grade: $\frac{30' + 34' + 38' + 34'}{4} = 34'$

GREENHOUSE, COMMERCIAL: A building that is used for wholesale commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

GROUND STORY ACTIVATION: The incorporation of specific design characteristics intended to allow the ground story interior of a building to interact with the public realm immediately outdoors.

GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. The owner of the group day care business must also be the owner and resident of the private home.

HOME OCCUPATION: An occupation carried on by an occupant of the dwelling unit as a secondary use to the principal use of the dwelling.

HORIZONTAL DRILLING: The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

HOSPITAL, GENERAL: A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, outpatient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment.

HOTEL: An establishment providing sleeping accommodations for a fee, with access to all rooms provided from interior lobbies, courts or halls.

HYDRAULIC FRACTURING OR FRACKING: The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

INDOOR COMMERCIAL RECREATION FACILITY: An enterprise conducted entirely within a building, 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. racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, firing ranges, basketball courts, indoor soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

INTEGRATED COMPLEX: A group of buildings contained within a single development and under a single approved site plan. An integrated complex may share parking, signs, access, and other similar features which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use.

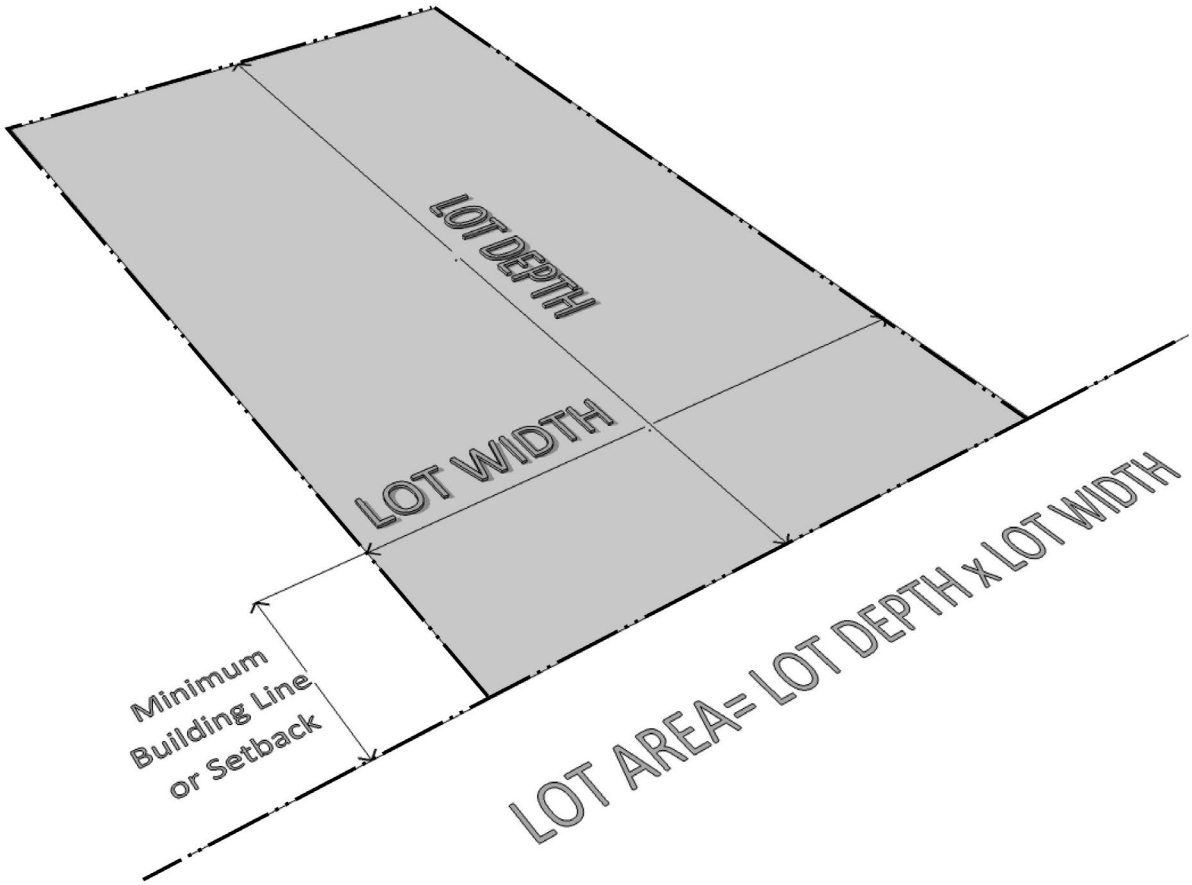
KENNEL, COMMERCIAL: The housing or keeping of any number of dogs for training, breeding, grooming or boarding for commercial purposes.

LANDSCAPE MATERIAL: Living plant materials such as, including but not limited to grass, ground covers, shrubs, vines, hedges, or trees, and non-living durable material commonly employed in landscape development.

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

LODGING FACILITY: A facility such as a motel or hotel, which provides living and sleeping accommodations for transient occupancy for a fee.

LOT: The term "lot" shall mean 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 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.



LOT AREA: The total horizontal area within the lot lines of a lot.

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

LOT COVERAGE: That part or percent of the lot occupied by buildings, including

accessory buildings and accessory supplemental buildings.

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

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets.

LOT FRONTAGE: The horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken, and shall be measured along the constructed portion of the right-of-way only.

LOT, INTERIOR: Any lot other than a corner lot.

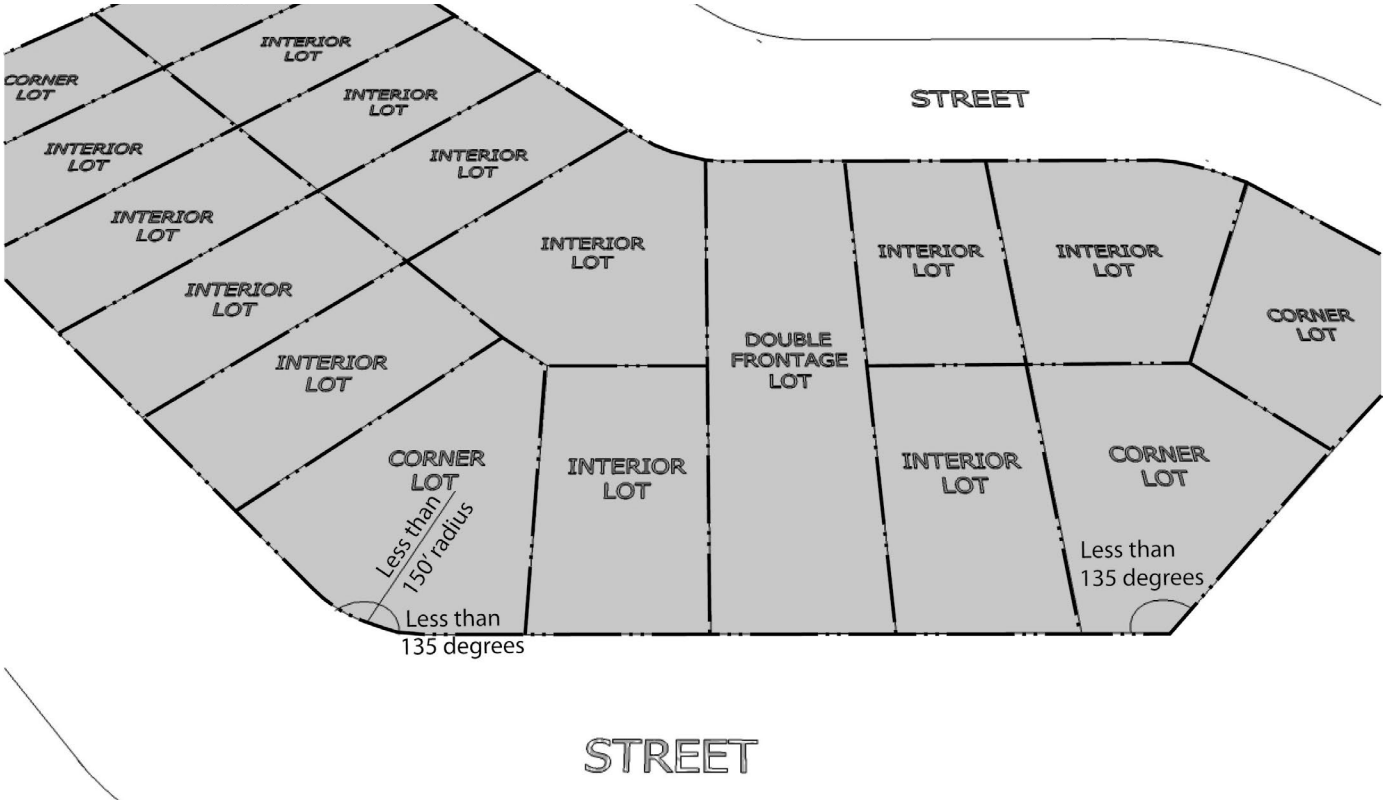
LOT LINE: The line bounding a lot as defined in this Ordinance:

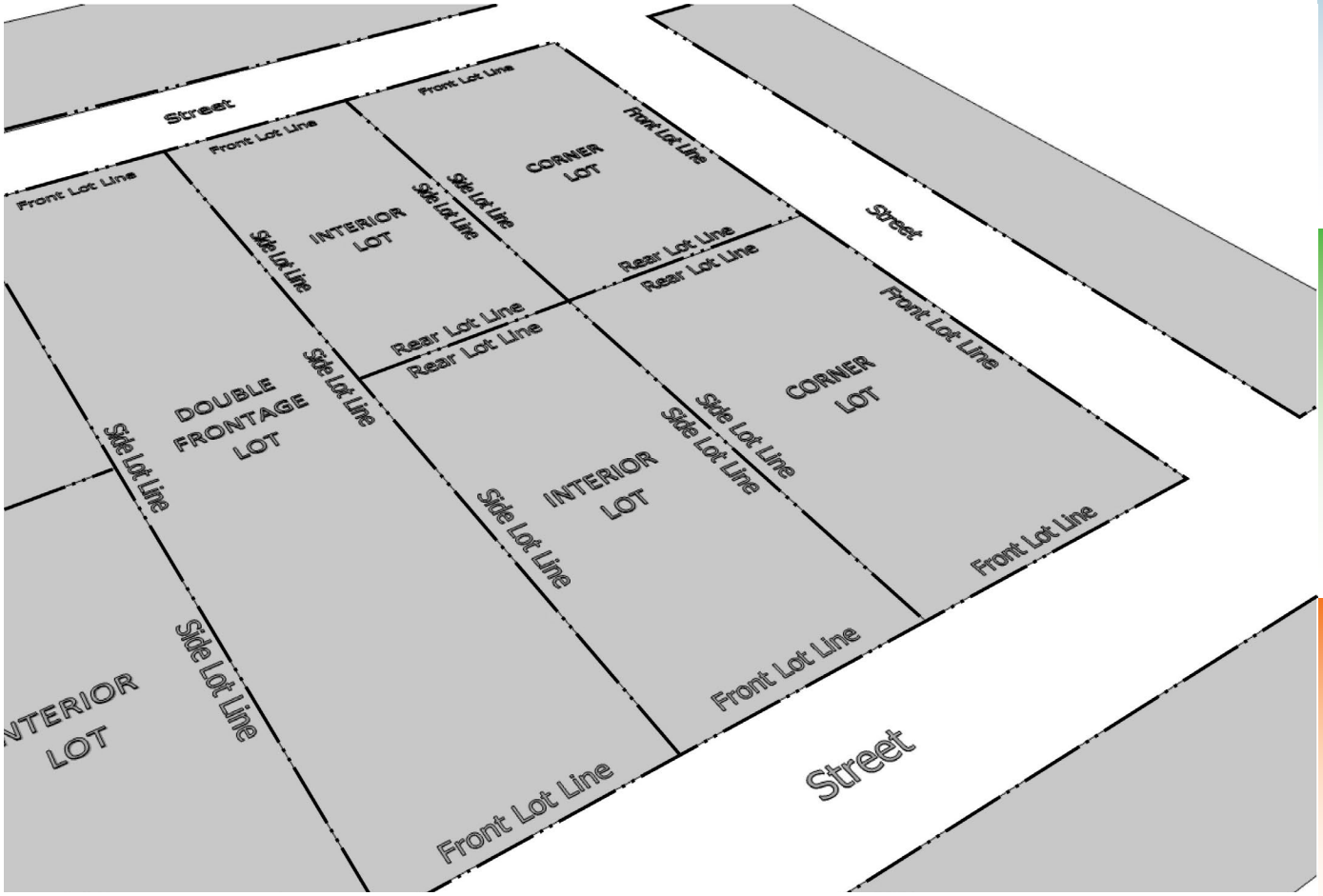
A. FRONT LOT LINE: In the case of an interior lot, that line separating said lot from the right-of-way or planned future right-of-way identified in the City of Troy Master Plan (the street). In the case of a corner lot, both lines separating said lot from the street shall be considered front lot lines. In the case of a double frontage lot, a line separating said lot from that street which provides access to the lot shall be considered the front lot line; the other shall be considered a rear lot line.

B. REAR LOT LINE: That lot line opposite the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long in length farthest from the front lot line and wholly within the lot. In the case of a corner lot, one (1) of the non-front lot lines shall be considered a side lot line; the other non-front lot line shall be considered a rear lot line.

C. SIDE LOT LINE: Any lot line other than the front lot line or the rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. In the case of a corner lot, one (1) of the non-front lot lines shall be considered a side lot line; the other non-front lot line shall be considered a rear lot line. In the case of a double frontage lot, yards that have neither front nor rear yards shall be considered side yards.

LOT WIDTH: The straight-line distance between side lot lines, measured at the two (2) points where the minimum building line, or setback, intersects the side lot lines.


STREET
CORNER LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
INTERIOR LOT
DOUBLE FRONTAGE LOT
INTERIOR LOT
INTERIOR LOT
CORNER LOT
CORNER LOT
Less than 150' radius
Less than 135 degrees
INTERIOR LOT
INTERIOR LOT
CORNER LOT
Less than 135 degrees
STREET



LOW IMPACT DEVELOPMENT (LID): Site design and stormwater management techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source, and that result in maintaining a site's presettlement hydrology.

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME: Any structure, transportable in one (1) or more sections, which is built on a chassis and designed to be sold 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. Manufactured housing does not include recreational vehicles or equipment.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person on which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MANUFACTURING, COMPOUNDING, OR PROCESSING: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic.

MASTER PLAN: The comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, public buildings and all the physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MIXED-USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact urban form.

MORTUARY ESTABLISHMENT: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services. Commonly referred to as "funeral home".

MOTEL: An establishment providing sleeping accommodations for a fee with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NON-CONFORMING BUILDING: A building or portion thereof, existing at the effective date of this Ordinance or amendments thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, or yards for the zoning district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the

use regulations of the zoning district in which it is located.

NURSERY (PLANT MATERIAL): 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.

OFF-STREET PARKING LOT: A facility other than for single-family dwellings 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.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT: The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL OR GAS WELL: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE: The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

OPEN AIR BUSINESS: A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.

OPEN SPACE: A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio-retention facilities. Open space shall not include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

OUTDOOR COMMERCIAL RECREATION: 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, tennis, basketball or other athletic courts, and other similar facilities or activities.

OPERATOR: Includes the owner, licensee, manager, or person in charge of any premises.

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 storage or parking of permitted vehicles.

PASSIVE SOLAR ENERGY STRUCTURE: A structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

PERFORMANCE STUDIO: A building or a portion of a building where the principal use of the space is the provision of instruction in the various arts, including but not limited to dance, theater, music, and singing. This shall not preclude student performances.

PERFORMANCE THEATER: A building or portion of a building where the principal use of the space is dramatic, dance, or musical performances or similar activities, in front of an audience, including performances on film, television, music video, or multimedia. Performance theaters shall include theaters, assembly halls, concert halls or similar places of assembly.

PERSON: An individual, firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity.

PLACES OF ASSEMBLY: Unless otherwise identified and defined by this Ordinance, "places of assembly" means any building, structure, and/or grounds where groups of more than twenty (20) people meet or are assembled. Places of assembly shall include, but are not limited to auditoriums, lecture halls, stadiums, sports arenas, convention spaces, and other similar facilities.

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.

PLANNED UNIT DEVELOPMENT (PUD): A development consisting of a combination of

land uses in which the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Ordinance.

PLANNING COMMISSION: The Planning Commission of the City of Troy.

PLANNING DIRECTOR: The chief administrator of the City of Troy Planning Department.

PRELIMINARY DEVELOPMENT PLAN (PDP): The second step in the review process for a Planned Unit Development. The PDP includes specific information concerning the phasing and design of detailed elements within the PUD.

PRINCIPAL USE: The principal use to which the premises are devoted and the principal purpose for which the premises exists. Commonly referred to as "main use".

PRODUCTION FACILITY, MULTIMEDIA: A facility for creating, recording, editing, or producing multimedia content, in any digital media format, film or videotape. Such activities shall include, but not be limited to, motion pictures, television series or specials, commercials, music videos, sound recordings, digital animation, and video games.

PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

RECREATION VEHICLES AND EQUIPMENT: Vehicles and equipment designed to be used for travel, recreation, and vacation use or periodical and occasional family recreation and vacation use, and may or may not be used as a temporary dwelling. Recreational vehicles shall include, but are not limited to boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, travel trailers, camp trailers, tent trailers, motor homes, utility trailers, floats and rafts and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment.

RECREATIONAL FACILITY, COMMERCIAL: A recreation facility operated as a business and open to the public for a fee.

REGULATING PLAN: A plan which dictates building forms and uses allowed on every property within an area regulated by a form based code.

REQUIRED BUILDING LINE: A line established in a form based district on which a building or a portion of a building must be located.

RESTAURANT: 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 fast food, standard restaurant, bar/lounge, or

combination thereof, as defined below:

A. RESTAURANT, DRIVE-IN: A restaurant 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 primarily outside of an enclosed building.

B. RESTAURANT, FAST FOOD: A restaurant in which the method of operation involves minimum waiting for delivery of ready-to-consume food to the customer for consumption on the premises either inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.

C. RESTAURANT, STANDARD: A restaurant in which the 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 preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

D. BAR/LOUNGE: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks. 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.

RETAIL BUSINESS OR RETAIL SALES: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES, LARGE SCALE: A retail establishment, commonly referred to as a "big box" store, which exceeds fifty thousand (50,000) square feet in gross floor area.

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

SENIOR HOUSING: An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Housing for seniors may include:

A. INDEPENDENT LIVING: A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.

B. CONGREGATE CARE: A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.

C. ASSISTED LIVING: A dependent elderly housing facility without cooking facilities in individual rooms and with and only central dining service. Limited medical care, including memory care, may be provided.

D. CONVALESCENT HOME: A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as "nursing home".

SETBACK, REQUIRED: The distance required to meet the front, side, or rear yard open space requirements of this Ordinance.

SHOPPING CENTER: A minimum of three (3) commercial or service establishments within a single building served by a common parking area.

SIGN: Any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer, or other similar object in any form whichever, which contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure, as defined and regulated by Chapter 85, Signs, of the City of Troy Code of Ordinances.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional spaces in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Clerk's Department.

SOLAR COLLECTOR: A device or combination of devices, structures, or parts thereof, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply. In addition to such functions, solar collectors may also serve as a part of a structure's roof, wall, window or other structural member.

SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun.

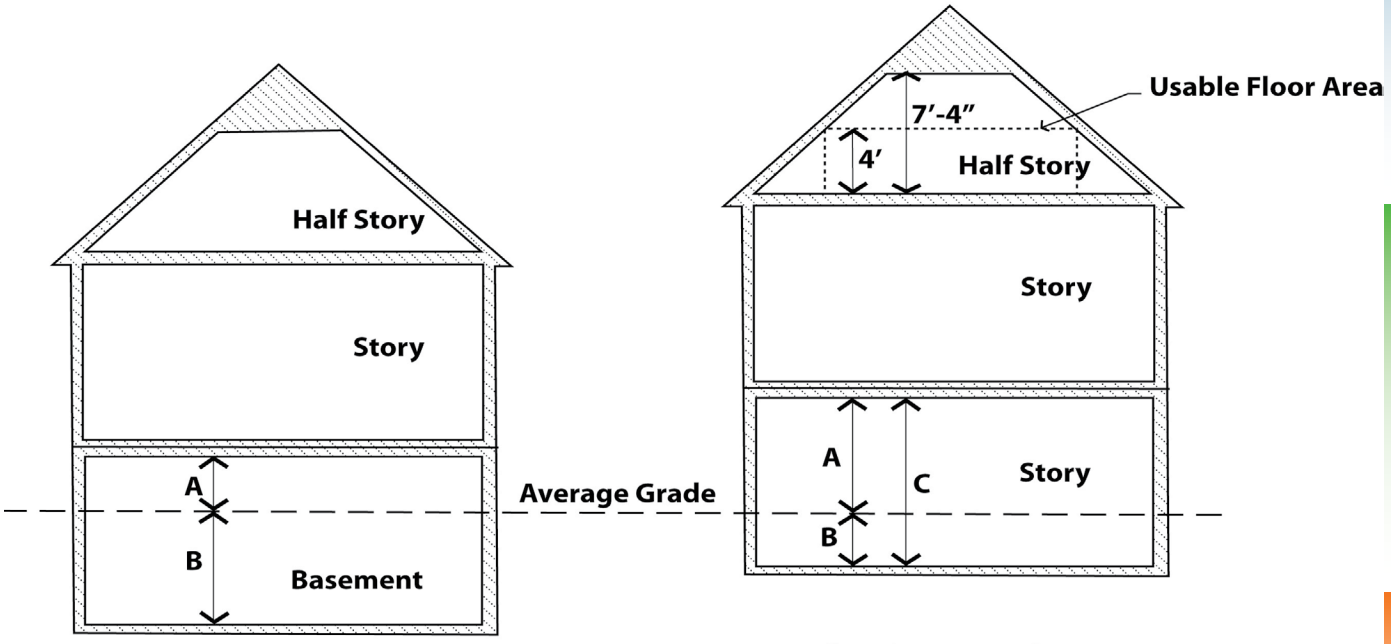
SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SIGNIFICANT OR SUBSTANTIAL PORTION: Means thirty (30) percent or more of the term modified by such phrase.

STORAGE WELL: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

STORY: That part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

STORY, HALF: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4"). When the usable floor area of such a story, at a height of four (4) feet above the floor, does exceed two-thirds (2/3) of the floor area of the story directly below, it shall be counted as a full story.



STREET: A public thoroughfare which affords the principal means of access to abutting property.

A. MAJOR ARTERIAL STREET: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond. Any street with a right-of-way width, existing or proposed, of one hundred twenty (120) feet or greater, as designated in the City of Troy Master Plan, shall be considered a major arterial street. Also commonly referred to as "major thoroughfare".

B. MINOR ARTERIAL STREET: A street which is intended to serve as a traffic way for the immediate area, with less volume and shorter trips than major arterial streets.

C. COLLECTOR STREET: A street carrying traffic from local streets to the system of arterial streets.

D. LOCAL STREET: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty (50) percent of the market value of the

structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, as before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building occurs, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) 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, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TEMPORARY METEOROLOGICAL TOWERS (TMT): A tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment and which is to remain in place for no more than eighteen (18) months.

TEMPORARY USE OR BUILDING: A use or building permitted to exist during periods of construction of the main building or use, or for special events.

UNDEVELOPED STATE: A natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. The term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors and trails that link parks, nature reserves, cultural features, or historic sites with each other for recreational or conservation purposes.

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

VARIANCE: The term 'variance' shall mean a modification of the literal physical provisions of the Zoning Ordinance, which may be granted by the Zoning Board of Appeals in accordance with the authority bestowed upon that Board by the provisions of this Ordinance.

VEHICLE: A piece of mechanical equipment used for transportation such as an automobile, truck, van, motorcycle and similar devices.

VEHICLE, ANTIQUE OR CLASSIC: An automobile or other vehicle that is classified as historical or is eligible to be classified as historical by the State of Michigan, which is over twenty-six (26) years old, and which is owned as a collector's item and used primarily for exhibition and educational purposes.

VEHICLE FILLING/MULTI-USE STATION: A building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as

filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store.

VEHICLE REPAIR FACILITY: A facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including collision shops, transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops.

VEHICLE WASH: A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

VETERINARY HOSPITAL: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

WIND ENERGY CONVERSION SYSTEM (WECS): Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy. WECS shall fall within two (2) classifications: on-site or commercial, and shall typically be defined as horizontal-axis or vertical-axis.

A. ON-SITE WIND ENERGY CONVERSION: A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

B. COMMERCIAL WIND ENERGY CONVERSION SYSTEM: Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

C. HORIZONTAL-AXIS WIND ENERGY CONVERSION SYSTEMS: Conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.

D. VERTICAL-AXIS WIND ENERGY CONVERSION SYSTEMS: Systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.

WIRELESS COMMUNICATIONS FACILITIES: 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, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

A. WIRELESS COMMUNICATIONS ANTENNA (WCA): Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be 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.

B. 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.

C. 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 communications antennas within the community.

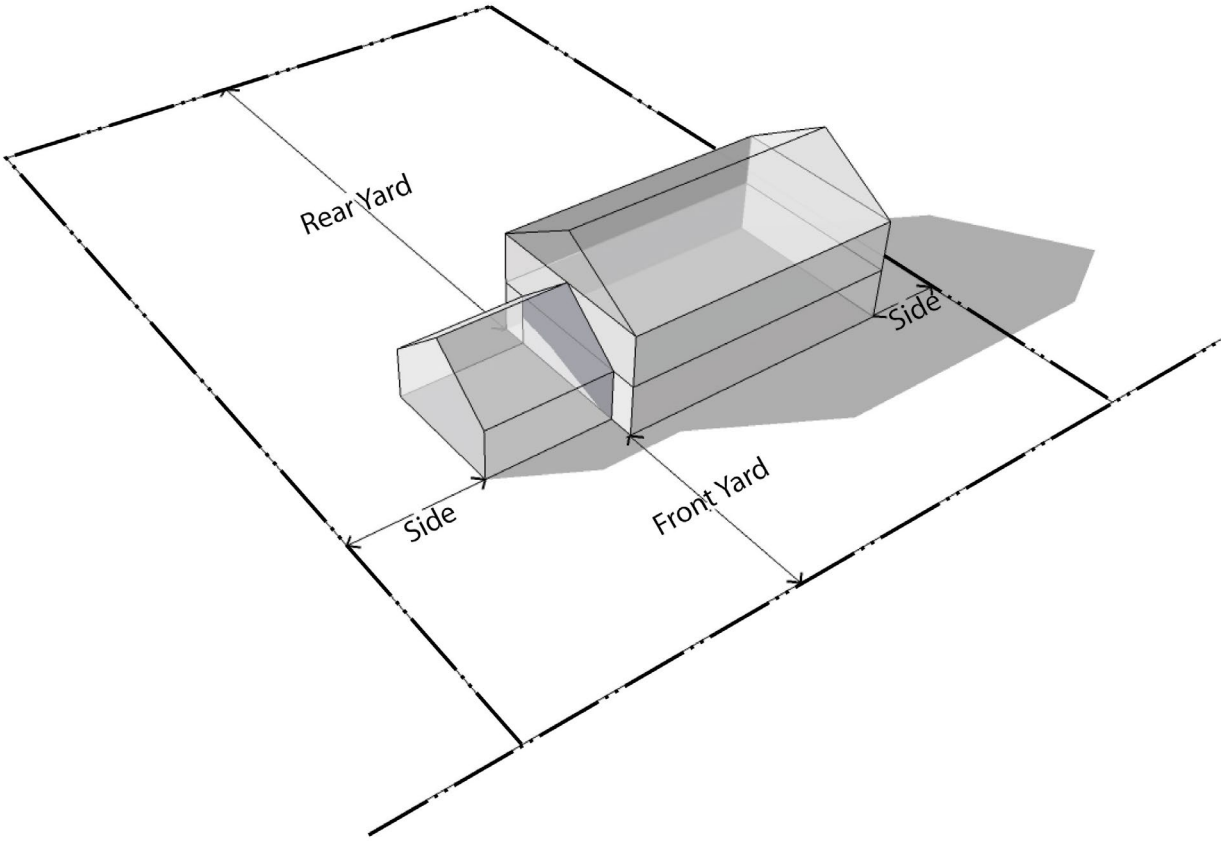
YARD: The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined in this Ordinance:

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 line 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 line of the main building. In the case of a corner lot, one of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard. In the case of a corner lot, the rear yard shall not extend into the front yard.

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 of the side lot line to the nearest point of the main building. In the case of a corner lot, one of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard.



ZONING ADMINISTRATOR: The official of the City of Troy charged with the administration of this Zoning Ordinance.

ZONING DISTRICT: An area or areas within the incorporated area of the City of Troy within which regulations and requirements governing use, lot area, lot size, and other provisions are uniform.

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ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 ZONING ADMINISTRATION

This Zoning Ordinance shall be administered by the Zoning Administrator or such deputies as designated by the Zoning Administrator. The Zoning Administrator shall be designated by the City Manager.

SECTION 3.02 DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Zoning Administrator shall include the following:

A. Receive and review for completeness all applications for site plan review, special land uses, planned unit developments, or other matters regulated by this Ordinance and refer such applications, as required, to the Planning Commission for determination.

B. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.

C. Receive and review for completeness all applications for text or map (rezonings) amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.

D. Make periodic site inspections to determine Ordinance compliance.

E. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and City Council.

F. Enforce and interpret the meaning and applicability of all provisions and requirements of the Ordinance.

G. Coordinate with the Building Official or Planning Director where necessary to administer this Ordinance.

H. Investigate complaints regarding violations of the Zoning Ordinance.

SECTION 3.03 ZONING COMPLIANCE

A. When Required. Zoning Compliance is required for all structures or uses erected, used, or created after the effective date of this Ordinance.

B. Application. Applications for Zoning Compliance shall be made to the Zoning Administrator. An application for Zoning Compliance shall be accompanied by a plot plan as required in this Section, unless a site plan is required under Article 8, Site Plan Review, in which case the provisions of this Section shall not apply. Such plot plan shall be drawn to a measurable scale, submitted in three (3) copies, and shall provide the following information:

1. Scale, date, and north arrow.

2. Location, shape, dimensions of the lot, and rights-of-way.

3. Shape, size, and location of all buildings or structures to be erected, altered, or moved, and all existing buildings or structures.

4. A clear description of existing and intended uses of all structures, including the number of units (residential and otherwise) the building is intended to accommodate.

5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Ordinance are being observed.

C. Review.

1. All plans to be submitted to the Building Official for a building permit shall first be submitted for review by the Zoning Administrator who shall review to ensure compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall examine or cause to be examined all applications for Zoning Compliance and amendments thereto within a reasonable time 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, stating the reasons for rejection. Building permits shall not be issued unless Zoning Compliance has been granted by the Zoning Administrator and is in effect.

2. In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless Zoning Compliance has been granted by the Zoning Administrator, and is in effect.

3. Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. Zoning Compliance may be issued for a legally existing non-

conforming use, structure, or lot, provided the non-conformity is not increased. In such case, Zoning Compliance shall clearly list each and every legal non-conformity. Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.

4. Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

   a. No Certificate shall be issued until the required fees have been paid.

   b. All work or use shall conform to the approved application and plans for which the Certificate has been issued and any amendments approved in writing.

   c. All work or use shall conform to the approved final site plan, if required.

D. Amendments or Revisions. Amendments or revisions to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the Certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed immediately.

E. Expiration and Revocation.

   1. Zoning Compliance shall expire six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit was issued, or a Certificate of Occupancy was issued for a use not requiring a building permit. For reasonable cause, the Zoning Administrator may grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Zoning Compliance shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

   2. In the case of any false statement or misrepresentation of fact in the application or on the plans on which the Certificate was based, any Certificate of Zoning Compliance shall be revoked by the Zoning Administrator.

SECTION 3.04 PUBLIC HEARING NOTICE REQUIREMENTS

A. When Required. Public hearings are required in these instances where public hearings are required by this Ordinance and Act 110 of the Public Acts of 2006, as amended.

B. Notice Requirements. Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be

given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing, where required, 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 boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.

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 of Troy, except as set forth below.

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 3.04.B 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. Actions Exempt from Notification.

1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.

2. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in Section 3.04.B 3 and 4 does not apply to that group of adjacent properties.

D. Content of Notice. The notice shall include:

1. The nature of the request.

2. The property(ies) for which the request has been made.

3. A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed

if no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.

5. The date, time, and location of when the hearing on the application will take place.

6. The address at which written comments should be directed prior to the consideration.

SECTION 3.05 USE OF CONSULTANTS

From time to time, at the cost of the applicant, the City may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezoning applications, or other matters related to the planning and development of the City.

SECTION 3.06 PERFORMANCE GUARANTEE

A. Purpose and Intent. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the City and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the City may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, walls, screens, and landscaping.

   A performance guarantee may be a cash deposit, certified check, irrevocable bank letter of credit, in the amount of the cost of the improvements based upon an estimate submitted by the applicant and verified by the City. The City shall be authorized to employ the City Engineering Department and/or City consultants to review cost estimates and conduct periodic inspection of the progress of improvements.

B. Procedure.

   1. When a performance guarantee is required, said performance guarantee shall be deposited with the City prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the City shall issue the appropriate building permit, and the City shall

thereafter deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account to the applicant.

2. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter into an agreement with the City incorporating the performance guarantee provisions.

3. The agreement shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

4. In the event the performance guarantee deposited is a cash deposit or a certified check, the City shall rebate to the applicant fifty percent (50%) of the deposited funds when the applicant has completed seventy five percent (75%) of the required improvements as confirmed by the City. The remaining fifty percent (50%) of the deposited funds shall be returned when the applicant has completed one hundred percent (100%) of the required improvements and there is compliance with the Ordinance as confirmed by the City.

5. The return of the performance guarantee, as set forth above, shall be with interest earned thereon. However, the City is not required to deposit the performance guarantee in an interest-bearing account, and instead is able to use internal accounts as long as any interest can be calculated.

6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

7. If the performance guarantee is not sufficient to allow the City to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the City the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposit. Should the City use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the City's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.

C. Guarantee with Other Agencies. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City to insure completion of an improvement associated with the site, the applicant shall not be required to deposit with the City a performance guarantee for that same improvement.

SECTION 3.07 FEES

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all applications for zoning and building permits, Certificates of Occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The City shall have the authority to include costs for the necessary use of engineering, planning, legal, or other special consultants. The schedule of fees shall be available at the Clerk's Office, the Planning Department, and the Building Department, and may be altered or amended only by the City Council. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 3.08 VIOLATIONS AND PENALTIES

A. Violations: Except as specified in other sections of this Chapter, any person, firm, or corporation violating the provisions of this Chapter is responsible for committing a Municipal Civil Infraction and subject to the provisions of Chapter 100 of the City of Troy's Code of Ordinances.

B. Public Nuisance Per Se: Any building or structure which is erected, altered, or converted, or any use of premises or land, which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

C. Fines and Other Sanctions: The owner of any building, structure, or premises, or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate offense and subject to fines, costs, damages, and injunctive orders as authorized by Chapter 100.

D. Each Day a Separate Offense: A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

E. Rights and Remedies are Cumulative: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 3.09 CONFORMANCE TO COURT DECREE

An amendment to conform a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act.

SECTION 3.10 PLANNING COMMISSION, CHANGES AND AMENDMENTS TO THE ZONING ORDINANCE, AND APPROVALS

A. Planning Commission: The City Planning Commission, heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et. seq., as amended, and Public Act 33 of 2008, MCL 125.3811, et. seq., as amended, is hereby continued. Pursuant to section 301(2) of Act 110 of the Public Acts of 2006, MCL 125.3301(2), all powers and duties of a zoning commission are hereby transferred to the City Planning Commission, which shall perform the duties of said Commission as provided in the Statute in connection with the amendment of this Chapter.

B. Members, Terms: The City Planning Commission shall consist of nine (9) members who shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No member shall hold any other municipal office except that one (1) of such members may be a member of the Zoning Board of Appeals. Each member shall receive as compensation for their services a sum to be determined by City Council (Resolution #2004-10-537-E14). The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years, and three (3) for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, upon written charges and after a public hearing, be removed by the Mayor for misfeasance, nonfeasance, or malfeasance in office, subject to the approval by a majority vote of City Council. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Mayor, subject to the approval by a majority vote of City Council.

C. Powers and Duties.

1. The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy, and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including:

   a. The making and adopting of a Master Plan for the physical development of the municipality. Such Plan shall show, among other things, the Commission's recommendations for the general location, character, and extent of streets,

boulevards, parkways, playgrounds, parks, location of public buildings and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating, or abandoning of any of the foregoing.

b. Recommendations related to the adoption of a Zoning Ordinance for the control of the height, area, bulk, location, and use of buildings and premises, and all changes and amendments thereto, including conditional rezoning applications as set forth in Section 16.04.

c. The recommendation of approval to City Council of all preliminary plats subdividing land, planned unit developments, some special use approval applications, and any amendments or alterations thereof.

d. The recommendation to City Council on ordinance text amendments, street and alley vacations or extensions, and historic district designations.

e. Acting as the approval authority on site plans, site condominiums, and most special use approval applications.

2. In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may be in its opinion to be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance. Any approval given by the Commission, under which premises are not used or work is not started within twelve (12) months or when use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

D. Voting Requirements: The concurring vote of five (5) members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests, unless the Planning Commission does not have final jurisdiction on the matter. The concurring vote of six (6) members of the Planning Commission is necessary for approval of Master Plan or future land use plan amendments. All other issues before the Planning Commission, including but not limited to rezoning proposals, site condominium plans, planned unit developments, ordinance text amendments, subdivision plats, street and alley vacations or extensions, and historic district designations, are recommendations to City Council and the concurrence of a majority of the Planning Commission members present is necessary to recommend an action to the City Council.

E. Finances: The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council, and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.

F. Annual Report: The City Planning Commission shall at least once per year prepare for the Troy City Council a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

ARTICLE 4

ZONING DISTRICTS AND MAP

SECTION 4.01 DISTRICTS

The City of Troy is hereby divided into the following Districts:

R-1A One-Family Residential District
R-1B One-Family Residential District
R-1C One-Family Residential District
R-1D One-Family Residential District
R-1E One-Family Residential District

RT One-Family Attached Residential District
MF Multiple-Family Residential District
UR Urban Residential District
MHP Manufactured Housing District

CF Community Facilities District
EP Environmental Protection District

CB Community Business District
GB General Business District
IB Integrated Industrial and Business District

O Office District
OM Office Mixed Use District
RC Research Center District
PV Planned Vehicle Sales District
P Vehicular Parking District

The City of Troy is also divided into the following Form-Based Districts, set forth in Article 5:

BB Big Beaver District
MR Maple Road District
NN Neighborhood Node Districts

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SECTION 4.02 MAP

The boundaries of the districts set forth in Section 4.01, Districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Official Zoning Map of the City of Troy. The Zoning Map, along with all notations, references and other explanatory information, are available at the City of Troy offices.

SECTION 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerline.

F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E of this section shall be so construed.

G. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.

H. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through G of this section, the Zoning Board of Appeals shall interpret the district boundaries.

I. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.

SECTION 4.04 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the City of Troy has been vacated by action of the City Council, and the land within the vacated area is attached to and becomes a part of adjoining property, such lands formerly within the vacated area automatically, and without further action of the City Council, are subject to the same zoning regulations as are applicable to adjoining property to which the vacated land has been attached.

SECTION 4.05 DISTRICT REQUIREMENTS

A. The Districts set forth herein guide the establishment of district boundaries to further the objectives of the City of Troy Master Plan. The intent of each district defines interrelationships between conflicting and compatible land uses and between land uses and resources such as transportation, utilities, cultural and institutional facilities and the natural environment.

B. Except as hereinafter provided, district regulations shall be applied in the following manner:

   1. Permitted Uses. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses.

   2. Accessory Buildings, Structures, and Uses. Accessory buildings, structures, and uses are permitted only if such uses are clearly incidental to the permitted principal uses. Accessory buildings, structures, and uses are subject to the provisions of Section 7.03.

   3. Special Uses. Special land uses are permitted as listed, subject to the procedures set forth in Article 9 and any specific standards applicable to a particular use.

C. If a proposed use is not explicitly listed, the Zoning Administrator shall make a determination as to which listed use the proposed use is most similar to and compatible with, and in which district(s) said use shall be permitted. In making this determination, the Zoning Administrator shall consider factors such as peak hourly and average daily traffic generation, noise, light, demands on public utility systems and potential environmental impacts. The Zoning Administrator may refer any proposed use to the Planning Commission for determination of the appropriate district(s) in which said use may be permitted.

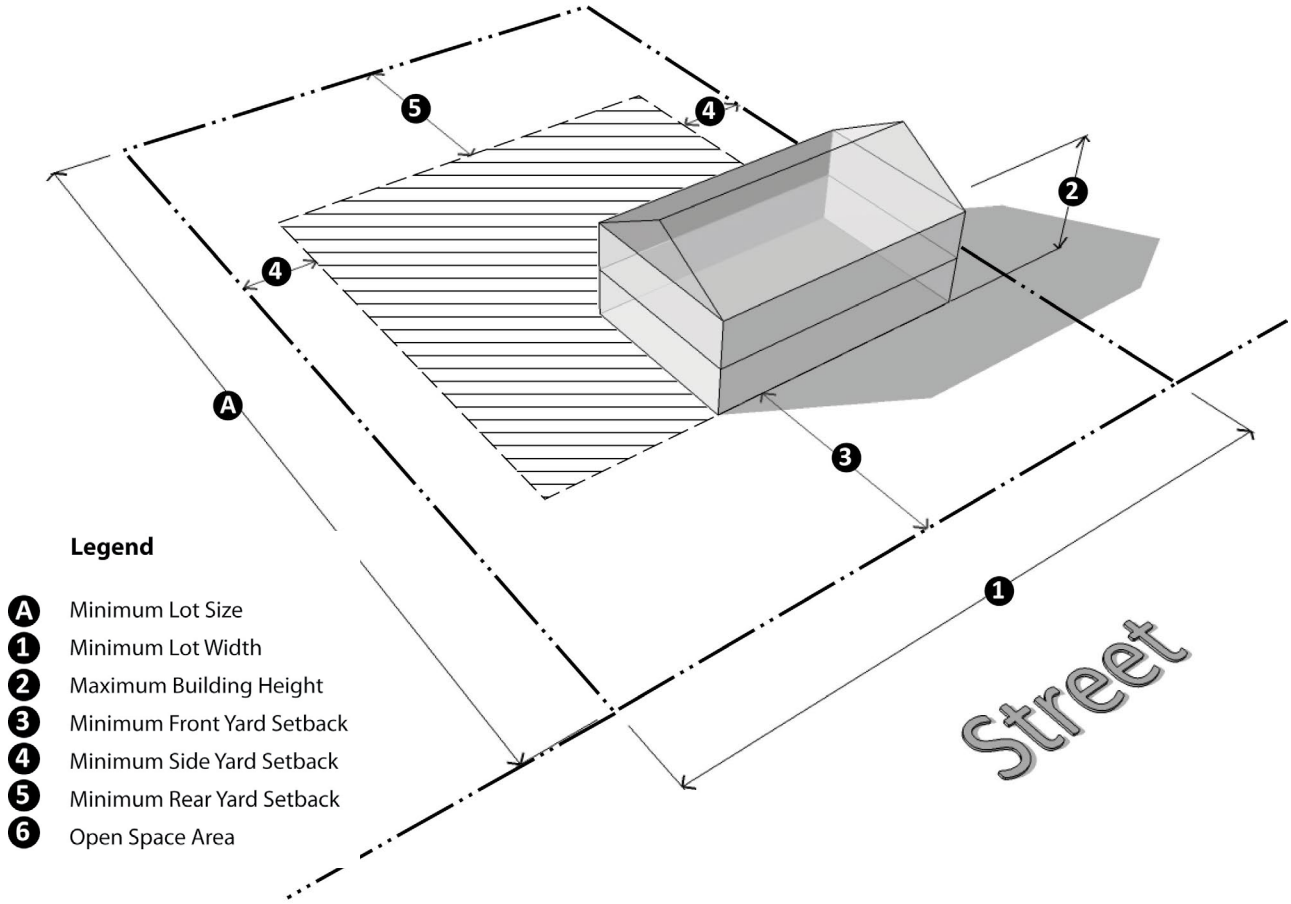
D. Properties located within designated historic districts, as set forth in Chapter 13, Historic Preservation, of the City Code, shall be subject to the zoning requirements of the district in which they are located.

SECTION 4.06 ONE-FAMILY RESIDENTIAL DISTRICTS R-1A THROUGH R-1E

A. Intent. The Master Plan recognizes that single-family residential neighborhoods are vital components of the City, and comprise the majority of the land area within the City. The intent of the R-1A through R-1E Districts is to provide areas for single-family dwellings with the primary distinction being a range of densities, implemented through varying lot sizes. The R-1A through R-1E Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses which support residential neighborhoods.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the R-1A through R-1E Districts.

C. Dimensional Requirements. The following dimensional requirements shall apply to the R-1A through R-1E Districts:



Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
						Front	Sides		Rear		
Use District	Area in Sq. Ft. 1	Width in Ft. 1	Frontage in Ft. 1	In Stories 2	In Feet 2	3	Least One 4	Least Two 4	5		
R-1A											
No Sewer	30,000	150	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	120	2 1/2		40	15	30	45	1,400	30%
R-1B											
No Sewer	21,780	110	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	100	2 1/2		40	10	25	45	1,400	30%
R-1C											
No Sewer	21,780	110	110	2 1/2	30	30	15	30	40	1,200	30%
Sewer	10,500	85	85	2 1/2		30	10	20	40	1,200	30%
R-1D											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	75	2 1/2		25	8	20	40	1,000	30%
R-1E											
No Sewer	21,780	110	110	2 1/2	30	25	15	30	35	1,000	30%
Sewer	7,500	60	60	2 1/2		25	5	15	35	1,000	30%

D. Supplemental District Standards.

1. Whenever a lot or acreage parcel abuts a major arterial, the yard setback abutting said major arterial shall be at least fifty (50) feet from the existing right-of-way line, whichever is greater. This ordinance does not prohibit expansion behind the fifty (50) foot setback. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.

2. Whenever a lot or parcel abuts I-75, the yard setback abutting the right-of-way of I-75 shall not be less than seventy-five (75) feet.

3. The side yard abutting upon a street shall not be less than the greater of the side yards required for the District in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the District in which located, and shall be considered as a front yard.

4. Variation in Appearance. In any one-family residential district, there shall be variation in the appearance of the one-family detached residential dwellings. A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling within the same street frontage without there being at least one (1) other dwelling with a different elevation between the dwellings that repeat the frontage elevation. Different colors alone will not constitute different front elevations.

5. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

6. Lot Frontage on Corner Lots, Curved Roads, and Culs-de-Sac.

   a. On all corner lots, the frontage set forth shall be measured on one (1) street only.

   b. For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.

   c. In the event that the lot is situated on a cul-de-sac, the frontage shall be measured along the minimum setback line for the zone in which said lot is located.

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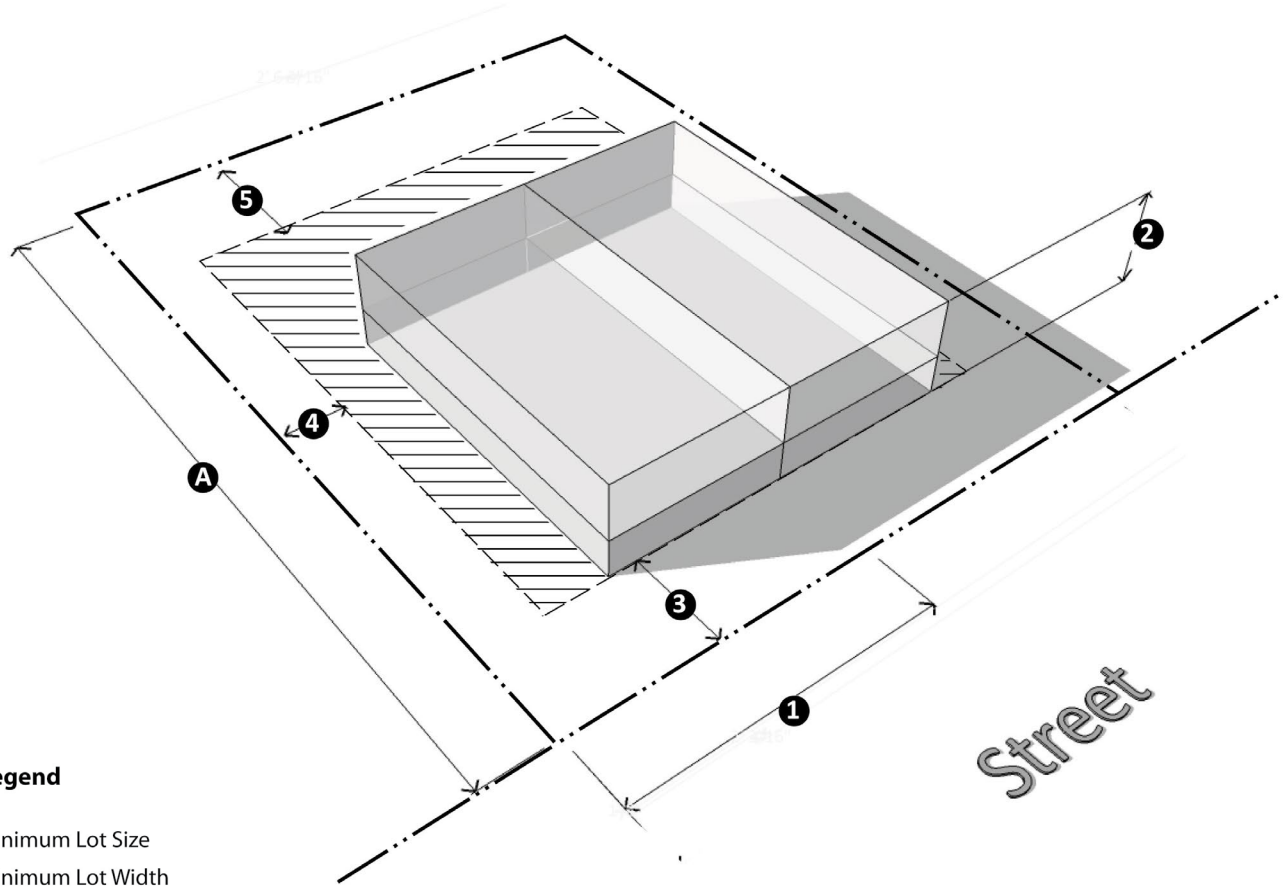
SECTION 4.07 RT ONE-FAMILY ATTACHED RESIDENTIAL DISTRICT

A. Intent. The intent of the RT, One-Family Attached Residential District is to provide medium density residential areas in those areas which are served with public sewer and water, and where attached forms of residential development achieves the objectives of the Master Plan. The District is designed primarily to permit attached residential dwellings which may serve as a transition between high intensity or non-residential use areas, and lower density residential land use areas. The RT District is further intended to provide medium density residential development in compact areas so as to encourage walkability.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the RT District.

