

## **Article VIII**

# **SPECIAL LAND USES**

### **Section 8.01 INTENT**

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

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

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

### **Section 8.02 PROCEDURE**

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

- A. **Application.** An applicant for a Special Land Use shall submit an application for review to the Zoning Administrator, together with the required fee and appropriate information, not less than 45 days prior to the date of the regular meeting of the Planning Commission at which the special use application will be considered. The following information shall also be submitted:
  - 1. A site plan with the required information as set forth in Article XXI.
  - 2. A statement with regard to compliance with the criteria required for approval in Section 8.03, Standards for Special Land Uses and any specific standards required by the specific use as provided in Section 8.11 Special Land Use Specific Requirements.

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

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

- A. **Standards.** The Planning Commission and City council shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards, and any specific standards established for a particular use.
1. **Compatibility with the Master Plan.** The proposed Special Land Use shall be consistent with the goals, objectives, and future land use plan described in the Dexter Master Plan.

2. **Compliance with Zoning Standards.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning district, and shall comply with all applicable ordinance standards.
  3. **Compatibility with Adjacent Uses.** The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  4. **Impact on the Overall Environment.** The proposed Special Land Use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
  5. **Impact on Public Facilities.** The proposed Special Land Use shall be served adequately by public facilities and services such as police and fire protection, schools, drainage systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.
  6. **Traffic Impact.** The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.
  7. **Public Safety and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.
  8. **Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- B. **Additional Findings.** The Planning Commission and City Council shall also consider the nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use, including but not limited to, hours of operation, outdoor storage, and work areas.

## **Section 8.04 CONDITIONS OF APPROVAL**

- A. **Authority.** The City Council may at its discretion impose additional conditions of approval, when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. **Scope.** Conditions that are imposed by the City Council shall:
  - 1. Be related to and ensure the review considerations of Section 8.03 and the applicable specific regulations are met.
  - 2. Special Land Use approval is applicable to a property, not property owners, so long as use remains in effect under terms set from the Section 8.05.
  - 3. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.
- C. Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Zoning Administrator.
- D. A development agreement in accordance with Section 22.12 shall be at the City's discretion.
- E. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the City Council to revoke such special land use approval in accordance with Section 8.08.

### **Section 8.05 EFFECTIVENESS**

- A. **Remain in Force.** Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the City Council resolution of approval.
- B. **Expiration.** Any Special Land Use approval granted by the City Council shall expire unless a final site plan effectuating the Special Land Use is submitted within one year of the date of approval.
- C. **Extension.** Upon written application filed prior to the termination of the one year period as provided above, the City Council may authorize a single extension of the time limit for an additional one year period. Such extension shall be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one year extension period.
- D. **Conforming Use Status.** Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- E. **Abandonment.** When a Special Land Use which has not previously received a Special Land Use permit ceases operations for more than one year, the Special Land

Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two years for a use which was approved as a Special Land Use under this Article.

- F. **Resubmittal.** No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

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

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

- A. **Amendments.** Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
- B. **Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.
- C. **Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

## **Section 8.07 INSPECTIONS**

The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the City Council and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

## **Section 8.08 REVOCATION**

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- B. The recipient shall have 30 days to correct any deficiencies to the satisfaction of the City Council.
- C. If after 30 days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the Special Land Use.

## **Section 8.09 RESERVED**

## **Section 8.10 RESERVED**

## **Section 8.11 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The following sections identify specific requirements, which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 8.03.

- A. **Listing:** Special Land Uses with specific site and/or use standards described on the following pages:
  - 1. Accessory apartment on upper floors of commercial buildings
  - 2. Accessory apartment in a single family home
  - 3. Accessory use or storage of hazardous materials
  - 4. Accessory commercial outdoor sales or storage (see commercial outdoor sales)
  - 5. Adult regulated uses
  - 6. Arcades and similar devices at public commercial mechanical amusement device centers
  - 7. Automobile service centers (minor repair) and major auto repair establishments
  - 8. Automobile service (gasoline) stations including those accessory to another use
  - 9. Automobile washes, automatic or self-service
  - 10. Banks, credit unions, savings and loan institutions with three or more drive-through lanes

