

SUMMARY

This ordinance amends Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, by amending the following sections: 61-2-142, 61-3-253, 61-7-6, 61-9-34, 61-9-37, 61-9-43, 61-9-54, 61-9-56, 61-9-57, 61-9-74, 61-9-77, 61-9-83, 61-11-304, 61-11-312, 61-11-381 – 61-11-393, 61-12-50, 61-12-94, 61-12-118, 61-12-121, 61-12-233, 61-14-7, 61-14-22, 61-14-39, 61-14-103, 61-14-149, 61-14-282, 61-14-286, 61-14-287, 61-14-290, 61-14-291, 61-14-293, 61-14-294, 61-14-295, 61-14-297, 61-14-298, 61-14-299, 61-14-300, and 61-16-162. Furthermore, section 61-11-317 is added. Finally, sections 61-11-389 – 61-11-393 are deleted.

These changes update the membership of the Design Review Committee, add certain light industrial uses where the goods made are sold on-site to the B2, B3, and B4 zoning classifications, and reduce the number of uses prohibited in the Gateway Radial Thoroughfare Overlay. Within the provisions for Traditional Main Street Overlay Areas, changes are to expand the residential uses allowed as a matter of right where combined with permitted commercial or industrial uses in the B2- B4 zoning districts: expand the number of and areas designated; count on-street parking toward required parking along certain designated overlay areas; reduce the parking requirements for certain uses; specify the design standards that qualify a building or use for reduced parking; change the rear setbacks; specify which overlay areas drive-throughs are prohibited in, specify which transparency, material and color and finish, lighting, blank walls, security roll-down doors and grilles, and vacant building standards apply to which overlay areas . The Far Eastside Overlay Area is deleted, due to its not being used. Secondhand stores are removed from the list of Regulated Uses.

BY COUNCIL MEMBER _____:

AN ORDINANCE to Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance, by amending the following sections: 61-2-142, 61-3-253, 61-7-6, 61-9-34, 61-9-37, 61-9-43, 61-9-54, 61-9-56, 61-9-57, 61-9-74, 61-9-77, 61-9-83, 61-11-304, 61-11-312, 61-11-381 – 61-11-393, 61-12-50, 61-12-94, 61-12-118, 61-12-121, 61-12-233, 61-14-7, 61-14-22, 61-14-39, 61-14-103, 61-14-149, 61-14-282, 61-14-286, 61-14-287, 61-14-290, 61-14-291, 61-14-293, 61-14-294, 61-14-295, 61-14-297, 61-14-298, 61-14-299, 61-14-300, and 61-16-162. Furthermore, section 61-11-317 is added. Finally, sections 61-11-389 – 61-11-393 are deleted.

These changes update the membership of the Design Review Committee, add certain light industrial uses where the goods made are sold on-site to the B2, B3, and B4 zoning classifications, and reduce the number of uses prohibited in the Gateway Radial Thoroughfare Overlay. Within the provisions for Traditional Main Street Overlay Areas, changes are to expand the residential uses allowed as a matter of right where combined with permitted commercial or industrial uses in the B2- B4 zoning districts: expand the number of and areas designated; count on-street parking toward required parking along certain designated overlay areas; reduce the parking requirements for certain uses; specify the design standards that qualify a building or use for reduced parking; change the rear setbacks; specify which overlay areas drive-throughs are prohibited in, specify which transparency, material and color and finish, lighting, blank walls, security roll-down doors and grilles, and vacant building standards apply to which overlay areas . The Far Eastside Overlay Area is deleted, due to its not being used. Secondhand stores are removed from the list of Regulated Uses.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 61 of the 1984 Detroit City Code is amended as follows:

ARTICLE II. REVIEW AND DECISION-MAKING BODIES

DIVISION 7. ADVISORY REVIEW COMMITTEES

Subdivision H. Design Review Advisory Committee.

Sec. 61-2-142. Personnel.

The Design Review Advisory Committee shall consist of one (1) representative of each of the following:

- (1) The Planning and Development Department—a staff person who is assigned to site plan review;
- (2) City Planning Commission staff; and
- ~~(3) Office of Neighborhood Commercial Revitalization; and~~

- (34) A community group, the boundaries of which include the commercial district to which a given permit application pertains.

The Chairperson may include other *ad hoc* members as he or she deems appropriate for the review of a particular application.

ARTICLE III. REVIEW AND APPROVAL PROCEDURES

(PART 1)

DIVISION 8. REGULATED USES

Subdivision A. General

Sec. 61-3-253. List of Regulated Uses.

The following use types shall be considered “Regulated Uses” under this zoning ordinance:

- (1) Brewpub outside the Central Business District and SD2 District, microbrewery outside the Central Business District and SD2 District and small distillery or small winery outside the Central Business District and SD2 District that serve alcohol for consumption on the premises; except that brewpubs, microbreweries, small distilleries and small wineries that operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Sec. 61-16-162 of this Code shall not be considered “Regulated Uses;”
- (2) Cabaret, outside the Central Business District and SD5 District;
- (3) Dance hall, public, outside the Central Business District;

- (4) Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and outside the SD1, SD2 and SD5 Districts; however, such establishments that operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Sec. 61-16-162 of this Code shall not be considered “Regulated Uses;”
- (5) Lodging house, public;
- (6) Motel;
- (7) Pawnshop;
- (8) Plasma donation center; and
- (9) ~~Secondhand store and Secondhand jewelry store (outside the M1, M2, M3, and M4 Districts).~~

ARTICLE VII. ZONING DISTRICTS (IN GENERAL)

Sec. 61-7-6. Overlay Areas.

As provided for in ARTICLE XI, DIVISION 14 of this Chapter, certain areas of the City of Detroit, while classified within certain zoning districts, are geographically sub-classified as overlay areas. Overlay areas include the following:

- (1) Gateway Radial Thoroughfare Overlay Areas;
- (2) Traditional Main Street Overlay Areas;

- (3) Major Corridor Overlay Areas;
- (4) Grand Boulevard Overlay Area;
- (5) Downtown and Riverfront Overlay Areas;
- (6) Development Improvement Area; and
- ~~(7) Far Eastside Overlay Area.~~

ARTICLE IX. BUSINESS ZONING DISTRICTS

DIVISION 3. B2 LOCAL BUSINESS AND RESIDENTIAL DISTRICT

Sec. 61-9-34 By-right residential uses.

- (1) Adult foster care facility
- (2) Assisted living facility
- (3) Boarding school and dormitory
- (4) Child caring institution
- (5) Convalescent, nursing, or rest home
- (6) Lofts where located in a Traditional Main Street Overlay area and combined in structures with permitted commercial or industrial uses

- (7) ~~(6)~~ Multiple-family dwelling where located in a Traditional Main Street Overlay Area and where combined with permitted commercial or industrial uses specified in Sec. 61-9-36
- (8) ~~(7)~~ Religious residential facilities
- (9) ~~(8)~~ Residential use combined in structures with permitted commercial or industrial uses where located in a Traditional Main Street Overlay Area
- (10) ~~(9)~~ Shelter for victims of domestic violence

Sec. 61-9-37. By-right manufacturing and industrial uses.

~~(1) None.~~

The following uses not exceeding 4,000 square feet with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced are permitted as a matter of right where located in a Traditional Main Street Overlay Area:

1. Confection manufacturing
2. Food catering
3. General: Low/Medium impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code and limited to the following:
 - (a) Art needlework
 - (b) Canvas goods manufacture

(c) Cigar or cigarette manufacture

(d) Clock or watch manufacture

(e) Coffee roasting

(f) Door, sash, or trim manufacture

(g) Draperies manufacture

(h) Flag or banner manufacture

(i) Glass blowing

(j) Knit goods manufacturing

(k) Leather goods manufacture or fabrication

4. General: Low-impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code

5. Jewelry manufacture

6. Lithographing, and sign shops

7. Trade services, general, with the exception of cabinet making, where goods are repaired or made

8. Wearing apparel manufacturing

Sec. 61-9-43. Conditional manufacturing and industrial uses.

- (1) Blueprinting shop
- (2) Confection manufacture, except such use is ~~not~~ permitted on a matter of right basis on any zoning lot abutting a Gateway Radial Thoroughfare Traditional Main Street Overlay Area per Sec. 61-9-37,
- (3) Dental products, surgical, or optical goods manufacture with building size not exceeding four thousand (4,000) square feet, ~~except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare~~
- (4) Food catering establishment,
- ~~(5)~~(8) Lithographing with building size not exceeding four thousand (4,000) square feet, ~~except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare,~~
- ~~(6)~~(9) Trade services, general, ~~except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare~~ except such use where goods are repaired or made is permitted on any zoning lot abutting a Traditional Main Street Overlay Area per Sec. 61-9-37.
- (10) Where located in a Traditional Main Street Overlay Area, the following uses not exceeding 4,000 square feet of gross floor area and having a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced:
 - (a) General: High/medium-impact Manufacturing or Processing limited to furniture manufacturing

(b) Machine shop

(c) Trade services, general limited to cabinet making

(d) Welding Shops

DIVISION 4. B3 SHOPPING DISTRICT

Sec. 61-9-54. By-right residential uses.

- (1) Residential use combined in structures with permitted commercial or industrial uses where located in a Traditional Main Street Overlay Area
- (2) Multiple-family dwelling where located in a Traditional Main Street Overlay Area and where combined in structures with permitted commercial or industrial uses
- (3) Loft where located in a Traditional Main Street Overlay Area and where combined in structures with permitted commercial or industrial uses

Sec. 61-9-56. By-right retail, service, and commercial uses.

- (1) Animal-grooming shop
- (2) Art gallery
- (3) Automated Teller Machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up or drive-through facilities

- (4) Bake shop, retail
- (5) Bank without drive-up or drive-through facilities
- (6) Barber or beauty shop
- (7) Brewpub or microbrewery or small distillery or small winery, where located within a
Traditional Main Street Overlay Area
- (78) Customer service center without drive-up or drive-through facilities
- (89) Dry cleaning, laundry, or Laundromat
- (910) Medical or dental clinic, physical therapy clinic, or massage therapy clinic
- (4011) Nail salon
- (4412) Office, business or professional
- (4213) Parking lots or parking areas for operable private passenger vehicles
- (13) Parking structure
- (14) Pet shop
- (15) Radio, television, or household appliance repair shop
- (16) Recreation, indoor commercial and health club
- (17) Restaurant, carry-out without drive-up or drive-through facilities
- (18) Restaurant, standard without drive-up or drive-through facilities

- (19) Retail sales and personal service in business and professional offices
- (20) School or studio of dance, gymnastics, music, art, or cooking
- (21) Shoe repair shop
- (22) Stores of a generally recognized retail nature whose primary business is the sale of new merchandise with or without drive-up or drive-through facilities
- (23) Theater and concert café, excluding drive-in theaters
- (24) Veterinary clinic for small animals

Sec. 61-9-57. By-right manufacturing and industrial uses.