C. Dimensional Requirements. The following dimensional requirements shall apply to the RT District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq. Ft. 1	Width in Ft. 1	Frontage in Ft.	In Stories 2	In Feet 2	Front	Sides		Rear		
					3	Least One 4	Total Two 4	5		
15,000 without sewers	75	N/A	2 1/2	30	25	5	15	35	1,000	30%
5,000 with sewers	40	40								

D. Supplemental District Standards.

1. All units that abut a major arterial shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the major arterial.

2. Whenever a lot or parcel abuts I-75, the yard setback abutting the right-of-way of I-75 shall not be less than seventy-five (75) feet.

3. The side yard abutting upon a street shall not be less than the greater of the side yards required for the District in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the District in which located, and shall be considered as a front yard.

4. Variation in Appearance. In any one-family residential district, there shall be variation in the appearance of the one-family detached residential dwellings. A dwelling's front elevation shall not re-occur in the same or a substantially similar structural form on another dwelling within the same street frontage without there being at least one (1) other dwelling with a different elevation between the dwellings that repeat the frontage elevation. Different colors alone will not constitute different front elevations.

5. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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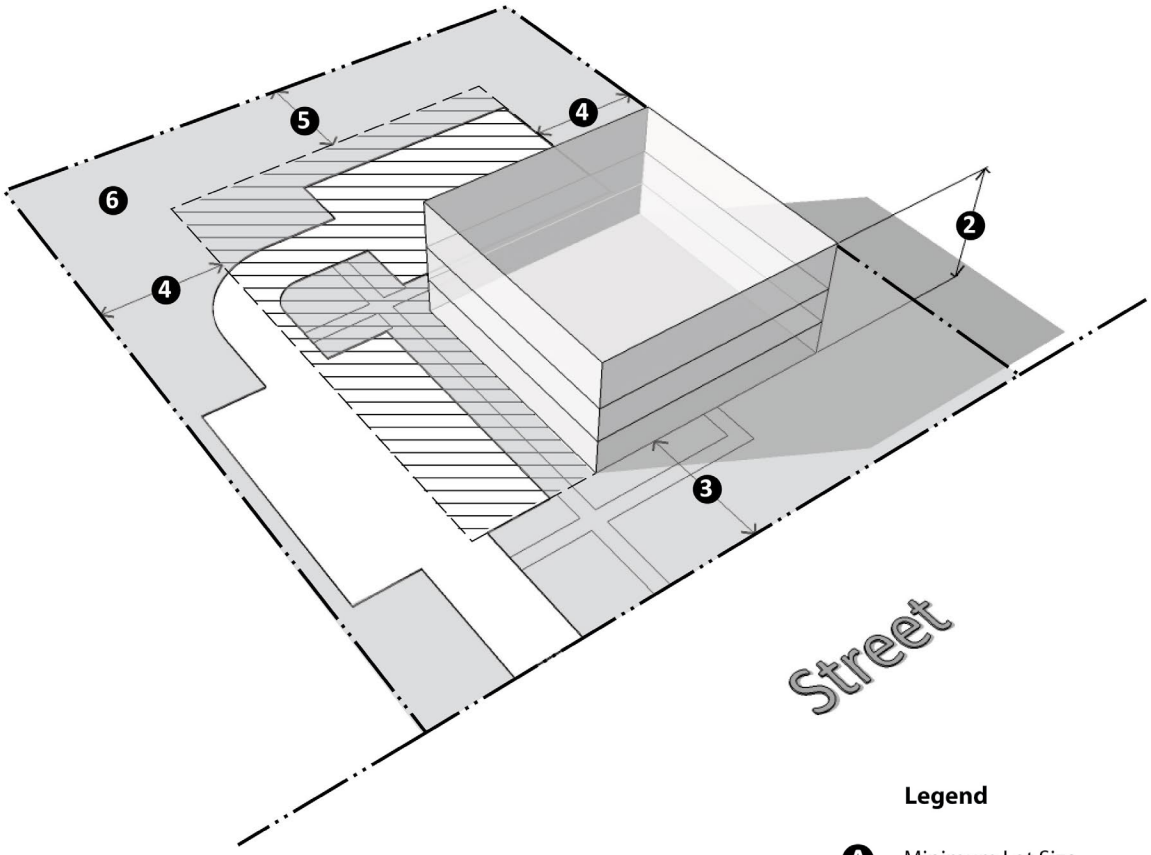
SECTION 4.08 MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT

A. Intent. The intent of the MF, Multiple-Family Residential District, is to provide for multiple-family residential development located in areas which are compatible with single-family residential districts and are adequately served with public utilities and services. This District requires significant open space which will enhance the residential desirability and compatibility of the subject properties and adjacent low density residential areas. This District is also intended to allow higher-density projects which will complement and support mixed-use areas of the City, the form-based districts of the City, or one another.

Development in the MF District can offer an urban character while serving as transitional zones between areas of higher and lower intensity of development. The MF District is further provided to accommodate existing multiple-family areas of the City which were developed to serve the need for a variety of housing types in an otherwise predominantly low-density, single-family community.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the MF District.

C. Dimensional Requirements. The following dimensional requirements shall apply to the MF District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Density		Maximum Height		Minimum Yard Setback			Distance Between Buildings	Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Units Per Acre		In Stories 2	In Feet 2	Front 3	Rear 5	Sides 4			
When not abutting single-family residential	24	8	100	30	30	30	30	Efficiency or 1 BR - 600 2 BR - 800 3 BR - 1,000 4 BR - 1,200	35%
When abutting single-family residential	10	2	25						

D. Supplemental District Standards.

1. Setbacks Adjacent to Residential. Where a property is abutting a one-family or one-family attached district, all setbacks abutting said district shall be equal to the height of the building.

2. Primary Entrance. The primary building entrance to each building shall be clearly identifiable.

3. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the site. The pedestrian connection shall be fully paved and maintained surface not less than five (5) feet in width.

4. Off-Street Parking Location.

   a. Off-street parking shall be located predominantly in the side or rear yard. No more than fifty (50) percent of the required front yard shall be occupied by off-street parking.

   b. For a corner lot, no more than fifty (50) percent of the required yards along public road frontage shall be occupied by off-street parking.

5. Recreation Space. All multiple-family developments in an MF District shall contain an area or areas provided for common recreation which is the equivalent of four hundred and fifty (450) square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not be limited to, swimming pools, tennis courts, playgrounds, picnic areas, playfields, and jogging trails.

6. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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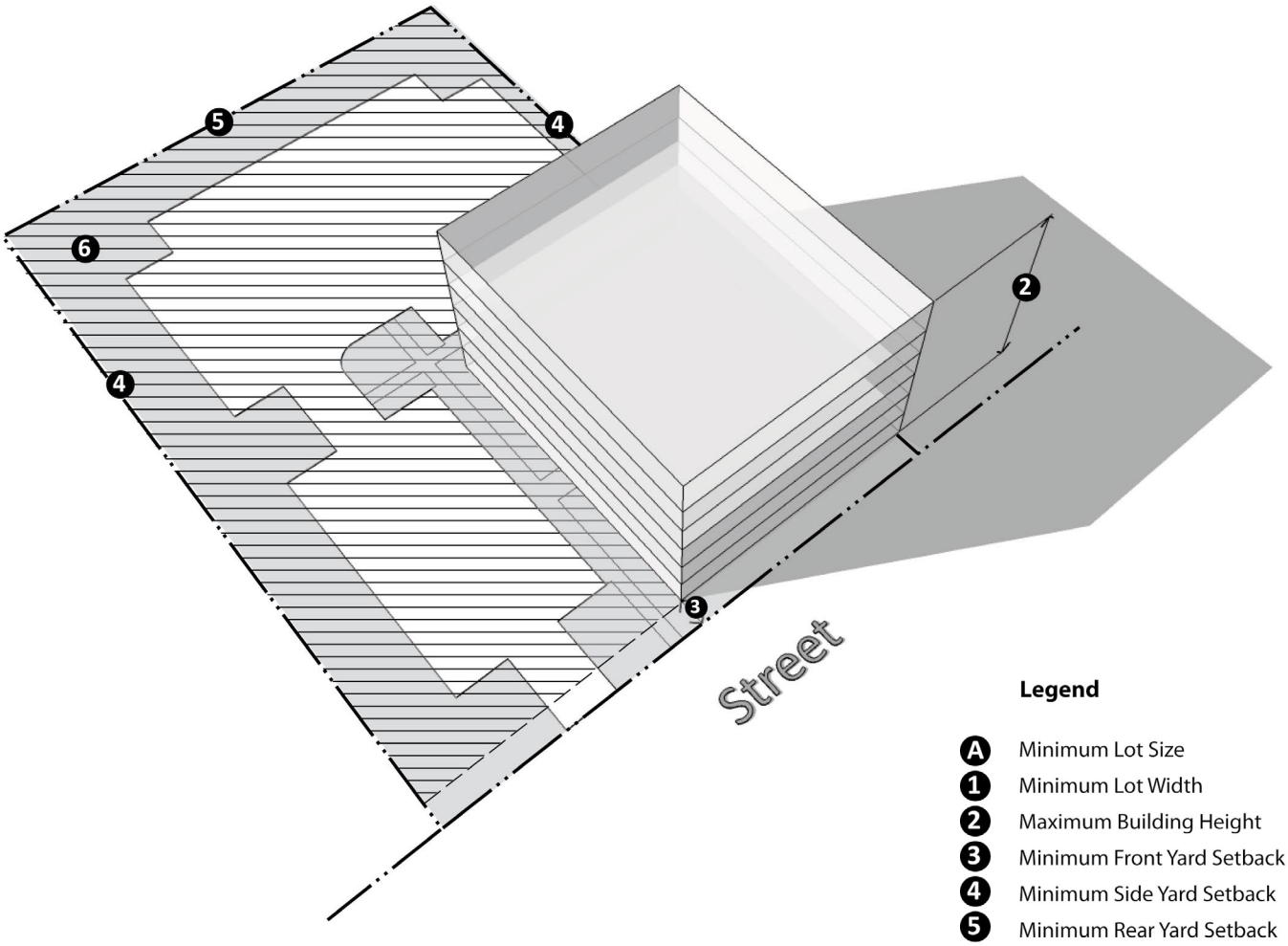
SECTION 4.09 UR URBAN RESIDENTIAL DISTRICT

A. Intent. The Troy Master Plan recognizes that certain areas of the City may be conducive to high-density residential dwellings, particularly when located in close proximity to more intense mixed use and non-residential development. The intent of the UR District is to provide high-density multiple-family housing which provides for an urban character, supports transit, and encourages walkability.

In addition to high-density residential dwellings, the UR District permits a limited number of non-residential uses which are compatible with and supportive of a residential environment.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the UR District.

C. Dimensional Requirements. For all developments in the UR District, the following dimensional requirements shall apply:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Density	Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Units Per Acre	In Stories 2	In Feet 2	Front 3	Rear 5	Sides 4	Between Buildings		
35	No limit		10	0	0	30	Efficiency or 1 BR - 600 2 BR - 800 3 BR - 1,000 4 BR - 1,200	50%

D. Supplemental District Standards.

1. Setbacks Adjacent to Residential. Where a property is abutting a one-family or one-family attached district, all setbacks abutting said district shall be equal to the height of the building.

2. Primary Entrance. The primary building entrance to each building shall be clearly identifiable.

3. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the site. The pedestrian connection shall be fully paved and maintained surface not less than five (5) feet in width.

4. Off-Street Parking Location.

   a. Parking shall not be located in the front yard.

   b. No more than fifty (50) percent of the total site's linear feet along the front building line shall be occupied by parking lot.

   c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent, and the building shall be located in the corner of the lot adjacent to the intersection.

5. Recreation Space. All multiple-family developments in an RM District shall contain an area or areas provided for common recreation which is the equivalent of three hundred (300) square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not be limited to, swimming pools, tennis courts, playgrounds, picnic areas, playfields, and jogging trails.

6. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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SECTION 4.10 MHP MANUFACTURED HOME PARK

A. Intent. The MHP, Manufactured Home Park District is intended to provide for manufactured home parks and to require that such manufactured home parks be developed with the character of residential neighborhoods. This Ordinance recognizes that manufactured homes in manufactured home parks require locations, services, and facilities similar to any other single-family and multiple-family dwelling units that are developed at higher densities. It is further the intent of this Ordinance that various supporting uses common to higher density residential areas, as well as those that are unique to manufactured home communities, be permitted in this district.

B. Use Regulations. Section 4.21 sets forth permitted accessory and special land uses in the MHP District.

C. Dimensional Requirements. Section 4.10.D sets forth dimensional requirements for the MHP District.

D. Supplemental District Standards.

1. The Manufactured Housing Code, as established by the State of Michigan under the authority of 1987 PA 96, as amended, regulates development of manufactured housing parks. All manufactured housing parks must be constructed according to the standards of the Code.

2. In addition to the rules and standards of the State of Michigan, the City imposes the following conditions:

   a. Manufactured housing parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96, PA 1987, and subsequently adopted rules and regulations governing mobile home parks.

   b. Manufactured housing parks shall not be permitted on parcels less than fifteen (15) acres in size.

   c. Individual manufactured housing sites within a manufactured housing park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under the Michigan Administrative Code governing manufactured housing parks.

d. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on manufactured housing sites and in designated open space areas. The manufactured housing park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.

e. The minimum setback for manufactured housing parks shall be fifty (50) feet from a public right-of-way. Manufactured housing parks shall be landscaped as follows:

   i. If the manufactured housing park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.

   ii. If the park abuts a non-residential development, the park need not provide screening.

   iii. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

f. Required landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping described above.

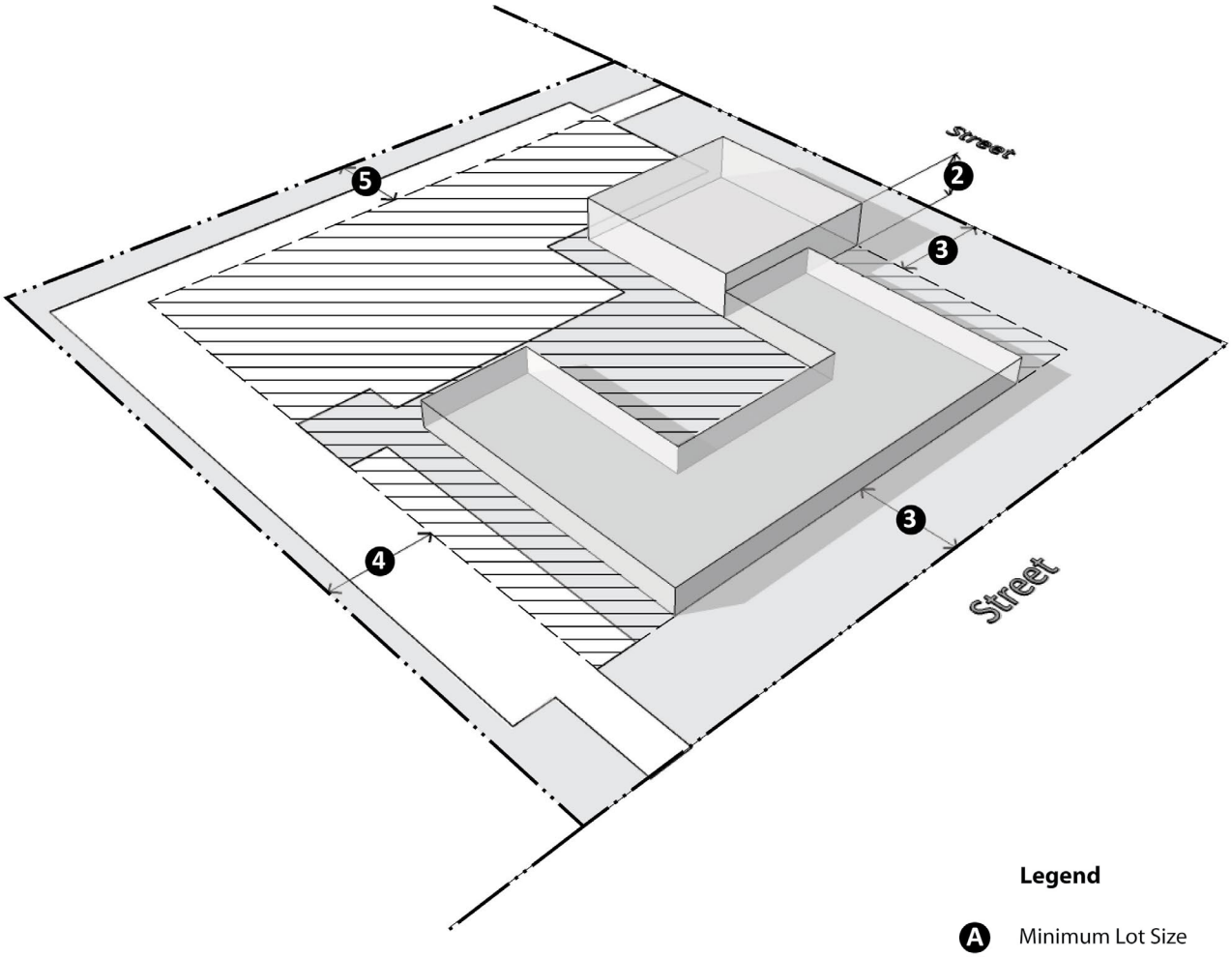
g. Manufactured housing parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.

SECTION 4.11 CF COMMUNITY FACILITIES DISTRICT

A. Intent. The CF, Community Facilities District is intended to provide areas for those public, quasi-public, or private institutional and service uses necessary to serve the cultural, educational, and physical needs of the community. The unique nature and requirements of the uses contained within this District, and their need for a location within the residential portion of the community, warrant the establishment of a separate zoning classification which contains land use controls that will insure that such uses will be compatible with adjacent land uses and not contrary to the spirit and purpose of this Ordinance.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the CF District.

C. Dimensional Requirements. The following dimensional requirements shall apply to the CF District:



Maximum Height		Minimum Yard Setback			Maximum % of Lot Area Covered by Buildings
In Stories ❷	In Feet ❷	Front ❸	Rear ❺	Sides ❹	
2	25	50	50	50	30%

Legend

- Ⓐ Minimum Lot Size
- ❶ Minimum Lot Width
- ❷ Maximum Building Height
- ❸ Minimum Front Yard Setback
- ❹ Minimum Side Yard Setback
- ❺ Minimum Rear Yard Setback
- ❻ Open Space Area

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D. Supplemental Development Regulations.

1. Setbacks Adjacent to Residential. When a property is abutting a one-family or one-family attached district, a setback of fifty (50) feet or equal to the setback of the adjacent one-family or one-family attached district, whichever is greater, shall be provided.

2. Off-Street Parking Location.

   a. Parking shall not be located in the front yard.

   a. No more than fifty (50) percent of the total site's linear feet along the front building line shall be occupied by parking lot.

   c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent, and the building shall be located in the corner of the lot adjacent to the intersection.

3. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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SECTION 4.12 EP ENVIRONMENTAL PROTECTION DISTRICT

A. Intent. Natural features and open space areas constitute important physical, aesthetic, recreation and economic assets of the City. Therefore, the City of Troy has enacted a series of development options and Zoning Districts which have, as a portion of their intent, the conservation, preservation and provision of open space and natural resource areas. The intent of the EP, Environmental Protection District is to act in concert with these development options and Zoning Districts and to recognize other areas warranting preservation, conservation, or protection, in such a manner as to: provide for the protection, preservation, use, and maintenance of natural resource areas, minimizing disturbance to them, and to prevent damage resultant from their loss; protect natural resource and open space areas for their economic support of property values when allowed to remain in an undisturbed natural state; provide for the paramount public concern for these natural resource areas in the interest of health, safety, and the general welfare of the residents of the City of Troy; and promote the public health, safety, and general welfare by preventing or minimizing loss or damage to property, and personal injury, due to flooding.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the EP District. No building or structure, either permanent or temporary, shall be erected on land zoned in the Environmental Protection classification, except as otherwise provided in this Article. Any existing structure or use existing at the time of establishment of the EP District, which is not in conformity with the provisions of the Article, may be continued subject to the general provisions for non-conforming uses or structures.

C. Location. The EP, Environmental Protection District may be applied to the following property:

1. Privately or publicly owned property containing significant natural assets or features.

2. Privately owned property consisting of those portions of a development area which are or will be established as open space or natural preserves under the terms of development requirements contained herein or through private actions achieving the same purpose.

3. Flood plains or flood way areas designated or specified by related City, County or Federal standards or programs.

4. Wetlands, determined by engineering and/or soil surveys, whose inherent conditions preclude development in a normal manner.

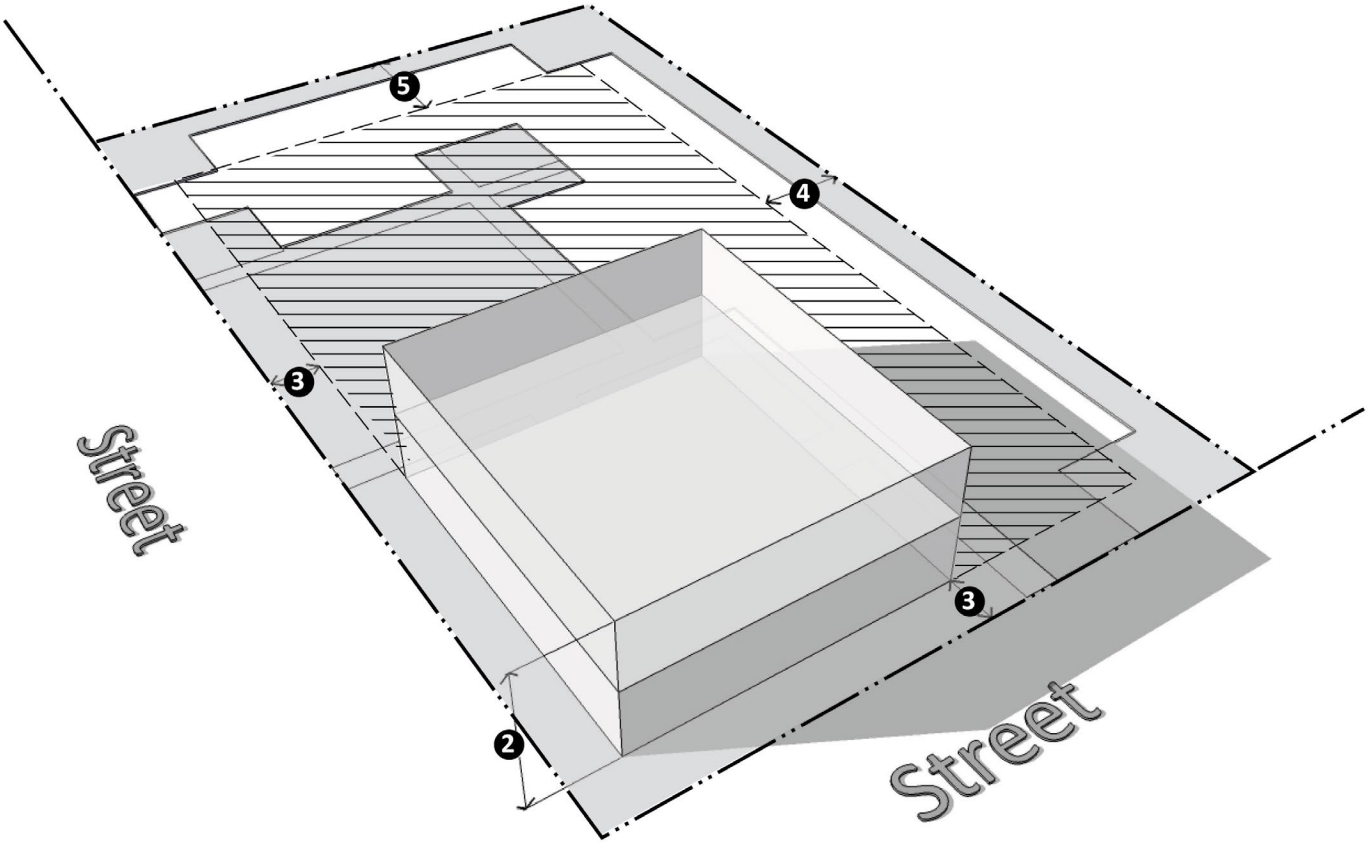
5. Privately owned property committed for use for non-commercial outdoor recreation purposes.

SECTION 4.13 CB COMMUNITY BUSINESS DISTRICT

A. Intent. The CB, Community Business District is intended to provide for retail business and service uses which primarily meet the day-to-day convenience, shopping, and service needs of persons in the immediate residential areas, but to a more limited extent serve a larger consumer population. The CB Districts are the least intense commercial districts within the City, but do contain a variety of potential uses. The CB District is also intended to protect and enhance existing commercial areas of the City where non-residential uses are and ought to be the primary use of the property. The CB District is unique in this more limited purpose, as the form based and other mixed-use districts within the City also allow and encourage the on-site integration of business and service uses with office and residential uses.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the CB District.

C. Dimensional Requirements. The following dimensional requirements shall apply in the CB District:



Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories ❷	In Feet ❷	Front ❸	Rear ❺	Sides: Least ❹	Sides: Total ❹	
2	30	10	30	20	40	500

Legend

- Ⓐ Minimum Lot Size
- ❶ Minimum Lot Width
- ❷ Maximum Building Height
- ❸ Minimum Front Yard Setback
- ❹ Minimum Side Yard Setback
- ❺ Minimum Rear Yard Setback
- ❻ Open Space Area

D. Supplemental District Standards.

1. Modification to Setback Requirements.

   a. In CB Districts, no building shall be closer than seventy-five (75) feet from the boundary of any single-family residential zoning district.

   b. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

2. Façade Variation. The maximum length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

3. Pedestrian Access / Entrance.

   a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

   b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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.

4. Off-Street Parking Location.

   a. No more than fifty (50) percent of a site's required parking as set forth in Section 13.06 may be located in a front yard.

b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

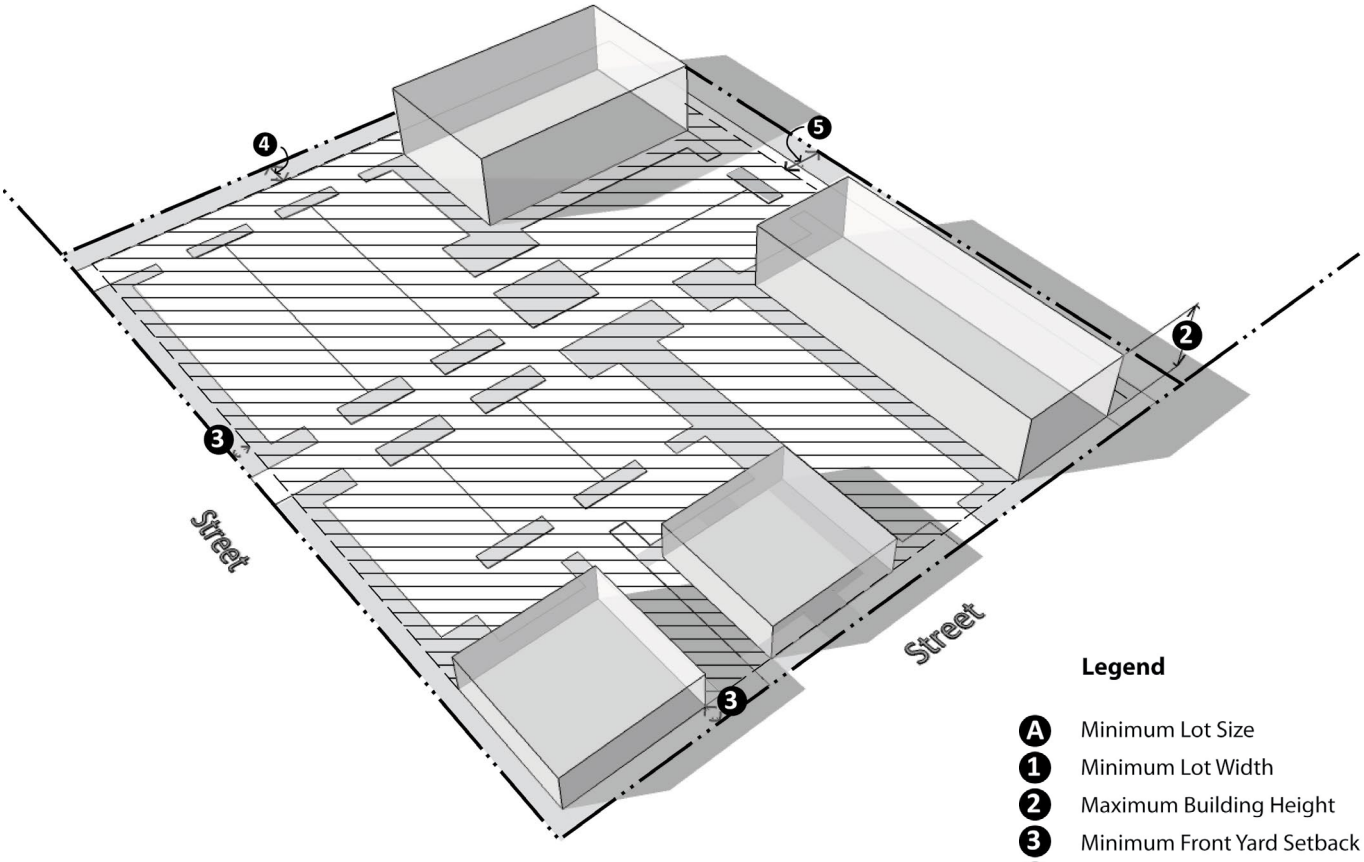
c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent, and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.14 GB GENERAL BUSINESS DISTRICT

A. Intent. The GB, General Business District is intended to provide areas for more diversified retail and service uses, a City-wide or regional market area, and/or arterial exposure. The General Business Districts are typically located along major arterials and/or adjacent to Community Business Districts. The GB District also permits an opportunity for mixed-use development consistent with the intent of the Master Plan to support transit and walkability.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the GB District.

C. Dimensional Requirements. The following dimensional requirements shall apply in the GB District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories 2	In Feet 2	Front 3	Rear 5	Sides: Least 4	Sides: Total 4	
5	75	10	30	20	40	500

D. Supplemental District Standards.

1. Modification to Setback Requirements.

   a. In CB Districts, no building shall be closer than seventy-five (75) feet from the boundary of any single-family residential zoning district.

   b. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

2. Façade Variation. The maximum length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

3. Pedestrian Access / Entrance.

   a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

   b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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.

4. Off-Street Parking Location.

   a. No more than fifty (50) percent of a site's required parking as set forth in Section 13.06 may be located in a front yard.

   b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

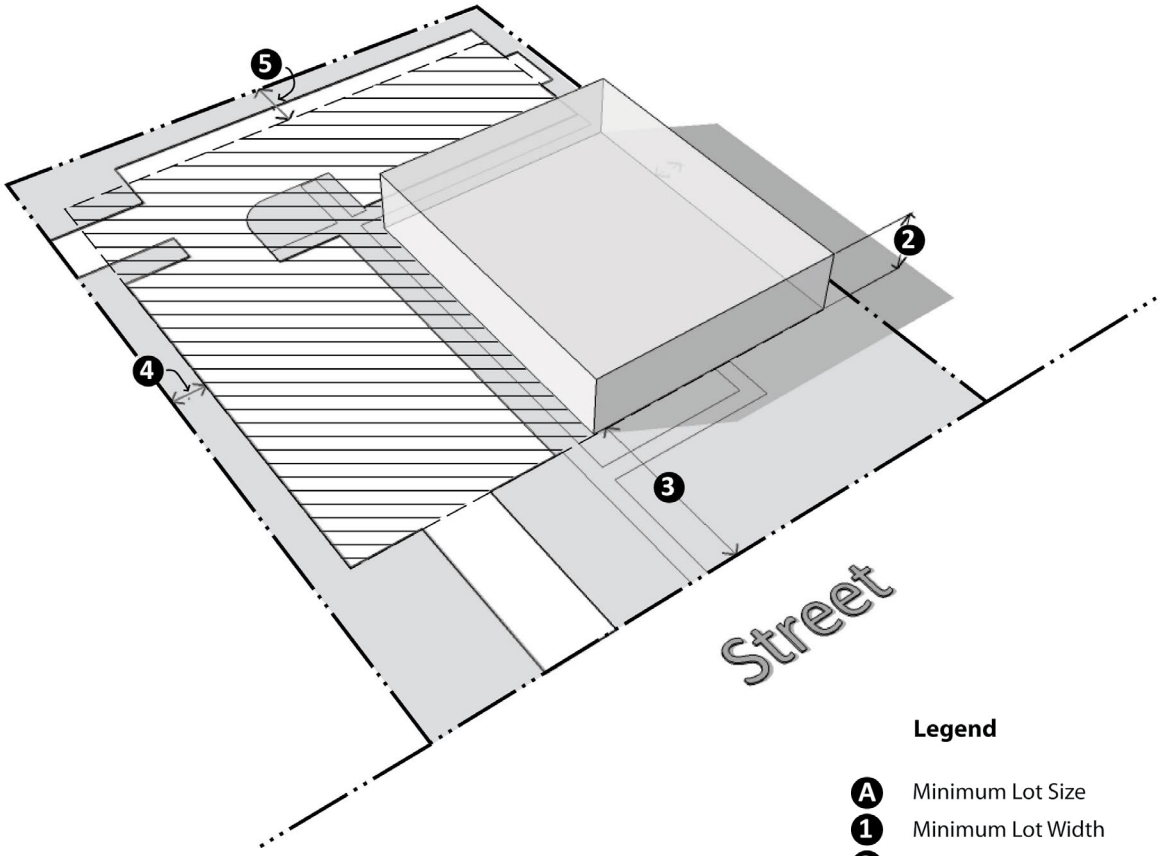
c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent, and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.15 IB INTEGRATED INDUSTRIAL AND BUSINESS DISTRICT

A. Intent. The City of Troy Master Plan recognizes that a significant area of the City has been devoted to manufacturing and industrial uses, but may be conducive to be redeveloped to other uses. The IB District is intended to continue to recognize more traditional manufacturing and industrial use and encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the IB District.

C. Dimensional Requirements. The following dimensional requirements shall apply in the IB District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Height		Minimum Yard Setback				Maximum % of Lot Area Covered by Buildings
In Stories 2	In Feet 2	Front 3	Rear 5	Sides: Least 4	Sides: Total 4	
4	50	30	20	10	20	40%

D. Supplemental District Standards.

1. Modification to Setback Requirements. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.

2. Delivery/Loading Options. Loading docks, trash collection, outdoor storage, and similar facilities and functions shall not be located in any portion of the front yard. Visual and acoustic impacts of these functions shall be fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

3. Off-Street Parking Location.

   a. Parking shall not be located in the front yard, except in cases where a site plan has prequalified Sustainable Development Project status specifically awarded for measures related to the inclusion of front yard parking.

   b. No more than fifty (50) percent of the total site's linear feet along the front building line shall be occupied by parking lot.

   c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent, and the building shall be located in the corner of the lot adjacent to the intersection.

4. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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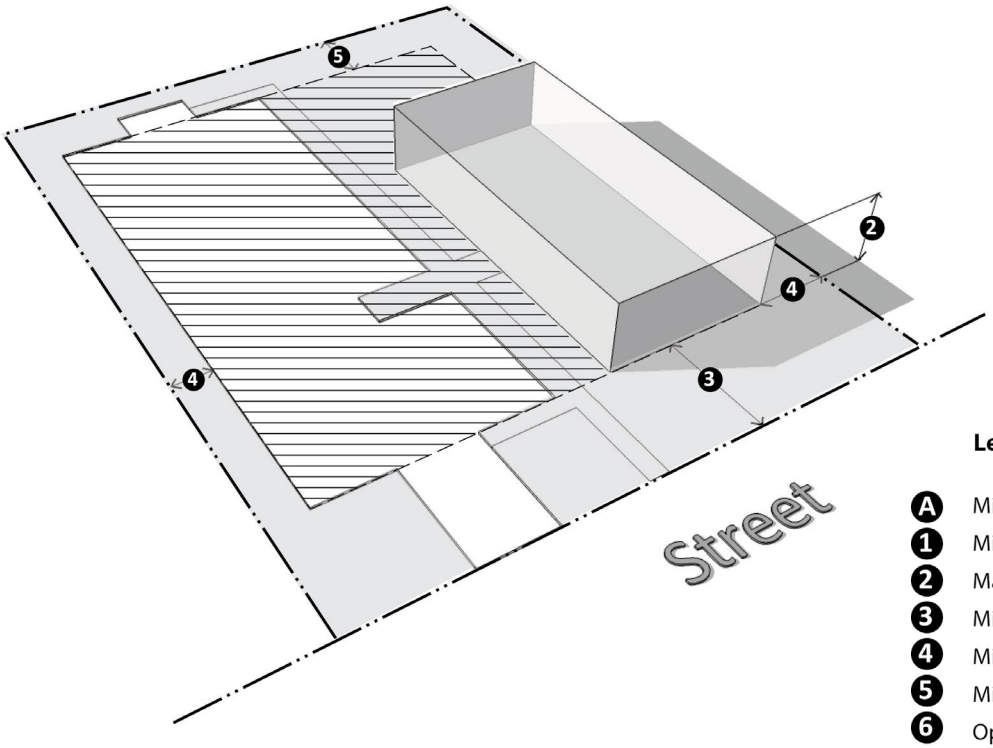
SECTION 4.16 O OFFICE DISTRICT

A. Intent. The O, Office District is intended to provide areas for office uses and limited related retail and service uses which support an office environment. These districts are typically located along commercial corridors in the City, or on the periphery of regionally prominent retail and service centers. The O District is not so diverse as to include prominent retail or other commercial components, which are more broadly available in the similar, but more intense OM, Office Mixed Use District, which is specifically designed for that purpose. Consequently, due to its less intense nature, the O District is suited to serve as a conventional transitional zone or in support of more regionally prominent areas and districts with a more intense concentration of uses.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the O District.

C. Dimensional Requirements. The following dimensional requirements shall apply in the O District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories 2	In Feet 2	Front 3	Rear 5	Sides: Least 4	Sides: Total 4	
3	36	10	30	20	40	500

D. Supplemental District Standards.

1. Modification to Setback Requirements. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.

2. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

3. Pedestrian Access / Entrance.

   a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

   b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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.

4. Off-Street Parking Location.

   a. No more than fifty (50) percent of a site's required parking as set forth in Section 13.06 may be located in a front yard.

   b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

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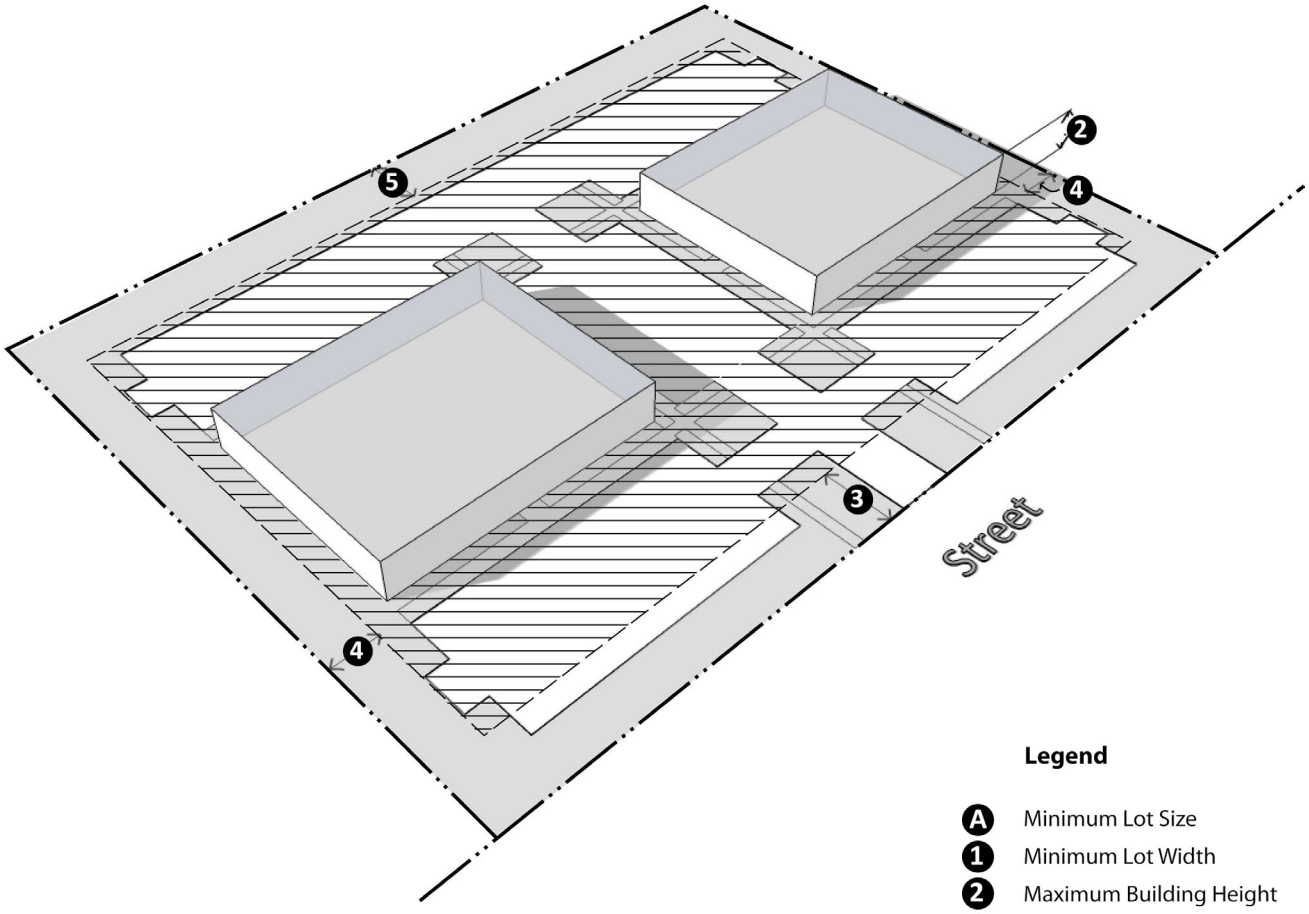
SECTION 4.17 OM OFFICE MIXED USE DISTRICT

A. Intent. The OM, Office Mixed Use District is intended to provide areas for large office uses which serve large numbers of people, as well as the retail, service, restaurant, lodging, and residential options that should be provided to support such large employment centers. A major purpose of this District is to provide areas for buildings of greater height and more intensive land use activity in an otherwise low-density community, while providing amenities on-site or within the same immediate area to foster a walkable, compact, dense urban environment. The OM District is also intended to encourage the development of uses and services that will support and enhance the marketability of the City of Troy as a vibrant and desirable place to work where a high quality of life can be offered for both workers and residents. As such, it is a primary role of the OM District, along with the IB, RC, CB and GB Districts to preserve the economic vitality of the area.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the OM District.

C. Dimensional Requirements. The following dimensional requirements shall apply in the OM District:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Height		Minimum Yard Setback				Maximum Percentage of Lot Coverage by Building
In Stories 2	In Feet 2	Front 3	Rear 5	Sides: Least 4	Sides: Total 4	
5	75	10	30	20	60	40%

D. Supplemental District Standards.

1. Modification to Setback Requirements. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.

2. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

3. Pedestrian Access / Entrance.

   a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

   b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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. Secondary Entrance. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

4. Off-Street Parking Location. No more than fifty (50) percent of the site's total parking shall be located in a front yard.

5. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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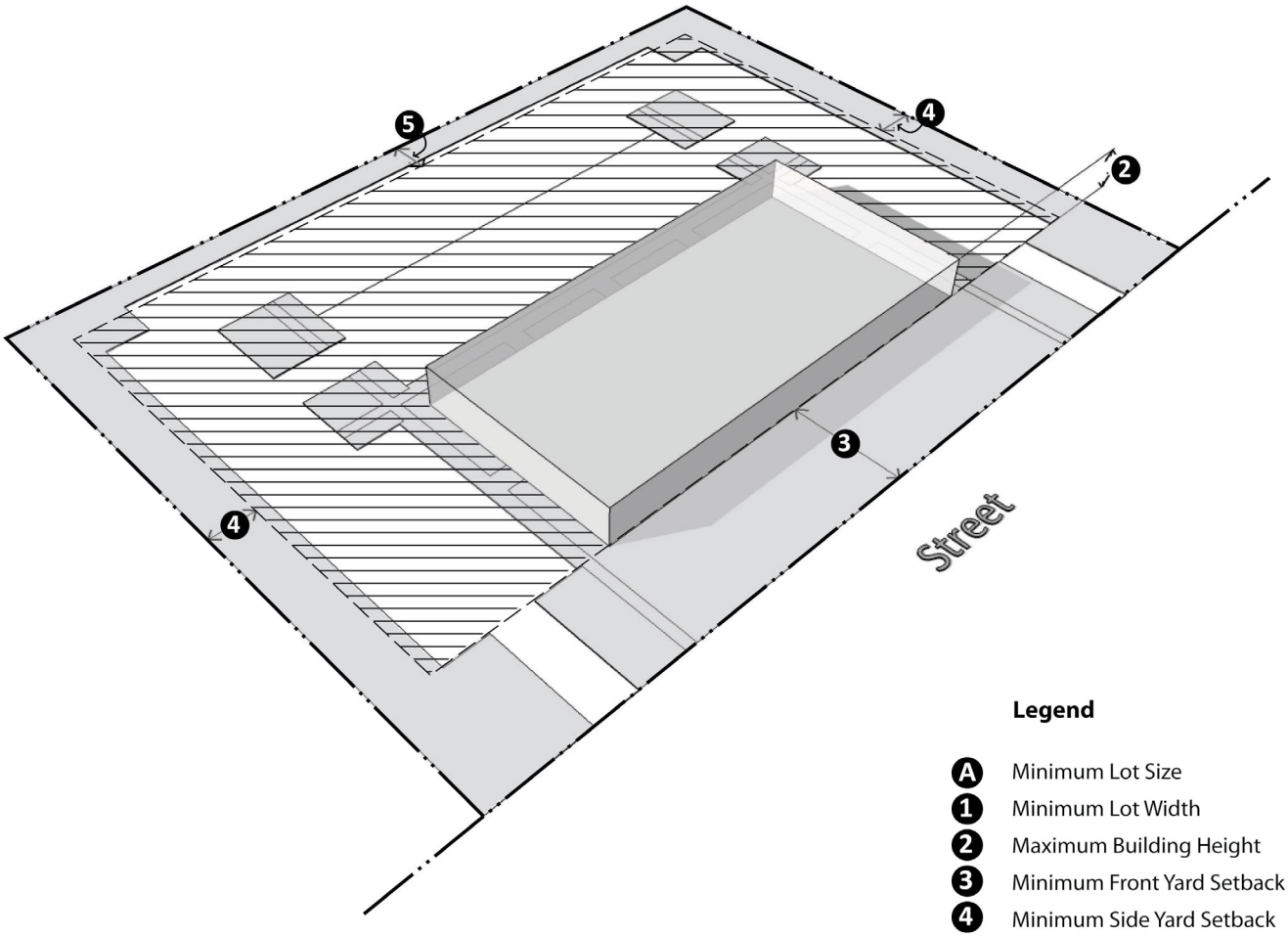
SECTION 4.18 RC RESEARCH CENTER DISTRICT

A. Intent. The RC, Research Center District is intended to provide areas for industrial-research and office uses in planned developments. Such districts are to be located and developed so as to complement the significant light industrial character of the community, while at the same time providing for the necessary related non-manufacturing uses such as corporate office and research facilities. The RC District is intended to encourage the development of uses and services that will support and enhance the office environment in the RC District, primarily for the benefit of tenants and local residents. Further, the Research Center District is intended to provide for those major industrial-research, and office, and training uses which require proximity to major non-residential areas, rather than office uses serving a local market, which could reasonably be located in commercial and service areas elsewhere in the community.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the RC District.