11. Cemeteries
12. Churches
13. Commercial outdoor sales or storage (as permitted or accessory use)
14. Essential public service buildings and structures
15. Essential public service storage yards
16. Funeral Homes
17. General and specialty hospitals
18. Group day care homes
19. Housing for the elderly, retirement Villages, etc.
20. Kennels, commercial
21. Motels, hotels including accessory convention/meeting facilities and restaurants
22. Nursing and convalescent homes
23. Open air business - see commercial outdoor display, sales and storage
24. Outdoor eating areas
25. Recreation: Commercial outdoor establishments (excluding golf related uses)
26. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)
27. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.
28. Residential cluster development
29. Restaurants and other establishments with drive-in or drive-thru facilities
30. Vacation rental housing
31. Veterinary Clinics and hospitals

**B. List of specific requirements by use:**

1. **Accessory apartments on upper floors of mixed-use buildings.** Housing above retail uses is encouraged in the Village Commercial and Central Business District. These units are designed for singles, younger couples and elderly people without children. A mix of land uses, housing, jobs, and income creates a more balanced commercial district there by reduces traffic and creates better fiscal balance.

- a. Accessory apartments shall be entirely within building.
- b. A minimum of 300 square feet per unit.
- c. Exterior entrances shall be separated from commercial uses. No more than two units can share a common entrance stair from the ground floor.
- d. One parking space per unit.
- e. Access to upper story apartments shall conform to ADA requirements and County Building codes.

**2. Accessory apartment in a single family home**

These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of renter occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods.

- a. Accessory apartments shall be entirely within the existing structure and shall include no more than 25% of the total floor area of the home.
- b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.
- c. One space per accessory apartment is required in addition to single dwelling parking requirements. All parking should be accommodated on-site. Spaces for accessory apartment should be located in the rear yard.

**3. Accessory use or storage of hazardous materials**

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police, County Sheriff, Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:

- a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of

storage containers or base material and anticipated procedure for use and handling.

- c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2,200 pounds per month.
- d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
- e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

4. **Accessory commercial outdoor display, sales or storage - see commercial outdoor sales**

5. **Adult Regulated Uses**

a. Intent: In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.

b. Uses Regulated: The following uses are regulated by this subsection.

- (1) Adult Book or Supply Store
- (2) Adult Model Studio
- (3) Adult Motion Picture Arcade
- (4) Adult Motion Picture Theater or Adult Live Stage Performing Theater
- (5) Adult Outdoor Motion Picture Theater
- (6) Adult Physical Cultural Establishment

- (7) Cabaret
  - (8) Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article II).
- c. Required Spacing- The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:
- (1) At least 500 feet from any other adult regulated use;
  - (2) At least 500 feet from all churches, convents, temples and similar religious institutions;
  - (3) At least 500 feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;
  - (4) At least 500 feet from any use defined as a "care organization";
  - (5) At least 500 feet from any one family or multiple family residential district or use;
  - (6) At least 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.
- d. Special Site Design Standards
- (1) Maximum size of the building shall be 5,000 square feet.
  - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
  - (3) Adult regulated uses shall be located within a free standing building. A shared or common wall structure or shopping center are not considered to be a free-standing building.
  - (4) The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.
  - (5) A six foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.

- (6) Access shall be from an arterial roadway.
- e. Waivers: Upon denial of any application for an Adult Regulated Use, the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals consistent with the standards set forth below. The Zoning Board of Appeals may waive the location provisions set forth herein, after all the following findings are made:
- (1) Compliance with Regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;
  - (2) Not Enlarge District: The proposed use will not enlarge or encourage the development of a "skid row" or "strip";
  - (3) Consistent with Programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;
  - (4) Consistent with Law: All applicable City, state or federal laws and regulations will be observed.
  - (5) Procedure for Waiver- Prior to granting a waiver of the location restrictions set forth above, and not less than five, nor more than 15 days before the request for waivers is considered or a public hearing held pursuant to this section, the City Council shall publish, in a newspaper of general circulation in the City, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all persons to whom any real property is assessed within 500 feet of the boundary of the premises in question, and to the occupants of all structures within 500 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than 18 years of age, or a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, City Council, or Zoning Board of Appeals may request a public hearing.
- f. Conditions of Approval: Prior to the granting of approval for the establishment of any Adult Regulated Use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public

interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

- g. Specific Penalties: No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

**6. Arcades, mechanical amusement devices and similar devices:**

- a. Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or other private school offering courses in general education.
- b. Access to the site shall be directly from an arterial street.
- c. All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and Ordinances.