- (1) ~~None.~~

The following uses not exceeding 4,000 square feet with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced and located in a

Traditional Main Street Overlay Area:

- 1. Confection manufacturing
- 2. Food catering
- 3. General: Low/Medium impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code and limited to the following:

- (a) Art needlework

- (b) Canvas goods manufacture
 - (c) Cigar or cigarette manufacture
 - (d) Clock or watch manufacture
 - (e) Coffee roasting
 - (f) Door, sash, or trim manufacture
 - (g) Draperies manufacture
 - (h) Flag or banner manufacture
 - (i) Glass blowing
 - (j) Knit goods manufacturing
 - (k) Leather goods manufacture or fabrication
9. General: Low-impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code
 10. Jewelry manufacture
 11. Lithographing, and sign shops
 12. Wearing apparel manufacturing

DIVISION 4. B4 GENERAL BUSINESS DISTRICT

Sec. 61-9-74. By-right residential uses.

- (1) Assisted living facility
- (2) Boarding school and dormitory
- (3) Child caring institution
- (4) Convalescent, nursing, or rest home
- (5) Lofts, inside the Central Business District or located in a Traditional Main Street Overlay
- (6) Multiple-family dwelling where located in a Traditional Main Street Overlay Area and where combined with permitted commercial or industrial uses ~~specified in Sec. 61-9-76 of this Code~~
- (7) Religious residential facilities
- (8) Residential use combined in structures with permitted commercial or industrial uses where located in a Traditional Main Street Overlay Area
- (9) Shelter for victims of domestic violence

Sec. 61-9-77. By-right manufacturing and industrial uses.

- (1) Blueprinting shop

- (2) Trade services, general

The following uses not exceeding 4,000 square feet with a minimum of ten percent (10%) of the gross floor area being used as a retail store for the sale of the goods produced and located in a

Traditional Main Street Overlay Area:

1. Confection manufacturing
2. Food catering
3. General: Low/Medium impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code and limited to the following:

(a) Art needlework

(b) Canvas goods manufacture

(c) Cigar or cigarette manufacture

(d) Clock or watch manufacture

(e) Coffee roasting

(f) Door, sash, or trim manufacture

(g) Draperies manufacture

(h) Flag or banner manufacture

(i) Glass blowing

(j) Knit goods manufacturing

(k) Leather goods manufacture or fabrication

13. General: Low-impact Manufacturing or Processing facilities as defined in Sec. 61-16-124 of this Code
14. Jewelry manufacture
15. Lithographing, and sign shops
16. Wearing apparel manufacturing

Sec. 61-9-83. Conditional manufacturing and industrial uses.

- (1) Confection manufacture, except such use is ~~not~~ permitted on a matter of right basis on any zoning lot abutting a ~~Gateway Radial Thoroughfare~~ Traditional Main Street Overlay Area per Sec. 61-9-77,
- (2) Dental products, surgical, or optical goods manufacture, ~~except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare~~
- (3) Food catering establishment, except such use is permitted on a matter of right basis on any zoning lot abutting a Traditional Main Street Overlay Area per Sec. 61-9-77
- (4) Ice manufacture, except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare
- (5) Jewelry manufacture, except such use is ~~not~~ permitted on a matter of right basis on any zoning lot abutting a ~~Gateway Radial Thoroughfare~~ Traditional Main Street Overlay Area per Sec. 61-9-77,

- (6) Lithographing except such use is ~~not~~ permitted on a matter of right basis on any zoning lot abutting a Gateway Radial Thoroughfare Traditional Main Street Overlay Area per Sec. 61-9-77,
- (7) Research or testing laboratory
- (8) Toiletries or cosmetic manufacturing, except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare
- (9) Tool, die, and gauge manufacturing, small items, except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare
- (10) Vending machine commissary, except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare
- (11) Wearing apparel manufacturing except such use is ~~not~~ permitted on a matter of right basis on any zoning lot abutting a Gateway Radial Thoroughfare Traditional Main Street Overlay Area per Sec. 61-9-77,
- (12) Welding shops not exceeding 4,000 square feet of gross floor area
- (13) Wholesaling, warehousing, storage buildings, or public storage houses, except such use is not permitted on any zoning lot abutting a Gateway Radial Thoroughfare, except the Gratiot Avenue Gateway Radial Thoroughfare

ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS

DIVISION 14. OVERLAY AREAS

Subdivision A. Gateway Radial Thoroughfare Overlay Areas.

Sec. 61-11-304. Prohibitions and limitations.

(a) The following uses are prohibited on any zoning lot zoned B2 or B4 abutting any Gateway Radial Thoroughfare, unless that Gateway Radial Thoroughfare is designated as a Traditional Main Street Overlay, in which case the uses may be allowed per the applicable overlay area regulations:

~~(1) Confection manufacture~~

~~(2) Dental products, surgical, or optical goods manufacture~~

~~(13) Emergency shelter~~

~~(24) Go-cart track~~

~~(35) Ice manufacture~~

~~(6) Jewelry manufacture~~

~~(7) Lithographing~~

~~(48) Medical marihuana caregiver center, as provided for in ARTICLE III.DIVISION 12 of this Chapter~~

~~(59) Motor vehicle washing and steam cleaning~~

~~(64) Motor vehicle services, major~~

- (744) Motor vehicles, used, salesroom or sales lots
- (842) Motor vehicles, used, storage lot accessory to a salesroom or sales lot for used motor vehicles
- (943) Pawnshop
- (1044) Plasma donation center
- (1145) Pre-release adjustment center
- (1246) Radio, television, or household appliance repair shop
- (1347) Rebound tumbling center
- (1448) Restaurant, carry-out or fast-food with drive-up or drive-through facilities or where not located in a multi-story building having a mixed-use or multi-tenant development; prohibition limited to Woodward Avenue only
- (1549) Secondhand store and secondhand jewelry store
- (1620) Signs, advertising
- (1724) Substance abuse service facility
- (1822) Taxicab dispatch and/or storage facility
- (1923) Toiletries or cosmetic manufacturing
- (2024) Tool, die, and gauge manufacturing
- ~~(25) Trade services, general~~

~~(2126)~~ Trailer coaches or boats, sale or rental, open air display

~~(2227)~~ Trailers or cement mixers, pneumatic-tired, sales, rental or service

~~(2328)~~ Vending machine commissary

~~(29)~~ ~~Wearing apparel manufacturing~~

~~(2430)~~ Wholesaling, warehousing, storage buildings, or public storage houses, except on
Gratiot Avenue

(b) Accessory parking lots or parking areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are not farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter shall be permitted by right subject to ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision G, and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

(c) Commercial parking lots or areas and accessory parking lots or areas on zoning lots abutting a designated Gateway Radial Thoroughfare that are farther than the maximum distance specified in ARTICLE XIV, DIVISION 1, Subdivision B of this Chapter, shall be reviewed as Conditional Uses subject to ARTICLE XIV, DIVISION 1, Subdivision E, ARTICLE XIV, DIVISION 1, Subdivision G, and ARTICLE XIV, DIVISION 2, Subdivision C of this Chapter.

Sec. 61-11-312. Designated Traditional Main Street Overlay Areas.

The following areas are designated as Traditional Main Street Overlay Areas:

- (1) *West Seven Mile*. All zoning lots abutting West Seven Mile Road between the zoning lots at the four (4) corners of John R Avenue and the center line of Woodward Avenue.
- (2) *Grand River/Lahser Road*. All zoning lots abutting Grand River Avenue between the center line of ~~Woodmont Avenue~~ Greenfield Road and the zoning lots at the four (4) corners of ~~Evergreen~~ Lahser Road and all zoning lots abutting Lahser Road between West McNichols Road and Santa Clara
- (3) *Bagley/Vernor*. All zoning lots abutting Bagley Avenue between the center line of 16th Street and the center line of 24th Street; and all zoning lots abutting West Vernor Highway between the center line of Newark Avenue and the center line of Clark Street.
- (4) *Livernois/West McNichols*. All zoning lots abutting Livernois Avenue between the center line of the John C. Lodge Freeway and the center line of West eight Mile Road; and all zoning lots abutting West McNichols Road between the center line of Lawton Avenue and the zoning lots at the four (4) corners of Wyoming Avenue.
- (5) *East Jefferson*. All zoning lots abutting East Jefferson Avenue between the center lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- (6) *Woodward*. All zoning lots abutting Woodward Avenue between the center line of Temple Avenue/Alfred Street and the city limits of Highland Park.
- (7) *Grand Boulevard*. All zoning lots abutting West Grand Boulevard/East Grand Boulevard between the John C. Lodge freeway (M-10) and the eastern edge of Cameron Street (extended). Standards for West Grand Boulevard between John C. Lodge freeway (M-10)

and West Grand River in the Grand Boulevard Overlay Area are available in Subdivision D of this division.

- (8) *Michigan Avenue*. All zoning lots abutting Michigan Avenue between the John C. Lodge freeway (M-10) and the zoning lots at the four (4) corners of Vinewood Avenue.
- (9) *Vernor/Springwells*. All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four (4) corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four (4) corners of West Vernor Highway and the four (4) corners of the Fisher Freeway (I-75) service drives.
10. East Warren Avenue: All zoning lots abutting East Warren Avenue between Audubon Avenue and the four (4) corners of Radnor Street.
11. West Warren Avenue: All zoning lots abutting West Warren Avenue between the Southfield Freeway and Greenfield Road

Subdivision B. Traditional Main Street Overlay Areas.

Sec. 61-11-317. Certain residential uses allowed as a matter of right.

Notwithstanding the use regulations of Sec. 61-12-12, the following household living uses are allowed on a matter of right basis:

1. Residential use combined in structures with permitted commercial uses
2. Multiple-family dwellings combined in structures with permitted commercial uses

Secs. ~~61-11-317~~61-11-318–61-11-320. Reserved.

