



MEMORANDUM

Date: January 11th, 2023
To: City of Madison Heights Planning Commission
From: Matt Lonnerstater, AICP – City Planner
Subject: Zoning Ordinance Rewrite Update and Workshop #2

Staff has been diligently working with the city's hired planning consultants (McKenna Associates) on the Zoning Ordinance rewrite project. McKenna has provided the city with a first draft of the new Zoning Ordinance, in which staff is still in the process of reviewing. The initial first draft includes: a full restructuring of existing ordinance sections into new articles; the addition of a permitted use table, previously missing definitions, and common zoning standards; and placeholders for new articles that are currently under development (e.g. Planned Unit Developments, the Form Based Code District, and the Mixed-Use Innovation zoning district).

Several sections of this initial draft are attached for Planning Commission review, including the Table of Contents, Definition, and the Permitted Use Table. A more complete draft will be provided for Planning Commission consideration within the next few months. Please note that the included sections are intended to provide the Planning Commission with an impression of the completed work and are subject to change as new drafts are developed.

The city, along with McKenna, will be hosting a second Zoning Ordinance workshop on **Tuesday, February 7th, 2023, between 5 and 7 pm at Fire Station #1**. The workshop will be held in an open house format and will focus on the form-based elements of the new ordinance. Planning Commissioners are encouraged to attend! A flyer for the open house is attached.

LET YOUR VOICE BE HEARD!

In the Spring of 2022, Madison Heights began updating its Zoning Ordinance based on the City's 2021 Master Plan and the Michigan Economic Development Corporation's (MEDC) Redevelopment Ready Communities (RRC) guidelines.

As part of this process, the City will be conducting public engagement to workshop proposed zoning districts and regulations. Please join us for an open house at Fire Station #1 on Tuesday, February 7th between 5:00 and 7:00 PM to share your thoughts on how zoning could be improved to benefit our community.

Snacks and refreshments will be provided!

**OPEN HOUSE
WORKSHOP #2**

**TUESDAY
FEBRUARY 7th
5:00-7:00 PM**

Fire Station #1
31313 Brush Street
Madison Heights, MI



Zoning Ordinance 2023

CITY OF MADISON HEIGHTS, MICHIGAN

DRAFT · 01.09.2023



235 East Main Street, Suite 105
Northville, MI 48167
mcka.com

Table of Contents

Table of Contents	i
Article 1. Title and Scope.....	1
Section 1.01 (Currently Sec. 10.100.) Short title.	1
Section 1.02 (Currently Sec. 10.502.) Scope.	1
Section 1.03 (Currently Sec. 10.1200.) Interpretation.	1
Section 1.04 (Currently Sec. 10.1300.) Vested right.	1
Article 2. Definitions	2
Section 2.01 (Currently Sec. 10.200.) Definitions.....	2
Article 3. Zoning Districts and Map.....	18
Section 3.01 (Currently Sec. 10.301.) Districts.....	18
Section 3.02 (Currently Sec. 10.302.) Boundaries.	19
Section 3.03 (Currently Sec. 10.303.) Zoning of vacated areas.....	19
Section 3.04 (Currently Sec. 10.304.) Zoning of annexed areas.	19
Section 3.05 (New Section) Permitted Use Table	20
Section 3.06 (Currently Sec. 10.306.) R-1One Family Residential District	24
Section 3.07 (Currently Sec. 10.306.) R-2 One Family Residential District	24
Section 3.08 (Currently Sec. 10.306.) R-3 One Family Residential District	25
Section 3.09 (Currently Sec. 10.309.) R-T Two-Family Townhouse Residential District	26
Section 3.10 (Currently Sec. 10.311.) R-M Multiple-Family Residential District	27
Section 3.11 (Currently Sec. 10.314.) O-1 Office Building District	28
Section 3.12 (Currently Sec. 10.318.) B-1 Local Business District.	29
Section 3.13 (Currently Sec. 10.321.) B-2 Planned Business District	30
Section 3.14 (Currently Sec. 10.325.) B-3 General Business District	31
Section 3.15 (New Section) MUI Mixed Use Innovation.....	32
Section 3.16 (Currently Sec. 10.328.) M-1 Light Industrial District	35
Section 3.17 (Currently Sec. 10.332.) M-2 Heavy Industrial District	37
Section 3.18 (Currently Sec. 10.343.) H-M Mobile Homes District	40
Section 3.19 (Currently Sec. 10.1800.) HR High Rise District	41
Section 3.20 (Currently Sec. 10.2100.) N-P Natural Preservation District	44