**7. Automobile service centers (minor repair) and major automotive repair (such as body shops)**

All principal and accessory structures shall be set back a minimum of 500 feet from a one-family residential district.

- a. If the gas station has auto repair there shall be a minimum lot frontage on a paved road of 200 feet.
- b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article VI.
- c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.
- d. Where adjoining residential district, a wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- e. All repair work shall be conducted completely within an enclosed building.
- f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
- g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one day.



off valves and approved by the Washtenaw County Water Resources Commission.

- j. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.

**9. Automobile washes, automatic or self-service**

- a. Only one ingress/egress driveway shall be permitted on any single street.
- b. Where adjoining a residential district, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- c. All washing facilities shall be within an enclosed building.
- d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district.
- e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article V, Parking Standards.
- f. Truck wash must be at least 100 feet from all property lines and entirely screened using landscaping from residential

**10. Banks, credit unions, savings and loan institutions with drive-through facilities with three or more drive-through lanes**

- a. Only one ingress/egress driveway or one pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.
- b. Exit and required stacking lanes shall not face directly at a one family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.

**11. Cemeteries**

- a. Minimum property size shall be 20 acres.
- b. All grave sites, buildings and structures shall be setback at least 25 feet from all property lines.
- c. The City Council shall determine that the cemetery will have a memorial park setting.

**12. Churches, temples and similar places of worship**

- a. Minimum lot area shall be three acres plus an additional 15,000 square feet for each 100 persons of occupant load as determined by County Building Code.
- b. Buildings of greater than the maximum height permitted in Article XX - Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one foot for each foot of building height that exceeds the maximum permitted.
- c. All vehicular access to the site shall be onto an arterial or collector street, as classified in the Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
- d. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five feet in height shall be provided. The City Council may reduce this buffer based on the standards of Article VI.

**13. Commercial Outdoor Sales or Storage and Open Air Businesses (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment).**

- a. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- b. All outdoor storage areas shall be paved and include a stormwater drainage system.
- c. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
- d. The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the approved use.
- e. The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impacting adjacent property.
- f. All loading and truck maneuvering shall be accommodated on-site.

- g. All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in Article VI.

**14. Essential Public Service Buildings and Structures**

- a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- b. Electric or gas regulator equipment and apparatus shall be setback a minimum of 30 feet from all lot lines or equal to district setbacks, whichever is greater. They cannot be located in the district front yard setback.
- c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip (See Section 6.05).
- d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of masonry construction.

**15. Essential Public Service Storage Yards**

- a. Requirements of 8.11(B)(14).
- b. The minimum lot size shall be three acres.
- c. A chain link fence six feet in height shall be constructed on the boundary property lines.

**16. Funeral Home**

- a. Adequate assembly area is provided off-street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A residence may be provided within the main building of mortuary establishments.

**17. General and Specialty Hospitals**

- a. All such hospitals shall be developed only on sites consisting of at least ten acres in area.
- b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.

**18. Group Day Care Homes**

- a. The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the use would be located.

- b. An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
- c. A minimum of outdoor play area of 2,000 square feet shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.

**19. Housing for the Elderly**

- a. All sites should be conveniently located within adequate distance of food stores, shopping centers, restaurants, drug stores and public transportation, as determined by the Planning Commission.
- b. All dwelling units shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities.)
- c. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of total site, exclusive of any dedicated public right-of-way.
- d. Passive recreation area(s) shall be provided at the rate of 25 square feet per 100 square feet of living area.
- e. The minimum lot size shall be not less than three acres.
- f. All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency-type apartment.
- g. The gross density of the dwelling units shall not exceed 20 units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.
- h. Except as provided herein, all buildings and sites shall be in compliance with Article XX - Schedule of Regulations.
- i. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.
- j. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.
- k. All buildings permitted hereunder shall not exceed 35 feet in height.

**20. Kennels, Commercial**

- a. For kennels housing dogs, the minimum lot size shall be ten acres.