~~Subdivision G. — Far Eastside Overlay Area.~~

~~Sec. 61-11-381. Far Eastside Overlay Area created; description; applicability of provisions.~~

~~Certain areas of the City of Detroit are characterized by a high concentration of vacant land once occupied by dwellings on small lots. East Warren Avenue, Alter Road and the Grosse Pointe Park city limits, East Jefferson Avenue, and Conner Avenue generally bound one such broad area, which has been found to be ripe for infill housing development.~~

~~To facilitate residential infill development within this broad area, a Far Eastside Overlay Area is created, the boundaries of which are specified in Sec. 61-11-382 of this Chapter. The provisions in this Subdivision for the Far Eastside Overlay Area will allow for the reestablishment of dwellings similar in placement, character, and massing to the dwellings originally built on the lots of this broad area and will further allow for an even greater density of such dwellings, notwithstanding the intensity and dimensional standards that govern such construction elsewhere in the City. However, where no special provision is recited in this Subdivision, the standard provisions of ARTICLE XIII of this Chapter that apply citywide shall govern development within the overlay area.~~

~~This overlay area is created in the spirit of the Alternative Residential Development Options of Article XIII, ARTICLE XIII.DIVISION 3 of this Chapter, however, the provisions of this Subdivision shall apply in lieu of Article XIII, ARTICLE XIII.DIVISION 3 of this Chapter.~~

~~As the Planning and Development Department identifies contiguous neighborhoods within this broad area for concentrated redevelopment, the boundaries of the overlay area may be expanded only by amendment of this Chapter.~~

~~—————(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-382. Boundaries of the Far Eastside Overlay Area.~~

~~The Far Eastside Overlay Area is bounded by a line beginning on the south side of East Vernor Highway at the north/south alley first east of Philip Avenue, proceeding east to the north/south alley first east of Alter Road at the Grosse Pointe Park city limits, then proceeding south to the north side of East Jefferson Avenue, then proceeding west to the centerline of Newport Avenue, then proceeding north to the east/west alley first north of East Jefferson Avenue, then proceeding west to the north/south alley first west of Newport Avenue, then proceeding north to the centerline of Kercheval Avenue, then proceeding east to the centerline of Newport Avenue, then proceeding north to the east/west alley first north of Kercheval Avenue, then proceeding east to the north/south alley first east of Philip Avenue, then proceeding north to the point of beginning.~~

~~The zoning district classifications for land within the Far Eastside Overlay Area are specified in ARTICLE XVII on Zoning District Map No. 32.~~

~~Where the boundaries of the Far Eastside Overlay Area overlap with the boundaries of any Traditional Main Street Overlay Area, the standards established for both overlay areas shall apply. Where there is conflict between the standards of the two overlay areas, the provisions of the Traditional Main Street Overlay Area shall control.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-383. Minimum lot area for single-family dwellings, two-family dwellings, and town houses.~~

~~Notwithstanding the lot area requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter, in the Far Eastside Overlay Area:~~

- ~~(1) Single-family dwellings and two-family dwellings may be built on any zoning lot having a minimum of three thousand (3,000) square feet in area;~~
- ~~(2) Town houses may be built on any zoning lot having a minimum of four thousand three hundred twenty (4,320) square feet in area.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-384. Minimum lot width for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings.~~

~~Notwithstanding the lot width requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter, in the Far Eastside Overlay Area:~~

- ~~(1) Single-family dwellings, two-family dwellings, and multiple-family dwellings may be built on any zoning lot having a minimum width of thirty (30) feet;~~
- ~~(2) Town houses may be built on any zoning lot having a minimum width of sixty (60) feet.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-385. Minimum front setback for multiple-family dwellings.~~

~~(a) Notwithstanding the front setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, multiple-family dwellings in the Far Eastside Overlay Area shall provide a minimum front setback of:~~

~~(1) Fifteen (15) feet where the multiple family dwelling has six (6) or fewer units; and~~

~~(2) Ten (10) feet where the multiple family dwelling has seven (7) or more units.~~

~~(b) Notwithstanding the front setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, no minimum front setback shall be required for multiple-family dwellings in the Far Eastside Overlay Area.~~

~~(c) For residential uses combined in structures with permitted commercial uses, see Q of this Code.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-386. Minimum side setbacks for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings.~~

~~(a) Notwithstanding the side setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings in the Far Eastside Overlay Area shall provide a side setback of not less than four (4) feet on each side of the building.~~

~~(b) Notwithstanding the side setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, in the Far Eastside Overlay Area:~~

~~(1) No minimum side setback for multiple-family dwellings shall be required along a side lot line abutting a right-of-way; and~~

~~(2) A minimum side setback of not less than four (4) feet shall be required along any interior side lot line for multiple-family dwellings.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-387. Minimum rear setback for town houses and multiple-family dwellings.~~

~~Notwithstanding the rear setback requirements of Article XIII, 0 of this Chapter for residential and business zoning districts, town houses and multiple-family dwellings in the Far Eastside Overlay Area shall provide a rear setback of not less than two (2) feet. However, where a town house or multiple-family dwelling would be located directly across an alley from an existing or approved town house or multiple-family dwelling which has a two-foot rear setback, the proposed town house or multiple-family dwelling shall provide the minimum required rear setback as specified in Article XIII, 0 of this Chapter in order to avoid the creation of a canyon-type effect in the alley. At no point in a public or private alley may two (2) principal buildings be separated from each other at any point merely by the width of the public or private alley and a two-foot rear setback on each side of the alley.~~

~~————(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-388. Maximum lot coverage for single-family dwellings, two-family dwellings, town houses, and multiple-family dwellings; recreational space.~~

~~(a) Notwithstanding the maximum lot coverage requirement of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, single family dwellings, two family dwellings, town houses, and multiple family dwellings, in the Far Eastside Overlay Area, and all buildings accessory to them, shall cover no more than fifty percent (50%) of the zoning lot.~~

~~(b) Recreational space shall be provided in accordance with Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts and Sec. 61-13-159 of this Code; however, the minimum dimensions specified in Sec. 61-13-159(1)(c) of this Code do not apply in the Far Eastside Overlay Area.~~

~~— (Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-389. Maximum height of new single-family and two-family dwellings and town houses adjacent to existing dwellings.~~

~~(a) Where a new single-family or two-family dwelling or town house is to be constructed on a lot adjacent to, or across an alley from, the side lot line of an existing single-family or two-family dwelling, the height of the new single-family or two-family dwelling or town house shall not exceed one hundred thirty-five percent (135%) of the height of the existing single-family or two-family dwelling or thirty-five (35) feet, whichever is less.~~

~~(b) Except as provided in Subsection (a) of this section, the maximum height of single-family and two-family dwellings in the Far Eastside Overlay Area shall be forty-seven (47) feet, notwithstanding the maximum height provisions of Article XIII, Division 1, 0 of this Chapter for residential zoning districts.~~

~~—(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-390. Maximum floor area ratio (FAR) for multiple-family dwellings; maximum height of new multiple-family dwellings adjacent to existing dwellings.~~

~~(a) Notwithstanding the Chapter for residential zoning districts, the maximum FAR for multiple-family dwellings in the Far Eastside Overlay Area shall be 2.5.~~

~~(b) However, where a multiple-family dwelling is to be constructed on a lot adjacent to, or across an alley from, the side lot line of an existing single-family or two-family dwelling, the height of the new multiple-family dwelling shall not exceed one hundred thirty-five percent (135%) of the height of the existing single-family or two-family dwelling or the maximum FAR specified in Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision A of this Chapter for residential zoning districts, whichever is less.~~

~~—(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-391. Multiple-family dwellings permitted by right; residential uses combined in structures with permitted commercial uses permitted by right in B4.~~

~~(a) Notwithstanding Sec. 61-8-40(2) of this Code:~~

~~(1) Multiple family dwellings shall be permitted on a by-right basis on land zoned R2 within the Far Eastside Overlay Area;~~

~~(2) The total number of units in a multiple family dwelling in the R2 district within the Far Eastside Overlay Area may exceed eight (8) dwelling units.~~

~~(b) Notwithstanding Sec. 61-9-80(4) of this Code, multiple family dwellings shall be permitted on a by-right basis on land zoned B4 within the Far Eastside Overlay Area;~~

~~(c) Notwithstanding Sec. 61-9-80(7) of this Code, residential uses combined in structures with permitted commercial uses shall be permitted on a by-right basis on land zoned B4 within the Far Eastside Overlay Area.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-392. Residential uses combined in structures with permitted commercial uses.~~

~~Notwithstanding the setback requirements of Article XIII, Division 1, ARTICLE XIII.DIVISION 1.Subdivision C of this Chapter for business zoning districts, in the Far Eastside Overlay Area, residential uses combined in structures with permitted commercial uses shall be subject to the following:~~

~~(1) Buildings shall be placed on the front lot line and the new building footprint and façade shall be located parallel to the street system;~~

~~(2) No minimum side setback shall be required along a side lot line abutting a right-of-way;~~

~~(3) A minimum side setback of not less than four (4) feet shall be provided along any interior side lot line; and~~

~~(4) A rear setback of not less than two (2) feet shall be provided.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

~~Sec. 61-11-393. Outdoor recreation facilities.~~

~~Notwithstanding Sec. 61-8-41(6) of this Code, outdoor recreation facilities are permitted on a by-right basis in the Far Eastside Overlay Area.~~

~~(Ord. No. 20-06, §1, 8-10-06)~~

ARTICLE XII. USE REGULATIONS

DIVISION 1. USE TABLE

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay									Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T1	T2	T3	T4		T5	S1	S2

Subdivision D. Retail, Service and Commercial Uses

Subdivision B. Residential Uses.

Sec. 61-12-12 Household living. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-16, §1, 5-20-2016; Ord. No. 15-17, §1, 6/16/2017)	Loft			R	R	R	R	R	C	C	R	C/R	R	C	C	C	C	C	L		R								R	R	R	Sec. 61-12-117; Sec. 61-12-118
	Mobile Home Park						C													L												Sec. 61-12-119
	Multiple-family dwelling		C	C/R	R	R	R	C	C/R	C/R	C/R	R/C								L		R/C						R	C/R	R	Sec. 61-12-117; Sec. 61-12-120 Sec. 61-12-121	
	Residential use combined in structures with permitted commercial uses					R	R	C	C/R	C/R	C/R	C	C	C	C	C	C	C	L		R							R	R	R	Sec. 61-12-118	
	Single-family detached dwelling	R	R	R	R	R	C	C	C	C		C								L									C		Sec. 61-12-117; Sec. 61-12-118	
	Single-room-occupancy (SRO) housing, nonprofit				C	C	C	C	C	C	C									L									C	C	SPC; Sec. 61-12-125	
	Town house		C	R	R	R	R	C	C	C	C									L									C	C	R	Sec. 61-12-117; Sec. 61-12-126
	Two-family dwelling		R	R	R	R	C	C	C	C		C								L									C		Sec. 61-12-117; Sec. 61-12-118	
	All other				C	C	C	C	C	C	C									L									C		Sec. 61-12-117; Sec. 61-12-118	