C. Dimensional Requirements. For all developments in the RC District, the following dimensional requirements shall apply:



Legend

- A Minimum Lot Size
- 1 Minimum Lot Width
- 2 Maximum Building Height
- 3 Minimum Front Yard Setback
- 4 Minimum Side Yard Setback
- 5 Minimum Rear Yard Setback
- 6 Open Space Area

Maximum Height		Minimum Yard Setback				Maximum Percentage of Lot Coverage by Building
In Stories 2	In Feet 2	Front 3	Rear 5	Sides: Least 4	Sides: Total 4	
3	40	30	20	20	40	40%

D. Supplemental District Standards.

1. Modification to Setback Requirements. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.

2. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.

3. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

4. Pedestrian Access / Entrance.

   a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

   b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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.

5. Off-Street Parking Location.

   a. No more than fifty (50) percent of a site's required parking as set forth in Section 13.06 may be located in a front yard.

   b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty (60) percent and the building shall be located in the corner of the lot adjacent to the intersection.

6. Maximum lot coverage may be modified for projects obtaining Sustainable Design Project status for measures specifically related to the proposed modification, as set forth in Section 12.01, Sustainable Design Options.

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SECTION 4.19 PV PLANNED VEHICLE SALES DISTRICT

A. Intent. The PV, Planned Vehicle Sales District is intended to build on the existing concentration of automobile sales establishments in this area, supporting the Master Plan's creation of the Automall future land use district. The District as established herein is comprised of existing facilities, but is designed to grow incrementally, as necessary, to the potential maximum limits identified in the Master Plan. The concentration of similar automobile sales facilities in this location is valued by the City of Troy in that is provides a strong regional amenity while managing any potential negative elements stemming from the intensity and scale of these land uses.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the PV District.

C. Dimensional Requirements. For all developments in the PV District, the dimensional requirements of the IB, Industrial Business District shall apply.

D. Supplemental District Standards.

1. The minimum lot area shall be fifteen (15) acres and so arranged that ample space is available for motor vehicles which are required to wait or be stored or parked.

2. All other dimensional requirements of the PV District shall be the same as those established for the IB, Industrial Business District.

3. Uses normally accessory to new car sales establishments such as major engine repair or rebuilding, body repair, painting, and undercoating shall be permitted provided such uses are clearly subordinate and incidental to the principal use and provided further that such cases shall be conducted within a completely enclosed building.

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SECTION 4.20 P VEHICULAR PARKING DISTRICT

A. Intent. The P, Vehicular Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This District will generally be established to serve a use District which has developed without adequate off-street parking facilities, or on portions of sites where it is intended that building construction will not occur.

B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses in the P District.

C. Dimensional Requirements. For all developments in the P District, the following dimensional requirements shall apply:

D. Supplemental District Standards.

1. The parking area shall be accessory to, and for use in connection with one or more businesses or industrial establishments, located in adjacent non-residential Districts.

2. A private driveway, public street, or public alley may separate the P District from the related non- residential Districts.

3. Such parking areas will be used solely for the parking of private passenger vehicles, for periods of less than one (1) day, and shall not be used as off-street loading areas.

4. No commercial repair work or service of any kind, or sales or display activity, shall be conducted in such parking areas.

5. No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking areas.

6. No buildings other than those for shelter of attendants shall be erected upon the premises, and such buildings shall not exceed fifteen (15) feet in height.

7. Side and Rear Yards: Where the P District is contiguous with the side and/or rear lot lines of premises within a Residential District, screening shall be maintained in accordance with Section 13.02.B, Screening Between Land Uses.

8. Front Yards: Where the P District is contiguous to a Residential District which has common frontage on the same block, or where the P-1 District is across the street from a Residential District a setback equal to that of the adjacent Residential District shall be maintained. Also, there shall be provided a screen wall not less than thirty (30) inches in height, located on this setback line,

comprised of a common or face brick or similar appearing material, or of a masonry material similar to or compatible with that on the front face of the building which the related parking area serves.

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SECTION 4.21 SCHEDULE OF USE REGULATIONS

A. In all 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. The Schedule of Use Regulations identifies uses as follows:

1. "P" identifies uses permitted as of right.
2. "S" identifies uses requiring special approval.
3. "A" identifies accessory uses.
4. "NP" identifies uses not permitted.

Uses	Districts														
	R-1A through R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Residential															
One-family dwellings	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Two-family dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
One-family attached dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Home occupations	A	A	A	A	A	A	NP	A	A	A	NP	A	NP	NP	NP
Multiple-family dwellings (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple-family dwellings (9+ stories)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple-family dwellings (on upper floors only in a mixed-use building)	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	P	NP	NP	NP
Senior assisted/independent living	S	S	P	P	NP	S	NP	P	P	P	NP	P	NP	NP	NP
Live/work units	NP	NP	P	P	NP	NP	NP	P	P	P	NP	P	NP	NP	NP
Bed and breakfast	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation															
Publicly owned and operated parks, parkways, and recreational facilities	P	P	P	P	P	P	NP	P	P	P	P	P	P	NP	NP
Golf courses	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP	NP	NP
Swimming pool clubs	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP	NP	NP
Institutional															
Primary/secondary schools	S	S	S	S	S	P	NP	P	P	P	P	P	P	NP	NP
Places of worship	S	S	S	S	S	S	NP	P	P	P	P	P	P	NP	NP
Publicly owned/ operated office and service facilities	S	S	S	S	S	P	NP	P	P	P	P	P	P	P	P
Convalescent centers	NP	NP	S	S	NP	P	NP	P	P	P	P	P	NP	NP	NP
Fine and performing arts facilities	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	S	NP	NP	NP

Uses	Districts														
	R-1A through R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Post-secondary schools (high schools, colleges, commercial schools)	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	NP	NP
Bus/transit passenger stations, taxicab offices, dispatching centers	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	P	P
Hospitals	NP	NP	NP	NP	NP	S	NP	NP	S	S	NP	S	NP	NP	NP
Family day care homes	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Group day care homes	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Day care centers and preschools	S	S	S	S	S	S	NP	P	P	P	P	P	P	NP	NP
Adult foster care, family home	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, small group home	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, large group home	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, congregate facility	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult day care home	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult day care center	S	S	S	S	S	S	NP	P	P	P	P	P	P	NP	NP
Retail, Entertainment, and Service															
Restaurants, standard	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Restaurants, fast food	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Restaurants, drive-in	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Bar/lounge	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Outdoor dining areas	NP	NP	NP	A	NP	NP	NP	A	A	A	NP	A	NP	NP	NP
Retail, general	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Retail, large-format	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Shopping centers	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Health fitness centers, athletic clubs, martial arts studios, and other similar uses	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Building and lumber supply	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP	NP	NP
Garden centers/ nurseries	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP	NP	NP
Commercial greenhouse	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP	NP	NP
Indoor commercial recreation	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Outdoor commercial recreation	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP	NP	NP
Dance, music, and art studios	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Dry cleaners and laundry	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Pharmacies, durable medical goods sales/ rental	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Open air businesses, as a principal use	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP	NP	NP

Uses	Districts														
	R-1A through R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Open air businesses, subordinate to principal use	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
Extended stay facility	NP	NP	S	S	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
Private clubs, fraternal organizations, and lodge halls	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	NP	NP	NP
Conference, meeting, and banquet facilities	NP	NP	NP	NP	NP	S	NP	S	P	P	NP	P	S	NP	NP
Personal services	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	A	NP	NP
Home service and repair	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	A	NP	NP
Photographic studios	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Financial institutions	NP	NP	NP	A	NP	NP	NP	P	P	P	P	P	P	NP	NP
Commercial kennels / Pet day care	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Drive-up / Drive-through facilities	NP	NP	NP	NP	NP	NP	NP	S	S	A	S	S	NP	NP	NP
Theatres and places of assembly	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	S	S	NP	NP
Adult use businesses	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	NP	NP
Mortuary / Funeral home	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Office															
Offices, general	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Professional and medical offices	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Business services	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Medical clinics	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Veterinary clinics or hospitals	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P	NP	NP
Industrial															
Prototype or experimental product research and development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP
Any use of basic research, design, and pilot or experimental product development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP
Manufacturing and assembly	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Laboratories	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	NP	NP
Warehouse and wholesale establishments	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Truck terminal facilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Central dry cleaning / laundry plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Outdoor storage facilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP	NP	NP	NP
Mini-warehouse or self-storage	NP	NP	NP	NP	NP	NP	NP	NP	S	P	NP	NP	NP	NP	NP
Materials recovering facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP	NP	NP	NP

Uses	Districts														
	R-1A through R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Automotive/Transportation															
Vehicle, recreational vehicle sales	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	P	NP
Vehicle repair stations	NP	NP	NP	NP	NP	NP	NP	NP	S	P	NP	NP	NP	S	NP
Vehicle fueling/multi-use stations	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
Oil change facility	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	P	NP
Vehicle washes	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
Vehicle auctions	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
Antique and classic vehicle sales	NP	NP	NP	NP	NP	NP	NP	NP	S	P	NP	NP	NP	P	NP
Ambulance facilities	NP	NP	NP	NP	NP	NP	NP	S	S	P	NP	NP	NP	NP	NP
Vehicle rental	NP	NP	NP	NP	NP	NP	NP	S	S	P	NP	NP	NP	S	NP
Miscellaneous															
Accessory buildings and uses	A	A	A	A	A	A	NP	A	A	A	A	A	A	A	A
Agriculture	P	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Cemeteries	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Parking structures and off-street parking areas as a principal use	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	S	S	P
Utility and public service buildings and facilities (without storage yards)	S	S	S	S	S	P	NP	P	P	P	P	P	P	P	P
Utility and public service buildings and facilities (with outdoor storage yards)	NP	NP	NP	NP	NP	S	NP	NP	NP	S	S	S	S	S	S
Commercial wind energy conversion systems and temporary meteorological towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Oil and Gas Well or Development	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP	NP	NP	NP
Production facility, multimedia	NP	NP	NP	NP	NP	NP	NP	NP	S	P	NP	NP	P	NP	NP
Wireless communication facility (complies with Section 6.30.B.1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless communication facility (free-standing tower)	NP	NP	NP	NP	NP	S	NP	S	S	S	S	S	S	S	S

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ARTICLE 5

FORM-BASED DISTRICTS

SECTION 5.01 GENERAL PURPOSE, INTENT, AND USE

A. The Zoning Ordinance regulates the intensity and use of development, which is appropriate in most parts of the City. There are also areas within the City in which the Master Plan places greater emphasis on regulating urban form and character of development as well as use and intensity of use.

B. These regulations are based on two (2) significant factors: site context and building form.

   Site context is derived from existing and desired characteristics of the area where these regulations are applied. Areas are distinguished from one another by their size and configuration of the site, street patterns, location, and intensity of use. Therefore, considering site context provides a customized approach to the inherent conditions of the areas where these regulations are applied.

   Building form addresses the manner in which buildings and structures relate to their lots, surrounding buildings, and street frontage. Building form standards control height, placement, building configuration, parking location, and ground story activation applicable to the site context.

C. The general purpose of these regulations is as follows:

   1. Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.

   2. Promote infill development and redevelopment to expand the employment and economic base.

   3. Promote mixed-use development in both a horizontal and vertical form.

   4. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.

   5. Improve mobility options and reduce the need for on-site parking by encouraging alternative means of transportation.

D. Regulations are tailored to meet a more specific intent of each district. These districts and intents are set forth elsewhere in this Article.

E. The form-based districts use regulating plans, which rely on street and site types to determine allowable uses and building forms for a given property. The steps to determine the regulations that apply to a specific property within a form-based district are as follows:

1. Find the site in question on the appropriate regulating plan map (Figures 5.04.1, 5.05.1, and 5.06.1 for the Big Beaver District, Maple Road District, and Neighborhood Nodes Districts, respectively).

2. Identify the site type for the site in question. Sites will be classified BB:A, BB:B, or BB:C for the Big Beaver District, MR:A or MR:B for the Maple Road District, or NN:A or NN:B for the Neighborhood Nodes Districts.

3. Identify the street type or types adjacent to the site in question. Streets will be classified BB:A, BB:B, or BB:C for the Big Beaver District, MR:A or MR:B for the Maple Road District, or NN:A or NN:B for the Neighborhood Nodes Districts.

4. Consult the Use Groups and Building Forms Permitted tables for the District in which the site is located. (Tables 5.04.C-1, and 5.04.C-2 for the Big Beaver District, 5.05.C-1, and 5.05.C-2 for the Maple Road District, and 5.06.C-1, and 5.06.C-2 for the Neighborhood Nodes Districts, respectively). The tables will identify if a use group or building form is permitted, permitted after special use approval, or not permitted for the site type and street type combination unique to the site in question.

5. Follow the regulations for the chosen building form when designing the development application. Building form regulations are established in Tables 5.03.B-1 through 5.03.B-6.

6. Follow the design standards unique to the District in which the site is located. All three form-based districts have unique design standards.

7. Obtain site plan approval or special use approval for the chosen building form and use, as appropriate.

SECTION 5.02 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 its size or parking demand.

d. Continuation of a legal non-conforming use, building, and/or structure, in accordance with Article 14.

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 14.

B. Regulating Plans. Each area of the City to which these standards apply shall be governed by a regulating plan that is specific to each area. The regulating plan determines building form and allowable use for each property within a form-based district.

C. Authorized Use Groups. Authorized land uses are organized by use groups. Authorized use groups, as set forth in Section 5.03.A, are specifically applied to each District based upon the regulating plan.

D. Building Form Standards. Building form standards, set forth in Section 5.03.B, establish the parameters for building form, height, and placement, and are specifically applied to each District based upon the regulating plan.

E. Design Standards. Design standards are established for each district and are supplementary to other requirements of the Ordinance. Generally, the design standards regulate parking, landscaping, and other site design requirements.

F. Modification of District Boundaries. Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of Article 16, Amendments.

G. Modification of Regulating Plan. Specific standards applied within each regulating plan are based upon the designation of site type and street type. Any modification of site type or street type may be determined by the Zoning Administrator. The Zoning Administrator shall consider the following in making a determination to modify a site type or street type designation:

1. The applicant's property cannot be used for the purpose permitted in the form-based district.

2. Area has been added to or deleted from the subject property 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 streets have been improved and/or new streets constructed that may result in the modification of a specific site type or street type.

SECTION 5.03 STANDARDS APPLICABLE TO ALL DISTRICTS

A. Authorized Use Groups.

1. Authorized uses are categorized by use groups as set forth in Table 5.03-A-1. Use groups generally contain similar types of uses in terms of function, character, and intensity.

2. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:

   a. Permitted Use Groups. These use groups are permitted as of right in the locations specified, and are depicted with the symbol P.

   b. Permitted Use Groups in Upper Stories. These use groups are permitted as of right in upper stories only in the location specified and are depicted with the symbol UP.

   c. Special Use Groups. These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 9 and the standards in this Ordinance. Use groups requiring special use approval are depicted with the symbol S.

   d. Prohibited Use Groups. These use groups are prohibited in the locations specified, and are depicted with the symbol NP.

   e. Uses permitted in all locations within the District. Public parks and essential public services are permitted by right in all locations.

   f. Similar Uses. If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may make the interpretation that the use is similar to other uses within a use group.

      The Zoning Administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special use. The Zoning Administrator may obtain a recommendation from the

Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

g. If a site is adjacent to two (2) different street types, the more intense street type shall control for the purpose of determining allowable use groups.

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 1 Residential Uses:
One-Family dwellings
Two-Family dwellings
Use Group 2 Residential/Lodging Uses:
One-Family attached dwellings
Multiple-Family dwellings
Live/Work units
Senior assisted/independent living
Child care centers
Use Group 3 Office/Institution:
General office
Professional and medical office
Hospitals
Medical office
Primary/secondary schools (private)
Post-secondary schools
Places of worship
Data centers
Technology centers / Office research
Publicly owned/operated office and service facilities
Funeral homes
Veterinary clinics or hospitals
Use Group 4 Auto/Transportation Uses:
Vehicle sales
Vehicle service station
Vehicle repair station
Vehicle body repair
Vehicle wash

Use Group 5 **Retail, Entertainment, and Service Uses:**
Lodging
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Use Group 6 **Miscellaneous Commercial Uses:**
Building & lumber supply
Garden centers, nurseries
Outdoor commercial recreation
Indoor commercial recreation
Self-Storage
Commercial kennels / pet day care
Drive-through facilities
Use Group 7 **Industrial Uses:**
Contractor's equipment storage
Food products
Commercial outdoor storage
Manufacturing, processing, etc.
Metal plating
Plastics
Printing
Tool & die, gauge & machine shops
Truck/trailer rental
Warehousing/wholesale
Experimental research & testing labs

B. Building Form Standards.

1. The form-based districts permit a series of potential building forms, dependant on the site's location. The six building forms, set forth in Tables 5.03.B.1 through 6, are established in this section as follows:

a. Building Form A. Small, generally single purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger classification building form, or on a smaller, more remote site location within the district.

b. Building Form B. Smaller, multiple-tenant buildings for retail, restaurant, office, service, or residential uses. This category also includes multiple-tenant center style development, although it requires a second story to encourage a mix of uses or higher-density projects than those conventionally associated with classic roadside retail shopping centers.

c. Building Form C. This category is primarily designed for attached residential or live-work residential units. Townhouses and urban-style residential developments that are compatible with higher-density urban character are the primary buildings permitted under this building form.

d. Building Form D. This category includes multi-story, mixed-use developments with a residential component on upper floors and retail, office, service, or restaurant uses on the first and lower floors. The category takes into consideration residential and commercial parking, access, and connectivity, and requires buildings that are between three (3) and six (6) stories, to complement the higher-intensity areas within the district.

e. Building Form E. This category provides an opportunity for large-format retail or entertainment uses within the district under specific conditions. These buildings are over 20,000 square feet, but unlike classic large-format retail or entertainment uses, they directly abut the right-of-way, provide parking in the rear or side yards, and contribute to the street atmosphere by providing a consistent street front with other, more pedestrian-oriented projects. They may be set back from the right-of-way, but only when they provide out-lots within the same project for category A, B, C, or D building forms on the same or on separate lots.

f. Building Form F. This category is designed for large-scale buildings of unlimited height which serve as anchors within the district. These buildings function much like category E building forms, but with a minimum five (5) story height. They may incorporate a series of mixed uses, typically are supported by lesser-classified building forms, and require complex solutions for parking and access.

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, and are depicted with the symbol P.

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 9 and the standards in this Ordinance. Building Forms requiring special use approval are depicted with the symbol S.

c. Prohibited Building Forms. These building forms are prohibited in the locations specified, and are depicted with the symbol NP.

d. Exceptions: For all building forms in all locations, awnings may project into the right-of-way beyond the required building line by up to 5 feet.

3. The regulating plan dictates the site type and street type for each individual property in the district. Building forms are identified within each district as permitted, permitted subject to special use approval, or not permitted based upon the combination, the site type, and the street type of each property.

4. It a site is adjacent to two (2) different street types, the more intense street type shall control the purpose of determining allowable building forms.

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Table 5.03.B.1
Building Form A

Building Form A: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger classification building form, or on a smaller, more remote site location within the district.

Height	Minimum	Stories	1 story
		Feet	14 feet
	Maximum	Stories	3 stories
		Feet	45 feet
	Ground story minimum	Feet	14 feet
Placement	Front	Required building line[1]	10 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be set back to allow for architectural consideration.
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	30 feet
Lot	Required open space		30 percent
	Lot coverage by all buildings		N/A
	Access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided in instances where a development is within an out lot of a higher classified building form.
	Parking location		Parking shall be located in a side or rear yard; when located in a side yard and abutting the required building line adjacent the primary building, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or within 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line.

[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.

Figure 5.03.B-1

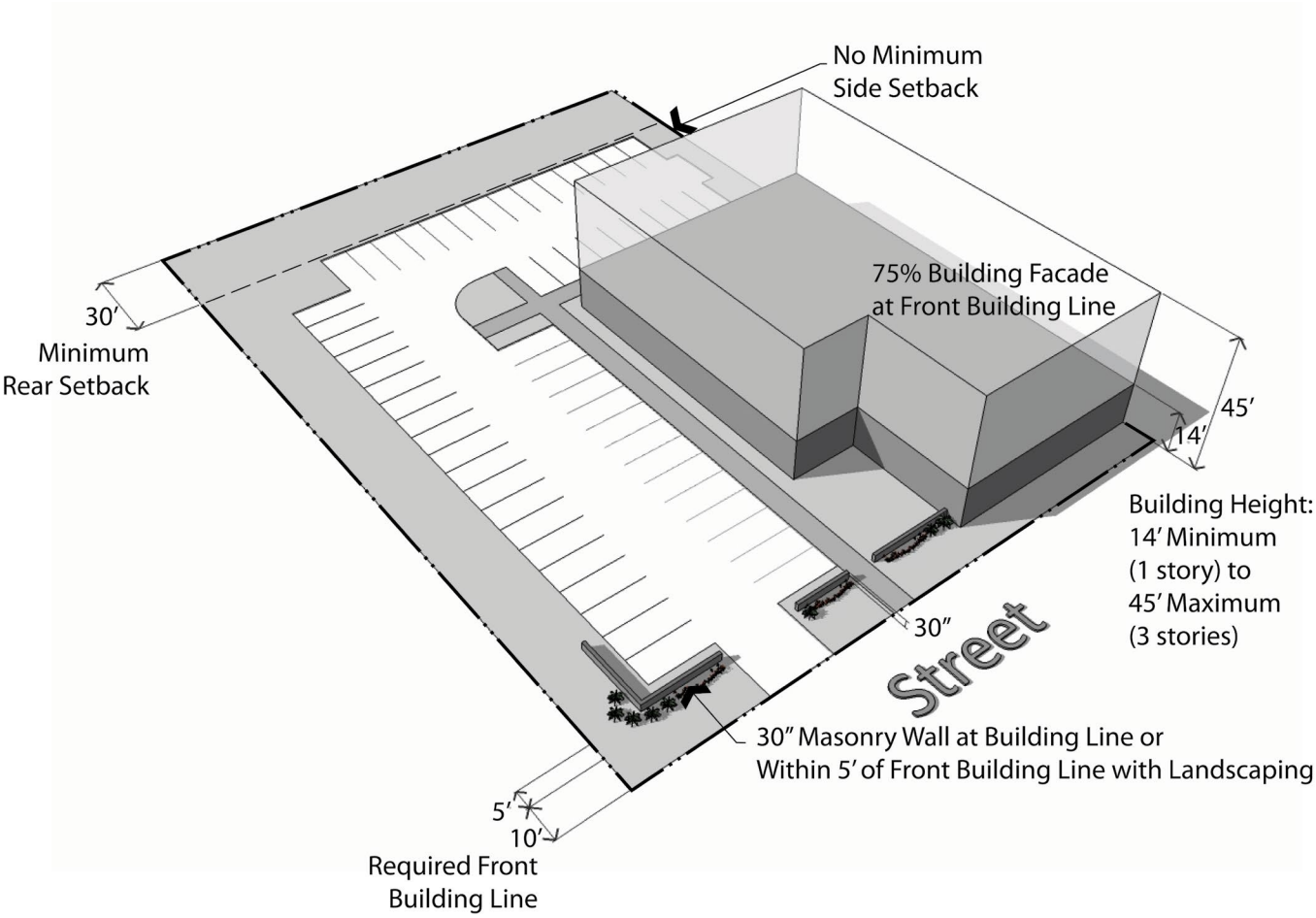

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Table 5.03.B.2 Building Form B			
Building Form B: Smaller, multiple-tenant buildings for retail, restaurant, office, service, or residential uses. This category also includes multiple-tenant "strip mall" style development, although it requires a second story to encourage a mix of use.			
Height	Minimum	Stories	2 stories
		Feet	24 feet
	Maximum	Stories	6 stories
		Feet	72 feet
	Ground story minimum	Feet	14 feet
Placement	Front	Maximum setback	60 feet
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	30 feet
Lot	Required open space		15 percent
	Lot coverage by all buildings		N/A
	Access and circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided.
	Parking location		Parking shall be located in any yard, however, only one row of parking and a maneuvering lane shall be permitted in a front yard. When parking is located in a side yard and abuts the required building line adjacent to a primary building that abuts the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or with 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line.

Figure 5.03.B-2

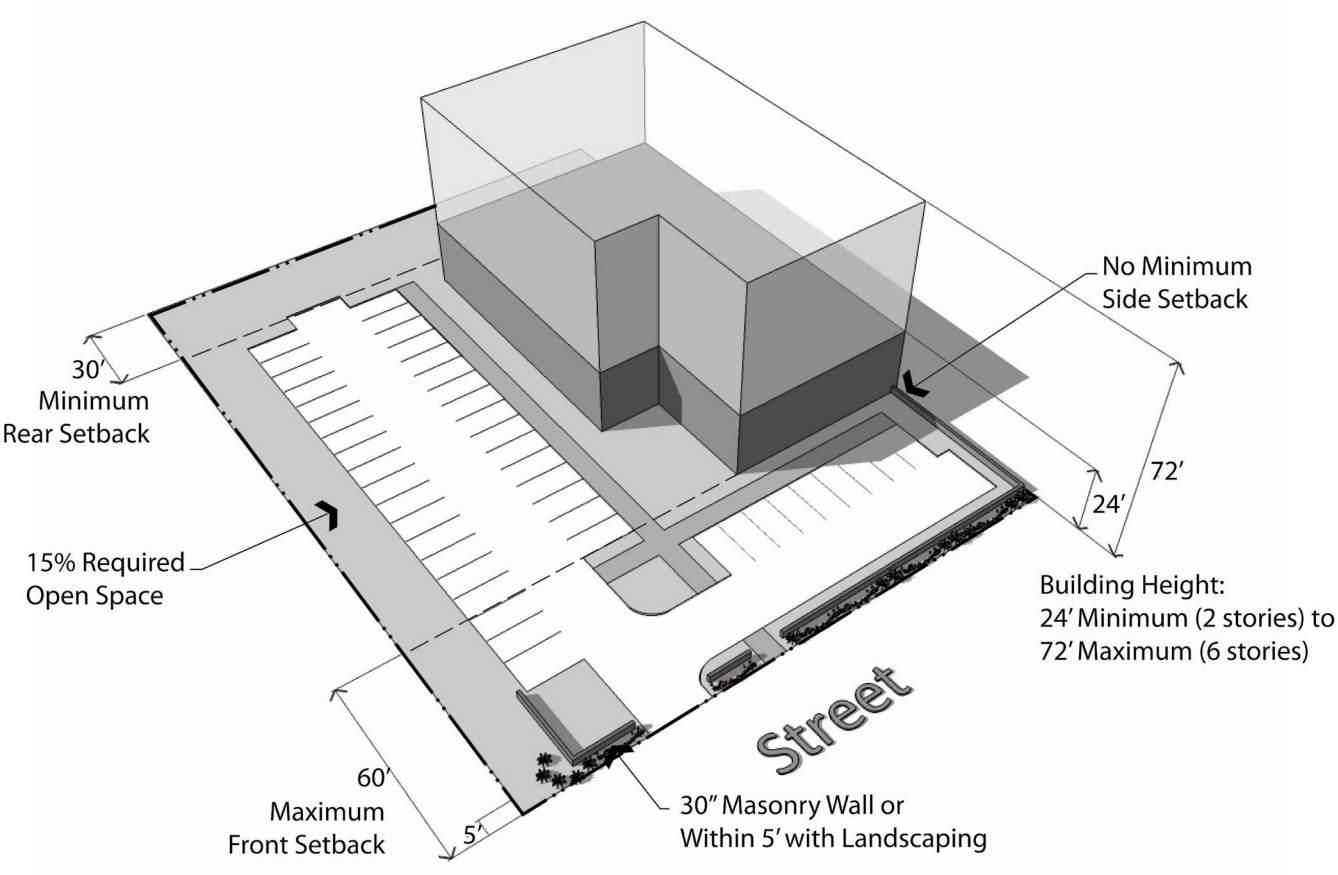

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Table 5.03.B.3 Building Form C			
Building Form C: This category is primarily designed for attached residential or live/work residential units. Townhouses and urban-style residential developments that are compatible with the higher-density and more urban character of this area, as envisioned by the Big Beaver Corridor Study, are the primary buildings permitted under this building form.			
Height	Minimum	Stories	2 stories
		Feet	N/A
	Maximum	Stories	4 stories
		Feet	55 feet
	Ground story minimum	Feet	N/A
Placement	Front	Required building line[1]	10 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be set back to allow for architectural consideration.
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	30 feet
Lot	Required open space		15 percent
	Lot coverage by all buildings		30 percent
	Access and circulation		Driveways must access garages, if provided, integrated into buildings from the rear, in an alley configuration; detached garages or multi-garage structures are permitted only in a rear yard, or behind primary buildings in an alley; pedestrian pathways shall be provided from the right-of-way.
	Parking location		Parking shall be located in a rear yard or in an alley between buildings; parking may also be provided in integrated garages or detached garages when accessed from an alley or rear yard; on-street parking within private roads in development is highly encouraged.
[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent front yard, enclosed space that shall incorporate a permanent wall or landscaping area along the required building line.			

Figure 5.03.B-3

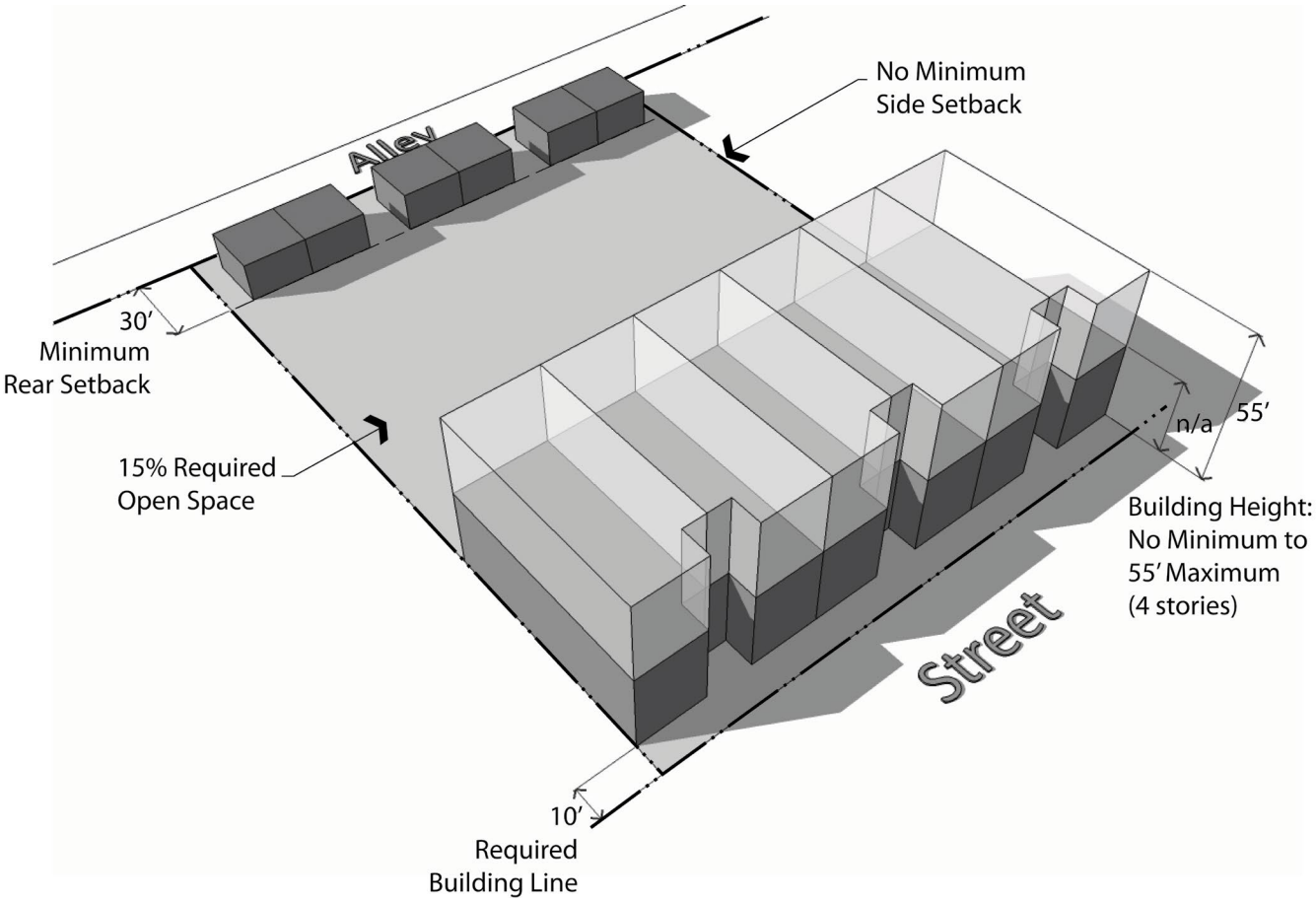

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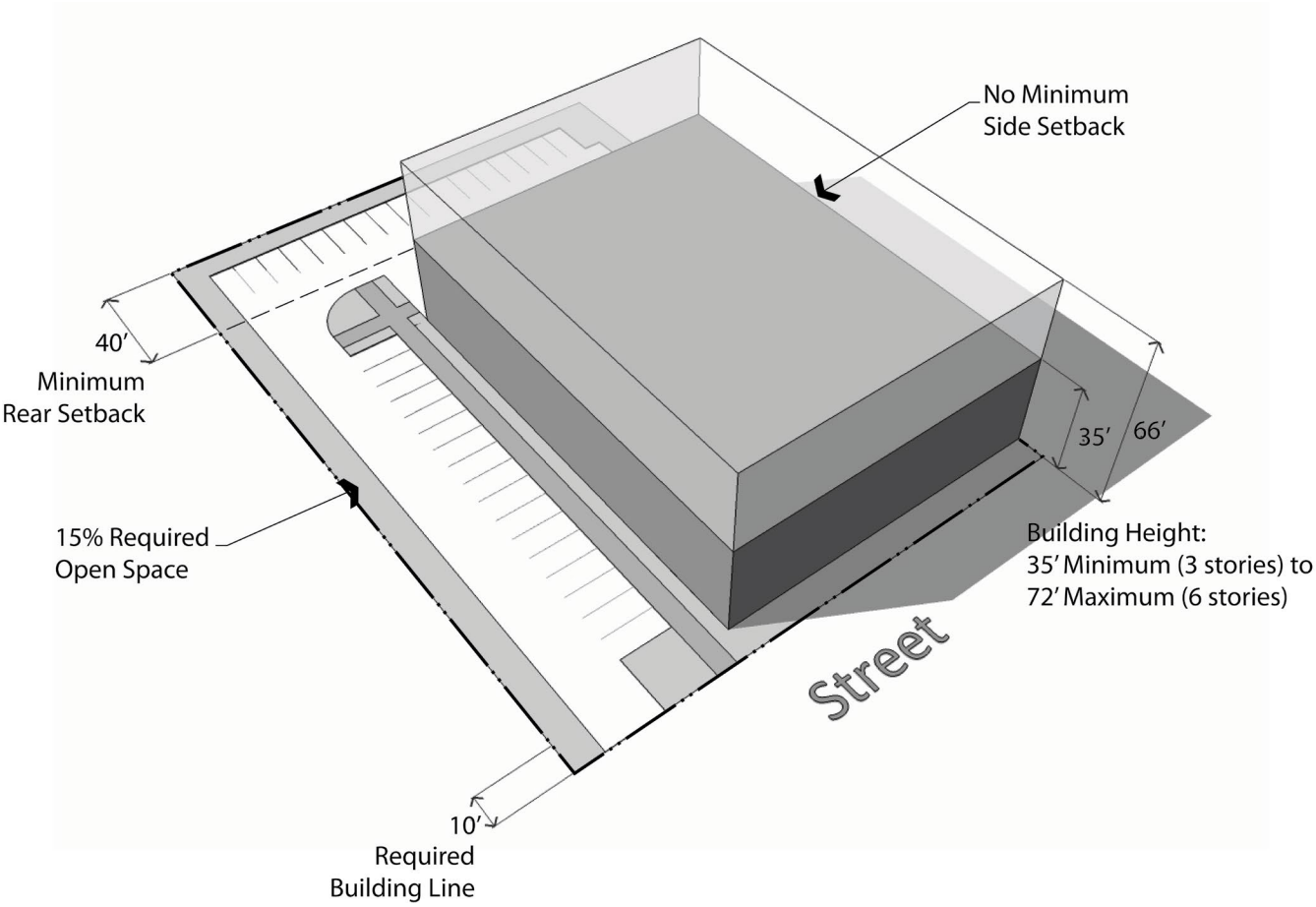
Table 5.03.B.4
Building Form D

Building Form D: This category includes multi-story mixed-use developments with a residential component on upper floors and retail, office, service, or restaurant uses on the first or lower floors. The category takes into consideration residential and commercial parking, access, and connectivity, and requires buildings that are between 3 and 6 stories, to complement the higher-intensity areas within the district.

Height	Minimum	Stories	3 stories
		Feet	35 feet
	Maximum	Stories	6 stories
		Feet	66 feet
	Ground story minimum	Feet	14 feet
Placement	Front	Required building line[1]	10 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be set back to allow for architectural consideration.
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	40 feet
Lot	Required open space		15 percent
	Lot coverage by all buildings		30 percent
	Access and circulation		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; access to surface parking for commercial traffic may be accessible from any direction; pedestrian pathways shall be provided from the right-of-way.
	Parking location		Surface parking shall be located in a rear yard or side yard; parking for residential tenants may be provided in integrated garages or below-grade parking.

[1] The Planning Commission may adjust the required building line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces shall be developed as part of the primary building and shall incorporate a permanent wall or landscaping area along the required building line.

Figure 5.03.B-4



Building Form E			
Building Form E: This category provides an opportunity for large-format retail or entertainment uses within the district under very specific conditions. These buildings are over 20,000 square feet, but unlike classic large-format retail or entertainment uses, they directly abut the right-of-way, provide parking in the rear or side yards, and contribute to the street atmosphere by providing a consistent street front with other, more pedestrian-oriented projects. They may be set back from the right-of-way, but only when they provide out-lots within the same project for category A, B, C, or D building forms on the same or on separate lots.			
Height	Minimum	Stories	1 story
		Feet	14 feet
	Maximum	Stories	N/A
		Feet	N/A
	Ground story minimum	Feet	14 feet
Placement	Front	Required building line[1]	10 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be set back to allow for architectural consideration.
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	40 feet
Lot	Required open space		15 percent
	Minimum ground floor area		20,000 square feet
	Lot coverage by all buildings		30 percent
	Access and circulation		Driveways may access the site from any side, pedestrian pathways shall be provided from the right-of-way, and cross access shall be provided between category building forms and all lesser or equally classified building forms.
	Parking location		Parking shall be located in a side or rear yard; when located in a side yard and abutting the required building line adjacent the primary building, parking shall be screened with a minimum 30-inch masonry wall on the required building line, or within 5 feet of the line with a landscape transition; in instances where outlots line the required building line, the required building line shall be waived for the category 5 building or buildings.
[1] The Planning Commission may eliminate the required building line for projects incorporating a permanent series of outlots or smaller buildings in the A, B, C, or D building form categories, provided that those outlots and/or buildings make up the entire frontage of the overall development along the required building line, with the exception of access drives. The required building line frontage minimum for the outlots and/or other building forms along the required building line shall apply for each individual outlot and/or other buildings forms along the required building line shall apply for each individual outlot and/or building.			

Figure 5.03.B-5

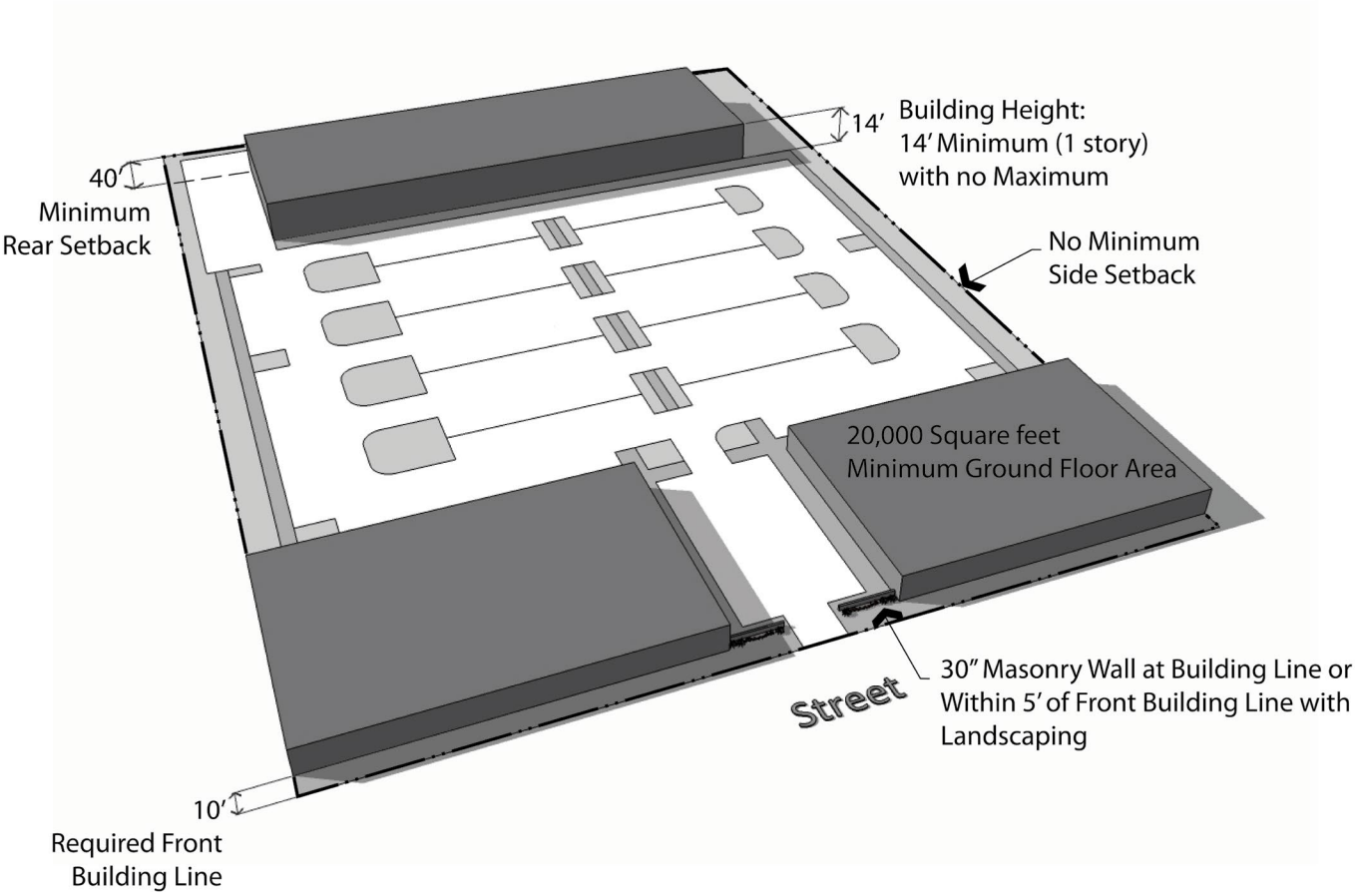
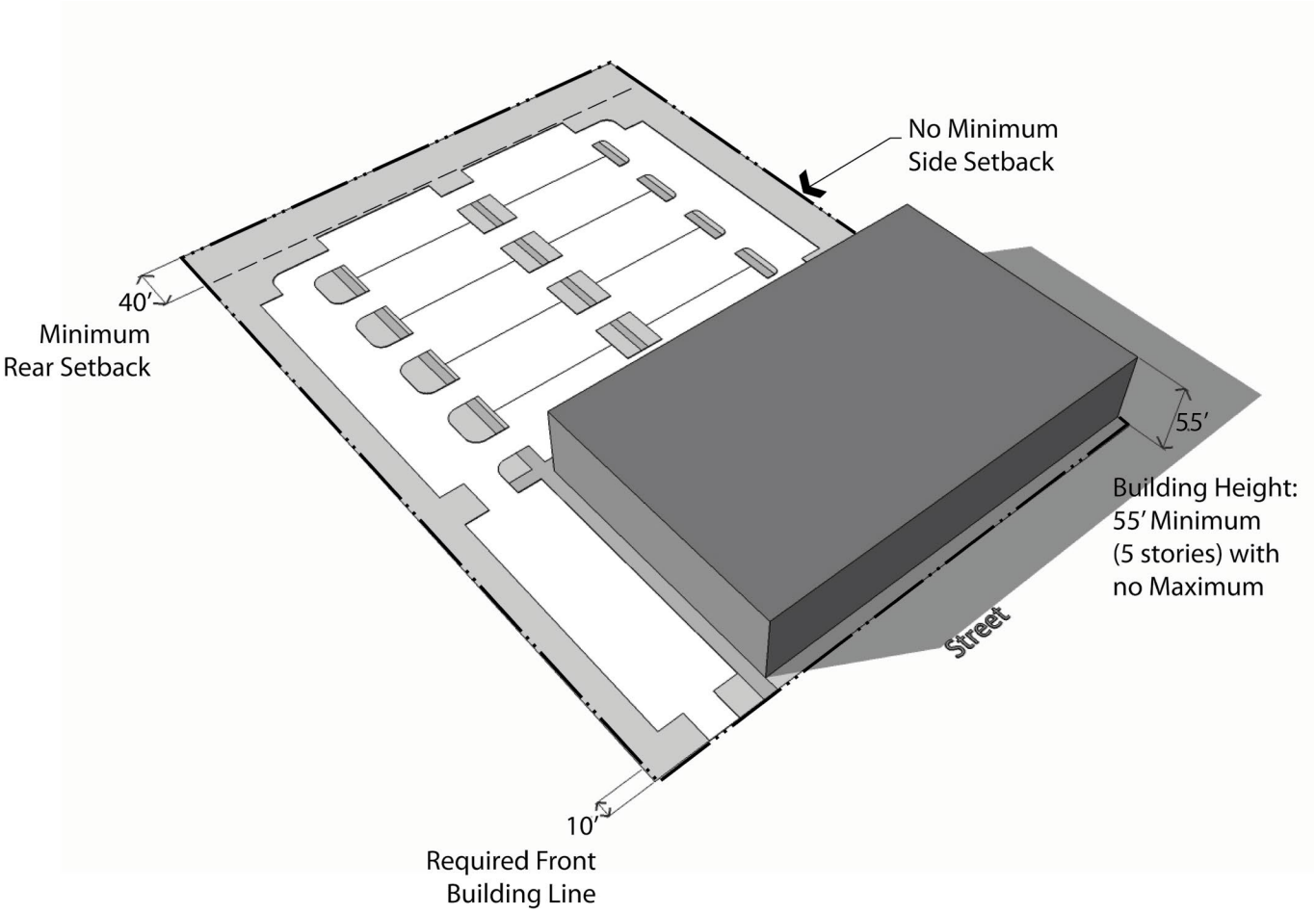


Table 5.03.B.6 Building Form F			
Building Form F: This category is designed for large-scale buildings of unlimited height which serve as anchors within the district. These buildings function much like category E building forms, but with a minimum 5-story height. They may incorporate a series of mixed uses, typically are supported by lesser-classified building forms, and require complex solutions for parking and access.			
Height	Minimum	Stories	5 stories
		Feet	55 feet
	Maximum	Stories	N/A
		Feet	N/A
	Ground story minimum	Feet	14 feet
Placement	Front	Required building line[1]	10 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be set back to allow for architectural consideration.
		Minimum setback	N/A
	Side	Minimum setback	N/A (building may be placed up to the property line, but is not required to be)
	Rear	Minimum setback	40 feet
Lot	Required open space		N/A
	Lot coverage by all buildings		30 percent
	Access and circulation		If a garage or below-grade parking is integrated into the building, it shall be accessible from a side yard, rear yard, an alley, or from a side street in the case of a corner lot; access to surface parking for commercial traffic may be accessible from any direction; pedestrian pathways shall be provided from the right-of-way.
	Parking location		Surface parking shall be located in a rear yard or side yard; parking for residential tenants may be provided in integrated garages or below-grade parking.
[1] The Planning Commission may eliminate the required building line for projects incorporating a permanent series of outlots or smaller buildings in the A, B, C, or D building form categories, provided that those outlots and/or buildings make up the entire frontage of the overall development along the required building line, with the exception of access drives. The required building line frontage minimum for the outlots and/or other building forms along the required building line shall apply for each individual outlot and/or building.			