- b. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to property lines and shall not be located in any required front, rear or side yard setback area.
  - c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, sanitary requirements).
  - d. An operations/management plan shall be submitted to the City.
  - e. No person shall operate a commercial kennel without first obtaining a Zoning Compliance Permit. All commercial kennel permits expire December 31 of the current year, and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining a commercial kennel shall be established by City Council resolution.
21. **Motels Hotels, including accessory convention/meeting facilities and restaurants.**
- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
  - b. Each unit shall contain not less than 250 square feet of floor area.
  - c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
22. **Nursing and Convalescent Homes**
- a. There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
  - b. Principal buildings shall not be closer than 40 feet to any property line.
23. **Open Air Businesses - see commercial outdoor display, sales and storage**
24. **Outdoor eating areas**
- Restaurants shall be permitted to operate outdoor eating areas that are physically adjacent, and accessory to the principal restaurant use. Including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.
- Outdoor Seating shall be permitted to provide a unique environment for relaxation, food and beverage consumption, and the need to encourage additional pedestrian traffic and activity.

- a. To allow for pedestrian circulation, a minimum of five feet of clear sidewalk along the street frontage, and leading to the entrance to the establishment shall be maintained free of any encumbrances. A minimum of ten feet of sidewalk width must be provided to accommodate outdoor seating, if outdoor seating is placed on the public sidewalk.
- b. When outdoor seating is located at a street corner, a ten-foot setback from the corner of the building shall be maintained along both frontages.
- c. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor eating area. If liquor is served a removable enclosure is required.
- d. Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
- e. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other fixtures related to the outdoor seating area shall be included with the application.
- f. Outdoor eating areas shall not be entitled to additional signage, over and beyond what is permitted for this type of establishment.
- g. The operators of the establishment shall be responsible for keeping the outdoor eating area and the immediately adjacent area, clean and void of litter at all times.
- h. The City may restrict the hours of operation for outdoor seating areas immediately abutting residential districts. Applicants may on a case-by-case basis request that outdoor seating be able to remain outdoors (overnight).
- i. Outdoor seating furniture and elements such as umbrellas and awnings, associated with outdoor seating furniture, must be of substantial weight so that at no time will the outdoor seating furniture present an obstruction or risk to public safety. Proposed outdoor seating materials should be reviewed and considered on a case-by-case basis. If the outdoor seating furniture and elements associated with outdoor seating furniture is temporary in nature it is the responsibility of the proprietor to remove the outdoor seating furniture during inclement weather. All umbrellas should be closed and removed each evening. The City of Dexter accepts no liability

for any injury/damage caused by outdoor seating furniture. Applicants for outdoor seating will also be required to sign and submit the City's Hold Harmless Agreement.

- j. Each permit application for a sidewalk café or outdoor seating shall be accompanied by a policy or certificate of insurance, in an amount acceptable to the City, including workers compensation, naming the City as an additionally insured. Establishments serving alcohol shall also provide a liquor liability policy or certificate of insurance naming the City as an additionally insured.
- k. The permittee shall be responsible for repair of any damage to the sidewalk caused by the outdoor seating furniture.
- l. All outdoor seating furniture is to be maintained in a manner that is compatible with the buildings site elements, i.e. signs, awnings and walls. No broken, peeling, rusting or other aesthetic elements should be left outdoors for continued use.
- m. Each permit shall be effective for one year from October 1 until September 30 and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining outdoor seating shall be established by City Council resolution.
- n. The City of Dexter reserves the right to deny, revoke or suspend an outdoor seating permit if the permittee has failed to correct violations of the outdoor seating permit within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the outdoor seating standards must be appealed before the Zoning Board of Appeals.

**25. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)**

- a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby

properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.

- c. The site shall be located on a paved street which is classified as an arterial street in the City Master Plan.
- d. No building or spectator seating facility shall be located within 100 feet of a property line.
- e. The site shall be periodically cleared of debris.

26. **Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**

- a. The principal and accessory buildings and structures shall not be located within 100 feet of any residential district or permitted use.
- b. All uses shall be conducted completely within a fully enclosed building.
- c. The buildings shall be sound-proofed.

27. **Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.**

- a. The proposed site shall have at least one property line abutting an arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
- b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- c. Off-street parking shall be provided so as to accommodate not less than one-third of the member families and/or individual members. The City Council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the City Council on the basis of usage.