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay					Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)							
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5		W1	S1	S2	S3	S4	S5	
<p>Sec. 61-12-43</p> <p>Food and beverage service.</p> <p>(Ord. No. 11-05, §1, 5-28-05; Ord. No. 13-11, §1, 8-23-11; Ord. No. 23-14, §1, 07-24-14; Ord. No. 13-15, §1, 7-11-2015; Ord. No. 37-17, §1, 2-6-2018)</p>	Brewpub or microbrewery or small distillery or small winery								R	C	C/R	C/R	C/R	C/R	C/R	C/R	C/R	L						R	C/R			C/R	R	C	CU; RU; Sec. 61-12-158
	Commissary							R	R	R	R	R	R	R	R	R	R	L						R							
	Establishment for the sale of beer or intoxicating liquor for consumption on the premises								C	C/R	C/R	C/R	C	C	C	C	C	L						C/R	C			C/R	R	C	RU; SPC; Sec. 61-12-161
	Restaurant, carry-out, with drive-up or drive-through facilities								C	C	C/R	R	C	R	R	R	R	L						R							SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, carry-out, without drive-up or drive-through facilities							R	R	R	C/R	R	C	R	R	R	R	L						R/C	R			R	R	R	SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, fast-food, with drive-up or drive-through facilities								C	C	C/R	R	C	R	R	R	R	L						R							SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, fast-food, without drive-up or drive-through facilities							C	C	C/R	C/R	R	C	R	R	R	R	L						R/C	R			R	R	R	SPC; Sec. 61-12-228; Sec. 61-12-401
	Restaurant, standard, with drive-up or drive-through facilities								C/R	C/R	C/R	R	R	R	R	R	R	L						R				R			SPC; Sec. 61-12-229; Sec. 61-12-401
	Restaurant, standard, without drive-up or drive-through facilities							C/R	C/R	C/R	C/R	R	R	R	R	R	R	L						R	R			R	R	R	SPC; Sec. 61-12-229; Sec. 61-12-401
All other							C	C	C	C	C	C	C	C	C	C	L						C						C		

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)											
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P	P1	P2	P3	P4	P5	T	M	R	W		S1	S2	S3	S4	S5						
Sec. 61-12-50 Retail sales and service; sales-oriented. (i) (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 37-17, §1, 2-6-2018)	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, with drive-up or drive-through facilities									R	R	C	R	R	R	R	R																			*	*Sec. 61-11-248			
	Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities									R	R	R	R	R	R	R	R											R	R									Sec. 61-11-248		
	Art gallery									R	R	R	R	R	R	R	R											R	R											
	Bake shop, retail									R	R	R	R	R	R	R	R											R	R									Sec. 61-12-156		
	Firearms dealership											C	C	C	C	C	C																					Sec. 61-12-163		
	Fireworks sales																C	C																				Sec. 61-12-165		
	Motor vehicles, new, salesroom or sales lots											C	R	R	R	R	R	R	R																			C	Sec. 61-12-212; Sec. 61-12-407	
	Motor vehicles, used, salesroom or sales lots											C	C		R	R	R	R	R																			C	Sec. 61-12-213; Sec. 61-12-407	
	Motorcycles, retail sales, rental or service													C			C	R	R	R																			P; Sec. 61-12-217	
	Pawnshop													C			C	C	C	C																			P;RU;SPC; GRT; Sec. 61-12-221	
	Pet shop									R	R	R	R	R	R	R	R	R	R												R							R	R	Sec. 61-12-222
	Produce or food markets, wholesale															R	R	R	R	R																				
	Secondhand stores and secondhand jewelry stores													C	C	C	R	R	R	R																				RU SPC; Sec. 61-12-233
	Specially designated distributor's (SDD) or specially designated merchant's (SDM) establishment											C	C	C	C	C	C	C	C	C																				SPC; Sec. 61-12-233

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay					Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)										
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	PC	PCA	T		PR	W1	S1	S2	S3	S4	S5			
	Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade											R		R	R	R	R	L																CU;P;
	Trailer coaches or boat sale or rental, open air display											C	R	R	R	R	R	L					R										SPC; Sec. 61-12-234	
	Trailers, utility—sales, rental, or service; moving truck/trailer rental lots											C	R	R	R	R	R	L					R										Sec. 61-12-235	
	All other									C	C	C	C	C	C	C	C	L					C								C		GRT	
Subdivision E. Manufacturing and Industrial Uses																																		
Sec. 61-12-61 Industrial service. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 20-05, §1, 5-29-05; Ord. No. 34-05, §1, 12-06-05; Ord. No. 04-12, §1, 3-30-12; Ord. No. 10-13, §1, 04-16-13; Ord. No. 23-14, §1, 07-24-14; Ord. No. 37-17, §1, 2-6-2018)	Blueprinting shop								C	R	R	R	R	R	R	R	R	L					R	R							C		Sec. 61-12-253	
	Boiler repairing												C	R	R	R	R	L														Sec. 61-12-368		
	Construction equipment, agricultural implements, and other heavy equipment repair or service													C	R	R	R	L					R									Sec. 61-12-368		
	Contractor yard, landscape or construction											R	R	R	R	R	R	L					R									Sec. 61-12-368		
	Junkyard																C	C	L							C						SWFRC; Sec. 61-12-261		
	Laundry, industrial												C	R	R	R	R	L					R											
	Lumber yard											R	R	R	R	R	R	L					R									Sec. 61-12-263		
	Machine shop								C					C	R	R	R	L								C	C					Sec. 61-12-285; Sec. 61-12-368		
	Outdoor storage yard															C	R	R	L														Sec. 61-12-264; Sec. 61-12-368	
	Pet crematory												R	R	R	R	R																	
Research facilities																		L									R							
Tires, used; sales and/or service												C	C	C	C	C	C	L					C									Sec. 61-12-271		

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay					Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)									
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5		W1	S1	S2	S3	S4	S5			
	Tool sharpening or grinding													C	R	R	R	R	L						R							Sec. 61-12-406	
	Towing service storage yard													C	C	C	C	C	L						C							Sec. 61-12-273	
	Trade services, general							<u>C</u> / <u>R</u>		R	R	R		R	R	R	R	R	L						R		<u>C</u> / <u>R</u>	<u>C</u> / <u>R</u>				Sec. 61-12-274; ENV	
	Truck stops													C			C	C	C	L													Sec. 61-12-409
	Used auto parts sales															C	C	C	L													Sec. 61-12-277	
	Welding shops							<u>C</u>		C	C			C	R	R	R	L									C	C					
	All other															C	C	L															
Sec. 61-12-62. Manufacturing and production. (Ord. No. 11-05, §1, 5-28-05; Ord. No. 23-14, §1, 07-24-14; Ord. No. 37-17, §1, 2-6-2018)	Very high-impact manufacturing or processing as defined in Sec. 61-16-201															C	C	L						C							ENV; IRC		
	High-impact manufacturing or processing as defined in Sec. 61-16-102															C	R	R	L													Sec. 61-16-102	
	High/medium-impact manufacturing or processing as defined in Error! Reference source not found.							<u>C</u>								R	R	R	L						R		C	C				Sec. 61-12-284; Sec. 61-16-102	
	Low/medium-impact manufacturing or processing as defined in Sec. 61-16-124							<u>R</u>	<u>R</u>	<u>R</u>					C	R	R	R	R	L						R		R	R				Sec. 61-12-283; Sec. 61-12-368
	Low-impact manufacturing or processing as defined in Sec. 61-16-124							<u>R</u>	<u>R</u>	<u>R</u>		R			C	R	R	R	R	L						R		R	R	C			Sec. 61-12-281; Sec. 61-12-368
	Abattoir, slaughter house													C			C	C	L													Sec. 61-12-251; Sec. 61-12-368	
	Baling of waste paper or rags													R	C	R	R	R	R	L						R							Sec. 61-12-252; Sec. 61-12-368
Chemical materials blending or compounding but not involving chemicals manufacturing															C	R	R	R	L						R							ENV; Sec. 61-12-368	

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay					Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)								
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	PD	P1	PC	PCA	TM		PR	W1	SD1	SD2	SD3	SD4	SD5	
	Confection manufacture							C/R	R	C/R	C	R	C	R	R	R	R	R	L					R			R	R			C	GRT; Sec. 61-12-254; Sec. 61-12-368
	Dental products, surgical, or optical goods manufacture							C		C	C		C	R	R	R	R	L					R								GRT; Sec. 61-12-255; Sec. 61-12-368	
	Food catering establishment							C/R	R	C/R	R	R	R	R	R	R	R	L					R			R	R		C		Sec. 61-12-255.5; Sec. 61-12-368	
	Ice manufacture									C		R		R	R	R	R	L					R								GRT; Sec. 61-12-258; Sec. 61-12-368	
	Jewelry manufacture							R	R	C/R	C		R	R	R	R	R	L					R			R	R				GRT; Sec. 61-12-260; Sec. 61-12-368	
	Lithographing, and sign shops							C/R	R	C/R			C	R	R	R	R	L					R			R	R		C		GRT; Sec. 61-12-262; Sec. 61-12-368	
	Newspaper (daily) publishing or printing											R		R	R	R	R	L					R	R							Sec. 61-12-368	
	Outdoor operations of all manufacturing and production land uses														C	C/R	C/R	L													Sec. 61-12-264; Sec. 61-12-368	
	Research or testing laboratory									C	C	R	R	R	R	R	R	L					R								Sec. 61-12-269; Sec. 61-12-368	
	Salt works															C	C	L													IRC	
	Toiletries or cosmetic manufacturing									C	C		C	R	R	R	R	L					R								GRT; Sec. 61-12-368	
	Tool, die, and gauge manufacturing									C			C	R	R	R	R	L					R								GRT; Sec. 61-12-272; Sec. 61-12-368	

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)						
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	S D 1	S D 2	S D 3		S D 4	S D 5				
	Wearing apparel manufacturing							R	R	C/ R	C							C	R	R	R	R	L				R								GRT; Sec. 61-12-282; Sec. 61-12- 368
	All other																			C	C	L												Sec. 61-12- 253	

DIVISION 2. GENERAL USE STANDARDS

Use Type	Minimum Distance from Regulated Uses (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District	Comment
Sec. 61-12-94. Regulated Uses—Spacing.			
Brewpub outside the Central Business District and SD2 District and Microbrewery outside the Central Business District and SD2 District and Small Distillery or Small Winery outside the Central Business District and SD2 District that serves alcohol for consumption on the premises	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	ARTICLE III.DIVISION 8.Subdivision C; Sec. 61-12-95; Sec. 61-12-158
Cabaret, outside the Central business district and SD5 District	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-159
Dance hall, public, outside the Central business district	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet; Residentially zoned area: 500 feet.	Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-160
Establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and outside the SD1, SD2 and SD5 Districts	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-161
Lodging house, public	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-171
Motel	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-174
Pawnshop	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet; Residentially zoned area: 500 feet.	Sec. 61-3-252(2); Article III, Division 8, Subdivision C; Sec. 61-12-95; Sec. 61-12-221
Plasma donation center	Any 2 other Regulated Uses: 1000 feet	Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.	ARTICLE III.DIVISION 8.Subdivision C; Sec. 61-12-95

<p>Secondhand store and Secondhand jewelry store, outside the M1, M2, M3, and M4 Districts</p>	<p>Any 2 other Regulated Uses: 1000 feet</p>	<p>Any 2 Adult Uses: 1000 feet; Any 1 Adult Use and any 1 Regulated Use: 1000 feet.</p>	<p>ARTICLE III. DIVISION 8. Subdivision C; Sec. 61-12-95; Sec. 61-12-233</p>
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DIVISION 3. SPECIFIC USE STANDARDS

Subdivision A. Residential Uses

Sec. 61-12-118. Lofts; residential uses combined in structures with permitted commercial uses.