Figure 5.03.B-6



C. Landscaping in Form-Based Districts.

1. In addition to landscape requirements in Section 13.02, the following landscaping requirements shall apply:

   a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.

   b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plant material. Up to twenty-five percent (25%) of the required landscape area may be brink, stone, pavers, or other public plaza elements, but shall not include any parking area or required sidewalks.

   c. Up to twenty-five percent (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

SECTION 5.04 BIG BEAVER DISTRICT

A. Intent. The Big Beaver (BB) District is intended to implement the policies set forth in the Big Beaver Corridor Study, Big Beaver Design Guidelines, and the City's Master Plan. These regulations are intended to promote a unified vision for transforming Big Beaver Road into a world-class destination focused on mixed-use development and increased land use intensity that is oriented as much to the needs of the pedestrian as to those of the automobile. These regulations are also intended to:

1. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.

2. Orient building entrances and storefronts to the street to add visual interest, increase pedestrian traffic, and to reduce crime through increased surveillance.

3. Enhance a sense of place and contribute to the sustainability of the City.

4. Allow a pattern of development which will encourage transportation alternatives (walking, biking, and transit) to reduce automobile dependence and fuel consumption.

5. Add value to property along the Big Beaver Corridor.

B. Regulating Plan.

1. The Regulating Plan, as set forth in Figure 5.04.1, identifies allowable uses and permissible development within the District based on location.

2. The Regulating Plan is based on two (2) factors: Site Type and Street Type. Site Types, as described in Section 5.04.B.3, are determined by lot size, location, and relationship to neighboring sites. Street Types, as set forth in Section 5.04B.4, recognize that street patterns within the City of Troy are established. Streets range from primary corridors which carry a large volume of traffic to local streets which carry lower volumes of neighborhood traffic.

3. Site Types. The Regulating Plan includes three (3) different site types, described as follows:

   a. Site Type BB:A (large scale regional sites) – These properties are predominantly between ten (10) and twenty (20) acres in area, but they are more strongly related to one another through their nature and large, campus-style properties with multiple large buildings designed to function as one unit.

      Walkability within and between sites and provision of supporting buildings and uses are important to the success of the very large, Type BB:A developments. They should be designed with a mix of uses in mind to allow for users to obtain basic services on or immediately near the site. Especially within large office centers, where hundreds of workers may populate the site during the day, restaurants, postal facilities and other daily needs should be integrated within existing buildings or permitted to exist in smaller out-lot developments or nearby developments in Type B or C categories.

      Parking for Type BB:A sites should be accommodated in structured parking whenever possible to maximize the use of the site for the primary use and to allow the site to be developed more densely than it could with surface parking.

      Site design should strongly focus on putting the densest components of the project within close range of the primary right-of-way to combat the vast open areas that frequently make such sites difficult or undesirable to cross on foot. A busy arrangement of campus uses along the right of way in outlots will help keep pedestrians engaged and will make these larger sites fit better with surrounding smaller sites in the Type BB:B and BB:C categories.

   b. Site Type BB:B (medium sites/classic retail sites/mixed use) – The sites in Site Type B are mostly between 2.51 and ten (10) acres in area, and are located at the edges of larger, Type BB:A sites. They are located on sites large enough to warrant additional consideration to landscaping and surface parking in that they can often accommodate large surface lots, which can compromise the cohesiveness of the area if not designed with connectivity in mind.

This category also includes larger, single-use developments situated nearby one another. Hotels, single office buildings, and other medium single building developments often fall into this category. They often house employment centers.

The Site Type BB:B category should be designed with integration in mind. Integration with one another, with Type BB:A sites, and in support of much larger destination retail and office complex sites in Type BB:A. This will allow for better interaction between users, which could lead to a more readily shared customer and tenant base and could help reduce Big Beaver traffic.

c. Site Type BB:C (small sites/outlot sites) – Made up mostly of lots in the two and a half (2.5) acre and smaller range, the Site Type BB:C category is reserved for the smallest, single-use sites developed for individually standing businesses. Small coffee shops or fast food restaurants would often be found in this category, as well as small multi-tenant office buildings or single-tenant office buildings.

   Site Type BB:C is primarily found along Big Beaver Road in areas between the "pulses" of major intersections, where lot depths are constrained and where older, smaller buildings predominate. These sites must be designed to better integrate with their surroundings to contribute to a more cohesive district, a more consistent building line, and more efficient access between sites. Good access for pedestrians and cross access for vehicles will help sites in this category reduce trips entering and existing from Big Beaver Road.

   Groups of Site Type BB:C properties may make excellent candidates for coordinated combination of properties to create more cohesive mini-destinations.

4. Street Types. The Regulating Plan includes three (3) different street types, described as follows:

   a. Street Type BB:A (Primary Corridor) – Category BB:A refers to Big Beaver Road. Big Beaver has the widest spacing between building fronts of all roads within the form-based code area, and has many unique characteristics. The category is meant to reflect the "world class boulevard" characteristics established in the Big Beaver Corridor Study, and is used in the highest profile areas of the City of Troy.

      Category BB:A will integrate features designed to accommodate through traffic and local traffic, will focus on gateways, and will enhance the Big Beaver Corridor experience. This category will reflect all the strongest and most prominent features proposed in the Big Beaver Corridor Study.

Strong landscaping regimens, pedestrian and traffic-scale lighting, effective signage, wide non-motorized pathways, and a complementary relationship with transit opportunities will make Category BB:A a distinguished area within the region.

b. Street Type BB:B (Arterial) – Category BB:B is meant for the main north-south roads that cross the form-based code district. These roads connect the area with the rest of the City and the region. They are characterized by a narrower building-to-building distance, safe and effective non-motorized pathways designed to encourage users to reach Big Beaver Road by bike or on foot, effective signage and lighting, and few individual residential curb cuts.

The crosswalks spanning arterial roads will make use of a series of features intended to protect pedestrians by establishing equity between pedestrians and motorists through effective design. Raised walks of high-quality materials, signage, landscaping, and pedestrian respite islands are several options that may be found within Category BB:B.

Arterial roads will also be characterized by strong landscaping designed to mitigate the negative impacts of high traffic volumes from adjacent residential areas which provide a unique and memorable visual character for the roadway.

The intersections between Category BB:A and BB:B roads will be marquee 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 community signage with medians and memorable architecture.

c. Street Type BB:C (Local/Collector) – Category BB:C roads are those roads tying together smaller areas within the District. They have a more varied and localized character than Categories BB:A or BB:B, depending on their context within predominantly office, retail, or residential areas. They act as the backbone of smaller neighborhoods within the area and tie those areas to Category BB:A and BB:B roads.

Category BB:C roads will be very welcoming of non-motorized users and will have defined pedestrian rest areas and other amenities wherever possible. Their scale will be similar to that of a main road within a conventional subdivision or industrial park, and their width will be determined primarily on their purpose. A Category BB:C road within an industrial area may be required to be wider than one (1) in a residential area, although their purpose is similar.

Category BB:C roads will have a much higher frequency of curb cuts than Category BB:A and BB:B roads, and will often provide direct access to retail

centers or office complexes. Sufficient width should be retained on either side of the roadway whenever possible to allow for a rigorous landscaping plan to ensure that the immediate uses served are adequately protected from the moderate traffic volumes anticipated on a Category BB:C road.

C. Authorized Use Groups. Authorized use groups, as set forth in Section 5.03.A and in Table 5.04.C-1, are applied to the site types and street types in Big Beaver District in Table 5.04.C-1.

D. Authorized Building Forms. Authorized building forms, as set forth in Section 5.03.B and Table 5.04.C-2, are applied to the site types and street types in the Big Beaver District in Table 5.04.C-2.

E. Design Standards. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

2. Pedestrian Access / Entrance.

a. Primary Entrance for Non-Residential and/or Mixed-Use Building. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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. Additional Entrances. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a

level of materials quality and design emphasis at least equal to that of the primary entrance.

3. Ground Story Activation.

a. Transparency.

i. 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 street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than thirty (30) percent of the façade.

ii. The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.

iii. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

b. Transparency Alternatives. The following alternatives may be used singularly or in combination. If used in combination, they may count toward no more than eighty (80) percent of the transparency requirement set forth in Section 5.04 E.4. The wall design alternative may count toward one hundred (100) percent of the side street transparency requirement, provided the entirety of the length and height of the wall is considered.

i. Wall Design. Wall designs that provide visual interest and pedestrian scale may count toward no more than fifty (50) percent of primary street and fifty (50) percent of side street 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, 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.

(g) Translucent, fritted, patterned, or colored glazing.

ii. Outdoor Dining/Seating. Outdoor dining/seating located between the building and the primary street zone lot line may count toward no more than sixty (60) percent of the transparency requirement. Outdoor dining/seating located between the building and side street zone lot line may count toward no more than eighty (80) percent of the transparency requirement.

iii. 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 (40) percent of the transparency requirement.

4. Transitional Features.

a. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.

b. Intensity. A continuum of use intensity, where moderate intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multi-building developments. An example would be an office use between commercial and residential uses.

c. Height and Mass. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower-intensity uses.

d. Architectural Features. Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

5. Site Access, Parking, and Loading.

a. Required Parking. Off-street 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 13, Site Design Standards.

The form-based districts are intended to encourage pedestrian- and transit-friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in Section 13.06.E. and flexibility in application set forth in Section 13.06.F.

b. Location.

i. 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 (25) percent of the total site's linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.

ii. For a corner lot, no more than twenty-five (25) percent of the site's cumulative linear feet along the required building lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.

iii. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than thirty-five (35) percent of the total site's linear feet along a required building line or sixty (60) feet, whichever is less.

iv. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Section 13.02.C.

c. Parking Structures. Parking structures shall be located behind buildings in locations that minimize visibility from public streets. Parking structures may be located along public street frontages, subject to the following standards:

i. Building height and placement requirements for principal building shall be met.

ii. A lining of retail, office, or residential use with a useable depth of no less than twenty (20) feet shall be provided.

iii. At least fifty (50) percent of the upper floors facing a public street shall consist of exposed openings. The openings shall be designed with one or more treatments:

(a) Planter boxes with living plants.

(b) A rail or fence to give the appearance of a balcony.

(c) Framing and mullions to give the appearance of large windows.

d. Drive-throughs. Drive-throughs are allowed in the Big Beaver District in conjunction with the principal building of a Financial Institution under a Special Use, subject to the following standards:

i. A drive-through and associated structure cannot be a primary use or principal building.

ii. Ingress and egress to drive-through facilities 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. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

iii. Drive-throughs must be located behind façade opposite Big Beaver Road or detached from principal structure and shall be located in a manner that will be the least visible from a public thoroughfare.

(a) If detached, the point-to-point tube transport system (pneumatic tubes) must be located underground to serve the drive-through kiosk or canopy.

(b) Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

iv. Each drive-through facility shall provide stacking space meeting the following standards:

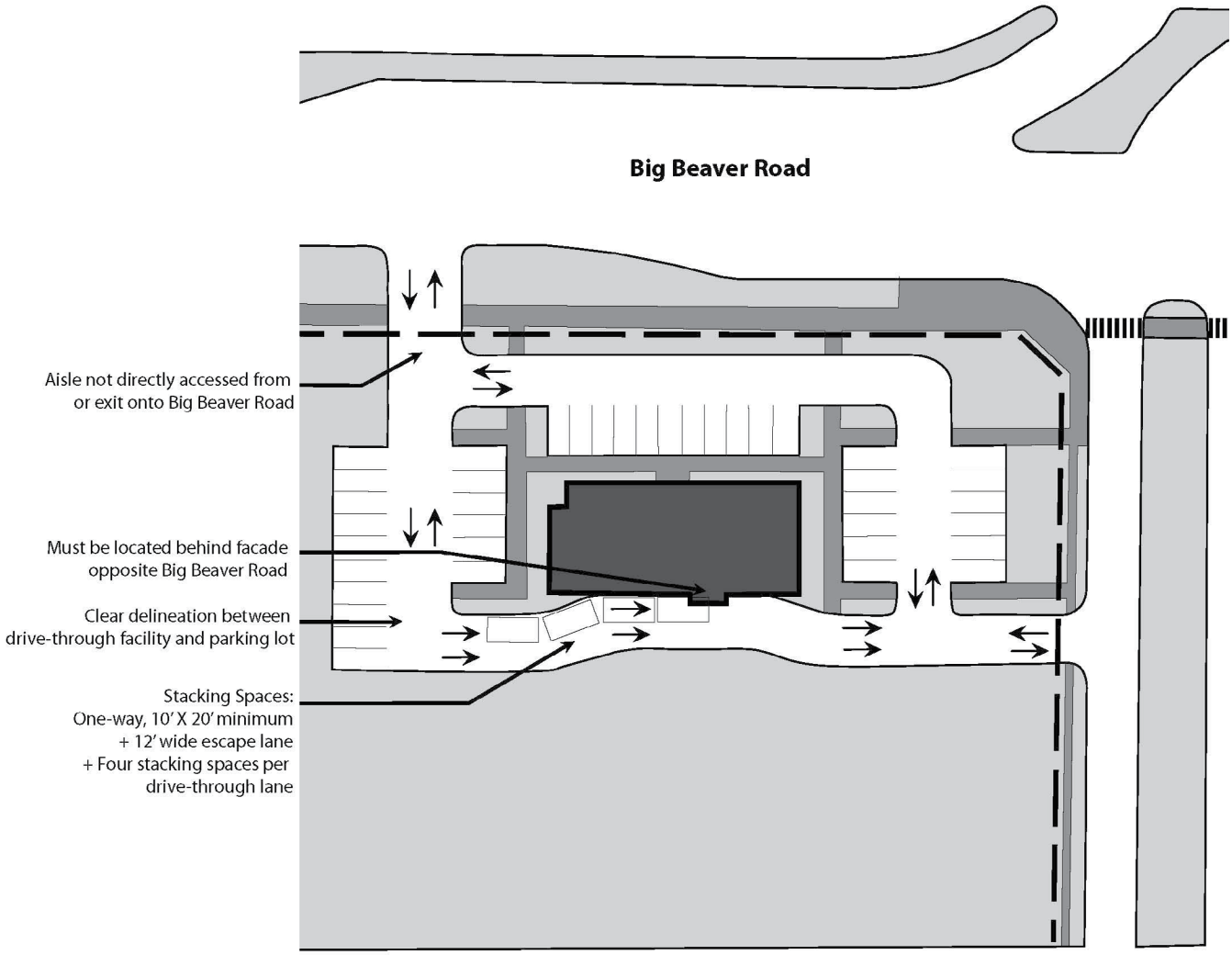
(a) Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.

(b) 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.

(c) Four (4) stacking spaces per drive-through lane.

(d) All stacking lanes must be clearly delineated through the use of striping, landscaping, curbs, or signage.

v. A drive-through asile shall not be directly accessed from or exit onto Big Beaver Road.



Map 5.04.1: Big Beaver District Regulating Plan

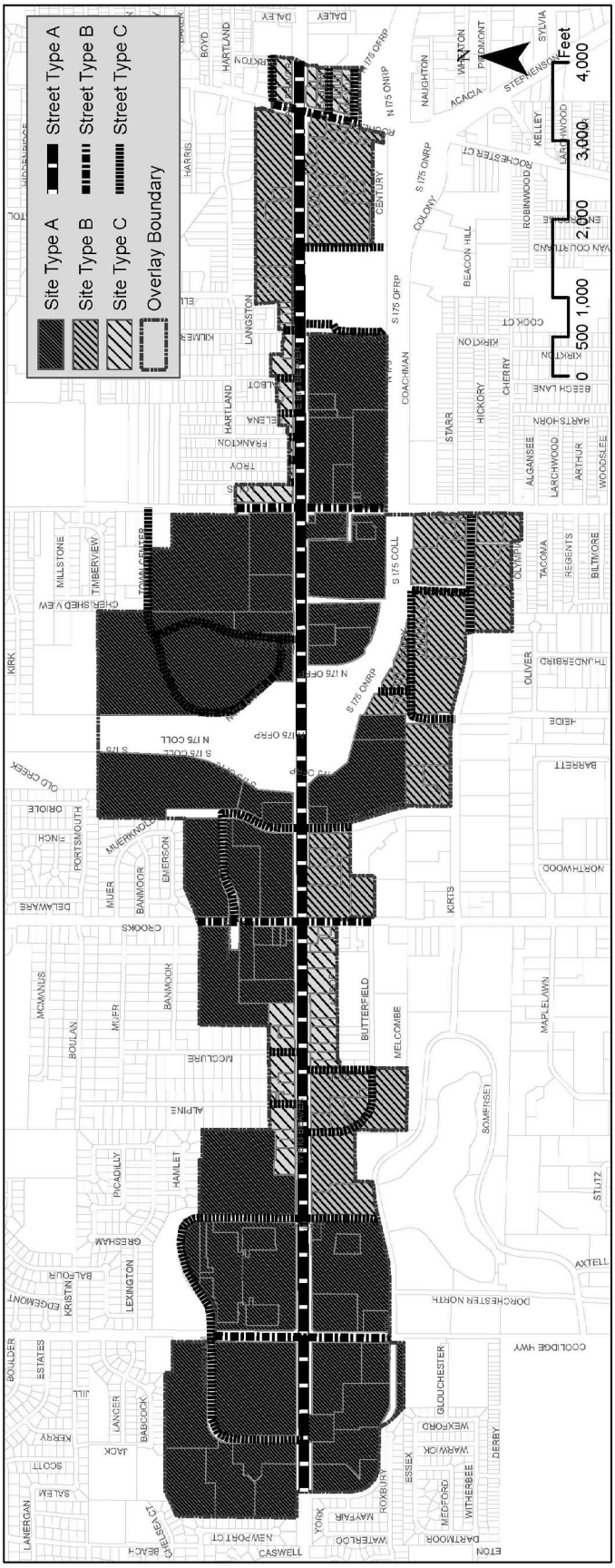


Table 5.04.C-1
Use Groups Permitted

Use Group (Table 5.03-1)	Site Type BB:A: Major Sites			Site Type BB:B: Medium Sites			Site Type BB:C: Minor Sites		
	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors
1 Residential	NP	NP	NP	NP	NP	NP	NP	NP	NP
2 Residential/Lodging	UP	UP	P	UP	UP	P	UP	UP	P
3 Office/Institution	P	P	P	P	P	P	P	P	P
4 Auto/Transportation	NP	NP	NP	NP	NP	NP	NP	NP	NP
5 Retail/Entertainment/ Service*	P	P	P	P	P	P	P	P	P
6 Misc. Commercial	NP	NP	NP	NP	NP	NP	NP	NP	NP
7 Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP

P - Permitted Use Groups
UP - Permitted Use Groups in Upper Stories Only
S - Special Use Approval Groups
NP - Prohibited Use Groups
* Drive-through uses for Financial Institutions are allowed under Special Use in compliance with Section 5.04.5.d.

Table 5.04.C-2
Building Forms Permitted

Building Forms	Site Type BB:A: Major Sites			Site Type BB:B: Medium Sites			Site Type BB:C: Minor Sites		
	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors	Street Type BB:A: Big Beaver	Street Type BB:B: Arterials	Street Type BB:C: Collectors
A: Small, single-purpose, out buildings	P[1]	P	P	P[1]	P	P	P	P	P
B: Small, multi-tenant commercial with mixed use	P[1]	P	P	S	P	P	P	P	P
C: Attached residential or live/work	S	S	S	P	P	P	P	P	P
D: Multi-story mixed use, medium density	P	P	P	P	P	P	P	P	P
E: Large format commercial	P	P	S	P	P	S	NP	NP	NP
F: Large format mixed-use	P	P	S	P	P	S	NP	NP	NP

[1] Permitted only when located in an outlot of a Building Form D, E, or F project in a separate parcel, or within a designated outlot that remains part of the primary parcel.

P - Permitted Building Form
S - Special Approval Building Form
NP - Prohibited Building Form

Authority and Administration
Development Regulations
Processes and Procedures
Supplemental Design Regulations
Nonconformity, Appeals,Amendments

SECTION 5.05 MAPLE ROAD DISTRICT

A. Intent. The Maple Road (MR) District is intended to implement the vision established by the City's Master Plan. The Maple Road Corridor is intended to allow for creative redevelopment and a home for emerging land use types in the City. Development of industrial-style buildings with housing, retail, office, service, and even light industrial uses, developed in a transit-oriented setting, could all contribute in a meaningful way to the Corridor. Uses designed to support the residents and local workers are also encouraged, such as mixed-use developments with small scale retail or restaurant uses incorporated with housing units. The redeveloped Corridor will help diversify the City's housing and commercial stock and provide a more effective buffer between the Corridor and the traditional industrial uses located in the immediate area while attracting the highest quality workforce for local industrial uses.

B. Regulating Plan.

1. The Regulating Plan, as set forth in Map 5.05.1, identifies allowable uses and permissible development within the District based on location.

2. The Regulating Plan is based on two (2) factors: Site Type and Street Type. Site Types, as described in Section 5.05.B.3, are determined by lot size, location, and relationship to neighboring sites. Street Types, as set forth in Section 5.05.B.4, recognize that street patterns within the City of Troy are established. Streets range from primary corridors which carry a large volume of traffic to local streets which convey lower volumes of neighborhood traffic.

3. Site Types. The Regulating Plan includes two (2) different Site Types, described as follows:

   a. Site Type MR:A (larger, traditionally commercial sites) – Site Type MR:A properties are predominantly commercial, large-scale properties with significant acreage, single-story buildings, and large amounts of surface parking.

      Walkability within and between sites and the provision of supporting buildings and uses are important to the success of the large, Type MR:A developments. They can be developed with a wide variety of uses to allow for users to be creative in developing and redeveloping these sites. When larger uses are present, they should be supported by smaller, ancillary uses that provide basic services. Especially within large residential, retail, industrial, or office centers, where hundreds of workers or residents may populate the site, restaurants, postal facilities and other daily needs should be integrated within existing buildings or permitted to exist in smaller out-lot developments or nearby developments.

The site design should strongly focus on putting the densest components of the project within close range of the primary right-of-way to combat the vast open areas that frequently make such sites difficult or undesirable to cross on foot. A busy arrangement of campus uses along the right of way in outlots will help keep pedestrians engaged and will make these larger sites fit better with surrounding smaller sites outside the MR District.

b. Site Type MR:B (former industrial sites and smaller commercial sites) – Made up mostly of smaller sites with obsolete industrial or small commercial projects, the Site Type B category is specifically singled out for innovative adaptive uses. Educational, retail, residential, entertainment, commercial, or light industrial uses will all be found in these adapted sites. The focus of this category is to find useful, innovative ways to redevelop obsolete former industrial, commercial, and office buildings in a way that they can connect with and support the larger MR:A developments and the adjacent industrial and residential areas not within the MR District.

4. Street Types. The Regulating Plan includes two (2) different Street Types, described as follows:

a. Street Type MR:A (Maple Road and north-south arterials) – Category MR:A is meant for Maple Road and the main north-south roads that cross the form-based code district. These roads connect the area with the rest of the City and the region. They will be characterized by high traffic volumes, effective signage and lighting, few individual residential curb cuts, new pedestrian amenities, and a vibrant revitalized streetscape.

The crosswalks spanning intersections at arterial roads will make use of a series of features intended to protect pedestrians by establishing equity between pedestrians and motorists through effective design. Raised walks of high-quality materials, signage, landscaping, and pedestrian respite islands are several options that may be found within Category MR:A.

Arterial roads will also be characterized by strong landscaping designed to mitigate the negative impacts of high traffic volumes from adjacent residential areas which provide a unique and memorable visual character for the roadway.

b. Street Type MR:B (Local/Collector) – Category MR:B roads are those roads tying together smaller areas within the District. They have a more varied and localized character than larger roads, depending on their context within predominantly office, retail, or residential areas. They act as the connection between the Corridor and adjacent smaller neighborhoods. They can also be developed as part of a larger project in the MR District, which may require new streets to be created to adequately and successfully implement the project. It is likely that any new road in the MR District will be a Category MR:B road.

Category MR:B roads will be very welcoming of non-motorized users and will have defined pedestrian rest areas and other amenities whenever possible. Their scale will be similar to that of a main road within a conventional subdivision or industrial park, and their width will be determined primarily on their purpose. A Category MR:B road within an industrial area may be required to be wider than one in a residential area, although their purpose is similar.

Category MR:B roads will have a much higher frequency of curb cuts than Category MR:A roads, and will often provide direct access to retail centers or office complexes. Sufficient width should be retained on either side of the roadway whenever possible to allow for a rigorous landscaping plan to ensure that the immediate uses served are adequately protected from the moderate traffic volumes anticipated on a Category MR:B road.

C. Authorized Use Groups. Authorized use groups, as set forth in Section 5.03.A and in Table 5.05.C-1, are applied to the site types and street types in Maple Road (MR) District in Table 5.05.C-1.

D. Authorized Building Forms. Authorized building form regulations, as set forth in Section 5.03.B and Table 5.05.C-2, are applied to the site types and street types in the Maple Road (MR) District in Table 5.05.C-2.

E. Design Standards. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

2. Pedestrian Access / Entrance.

a. Primary Entrance for Non-Residential and/or Mixed-Use Building. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street 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. Additional Entrances. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

3. Ground Story Activation.

a. Transparency.

i. 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 street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than thirty (30) percent of the façade.

ii. The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.

iii. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

b. Transparency Alternatives. The following alternatives may be used singularly or in combination. If used in combination, they may count toward no more than eighty (80) percent of the transparency requirement set forth in Section 5.04 E-4. The wall design alternative may count toward one hundred (100) percent of the side street transparency requirement, provided the entirety of the length and height of the wall is considered.

i. Wall Design. Wall designs that provide visual interest and pedestrian scale may count toward no more than fifty (50) percent of primary street and fifty (50) percent of side street 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, 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.

(g) Translucent, fritted, patterned, or colored glazing.

ii. Outdoor Dining/Seating. Outdoor dining/seating located between the building and the primary street zone lot line may count toward no more than sixty (60) percent of the transparency requirement. Outdoor dining/seating located between the building and side street zone lot line may count toward no more than eighty (80) percent of the transparency requirement.

iii. 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 (40) percent of the transparency requirement.

4. Transitional Features.

a. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.

b. Intensity. A continuum of use intensity, where moderate intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed

for multi-building developments. An example would be an office use between commercial and residential uses.

c. Height and Mass. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower-intensity uses.

d. Architectural Features. Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

5. Site Access, Parking, and Loading.

a. Required Parking. Off-street 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 13, Site Design Standards.

The form-based districts are intended to encourage pedestrian- and transit-friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in Section 13.06.E, and flexibility in application set forth in Section 13.06.F.

b. Location.

i. 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 (25) percent of the total site's linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.

ii. For a corner lot, no more than twenty-five (25) percent of the site's cumulative linear feet along the required building lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.

iii. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than thirty-five (35) percent of the total site's linear feet along a required building line or sixty (60) feet, whichever is less.

iv. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Section 13.02.C.

c. Parking Structures. Parking structures shall be located behind buildings in locations that minimize visibility from public streets. Parking structures may be located along public street frontages, subject to the following standards:

i. Building height and placement requirements for principal building shall be met.

ii. A lining of retail, office, or residential use with a useable depth of no less than twenty (20) feet shall be provided.

iii. At least fifty (50) percent of the upper floors facing a public street shall consist of exposed openings. The openings shall be designed with one or more treatments:

(a) Planter boxes with living plants.

(b) A rail or fence to give the appearance of a balcony.

(c) Framing and mullions to give the appearance of large windows.

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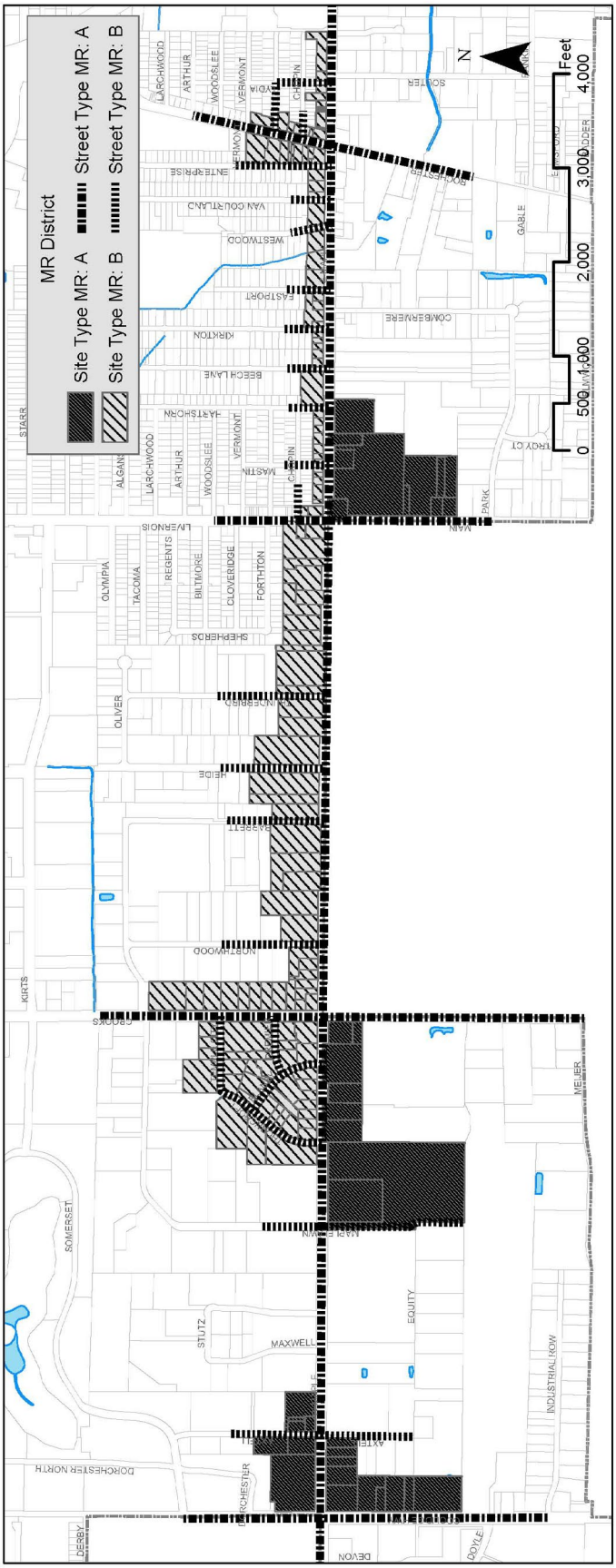

Map 5.05.1: Maple Road District Regulating Plan

Table 5.05.C-1 Use Groups Permitted				
Use Group (Table 5.03-1)	Site Type MR:A		Site Type MR:B	
	Street Type MR:A Maple Road and Arterials	Street Type MR:B Local and Connectors	Street Type MR:A Maple Road and Arterials	Street Type MR:B Local and Connectors
1 Residential	NP	NP	NP	NP
2 Residential/Lodging	P	P	P	P
3 Office/Institution	P	P	P	P
4 Auto/Transportation	S	S	S	S
5 Retail/Entertainment/ Service	P	P	P	P
6 Misc. Commercial	S	S	S	S
7 Industrial	S	S	S	S
P - Permitted Use Groups S - Special Use Approval Groups NP - Prohibited Use Groups				

Table 5.05.C-2 Building Forms Permitted				
Building Forms	Site Type MR:A		Site Type MR:B	
	Street Type MR:A Maple Road and Arterials	Street Type MR:B Local and Connectors	Street Type MR:A Maple Road and Arterials	Street Type MR:B Local and Connectors
A: Small, single-purpose, out buildings	P (1)	P (1)	P	P
B: Small, multi-tenant commercial with mixed use	P	P	P	P
C: Attached residential or live/work	S	P	S	P
D: Multi-story mixed use, medium density	P	P	P	P
E: Large format commercial	P	S	P	S
F: Large format mixed-use	P	P	P	P
(1) Permitted only when located in an outlot of a Building Form D, E, or F project in a separate parcel, or within a designated outlot that remains part of the primary parcel. P - Permitted Building Form S - Special Approval Building Form NP - Prohibited Building Form				

SECTION 5.06 NEIGHBORHOOD NODES DISTRICT

A. Intent. The Neighborhood Nodes (NN) District is derived from the 2008 City of Troy Master Plan, which specifically identifies 21 specific intersections that play a critical role in the daily function, image, quality of life, and continued viability of the City. These nodes vary widely in character, but share common characteristics.

Neighborhood Nodes are meant to serve as the core of the "economic neighborhoods" of Troy identified in the Master Plan. Economic neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers, which can include integrated residential development.

The Neighborhood Nodes should draw people, and should be visually distinguished from the surrounding area because of their greater intensity, density and design. Design techniques such as the variation of building height shall be encouraged by these regulations to help separate the Node from the surrounding area. Such variations, however, will respect the adjacent neighborhoods and will not be so extreme as to visually overpower transitional or residential areas.

The success of the Neighborhood Nodes will play a critical role in the protection and cultivation of a high quality of life in Troy.

B. Regulating Plan.

1. The regulating plan, as set forth in Figure 5.06.1, identifies allowable uses and permissible development within the District based on location.

2. The regulating plan is based on two (2) factors: Site Type and Street Type. Site Types, as described in Section 5.06.B.3, are determined by lot size, location, and relationship to neighboring sites. Street Types, as set forth in Section 5.06.B.4, recognize that street patterns within the City of Troy are established. Streets range from primary corridors which carry a large volume of traffic to local streets which convey lower volumes of neighborhood traffic.

3. Site Types. The regulating plan includes two (2) different site types, described as follows:

   a. Site Type NN:A (high intensity, predominantly commercial, regionally visible) – These sites are predominantly located directly on major arterial roads, have larger acreage than their Site Type NN:B counterparts, and have established driveways, cross access, and larger square footage existing buildings with commercial uses. The NN:A category is meant to accommodate the most ambitious redevelopment within the Nodes, as they typically have the prime

location and the size to allow for the most creative solutions for mixed use and node-specific development as outlined in the Master Plan.

While the established and intended character of each Node is distinct, the NN:A sites remain more similar to one another than do the NN:B sites, which are far more diverse in terms of use, acreage, and existing buildings. While the NN:B sites are intended primarily to provide a transition between the Node and the adjacent residential areas, the NN:A sites are intended to house the destination retail, service, and employment uses that are central to the economic neighborhoods outlined by the Master Plan. These NN:A sites may also often incorporate higher-density residential development on upper floors when possible, to incubate a compact, walkable environment at the Node and to diversity the City's housing base.

b. Site Type NN:B (transitional smaller scale, employment based, mixed use) – Site Type NN:B consolidates the smaller, diverse sites at and around Nodes throughout the City. They are located both in support of NN:A sites as transitional areas between more intense Nodes and the adjacent neighborhoods, and on their own, covering an entire Node, for those Nodes identified in the Master Plan as less intense, smaller scale Nodes with a direct connection to a residential area.

While not always present between NN:A sites and residential neighborhoods, when possible or preferable based on the parcel arrangement and existing circumstances, the NN:B category allows the Node to develop in a tiered manner, with more intense developments and uses permitted within the core of the Node, and less intense projects providing a buffer for the residential area.

NN:B sites may contain a variety of uses, including residential at grade, in a higher-density arrangement, but may also include small scale retail and service or office uses. A strong focus on transitional landscaping and a suitable connection to the neighboring residential areas is of critical concern for the NN:B sites, as they will often serve as the primary zone through which residents in a social neighborhood, as identified in the Master Plan, engage the Node, which serves as the core of the economic neighborhood.

4. Street Types. The regulating plan includes two (2) different Street Types, described as follows:

a. Street Type NN:A (Arterials) – Category NN:A is meant for the main north-south and east-west roads that intersect at each of the twenty-one (21) neighborhood nodes. These roads are characterized by high traffic volumes and few individual residential curb cuts. They accommodate the majority of the regional traffic through Troy, connect Troy with its adjacent communities, and serve as the primary framework for circulating throughout the City.

The intersections of these arterial roads present opportunities to cultivate highly visible, highly used areas that connect the various elements of the City, and bridge the gap between the residential portions of Troy with the major corridors, commercial areas, employment centers, and adjacent communities of Troy.

These roads will evolve over time to form "complete streets" which continue to accommodate regional traffic, but also cater to the emerging neighborhood nodes at their intersections. These roads and intersections will have well-defined crosswalks, and will make use of a series of features intended to protect pedestrians by establishing equity between pedestrians and motorists through effective design. Raised walks of high-quality materials, signage, landscaping, and pedestrian respite islands are several options that may be found within Category NN:A.

Arterial Roads will also be characterized by strong landscaping designed to mitigate the negative impacts of high traffic volumes from adjacent residential areas which provide a unique and memorable visual character for the roadway.

b. Street Type NN:B (Local/Collector) – Category NN:B roads are those roads tying together smaller areas and connecting various parts of individual developments within the Nodes. Either as public or private streets, NN:B streets will have a more varied and localized character than larger roads, depending on their context within predominantly office, retail, or residential areas.

They act as the connection between the Node and adjacent neighborhoods. Very few examples of streets identified as NN:B streets exist in Troy, but they can also be developed as part of a larger project in the NN District, which may require new streets to be created to adequately and successfully implement the project. It is likely that any new road in the NN District will be a Category NN:B road.

Category NN:B roads will be very welcoming of non-motorized users and will have defined pedestrian rest areas and other amenities whenever possible. Their scale will be similar to that of a main road within a conventional subdivision or industrial park, and their width will be determined primarily on their purpose. A Category NN:B road within an industrial area may be required to be wider than one in a residential area, although their purpose is similar.

Category NN:B roads will have a much higher frequency of curb cuts than Category NN:A roads, and will often provide direct rear or side yard access to retail centers, office complexes, or high density residential projects.

Sufficient width should be retained on either side of the roadway whenever possible to allow for on-street parking to ensure that a variety of local parking options exist to directly serve the Nodes without requiring significant surface lots on private property.

C. Authorized Use Groups. Authorized use groups, as set forth in Section 5.03.A and in Table 5.06.C-1, are applied to the site types and street types in Neighborhood Nodes District in Table 5.06.C-1.

D. Authorized Building Forms. Authorized building forms, as set forth in Section 5.03.B and Table 5.06.C-2, is applied to the site types and street types in the Neighborhood Nodes District in Table 5.06.C-2.

E. Design Standards. In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

1. Building Orientation and Entrance.

a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located in the front façade parallel to the street.

b. Recessed Doorways. Where the building entrance is located on or within five (5) feet of a lot line, doorways shall be recessed into the face of the building to provide a sense of entrance and to add variety to the streetscape. The entrance recess shall not be less than the width of the door(s) when opened outward.

c. Residential Dwellings. Entrances for all residential dwellings shall be clearly defined by at least one (1) of the following:

i. Projecting or recessed entrance. A recessed entrance is required if the building entrance is located on or within five (5) feet of the lot line.

ii. Stoop or enclosed or covered porch.

iii. Transom and/or side light window panels framing the door opening.

iv. Architectural trim or unique color treatments framing the door opening.

2. Ground Story Activation.

a. Transparency.

i. 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 street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty (50) percent windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than 30 percent of the façade. The Planning Commission may waive this requirement for projects requiring site plan approval when an existing building with unique or historic attributes that help define the character of the node, as determined by the Planning Commission, is being reused.

ii. The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.

iii. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

b. Transparency Alternatives. The following alternatives may be used singularly or in combination. If used in combination, they may count toward no more than eighty (80) percent of the transparency requirement set forth in Section 5.04 E-4. The wall design alternative may count toward one hundred (100) percent of the side street transparency requirement, provided the entirety of the length and height of the wall is considered.

i. Wall Design. Wall designs that provide visual interest and pedestrian scale may count toward no more than fifty (50) percent of primary street and fifty (50) percent of side street 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, 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.

(g) Translucent, fritted, patterned, or colored glazing.

ii. Outdoor Dining/Seating. Outdoor dining/seating located between the building and the primary street zone lot line may count toward no more than sixty (60) percent of the transparency requirement. Outdoor dining/seating located between the building and side street zone lot line may count toward no more than eighty (80) percent of the transparency requirement.

iii. 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 (40) percent of the transparency requirement.

3. Transitional Features.

a. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.

b. Intensity. A continuum of use intensity, where moderate intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multi-building developments. An example would be an office use between commercial and residential uses.

c. Height and Mass. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower-intensity uses.

d. Orientation. Primary building facades shall be placed away from the residential use.

e. Architectural Features. Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

4. Site Access, Parking, and Loading.

a. Required Parking. Off-street 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 13, Site Design Standards.

The form-based districts are intended to encourage pedestrian- and transit-friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking set forth in Section 13.06.E, and flexibility in application set forth in Section 13.06.F.

b. Location.

i. When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than fifty (50) percent of the total site's linear feet along the required building line or one hundred (100) feet, whichever is less, shall be occupied by parking.

ii. For a corner lot, shall be no more than fifty (50) percent of the site's cumulative linear feet along the required building lines or one hundred (100) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.

iii. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty-five (65) percent of the total site's linear feet along a required building line or one hundred and twenty-five (125) feet, whichever is less.

iv. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Section 13.02.C.

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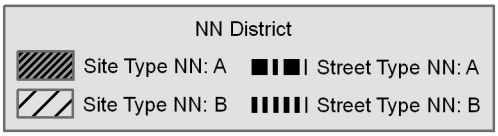
Map 5.06.1: Neighborhood Node District Regulating Plan

Legend



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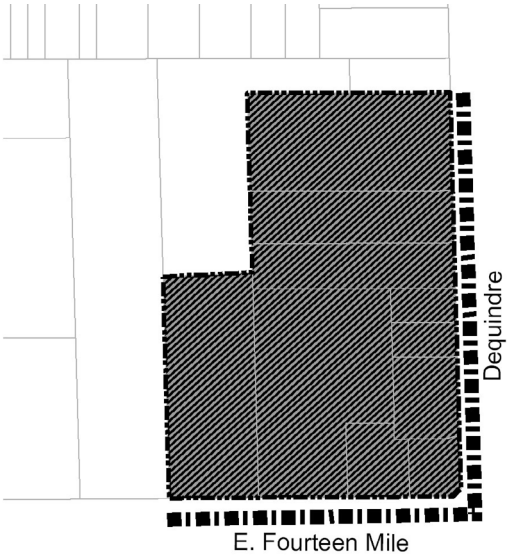

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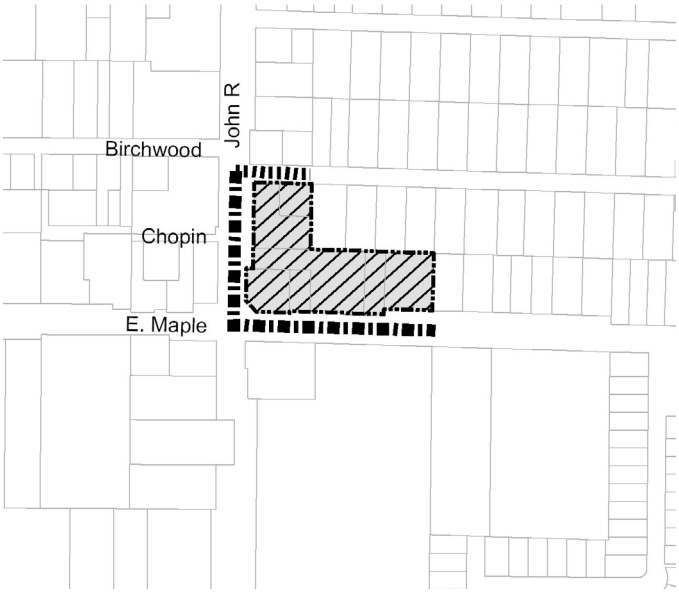
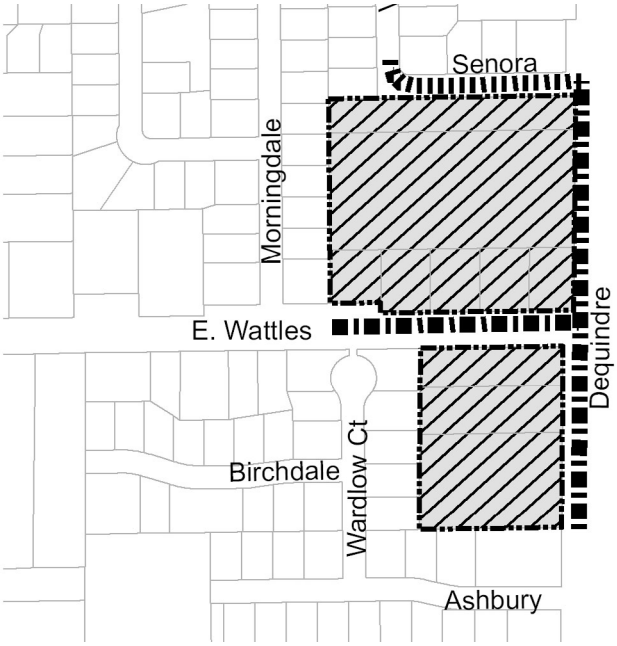


Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

Node D

Node E



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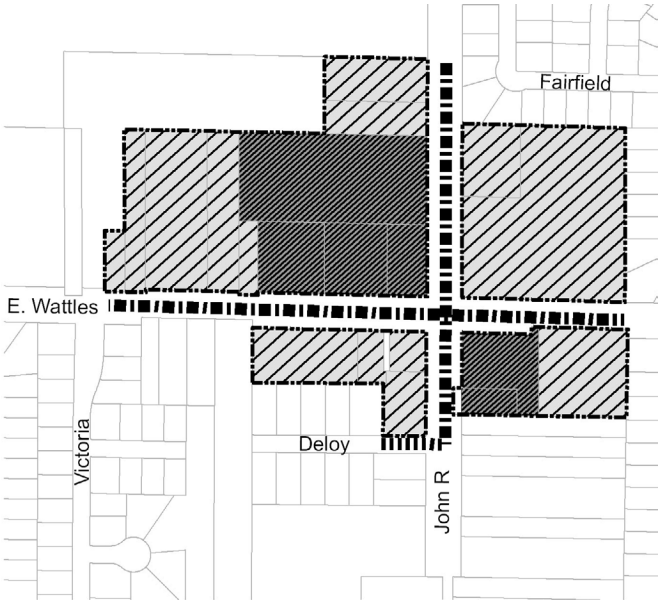

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Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

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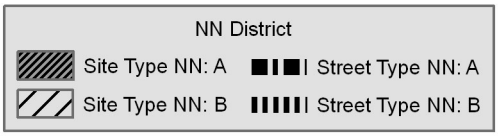

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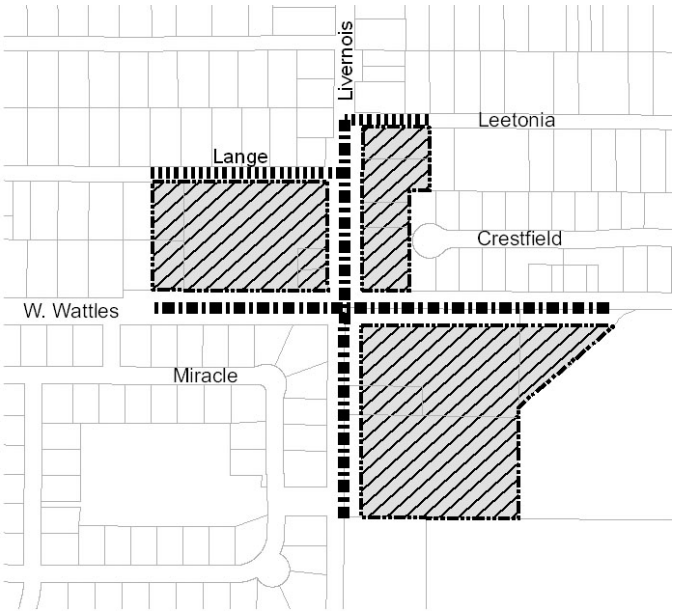

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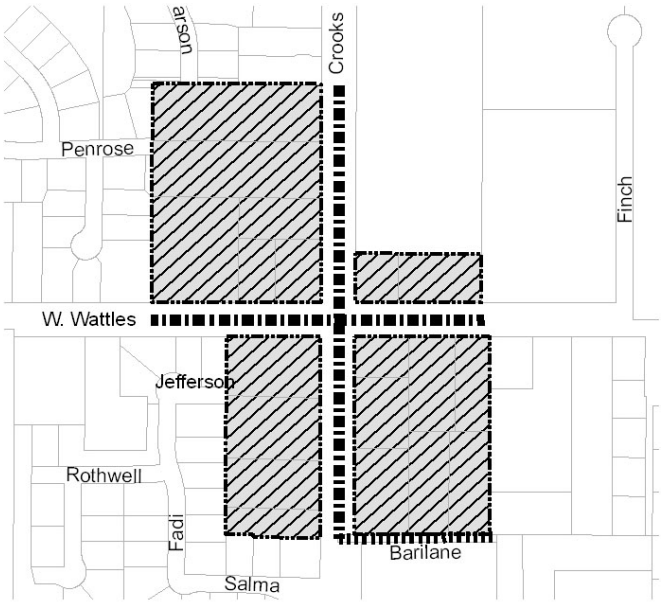