28. **Residential Cluster Development**

- a. **Purpose.** The cluster development provision has the following purposes;
- (1) To permit flexibility in the layout of subdivisions;
  - (2) To permit variety in the size and shape of residential lots;
  - (3) To permit flexibility in the location of residential buildings and grouping of same;
  - (4) To encourage creative approaches in traditional design and development of the residential area; and interconnect with the City pattern of development and road system.
  - (5) To permit economy of the required improvements;
  - (6) To preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and
  - (7) To permit provision of open space for the use of residents of the subdivision or to the City at large, and to concentrate such open spaces in locations of such size and shape as to be accessible, usable, and maintainable.
- This provision is designed to be a designation applied to a parcel of land within an R-1A and R-1B District; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.
- b. **General Regulations.** Cluster development is permitted in the R-1A and R-1B Districts, subject to all of the regulations of each district in which located, except as specifically modified in this Section.
- c. **Minimum Area.** The minimum parcel area for a cluster development shall be 20 acres.
- d. **Permitted Uses.** Permitted, accessory, and conditional uses as listed herein in the R-1A and R-1B Districts are permitted in a cluster subdivision in each zoning district.
- e. **Density of Development.** The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district Involved. The permitted number of dwelling units shall be calculated on the basis of the following dwelling unit densities:

R-1A - 3.63 dwelling units per acre of total lot area;

R-1B - 5.58 dwelling units per acre of total lot area;

The land area used in the calculation shall include public and private road right-of-ways, existing and proposed, that are located within the proposed subdivision, but shall not include any existing right-of-way of any boundary roads of the subdivision. Only 25% of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

f. **Area, Placement, and Height Regulations.** The regulations for the R-1A and R-1B Districts may be modified as follows, for single family dwellings and their accessory structures only:

- (1) Minimum lot area - 8,775 square feet in R-1A, in and 5,850 square feet in R-1B Districts;
- (2) Minimum lot width - 50 feet at the existing or proposed street line;
- (3) Maximum ground floor coverage - none;
- (4) Maximum floor area ratio - none;
- (5) Minimum yards: front yard, or frontage on any street - 25 feet; side yards - none, except, however, that adjacent dwelling structures shall be a minimum of ten feet apart unless structurally attached; rear yard - 15feet.

g. **Common Open Spaces and Facilities.** For each square foot of excess land area resulting from the lot reductions provided in item f. preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public. The manner of dedication shall be approved by the City Council. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

Parks and/or recreation areas shall have a minimum area of four acres and a minimum dimension of 100 feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the City Council. Such land areas shall not include, as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain.

The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two or more parcels at least one

parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be 100 feet; and the location size and shape of any parcel shall be subject to approval by the City Council. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one access point by a public street for each separate open space parcel. The City Council shall have the discretion to require additional vehicular and/or pedestrian access points.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Common open space shall have a legal description therefor, which shall include an accurate statement of land areas, all of which shall be certified by a registered land surveyor.

- h. **Sewer and Water Services.** All lots in a cluster subdivision shall be served by a public water and sanitary sewer facilities.
- i. **Procedures without Zoning Amendment.** The applicant for approval of a preliminary plat shall, at the same time, apply for a Cluster Development designation (hereafter referred to as CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and shall include its analysis and recommendations concerning the CD designation in its report to the City Council on the preliminary plat. If the City Council approves the CD designation, it shall indicate same in its tentative approval of the preliminary plat. The City Clerk shall record, and the Mayor shall attest, the CD designation of the Official Zoning Map within three days of the date of final approval of the final plat by the City Council. The recording on the Official Zoning Map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.
- j. **Procedures with Zoning Amendment.** If the property included in the CD designation request must also be rezoned to one of the applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall in this case include a waiver, signed by the applicant, that the 90 day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The City shall not give tentative approval to the preliminary plat unit after it has approved the

zoning amendment. With this exception the procedures set forth in Item i, preceding, shall apply.

- k. **Calculations.** All calculations and other information needed to review conformance of the plat with the zoning ordinance regulations shall be provided on the preliminary plat.
- l. **Authority.** The City Council shall have the authority to approve or deny a request for a CD designation. The Council shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open area; and in other features of the design and character of a CD subdivision as proposed in a preliminary plat. This authority may be exercised by the Council when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.
- m. **Improvements.** Improvements, or security in lieu thereof, shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the City, or security in lieu thereof, shall be provided by the developer prior to approval of the final plat by the City Council for the first stage of the subdivision. Agreement as to the required improvements for such open space areas shall be made by the developer and City Council prior to the Council's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth In the Subdivision Ordinance.

**29. Restaurants and other establishments with drive-in or drive-through facilities**

- a. Principal and accessory buildings shall be setback at least 75 feet from any adjacent public right-of-way line or property line. Location shall be along an arterial street, as classified in the City Master Plan.
- b. Only one access shall be provided onto an arterial street. Access points shall be located at least 60 feet from the intersection of any two streets.
- c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- d. A six foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential.