In order to encourage the preservation and reuse of existing commercial and industrial structures, and to encourage live-work situations, loft conversions and mixed-use commercial-residential uses are permitted in many zoning districts, even in certain districts where new residential construction is prohibited, subject to the following:

- (1) Loft conversions are prohibited in the R1 and R2 Districts except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code.
- (2) Lofts in the B6, M1, M2, M3, M4, and SD4 Districts are subject to review by the Loft Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision C of this Chapter.
- (3) Similarly, single-family dwellings, two-family dwellings, and multiple-family dwellings are permitted in commercial or industrial structures combined with those permitted Retail, Service, and Commercial uses specified in ARTICLE XII, DIVISION 1, Subdivision D of this Chapter, except for “Adult Uses/Sexually Oriented Businesses” as specified in Sec. 61-12-78.

For example, although a single-family detached dwelling is not permitted by right in the R6 District, a doctor’s office that has an apartment is permitted by right as a

“Residential use combined in structures with permitted commercial uses.” In addition, in industrial zoning districts where new residential construction is prohibited, an existing building with a hardware store on the ground floor, for example, and residential units on the upper floor(s) could be reoccupied on a Conditional Use basis and without the need for approval by the Board of Zoning Appeals.

However, any time three (3) or more residential units are combined with permitted commercial uses in an existing commercial or industrial structure in the B6, M1, M2, M3, M4, or SD4 District, the use shall be subject to the review of the Loft Review Committee as provided for in ARTICLE II, DIVISION 7, Subdivision C of this Chapter.

- (4) In the SD4 District, specially designated merchant’s (SDM) establishments and specially designated distributor’s (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a loft development that has not fewer than fifty (50) dwelling units.
- (5) Additionally, in designated Traditional Main Street Overlay Areas, as provided in Sec. 61-11-312 of this Code, residential uses, including multiple-family dwellings combined in structures with commercial or industrial uses that are permitted ~~by right~~ in the respective zoning district shall be permitted by right.

Sec. 61-12-121. Multi-family dwellings.

Multi-family dwelling shall be subject to the following provisions:

- (1) In the R2 District, such uses shall have a maximum of eight (8) dwelling units, except where developed under the “School building adaptive reuses” provision as defined in Sec. 61-16-171 of this Code;

- (2) In the R3 District, multiple-family dwellings, where fewer than fifty percent (50%) of the units are efficiency units, are permitted by right; multiple-family dwellings, where percent (50%) or more of the units are efficiency units, are a Conditional Use;
- (3) In the B5 District, ground-floor commercial uses shall be required along at least fifty percent (50%) of the building façade fronting Woodward Avenue, and may be required in other portions of the B5 District;
- (4) The required Recreational Space Ratios for multi-family dwellings are listed as follows.
 - (a) R3 District: 0.12;
 - (b) R4 District: 0.10;
 - (c) R5 District: 0.085;
 - (d) R6 District: 0.07;
 - (e) SD1 District: 0.07;
 - (f) SD2 District: 0.07.

(See Sec. 61-13-159 of this Code for information on recreational space requirements.)
- (5) For certain permitted accessory uses in the R5, R6, and B1 Districts, see Sec. 61-12-404 of this Code;
- (6) In the B5 and PCA districts, multiple-family dwellings that have ground floor commercial space or other space oriented to pedestrian traffic are permitted by right. Multiple-family dwellings not having such ground floor space are a Conditional Use;
- (7) Multiple-family dwelling developments that exceed twelve (12) units are subject to site plan review as provided for in Sec. 61-3-113 of this Code;
- (8) In the SD4 District, specially designated merchant's (SDM) establishments and specially designated distributor's (SDD) establishments are permitted when incidental to,

accessory to, and on the same zoning lot as a multiple-family dwelling, that have not fewer than fifty (50) dwelling units;

- (9) Multiple-family dwellings for the elderly as defined in Sec. 61-16-134 of this Code, are subject to a lesser off-street parking requirement than other multiple-family dwellings. However, where a multiple-family dwelling for the elderly converts to a general population multiple-family dwelling, the full off-street parking requirement must be satisfied;
- (10) In designated Traditional Main Street Overlay Areas, as provided in Sec. 61-11-312 of this Code, residential uses, including multiple-family dwellings, shall be permitted by right where combined in structures with commercial or industrial uses that are permitted ~~by right~~ in the respective zoning district.

Sec. 61-12-158 Brewpubs and microbreweries and small distilleries and small wineries.

Brewpubs and microbreweries and small distilleries and small wineries are subject to the following provisions:

- (1) Regulated Use provisions of ARTICLE III, Division 8 of this Chapter where there is consumption of beer or intoxicating liquor on the premises, located outside of the Central Business District and outside the SD2 District; however, a brewpub, microbrewery, small distillery, or small winery operating in conjunction with and located on the same zoning lot as a standard restaurant, as defined in **Sec. 61-16-162.** of this Code, shall not be considered a Regulated Use, as provided in Sec. 61-3-253(1) of this Code;

- (2) Controlled Use provisions of ARTICLE III, Division 9 of this Chapter where beer or wine or intoxicating liquor are sold to the general public for consumption off the premises at a brewpub or small distillery or small winery;
- (3) In the M1, M2, M3, and M4 Districts: where a brewpub, microbrewery, small distillery, or small winery is classified as a Regulated Use or a Controlled Use, the use may be permitted on a conditional basis; where a brewpub, microbrewery, small distillery, or small winery in an M1, M2, M3, or M4 District is not classified as either a Regulated Use or Controlled Use, the use may be permitted on a by-right basis;
- (4) In the SD1 District, a brewpub or microbrewery or small distillery or small winery may be permitted on a by-right basis where not exceeding 3,000 square feet as provided in Sec. 61-11-166(7) of this Code and on a conditional basis where exceeding 3,000 square feet as provided in Sec. 61-11-172(2) of this Code.
- (5) In the B3 District, a brewpub or microbrewery or small distillery or small winery may be permitted on a by-right basis where located within a Traditional Main Street Overlay Area

Sec. 61-12-233 Secondhand stores; secondhand jewelry stores.

Secondhand stores and secondhand jewelry stores ~~are subject to the Regulated Use provisions of Article III, Division 8 and~~ shall be subject to the following provisions:

- (1) Secondhand stores shall comply with the licensing provisions of Chapter 49, Article IV of this Code;
- (2) Secondhand jewelry stores shall comply with the licensing provisions of Chapter 49, Article III of this Code;

- (3) Such uses shall not be permitted in the B4 District on any zoning lot abutting a designated Gateway Radial Thoroughfare; and
- (4) In the PCA district, secondhand stores shall be limited to antique stores and auction houses.

ARTICLE XIV. DEVELOPMENT STANDARDS

DIVISION 1. OFF-STREET PARKING, LOADING AND ACCESS

Subdivision B. In General

Sec. 61-14-7. ~~Off-street p~~Parking exemptions, reductions, and allowances.

(a) Off-Street

The following exemptions and allowances to the off-street parking requirements shall apply:

- (1) Uses in the B5 and PC districts, in the Central Business District or in the New Center Major Commercial area as defined in Sec. 61-16-141 of this Code, shall be exempt from the off-street parking requirements of ARTICLE XIV, DIVISION 1, Subdivision B and Subdivision C of this Chapter;
- (2) For retail, service, and commercial uses, specified in ARTICLE XII.DIVISION 1.Subdivision D with the exception of those uses in the Sec. 61-12-52 (Vehicle Repair and Service), and “Motor Vehicles, Used, Salesroom or Sales Lots,”

specified in Sec. 61-12-50 of this Code, located on zoning lots abutting a Traditional Main Street or on land zoned SD1 or SD2, or where located within 0.50 miles of a high-frequency transit corridor as defined in Sec. 61-16-102 of this Code, the maximum distance that off-street parking shall be provided from the principal use specified in Article XIV, Division 1, Subdivision B, may be increased to one thousand three hundred and twenty (1,320) feet where the applicant can show to the satisfaction of the Planning and Development Department that a “district approach” to parking is being used in the Traditional Main Street Overlay Area or other area nearby. To show a district approach to parking, the applicant shall provide the following:

- (a) A signage plan to show how the business will direct customers and employees to the off-site parking lot including parking signage and wayfinding;
 - (b) A plan for who will manage and maintain the off-site parking facility, including safety and security measures;
 - (c) Where the parking area or parking structure is owned by someone other than the applicant, a shared parking agreement shall be required according to Sec. 61-14-106 and Sec. 61-14-109 of this Code.
- (3) No additional off-street parking, beyond that already provided, shall be required for structures erected prior to April 9, 1998, other than religious institutions, that do not exceed three thousand (3,000) square feet of gross floor area; and

(4) Where a use located in a structure erected prior to April 9, 1998 expands into an existing adjacent structure erected prior to April 9, 1998 and the total gross floor area of the combined structures does not exceed four thousand (4,000) square feet, no additional off-street parking shall be required.

(5) See also Secs. 61-14-103 and 61-14-113 for additional parking reductions

(b) Credit for on-street parking.

Within the Woodward and Grand River/Lahser Traditional Main Street Overlay Areas, permitted on-street parking spaces that are 23 feet long that are immediately adjacent to a use may be counted toward the off-street parking requirement. Fractional spaces shall be rounded up or down per Sec. 61-14-10.

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<p>Sec. 61-14-22. Residential uses.</p> <p>Residential uses shall provide off-street parking as follows:</p>			
<p>Sec. 61-14-24. Household Living</p>	Loft	1.25 per dwelling unit	400 2
	Multiple-family dwelling, in general	1.25 per dwelling unit; 0.75 per dwelling unit for multiple-family dwelling for the elderly as defined in Sec. 61-16-134; see also Sec. 61-14-63. On land zoned SD1 or SD2: 1.0 per dwelling unit.	100; except where developed under the "School building adaptive reuses" provision as defined in Sec. 61-16-171 of this Code: same lot; and except on

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
			land zoned SD1 or SD2: 1,320 where a “district approach” to parking as provided in Sec. 61-14-7(2) (a),(b), and (c) has been recognized by the Planning and Development Department.
	<u>Loft and Multiple-family dwelling, where located within 0.50 miles of a high-frequency transit corridor or within the Lahser or Livernois/ West McNichols Traditional Main Street Overlay Areas:</u>	0.75 per dwelling unit.	1,320 where a “district approach” to parking as provided in Sec. 61-14-7(2) (a),(b), and (c) has been recognized by the Planning and Development Department.
	Mobile home park	2 per dwelling unit	same lot
	Single Room Occupancy Housing (Nonprofit)	1 per 2 employees + 1 per 10 residents	100
	Single-family detached dwelling	2 per dwelling unit	same lot
	Town house	1.5 per dwelling unit	100
	Two-family dwelling	1.5 per dwelling unit	same lot
<p align="center">Sec. 61-14-38. Retail, service, and commercial uses.</p> <p align="center">Retail, Service and Commercial uses shall provide off-street parking as follows:</p>			
<p>Sec. 61-14-39</p> <p>Retail, service, and commercial uses located on land zoned SD1 or SD2; or where the use is located within 0.50 miles of a high-frequency transit corridor; or located within the <u>Livernois/West McNichols, or Lahser Traditional Main</u></p>	<p>All, with the exception of “Vehicle Repair and Service” uses specified in Sec. 61-14-50 of this Code and excluding “Motor vehicles, used, salesrooms or sales lots.”</p>	<p>0.75 of the minimum required off-street spaces specified in Sec. 61-14-40 through Sec. 61-14-50.</p>	<p>1,320 where a “district approach” to parking as provided in Sec. 61-14-7(2) (a),(b), and (c) has been recognized by the Planning</p>

Use Category	Specific Land Use	Off-Street Parking Spaces Required, minimum. (References are to square feet of gross floor area unless otherwise indicated.)	Maximum Distance (feet)
<u>Street Overlay Area</u>			and Development Department.