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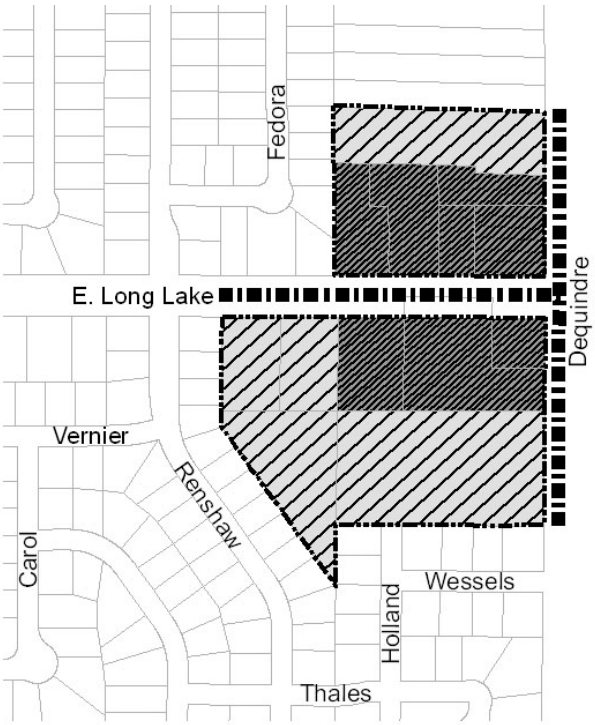
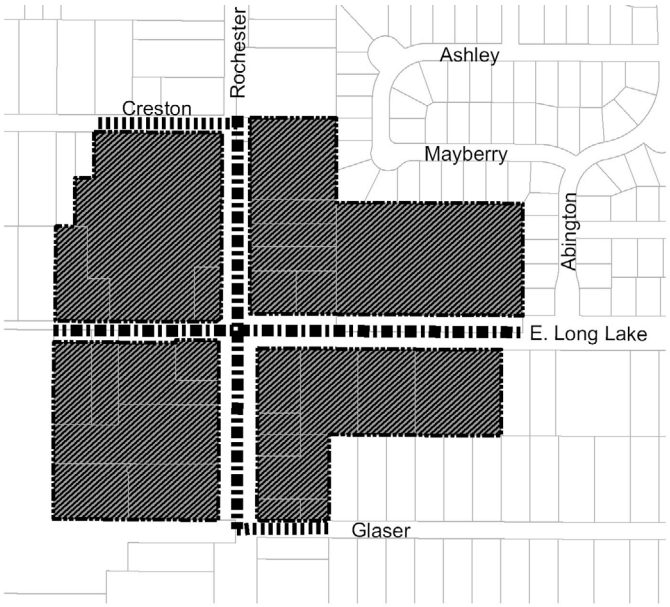


Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

Node K

Node L



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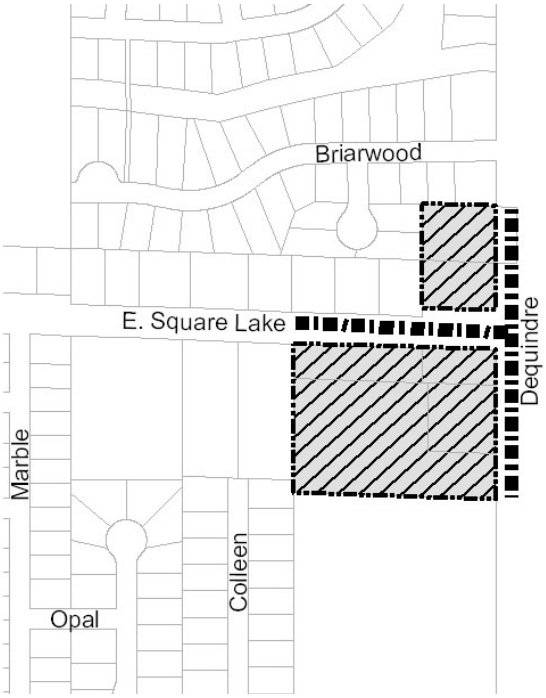
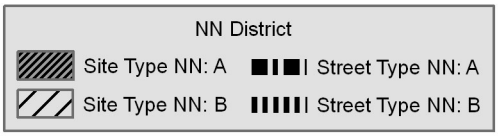
Node N



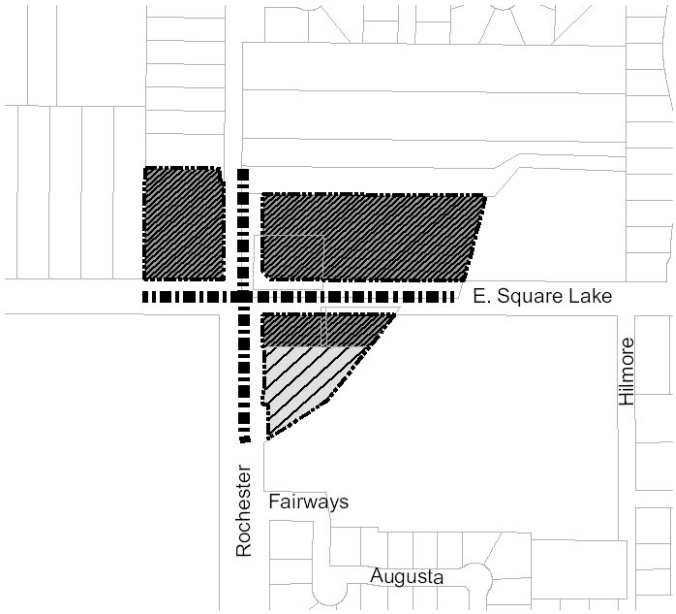
Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

Legend



Node O

Node P



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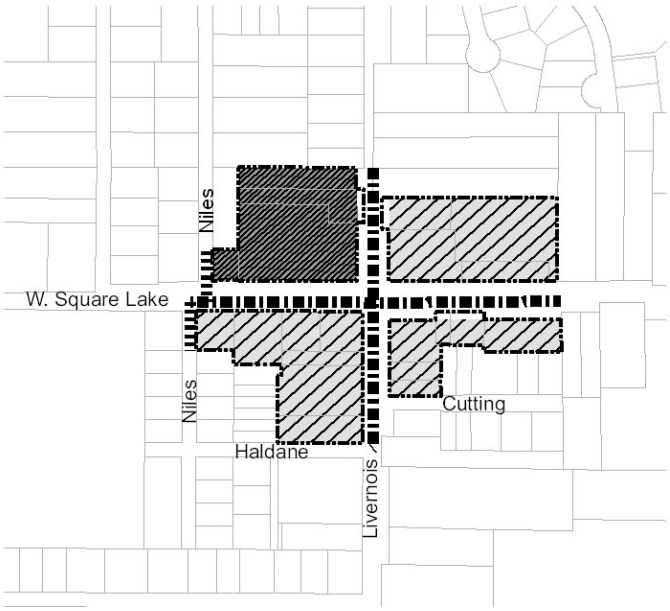
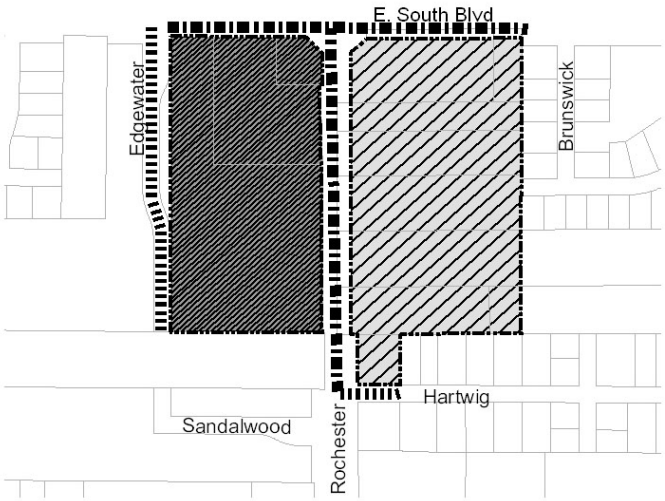


Map 5.06.1: Neighborhood Node District Regulating Plan (Continued)

Node R

Node S



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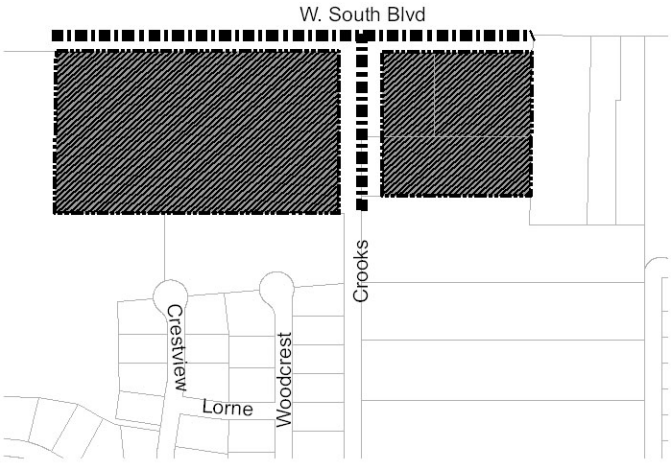

Table 5.06.C-1 Use Groups Permitted				
Use Group (Table 5.03-1)	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
1 Residential	NP	NP	NP	NP
2 Residential/Lodging	P[1]	P[1]	P	P
3 Office/Institution	P	P	P	P
4 Auto/Transportation	S	S	NP	NP
5 Retail/Entertainment/ Service	P	P	P	P
6 Misc. Commercial	S	S	NP	NP
7 Industrial	NP	NP	NP	NP

[1] Permitted on upper floors only.

P - Permitted Use Groups
S - Special Use Approval Groups
NP - Prohibited Use Groups

Table 5.06.C-2 Building Forms Permitted				
Building Forms	Site Type NN:A		Site Type NN:B	
	Street Type NN:A Arterials	Street Type NN:B Local and Connectors	Street Type NN:A Arterials	Street Type NN:B Local and Connectors
A: Small, single-purpose, out buildings	P	P	P	P
B: Small, multi-tenant commercial with mixed use	P	P	P	P
C: Attached residential or live/work	S	S	P	P
D: Multi-story mixed use, medium density	P	P	S	S
E: Large format com-mercial	P	S	NP	NP
F: Large format mixed-use	P	S	NP	NP

P - Permitted Building Form
S - Special Approval Building Form
NP - Prohibited Building Form

ARTICLE 6

SPECIFIC USE STANDARDS

SECTION 6.01 INTENT

The intent of this Article is to provide standards for specific uses, whether regulated as a permitted or special land use.

SECTION 6.02 ADULT FOSTER CARE FACILITIES

A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.

1. A site plan, prepared in accordance with Article 8 shall be required to 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 four thousand (4,000) 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-street parking space per employee and/or caregiver shall be provided.

5. Appropriate licenses with the State of Michigan shall be maintained.

C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.

1. Frontage on either a major or minor arterial street shall be required.

2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street 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.

3. A site plan, prepared in accordance with Article 8 shall be required to be submitted.

4. 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 four thousand (4,000) square feet per adult, excluding employees and/or caregivers.

5. The property is maintained in a manner that is consistent with the character of the neighborhood.

6. One (1) off-street parking space per employee and/or caregiver shall be provided.

7. Appropriate licenses with the State of Michigan shall be maintained.

D. Adult foster care congregate facilities serving more than twenty (20) persons. (See Section 6.25)

SECTION 6.03 CONVALESCENT CENTER

A. All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.

B. The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.

C. All yards shall be a minimum of fifty (50) feet in width shall be kept free of parking and shall be landscaped.

D. Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.02.B.

E. Such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas. The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

F. 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 6.04 ADULT USE BUSINESSES

A. The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult use businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also not the intent nor effect of this section to condone or legitimize the distribution of obscene material.

B. Definitions. For the purpose of this Ordinance, the following additional definitions shall apply:

1. ADULT USE BUSINESS: An adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishments and any business determined by the Zoning Administrator to be an adult use, due to the activities of the business which involve characteristics of adult uses, such as nudity, semi-nudity, exposure of "specified anatomical areas" and/or "specified sexual activities". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

2. ADULT ARCADE: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, compact discs or similar machines, or other image producing machines, (whether coin-operated, slug-operated or electronically, electrically, internet or mechanically controlled), for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which

are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

3. ADULT BOOK STORE, ADULT NOVELTY OR RETAIL STORE, OR ADULT VIDEO STORE:

   a. An establishment which, as one of its principal business purposes, offers any one or more of the following for sale, rental, or viewing at the site, for any form of consideration:

      i. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed material, films, motion picture, video cassettes or video reproduction, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; and/or

      ii. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; and/or

      iii. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "specified sexual activities" or depicting or describing "specified anatomical areas".

   b. For purposes of this section, "principal business purpose" means:

      i. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space; or

      ii. The receipt of a significant or substantial portion of its revenues from; or

      iii. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "specified sexual activities" or "specified anatomical areas".

   c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the

definition of an adult bookstore, adult novelty store or adult video store as set forth above.

4. ADULT CABARET: A nightclub, club, bar, restaurant or similar commercial establishment which features one or more of the following:

   a. Person(s) who appears nude or in a state of nudity or semi-nudity;

   b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities";

   c. Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. ADULT MOTEL: A motel, hotel or similar commercial establishment which:

   a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this adult type of material by means of a sign, visible from the public right of way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; and/or

   b. Permits patrons to be filmed or photographed performing sexually explicit activities or displaying "specified anatomical areas," including transmission over the World Wide Web; and/or

   c. Offers a sleeping room for rent for intervals of time less than ten (10) hours; and/or

   d. Allows a tenant or occupant to sub-rent a sleeping room for intervals of less than ten (10) hours.

6. ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, compact discs, slides of "specified sexual activities" or depictions or descriptions of "specified anatomical areas" are regularly shown for any form of consideration.

7. ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized

by exposure of "specified anatomical areas" or by "specified sexual activities." This definition does not include a theater which features occasional live nude performances with serious literary, artistic, or political value and that have no adverse secondary effects.

8. EMPLOYEE: A person who works or performs in and/or for an adult use business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

9. ENTERTAINER: A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.

10. ENTERTAINMENT: A performance of some type of activity, including but not limited to singing, dancing, acting, mime, comedy, recitations, demonstrations, magic tricks, modeling, posing, exhibition, with or without inanimate objects or animals, with the intent of allowing others to witness that activity in live or reproduced format.

11. ESCORT: A person who, for consideration in any form, agrees or offers to act as a companion, guide, or date for another person, (or who agrees to privately perform as an entertainer), including but not limited to the modeling of lingerie, the removal of clothing, and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual and that individual's guests.

12. ESCORT AGENCY: A person or business that furnishes, offers to furnish or advertises the furnishing of escorts as one (1) of its primary business purposes, for a fee, tip or any other form of consideration.

13. ESTABLISHMENT: In regard to an adult use business, means and includes any of the following:

    a. The opening or commencement of any such business as a new business;

    b. The conversion of an existing business, whether or not an adult use business, to any adult use business;

    c. The addition of any adult use business activities to any other existing adult use business; or

    d. The relocation of an adult use business.

14. LICENSEE: The individual listed as an applicant on the application for an adult use business license, or a person in whose name a license to operate an adult use business has been issued.

15. MANAGER: An operator, other than a licensee, who is employed by an adult use business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the adult use business.

16. NUDE MODELING STUDIO: Any place where a person appears in a state of nudity or displays "specified anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.

17. NUDITY OR STATE OF NUDITY:

    a. The exposure of human male or female genitals, pubic area, buttocks, anus or the areola or nipple of the female breast; and/or

    b. A state of dress which fails to opaquely and fully cover human male or female genitals, pubic area, buttocks, anus or the areola or nipple of the female breast.

18. PEEP BOOTH: An adult motion picture theater with a viewing room or cubical of less than one hundred fifty (150) square feet of floor space.

19. PREMISES OR LICENSED PREMISES: Any premise that requires an adult use license and that is classified as an adult use business.

20. SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

21. SEXUAL ENCOUNTER ESTABLISHMENT: A business or commercial establishment that as one of its primary business purposes, offers a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or any activities when one or more of the persons is in a state of nudity or semi-nudity and/or permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media, for any form of consideration. A hotel/motel will not be classified as a sexual encounter establishment, by virtue of the fact that it offers private rooms for rent.

22. SPECIFIED ANATOMICAL AREAS:

    a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; and/or

    b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

23. SPECIFIED CRIMINAL ACTS: Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including but not limited to the distribution of obscenity, prostitution and/or pandering.

24. SPECIFIED SEXUAL ACTIVITIES:

    a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts: and/or

    b. Sex acts, actual or simulated, including but not limited to intercourse, oral copulation or sodomy; and/or

    c. Masturbation, actual or simulated; and/or

    d. Human genitals in a state of sexual stimulation, arousal or tumescence; and/or

    e. Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

25. TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT USE BUSINESS:

    a. The sale, lease or sublease of the business; and/or

    b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; and/or

    c. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

C. It shall be unlawful to operate or cause to be operated an adult use business in any location in the City, except as provided for in this section.

D. It shall be unlawful to operate or cause to be operated an adult use business within five hundred (500) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:

1. A place of worship.

2. A school or childcare facility.

3. A public park (not including public trails).

4. Any residential zoning district or any parcel used for residential purposes.

E. It shall be unlawful to cause or permit the operation of an adult use business within one thousand (1,000) feet of another adult use business. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.

F. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) adult use business in the same building, structure, or portion thereof.

G. All off-street parking areas and entry door areas of adult use businesses shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

H. The premises of all adult use businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted, at an illumination level of not less than two (2) foot-candles of light as measured at the floor level.

I. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted at an illumination level of not less than one (1) foot-candle of light as measured at the floor level.

J. No person shall conduct an adult use business without first having obtained an annual adult use business license from the City.

K. No person(s) shall reside on or permit any other persons to reside on the premises of an adult use business.

L. All adult use businesses shall be subject to the same requirements of the Zoning Ordinance.

M. An adult use business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within five hundred (500) feet of the adult use business. However, if the adult use business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the City of Troy Ordinances.

SECTION 6.05 AGRICULTURE

Agriculture is permitted on a single parcel of land separately owned and outside the boundaries of either a proprietary or supervisor's plat, which has area of at least five (5) acres. Compliance with the health and sanitation provisions of the Code of the City of Troy and the Generally Accepted Agricultural and Management Practices ("GAAMPS") as established by the Michigan Commission of Agriculture in accordance with the Michigan Right to Farm Act, MCL 286.471 et seq., is required for all agricultural uses.

SECTION 6.06 BED AND BREAKFAST

A. A Bed and Breakfast establishment shall meet the requirements of the City of Troy Rental Property Code and shall be subject to periodic inspections as provided in said code.

B. A Bed and Breakfast establishment shall be located with frontage on a major arterial.

C. The proprietor shall reside at the Bed and Breakfast establishment.

D. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.

E. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that 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 sleeping rooms, in accordance with this Section.

F. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

G. No separate cooking facilities shall be allowed in guestrooms. Food and beverages maybe be served only to guests who stay on the premises.

H. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast operation at a ratio of not less than one (1) bathroom per two (2) guest bedrooms.

SECTION 6.07 CEMETERY

A. All cemeteries which lawfully occupy land prior to the adoption of this Ordinance shall be considered a permitted use.

B. Any cemetery established after the adoption of this Ordinance shall be subject to the following standards:

1. Landscape screening meeting the standards set forth in Section 13.02.B. shall be provided where a cemetery abuts a residentially zoned or used parcel.

2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.

3. 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.

4. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SECTION 6.08 CONTRACTOR'S YARD / OUTDOOR STORAGE FACILITIES

A. The contractor's office building shall be of permanent construction.

B. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.B.

C. All travel surfaces shall be paved as a condition of approval.

D. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

SECTION 6.09 DAY CARE FACILITIES

A. Family Day Care Home. A state-licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day care homes shall be prohibited in all other districts.

B. Day Care Centers.

1. Frontage on either a major or minor arterial street shall be required.

2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street 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.

3. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived if a public play area is available five hundred (500) feet from the subject parcel.

4. Appropriate licenses with the State shall be maintained.

SECTION 6.10 DRIVE-THROUGH FACILITIES

A. Ingress and egress to drive-through facilities 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. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

B. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

C. Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-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. The number of stacking spaces per service lane shall be provided for the uses listed below. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Zoning Administration, shall apply.

Table 6.10	
Use	**Stacking Spaces per Service Lane**
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2

SECTION 6.11 GOLF COURSE

A. Golf courses may also include accessory uses such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance buildings.

B. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.

C. All off-street parking shall be in compliance with the standards set forth in Section 13.06 of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.

D. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.

E. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.02.B.

SECTION 6.12 HOSPITAL

A. The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.

B. The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to property lines, shall be kept free of off-street parking.

C. Ambulance and delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 13.02.B.

D. Accessory buildings and uses, may be permitted, provided the total floor area of such uses does not exceed that of the main hospital complex.

Off-street parking shall be provided for such uses in accordance with the requirements of Section 13.06. Such parking shall be in addition to that required for the main hospital complex.

E. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant to the City during the development review process, and all such storage, use, and handling shall be conducted in accordance with the standards set forth in Section 12.06.C and any applicable State or federal requirements.

SECTION 6.13 COMMERCIAL KENNELS/ANIMAL DAY CARE

A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Oakland County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on-site, or allowed to enter to groundwater.

B. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling.

C. Dog runs and exercise areas shall not be located in any front yard and shall be screened with an opaque fence or wall at least six (6) feet in height.

D. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

E. All operations and the housing of animals are contained in one (1) or more completely enclosed buildings.

SECTION 6.14 LARGE-SCALE RETAIL ESTABLISHMENT

A. Building Design and Materials.

1. Façades and exterior walls. The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street 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.

2. Roofs. Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:

   a. Flat roof. Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.

   b. Pitched roof.

      (1) Overhanging eaves, extending no less than three (3) feet past the supporting walls;

      (2) An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;

      (3) Three (3) or more roof slope planes.

B. Site Design.

1. Parking Lot Location. No more than fifty (50) percent of the off-street parking area devoted to the large-scale retail establishment shall be located within the front yard and between the front façade of the principal building and the abutting streets.

2. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

3. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

a. Fully paved and maintained surface not less than five (5) feet in width.

b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

4. Additional Entrances. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.

5. Delivery/Loading Operations. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

SECTION 6.15 LIVE/WORK UNITS

A. Space devoted to nonresidential uses shall be accessible from the dwelling area.

B. Only residents of the dwelling shall use the nonresidential space for purposes of employment.

C. The floor area of the dwelling unit shall be at least five hundred (500) square feet in area.

SECTION 6.16 LODGING FACILITIES / EXTENDED STAY FACILITIES

Lodging / Extended Stay Facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06.

SECTION 6.17 MATERIALS RECOVERY FACILITY

A. All recyclable materials shall at all times be stored within a completely enclosed building.

B. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.

C. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced to City specifications.

D. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.

E. The following activities shall be prohibited, except as noted:

1. Incineration or open burning in any building or on the site.

2. Overnight storage of any refuse material, other than recyclable materials, in any building.

3. Dumping or storage of material on the site outside the buildings at any time.

F. All recyclable materials temporarily stored outside the buildings must be in transport vehicles or transportable containers.

SECTION 6.18 OPEN AIR BUSINESS

A. No outdoor storage, display, and/or sales shall be permitted in any required yard.

B. The use of amplifiers, banners, and other attention gathering devices shall be prohibited.

C. The open air business area shall be paved.

SECTION 6.19 OUTDOOR COMMERCIAL RECREATION

A. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.

B. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.

C. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.

SECTION 6.20 PARKING STRUCTURE

A. Parking structures should be located behind buildings in locations that minimize visibility from public streets.

B. When parking structures are located along public street frontages, they are 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 on the first floor with a useable depth of no less than twenty (20) feet shall be provided.

3. At least fifty percent (50%) of the upper floors facing a public street shall consist of exposed openings. The openings shall be designed with one (1) or more treatments:

   a. Planter boxes with living plants.

   b. A rail or fence to give the appearance of a balcony.

   c. Framing and mullions to give the appearance of large windows.

   d. Architectural or artistic treatments.

SECTION 6.21 PLACES OF WORSHIP

A. All religious activities shall take place in a fully enclosed building except as may be approved by the City.

B. Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools convents, and others shall meet all requirements of this Ordinance for such uses.

C. The site shall have frontage on and primary access to a major or minor arterial.

D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.

E. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.

F. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.

G. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.

SECTION 6.22 POST-SECONDARY SCHOOLS

A. All ingress and egress from said site shall be directly on to a major arterial.

B. No building shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.

C. Off-street parking areas shall be located at least fifty (50) feet from any residential property line.

D. Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 13.02.B.

SECTION 6.23 PRIMARY/SECONDARY SCHOOLS

A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.

B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.

C. Off street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.

SECTION 6.24 SELF-STORAGE FACILITIES

A. Incidental accessory uses such as the sale of boxes, locks and other supplies, shall be permitted.

B. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.

C. Other than the storage of recreation vehicles, all storage and accessory uses shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section 13.02.B.

D. Exterior walls of all storage units shall be of masonry construction.

SECTION 6.25 SENIOR ASSISTED/INDEPENDENT / LIVING / CONGREGATE CARE FACILITY

A. The maximum allowable density varies by housing type, but shall not exceed the following:

1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Dwelling Unit Size	Site Area/Unit (Square Feet)
Efficiency/one (1) bedroom	2,000
Two (2) bedroom	2,500
Each additional bedroom	500 additional

2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.

B. Height, lot coverage and setback requirements of the MF Districts as set forth in Section 4.08, Multiple Family Residential Requirements shall apply.

C. Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.

D. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the

street 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. The drop-off / pick-up of residents shall be provided at the front entrance of the building with a covered canopy.

F. The minimum lot area shall be three (3) acres.

G. Frontage on a major arterial street shall be required. All site access shall be provided on a major arterial street.

H. A 50-foot greenbelt buffer shall be provided adjacent to any land zoned or used for residential purposes. Such greenbelt shall be maintained as landscaped open space and shall not include any buildings, parking, or drive-aisles.

SECTION 6.26 VEHICLE REPAIR

A. Dismantled, wrecked, or inoperable vehicles or any vehicle parts or scrap of any kind shall not be stored outdoors for a period exceeding sixty (60) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.B.

B. The minimum lot area shall be twenty thousand (20,000) square feet.

C. All equipment including hydraulic hoists, pits, lubrication, and repair facilities shall be entirely enclosed within a building.

D. All repair and maintenance activities shall be performed entirely within an enclosed building.

E. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

F. Any proposed vehicle repair use within three hundred (300) feet (measured form the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

SECTION 6.27 VEHICLE SALES – NEW, USED, AND VINTAGE

A. No vehicle shall be parked within twenty (20) feet of any street right-of-way.

B. Loud speakers broadcasting voice or music outside of a building shall not be

permitted within five hundred (500) feet of any residential zoned or used property.

C. All repair and maintenance activities shall conform with the standards set forth in Section 6.24.

SECTION 6.28 VEHICLE FUELING / MULTI-USE STATION

A. The minimum lot area shall be one (1) acre.

The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling / Multi-Use:

Setback	Canopy Support	Pump Islands	Canopy Edge
Front	35 ft.	30 ft.	25 ft.
Side	20 ft.	20 ft.	10 ft.
Rear	30 ft.	20 ft.	20 ft.

1. All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

B. Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.

C. Pedestrian Circulation.

1. Vehicle Fueling / multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety.

2. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.

D. Where repair and servicing of vehicles is performed, all repair and maintenance shall be performed entirely within an enclosed building. Dismantled, wrecked, or

immobile vehicles shall not be permitted to be stored on site.

E. If a vehicle wash is proposed, it must comply with the standards set forth in Section 6.29.

SECTION 6.29 VEHICLE WASH

A. The minimum lot size required for automobile or carwash establishments shall be fifteen thousand (15,000) square feet.

B. All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.

C. Automatic carwash facilities shall have a mechanical dryer operation at the end of the wash cycle.

D. All automatic carwash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling of water or freezing.

SECTION 6.30 WIRELESS COMMUNICATIONS FACILITIES

A. Intent. It is the intent of this section to provide standards for the location, construction and maintenance of wireless communication facilities in a way which will retain the integrity, character, property values and aesthetic quality of neighborhoods and the City, and minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. The priority of the City is to minimize the overall number of newly established locations for wireless communication support facilities within the community by encouraging the collocation of existing wireless communication support facilities where possible. It is required that all new and modified wireless communication support facilities (WCSFs) shall be designed and constructed so as to accommodate collocation. This section also requires that wireless communication antennas (WCAs), wireless communication facilities (WCFs) and wireless communication support facilities (WCSFs) shall adhere to all applicable Local, State, Federal laws and regulations, and the standards of this Section.

B. Authorization.

1. Subject to the standards and conditions set forth in this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in any districts:

a. An existing structure which will serve as an attached wireless communications

facility where the existing structure is not, in the discretion of the City, proposed to be either materially altered or materially changed in appearance.

b. A proposed collocation upon an attached wireless communication facility which has been approved earlier by the City.

c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

d. An existing wireless communication support structure established within a right-of-way having an existing width of more than two hundred and four (204) feet.

2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section 6.30.B.1, then, wireless communication facilities may be applied for elsewhere in the City and must follow the district specific criteria and is subject to the criteria and standards set forth in this Ordinance.

C. General Regulations.

1. Standards and Conditions Applicable to All Facilities.

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 City

a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

b. Facilities shall be located and designed to be harmonious with the surrounding areas.

c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

d. The maximum height of the new or modified support structures 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

structures. 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.

e. The setback of the support structure shall be equal to the height of the structure.

f. 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 and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

g. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

h. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the 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.

i. The design and appearance of the support structure and all accessory buildings, shall be reviewed and approved 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.

j. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

k. 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.

2. Standards and Conditions.

Applications for wireless communication facilities, which may be approved as

special uses, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth herein.

a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

i. Proximity to an interstate or major thoroughfare.

ii. Areas of population concentration.

iii. Concentration of commercial, industrial, and/or other business centers.

iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

vi. Other specifically identified reason creating need for the facility.

b. The proposal shall be reviewed in conformity with the collocation requirements of this Section.

D. Application Requirements.

1. A site plan prepared in accordance with Article 8, Site Plan Review shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2. 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.

3. The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 6.29.F, Removal. In this regard, the surety shall, be in a form approved by the City Attorney.

4. The applicant 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 co-location or in demonstrating the need for the proposed facility. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

E. Collocation.

1. 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 set forth herein.

2. Requirements for Collocation:

   a. An approval 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.

F. Removal.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners 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. The applicant shall notify the City upon cessation of operations or removal of antenna.

2. The situations in which removal of a facility is required, as set forth in paragraph F.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 City.

3. 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 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 from the security posted at the time application was made for establishing the facility.

SECTION 6.31 ANTIQUE VEHICLE SALE, AMBULANCE FACILITY, AND VEHICLE RENTAL

Any proposed antique vehicle sale, ambulance facility, and vehicle rental use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

SECTION 6.32 MULTI-FAMILY DWELLING UNITS IN THE IB DISTRICT

One-story multi-family dwelling buildings are a permitted use in the IB district only through the conversion of an existing building.

SECTION 6.33 OIL AND GAS WELL/DEVELOPMENT STANDARDS FOR SPECIAL USE APPROVAL

The purpose of this section is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of Troy. It is necessary and appropriate to adopt reasonable requirements

for oil and gas resource development so that these resources can be obtained in a manner that protects the environment, protects residential properties and residential property values, and mitigates negative impacts.

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

A. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells or well site shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property or any property used for a religious facility, public or private school, or hospital, and 100 feet from any other property line. The setbacks in this section also apply to the area underground, and preclude any horizontal drilling within the setback unless the applicant demonstrates to the City's satisfaction a legal entitlement to drill on adjacent properties through mineral rights acquisition or other means.

   The measurement of the setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects), to the closest exterior point of the adjacent parcel.

B. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.

C. Minimum Lot Size. The minimum lot size shall be 5 acres.

D. Fencing, Landscaping, and Lighting.

   1. An oil or gas well site shall be completely enclosed within a 6-foot high fence.

   2. Staggered ten (10) foot tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth. This landscaping buffer shall be in place within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.

   3. Exterior lighting shall comply with Section 13.05 of the Zoning Ordinance.

E. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 12.06, Environmental Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation, additional information and standards may be required.

F. Dust, Noise, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations to reduce adverse impacts upon adjacent properties.

G. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.

H. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City before the City can grant special use approval under this section. This requirement also applies to, but is not limited to the plugging of wells, the exploring for, producing, marketing, and transporting of petroleum products, and the disposition and removal of any byproducts utilized and associated with said activities.

I. Associated Permits and Approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of the City of Troy Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.

J. Operations

1. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to the hours of 7 am to 8 pm. Construction activities associated with establishing of the well sites may be eligible for an exception by the Building Department in accordance with the City's Special Hours Work Permit if such activities are in compliance with applicable laws and permits.

2. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells over public roads and

streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets which may be used and any conditions that may apply.

3. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.

4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.

5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Troy sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.

K. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.

L. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.

M. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.

N. Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Article 8 and Special Use as set forth in Article 9, the following information shall be submitted as part of the application:

1. Environmental Impact Statement. Applicant shall submit an Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules

promulgated under Part 615, as amended.

2. Hydrogeological analysis.

3. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The Emergency Response Plan should include emergency contact information.

4. Reclamation Plan. A written statement that describes how the land will be returned to a stable and productive condition post drilling operations.

5. Operations Plan to include:

   i. Site ingress/egress

   ii. Haul Route Map. Vehicle Routes for Truck Traffic. Construction vehicles and commercial trucks, associated with drilling and/or production operations shall be restricted to roads designated by the City Engineer.

   iii. Hours of Operation. State listed hours of operation.

   iv. Soil Erosion, Mud and Dust Control Plan.

   v. Noise Control Plan. Prior to the granting of special use approval and the commencement of operations, the petitioner shall submit a noise management plan, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. If Special Use Approval is granted, the Petitioner shall be responsible for verifying compliance with this section and the noise management plan after the installation of the equipment. The noise management plan shall:

      a. Identify operational noise impacts

      b. Provide documentation establishing the ambient noise level prior to construction.

      c. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

         (1) Nature and proximity of adjacent development, location, and type

(2) Seasonal and prevailing weather patterns, including wind directions

(3) Vegetative cover on or adjacent to the site

(4) Topography

vi. Odor and Fume Control Plan

vii. Pollution Prevention Plan

viii. Impact Mitigation Plan

ix. Monitoring controls.

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ARTICLE 7

GENERAL PROVISIONS

SECTION 7.01 INTENT

The intent of this Article is to provide regulations that generally apply to all users regardless of the particular zoning district.

SECTION 7.02 LOT USE AND AREA ALLOCATION

A. General Lot Requirement. No portion of a lot used to comply with the yard, lot area per unit, residential density, percentage of lot occupancy, or other site requirement of this Ordinance shall be counted toward the yard, lot area per unit, residential density, percentage of occupancy, or other site requirement for any other existing building or structure.

B. Number of Buildings per Lot.

1. There shall be only one (1) single-family dwelling or one (1) two-family dwelling permitted per lot, provided all other requirements of this Ordinance are met.

2. For all development subject to site plan review, more than one (1) principal building per lot may be permitted, as long as all other requirements of this Ordinance are met.

SECTION 7.03 ACCESSORY BUILDINGS, STRUCTURES, AND USES

A. General Requirements.

1. Accessory buildings, structures, and uses shall be supplemental or subordinate to the principal building on a parcel of land; and shall be on the same parcel of land as the principal building, structure, or use they serve.

2. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of the applicable Building Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

3. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.

4. Permits shall be required for all ground-mounted and building-mounted antennas exceeding twenty-four (24) inches in diameter.

B. Accessory Buildings in Residential Zoning Districts

1. Attached Accessory Buildings

a. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building in addition to the requirements of this Section.

b. The area of attached accessory buildings shall not exceed seventy-five (75) percent of the ground floor footprint of the living area of the dwelling. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

c. The size of any door to an attached accessory building shall not exceed ten (10) feet in height. This requirement shall apply only to attached accessory buildings that were not granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

2. Detached Accessory Buildings

a. Detached accessory buildings shall not be erected in any yard, except a rear yard.

b. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard.

c. The combined ground floor area of all detached accessory buildings shall not exceed four hundred and fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling, or six hundred (600) square feet, whichever is greater.

d. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.

3. Accessory Supplemental Buildings

   a. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.

   b. An accessory supplemental building shall not be located in any front yard.

   c. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.

   d. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height, except as noted below in subsections C. and D.

4. Private Swimming Pools. Except as otherwise permitted in this Zoning Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

   a. Swimming pools shall be permitted only in the rear or side yard, behind the front of the principal building.

   b. No outdoor swimming pool shall be located within five (5) feet of any building.

   c. There shall be a distance of not less than six (6) feet between the adjoining property line and the outside of the pool wall.

C. Accessory Buildings in Non-Residential Zoning Districts. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which they are located.

D. Agricultural Buildings.

   1. The provisions of Section 7.03.A.2-4 shall be applicable to all agricultural buildings or uses, regardless of whether such buildings are classified as principal or accessory buildings.

   2. Where an agricultural building is structurally attached to a residence or any other non-agricultural building, the provisions of Section 7.03.B.1 shall be applicable to all such buildings.

E. Amateur Radio and Satellite Dish Antennas.

   1. Amateur radio antennas are permitted up to a height of seventy-five (75) feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast

type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in the District. Other pole, mast, whip, or panel type antennas that are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof.

a. In residential districts, no more than two (2) antenna structures, which shall include no more than one (1) which may be ground-mounted, and thus detached from the main building, shall be permitted for each lot or parcel, with the following exception:

b. In non-residential districts, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one (1) antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.

c. The numerical limits of this Section shall not apply in the following situations:

i. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse, or enclosure surface).

ii. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

2. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty-four (24) inches in diameter.

3. Satellite dish and amateur radio antennas shall be located in a side or rear yard and shall be placed so that rotation can occur without encroachment into the required setback.

SECTION 7.04 CORNER CLEARANCE

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 7.05 FENCES

A. Approval Required. The construction of fences in all Districts shall meet the requirements set forth in Chapter 83 – Fences.

B. Visibility at Intersections. All fences in the front yards must comply with the requirements of Section 7.04, Corner Clearance.

SECTION 7.06 VOTING PLACE

The provisions of this Ordinance shall not interfere with or prevent the temporary use of any property as a voting place in connection with a public election.

SECTION 7.07 ESSENTIAL SERVICES AND OTHER PUBLIC PROPERTY

It is the intent of the Ordinance to regulate essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, as follows:

A. Essential services shall be permitted in any district.

B. Buildings constructed in conjunction with an essential service shall require site plan approval in accordance with the requirements set forth in Article 8, Site Plan Review.

C. Property owned, leased, or operated by the state or the United States shall be exempted from the provisions of this chapter, only to the extent that said property may not be constitutionally regulated by the City.

SECTION 7.08 GENERAL EXCEPTIONS

A. Height Exceptions. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit below established for the district in which the building is located, except as set forth below.

1. Roof structures and screening devices for the housing of elevators, stairways, tanks, roof-mounted mechanical equipment, solar panels, or similar equipment required to operate and maintain the building shall not exceed by more than ten (10) feet the height limit of the district in which the use is located.

2. Fire walls and skylights shall not exceed by more than five (5) feet the height limit of the district in which the use is located.

3. Steeples, chimneys, smokestacks, or similar structures shall not exceed by more than fifteen (15) feet the height limit of the district in which the use is located.

4. A structure which is permitted by this Section to exceed height limits shall account for no more than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building.

5. The provisions of this Section shall not apply to wireless communication facilities regulated by Section 6.30, Wireless Communication Facilities.

B. Decks, Porches, and Patio Structures. An open, unenclosed, and uncovered porch, raised deck, or patio structure, or paved terrace may project into a required front yard for a distance not to exceed ten (10) feet. Such facilities may project into a required rear yard for a distance not to exceed fifteen (15) feet, subject further to the requirement that the distance remaining between the encroaching facility and the rear lot line shall in no instance be less than twenty-five (25) feet. Porch, deck, patio, or terrace facilities encroaching into required front or rear yards shall not include fixed canopies, gazebos or permanent enclosures, and shall be at a grade no higher than that of the first or main floor of the building to which they are attached.

C. Projections Into Yards. Architectural features, not including vertical projections not exceeding thirty-six (36) inches in width, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 7.09 HEIGHT CONTROLS ADJACENT TO AIRPORTS

A. The height of buildings and structures in the vicinity of publicly owned airport and heliport facilities shall be controlled by the Airport Approach Plan approved by the Michigan Aeronautics Commission and the underlying zoning district, whichever is more restrictive.

B. Unless the Federal Aviation Administration has issued a Determination of No Hazard and a Michigan Tall Structure Permit has been issued by the Michigan Aeronautics Commission, no building or structure shall be constructed, relocated, or expanded in a manner that does not conform to the height restrictions of the Airport Approach Plan.

C. Appeals from this Section shall be considered by the Zoning Board of Appeals. Prior to making any decision, the Board shall notify the Federal Aviation Administration and the Michigan Aeronautics Commission of the appeal and shall receive a report

from one or both of these agencies. The Zoning Board of Appeals shall not grant an appeal that is inconsistent with the Airport Approach Plan.

SECTION 7.10 HOME OCCUPATIONS

A. A home occupation must be clearly incidental and secondary to the primary use of a dwelling purpose.

B. A home occupation shall not change the character or appearance of the structure or the premises, or have any other visible evidence of the conduct of a home occupation. There shall be no external or internal alterations that are not customary in residential areas or structures.

C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home occupation.

D. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.

E. No employees shall be permitted other than members of the immediate family residing in the dwelling unit.

F. A home occupation shall be conducted within the dwelling unit or within an accessory building. There shall be no outside display of any kind, or any other external or visible evidence of the conduct of a home occupation.

G. There shall be no vehicular traffic permitted for the home occupation, other than what is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.

H. No signs shall be used to advertise the home occupation business.

I. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

J. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

SECTION 7.11 STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

A. Single-Family Residential Districts. The outdoor storage or parking of any recreational vehicle or vehicles of a similar nature shall be prohibited for a period greater than forty-eight (48) hours in all single-family residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building, but no closer than three (3) feet to any side or rear lot line.

2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned or leased by the occupant.

3. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water, or gas.

4. Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e. engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle or equipment.

B. Multiple-Family Districts. The outdoor storage or parking of any recreational vehicle or vehicles of a similar nature shall be prohibited for a period greater than forty-eight (48) hours in all multiple-family residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building. If located outdoors, vehicles or equipment cannot be located between any building and a public right-of-way, and no closer than three (3) feet to any side or rear lot line.

2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.

3. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

4. Recreation vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e. engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreation vehicle or equipment.

C. Non-Residential Districts. The storage of recreational vehicles and equipment in non-residential districts when it is not associated with the business of the property shall be prohibited.

SECTION 7.12 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

Outdoor parking of commercial vehicles is prohibited in residential districts, with the following exception:

A. The outdoor parking of one (1) commercial vehicle of one (1) of the following two (2) types is permitted for each dwelling unit on a residential lot or parcel:

1. A Commercial Vehicle: Pick-up Truck, as defined in Article 2.0; or

2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Article 2.0.

SECTION 7.13 TEMPORARY BUILDINGS, STRUCTURES, AND USES

A. Intent. Certain temporary buildings, structures, or uses of limited duration shall be permitted, subject to the standards set forth in this Section. Temporary buildings, structures, uses, shall not involve the construction or alteration of any permanent building or structure, and are discontinued and removed upon expiration of an approved time period. The Zoning Administrator may issue a permit for temporary structures and uses based upon receipt of an application, plot plan, compliance with permit requirements of this Section, and a permit fee as applicable.

B. Exception. This Section shall not apply to any uses regulated by Chapter 61 – Temporary Merchant Businesses.

C. Application Requirements and Standards for Review.

1. Application. An application for approval of any temporary use, building, or structure shall be filed with the Zoning Administrator. The request shall include, at a minimum, the following information:

a. The name, address, and telephone number of the applicant.

b. The location of the property.

c. A complete explanation of the proposed temporary use, building, or structure.

d. A plot plan in sufficient detail to determine the applicable standards of this Section are met.

e. Any other information requested by the Zoning Administrator and deemed necessary to make the necessary findings for approval.

2. Application Approval.

a. The Zoning Administrator may refer the application to any City Department for review and comment.

b. The Zoning Administrator may approve, approve with conditions, or deny a temporary building, structure, or use based upon review of the items required pursuant to the requirements of this Section.

c. Conditions for approval of the temporary building, structure, or use may include a time limit for the expiration of the temporary use, building, or structure permit, and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, building, or structure, and clean-up.

3. General Standards. In the review of temporary buildings, structures, or uses, the Zoning Administrator shall find the following requirements satisfied:

a. The proposed temporary activity shall be compatible with and shall not adversely effect nearby residential neighborhoods;

b. There shall be no permanent alterations to a structure or the site;

c. There shall be no temporary signs associated with the use or structure after the activity ends;

d. The proposed temporary activity shall be compatible with and shall not interfere with the normal operations of any permanent use located on the property; and

e. There shall be sufficient area to allow the temporary use, structure, or special event to occur as well as area to accommodate the parking and traffic movement associated with the temporary use.

D. Temporary Construction Buildings, Structures, and Uses. Temporary buildings, structures, and uses related to construction, including construction trailers, trash containers, storage containers, and portable toilets are permitted, subject to the following requirements:

1. Temporary construction buildings, structures, and uses shall be clearly incidental to and necessary for construction which has received all necessary building and/or applicable permits.

2. Temporary construction buildings, structures, and uses shall be removed within fifteen (15) days of issuance of a certificate of occupancy for the primary building.

E. Temporary Sales Offices or Model Homes. Temporary sales offices are permitted, subject to the following requirements:

1. Maximum Duration. A temporary sales office or model home shall be incidental to and necessary for the sale or rental of real property in a new subdivision or housing project.

2. The temporary office or model home shall be removed when ninety (90) percent of the lots or units have been sold or leased.

F. Temporary Dwellings. Temporary dwellings are permitted, subject to the following requirements:

1. A temporary dwelling shall be permitted only when a principal dwelling has been destroyed or rendered uninhabitable by fire, flood, wind, or other natural disaster, and the dwelling is being either reconstructed or a new structure built.

2. The Zoning Administrator shall not issue a permit for a temporary dwelling until a building permit has been issued for the reconstruction or new construction of a permanent replacement dwelling on the subject property.

3. The type and condition of the temporary dwelling is permitted under applicable building or housing code requirements.

4. The Zoning Administrator shall approve the location of a temporary dwelling which shall meet setback requirements for the district.

5. A temporary dwelling shall be for one (1) year or less. An extension of up to three (3) months may be granted by the Zoning Administrator, provided the extension is needed due to circumstances beyond the immediate control of the applicant.

G. Temporary Storage in a Portable Commercial Shipping Container. Temporary storage in a portable commercial shipping container shall be permitted to serve an existing use, subject to the following requirements:

1. The container shall be located no closer than ten (10) feet from any lot line or structure.

2. The container will not impede ingress, egress, or emergency access.

3. Such temporary storage shall not exceed four (4), seven (7) day periods within a twelve (12) month period.

H. Temporary Portable Residential Storage Containers. Temporary portable residential storage containers shall be permitted to serve an existing single-family dwelling, subject to the following requirements:

1. The maximum allowable size is one hundred fifty (150) square feet with an overall length not to exceed sixteen (16) feet.

2. Clear vision areas shall be maintained at all times, and portable storage containers shall not obstruct the flow of pedestrian or vehicular traffic.

3. Portable storage containers shall be placed on a concrete or asphalt surface that is no closer than ten (10) feet from the front lot line or three (3) feet from the side or rear lot line.

4. All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.

5. The maximum duration of use shall be a total of fourteen (14) days over a period of twelve (12) consecutive months.

I. Outdoor Special Events. Outdoor special events, such as grand openings and corporate, institutional, and community celebrations and fundraising activities that benefit a community service group or non-profit organization are permitted in any district, subject to the following requirements:

1. The outdoor special event must be short-term in nature and clearly incidental to the principal use of the property.

2. Adequate parking and emergency vehicle access shall exist, and a designated off-street parking area shall be provided that does not interrupt the flow of traffic on public streets, or impede access to the primary use or pedestrian movements.

3. Hours of operation shall start no earlier than 8:00am and end no later than 8:00pm in all residential districts, except on Fridays and Saturdays the hours may extend to 10:00pm. All other districts shall operate within the hours of 8:00am to 11:00pm unless otherwise approved by the Zoning Administrator.

4. The maximum duration of use shall be seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

5. Outdoor special events shall also be subject to other applicable Ordinances and requirements, including, but not limited to, noise, signs, health, and sanitation.

SECTION 7.14 TEMPORARY COVERING OF STRUCTURES AND USES

A. Permanent Structures/Uses. The covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering shall be subject to the following requirements:

1. Covering or enclosure of permanent structures or uses by means of air-supported, tent-type, or other temporary or readily removable covering shall be prohibited in all non-residential Districts.

2. Covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering may be permitted in relation to the following uses:

   a. Recreation uses.

   b. Porch, patio, terrace, or entranceway areas.

3. The area covered or enclosed, together with principal and accessory buildings shall meet the setback and lot area coverage provisions set forth in the district in which located as set forth in Article 4, Schedule of Regulations. Porch, patio, terrace, or entranceway covers may be permitted to encroach into such yards in accordance with Section 7.08.