**30. Vacation Rental Housing**

- a. Each vacation rental permit shall expire December 31 of the current year, and must be renewed annually through administrative review.

The annual permit fee for establishing and maintaining a vacation rental shall be established by City Council resolution.

- b. All applications for a new vacation rental permit or a permit renewal shall be filed with the City of Dexter Zoning Administrator on forms provided by the Zoning Administrator. Each applicant shall certify to the City that the vacation rental included in the application is in compliance with the provisions of this Article. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
- c. Every vacation rental owner-operator shall appoint a local agent to manage the vacation rental.
- d. In addition to the application requirements of this Article, all applications for a new vacation rental permit or a permit renewal shall include a Local Agent Agreement reflecting the local agent's authority and acceptance of all responsibilities under this Article.
- e. The local agent shall:
  - 1. Keep their permanent residence within 100 miles of the vacation rental, or if a property management company or similar business entity, have offices within 100 miles of the vacation rental;
  - 2. Be authorized on behalf of the owner of the vacation rental, to accept service of all notices from the City or service of legal process relating to any and all matters relating to the vacation rental;
  - 3. Be authorized to allow City officers, employees, or agents, to enter the owner's property for purposes of inspection and enforcement of this Article or any other ordinance, statute, rule or regulation the City may have the duty or authority to enforce;
  - 4. Be authorized on behalf of the owner of the vacation rental in all matters relating to dealing with renters of the vacation rental;
  - 5. Be authorized to undertake, or cause to be undertaken, any repair or act of maintenance of the vacation rental necessary to comply with any City ordinance, or any applicable state building regulations.
- f. The permit holder shall notify the city of any changes to the approved application within 30 days of the date of the change, including change of mailing address, contract information, or appointed Local Agent.

- g. One parking space shall be required for each guest bedroom. The Planning Commission may approve existing, improved on-street parking spaces to be used for guest parking, for the purposes of this requirement. The Planning Commission may attach conditions to the approved use of existing, improved on-street parking spaces as guest parking.
- h. Structural and Occupancy Requirements.
  - 1. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent, or other temporary structure. Accessory dwellings in existence as of the effective date of this Section, and located on the same parcel as the principal dwelling unit that is utilized as a Vacation Rental, may be utilized for guest bedrooms, in accordance with this Section.
  - 2. Every guest bedroom shall contain not fewer than 70 square feet. Every guest bedroom occupied by more than one person shall contain not fewer than 50 square feet of floor area for each occupant thereof.
  - 3. Every guest bedroom shall have access to a bathroom, including a toilet, sink, and bathtub or shower, without going through another guest bedroom; and the bathroom must be on the same floor as the guest bedroom.
  - 4. One (1) bathroom shall be provided for every two (2) guest bedrooms.
  - 5. Kitchens and non-habitable spaces shall not be used as guest bedrooms.
  - 6. No separate cooking facilities shall be allowed in guest bedrooms.

**31. Veterinary Clinics and Hospitals (Small Animal Clinic, Large Animal Clinic, Small Animal Hospital, and Veterinary Hospital)**

The following regulations apply to all animal clinics and hospitals:

- a. The use shall be operated by a licensed or registered veterinarian.
- b. Any indoor boarding shall be limited to that incidental to treatment or surgery.
- c. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:

- (1) Walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall.
  - (2) Doors must be solid core.
  - (3) Ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.
- d. A caretaker's quarters may be permitted.
  - e. Adequate on-site parking shall be required.
  - f. A minimum of 1,000 square feet of green space (grass area) in the rear and/or side yard shall be required.

The following regulations apply to all small animal clinics in addition to items 31 a-f:

- g. Principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- h. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

The following regulations apply to all large animal clinics in addition to items 31 a-f:

- i. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least 200 feet from abutting residential districts, churches or restaurants on the same side of the street; 50 feet from the front property line and 50 feet from all other property lines.
- j. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- k. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

The following regulations apply to all Veterinary Hospitals and Small Animal Hospitals in addition to items 31 a-f:

- l. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least 200 feet from abutting residential districts, churches or restaurants on the same side of the street; 50 feet from the front property line and 50 feet from all other property lines.
- m. Minimum one acre lot
- n. No dogs are permitted in outside boarding area between 8 p.m. and 7 a.m.