Subdivision F. Waivers and Alternative Parking Plans

Sec. 61-14-103. Waiver of off-street parking requirements for uses or buildings minimally deficient.

(a) In general

Where the Buildings, Safety Engineering and Environmental Department determines that 1) a building or use requires no variance or other action under the jurisdiction of the Board of Zoning Appeals, other than the parking deficiency, and 2) the building or use can provide at least eighty percent (80%) of the required off-street parking spaces, then, upon request of the petitioner and in conjunction with the Municipal Parking Department and the Department of Public Works, Traffic Engineering Division, the department may grant a waiver of the off-street parking requirements, not exceeding ten (10) parking spaces or twenty percent (20%) of the required off-street parking requirement, whichever is less. Such waiver shall not be granted unless, in the judgment of the Buildings, Safety Engineering and Environmental Department, with the sign-off of the Municipal Parking Department and the Department of Public Works, Traffic Engineering Division, the waiver of the parking requirement for the building or use involved is not injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation. However, in those instances where a building

or use is subject to Site Plan Review, the Planning and Development Department has sole authority to consider such waiver.

(b) Traditional Main Street Overlay Areas.

(1) *Applicability.* In addition to the parking waiver granted for buildings not exceeding three thousand (3,000) square feet per Sec. 61-14-7(3) of this Code, in a Traditional Main Street overlay area, as provided in Sec. 61-11-312, the Planning and Development Department may grant a waiver of the off-street parking requirements for the first three thousand (3,000) square feet of pedestrian-oriented retail, service, or commercial uses. The Planning and Development Department shall have authority to consider such waiver ensuring that the waiver will not be injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation.

(2) *Eligibility.* In order to qualify for the waiver, the following criteria shall be met:

(A) The pedestrian-oriented use shall fall into one of the following use categories:

(i) Sec. 61-12-43, Food and beverage service;

(ii) Sec. 61-12-50, Retail sales and service; sales-oriented; and

(iii) Sec. 61-12-51, Retail sales and service; service-oriented except motor vehicle sales, motorcycle sales, and any use with drive-up or drive-through facilities.

(B) New buildings must comply with all of the requirements in the Traditional Main Street Overlay standards, except that the provisions of 61-14-103b)(3) shall

apply to the East Warren and West Warren Traditional Main Street Overlays and the portion of the Grand River Traditional Main Street Overlay between Greenfield and Woodmont and between Evergreen and Lahser.

- (C) Except for within the East Warren and West Warren and the portion of the Grand River Traditional Main Street Overlay between Greenfield and Woodmont. and between Evergreen and Lahser Traditional Main Street Overlay Areas, New uses in existing buildings shall be eligible for this waiver only if, at a minimum, the building complies with the following standards from DIVISION 3.Subdivision C of this article:
- (i) The front façade of the building is located on the lot line facing the Traditional Main Street or set back a maximum of ten (10) feet, in accordance with the standards in Sec. 61-14-282 of this Code;
 - (ii) The street level façade of the building has a minimum of sixty percent (60%) transparency according to Sec. 61-14-286 of this Code;
 - (iii) The building has an active entryway located on the façade facing the Traditional Main Street, according to Sec. 61-14-289 of this Code.
- (D) In the case where one building or development contains multiple retail, service, or commercial uses, the total number of spaces that may be waived for a building or development using this waiver shall not exceed forty five (45) spaces.

(c) SD1/SD2 Areas

In addition to the parking waiver granted for buildings under three thousand (3,000) square feet per Sec. 61-14-7(3) of this Code, on properties zoned SD1 or SD2, the Planning and Development Department may grant a waiver of the off-street parking requirements, for the first three thousand (3,000) square feet of pedestrian-oriented retail, service, or commercial uses. The Planning and Development Department shall have authority to consider such waiver, ensuring that the waiver will not be injurious to the adjacent or surrounding areas by creating or increasing traffic congestion or by disrupting traffic circulation. In the case where one building or development contains multiple retail, service, or commercial uses, the total number of spaces that may be waived for a building or development using this waiver shall not exceed forty five (45) spaces.

(d) Additional parking reductions and waivers See Secs. 61-14-7 and 61-14-113 for additional applicable waivers and reductions.

DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS

SUBDIVISION C. Traditional Main Street Overlay Areas

Sec. 61-14-282. Site design standards: Building site relationship; placement and orientation.

(a) The objectives of this section are:

- (1) To line streets with buildings and/or other architectural site features in order to create a pedestrian friendly built-environment; and

- (2) To create a pedestrian-friendly setting that directly relates buildings and active uses such as shopping and dining to the street, and maintains the continuity of street wall.

(b) To achieve the objectives of this section, the following standards shall apply:

- (1) Notwithstanding the front yard setback requirements in ARTICLE XIII, 0, the front façade of buildings shall be placed on the lot line facing the Traditional Main Street. A setback, which does not exceed ten (10) feet, may be provided for religious institutions, residential buildings, or restaurants with an outside dining area; the area between the façade and the lot line shall feature pedestrian-oriented space (such as plaza or widened sidewalk) or landscaping that consists of a combination of groundcover, shrubs and/or trees that provide seasonal interest; the landscaping shall be designed so that visibility is maintained between the street and the ground floor windows;
- (2) On corner lots, buildings shall be located at the corner, placed on the lot line of both streets. (See also Sec. 61-14-288. Building design standards: Corner lot buildings and Sec. 61-14-299. Parking design standards: parking areas).

(3) Rear Setback:

- (a) If an alley is to the rear of a single-story building, a minimum rear setback is not required. If no alley is present, single-story buildings shall have a minimum rear setback of ten (10) feet.

(b) Where a single- or two-family dwelling is located to the rear, multi-story buildings shall have a rear setback of ten (10) feet if an alley is to the rear of the building and twenty (20) feet if one is not present.

(c) Multiple-family dwellings shall have a rear setback of ten (10) feet if an alley is present and twenty (20) feet if one is not present.

Sec. 61-14-286. Building design standards: Façade and architectural details.

- (a) For purposes of this subdivision, “street level façade” shall mean the first story of a multi-story building or the first thirteen (13) feet of the façade above grade plane;
- (b) The objectives of this section are:
 - (1) To provide street level façades on Traditional Main Streets with maximum visibility and transparency between active interior uses and the outside;
 - (2) To create façades with ratios of solids (wall surfaces) to voids (openings for windows and doors) that express traditional fenestration patterns; and
 - (3) To require fenestration patterns, surface delineations, textures, material expressions and architectural details that relate to the human scale.
- (c) To achieve the objectives of this section, the following standards shall apply:

- (1) For all buildings located on lots abutting a Traditional Main Street that contain a commercial use and all other buildings located on the front property line, a minimum of sixty percent (60%) of the street level façade along Traditional Main Streets, major thoroughfares, or secondary thoroughfares between two (2) and eight (8) feet above the grade plane shall consist of transparent windows and doors; all other façades of buildings on lots abutting a Traditional Main Street that face a public street (other than a major or secondary thoroughfare) shall consist of transparent windows or doors covering at least forty percent (40%) of the façade between four (4) and eight (8) feet above the grade plane. On the East Warren and West Warren Traditional Main Street Overlays and the portion of the Grand River Traditional Main Street Overlay between Greenfield and Woodmont and between Evergreen and Lahser, a minimum of fifty percent (50%) of the street level façade along Traditional Main Streets, major thoroughfares, or secondary thoroughfares between two (2) and eight (8) feet above the grade plane shall consist of transparent windows and doors;
- (2) For all buildings, a minimum of forty percent (40%) of the upper level façade along a Traditional Main Street shall consist of openings for windows or window wall system;
- (3) Façades with a public entrance that do not face a public street shall consist of transparent windows or doors covering at least thirty percent (30%) of the façade between four (4) and eight (8) feet above the grade plane;
- (4) Transparent doors and windows shall be defined as those having glass that can be seen through from the right-of-way into the establishment. The glass shall have a minimum visible transmittance rating of 0.7068, according to the National Fenestration Rating

Council. Glass that obscures visibility shall not be considered transparent, ~~such as glazed glass.~~ Reflective or mirrored glass and glass block are prohibited;

- (5) Eighty percent (80%) of the transparent area required in subsection (1) of this section shall be visually unobstructed by signs, advertisements, window screens, security grilles, and other permanent window coverings. The display of merchandise items in display windows is not restricted by this provision;

Sec. 61-14-287. Building design standards: Drive-up and drive-through facilities.

Drive-up and drive-through facilities (including, but not limited to, restaurants and banks) are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and Development Department determines that the proposed development complies with all of the other requirements of the Traditional Main Street standards and is allowed by the underlying zoning designation or where located on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas. Driveways or vehicle stacking areas shall not be located between the building and the Traditional Main Street. No more than one (1) driveway/curb cut shall be allowed on the Traditional Main Street.

(Ord. No. 20-05, §1, 5-29-05; Ord. No. 23-13, §1, 8-28-13)

Sec. 61-14-290. Building design standards: Materials.

(a) The objectives of this section are:

- (1) To reinforce durable and traditional building materials consistent with urban context; and
- (2) To encourage the use of durable construction materials.