B. Temporary Structures/Uses. The covering or enclosure of a temporary structure for short-term use or activity by means of an air-supported, tent-type or other temporary or readily removable covering may be permitted in any District, subject to the following requirements:

1. The short-term events eligible for the use of such temporary covering are intended to be activities including, but not limited to, special events such as grand openings, corporate, institutional, or community celebrations.

2. The short-term events must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site. These provisions are not intended for the purpose of providing additional space for the principal uses on the site.

3. The use of such temporary covering shall be limited to a maximum of five (5) consecutive days, and shall not occur more than four (4) times per year on any individual site.

ARTICLE 8

SITE PLAN REVIEW

SECTION 8.01 INTENT

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative storm water management solutions, and to 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.

SECTION 8.02 SITE PLAN REQUIRED

A. Where Required. Site plan review shall be required for any of the following activities:

1. A use or development for which submission of a site plan is required by the provisions of this Ordinance.

2. A building or structure which is proposed to be constructed, moved, relocated or structurally altered.

3. A non-residential use permitted in a residential district.

4. A change in use that could affect compliance with the standards set forth in this Ordinance.

5. Expansion or paving of off-street parking and/or a change in vehicular or pedestrian circulation or access.

6. A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Zoning Administrator.

7. The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one- or two-family dwelling.

B. Site Plan Review Exemptions. Erection, moving, relocation, conversion, or structural alterations to a one- or two-family dwelling on an individual lot, and its accessory

use(s) or structure(s), are exempt from the full site plan review process. However, other applicable approvals are still required such as a zoning compliance permit and building permits.

SECTION 8.03 SITE PLAN PROCEDURES

A. Sketch Plan. Except as otherwise required by this Ordinance, an applicant has the option of submitting a sketch plan to the Zoning Administrator for informal review. All applications for special land uses shall be accompanied by a sketch plan.

A sketch plan drawn to a reasonable scale shall have the following information:

1. Applicant's name, address, and telephone number.
2. Common description of the property and complete legal description.
3. Dimensions of land, including width, length, acreage, and frontage.
4. Existing zoning and current land use of the property under consideration and zoning and current land use of all adjacent properties.
5. General location of all existing structures, roadways, and natural features.
6. The general location and size of all proposed buildings, roadways, parking areas, and any other changes proposed to be made on the subject property.

B. Preliminary Site Plan Procedures.

1. A petitioner seeking Site Plan Approval as required under Section 8.02 shall submit an application to the Zoning Administrator for preliminary site plan approval, together with the appropriate fee, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission, at which the application for a preliminary site plan will be considered.
2. The Zoning Administrator shall transmit the application and preliminary site plan to the Planning Department for review. Any application which fails to provide the information and materials regulated by this Article shall be held in abeyance until the petitioner rectifies all deficiencies.
3. Complete applications shall be reviewed inter-departmentally and any necessary revisions and/or corrections shall be made by the applicant prior to submission to the Planning Commission for Preliminary Site Plan Approval consideration.

The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after approval by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan (upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements). Preliminary Site Plan Approval shall be effective for a period of three (3) year. Within that three (3) year period, the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 8.05.B. If the petitioner does not receive Final Site Plan Approval within one (1) year, Preliminary Site Plan Approval shall expire. Extensions may be granted in one (1) year increments by administrative approval, provided no changes have been made to the approved plan.

C. Administrative Plan Review. The Zoning Administrator shall have the authority to waive the requirement for a site plan if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

The Zoning Administrator is also authorized to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may conduct an administrative review of a site plan for the following projects or under the following circumstances:

1. Minor changes during construction required by outside governmental agencies.

2. Increase in parking or loading area of up to twenty-five (25) percent or 6,000 square feet of pavement area without any building changes.

3. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.

4. For non-residential uses, an increase in floor area of up to twenty-five (25) percent of the existing floor area in the event of no impact to other site requirements or improvements.

5. A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, or sidewalks.

6. A change from a nonconforming use to a conforming use.

7. Accessory buildings associated with a non-residential use.

8. Aesthetic and architectural changes to a non-residential structure.

9. Construction of an entrance feature associated with a residential development.

10. Home occupations.

11. Sign installation, relocation, or replacement meeting the dimensional and locational standards of this Ordinance.

12. Site improvements such as installation of walls, fences, lighting, or landscaping consistent with the Ordinance standards.

13. Temporary uses, sales, and seasonal events.

14. Reuse of existing buildings with no additional hard surfacing or exterior improvements.

15. In the IB District, any use surrounded on all sides by other properties zoned IB District.

D. Final Site Plan Procedures.

1. Prior to requesting any building permits, the petitioner shall seek Final Site Plan approval. This final site plan submittal shall include those items specified under Section 8.05.B of this Article. Applications for Final Condominium Approval shall also include four (4) copies of the recorded Condominium Master Deed and Condominium Bylaws. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items required under Section 8.05.B.

2. The Zoning Administrator shall review the submittal for Final Site Plan Approval to ascertain that all the requirements of Section 8.05.B have been satisfied. Any submittal which fails to include the required modifications, information, and/or documents shall be deemed incomplete and held in abeyance until the petitioner rectifies all deficiencies.

3. In the event that the Final Site Plan has been substantially revised from the Preliminary Site Plan Approval, as determined by the Zoning Administrator, the applicant shall be directed to reapply for a new Preliminary Site Plan approval or to revise the Final Site Plan to bring it into conformance with the approved Preliminary Site Plan.

4. The Planning Department shall review the Final Site Plan to ensure that it is consistent with Preliminary Site Plan Approval. The Planning Department shall confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Assessing, and Fire Departments. Upon verification of all required City approvals, the Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permit applications may be received and/or reviewed for the project.

5. In those instances where Planning Commission review and approval of a revised Preliminary Site Plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five (5) copies of the modified Preliminary Site Plan have been submitted and have been approved by the Building and Engineering Departments.

6. Final Site Plan approval shall be effective for a period of three (3) years, during which the petitioner shall complete construction of the approved project. Extensions may be granted in one (1) year increments by administrative approval, provided no changes have been made to the approved plan.

SECTION 8.04 ADMINISTRATIVE PLAN PROCEDURES

All applications and submittal requirements as set forth in Section 8.05 shall be required for site plans that are received by the Zoning Administrator.

SECTION 8.05 SUBMITTAL REQUIREMENTS

A. Preliminary Site Plan. A petition or request for Preliminary Site Plan Approval shall be submitted on forms prepared by the Zoning Administrator and shall contain the information set forth below. The Zoning Administrator may waive information requirements that do not effect compliance with the Ordinance.

1. The name, address and telephone of the person applying for Preliminary Site Plan Approval.

2. The name, address and telephone of the owner of the property.

3. The relationship between the applicant and the property owner.

4. The present zoning classification of the subject property.

5. The proposed use of the property.

6. A certified topographic survey and a certified boundary survey of the property, prepared and sealed by a Licensed Land Surveyor. The Topographic Survey shall provide one (1) foot contour intervals and shall be printed on a 24 x 36 inch sheet.

7. Attached to the application shall be two (2) copies of the proposed site plan, dimensioned and drawn to a scale of not less than 1" = 20' for property less than three (3) acres, and 1" = 50' for parcels of three (3) acres or more, wherein the following items shall be clearly labeled and dimensioned:

a. All drawings are to have a title block, which shall have the name of the project and date of plans including revision dates.

b. All drawings are to have a northpoint and the scale of the drawing is to be indicated.

c. All lot and property lines.

d. Location of all proposed structures.

e. Existing and future right-of-way of adjacent streets, including centerlines and section lines where applicable.

f. Location of all sidewalks, on and adjacent to the site.

g. Deceleration and passing lanes as required by the City of Troy Traffic Engineer.

h. The means by which stormwater detention will be provided.

i. Setbacks and required yards.

j. Parking areas, access drives, loading and unloading areas, and trash receptacles.

k. Greenbelts, landscape areas, other open space areas and screening walls.

l. The location of any existing driveways and streets within one hundred (100) feet of the subject property, including those across frontage streets.

m. The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.

n. Calculations for the following shall be included on the site plan:

   i. Gross and net (after rights-of-way) site area.

   ii. Gross and net ("usable") building area.

   iii. Required parking and statement of parking provided.

   iv. Required landscape and open space area, and statement of intent for each.

o. Site Plans for residential developments shall include the following additional information:

i. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, to be provided.

ii. Topography on site and fifty (50) feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands, and tree stands indicated.

iii. The typical floor plans and elevations of the proposed buildings, with building height(s).

p. Number of employees on the largest working shift (if applicable).

8. A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for Preliminary Site Plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination may be waived by the Zoning Administrator based on the Natural Features Map and other applicable site information.

9. A tree inventory in accordance with Article 13 shall be attached to all applications for Site Plan Approval. This requirement may be waived by the Zoning Administrator, in those instances where the Topographic Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a tree inventory would not be applicable, or would serve no practical purpose.

10. A landscape plan prepared in conformance with Article 13.

11. Preliminary, dimensioned floor plans.

12. Preliminary, dimensioned building elevations.

13. Preliminary grading plans, in accordance with the City of Troy Engineering Design Standards.

14. Lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding.

15. Samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

16. All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Licensed Architect, Registered Landscape Architect, or Professional Community Planner.

17. Included with the hard copies shall be a CD containing an electronic version of the Preliminary Site Plan Application. The format of the documents shall be Tagged Image Format (tif) files at a resolution of two hundred (200) dots per inch (dpi) and PDF format as specified by the Zoning Administrator. The CD shall be clearly marked with the applicant's name, contact information, project name, and date. Documents shall be in a multipage TIF or individual TIFs in the following order:

    a. Application.

    b. Topography.

    c. Preliminary Site Plan.

    d. Landscape Plan.

    e. Preliminary Floor Plans.

    f. Preliminary Building Elevations.

    g. Preliminary Grading Plan.

    h. Tree Preservation Plan.

    i. Other information, as requested.

B. Final Site Plan. A petition or request for Final Site Plan Approval shall be submitted on forms provided by the Zoning Administrator and shall contain the following:

1. The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval.

2. Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:

    a. The dedication of rights-of-way.

    b. The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements.

c. "Private Agreements" to detail the installation of Public Improvements by the petitioner.

d. "Irrevocable Petition Agreements" for petitioner's participation in potential Special Assessment Projects involving road, pedestrian and/or public utility improvements.

3. A current Title Commitment, indicating all parties of interest in the subject property.

4. A statement from the Planning Department indicating that the Landscape Plans have been submitted and approved, and the related fees have been paid.

5. Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:

   a. The water distribution system.

   b. The sanitary sewer system.

   c. The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.

6. Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.

7. The location of fire lanes and fire hydrants as required by the Fire Department.

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ARTICLE 9

SPECIAL USE APPROVAL

SECTION 9.01 INTENT

This Article provides a set of procedures and standards for special uses, which, because of their unique characteristics, require specific consideration in relation to the welfare of adjacent properties and the community as a whole.

These provisions are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

SECTION 9.02 PROCEDURE

A. Application. A petitioner seeking Special Use approval shall file an application with the Zoning Administrator, together with the appropriate fee and required information, not less than thirty (30) 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 8.

2. A statement with regard to compliance with the criteria required for approval in Section 9.03, Standards for Special Use approval and any specific standards required by the Ordinance for the requested use.

3. Failure to provide the required information and materials as a part of the application for Special Use approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items.

B. Planning Department Review. The application for Special Use approval shall be forwarded by the Zoning Administrator to the Planning Department for review and report on the request for Special Use approval.

C. Public Notice and Signage.

1. All applications for Special Use approval require public notice and a public hearing. Section 3.04, Public Notice Requirements, sets forth notification requirements for all public hearings.

2. A sign shall be placed on the subject property to inform the public that an application for Special Use approval has been filed, and to indicate where information regarding the request can be obtained.

D. Planning Commission Action. At the public hearing, the Planning Commission shall review the application for Special Use approval, and shall either approve the application, approve the application with conditions, deny the application or postpone action. The Planning Commission's decision shall be made a part of the public record, and incorporated into a resolution. Any conditions required by the Planning Commission for approval shall also be made a part of the public record, and incorporated into the resolution.

SECTION 9.03 SPECIAL USE STANDARDS

A. The Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a special use request.

1. Compatibility with Adjacent Uses. The Special Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Special Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses.

2. Compatibility with the Master Plan. The proposed Special Use shall be compatible and in accordance with the goals and objectives of the City of Troy Master Plan and any associated sub-area and corridor plans.

3. Traffic Impact. The proposed Special Use shall be located and designed in a manner which will minimize the impact of traffic, 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.

4. Impact on Public Services. The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden.

5. Compliance with Zoning Ordinance Standards. The proposed Special Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.

6. Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.

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

B. The Planning Commission shall also consider the following factors when reviewing a special land use request:

1. The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.

2. Vehicular circulation and parking areas.

3. Outdoor activity, storage and work areas.

4. Hours of operation.

5. Production of traffic, noise vibration, smoke, fumes odors, dust, glare and light.

SECTION 9.04 CONDITIONS OF APPROVAL

A. Authority. The Planning Commission, in its review of a request for Special Use approval, may at its discretion impose additional conditions 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 or to implement the Master Plan.

B. Scope. Conditions that are imposed by the Planning Commission shall:

1. Be related to and ensure that the review considerations of Section 9.03.E, and the applicable specific regulations are met.

2. Run with the property described as part of the approval of a Special Use, including conditions made as part of the approval, and not to the owner of such property.

3. Remain unchanged unless an amendment to the Special Use approval is approved.

SECTION 9.05 EFFECTIVENESS

Any Special Use approval granted by the Planning Commission shall expire unless a preliminary site plan effectuating the Special Use is submitted within two (2) years of the date of approval. Upon receipt of final site plan approval, Special Use 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 Planning Commission resolution of approval. When a use approved under the Special Use approval procedure ceases to function or is abandoned for a period of (12) twelve months, the Special Use approval shall lapse and shall no longer be in effect.

SECTION 9.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Special Uses or when there is a proposed change from one Special Use to another.

A. Amendments. Any applicant who has been granted Special Use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Zoning Administrator shall determine whether a proposed amendment requires new Special Use approval.

B. Expansions. An expansion of any use requiring a Special Use approval that results in an increase of ten (10) percent or more of the building, parking, paved areas, or site area shall require resubmittal in the manner described in this Article. A separate Special Use approval shall be required for each use requiring Special Use Approval on a lot, or for any expansions of a Special Use approval.

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. The Zoning Administrator shall determine if a new Special 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.

ARTICLE 10

DEVELOPMENT OPTIONS

SECTION 10.01 AVERAGE LOT SIZES

A. Intent. The intent of this Section is to permit lot sizes and lot widths to be adjusted to average the minimum lot size as required in the district in which the property is located. This option is permissible in all One-Family Residential Districts.

B. Standards.

1. In meeting the average minimum lot size, no lot area or width shall be reduced by more than ten (10) percent of that area or width required in the district in which the property is located.

2. The number of residential lots shall be no greater than if the land area to be developed complies with the minimum lot area and width requirements in the district in which the property is located. In this regard, the following maximum gross densities (including roads) shall not be exceeded:

   R-1A = 1.6 dwelling units per acre
   R-1B = 2.2 dwelling units per acre
   R-1C = 3.1 dwelling units per acre
   R-1D = 3.8 dwelling units per acre
   R-1E = 4.2 dwelling units per acre

SECTION 10.02 SITE CONDOMINIUM PROJECT REGULATIONS

A. Intent. The intent of this Section is to regulate site condominium projects to ensure compliance with this Ordinance and other applicable standards of the City, to provide procedures and standards for review and approval or disapproval of such developments, and to insure that each project will be consistent and compatible with other developments in the community.

B. General Standards.

1. All site condominium projects shall comply with the use, area, setback, and other applicable requirements of the zoning district in which the project is located.

2. In a site condominium project, each condominium lot shall be considered equivalent to a single lot as defined by this Ordinance, and shall meet all the minimum use, area, setback, and other applicable requirements of the zoning district in which the project is located.

C. Site Plan Review and Approval Procedure. The review and approval of plans for a condominium project shall comply with the standards and procedures set forth in Article 8, Site Plan Review and the following additional requirements:

1. The Preliminary Site Plan shall include the street pattern and fully dimensioned residential parcel layout, including proposed building configurations. A preliminary sanitary sewer, storm sewer, and water main layout shall also be submitted.

2. Final Site Plans shall indicate the corners of all proposed residential parcels, and such other points as may be necessary to determine that the potential parcel and building configurations will conform with applicable Ordinance requirements. Final Plans shall be accompanied by the following materials or information:

   a. Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards.

   b. Floor Plans and Elevations of the proposed residential units.

   c. Proposed condominium documents shall be reviewed and approved by the City Attorney prior to approval of the final site plan.

   d. Warranty Deeds and Easement documents, in recordable form, for all rights-of-way and easements which are to be conveyed to the City in conjunction with implementation of the proposed Final Plan.

D. Construction.

1. Prior to the issuance of permits for construction, the City Engineer shall prepare and submit a detailed summary of required financial guarantees to insure the construction of required improvements, and the placement of proper property and parcel monuments and markers. Such financial guarantees shall then be furnished by the petitioner, in a form acceptable to the City Manager. The City Engineer's certification of construction plan approval and evidence of the required financial guarantees shall then be submitted to the Planning Department for their review, approval, conditional approval, or disapproval.

2. Construction of utilities, streets, and other site improvements can begin only after Planning Department approval of the Final Plan for a site condominium, as set forth above.

3. No building permits for residential structures may be granted until the petitioner has placed permanent residential parcel monuments or markers which are acceptable to the City Engineer and Building Official.

4. Occupancy permits for residential structures may not be granted until all utility and street improvements and related rights-of-way or easements have been accepted by the City, in accordance with Engineering Division procedures.

E. Improvements.

1. Principal access and circulation through a site condominium shall be provided by public streets constructed to City standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential parcels may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City public street standards, within forty (40) foot private easements for public access.

2. Principal access to site condominium of five (5) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City public street standards, within forty(40) foot private easements for public access, when in the opinion of the City Council the property configuration is such that the provision of conforming dwelling unit parcels is impractical.

3. All entrances to major or secondary thoroughfares shall include deceleration, acceleration and passing lanes as required by Engineering Standards of the City of Troy.

4. Sidewalks shall be constructed, in accordance with City Standards, across the frontage of all dwelling unit parcels. Utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

5. All shall be served by public water, sanitary sewer, storm sewer and detention/ retention systems constructed to City standards, at the expense of the developer. Easements over these systems shall be conveyed and recorded before occupancy permits are issued for dwelling units.

SECTION 10.03 OPEN SPACE PRESERVATION OPTION

A. Intent. An applicant may elect to apply for an Open Space Preservation option in the R-1A and R-1B One-Family Residential zoning districts, provided the standards set forth in this Section are met. The Open Space Preservation Option is intended to:

1. Provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.

2. Encourage developers to use a more creative approach in the development of residential areas.

3. Encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.

4. Encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.

5. Ensure an Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

B. Eligibility Criteria. To be eligible for the Open Space Preservation Option, property must be zoned R-1A or R-1B, and meet each of the following standards:

1. The area preserved as open space shall remain in a perpetually undeveloped state.

2. The site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

3. The option has not previously been exercised on the parcel.

C. Application Requirements. The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:

1. A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:

   a. Legal description of dedicated open space, including dedicated easements.

   b. Topographical survey of dedicated open space.

   c. Types of soil in dedicated open space.

   d. Description of natural features on dedicated open space.

   e. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.

2. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:

a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.

b. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the City.

c. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

D. Dwelling Unit Density. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan."

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the applicable One-Family zoning district.

2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

E. Regulatory Flexibility. To comply with the open space preservation provisions of the Michigan Zoning Enabling Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

1. Overall density shall not exceed the number of lots determined in the parallel plan.

2. Setback provisions shall be as follows:

a. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing underlying zoning.

b. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings.

The minimum setbacks shall be as follows:

Front	25'
Rear	35'
Sides	10'

3. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

4. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

F. Open Space Requirements.

1. Minimum Requirements. An Open Space Preservation development shall maintain a minimum of twenty (20) percent of the gross area of the site as dedicated open space, which shall remain perpetually in an undeveloped state by means of one of the tools included in subsection 5 below. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section 10.04.F.3, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. The required open space shall be accessible to all residents of the Open Space Preservation development or the City of Troy.

2. Common Open Space. Common open space, other common properties and facilities, individual properties, and all other elements of an Open Space Preservation development shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

3. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Section:

   a. Area proposed as single-family residential lots/units.

   b. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

c. The area of any street right-of-way or equivalent private road easement.

4. Location of Open Space. Common open space shall be planned in locations accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces.

5. Protection of Open Space.

   a. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

   b. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

      (i) Indicate the proposed allowable use(s) of the dedicated open space.

      (ii) The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

SECTION 10.04 ONE-FAMILY CLUSTER OPTION

A. Intent. The Cluster Option is offered as an alternative to traditional residential development. The Cluster Option is intended to:

1. Encourage the use of property in accordance with its natural character.
2. Assure the permanent preservation of open space and other natural features.
3. Provide recreational facilities and/or open space within a reasonable distance of all residents of the Cluster development.

4. Allow innovation and greater flexibility in the design of residential developments.
5. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.
6. Ensure compatibility of design and use between neighboring property.
7. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
8. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other City goals.

B. Uses.

1. To be eligible for Cluster consideration, property must be zoned R-1A, R-1B, R-1C, R-1D, or R-1E.

2. The permitted uses shall be limited to single-family detached residential development, residential accessory structures, non-commercial recreation uses and open space.

3. Two--family dwellings are permitted as a Special Use in the R1A, R1B, R1C, R1D, and R1E Zoning Districts with the following regulations:

   a. The site shall have frontage on and primary access to a major or minor arterial.
   b. Perimeter Setback: Perimeter setback for principal structures from all of the borders of the development shall be equal to the rear-yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required perimeter setback..
   c. Comply with the Special Use standards as set forth in Section 9.03.

C. Base Number of Units.

1. The number of dwelling units permitted shall not exceed the number of dwelling units customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and all applicable ordinances and laws observed. In order to calculate density with a conventional subdivision or site condominium layout, the applicant shall submit a concept site plan of the property with a conventional layout. The plan shall indicate the topography of the site at two (2) foot contour intervals and the limits of all floodplains, water bodies, wetlands, easements, and other areas which would be set aside and preserved due to impracticality, economic unfeasibility, contractual prohibition, or based upon applicable law or ordinance. In addition, the concept plan with the conventional layout shall include the general street pattern and lot configurations. In general, the plan shall be drawn with sufficient detail to permit the Planning Commission to determine the density that would be achieved by conventional development.

2. If all requirements 10.04.D are met, the underlying density established by 10.04.C.1 may be increased by twenty percent (20%).

D. Open Space Requirements.

1. The following land areas are not included as dedicated open space for the purposes of the Cluster development option:

   a. The area of any street right-of-way.
   b. The submerged area of any lakes, rivers, ponds or streams.
   c. The required front and side setbacks surrounding a residential structure.
   d. Required building separations.
   e. Storm water detention or retention facilities, with the exception of bio-retention areas that provide an active or passive recreation function, which can be considered open space.
   f. Non-functional open space due to limited width or depth as determined by the City Council.

2. All land within a development that is not devoted to a residential unit, limited common elements, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.

3. A Cluster development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space held in common ownership.

4. Benefit. The proposed open space shall provide at least one (1) of the following open space benefits:

   a. Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve the natural features that might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the City Council, after review of a Natural Features Analysis, prepared by the applicant, that inventories these features; or
   b. Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space. The determination of whether the site has significant natural features shall be made by the City

Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features; or

c. Preservation of Common Open Space or Creation of Natural Features. If the site lacks significant natural features, a proposed development may also qualify if the development will preserve common open space or create significant natural features such as wetlands. The determination of whether the site has significant natural features shall be made by the City Council after review of a Site Analysis Plan, prepared by the applicant, which inventories these features.

5. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

6. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council.

7. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restriction, restrictive covenant, conservation easement, plat dedication, or other legal document that is subject to review and approval by the City Council, after review and recommendation by the City Attorney. The irrevocable conveyance document shall be approved before there can be final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. The City of Troy (or the common owners) shall be specifically identified as the beneficiary of its provisions.

   a. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
   b. Standards for scheduled maintenance of the open space.
   c. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property as determined by the City assessor.
   d. The irrevocable conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:

(i) Dumping or storing of any material or refuse.
(ii) Activity that may cause risk of soil erosion or threaten any living plant material.
(iii) Cutting or removal of live plant material except for removal of dying or diseased vegetation.
(iv) Use of motorized off-road vehicles.
(v) Cutting, filling or removal of vegetation from wetland areas.
(vi) Use of pesticides, herbicides or fertilizers within any wetlands area.

e. The irrevocable conveyance shall provide the following:

(i) The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
(ii) Standards for scheduled maintenance of the open space.
(iii) If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.
(iv) The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.
(v) Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one (1) percent of the required open space area.

8. Maintenance of Open Space. The applicant shall provide documentation to guarantee to the satisfaction of the City Council that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the Cluster development.

9. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.

10. Unified Control. The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts,

covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.

11. Density Impact. The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

E. Bulk Regulations and Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings, as long as the following requirements are satisfied:

1. Overall density shall not exceed the number of residential cluster units determined in Section 10.04.C unless a density bonus as set forth in Section 10.04.H has been granted by the City Council.

2. Setback provisions shall be as follows:

   a. Perimeter Setback: The perimeter setback for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the perimeter setback.
   b. Setback requirements for principal structures on the interior of the development shall be as follows. If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.

      (i) Front: Twenty (20) feet. There shall be at least twenty-five (25) feet between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.

      (ii) Rear: Twenty-five (25) feet.

      (iii) Side: Seven and one-half (7.5) feet. For detached units with "rear-to-side" relationships, the required setback shall be fifteen (15) feet for each unit, for a total of thirty (30) feet.

3. Required street frontage. The extent of street frontage shall be determined by

the Planning Commission, in its discretion, with greater deviations from minimum frontage requirements applicable in the district to be permitted in proportion to the extent and importance of natural resources,topographical conditions, floodplains and wetlands to be preserved on the property, and taking into consideration the size and shape of the development site, public safety factors, aesthetics and impact upon the surrounding developments.

4. All applicable zoning district regulations to height, parking, loading, general provisions, and other requirements shall be met.

5. Regulatory Flexibility. The City Council, based upon a recommendation from the Planning Commission, may waive the front, side, rear, and perimeter setback provisions as set forth in 10.4.E.2 provided that the applicant has demonstrated innovative and creative site and building designs and solutions, which would otherwise be unfeasible or unlikely to be achieved absent this provision.

F. Landscaping. Required landscaping shall be in accordance with section 13.02.F Subdivision and Site Condominium Landscaping.

G. Access. Principal access to the development shall be provided by twenty-eight (28) foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of-way or by twenty-eight (28) foot wide streets constructed to City public street standards that are located, within forty (40) foot private easements for public access. Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

H. Density Bonus. To encourage the use of the cluster development as set forth in the objectives in Section 10.04.A, a variable density bonus may be allowed at the discretion of City Council, based on a recommendation from Planning Commission. Density bonuses may be based upon a demonstration by the applicant of the following elements:

1. Open Space. For every ten percent (10%) additional open space above the minimum required amount that is not encumbered by rights-of-way or utility easements, a ten percent (10%) bonus density may be applied, or fraction thereof above the base yield number of units as established in 10.04.C.1.

2. Housing Diversity and Options. A bonus above the base yield number of units established in 10.04.C.1 may be provided for a development that provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered in the city. The following requirements shall be met for the all bonus unit in excess of the base yield number of units:

a. Maximum home square footage shall not exceed 1,500 sq/ft; and
b. Master first floor bedroom and bathroom shall be provided; and

3. Sustainable Design. A 10% unit bonus above the base yield number of units established in 10.04.C.1 may be provided for a development that utilizes sustainable design best practices including, but not limited to green infrastructure, stormwater best management practices, and green buildings. A sustainable design bonus shall be discretionary from the City Council, based on recommendation from the Planning Commission.

4. Such density bonuses are in addition to the bonus established in 10.04.C.2

I. Standards for Review.

1. Review. In reviewing any application for a Cluster Development, the Planning Commission 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.

2. Findings. The applicant shall demonstrate that through the use of the Cluster option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

a. Long-term protection and preservation of natural resources, natural features, and open space of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.
b. Innovative and creative site design through flexibility in the siting of dwellings and other development features that would otherwise be unfeasible or unlikely to be achieved absent these regulations.
c. Appropriate buffer and/or land use transitions between the Cluster development and surrounding properties.
d. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.
e. Sustainable design features and techniques, such as green building, stormwater management best practices, and low impact design, which will promote and encourage energy conservation and sustainable development.
f. A means for owning common open space and for protecting it from development in perpetuity.
g. Any density bonus is commensurate with the benefit offered to achieve such bonus.
h. The cluster development shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated

without an unreasonable public burden.

i. The architectural form, scale, and massing shall ensure buildings are in proportion and complementary to those of adjacent properties and the selected building materials are of high, durable quality.

J. Application Requirements. In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the Cluster Plan shall contain the following:

1. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:

   a. A legal description of dedicated open space.
   b. A topographical and boundary survey of dedicated open space.
   c. A Natural Features Analysis that inventories all significant natural features on the property and on abutting properties, if applicable.

2. Information regarding current and proposed ownership and use of the dedicated open space, including the following:

   a. The proposed ownership and control of the open space.
   b. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.
   c. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.

3. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including Protected Trees, wetlands, water courses, and open space during construction. The plan shall be consistent with the City's Woodland Protection requirements as set forth in Section 13.07, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.

4. Other relevant information necessary to show that the proposed development qualifies for approval as a Cluster development.

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ARTICLE 11

PLANNED UNIT DEVELOPMENT

SECTION 11.01 INTENT

A. The intent of the Planned Unit Development option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:

1. Encourage developments that will result in a long-term contribution to social, environmental and economic sustainability in the City of Troy.

2. Permit development patterns that respond to changing public and private needs.

3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.

4. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources.

5. Promote the efficient use and conservation of energy.

6. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.

7. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy.

8. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses.

9. Ensure development that is consistent with the intent of the Master Plan.

B. A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character and

quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the public health, safety and welfare in the area affected, and in accordance with the intent of this Article.

SECTION 11.02 USES PERMITTED

The uses permitted within a Planned Unit Development shall be consistent with the intent of the Master Plan or the intent of any applicable corridor or sub-area plans. If conditions have changed since the Plan, or any applicable corridor or sub-area plans were adopted, the uses shall be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific Planned Unit Development PUD plan presented, and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development PUD, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject property is developed and its uses are controlled.

SECTION 11.03 STANDARDS FOR APPROVAL

A Planned Unit Development project may be applied for in any zoning district. In order to be considered for the Planned Unit Development option, it should be demonstrated that the following standards will be met, as reasonably applicable to the site:

A. The proposed development shall be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the PUD.

B. The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

1. A mixture of land uses that would otherwise not be permitted without the use of the PUD provided that other objectives of this Article are also met.

2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare.

3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations.

4. Long-term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.

6. Appropriate land use transitions between the PUD and surrounding properties.

7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development.

8. Innovative and creative site and building designs, solutions and materials.

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities.

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures.

12. A complementary variety of housing types that is in harmony with adjacent uses.

13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure.

14. A development consistent with and meeting the intent of this Article, which will promote the intent of the Master Plan or the intent of any applicable corridor or sub-area plans. If conditions have changed since the Plan, or any applicable corridor or sub-area plans were adopted, the uses shall be consistent with recent development trends in the area.

15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

a. The bulk, placement, and materials of construction of the proposed structures and other site improvements.

b. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

c. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

d. The hours of operation of the proposed uses.

e. The location, amount, type and intensity of landscaping, and other site amenities.

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

SECTION 11.04 CONSISTENCY WITH MASTER PLAN

In the event that an applicant proposes a Planned Unit Development wherein the predominant use or uses would not be consistent with the intent of the Master Plan, applicable corridor or sub-area plans, recent development trends in the area, or this Article, the City may consider initiating an amendment to the Master Plan or applicable corridor or sub-area plans. If an applicant proposes any such uses, the applicant shall provide supporting documentation in advance of or simultaneous with the request for Concept Development Plan Approval.

SECTION 11.05 SUMMARY OF THE APPROVAL PROCESS

A. Step One: Conceptual Development Plan Approval. The procedure for review and

approval of a PUD shall be a three-step process. The first step shall be application for and approval of a Concept Development Plan, which requires a legislative enactment amending the zoning district map so as to reclassify the property as a Planned Unit Development. A proposed Development Agreement shall be included and incorporated with the Concept Development Plan, to be agreed upon and approved coincident with said Plan. The Concept Development Plan and Development Agreement shall be approved by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.

B. Step Two: Preliminary Development Plan Approval. The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

C. Step Three: Final Development Plan Approval. The third step of the review and approval process shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Zoning Administrator for administrative review, and the Zoning Administrator, with the recommendation of other appropriate City Departments, shall have final authority for approval of such Final Development Plans.

SECTION 11.06 STEP ONE: CONCEPT DEVELOPMENT PLAN APPROVAL

A. Preapplication Meeting. Prior to the submission of an application for approval of a Planned Unit Development, the applicant shall meet informally with the Zoning Administrator of the City, together with such staff and outside consultants as deemed appropriate by the City. The applicant shall present at such conference, or conferences, a sketch plan of the proposed Planned Unit Development, as well as the following information:

1. A legal description of the property and the total number of acres in the project;

2. A topographical map of the site;

3. A statement as to all proposed uses;

4. The known deviations sought from the ordinance regulations otherwise applicable;

5. The number of acres to be preserved as open or recreational space and the intended uses of such space;

6. All known natural resources, natural features, historic resources and historic features; which of these are to be preserved; and

7. A listing and specification of all site development constraints.

B. Concept Development Plan. Thereafter, a Concept Development Plan conforming to the application provisions set forth herein shall be submitted. A proposed Development Agreement shall be incorporated with the Concept Development Plan submittal and shall be reviewed and approved coincident with the Plan. Such submissions shall be made to the Zoning Administrator, who shall present the same to the Planning Commission for consideration at a regular or special meeting. The Concept Development Plan shall constitute an application to amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Prior to the Planning Commission scheduling a Public Hearing, the applicant shall arrange for one (1) or more informal meetings with representatives of the adjoining neighborhoods, soliciting their comments and providing them to the Planning Commission. The City shall be advised in advance as to the scheduling and location of all such meetings.

Thereafter, the Planning Commission shall make a recommendation to the City Council with regard to the Concept Development Plan. A Public Hearing shall be scheduled before the City Council, at which time Council will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Concept Development Plan. The City Council shall set forth in their resolution the reasons for such action, including any reasons for denial.

C. Application. The application for approval of a Concept Development Plan shall include the information and materials set forth herein, which shall be in a plan format together with a narrative explanation. The Zoning Administrator shall have the authority to waive certain information and materials if it is determined that such information and materials do not affect compliance with this Ordinance.

1. Development Concept. A summary explanation of the development concept shall describe the project and explain how the project will meet the intent of the PUD option as set forth in Section 11.01 and the criteria for consideration as a PUD as set forth in Section 11.03 hereof, as those sections reasonably apply to the site.

2. Density. The maximum density of the overall project and the maximum density for each proposed use and phase.

3. Road System. A general description of the road system and circulation pattern; the location of roads, entrances, exits and pedestrian walkways; a statement whether roads are intended to be public or private. 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 vehicle traffic congestion particularly as it pertains to the improvements along major roads.

4. Utilities. A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.

5. Open Space/Common Areas. A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; and the proposed uses of open space and common areas.

6. Uses. A list of all proposed uses; the location, type and land area to be devoted to each use, both overall and in each phase; and a demonstration that all of the proposed uses are permitted under this Article.

7. Development Guidelines. A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berming; and building materials.

8. Parking and Traffic. A study of the parking requirements and needs; and a traffic impact study and analysis.

9. Landscaping. A general landscaping plan; a landscape plan for entrances; a landscape plan for overall property perimeters; any theme/streetscape design; and any proposed irrigation.

10. Natural Resources and Features. Floodway/floodplain locations and elevations; wetlands and watercourses; woodlands; and location and description of other natural resources and natural features.

11. Phasing Information. The approximate location, area and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.

12. Public Services and Facilities. A description of the anticipated demand to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site drainage, police and fire; a description of the sufficiency of each service and facility to accommodate such demands; and the anticipated means by which any insufficient services and facilities will be addressed and provided.

13. Historical Resources and Structures. Their location, description and proposed preservation plan.

14. Site Topography.

15. Signage. General character and location of entrance and internal road system signage; project identification signage; and temporary or permanent signage proposed for any other locations.

16. Amenities.

17. Zoning Classification. Existing zoning classifications on and surrounding the site.

18. Specification Of Deviations. A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development; the safeguards, features and/ or planning mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is being sought.

19. Community Impact Statement. A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinance provisions need not be duplicated in the community impact statement.

D. Standards for Approval. In making a determination as to whether to approve a proposed Planned Unit Development proposal, the Planning Commission and the City Council shall be guided by the intent and criteria as set forth in Sections 11.01 through 11.04, as reasonably applicable to the site.

E. Planned Unit Development Agreement. In conjunction with a request for Concept Development Plan approval, the applicant shall submit one or more proposed documents which, when agreed upon by all parties, shall serve as the PUD Agreement. As a part of the Concept Development Plan approval process, the applicant and the City Council shall each authorize execution of a PUD

Development Agreement. The PUD Development Agreement shall include, but shall not be limited to, items such as the following:

1. A summary description of the nature and character of the proposed development, including uses, densities and site improvements as approved in the Concept Development Plan.

2. A statement of the conditions upon which Conceptual Development Plan Approval by the City Council is based, with particular attention given to those conditions, which are unique to this particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.

3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees which will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.

4. A document specifying and ensuring the maintenance of any open space or common areas contained within the PUD development (e.g. through a property owners association, or through conveyance to the City with maintenance deposit, etc.)

5. A statement that if there is a conflict between the Zoning Ordinance, the Conceptual Development Plan and the Planned Unit Development Agreement, the Planned Unit Development Agreement shall control.

6. Upon the granting of Concept Development Plan approval, the Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds by the City of Troy, referencing the legal description of the subject property.

F. Effect of Concept Development Plan Approval. If the City Council approves the Concept Development Plan and the Development Agreement, the zoning map shall be amended to designate the property as a Planned Unit Development. Such action, if and when approved, shall confer Concept Development Plan approval for five (5) years (herein to be referred to as CDP Period). The five year CDP Period commences upon the effective date of adoption of the ordinance that rezones the parcel to PUD by City Council.

During the CDP Period, the applicant shall be permitted to submit at least one (or more, at the option of the applicant, if the project is proposed in phases) Preliminary Development Plan application(s), seeking Preliminary Development

Plan approval in the manner hereinafter provided. Upon the submittal of the first Preliminary Development Plan for one (1) or more phases of the PUD project, the five (5) year expiration period shall no longer apply to the CDP and the CDP shall remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Property. Any submittals of Preliminary Development Plans shall comply with all the requirements of Article 8, Site Plan Review for Preliminary Site Plan submittals and any additional requirements of the Zoning Administrator reasonably needed to demonstrate consistency with the CDP and compliance with Section 11.07. Any Preliminary Development Plans that do not comply with these requirements shall not be considered submittals for purposes of this Paragraph. After submittal of the first Preliminary Development Plan, the timing for the issuance of permits and construction of the PUD project and/or all future phases, shall, be determined as set forth in Section 11.08.F.

Upon the request of the applicant, prior to the expiration of the Concept Development Plan, the City Council may extend the expiration date of the Concept Development Plan. In determining whether to extend the expiration date of the Concept Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner which would substantially affect the project as previously approved.

In the event of the expiration of the Concept Development Plan, the applicant may either make application for a new Concept Development Plan or make application for some other zoning classification. Following Final Development Plan Approval for one or more phases or for the entire PUD, no use or development of the subject property may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There shall be no use or development of the subject property until a new Concept Development Plan or rezoning is approved.

SECTION 11.07 STEP TWO: PRELIMINARY DEVELOPMENT PLAN APPROVAL

A. Development of property classified as a PUD shall require Preliminary Development Plan approval, which shall be granted by City Council following a recommendation by the Planning Commission. Application(s) shall be submitted to the Planning Commission and City Council for review and approval consistent with the approved Concept Development Plan.

B. Preliminary Development Plan approval may be applied for and granted with respect to the entire PUD development or as to one (1) or more phases. However, if the project is developed in phases, the design shall be such that upon completion, each phase or cumulative result of approved phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and

the health, safety, and welfare of the users of the Planned Unit Development and properties in the surrounding area.

The Preliminary Development Plan shall specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Preliminary Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the property as proposed and/or to promote and/or protect the public health, safety and welfare in a manner consistent with the intent and spirit of this Article.

C. Except as herein otherwise modified, Preliminary Development Plan approval shall be based upon the requirements, standards and procedures set forth in Article 8, Site Plan Review. In addition to the information required in Article 8, the applicant shall also submit the following:

1. A demonstration, including map and text, that the requirements of Section 11.07.B hereof have been met.

2. To the extent not provided by the information submitted in accordance with Article 8, Site Plan Review, the following additional information and documentation shall be submitted:

   a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during Concept Development Plan review.

   b. A site plan showing the type, location and density of all structures and uses.

   c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar such uses and spaces, and the purpose proposed for each area.

   d. Expert opinion of an independent consultant with regard to a market need for the use or uses proposed and the economic feasibility of the project.

   e. A specification of all deviations proposed from the regulations, which would otherwise be applicable to the underlying zoning and to the proposed uses.

      This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations, which would otherwise apply to a traditional development.

f. Additional landscaping details as required by the Planning Commission and/or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.

g. The general improvements which will constitute a part of each phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.

D. The Planning Commission shall proceed with the review of a Preliminary Development Plan for either the entire PUD development or for any one or more phases thereof in the manner herein specified and in accordance with the provisions of Article 8, Site Plan Review. The Planning Commission shall determine that:

1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, the Planning Commission shall make this determination a part of their recommendation.

2. The Preliminary Development Plan meets the requirements, standards and procedures set forth in Article 8, Site Plan Review and any other applicable requirements as set forth in this Article.

E. At the conclusion of the Planning Commission's review, the Planning Commission shall either recommend approval of the Preliminary Development Plan, with or without conditions, or recommend denial. If the Planning Commission recommends denial, the minutes of the meeting shall include the reasons for recommending denial. If approval is recommended with conditions, the minutes shall include a statement of the conditions.

Following receipt of the Planning Commission's recommendation of a Preliminary Development Plan, the City Council shall either approve the Preliminary Development Plan, with or without conditions, or deny the Preliminary Development Plan. If City Council determines the Preliminary Development Plan does not conform to the Concept Development Plan, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 11.09.

F. City Council's approval of the Preliminary Development Plan shall be effective for a period of three (3) years, during which period of time the applicant is authorized to submit a Final Development Plan (final site plan, engineering and construction plans) for site improvements, together with all other documents necessary for Final

Development Plan approval and the issuance of Building Permits. The applicant may apply to the City for extension of the three (3) year period for approval of the Preliminary Development Plan.

SECTION 11.08 STEP THREE: FINAL DEVELOPMENT PLAN APPROVAL

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Zoning Administrator for its review and approval, and the Zoning Administrator shall have final authority for the review and requested approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following its review of the Final Development Plan, the Zoning Administrator shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Zoning Administrator shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

SECTION 11.09 AMENDMENT

Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/ or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

SECTION 11.10 PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS

A. All applications for a Planned Unit Development shall require public notice and a public hearing. Section 3.04, Public Notice Requirements sets forth notification requirements for all public hearings.

B. A sign shall be placed on the subject property to inform the public that an application for a Planned Unit Development has been filed, and to indicate the location of information regarding the request.

SECTION 11.11 ABANDONMENT

A. Abandonment of Concept Development Plan. Following any action evidencing

abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors. The City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

B. Abandonment of Preliminary Development Plan. Approved Preliminary Development Plans for which a Final Development Plan has not been submitted as required under Section 11.08 shall be considered abandoned for the purposes of this Article. The applicant may request a twelve (12) month extension of Preliminary Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the three (3) year Preliminary Plan Approval period.

C. Abandonment of Final Development Plan. Approved Final Development Plans, upon which construction does not commence within a two (2) year period from the date of a Final Development Plan approval, shall be considered abandoned for the purposes of this Article. The applicant may request a twelve (12) month extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the two (2) year Final Plan Approval period.

SECTION 11.12 APPEALS

The Zoning Board of Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 11.09 hereof.

SECTION 11.13 VIOLATIONS

Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 3.08.

ARTICLE 12

SUSTAINABLE DESIGN AND ENVIRONMENTAL STANDARDS

SECTION 12.01 SUSTAINABLE DESIGN OPTION

A. Intent. It is the intent of this Section to promote environmentally sustainable and energy efficient design and development practices for the construction of new and the rehabilitation of existing buildings and sites within the City. Pursuant to the sustainability initiatives set forth in the City of Troy Master Plan, the purpose of these regulations are to provide various incentives that will achieve the following:

1. Encourage the reuse of existing buildings and redevelopment of existing sites.

2. Conserve natural resources.

3. Reduce the use of energy in both construction and daily operations.

4. Foster a mix of uses and pedestrian, bicycle, and public transit use.

B. Eligibility. Any project for which site plan review is required, including subdivisions and site condominiums, may apply for qualifications as a Sustainable Design Project (SDP).

C. Effect of Qualifications as a Sustainable Design Project. There are provisions identified throughout the Zoning Ordinance where the use of sustainable design measures may be used to satisfy, modify, or replace a specific requirement. Once prequalified as a SDP, the use of a sustainable design measure to satisfy a specific Ordinance requirement is authorized. Approval of a site plan with a modification permitted under this Section shall be considered the formal approval of the SDP status of the project.

D. Procedure.

1. An application for a SDP may be obtained from the Zoning Administrator. An applicant seeking qualification as a SDP shall submit a complete SDP application, accompanied by a complete SDP checklist and supportive narrative which verifies how specific measures will be achieved, to the Zoning Administrator.

2. Qualification as a SDP is based upon the use of specific measures to offset the potential impact of modifying specific areas of the Ordinance. The SDP checklist identifies potential sustainable design measures eligible to modify specific provisions of the Ordinance.

3. Applications for a SDP shall be reviewed by the Sustainable Design Review Committee, which shall consist of the Planning Director, City Engineer, Building Official, and two (2) members of the Planning Commission designated by the City Manager. The Sustainable Design Review Committee may request the review of a SDP application by consultants with specific expertise in sustainable design.

4. Upon completion of the review, the Sustainable Design Review Committee shall make a determination whether a project meets the qualifications as a SDP. If the committee makes a positive determination, the project will have Prequalified SDP status, which will make the project automatically eligible for the requested modification during site plan review and approval. Approval of a site plan with a modification permitted under this Section shall be considered the formal approval of the SDP status of the project.

SECTION 12.02 STORMWATER MANAGEMENT

A. Intent. The intent of this Section is to encourage the use of structural, vegetative or managerial practices, commonly referred to as best management practices (BMP's), designed to treat, prevent, or reduce degradation of water quality due to storm water runoff. All development projects subject to site plan review shall use best management practices (BMP's) to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands and watercourses on the site to the maximum extent feasible.

B. Sustainable Design. While stormwater management is required to meet the City Engineering Design Standards, certain BMP's may be used to satisfy qualification as a Sustainable Design Project, as set forth in Section 12.01.

C. Stormwater Management. All stormwater management plans shall meet the Engineering Design Standards adopted by the City as determined by the City Engineer, and shall utilize nonstructural control techniques to the maximum extent feasible, 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 or rock-lined swales.

5. Use of infiltration devices.

D. 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 the standards of the City.

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.

E. Use of Wetlands. Wetlands may be used for stormwater management, provided applicable permits are obtained from the Michigan Department of Natural Resources and Environment and/or the appropriate federal agency.

SECTION 12.03 CONSTRUCTION WITHIN DESIGNATED FLOOD PLAIN 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 Troy; and, further, to comply with the provisions and requirements of the National Flood Insurance Program.

B. Delineation of the Flood Hazard Area. The boundaries of Flood Hazard Areas shall initially be determined by reference to the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and any amendments 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 article 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. Grazing, agriculture, and pastureland.

   b. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, nature paths and trails, and wildlife preserves.

   c. Required open space or lot area for uses in compliance with the Zoning District requirements of contiguous property not within the Flood Hazard Area.

   d. Off-street parking, streets, drives, roads, and outdoor play 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.

2. New and/or substantially improved residential structures shall be permitted, provided that such residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations." Such structures shall be prohibited in Flood Hazard Areas in the EP Environmental Protection Zoning District.

3. New and/or substantially improved non-residential structures permitted by the applicable Zoning District shall be permitted, provided that such non-residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations." Such structures shall be prohibited in Flood Hazard Areas in the EP Environmental Protection Zoning District.

E. Permits. No building or 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 an applicable permit by the City of Troy Building Department and Engineering Department.

SECTION 12.04 WIND ENERGY CONVERSION SYSTEMS

A. Intent. It is the intent of the City to permit the effective and efficient use of Wind Energy Conversion Systems (WECS) 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 WECS. This Ordinance does not establish or guarantee air or light or wind rights or establish access to the air, light, or wind.