(b) The following standards do not apply on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas

(c) To achieve the objectives of this section, the following standards shall apply:

- (1) Within the West Grand River, Livernois / West McNichols, East Jefferson, Woodward, Grand Boulevard, Michigan Avenue, and Vernor / Springwells overlay areas, a minimum of eighty percent (80%) of any building façade that faces a public street, excluding window and door openings, shall consist of the following building materials: masonry (preferably brick), stone, or porcelain;
- (2) Within the West Seven Mile and the Bagley / Vernor overlay areas, a minimum of thirty percent (30%) of any building façade that faces a public street, excluding window and door openings, shall consist of the following building materials: masonry (preferably brick), stone, or porcelain;
- (3) For buildings within the Traditional Main Street Overlay area, the following materials are prohibited on any façade facing a Traditional Main Street, major thoroughfare, or secondary thoroughfare: vinyl or plywood siding, corrugated fiberglass, non-corrugated and highly reflective sheet metal, corrugated metal panels such as those used for roof

decking or shipping containers, painted or unfinished concrete block, rough-textured concrete block, and split-face block;

- (4) Exterior Insulation and Finish System (EIFS) and other similar troweled finishes shall be trimmed in wood or masonry and shall not be located within the first two (2) feet of the grade plane;
- (5) Building materials that are neither delineated in Subsection (b)(1) or Subsection (b)(2) of this section nor prohibited in Subsection (b)(3) or Subsection (b)(4) of this section may only be used upon consideration and recommendation of the Design Review Advisory Committee; and
- (6) Accent building materials that may be used include, but are not limited to: architectural metals such as stainless steel, copper, clear or color anodized aluminum; other pre-finished metal; finished or painted exterior-grade wood.

Sec. 61-14-291. Building design standards: Color and finish.

(a) The following standards do not not apply on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas

(a) The objective of this section is to reinforce traditional color palettes and analogous colors of permanent building materials; and to establish positive district character by achieving continuity and coordination in colors and finishes.

(b) To achieve the objective of this section, the following standards shall apply:

- (1) The following standards shall apply to the cleaning of all exterior masonry, including brick, stone, stucco, terra cotta, ceramic tile and cement exterior finish materials:
 - (1) The application, by use of a stream of pressurized water or air, of abrasive substances such as sand, ground slag, volcanic ash, crushed walnut or almond shells, rice husks, ground corncobs, ground coconut shells, crushed eggshells, silica flour, synthetic particles, glass beads, microballoons, or baking soda shall not be permitted;
 - (2) The use of tools and equipment such as wire brushes, rotary wheels, power sanding disks, rotary sanders, or belt sanders, shall not be permitted;
 - (3) Chemical cleaning is permissible provided that the cleaning method proposed is not one that is known to cause damage to the type of material that is being cleaned; and
 - (4) High pressure liquid cleaning will be permitted if it is shown (by means of a test patch no greater than nine square feet and located in an inconspicuous area) that the proposed amount of pressure will not cause abrasive damage to the materials it is to clean.
- (2) The exterior of every principal structure and accessory structure shall be maintained in good repair. All surfaces, with the exception of masonry, porcelain, architectural metals, brick or stone material, shall be kept painted or protected with approved

coating or material. Masonry, porcelain, brick, or stone buildings that are not currently painted should be left natural and should not be painted.

Buildings with painted brick prior to May 29, 2005 may be repainted or may have the paint removed as a means of maintaining the surface in good repair; and

- (3) Applied finishes, such as concrete and stucco, shall be fine and smooth textured.

Sec. 61-14-293. Building design standards: Lighting.

- (a) The objective of this section is to improve the character and safety of the pedestrian environment.
- (b) To achieve the objectives of this section, the following standards shall apply:
 - (1) Lighting fixtures shall be located, aimed, and shielded so as not to produce:
 - (1) Light spill into the night sky;
 - (2) Glare and spillage of light into residential areas, adjacent properties or rights-of-ways; or
 - (3) Distracting reflections;
 - (2) Flashing lights, such as strobe lights, and LED “rope lights” are not permitted;
 - (3) Neon tubing around windows is prohibited, except in the Vernor/Springwells and Bagley/Vernor overlay areas.
 - (4) Wall mounted decorative lighting, such as wall sconces, are encouraged.

Sec. 61-14-294. Building design standards: Blank walls.

- (a) *In general.* For purposes of this subdivision, a blank wall is a portion of a ground floor wall (including building façades 13 feet high from the grade plane) with a surface area of three hundred (300) square feet or greater that does not include a transparent window or transparent door. Blank walls are only permitted where abutting an alley or along a side lot line that does not abut a right-of-way or parking lot. These standards do not apply on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas.
- (b) The objective of this section is to enhance the pedestrian experience through architecture by adding visual interest, character, and architectural details to otherwise blank walls.
- (c) To achieve the objectives of this section, blank walls (treated or untreated) on any building facing a Traditional Main Street are prohibited. All other blank walls adjacent to a public right-of-way or on a façade with a public entrance shall be treated with one or more of the following methods:
- (1) Architectural details and structural bay expression that provide vertical relief, such as a pier or pilaster spaced at a maximum of twenty (20) feet; for large blank wall areas over four hundred (400) square feet, the architectural details shall be accompanied with landscape screening according to subsection (3) of this section;
 - (2) A horizontal band, twelve (12) to sixteen (16) inches wide, such as a middle cornice or a reveal band at the façade's mid-point of the same material as the façade; for large blank wall areas over four hundred (400) square feet, the architectural details shall be accompanied with landscape screening according to subsection (3) of this section;

- (3) Landscaping that will obscure or screen at least fifty percent (50%) of the blank wall's surface within four (4) years; landscaping shall include a combination of evergreen and deciduous trees and shrubs; vines can also be used to contribute to the landscape screening; turf or other groundcover are allowed, but will not contribute to the screening requirement; or
- (4) Artwork such as mosaic, mural, sculpture, or relief over at least fifty percent (50%) of the blank wall surface; the artwork shall be subject to review by the Design Review Committee.

Sec. 61-14-295. Building design standards: Security roll-down doors and grilles.

- (a) The objectives of this section are:
 - (1) To promote the perception of main streets districts as safe commercial areas; and
 - (2) To deter crime, but foster pride and positive perception about main streets, by relying on discrete security measures such as security glass, alarms, lighting, and police notification system.
 - (3) These standards do not not apply on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas.
- (b) To achieve the objectives of this section, the following standards shall apply:
 - (1) For all projects that involve new construction, security roll-down grilles shall be designed and recessed into the interior of the window system;

- (2) For retrofit projects, when it is not feasible to install a security grille into the interior of the window system, an exterior roll-down grille may be used. The roll-down grille box shall be as inconspicuous as possible, as follows:
 - (i) An encased-type roll-down grille box shall be located on the exterior above the display windows and transom;
 - (ii) The exterior box shall be painted or finished a color to match the building's color scheme. The exterior box shall be concealed by an awning; and
- (3) At least thirty percent (30%) of the exterior roll-down grille area shall be decorative, open-slat and transparent.
- (4) Permanent grilles over the exterior of windows or doors are prohibited.

Sec. 61-14-298. Building design standards: vacant structures.

- (a) The objectives of this section are:
 - (1) To translate vacant structures into an economic asset; and
 - (2) To improve the physical condition of vacant structures while unoccupied and inactive.
- ~~(b)~~ These standards do not apply on the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas
- ~~(c)~~ To achieve the objectives of this section, and as provided in Sec. 61-11-315 of this Code, the Buildings, Safety Engineering and Environmental Department shall refer applications for demolition permits to the Planning and Development Department for review consideration.

Sec. 61-14-299. Parking: ~~d~~Design standards: parking areas and reductions.

(a) Design Standards

(1) *Surface parking.*

(A) The objectives of this subsection are:

- (1) To line streets with buildings and/or other architectural site features to maintain a continuous street wall;
- (2) To promote a pedestrian-oriented environment, where building storefronts line the main streets rather than parking lots; and.
- (3) To mask the visual clutter of parked cars and to provide uniform elements of screening.

(B) To achieve the objectives of this subsection, the following standards shall apply:

- (1) No parking area may be placed between the façade of a primary structure and the Traditional Main Street. Parking areas shall be located to the rear of the building, except as may otherwise be provided in this section;
- (2) Where it is determined that locating the parking behind the building is not feasible, as determined by the Planning and Development Department, the parking may be located on the side of the building; however, no more than fifty percent (50%) of the street frontage of the

development on a Traditional Main Street shall be occupied by parking, aisles, or drives.

- (3) On corner lots, parking areas shall not be located at the corner;
- (4) Off-street parking areas that are adjacent to a public street shall include a landscape buffer strip with a minimum width of five (5) feet between the off-street parking area and the street; the landscape buffer strip shall include the following:
 - (a) A wall immediately adjacent to the parking area, forming a continuous screen at least thirty (30) inches, but not more than thirty-six (36) inches, in height. The wall shall be:
 - (i) A brick wall;
 - (ii) A masonry wall with brick facing;
 - (iii) A concrete wall with brick design;
 - (iv) A stone wall; or
 - (v) Other opaque ~~wall~~ screen which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.
 - (b) A combination of evergreen and deciduous vegetation, including trees, shrubs, and groundcover, shall be planted between the wall

and the sidewalk. At least one (1) tree shall be provided for each thirty (30) linear feet of landscape buffer. At least one shrub shall be provided per twenty (20) square feet of landscaped area.

Vegetation shall comply with the standards in Division 2 of this article, Landscaping, Screening, and Fencing.

- (c) In instances where the applicant can prove that the five (5) foot landscape buffer strip would prevent the applicant from being able to provide the minimum number of required parking spaces, the thirty (30) to thirty six (36) inch wall from subsection (a)(2)(4)(1) of this section may be erected without the additional landscaping, subject to review and approval by the Planning and Development Department.

- (5) To protect the screen wall, wheel stops and curbs shall be placed in compliance with Sec. 61-14-153 of this Code;
- (6) To protect the screen wall at the parking entry and exit points, two (2) thirty (30) inch high bollards shall be placed on either side of the wall;
- (7) The minimum lighting levels for parking lots shall be provided in compliance with Sec. 61-14-156 and Sec. 61-14-273(3) of this Code;
- (8) Light fixtures shall be maintained in good operating condition and with the required light levels to provide illumination from dusk until two (2) hours after the end of business hours; and

- (9) Lighting fixtures shall be located, aimed, and shielded so that they do not produce light spill into the night sky, onto adjacent properties, or onto adjacent right-of-way.

(b) *Parking structures.*

- (1) The objective of this subsection is to enliven parking structures with active uses and to architecturally integrate them to their district.
- (2) To achieve the objectives of this subsection, the following standards shall apply for parking structures located within Traditional Main Street Overlay areas:
 - (A) Commercial space or other space oriented to pedestrian traffic shall be provided on the ground floor of a parking structure for at least sixty percent (60%) of the length of the ground floor facing a Traditional Main Street or a major or secondary thoroughfare. Where the parking structure abuts more than one (1) street, the priority shall be to place the ground floor commercial space facing the Traditional Main Street. The applicant shall determine whether the ground floor commercial space or other space oriented to pedestrian traffic, faces one (1) or more than one (1) street;
 - (B) The parking structure façade shall be designed so that no ramp structure or sloping deck is expressed on building façades facing public streets;
and

- (C) Parking structures are subject to the design standards for materials, as provided in Sec. 61-14-290 of this Code, and color and finish, as provided in Sec. 61-14-291 of this Code, and signage, as provided in Sec. 61-14-300 of this Code.

(c) Parking reductions: Parking reductions may be granted as provided for in Sec. 61-14-7 and 61-14-103

Sec. 61-14-300. Signage and communication elements design standards.

- (a) The objective of this section is to reach a visual balance between the objective of businesses to draw pedestrian attention and the goal of creating an attractive district free of visual clutter by integrating signage into the overall design of the storefront.
- (b) To achieve the objective of this section, the following signage standards shall apply for all buildings with a commercial use on a lot abutting a Traditional Main Street, except for the East Warren, West Warren, Grand River between Evergreen and Lahser or between Woodmont and Greenfield, or Lahser Road Traditional Main Street Overlay Areas:
 - (1) Signage shall comply with the provisions of ARTICLE VI of this Chapter and Chapter 3 of this Code;
 - ~~(2) (Repealed);~~
 - (3) Signage shall be designed to architecturally fit within the overall design of the building and the site;
 - (4) Signage shall be located so that it does not conceal architectural details and features;
 - (5) Signage material shall consist of, but is not limited to, painted metal, glass, finished wood or other architectural metal such as copper, bronze, stainless steel or cast aluminum. Unpainted, non-architectural metals or unfinished wood are prohibited;

- (6) Signage, including design, material, painting and construction, shall be professionally made;
- (7) Signage material substrate shall consist of, but is not limited to, aluminum, painted metal, weather resistant painted wood, or durable non-glare acrylic or composite material; unpainted or unfinished metals or unpainted wood are prohibited as signage material substrate;
- (8) Dimensional letters shall be made of metal such as copper, bronze, stainless steel, cast aluminum, or durable nonglare acrylic;
- (9) New pylon signs are prohibited. New ground mounted monument signs shall be limited to a maximum height of twelve (12) feet.
- (10) New roof signs are prohibited.
- (11) The bottom of projecting sign shall be a minimum of eight (8) feet six (6) inches above the sidewalk. The projecting sign shall not project more than one-half of the width of the sidewalk, or more than four (4) feet from the wall of the building on which the sign is placed, whichever is less. Projecting signs shall be placed as close as practicable to the center of the building facade, and in no case shall adjacent projecting signs be closer than fifteen (15) feet.
- (12) Each businesses shall be allowed one (1) professionally-prepared window sign not exceeding ten (10) square feet or twenty (20) percent of the area of a window, whichever is less, for every thirty (30) linear feet of transparent window or door area along the length of the building. Any such sign shall not require a permit and shall not count toward the maximum allowed sign area.

- (13) Illumination of signage shall be provided by external lighting including wall sconces, extended arm light fixtures, sign bands, and halo illumination. Internal illumination of signs is prohibited, with the following exceptions:
- (1) One neon window sign shall be allowed per business, but shall not exceed the overall size allowed for window signs. The neon window sign shall require a permit. Neon lights shall not flash on and off. Neon signs shall not be used for the advertisement of products.
 - (2) LED lighting shall only be allowed for gas station pricing signs.
 - (3) Within the Grand River, Bagley / Vernor, and East Jefferson overlay areas, signs with internally illuminated channel letters are allowed.
 - (4) Within the Woodward Avenue overlay area, neon wall signs may be allowed, subject to the review and approval of the Design Review Committee
 - (5) Marquees for theaters may be internally illuminated but may not be dynamic
- (14) Animated signs and signs that incorporate flashing or moving lights are prohibited.
- (c) In achieving the objective of this section, satellite dishes and antennas shall be located in the rear roof space and away from public view, except where location is needed elsewhere to avoid obstruction of the satellite signal.

DIVISION XVI. DEFINITIONS AND RULES OF CONSTRUCTION

DIVISION 2. WORDS AND TERMS DEFINED

Subdivision O. Letters “Q” Through “R”	
Sec. 61-16-162. Words and terms (Red-Rm).	
(Ord. No. 11-05, §1, 5-28-05; Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 10-13, §1, 04-16-13; Ord. No. 38-14, §1, 10-16-2014; Ord. No. 13-15, §1, 7-11-2015; Ord. No. 37-17, §1, 2-6-2018)	
Refuse	Putrescible and nonputrescible solid waste, except body wastes, including garbage, rubbish, ash, incinerator ash, incinerator residue, and solid market, industrial and construction refuse.
Regulated Use (Ord. No. 01-10, §1, 04-01-10; Ord. No. 13-11, §1, 8-23-11; Ord. No. 38-14, §1, 10-01-2014; Ord. No. 13-15, §1, 7-11-2015; Ord. No. 37-17, §1, 2-6-2018)	Any of the following: [1] Brewpub outside the Central Business District and SD2 District and microbrewery outside the Central Business District and SD2 District and small distillery or small winery outside the Central Business District and SD2 District that serves alcohol for consumption on the premises; however, any brewpub, microbrewery, small distillery or small winery that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a Regulated Use; [2] cabaret; [3] dance hall, public outside the Central Business District; [4] establishment for the sale of beer or intoxicating liquor for consumption on the premises, outside the Central Business District and the SD1, SD2 and SD5 Districts; however, any establishment for the sale of beer or intoxicating liquor for consumption on the premises that operates in conjunction with and is located on the same zoning lot as a standard restaurant, as defined in this section, shall not be considered a Regulated Use; [5] lodging house, public; [6] motel; [7] pawnshop; [8] plasma donation center; [9] Secondhand store and secondhand jewelry store, outside the M1, M2, M3, and M4 Districts.
Religious institutions (Use Category)	Uses primarily engaged in providing meeting areas for religious activities. Typical examples include churches, chapels, mosques, temples, and synagogues. Affiliated preschools are classified as Day Care uses. Affiliated schools are classified as Schools.
Religious residential facilities	Rectories, parsonages, monasteries, convents, seminaries, religious retreats and the like.
Rental Hall	Any enclosed hall, building or portion of any building regularly available for rental, lease or loan for the purpose of public assembly, banquets, luncheons, entertainment or sports events, whether such assemblies are public or private or subject to an admission fee. The term “rental hall” does not include “public dance halls.”
Rental merchandise store (Ord. No. 13-11, §1, 8-23-11)	A store whose primary business is the rental of household or personal merchandise originally stocked as new merchandise, such as videocassette and/or DVD recordings, household appliances, formal attire, and other articles stored and displayed within the store or showroom. For zoning purposes, a rental merchandise store shall be regulated the same as a “Store of a generally recognized retail nature whose primary business is the sale of new merchandise.” A car rental facility, however, shall be regulated in the same manner as a sales room or sales lot for new or used operable motor vehicles.”
Repeat Offense	A second, or any subsequent, determination regarding a blight violation notice that is made within a one (1) calendar year period for the same blight violation, except for a determination by an administrative hearings officer that a person is not responsible for a blight violation.

Research Facility (Ord. No. 37-17, §1, 2-6-2018)	As specified in <u>Sec. 61-11-203</u> of this Code.
Residential Substance Abuse Service Facility	An establishment in a residential setting used for the treatment of persons having drug or alcohol abuse problems. The establishment may or may not dispense compounds or prescription medicines to individuals depending upon the severity of their drug or alcohol abuse problems.
Residential use combined in structures with permitted commercial uses.	This land use allows for one or two residential apartments in a commercial building occupied by a use permitted in the given zoning district as indicated in the Use Table in Article XII, Division 1, <u>Subdivision D</u> . For example, a doctor's office in an R5 or R6 District may also include a residential unit on a by-right basis; a hardware store in a B2, B3, B4, B5 or B6 District may rent out two apartments on its second floor. Three or more residential units in a single building, however, constitute a multiple-family dwelling.
Rest Home	See "Convalescent, Nursing or Rest Home."
Restaurant, carry-out (Ord. No. 37-17, §1, 2-6-2018)	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics: [1] foods, frozen desserts, or beverages are usually served in edible or disposable containers. [2] the consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, Fast-food (Ord. No. 37-17, §1, 2-6-2018)	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, whose delivery of food to the customer may include service via a drive-up or outdoor walk-up pass-through window, and whose design or principal method of operation includes both of the following characteristics. [1] Foods, frozen desserts, or beverages are usually served in edible containers or disposable containers. [2] The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building other than designated and approved outdoor eating areas, is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
Restaurant, Standard (Ord. No. 37-17, §1, 2-6-2018)	An establishment for the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics: [1] Customers are normally provided with an individual menu, are served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed. [2] A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building
Retail Sales and Service, Occupant-oriented (Use Category)	Ancillary and accessory uses to principal multi-family, office or employment uses. They are involved in providing goods and services to residents or employees of the principal use and to visitors to site. Examples include the following uses: •Retail sales and personal service in multiple-residential structures •Retail sales and personal service in business and professional offices
Retail Sales and Service, Sales-Oriented (Use Category)	Uses involved in the sale, lease or rent of new or used products to the general public. Examples include the following uses: •Stores of a generally recognized retail nature whose primary business is the sale of new merchandise •Bake shop, retail •Firearms dealership •Garden center

<p>(Ord. No. 10-13, §1, 04-16-13)</p>	<ul style="list-style-type: none"> •Kennel, commercial •Motor vehicles, new or used, salesroom or sales lot •Motorcycles, retail sales, rental or service •Pawnshop •Pet shop •Poultry or small game (storage or killing for direct, retail sale on the premises or for wholesale trade) •Produce or food markets, wholesale •Secondhand stores and secondhand jewelry stores •Specially designated distributor’s (SDD) establishment •Specially designated merchant’s (SDM) establishment •Trailer coaches or boat sale or rental, open air display •Trailers, pneumatic-tired utility type, cement mixers: sales, rental, or service (outdoor) <p>Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.</p>
<p>Retail Sales and Service, Service-Oriented (Use Category)</p> <p>(Ord. No. 37-17, §1, 2-6-2018)</p>	<p>Uses providing retail consumer services to the general public.</p> <p>Examples include the following uses:</p> <ul style="list-style-type: none"> •Animal-grooming shop •Automated teller machine (without drive-through facilities) •Automated teller machine (with drive-through facilities) •Bank (without drive-through facilities) •Bank (with drive-through facilities) •Barber or beauty shop •Business college or commercial trade school •Customer service center •Dry cleaning, laundry, or laundromat •Employee recruitment center •Financial services center •Food stamp distribution center (no drive-through window) •Food stamp distribution center (with drive-through window) •Mortuary or funeral home •Nail salon •Piercing parlor •Printing or engraving shops •School or studio of dance, gymnastics, music, art, or cooking •Shoe repair shop •Tattoo parlor •Veterinary clinic for small animals
<p>Review Body</p>	<p>The entity that is authorized to recommend approval or denial of an application or permit required under this zoning ordinance.</p>
<p>Right-of-way</p>	<p>A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, sanitary or storm sewer, electric transmission line, oil or gas pipeline or for any other similar use as may be designated.</p>