B. Applicability. It shall be unlawful to construct, erect, install, alter, or locate any WECS or Temporary Meteorological Tower (TMT) within the City except in compliance with this section. A building permit is required for any WECS or TMT pursuant to this Section.

C. On-Site WECS Permitted. On-site WECS or TMT shall be considered a permitted use in all zoning districts, subject to the provisions of this Section. Applications for an on-site WECS shall include the following:

1. Applicant Information. Name, address and contact information.

2. Project Description. A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.

3. Plot Plan and Documentation. The Plot Plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include:

   a. The project area boundaries.

   b. The location, height and dimensions of all existing and proposed structures and fencing.

   c. Distance of proposed structure from all property lines and permanent structures.

   d. The location, grades and dimensions of all temporary and permanent on-site access roads.

   e. Existing topography.

   f. Water bodies, waterways, wetlands, and drainage ditches (county drains).

   g. All new above ground infrastructure related to the project.

   h. The location of all overhead utility wires.

4. Additional Documentation.

   a. Insurance. Proof of the applicant's appropriate liability insurance.

   b. Sound Pressure Level. Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.

   c. Certifications. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.

   d. Grant of Authority. The applicant shall provide evidence of ownership of the land which the WECS or TMT is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.

   e. Compliance with Laws and Regulations. The applicant, operator of the WECS or TMT, and owner of the land on which the WECS or TMT is located are each responsible for ensuring that the installation, operation, use and removal of the WECS or TMT complies with all applicable state, federal and local laws, ordinances and regulations, and shall submit proof of such compliance to the City upon request. Further, such applicant, operator and owner shall each defend, indemnify and hold harmless the City from and against any and all loss, liability, cost or expense incurred by the City as a result of any failure of the WECS or TMT to comply with applicable laws, ordinances or regulations.

D. Commercial WECS Permitted. Commercial WECS and TMT shall be considered a special land use in all zoning districts and shall subject to the provisions of this Section and Article 9. Applications for a commercial WECS or TMT shall require a complete special land use permit application in accordance with Article 9, including a complete site plan in accordance with Article 8.

E. Planned Unit Development. A proposed WECS or TMT as part of an initial application for a Planned Unit Development shall be subject to approval as part of the PUD petition, and the standards and requirements of Article 11 and this Section, except that no special land use permit application shall be required for any commercial WECS or TMT. For a proposed WECS or TMT in an existing PUD, compliance with this Section including submitting a special land use application shall be required in lieu of a petition for amendment to the approved PUD.

F. Standards and Requirements. All On-site WECS, Commercial WECS and Temporary Meteorological Towers shall meet the following additional standards and requirements:

   1. Setbacks.

a. The distance between a WECS or TMT and the nearest property line shall be at least the one and a half (1.5) times the height of the WECS or TMT for all zoning districts except R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and RT Districts. For R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and RT Districts, the distance between a WECS or TMT and the nearest property line shall be at least the two (2) times the height of the WECS or TMT. This shall include property lines that abut a public right-of-way.

b. No part of the WECS or TMT structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

c. The distance between a WECS and any other On-site or Commercial WECS shall be at least three (3) times the height of the taller of the two (2) WECS.

2. Height.

a. The height of on-site WECS and TMTs shall be as follows:

i. In R1-C, R1-D, R-1E, CR-1 and RT Districts, on-site WECS and TMTs shall not exceed twenty-five (25) feet in height.

ii. In R1-A, R1-B and MR Districts, on-site WECS and TMTs shall not exceed thirty-five (35) feet in height.

iii. In all other districts not otherwise mentioned above, On-site WECS and TMTs shall not exceed forty-five (45) feet in height.

b. Commercial WECS and TMT shall be less than two hundred (200) feet in height.

c. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine.

d. Height for on-site WECS mounted to a structure shall be measured from grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine.

e. The applicant shall demonstrate compliance with all FAA regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.

3. Noise; Sound Pressure Level.

a. Audible noise or the sound pressure level of an On-site WECS or Commercial WECS shall not exceed fifty (50) dB(A) (A-weighted Decibels) at the property

line closest to the WECS. For Commercial WECS, modeling and analysis of sound pressure shall be required in accordance with Section 11.04.H.8 below.

b. This sound pressure level shall not be exceeded by more than five (5) dB(A) for more than three minutes in any hour of the day.

4. Lighting.

a. No WECS or TMT shall be artificially lighted.

5. Construction codes, towers, and interconnection standards.

a. Every WECS and TMT shall comply with all applicable State construction codes and local building permit requirements.

b. Every WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), The Michigan Tall Structures Act (PA 259 of 1959), and any other applicable State or Federal laws or regulations.

c. An On-site WECS or Commercial WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.

6. Safety.

a. Design Safety Certification. The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the City. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall certify that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.

b. Controls and Brakes. Every WECS or TMT shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS or TMT. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the City.

c. Lightning. Every WECS or TMT shall have lightning protection.

d. Guy Wires. If an On-site WECS or TMT is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors. Every Commercial WECS must be of a freestanding monopole design and guy wires shall not be used.

e. Grade Clearance. The minimum vertical blade tip clearance from grade shall be twenty-five (25) feet for any horizontal-axis WECS or from any moving component of a vertical-axis wind energy conversion system.

f. Electromagnetic Interference. No WECS or TMT shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems or emergency broadcast systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No WECS or TMT shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

g. Color. Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the City or as otherwise required by law.

h. Climb Prevention. Every WECS or TMT must be protected by anti-climbing devices twelve (12) feet from base of pole.

G. Removal of Abandoned On-Site WECS or TMT. In the event an On-Site WECS or TMT is abandoned or unused for a period of one hundred and eighty (180) days, or if a WECS or TMT is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the City Council. In addition, by accepting a permit for the On-Site WECS or TMT, the applicant and land owner agree that the tower and equipment shall be removed after thirty (30) days written notice from the City.

H. Additional Requirements for Commercial WECS. The following standards and requirements shall apply to every Commercial WECS:

1. Warnings. A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6") inch letters with ¾-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

2. Signage. In addition to warning signs and signs required by law, every Commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.

3. Liability Insurance. The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the City pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be non-cancellable established as a condition of conditional use permit approval. The City and land owner shall be named as additional insured. Certificates of insurance shall be provided to the City annually.

4. Security. The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection 10 below. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the City engineer and in a form approved by the City Attorney providing for timely removal of the Commercial WECS as required under this Section, and payment of any costs and attorney fees incurred by the City in connection with such removal.

5. Visual Appearance; Powerlines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

6. Threatened and Endangered Species. The applicant shall submit an endangered and threatened species survey conducted by a qualified professional, such as an ecologist or zoologist, describing the potential impact of the WECS on any species listed as threatened or endangered by the federal government or the state of Michigan, including but not limited to migratory birds or bats. Permits shall not be issued unless the study determines that there shall be no negative effect on such species. Alternatively, the applicant may submit an endangered species permit from the State of Michigan to fulfill this requirement.

7. Annual Inspection; Maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every Commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the City.

8. Sound Pressure Level. As part of the application and prior to installation of any Commercial WECS, the applicant shall provide modeling and analysis to the City that will confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC (International Electrotechnical Commission) 61400, which establishes structural and performance safety provisions for wind energy conversion systems, and ISO (International Organization for Standardization) 9613, which describes a method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources. After installation of the Commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18, which provides an alternative method of measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the operation of the project.

9. Shadow Flicker. The applicant shall conduct a four-season analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.

10. Removal. A Commercial WECS shall be removed by the owner of the WECS or land when the Commercial WECS has been abandoned or unused for one hundred and eighty (180) days ("Non-Use Period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a Non-Use Period. The WECS owner or applicant shall notify the City of the beginning of any Non-Use Period or any removal of equipment. The end of the Non-Use Period may be sooner than one hundred eighty (180) days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.

    a. At the end of the Non-Use Period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior

to installation, to the extent reasonably feasible.

b. The demolition, removal and restoration of the WECS shall be completed within sixty (60) days after the end of the Non-Use Period.

SECTION 12.05 SOLAR STRUCTURES AND EASEMENTS

A. Permitted. Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard, in which case they are subject to site plan review in accordance with Article 8.

B. Maximum Height of Structures. Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.

C. Easements. A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar skyspace of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Troy Building Department.

SECTION 12.06 ENVIRONMENTAL PERFORMANCE STANDARDS

A. Intent. No use, unless otherwise allowed, shall be permitted within any district which does not conform to the following minimum requirements of use, occupancy, and operation.

B. Airborne Emissions.

1. Air Contaminants. All airborne emissions shall, at a minimum, comply with the applicable Federal and State standards.

2. Smoke.

a. It shall be unlawful for any person, firm, or corporation to permit the emission of

any smoke from any source to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minute period.

b. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringlemann Chart.

3. Dust, Dirt, and Fly Ash.

a. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, a furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, method, device, or contrivance to reduce the quantity of gas-borne or airborne solids shall not exceed two-tenths (0.2) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

b. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code of dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

4. 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. This requirement is not intended to interfere with the operation of a farm, as defined by this Ordinance, which is lawful pursuant to the Michigan Right to Farm Act, as amended.

C. Waste Disposal. All solid, liquid, and sanitary wastes shall be treated and disposed of in accordance with the standards of Oakland County and the State of Michigan. Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

D. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference. No use shall:

1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.

2. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

E. Hazardous Substances. Use, storage and handling of hazardous substance; storage and disposal of solid, liquid and sanitary wastes shall comply with the following:

1. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the City through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

2. Any person, firm, corporation or other legal entity operating a business or conducing an activity shall disclose the use, storage or generation of hazardous substances, in conjunction with the following:

   a. Upon submission of a site plan;

   b. Upon any change of use or occupancy of a structure or premise; or

   c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

3. Prior to City approval of a business or activity which uses, stores, or generates hazardous substances, the site plan and manner of storage shall be reviewed by the City Fire Department. All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month shall comply with the following standards:

   a. Above-Ground Storage.

      (i) Hazardous substances shall be stored only in product-tight containers within locations approved by the Zoning Administrator, Building Department, and Fire Department.

      (ii) Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance

for the maximum anticipated period of time necessary for the recovery of any released substance.

(iii) Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism through secondary containment. Secondary containment shall be sufficient to store the equivalent of the primary container plus an allowance for the expected accumulation of precipitation.

(iv) Facilities for above-ground storage shall be screened in accordance with the standards set forth in Section 13.04. Such screening shall be designed to ensure access by the Fire Department and permit the circulation of air around the storage facility.

(v) State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

b. Underground Storage. State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

F. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

G. Fire and Explosive Hazards. The storage and handling of flammable and combustible liquids, liquefied petroleum gases, and explosives shall comply with applicable State of Michigan requirements.

H. Noise. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property line, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Within the IB district, sound levels not exceeding seventy (70) decibels may be permitted.

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ARTICLE 13

SITE DESIGN STANDARDS

SECTION 13.01 INTENT

The intent of this Article is to promote the public health, safety, and welfare and improve the site design and visual appearance of the City by requiring consistent standards for such site elements as landscaping, lighting, parking, loading, and site access.

SECTION 13.02 LANDSCAPING

A. Where Required. A separate, detailed landscape plan shall be submitted as part of the site plan review and tentative preliminary plat review.

1. Plan Requirements. The landscape plan shall be drawn to the same scale as required in Article 8, Site Plan Review, shall demonstrate that all requirements of this Section are met, and shall include, but not necessarily be limited to, the information set forth in this Section. The Zoning Administrator shall have the authority to waive the requirements for certain information set forth below if it is determined that such information does not affect compliance with this Ordinance.

   a. The professional seal of the licensed landscape architect who prepared the plan for sites of one (1) acre or greater;

   b. Topographic and grading information, as required in Article 8, Site Plan Review;

   c. The location, spacing, size, number and root type (bare root (BR), balled and burlapped (BB), pot (p), or container (C)) and botanical and common name for each plant type proposed for use within the required landscape area;

   d. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall, including footings;

   e. Construction and grading details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;

f. Planting details in either text or drawing form to ensure proper installation and establishment of proposed plant materials;

g. Identify existing trees and vegetative cover to be preserved;

h. Identify a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

2. Composition.

a. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Oakland County, conform to the current minimum standards for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.

b. A mixture of live plant material, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. Artificial plant materials are prohibited. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement. Additionally, native species of trees and shrubs shall constitute at least fifty percent (50%) of the total proposed plantings in accordance with the standards set forth in Section 13.02.A.7.

3. Berms. Berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

4. Coordination with Utilities. Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.

5. Existing Trees. The preservation and incorporation of existing trees in a landscape plan is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:

a. Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.

b. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material

intended to be saved. Other protective techniques may be used provided such techniques are approved by the City.

c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the City, the applicant shall replace them with trees which are either equivalent in size or replace the total diameter at breast height (d.b.h.) of the trees which have been removed.

6. Stormwater Retention and Detention Ponds. The integration of stormwater management systems, including bio-swales, rain gardens, and retention and detention ponds in the overall landscape concept shall be required. Stormwater management systems that replicate a natural design and appearance shall be encouraged.

7. Use of Native Plants in Landscaping.

a. Native plant species chosen for a development shall be based on the native species currently growing on the site, if any.

b. The arrangement of native plant species may be designed in both "natural" arrangements and more conventional arrangements.

c. Natural arrangements emulate the arrangements found in nature, and have a less manicured appearance. Natural arrangements shall incorporate a wide mix of species. This landscape style shall be used for landscaping open space, surface stormwater systems, street tree plantings, and/or parks. If natural arrangements are used, plant spacing requirements may be waived as long as the function the plants are to serve is accomplished.

d. Conventional, more formal arrangements are generally used close to buildings or heavily used areas of a site. Native species may be used in these areas just as any other commercially-available landscape material. As with any landscape design, the plants' ultimate size, soil and site requirements, and other characteristics shall be considered to ensure they do not overwhelm a space, encroach into walkways, or impede sight distance or visibility of motorists. In entryways, where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure the plants' appearance.

e. Plantings installed in areas used for stormwater management shall be planted with native species that specifically perform the necessary runoff attenuation, filtration, water uptake, and purification functions needed in such areas. Both herbaceous and woody species shall be incorporated into the mix where the desired function dictates.

8. Installation, Maintenance, and Completion.

   a. All landscaping required by this Ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial surety as required in Article 3, Administration and Enforcement.

   b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

   c. Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with irrigation or a readily available and acceptable water supply.

   d. Failure to install and maintain approved landscaping shall be considered a violation of this Ordinance.

B. Screening Between Land Uses.

1. Where Required. The use of physical barriers or screens is considered a necessary requirement to allow for the transition from one zoning district or land use to another contrasting zoning district or land use. This promotes compatibility with existing uses and helps to protect the value of buildings and property. The purpose of this section is to create varying degrees of visual and physical separation between divergent land uses based upon the similarity and/or compatibility of the uses.

2. Screen Requirements.

   a. A landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries when a proposed use is either more intense or incompatible with an adjoining property, as set forth in Table 13.02-A. A landscape buffer shall consist of berms and living materials so as to maintain a minimum opacity of approximately eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

   b. The width of the screen area, location and density of plantings shall be based upon the specific characteristics of the proposed use and adjacent land uses.

i. Plants shall be arranged in a staggered pattern to create a continuous screen.

ii. Existing vegetation which is located on the property to be developed within the area of the proposed screen, is in good condition, and meets the size and type requirements in the various screening alternatives may be counted toward meeting screening requirements.

iii. Screening shall be located along all adjoining boundaries. However, the width and location of the screening may be modified due to site conditions, provided the intent of screening requirements are met.

c. Landscape Screening Schedule: Landscape screening alternatives are established in Table 13.02-A. The application of these landscape screening alternatives shall be controlled by Table 13.02-B, Landscape Screening Schedule. Table 13.02-B describes the required screening on the lot of the use indicated in the left column of the schedule where it is contiguous to land used or zoned as indicated across the top of the schedule. The numbers in the middle columns refer to the landscape screening alternatives described in Table 13.02-A, below, and illustrated in Figures 13.02-A through C.

Table 13.02-A Landscape Screening Alternatives

Screening Alternative	Minimum Quantity	Type/Size
1	1 tree per three lineal feet	Narrow evergreen tree
2	1 tree per 10 lineal feet	Large evergreen tree
3	1 tree per 10 lineal feet	Large evergreen tree
	1 tree per five lineal feet	Narrow evergreen tree

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Figure 13.02-A Landscape Screening Alternative 1

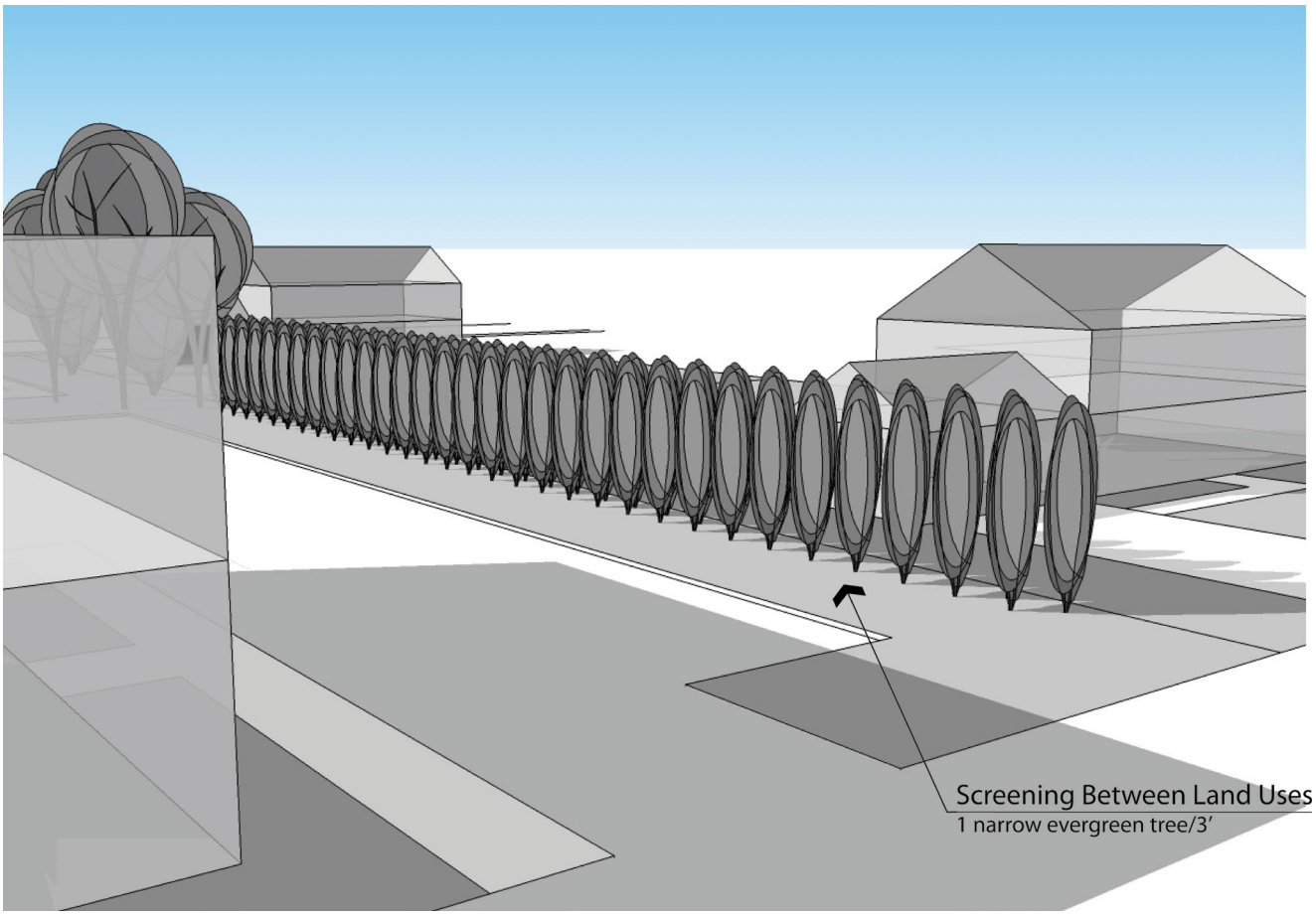

Figure 13.02-B Landscape Screening Alternative 2

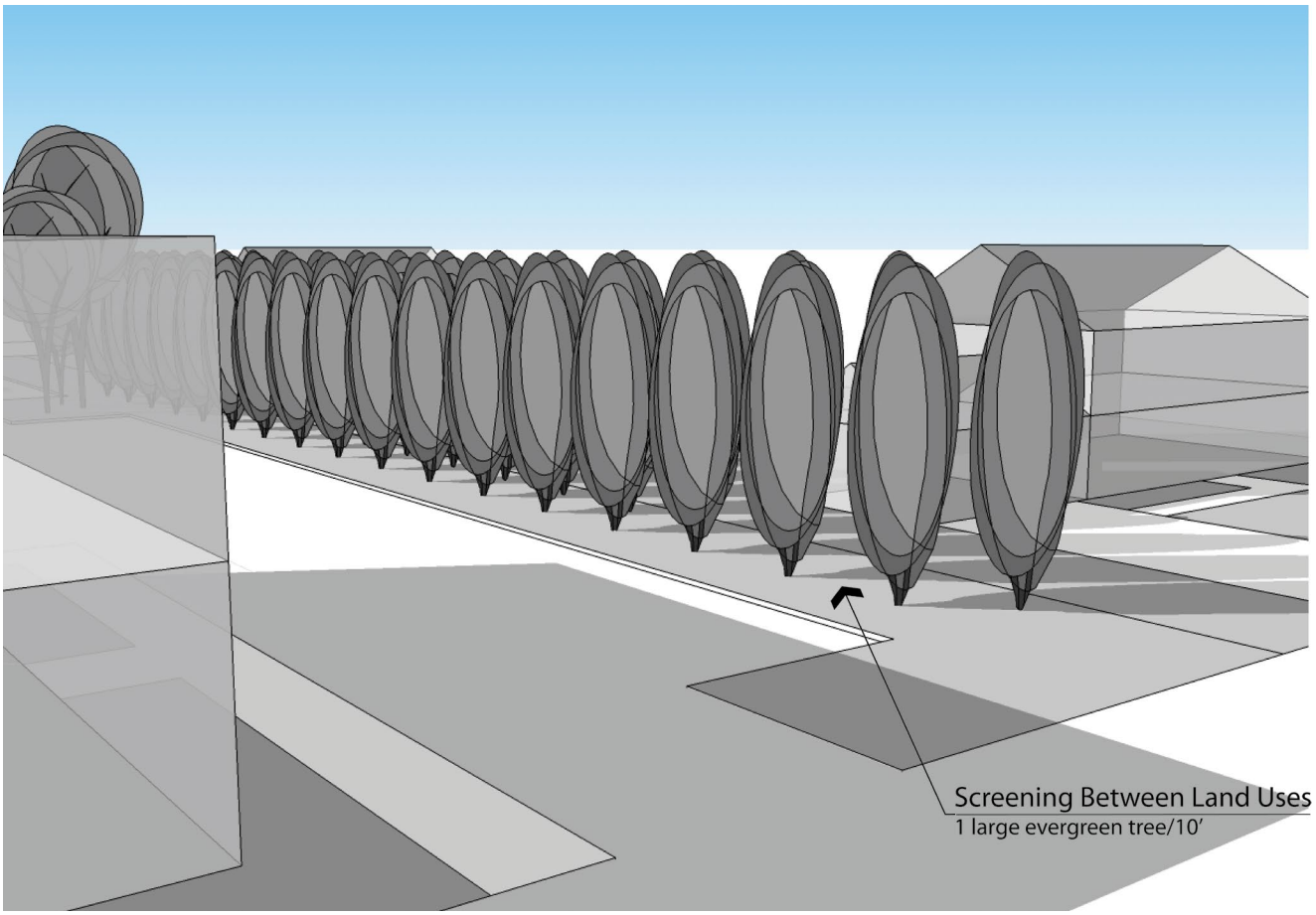

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Figure 13.02-C Landscape Screening Alternative 3

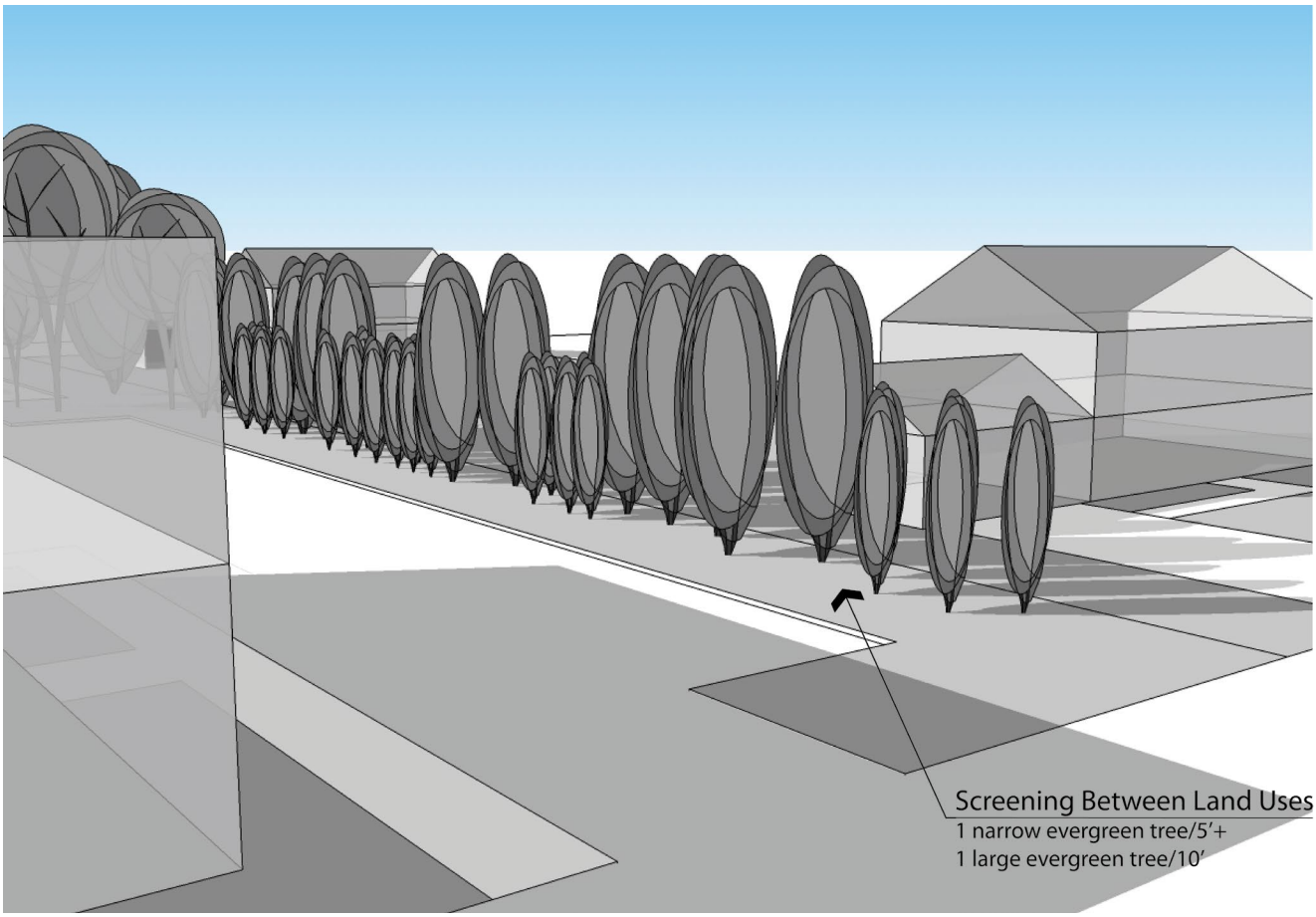

Table 13.02-B, Landscape Screening Schedule

Screening Required on These Land Uses:	When Contiguous with These Land Uses:						
	Use Group 1: Residential Uses	Use Group 2: Residential/Lodging Uses	Use Group 3: Office/Institutional Uses	Use Group 4: Auto/Transportation Uses	Use Group 5: Retail/Entertainment Uses	Use Group 6: Misc. Commercial Uses	Use Group 7: Industrial Uses
Use Group 1: Residential Uses One-family dwellings Two-family dwellings							
Use Group 2: Residential/Lodging Uses Multiple-family dwellings Live/work units Senior assisted/independent living Group day care Child care centers	Screen Alt. 1 or 2						
Use Group 3: Office/Institution Uses General office Professional office Hospitals Medical office Primary/secondary schools Colleges Places of worship Data centers Technology centers / Office research Experimental research & testing labs Public service buildings Funeral homes Veterinary clinics	Screen Alt. 1 or 2	Screen Alt. 1 or 2	Screen Alt. 1 or 2				
Use Group 4: Auto/Transportation Uses Auto sales Auto service station Auto repair station Auto body repair Auto wash	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall		Screen Alt. 1 and/or wall		

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Screening Required on These Land Uses:	When Contiguous with These Land Uses:						
	Use Group 1: Residential Uses	Use Group 2: Residential/Lodging Uses	Use Group 3: Office/Institutional Uses	Use Group 4: Auto/Transportation Uses	Use Group 5: Retail/Entertainment Uses	Use Group 6: Misc. Commercial Uses	Use Group 7: Industrial Uses
Use Group 5: Retail/Entertainment Uses Financial Institutions General retail Retail, large-format Multi-tenant shopping centers Fitness centers Theatres Indoor recreation establishments Restaurants Personal service Dry cleaning Hair care	Screen Alt. 2 or 3 and/ or wall	Screen Alt. 2 or 3 and/ or wall	Screen Alt. 2 or 3 and/ or wall	Screen Alt. 1 or 2			
Use Group 6: Misc. Commercial Uses Building & lumber supply Garden centers, nurseries Outdoor recreation Golf driving ranges, mini-golf Commercial outdoor storage Mini/Self-storage Commercial kennels Pet day care	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3 and/ or wall	Screen Alt. 2 or 3 and/ or wall	Screen Alt. 2 or 3	Screen Alt. 1 or 2		
Use Group 7: Industrial Uses Contractor's equipment storage Food products Manufacturing, processing, etc. Metal plating Plastics Printing Tool & die, gauge & machine shops Truck/trailer rental Warehousing/wholesale	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3	Screen Alt. 2 or 3	Screen Alt. 2	

3. Solid Wall or Fence. Where a land use activity creates noise, light, dust or other similar nuisance that cannot be effectively screened by a landscape buffer, a solid opaque wall or fence may be required. Such wall or fence shall be a minimum of six (6) and a maximum of eight (8) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line, except alternate locations may be approved where underground utilities interfere, where this Ordinance requires conformity with front yard setback requirements, or where an alternate location provides more effective screening.

4. Combinations. A combination of landscaping and a solid opaque wall or fence may be approved where such a combination provides more effective screening.

5. Screenwall Modifications and Waivers. Screenwall modifications approved pursuant to Section 43.76.00 of the repealed Chapter 39 shall remain in effect until the expiration of the time period granting the modification, as long as there is compliance with the repealed Chapter 39 and the resolution granting approval. When such waivers expire, the Zoning Administrator may determine whether the requirements of Section 13.02.B must be met.

C. Parking Lot Landscaping.

1. Where Required. Separate landscape areas shall be provided within and at the perimeter of parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro climate which results from additional pavement.

2. Landscaping Standards within Parking Lots.

   a. There shall be a minimum of one (1) tree for every eight (8) parking spaces.

   b. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than two hundred (200) square feet in area. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.

   c. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.

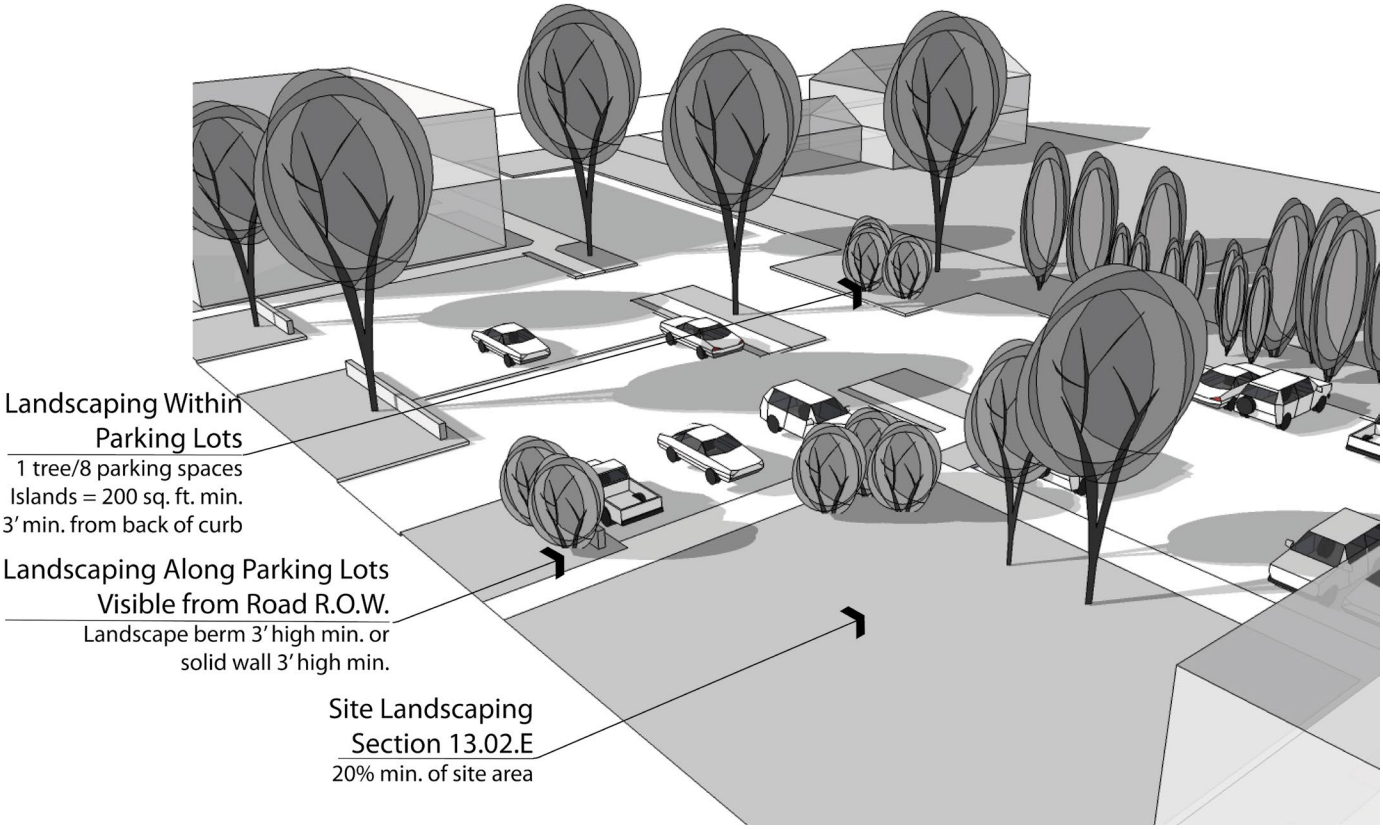
   d. An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.

3. Landscaping Standards at the Perimeter of Parking Lots.

   a. Parking lots that serve uses set forth in Section 13.02.A shall meet the screening requirements set forth in Section 13.02.B, Screening Between Land Uses, where such screening is needed to promote a compatible relationship with an adjacent use.

   b. Parking lots that front on a public roadway shall be screened by a landscaped berm at least three (3) feet in height along the perimeter of the road right-of-way. Alternative landscape plantings or a solid wall that does not exceed three (3) feet in height may be approved, where it is found that space limitations or visibility for vehicular circulation prevent construction of a landscape berm.

Figure 13.02-D Parking Lot Landscaping



D. Greenbelts.

1. Where Required. Except as otherwise required by this Ordinance, a greenbelt shall be provided along all public streets upon which a site has frontage, in accordance with the standards set forth in this Section.

2. Greenbelt Standards.

   a. The greenbelt shall be a minimum of ten (10) feet in width.

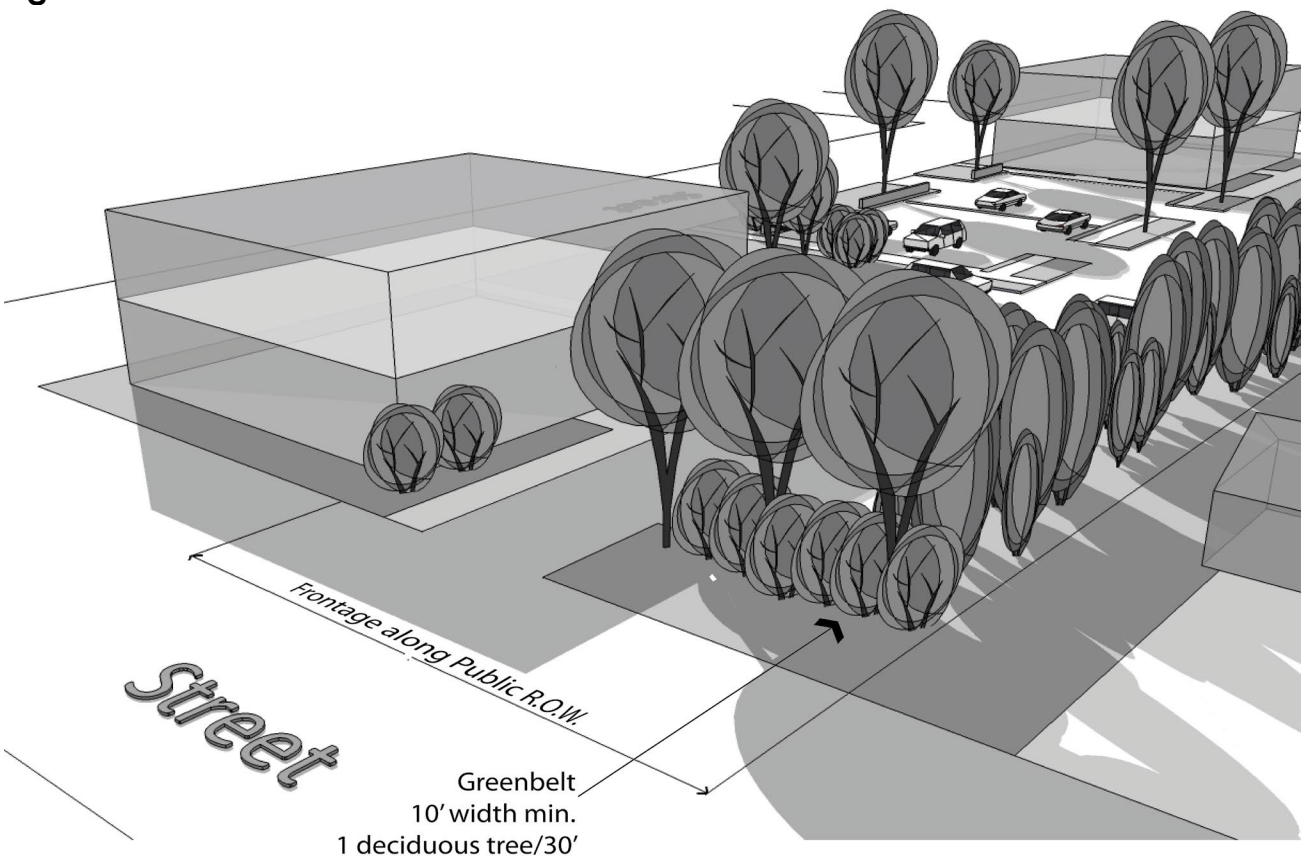
   b. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous trees within a greenbelt shall be a minimum caliper of two and a half (2 1/2) inches or greater and evergreen trees shall be a minimum of five (5) to six (6) feet in height.

   c. Creative placement of the trees, such as staggering, clustering and/or other methods, is encouraged in an effort to eventually achieve a canopy.

   d. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped with grasses, ground covers, shrubs and other natural landscape materials.

   e. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees.

Figure 13.02-E Greenbelt



E. Site Landscaping.

1. Site Landscaping Standards.

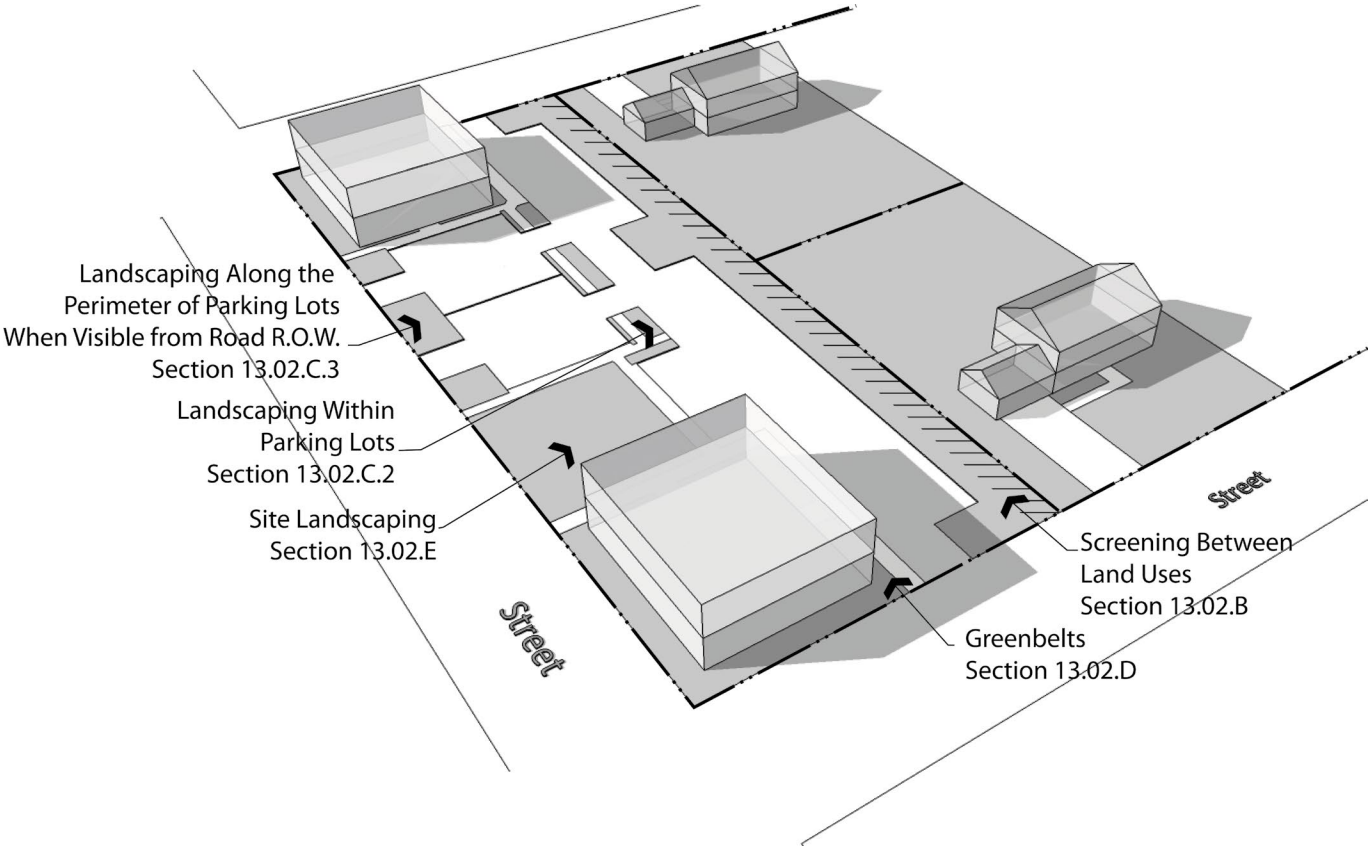
   a. A minimum of twenty percent (20%) of the site area shall be comprised of landscape material.

   b. Site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens and building foundation planting beds.

   c. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention basins, loading areas, and trash areas.

   d. The landscaping design shall promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area and in relation to the general area in which the property is situated.

Figure 13.02-F General Site Landscaping Overview



F. Subdivision and Site Condominium Landscaping.

1. Where Required. Landscaping for subdivisions and site condominiums shall be provided in accordance with the standards set forth in this Section.

2. Standards.

a. The frontage of all internal public or private streets shall be landscaped with the equivalent of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size, spacing and species requirements set forth in Sections 13.02.H, Minimum Size and Spacing Requirements, and Section 13.02.I, Prohibited Species.

b. Where a subdivision or site condominium contains uses which are more intense or incompatible with an adjoining property, the screening requirements set forth in Section 13.02.B, Screening Between Land Uses, shall be met. The preservation of existing trees along perimeter boundaries is encouraged regardless of whether screening is required.

c. Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section 13.02.B, Screening Between Land Uses shall be met in the following manner:

i. Where a subdivision or site condominium abuts I-75 or a street right-of-way of two hundred and four (204) feet as designated in the City of Troy Master Plan, the screening alternative number 3, as set forth in Section 13.02, subsection B.2.c, shall be required.

ii. Where a subdivision or site condominium abuts a street right-of-way of either one hundred and twenty (120) or one hundred and fifty (150) feet as designated in the City of Troy Master Plan, the screening alternative number 2, as set forth in Table 13.02-A, shall be required.

d. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

G. Sustainable Design Techniques. Projects with Prequalified Sustainable Development Project (SDP) status may be eligible for modification of the standards in Section 13.02, as set forth in Section 12.01 Sustainable Design Option, provided the measures proposed for SDP status are so qualified for that purpose.

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H. Minimum Size and Spacing Requirements. Where landscaping is required, the following minimum size and spacing requirements set forth in Table 13.02-C for representative landscape materials shall be applicable, unless otherwise specified in this Section:

Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**										
	Height			Caliper Spread				Feet										
	5' - 6'	3' - 4'	2' - 3'	2"	2.5"	18" - 2'	2 gal.	30	25	15	10	6	5-6	5	4	3	2	1
Large Evergreen Trees:																		
Fir (Abies)	■									■								
Spruce (Picea)	■									■								
Pine (Pinus)	■									■								
Hemlock (Tsuga)	■									■								
Douglas Fir (Psudot-suga)	■									■								
Tamarack; Larch (Larix)	■									■								
Narrow Evergreen Trees:																		
Arborvitae (Thuja)	■											■						
Juniper (Juniperus)	■											■						
Large Evergreen Shrubs:																		
Hicks Yew (Taxus)			■										■					
Upright Yew (Taxus)			■										■					
Spreading Yew (Taxus)						■							■					
Upright Juniper (Juniperus)			■										■					
Spreading Juniper (Juniperus)						■							■					
Mugho Pine (Pinus)						■							■					
Small Evergreen Shrubs:																		
Spreading Yew						■								■				
Dwarf Spreading Juniper						■								■				
Dwarf Mugho Pine						■								■				
Euonymous varieties*						■								■				
Vines:																		
Euonymous varieties*							■									■		
Virginia Creeper							■									■		
Wisteria							■							■				
Riverbank Grape							■							■				
American Bittersweet							■							■				
Large Deciduous Trees:																		
Oak (Quercus)					■			■										
Maple (Acer)*					■			■										
Beech (Fagus)					■			■										
Linden or Basswood (Tilia)					■				■									
Sweetgum (Liqui-dambar)					■			■										

* Refer to prohibited species list.

** "Maximum on-center spacing" refers to the largest space allowed between *the centers* of the plants of the same species/variety.

Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**										
	Height			Caliper Spread				Feet										
	5' - 6'	3' - 4'	2' - 3'	2"	2.5"	18" - 2'	2 gal.	30	25	15	10	6	5-6	5	4	3	2	1
Ginkgo (Male Only) (Ginkgo)					■			■										
Honeylocust (Gleditsia)					■			■										
Birch (Betula)					■				■									
Sycamore (Plantanus)					■			■										
Hickory (Carya)					■			■										
Black Cherry (Prunus)					■			■										
Tulip Tree (Liriodendron)					■			■										
Blackgum (Nyssa)					■			■										
Small Deciduous Trees (Ornamental):																		
Dogwood				■						■								
Flowering Cherry, Plum, Pear				■						■								
Hawthorn				■						■								
Redbud				■						■								
Magnolia				■						■								
Flowering Crabapple				■						■								
Mountain Ash				■						■								
Hornbeam				■						■								
Sassafras	■									■								
Ironwood	■									■								
Serviceberry, Juneberry	■									■								
Ground Cover:																		
Euonymous varieties*							■									■		
Wild Strawberry							■											■
Wild Ginger							■											■
Large Deciduous Shrubs:																		
Lilac			■									■						
Sumac		■										■						
Pyrancantha			■									■						
Weigela		■										■						
Flowering Quince		■										■						
Cotoneaster*		■										■						
Sargent Crabapple		■										■						
Dogwood (Red Osier, Grey, Silky)		■										■						
Euonymous varieties*		■										■						
Viburnum varieties		■										■						
Witch-hazel		■										■						
Ninebark		■										■						
Vaccinium (Blueberry)			■												■			
Holly		■										■						
Spicebush		■										■						
Hazelnut		■										■						

* Refer to prohibited species list.

** "Maximum on-center spacing" refers to the largest space allowed between *the centers* of the plants of the same species/variety.

Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials																		
	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**										
	Height			Caliper Spread				Feet										
	5' - 6'	3' - 4'	2' - 3'	2"	2.5"	18" - 2'	2 gal.	30	25	15	10	6	5-6	5	4	3	2	1
Chokeberry																		
Chokecherry																		
Buttonbush																		
American Elder																		
Small Deciduous Shrubs:																		
Fragrant Sumac																		
Cotoneaster*																		
Potentilla																		
Meadowsweet																		
Leatherleaf																		
Rubus/Ribus varieties																		
* Refer to prohibited species list.																		
** "Maximum on-center spacing" refers to the largest space allowed between *the centers* of the plants of the same species/variety.																		

I. Prohibited Species. As of the effective date of this ordinance, the following species set forth in Table 13.02-D shall not be newly planted in landscaping. These plants are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems.

Table 13.02-D Prohibited Species	
Trees	
Common Name	***Scientific Name***
Norway Maple	*Acer plantanoides*
Amur Maple	*Acer ginnala*
Silver Maple	*Acer saccharinum*
Box Elder	*Acer negundo*
Tree of Heaven	*Alianthus altissima*
European Alter	*Alnus glutinosa*
Northern Catalpa	*Catalpa speciosa*
White Ash*	*Fraxinus americana*
Green Ash*	*Fraxinus pennsylvanica*
Golden Rain Tree	*Koelreuteria paniculata*
Amur Cork Tree	*Phellodendron amurense*
Princess or Royal Empress Tree	*Paulownia tomentosa*
Poplar	*Populus spp.*
Black Locust**	*Robinia pseudocacia*
Willow (all)	*Salix spp.*
American Elm***	*Ulmus americana*

Chinese Elm	*Ulmus parvifolia*
Siberian Elm	*Ulmus pumila*

* A native species, but prohibited due to Emerald Ash Borer.
** A native species, but tends to be invasive.
*** Except cultivars that are resistant to Dutch Elm Disease.

Shrubs and Vines	
Common Name	***Scientific Name***
Porcelainberry	*Ampelopsis brevipendunculata*
Japanese Barberry	*Berberis thunbergii*
Common Barberry	*Berberis vulgaris*
Oriental Bittersweet	*Celastrus orbiculatus*
Autumn Olive	*Eleagnus umbellata*
Russian Olive	*Eleagnus angustifolia*
Burningbush	*Euonymus alatus*
Wintercreeper	*Euonymus fortunei*
English Ivy	*Hedra helix*
Eastern Red Cedar	*Juniperus virginiana*
Privet	*Ligustrum vulgare*
Honeysuckle (all)	*Lonicera*
Common Buckthorn	*Rhamnus cathartica*
Glossy Buckthorn	*Rhamnus frangula*
Multiflora Rose	*Rosa multiflora*
Guelder Rose	*Viburnum opulus var. opulus*
Grasses and Grass-Like Plants	
Common Name	***Scientific Name***
Chinese Silver Grass	*Miscanthus sinensis*
Giant Reed	*Phragmites communis*
Reed Canary Grass	*Phalaris arundinacea*
Flowers and Groundcovers	
Common Name	***Scientific Name***
Garlic Mustard	*Alliaria officinalis*
Spotted Knapweed	*Centaurea maculosa*
Crown Vetch	*Coronilla varia*
Queen Ann's Lace	*Daucus carota*
Foxglove	*Digitalis purpurea*
Japanese Knotweed	*Fallopia japonica*
Dame's Rocket	*Hesperis matronalis*
Purple Loosestrife	*Lythrum salicaria*

J. Preservation or Restoration Areas.

1. Landowners may establish Preservation or Restoration Areas as per Chapter 82, Property Maintenance Code.

SECTION 13.03 TRASH CONTAINERS

A. Where Required. The standards set forth in this Section shall apply to all uses that have refuse disposal service by collective trash container. This does not include curbside pickup for single-family residential uses.

B. Standards.

1. Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with a wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of durable material and construction which is compatible with the architectural materials used in the site development.

2. Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.

3. Containers and enclosures shall be located in a side or rear yard and screened from public view whenever possible.

4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

5. Concrete pads and aprons of appropriate size and construction shall be provided.

SECTION 13.04 EQUIPMENT SCREENING

A. Where Required. The standards set forth in this Section shall apply to all uses for which mechanical equipment is placed upon a roof of any building or on the ground outside of the building. Mechanical equipment includes, but is not limited to: generators, heating, ventilation and air conditioning units.

B. Screening Requirements. All equipment shall be screened as follows:

1. Rooftop screening.

   a. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.

   b. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.

c. Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.

d. Rooftop equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

2. At-grade equipment.

a. At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on site.

b. Landscape materials shall be evergreen species so as to provide a screen year-round.

c. Walls provided to screen mechanical equipment shall be an opaque fence or wall, with a gate at least as high as the equipment being screened.

d. At-grade equipment shall be located in a side or rear yard, screened from public view.

e. At-grade equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings

SECTION 13.05 LIGHTING

A. Where Required. The standards set forth in this Section shall apply to all uses for which exterior lighting is provided.

B. Lighting Plan Requirements. The following information must be provided on all site plan submissions:

1. Location of all free-standing, 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 foot-candles) and ten 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.

C. Freestanding Pole Lighting.

1. Fixture Design.

   a. Exterior lighting shall be a full cut-off fixture or a fully shielded fixture, downward directed with a flat lens to prevent glare.

   b. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be shown that there will be no off-site glare through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

2. Lighting Levels.

   a. The intensity of light at the base of a light fixture pole shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours.

   b. Light shall not exceed one-tenth (0.1) foot-candle along any boundary adjacent to residentially zoned or used property, and one (1) foot-candle along all nonresidential property boundaries.

   c. 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 street right-of-way line at a height of five (5) feet above grade level.

3. Height. The maximum height of a base, a pole and fixtures shall be twenty-five (25) feet. A maximum height of thirty (30) feet may be permitted in the IB or PV districts when fixtures are no closer than two hundred (200) feet to any residential district.

4. Duration. All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise. The following exceptions may be approved:

   a. Where greater lighting levels are necessary for security or safety purposes; or

   b. Where permissible commercial or industrial uses such as sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels shall be turned off or reduced after the use ceases for that day.

D. Building-Mounted Lighting. Building-mounted lighting 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 glare. The intensity of light shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours at the ground level for any building-mounted fixture. Maximum height shall be twenty (20) feet.

2. Light shall not exceed one-tenth (0.1) foot-candle along zoned or existing residential property lines and one (1) foot-candle along non-residential 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 no off-site glare through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

E. Architectural Lighting of Building Façades. The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

1. All building façade lighting shall be low intensity, with a fixture rating of less than nine hundred (900) lumens. All building façade 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.

2. Luminaries with fixture ratings exceeding nine hundred (900) lumens shall be downward directed and fully shielded, mounted as flush to the wall as possible.

3. The maximum illumination of any vertical surface or angular roof surface shall not exceed five (5) foot-candles.

4. Luminous tube and exposed bulb fluorescent lighting may be permitted as an architectural detail on all buildings, such as along the roof line and eaves, and around windows. 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.

F. Flagpole Lighting. A flagpole may be illuminated by one of the following methods:

1. With one (1) upward-aimed spotlight fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture rating shall not exceed three thousand five hundred (3,500) lumens. 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 streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture rating shall not exceed three thousand five hundred (3,500) lumens.

G. Prohibited Lighting Types. The following lighting types are prohibited:

1. The use of search lights or any similar high intensity light for outdoor advertisement or entertainment.

2. Flashing, moving or intermittent type lighting.

3. Exterior exposed luminous tube lighting except neon lighting used for signage or lighting approved by the Zoning Administrator as an element of the building façade under Section 13.06.D of this Ordinance.

H. Exemptions. The following are exempt from the lighting requirements of this Section, except that the Zoning Administrator may require a lighting and photometric plan when deemed necessary to protect the public health, safety and welfare.

1. Sports fields.

2. Swimming pools serving the public or private club members.

3. Holiday decorations.

4. Three (3) foot high, shielded pedestrian walkway lighting.

5. Ornamental low voltage lighting (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred (100) lumens.

6. Street lights or lights within a public or private road right-of-way.

I. Lamp or Fixture Substitution. Should any light fixture or the type of lamp therein regulated under this Article be changed after the permit has been issued, a request must be submitted to the Zoning Administrator for administrative approval, together with adequate information to assure compliance with the Zoning Ordinance, which must be received prior to substitution. Fixtures and lamps that match the original fixture type and number as part of regular maintenance are not required to submit this request.

SECTION 13.06 PARKING AND CIRCULATION

A. Where Required. The standards set forth in this Section shall apply to all uses for which off-street parking and circulation is provided.

B. General Off-Street Parking Requirements.

1. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

2. Off-street parking for uses in all districts shall be on the same lot as the use or building served by the parking, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

3. Off-street parking spaces for single family detached units or duplexes on individual lots shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve.

4. Parking areas for uses other than single-family detached units or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Zoning Administrator, shall require a submittal of a parking plan.

5. Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

6. No off-street parking which exists at the time this Ordinance becomes effective which is provided for the purpose of complying with provisions of this Ordinance shall thereafter be reduced below the requirements established by this Ordinance.

7. Within non-residential districts, off-street parking for continuous periods of more than twenty-four (24) hours shall be prohibited with the following exceptions:

   a. Parking in conjunction with an automobile sales and service facility, major and minor automobile repair facility, and automobile towing service, as permitted and regulated by this Ordinance.

b. Automobiles and commercial vehicles owned and operated in conjunction with the principal use of the property.

8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.

10. Off-street parking areas shall be designed to provide for removal and storage of snow.

C. Parking Location and Setbacks.

1. Parking spaces shall be provided either on the same lot, within lots under the same ownership or where a shared parking easement is provided on an adjacent lot within three hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot.

2. Off-street parking is allowed in all required and non-required yards, provided all other standards of this Ordinance are met.

3. Paved areas shall be ten (10) feet from any side or rear lot lines that abut an adjacent residentially zoned or used property. Paving setbacks between non-residentially zoned or used property may be waived by the Planning Commission for cross-access and joint parking.

D. Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Floor Area. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the net floor area, as defined by this Ordinance, unless otherwise indicated.

2. Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. Places of Assembly. Seating capacity shall be based upon the building code requirements currently in effect. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.

4. Fractional Requirements. When the number of required parking or loading spaces result in a fractional space, then the fraction shall be counted as one (1) additional space if it equals one-half (½) or greater.

E. Shared Parking.

1. The developed parking for adjacent zoning lots may be shared, provided a signed agreement is provided by the property owners, and the applicant can demonstrate that the peak usage will occur at different periods of the day.

2. To demonstrate shared parking compatibility, the applicant shall use the methodology for calculating shared parking established by the most recent edition of the Urban Land Institute Shared Parking book. Underlying parking space requirements for each use shall be based on the City of Troy parking requirements noted herein or as otherwise modified by the provisions of this Article.

3. Side or rear parking lot setbacks may be reduced or waived where a shared access driveway, connected parking lots, and/or internal service drives are provided.

F. Flexibility in Application.

1. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets 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. Projects with Prequalified Sustainable Development Project (SDP) status are automatically eligible for a parking deviation, provided the measures proposed for SDP status are so qualified for that purpose.

2. The City may grant deviations from off-street parking requirements. These deviations may require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event that a deviation is granted, the following shall apply:

   a. An applicant may request a parking deviation as part of a development application or as a separate and distinct action with no other concurrent request.

   b. The applicant shall provide a parking study with adequate detail and information to assist the City in determining the appropriateness of the request.

c. A parking deviation may be included in an action on a concurrent request or be made separately by resolution.

d. The City may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.

e. The City may require the applicant to set aside area for reserve parking (landbanking) that can be constructed as needed, although this is not a prerequisite for the approval or 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.

3. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of storm water runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the City. In granting such additional space, the City shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

G. Schedule of Required Off-Street Parking Spaces. The minimum number of off-street parking spaces shall be determined by the type of use in accordance with Table 13.06-A. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Zoning Administrator, or determined by the Planning Commission during site plan review based on documentation regarding the specific parking needs of the use.

Table 13.06-A
Schedule of Required Off-Street Parking Spaces

Residential	
Single-family and two-family residential	2 spaces for each dwelling unit
Multiple-family residential	1 space per each efficiency dwelling unit
	2 spaces per each dwelling unit
Bed and Breakfast	2 spaces for dwelling and 1 space for each bed and breakfast room
Mobile home park	2 spaces per each mobile home unit or site and 1 space for each employee on the largest typical shift
Housing for the Elderly	
Convalescent and nursing facilities	1 space per each 3 beds or 2 rooms, whichever is less, plus 1 space for each employee on the largest typical shift
Senior assisted or independent living	1 space for each 0.65 dwelling units plus 1 space for each employee on the largest typical shift
Institutional and Places of Gathering	
Places of worship	1 space for each 3 seats or 6 feet of pews in the main unit of worship
Primary and secondary schools	1 space for each 1 teacher, employee, or administrator in addition to the requirements for separate auditorium or stadium seating
Post-secondary schools, including high schools, colleges, and commercial schools	1 space for each 1 teacher, employee, or administrator and 1 for each 10 students, in addition to the requirements for auditorium or stadium
Social clubs, fraternal organizations, and other similar uses	1 space for each 3 persons allowed within the maximum occupancy load as established by the fire or building codes
Places of assembly and auditoriums	1 space for each 3 seats or 6 feet of bleacher seating, in public, private, recreational, or theatre settings
Day care centers and preschools	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity

Family day care homes, group day care homes, and adult foster care homes	1 space per 4 clients plus employee parking
Office	
Banks, credit unions, or savings and loans	1 space for each 200 square feet of gross floor area, plus 2 spaces for each non-drive-up ATM
Drive-through facilities for non-restaurant uses	4 stacking space for each window or drive-up ATM
Office or professional buildings, except medical offices	1 space for each 300 square feet of gross floor area
Medical, dental, and veterinary offices, including clinics and medical laboratories	1 space for each 200 square feet of gross floor area
Medical clinics, outpatient centers, 24-hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room, plus 1 space per laboratory or recovery room, plus 1 space per 1 employee
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 square feet of office or outpatient area
General Commercial/Retail	
All commercial/retail	1 space per each 250 square feet of gross floor area
Commercial/retail centers	<50,000 square feet - 1 space for each 250 square feet of gross floor area 50,000 to 450,000 square feet - 1 space for each 300 square feet >450,000 square feet of gross floor area - 1 space for each 350 square feet Non-retail uses such as restaurants, bars, and theatres shall be calculated separately based upon their respective requirements. The square footage of restaurants, bars, and theatres shall not be counted against the square footage for the overall commercial/retail center square footage, but shall be added to that total.
Vehicle dealership, sales and service	1 space for each 250 square feet of net floor area, plus 2 spaces per each auto service bay
Recreational vehicles, boat, mobile home, and similar sales	1 space for each 500 square feet of net floor area, plus 2 spaces per each vehicle sales service bay
Restaurants and Cafés	
Standard restaurant	1 space for each 2 seats, based on maximum seating capacity as determined by the building code in effect in the City
Fast food restaurant	1 space for each 70 square feet of net floor area
Restaurant drive-through window	9 stacking spaces which do not conflict with use of other required spaces
Commercial Service	
Vehicle fueling/multi-use station	1 space for each 125 square feet of net floor area, plus 2 parking spaces per fueling station
Vehicle repair station	2 spaces for each service bay, plus 1 space for each tow truck if applicable, plus adequate spaces for overnight parking, plus 1 space per 1 employee on the largest typical shift
Vehicle wash	2 spaces, plus 12 stacking spaces per bay for a semi- or fully-automatic wash, 1 stacking space per bay for a self-serve wash, plus 1 space per 1 employee on the largest typical shift
Barber shop / Beauty salon	2 spaces for each barber chair or station
Funeral home and mortuary	1 space for each 70 square feet of service parlors, chapels, and reception area, plus 1 space for each funeral vehicle stored on premises
Motel/hotel	1 space for each guest room, 1 space per 1 employee on the largest typical shift, plus any additional spaces required for dining establishments, calculated separately as noted herein
Banquet halls or conference rooms, and similar uses without fixed seats	1 space for every 2 persons of capacity authorized by the fire or building code, or 1 space for each 100 square feet of net floor area, whichever is greater, plus any required parking for other uses, such as restaurants, gift shops, etc.
Self-storage mini-warehouse	1 space for each 100 storage units, with a minimum of 6 spaces
Recreational	
Health fitness centers, athletic clubs, martial arts studios, and other similar uses	1 space for each 200 square feet of net floor area
Bowling alleys	5 spaces for each lane
Indoor and outdoor recreational uses of public or private ownership or use	1 space for each 1,000 square feet of enclosed recreational space, plus 1 space for each employee on the largest typical shift, 2 spaces for each court (tennis, raquetball, etc.), and 4 for each hole of golf
Industrial	
Light industrial, manufacturing, laboratories, research and development centers, and related accessory offices	1 space for each 550 square feet of gross floor area
Warehousing	1 space for each 1,500 square feet net floor area, plus 1 space for each employee on the largest typical shift

H. Mixed Use Parking. Parking for mixed-use development shall be determined applying the shared parking methodology established by the most recent edition of the Urban Land Institute Shared Parking book. This methodology shall be applied by compiling the required parking for all the proposed uses within the development as they would be required if developed separately, and then incorporating the shared parking calculations to realize efficiencies in complementary used can then allow for

an overall reduction in required parking. As with traditional shared-parking projects, underlying parking space requirements for each use shall be based on the City of Troy parking requirements noted herein or as otherwise modified by the provisions of this Article.

I. Parking Structure Design Standards and Requirements.

1. Providing of parking within structures or buildings shall serve to increase the value and convenience of related development, and to enhance, rather than detract from, the appearance of the overall development. Structured parking shall be designed and operated in a manner which does not negatively impact the safety and security of the public.

2. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

3. Parking structure development shall be in accordance with the City of Troy Safety and Security Standards for Parking Structures, as adopted by the City Council, including, but not limited to, Chapter 87 of the City Code.

J. Off-Street Parking Lot Design Standards and Requirements.

1. Barrier-Free Parking. Off-street parking lots are required to provide Barrier-Free Parking spaces in accordance with the Michigan Department of Labor, Construction Code Commission Barrier-Free Design Division.

2. Pavement. All driveways and parking lots, shall be hard surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the City may approve alternative paving materials, such as permeable / grass pavers, for overflow, seasonal or low usage parking, based upon the review and recommendation of the City Engineer.

3. Drainage. All parking lots shall be graded or drained to dispose of stormwater runoff. The City may permit openings in the curbing for drainage purposes. No surface water shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way, County Drain or municipal storm sewer shall require written approval from the appropriate local, County, or State agency.

4. Dimensions.

   a. Plans for the layout of off-street parking facilities shall be in accord with the minimum requirements set forth in Table 13.06-B.

Table 13.06-B Parking Dimensions				
Parking Angle	**Stall Width**	**Aisle Width**	**Parking Stall Length**	**Curb to Curb**
0 Deg. to 15 Deg.	9.0 feet	12 feet	23 feet	30.0 feet
16 Deg. to 37 Deg.	9.0 feet	11 feet	19 feet	46.6 feet
38 Deg. to 57 Deg.	9.0 feet	13 feet	19 feet	53.2 feet
58 Deg. to 74 Deg.	9.0 feet	18 feet	19 feet	60.4 feet
75 Deg. to 90 Deg.	9.5 feet	24 feet	19 feet	62.0 feet

b. All spaces shall be provided adequate access by means of maneuvering lanes. Parking spaces with parking angles less than ninety (90) degrees shall be accessed by one-way drives. Parking spaces that are perpendicular to the drive (ninety (90) degree angle) may be accessed by two (2) way movements.

5. Illumination. All illumination of parking lots or display areas shall be designed and installed to comply with the requirements of Section 13.05.

6. Landscaping. The parking area shall provide screening, greenbelts, buffers and parking lot landscaping in accordance with Section 13.02. Where parking abuts required landscape islands or greenbelt areas, landscape islands or greenbelts shall be increased by two (2) feet to accommodate vehicle overhang. The parking space may be decreased by two (2) feet in length if curbing is provided.

7. Parking Abutting Sidewalks. Where a parking space overhangs a sidewalk, the minimum sidewalk width shall be seven (7) feet.

8. Construction and Maintenance.

a. Plans and specifications for parking areas shall be submitted and approved following the site plan review requirements of Article 8, Site Plan Review.

b. Required parking lots shall be installed and completed before issuance of an occupancy permit.

c. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere or the parking requirements of the site are changed.

d. Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

e. All off-street parking and loading facilities required by this Section shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such parking facilities, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.

f. The storage of and/or the repair of merchandise, materials, equipment or vehicles are prohibited on required off-street parking or loading spaces.

SECTION 13.07 WOODLAND PROTECTION

A. Purpose and Intent. It is the intent of these regulations to help prevent unregulated and, in many cases, unnecessary removal of trees and related natural resources. The protection of trees, woodlands and woodland resources will promote the preservation of important physical, aesthetic, recreational and economic assets for both present and future generations. Specifically, it is found that:

1. Trees and woodlands provide for public welfare and safety through the reduction of erosion, siltation, and flooding;
2. Trees and woodlands help protect water quality by protecting groundwater recharge areas, reducing risk of groundwater contamination and maintaining base flows in streams and rivers, thus reducing the risk of degrading vegetation, wildlife, wetlands and surface water systems throughout the city;
3. Trees and woodlands increase the economic value of land for most uses;
4. Tree and woodland growth protects public health through the absorption of air pollutants and contamination and reduces carbon dioxide content of the ambient air; and
5. Tree and woodland growth serves as an essential component of the general welfare of the City by maintaining natural beauty, recreation, and natural heritage.

The purpose of this section is as follows:

1. To encourage the preservation of trees and related natural resources of the woodland ecosystem on undeveloped and underdeveloped land and in connection with the development of land;
2. To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;

3. To protect trees and woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and ecological or historical significance; and

4. To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the City, consistent with Article II, Section 201 of the Michigan Zoning Enabling Act of 2006, and in keeping with Article IV, Section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

B. Applicability:

1. The provisions of tree protection shall apply prospectively to all parcels in the City where site plan review is required as set forth in Section 8.02, and any Subdivision as set forth in Chapter 41 of the City Code.

2. If it is determined that based on associated historical aerial photographs or other evidence, an owner or developer of property required to comply with this section has removed or cleared protected trees within five (5) years of the time of site plan or subdivision approval , the Planning Commission may require the property owner or developer to install additional landscaping as required by the site plan or subdivision approval and to offset the impact of the new development upon adjacent properties.

C. Protected Trees as Defined:

1. Landmark Tree: A woody plant, in a healthy, live condition (has a health and condition standard factor of over 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.

Common Name	Botanical Name	Size (inches)
Basswood	Tilia	18"
Beech, American	Fagus grandifolia	18"
Black Cherry	Prunus serotina	18"
Black Walnut	Juglans nigra	18"
Buckeye, Ohio	Aesculus glabra	18"
Douglas Fir	Pseudotsuga menziesii	18"
Fir	Abies	18"
Kentucky Coffeetree	Gymnocladus dioicus	18"

London Planetree/ American Sycamore	Platanus	18"
Pine (All species)	Pinus	18"
Spruce	Picea	18"
Tulip Poplar	Liriodendron tulipifera	18"
Hickory	Carya	16"
Honey Locust	Gleditsia tricanthos	16"
Maple (Red)	Acer rubrum	16"
Maple (Sugar)	Acer saccharum	16"
Oak (All species)	Quercus	16"
Arborvitae	Thuja	12"
Bald Cypress	Taxodium distichum	12"
Birch	Betula	12"
Black Tupelo	Nyssa sylvatica	12"
Cherry, Flowering	Prunus spp.	12"
Crabapple/Hawthorne	Malus/crataegus	12"
Dawn Redwood	Metasequoia glyptostroiboides	12"
Ginkgo	Ginkgo	12"
Hackberry	Celtis occidentalis	12"
Hawthorn	Crataegus	12"
Hemlock	Tsuga	12"
Larch/Tamarack	Larix	12"
Magnolia	Magnolia	12"
Pear	Pyrus spp.	12"
Persimmon	Diospyros virginiana	12"
Sassafras	Sassafras albidum	12"
Sweetgum	Liquidamber styraciflua	12"
Yellow Wood	Cladrastis lutea	12"
Blue-Beech/Hornbeam	Carpinus caroliniana	8"
Butternut	Juglans cinera	8"
Cedar of Lebanon	Cedrus spp.	8"
Chestnut	Castanea	8"
Dogwood, Flowering	Cornus florida	8"
Hop-Hornbeam/ Ironwood	Ostrya virginiana	8"
Maple, Mountain/Striped	Acer spicatum/ pensylvanicum	8"
Paw Paw	Asimina triloba	8"

Redbud	Cercis canadensis	8"
Serviceberry	Amelanchier	8"
Any healthy tree with a DBH 24" or greater, (except invasive species), or a healthy tree of the species described above with the minimum DBH listed.		

2. Woodlands: Trees in a Woodland, which is defined as one-quarter (¼) acre or more of contiguously wooded land where the largest trees measure at least six (6) inches in diameter at breast height (DBH). The acreage is to be measured from the dripline to dripline of trees on the perimeter. Contiguous shall be defined as the majority of the one-quarter (¼) acre being under the vegetation dripline.

D. Tree Inventory. A Tree Inventory is required as a component of the preliminary site plan submission as set forth in Section 8, and any Subdivision as set forth Chapter 41 of the City Code.

1. Tree Inventory shall contain the following:

   a. Location of all trees over six (6) inches in DBH.

   b. Common and botanical names of all identified trees, their size in inches at their DBH, 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 or Registered Landscape Architect.

E. Tree Replacement:

1. When as part of a site plan or subdivision approval the Troy Planning Commission authorizes the removal of Landmark Trees and trees within a Woodland, the removal shall be mitigated as follows:

   a. Woodland Trees six (6) inches or larger DBH shall be mitigated by installation of replacement trees equal to a minimum of fifty percent (50%) of the original DBH removed.

   b. Landmark Trees (including those located within Woodlands to be removed) shall be mitigated by installation of replacement trees equal to a minimum of one hundred percent (100%) of the original DBH of the tree(s) removed.

c. Replacement trees shall be non-sterile varieties of species native to southeast Michigan, and not prohibited by Chapter 28 of the City of Troy ordinance. The minimum size of a deciduous replacement tree shall be two and one-half (2.5) inch caliper. The minimum size of a coniferous replacement tree shall be six (6) feet in height. Deciduous replacement of one-half (.5) caliper inch is equal to one foot in height for coniferous replacement.

2. A Tree Replacement Plan must be prepared by either a certified forester or Registered Landscape Architect. The property owner shall have the proposed Tree Replacement Plan approved by the Planning Commission.

3. These tree replacement requirements are separate from and in addition to the landscape requirements set forth in Article 13.02

F. Tree Replacement Alternatives:

1. Any identified Woodland and Landmark Tree that is retained onsite as part of the development may count towards two (2) times the inch for inch replacement requirement.
2. When reviewing site plans, the Planning Commission prioritizes Landmark and Woodland Tree protection and mitigation in order as follows:

a. Protecting and preserving existing onsite Landmark and Woodland Trees.

b. Providing all required mitigation on the site of development.

G. Exemptions from Replacement:

1. The following shall be exempt from the requirements of these Tree Replacement as set forth in Section 13.07.F:

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

b. 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.

c. Tree clearing within an existing public road right-of-way or an existing private road easement.

d. 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 50 percent based upon the standards established by the International Society of Arboriculture.

e. Trees that are considered invasive by the International Society of Arboriculture

f. Removal of trees that have become a potential danger to human life or property.

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

1. In general, Landmark Trees should not be removed for development. Site design should consider any Landmark Tree on a site as an important design element.

2. Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.

3. 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.

4. Use retaining walls and other techniques to minimize grade changes near trees.

5. Maintain trees along the perimeter of sites to provide buffer.

6. Maintain grades and moisture conditions within the Critical Root Zone (CRZ) of trees, being that area in which the loss, disturbance, or damage to any roots will adversely affect the tree's long term health and structural stability. Many of the native hardwood trees: oaks, hickories, maples and beeches, for example, 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 or 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.

7. Locate utility lines away from trees to be retained. If this is not possible, install utility lines through bored tunnels instead of trenches.

8. Conduct any necessary excavation around trees by hand.

9. Applicant must provide a Tree Protection Plan that is compliant with requirements as set forth Chapter 28, Tree Regulations.

10. 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.

I. Tree Removal as a Result of Construction Activity:

1. Any protected tree identified for preservation on an approved site plan that has died within three years (3) of the start of construction shall be replaced under the appropriate Landmark Tree and Woodland replacement requirement.

J. Site Plan Approval and Enforcement:

1. Tree protection and mitigation as approved by the Planning Commission is a condition of Site Plan approval and enforced as such.

K. Appeals and Variances. All appeals or requests for variances from the provisions of this section shall be made to the City of Troy Zoning Board of Appeals in accordance with Article 15 of the City of Troy Zoning Ordinance.

L. Violations and Penalties. Violations of the provisions of this section are violations of the City of Troy Zoning Ordinance and subject to Article 3 of the City of Troy Zoning Ordinance.

SECTION 13.08 TRAFFIC IMPACT ANALYSIS

A traffic impact analysis may be required by the Zoning Administrator, in consultation with the Traffic Engineer, to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the applicant and shall examine existing and proposed traffic flow, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress / egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner.

SECTION 13.09 ACCESS MANAGEMENT

A. Where Required. The standards set forth in this Section shall apply to all uses which access a public street.

B. General Requirements.

1. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Access to public roads shall be controlled in the interest

of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein.

2. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peek traffic period. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

3. Cross access is required and shall be located to provide a direct connection with the existing or future access of the abutting non-residential properties. A site plan without cross access may be approved when it can be demonstrated that there are either physical limitations or functional circumstances that would prevent such access from being installed.

4. There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing exiting vehicle sight distance, or otherwise interfering with street traffic.

5. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and / or separation, where appropriate, of entry and exit lanes within driveways.

6. Ingress and egress to an off-street parking lot for all uses other than single-family residential shall not cross land zoned for single-family.

C. Location and Spacing.

1. Ingress and egress from an off-street parking lot located in an area zoned for all uses other than single-family residential shall be at least twenty-five (25) feet from adjacent property zoned single-family residential.

2. The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical, but no closer than one hundred twenty-five (125) feet as measured from centerline to centerline. The minimum separation between driveways shall be based upon the posted speed limit of the street.

SECTION 13.10 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

A. Where Required. On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. The City may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

B. Traffic Flow Location. The location of the loading area shall be sufficient to prevent undue interference with adjacent, required parking spaces, maneuvering aisles, or traffic flow and no unloading on public streets. Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.

C. Alleys. Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.

D. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The City may modify this requirement for uses that will involve smaller delivery trucks.

E. Pavement. Loading dock approaches shall be constructed of an asphalt or concrete with a base sufficient to accommodate expected vehicle weight.

F. Number. The minimum number of loading spaces shall be provided in accordance with the requirements set forth in Table 13.10-A.

Table 13.09-A
Off-Street Loading Requirements

Institutional, Commercial, and Office Uses	
Up to 5,000 sq. ft. Gross Floor Area (GFA)	1 space
5,001 to 60,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1 space per each additional 50,000 sq. ft. GFA
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401 to 20,000 sq. ft. GFA	1 space
20,001 to 100,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5 spaces

SECTION 13.11 PEDESTRIAN ACCESS

A. Where Required. The standards set forth in this Section shall apply to all uses that attract non-motorized and pedestrian traffic.

B. General Standard. 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, street crossings, visual interest and security as defined by the standards in this Section.

C. Safety Considerations. To the maximum extent feasible, pedestrians shall be separated from vehicles.

1. Minimizing Pedestrian/Vehicular Conflicts. Physical separation of pedestrian and vehicular access is 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 island, 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 bicyclist share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. The minimum width shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines and applicable City Engineering design standards.

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. Curb cuts and ramps shall be located at convenient and safe locations. The location and design of curb cuts and ramps shall comply with the Michigan Barrier-Free Code and the Americans with Disabilities Act Standards for Accessible Design.

4. Site Amenities. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches. However, all sites with parking of ten (10) spaces or greater shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.

5. Walkways.

a. Walkways within the site shall directly connect points of pedestrian origin and destination. Walkways shall not be located based only on the outline of a parking lot if it does not provide direct pedestrian access. Walkways shall

either be grade separated from parking lots or clearly delineated to avoid pedestrian/vehicular conflicts.

b. 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.

ARTICLE 14

NONCONFORMING LOTS, USES AND STRUCTURES

SECTION 14.01 INTENT

A. It is the purpose of this Article to provide regulations governing lots, buildings, structures and uses which were lawful prior to the enactment of this Ordinance, or amendments thereto, but which are regulated under the provisions of this Ordinance.

B. It is recognized that there exists within the districts established by this Article and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

C. The standards of this Article are intended to accomplish the following:

1. Eliminate nonconforming uses which are considered to be incompatible with permitted uses and encourage redevelopment into more conforming uses.

2. Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.

3. Encourage investment in surrounding neighborhoods by bringing nonconforming structures into compliance with this Ordinance.

4. Encourage upgrading of site elements such as site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which was developed in compliance with the standards at the time of construction, but which do not meet current site standards.

5. Encourage combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the appropriate zoning district, to promote public health, safety and welfare and to eliminate problems associated with over-crowding.

D. Nothing in this Article 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 Article

provided progress has been diligently pursued and substantial construction has occurred.

E. The authorization of nonconformities that were legally established prior to enactment or amendment of this Ordinance to continue shall not apply to buildings, structures or uses which were not legally established prior to the enactment or amendment of this Ordinance. Those nonconforming uses or nonconforming structures which have not been legally established shall be declared illegal and shall be discontinued at the effective date of this Ordinance.

SECTION 14.02 NONCONFORMING LOTS OF RECORD

A. Use of Nonconforming Lots. In any District where single-family dwellings are permitted, any single lot of record existing at the effective date of adoption or amendment of this Article that fails to meet the applicable Zoning District requirements for area or width, or both, shall be considered to be a nonconforming lot of record. A single-family dwelling and customary accessory buildings may be constructed on a nonconforming lot of record provided setbacks and all other requirements of this Ordinance are met.

B. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combinations of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Article, and if all or part of the lots do not meet the requirements for lot width and area as established by this Article, the lots or combination of lots involved shall be considered to be an undivided parcel for the purposes of this Article. No portion of said parcel shall be used or occupied in a manner which diminishes compliance with lot width and area requirements established by this Article, nor shall any division of the parcel be made which creates a lot width or area below the requirements stated in this Article.

SECTION 14.03 NONCONFORMING USES OF LAND

A lawful use of land or structure or land in combination existing at the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended, shall be considered a nonconforming use. A nonconforming use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article.

B. A nonconforming use shall not be moved in whole or in part to any other portion

of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.

C. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

D. A nonconforming use that is replaced by a permitted use, shall thereafter conform to the regulations for the District in which the use is located, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status.

F. An existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, or to bring the structure into greater conformity with the Ordinance.

G. A nonconforming use that is determined to be abandoned shall not be re-established, and any subsequent use shall conform to this Ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist:

1. The use ceases for a period of one hundred eighty (180) days.

2. Utilities, such as water, gas and electricity to the property have been disconnected.

3. The property, building, or grounds have fallen into disrepair in a manner which result in violation of applicable zoning and property maintenance codes, or would otherwise give the appearance of neglect or abandonment.

4. Signs or other indications of the existence of the nonconforming use have been removed.

5. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.

6. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

SECTION 14.04 NONCONFORMING STRUCTURES

A lawful structure that existed prior to the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended shall be considered a nonconforming structure. A nonconforming structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. A nonconforming building or structure shall not be enlarged or altered in a way which increases its non-conformity.

B. A nonconforming building or structure that is destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, shall not be reconstructed except in conformity with the provisions of this Article.

C. A nonconforming building or structure that is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the District in which it is located after it is moved.

D. A nonconforming building or structure that is altered so as to eliminate, remove or lessen any or all of its nonconforming characteristics, shall not be altered or modified and any time thereafter to reestablish the nonconforming characteristics.

SECTION 14.05 REPAIRS AND MAINTENANCE

A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (I2) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

SECTION 14.06 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

ARTICLE 15

ZONING BOARD OF APPEALS

SECTION 15.01 BOARD ESTABLISHED

A Zoning Board of Appeals is hereby established, in accordance with Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.), and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, and that reasonable relief be provided in the application of this Ordinance. The BZA in existence at the time of the effective date of this ordinance shall continue to act as the ZBA in accordance with this Ordinance

SECTION 15.02 MEMBERSHIP AND TERMS

A. Membership.

1. The Zoning Board of Appeals shall consist of seven (7) permanent members and two (2) alternate members appointed by the City Council. One (1) regular member shall be a member of the Planning Commission. The Planning Commission representative shall not serve as Chair of the Zoning Board of Appeals. The remaining members shall be selected from the electors of the City, and shall be representatives of the population distribution and of the various interests present in the City.

2. An employee or contractor of the City Council may not be a member or employee of the Zoning Board of Appeals.

3. The City Council shall appoint two (2) alternate members of the Zoning Board of Appeals who shall serve as a member of the Zoning Board of Appeals upon the call of the Chairperson when a regular member is absent from or unable to attend one (1) or more meetings. An alternate member may also be called to serve in place of a member for the purpose of reaching a decision on a case in which the member has abstained for the reason of a conflict of interest. The alternate member having been appointed shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

4. The term of each permanent member shall be three (3) years, except for members serving because of their membership on the Planning Commission,

whose terms shall be limited to the time they are members of the Planning Commission. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

B. Removal. Members of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance or non-feasance in office upon written charges and after a due process hearing. A member shall disclose when there is or may be a conflict of interest prior to the matter being considered by the Zoning Board or Appeals. Failure of a member to disclose that there is or may be a conflict of interest to allow the Board to disqualify that member from a vote shall constitute malfeasance in office.

SECTION 15.03 RULES GOVERNING THE BOARD OF APPEALS

A. Rules. The Zoning Board of Appeals shall adopt rules of procedures to govern its procedures. The Zoning Board of Appeals shall elect a Chairperson, and Vice-Chairperson from its membership in accordance with adopted rules of procedure.

B. Votes. A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision related to administrative review, interpretation and variances other than use variances. Use variances shall require an affirmative vote of two-thirds (2/3) of the members for approval. A current member of the Zoning Board of Appeals who is also a current member of the Planning Commission shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission.

C. Representation. Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.

D. Time Limit. The Zoning Board of Appeals shall hear and decide upon all matters properly before it within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.

E. Meetings and Record of Proceedings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board in its rules and regulations might specify. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present. The Board shall maintain a record of its proceedings, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting, which shall be filed in the office of the City Clerk.

SECTION 15.04 POWERS AND DUTIES OF ZONING BOARD OF APPEALS

A. General. The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.

B. Delegated Duties. The Zoning Board of Appeals shall hear and decide upon the following:

1. Appeals of administrative decisions.

2. Requests for interpretation of the Zoning Ordinance or Zoning Map.

3. Requests for dimensional and other non-use variances.

4. Requests for use variances.

5. All matters upon which it is required to pass under this Ordinance.

C. Appeals of Administrative Decisions. 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 in the enforcement of this Ordinance.

1. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the Zoning Administrator. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.

3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:

   a. The administrative decision was arbitrary or capricious.

   b. The administrative decision was based on an erroneous finding of material fact.

   c. The administrative decision constituted an abuse of discretion; or

   d. The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

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 the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in Section 4.03, Interpretation of District Boundaries. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.

2. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

E. Dimensional and Other Non-Use Variances.

1. Where a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.

2. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

a. Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation and other similar characteristics.

b. The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.

c. The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.

d. The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.

e. The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

3. The Zoning Board of Appeals shall not find that any of the above criteria have been met without substantial evidence provided by the applicant to that effect.

4. The proposed variance will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.

F. Use Variances.

1. Use Variance Standards for Review. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:

a. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.

b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to

that property and not commonly present in the general vicinity or in the zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:

i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.

ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure.

iii. The use or development of the property immediately adjoining the property in question.

iv. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.

c. The use variance will not alter the essential character of the neighborhood or the intent of the Master Plan, or be a detriment to adjacent properties.

d. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

e. The immediate practical difficulty causing the need for variance request was not self-created by the applicant.

G. Dimensional Variance in Special Use Approval and Planned Unit Developments.

The Zoning Board of Appeals may grant dimensional or other site plan related variances (e.g. lot dimensions, setbacks, building height, lot coverage, parking, etc.) for special approval uses. The Zoning Board of Appeals shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special use permit, nor grant variances to any conditions placed on special use approval.

The Zoning Board of Appeals shall not have the authority to grant variances to any regulations or any requirement placed upon a project approved as a Planned Unit Development or conditional rezoning. However, the Zoning Board of Appeals shall have the authority to decide appeal requests by individual lot or unit owners for variances from other sections of the Zoning Ordinance following final approval of a Planned Unit Development, provided such variances do not affect the terms or conditions of the original approval.

SECTION 15.05 RULES AND PROCEDURES FOR VARIANCES

A. General.

1. An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the Zoning Administrator. The applicant shall provide such information as is required by the Zoning Board of Appeals by way of completed application form, fee and additional information.

2. After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better complies with the Ordinance than that requested, or deny the request.

3. The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning Board of Appeals must be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.

4. Any variance approved by the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period of one (1) year, provided a building permit for the work has been obtained within that time period and work has commenced on the site. Additionally, the applicant must demonstrate continued progress towards completion of the project. The Zoning Administrator may grant extensions, not to exceed six (6) months for each extension, upon a showing of good cause and good faith effort being made to achieve completion.

5. A variance which is legally utilized and maintained runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.

6. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.

B. Use Variances.

1. Application. In addition to the information required for other variance requests, an application for a use variance shall include a sketch plan with the

required information as set forth in Section 8.03.A detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:

a. Applicant's property cannot be used for the purposes permitted in the zoning district.

b. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.

c. Applicant's suggested use would not alter the essential character of the area.

d. Applicant's problem has not been self-created.

e. Unavailability of administrative relief which may afford reasonable use of applicant's property.

The applicant shall identify all persons who will testify at the hearing with respect to each of the facts and respective conclusions. If any person is to be offered as an expert witness, the application shall include a resume which shows the education and experience of such person within the particular area of expertise.

2. Pre-Hearing Conference for Use Variances.

a. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.

b. The purposes of the pre-hearing conference shall be to:

i. Review the procedure for the hearing and identify all persons who will testify either directly or through affidavit and the evidence to be offered on behalf of the applicant;

ii. Attempt to secure a statement of agreed-upon facts to be used to narrow the matters of dispute and shorten the hearing;

iii. Explore a means of providing relief to the applicant by way of non-use variance from the Zoning Board of Appeals, or other relief which may require action by persons or bodies other than the Zoning Board of Appeals which will afford an adequate remedy for the applicant;

iv. Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.

c. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking

into consideration the discussion with the applicant or the applicant's representative.

d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference stated above. The Zoning Administrator may waive the requirement for a pre-hearing conference if such a waiver is requested by the applicant.

3. Hearing Procedure for Use Variances.

a. In order to be entitled to relief, the burden shall be upon the applicant to demonstrate each of the five factors in subsection (B)(1) of this section.

b. Manner of Presentation.

i. The Zoning Administrator shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.

ii. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the Zoning Board of Appeals may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Zoning Board of Appeals may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Zoning Board of Appeals to ask questions of such witnesses.

iii. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.

iv. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and

subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that all relevant information is before the Zoning Board of Appeals for consideration as it relates to the specific application presented.

v. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal case.

vi. At the hearing, the Zoning Board of Appeals may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the board. When questions of procedure arise during the hearing, the chairperson of the Zoning Board of Appeals may solicit the recommendation of the representatives of the applicant and the community and/or the City Administration.

vii. If a hearing is not completed at a given meeting within the time period allowed by the Zoning Board of Appeals, the board shall adjourn the hearing to a date certain for continuation.

4. Decision of the Zoning Board of Appeals.

a. The Zoning Board of Appeals may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.

b. At the conclusion of the hearing, the Zoning Board of Appeals may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision. The Zoning Board of Appeals may also request the Zoning Administrator to prepare findings and conclusions.

c. If the Zoning Board of Appeals determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one (1) or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.

C. Public Hearings and Notification. The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and requests for variances. Public hearing and notification requirements are set forth in Section 3.04 Public Notice Requirements.

SECTION 15.06 SITE PLAN REQUIREMENTS

If an application to the Board of Zoning Appeals requires site plan approval by the Planning Commission pursuant to the provisions of Article 8.0, the applicant shall first apply for site plan approval as set forth in Article 8.0. The Planning Commission shall review the site plan, including site layout and other design features, but shall not grant Preliminary Site Plan Approval nor make a recommendation on the variance. The Planning Commission shall then transmit the site plan and the minutes related to said site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its decision related to the application to the Planning Commission. The Planning Commission shall then take action on the site plan.

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ARTICLE 16

AMENDMENTS

SECTION 16.01 AUTHORITY

The City Council may amend the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006 as amended. Amendments to the Ordinance requirements are referred to as text amendments. Amendments to the official zoning map that constitute a change in zoning classification are referred to as rezonings.

Amendments may be initiated by: resolution of the City Council or the Planning Commission; petition of one (1) or more property owners; or by one (1) or more persons acting on behalf of a property owner(s).

SECTION 16.02 VESTED RIGHT

Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 16.03 REZONING PROCEDURES

A. Procedure for Rezoning of Property.

1. An applicant seeking the rezoning of property within the City of Troy shall file an application with the Zoning Administrator, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

2. A completed application for rezoning shall be transmitted by the Zoning Administrator to the Planning Department for a report on the application.

3. A sign shall be placed on the subject property to inform the public that an application for rezoning has been filed, and to indicate the location where the information regarding the request can be obtained.

4. The Planning Commission shall review the application for rezoning, any supplementary materials, and the Planning Department report and hold a

public hearing. Following the public hearing, the Planning Commission shall make a recommendation to the City Council.

5. The application for rezoning, the entire record at the Planning Commission, the report from the Planning Department, and the recommendation of the Planning Commission shall be forwarded to the City Manager and subsequently to the City Council. The City Manager shall establish a date on which the City Council shall hold a public hearing on the matter.

6. The City Council shall review the application for rezoning, the Planning Commission recommendation, and Planning Department report. The City Council, after a review of the matter, shall adopt a resolution which shall either:

   a. Approve the rezoning application for all or part of the property.

   b. Deny the rezoning application; or,

   c. Postpone the rezoning application.

B. Application Requirements. A rezoning shall be submitted on forms provided by the Zoning Administrator. Failure to provide the information and materials required as a part of the application for rezoning shall render the application deficient and the application shall be held in abeyance until all required items are submitted. The following information shall be submitted:

1. The present zoning classification of the property.

2. The proposed zoning classification.

3. The name, address and telephone of the person applying for the rezoning.

4. The name, address and telephone of the person who owns the subject property.

5. The relationship between the applicant and the property owner.

6. A Certified Survey that meets PA 132.

7. The proposed use of the property shall be indicated on the application.

C. Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:

   a. A change in City policy since the Master Plan was adopted.

b. A change in conditions since the Master Plan was adopted.

c. An error in the Master Plan.

2. The proposed rezoning will not cause nor increase any non-conformity.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

4. The rezoning will not impact public health, safety, or welfare.

5. The rezoning will ensure compatibility with adjacent uses of land.

SECTION 16.04 CONDITIONAL REZONING PROCEDURES

A. Authorization and Limitations. 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 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 requested new 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 special use approval under the terms of this Ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

4. 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 this Ordinance.

5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

B. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that 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 that, if 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 Conditional Rezoning request shall be the same as provided in Section 16.03 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

1. Application Requirements. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:

   a. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.

   b. A written statement prepared by the applicant that confirms that the property shall 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.

   d. A time frame for completing the proposed improvements.

   e. A legal description of the land.

   f. A Sketch Plan prepared in accordance with the requirements set forth in Section 8.03.A.

2. Public Hearing. 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. Standards for Approval. 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 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 a 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 insure compatibility with adjacent uses of land.

D. Amendment to Zoning Map. Upon approval by 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 following a period of two (2) years from the effective date of the rezoning unless progress 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 rezoning classification for the property, and/or

b. The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

F. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

G. If development and/or actions are undertaken on or with respect to the property 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 curative 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.

SECTION 16.05 PUBLIC NOTICE OF PROPOSED REZONINGS AND TEXT AMENDMENTS

Public hearing and notification requirements for proposed rezoning and text amendments are set forth in Section 3.04, Public Notice Requirements.

SECTION 16.06 PROTEST PETITION

If a protest petition in conformance with State law is presented to the City Council prior to the final adoption of an amendment to this ordinance, such amendment shall not be passed except by a two-thirds (2/3) vote of the City Council. A protest petition shall be signed by the owners of at least twenty (20) percent of the area of land included in the proposed change, or by the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land. The protest petition shall be submitted to the City Clerk by 12:00 P.M. on the day of the City Council Public Hearing on the proposed amendment, on a form provided by the City.

SECTION 16.07 ANNUAL REPORT

The Planning Commission shall prepare an annual report for the Troy City Council on the administration and enforcement of the zoning ordinance and recommendations for amendment or supplements to the ordinance.