Article 4.	Schedule of Regulations.....	47
Section 4.01	(Currently Sec. 10.401.) Limiting height, bulk, density and area by land use	47
Article 5.	Supplemental Zoning District Standards	55
Section 5.01	Primary Caregiver Marihuana Grow Overlay District (Currently Article XII).....	55
Section 5.02	(Currently Sec. 10.402.) Subdivision open space plan.	58
Section 5.03	(Currently Sec. 10.502[A].) Regulated adult uses.	59
Section 5.04	(Currently Sec. 10.515.) Site condominium regulations.	63
Section 5.05	(New Section) Planned Unit Development (PUD)	65
Article 6.	Form Based Code Districts.....	71
Section 6.01	Overview	71
Section 6.02	City Center District.....	97
Article 7.	Standards Applicable to Specific Uses	99
Section 7.01	(Currently Section 10.318 (9)) Accessory Dwelling Units.....	99
Section 7.02	(Currently Section 10.328) Artisan Manufacturing	99
Section 7.03	(Currently Section 10.326) Auto Wash	100
Section 7.04	(Currently Section 10.326 (1)) Automotive Sales (Used)	101
Section 7.05	(New Section) Bar/Lounge	101
Section 7.06	(Currently Section 10.329) Commercial Kennels	101
Section 7.07	(Currently Section 10.307 (4)) Community Recreation Centers and Private Noncommercial Recreational Areas.....	102
Section 7.08	(Currently Section 10.319(2)) Gasoline Service Station.....	102
Section 7.09	(Currently Section 10.508) Home Offices and Home Occupations.....	103
Section 7.10	(Currently Section 10.312) Hospital.....	104
Section 7.11	(Currently Section 10.326) Hotels and Motels.....	105
Section 7.12	(Currently Section 10.1805(1)) Independent Senior Housing	105
Section 7.13	(Currently Section 10.328(14)) Loft Dwelling Units	105
Section 7.14	(Currently Section 10.328) Microbreweries and Distilleries.....	106
Section 7.15	(Currently Section 10.325 (10) and Section 10.328 (15)) Mixed-Use Developments	106
Section 7.16	(Currently Sec. 10.2200 through 10.2205) Mobile Food Court (principal use).....	107
Section 7.17	(Currently Sec. 10.2200 through 10.2205) Mobile Food Site (accessory use)	111
Section 7.18	(Currently Section 10.344) Mobile Homes or Trailer Coaches.....	115
Section 7.19	(Currently Section 10.322 (3)) Motor Vehicle Repair and Service Facilities	115
Section 7.20	(Currently Section 10.312(1)) Nursing or Convalescent Home.....	116
Section 7.21	(New Section) One-Family Attached/ Townhome	116
Section 7.22	(Currently Section 10.2104) One-Family Detached Dwellings	116
Section 7.23	(Currently Section (10.321 (4)) Open Air Business.....	117
Section 7.24	(Currently Section 10.326) Outdoor Recreational Business.....	117
Section 7.25	(Currently Section 10.508) Outdoor Theater	118
Section 7.26	(Currently Section 10.329 (2)) Painting, Varnishing, and Undercoating Shops	118
Section 7.27	(Currently Section 10.322(5)) Personal Service Establishment	118
Section 7.28	(Currently Section 10.508) Race Tracks	119

Section 7.29	(Currently Section 10.508) Recycling Drop-Off Center	119
Section 7.30	(Currently Section 10.508) Recycling Transfer and Processing Facilities	119
Section 7.31	(Currently Section 10.307 (5)) Religious Institutions	121
Section 7.32	(Currently Section 10.318 (5)) Restaurants.....	121
Section 7.33	(Currently Section 10.329) Self-Storage Facilities	123
Section 7.34	(Currently Section 10.508) Television and Radio Towers.....	123
Section 7.35	(Currently Section 10.326 (6)) Veterinarian Clinic.....	123
Section 7.36	(Currently Section 10.328) Wholesale Establishments	123
Section 7.37	(Currently Section 10.508) Yard Waste Transfer and Composting Facilities.....	124
Article 8.	General Provisions.....	126
Section 8.01	(Currently Sec. 10.601.) Area, height and use exceptions.....	126
Section 8.02	(Currently Sec. 10.501.) Conflicting regulations.	130
Section 8.03	(Currently Sec. 10.504.) Accessory buildings, structures, and uses.	130
Section 8.04	(Currently Sec. 10.512.) Exterior lighting.....	136
Section 8.05	(Currently Sec. 10.516.) Fences.....	138
Section 8.06	(New Section) Clear Vision Triangles.....	143
Article 9.	Performance Standards	145
Section 9.01	(Currently Sec. 10.509.) Performance standards.....	145
Article 10.	Parking, Loading, and Access Management.....	147
Section 10.01	(Currently Sec. 10.505.) Intent and general parking requirements.	147
Section 10.02	Vehicle parking requirements.....	148
Section 10.03	Minimum off-street parking requirements.	149
Section 10.04	Maximum off-street parking requirements.	153
Section 10.05	Shared parking.	153
Section 10.06	Bicycle parking facilities general requirements.	154
Section 10.07	(Currently Sec. 10.506.) Off-street parking space layout, standards, construction, and	155
Section 10.08	(Currently Sec. 10.507.) Off-street loading and unloading.....	157
Article 11.	Landscaping	159
Section 11.01	(Currently Sec. 10.510.) Landscaping and Screening Applicability.	159
Section 11.02	(Currently Sec. 10.510.) Storm Water Management.....	159
Section 11.03	(Currently Sec. 10.510.) Screening Between Zoning District Requirements	160
Section 11.04	(New Section) Frontage Landscaping	162
Section 11.05	Parking Lot Landscaping	163
Section 11.06	Interior Landscaping	164
Section 11.07	Trash Receptacle, Transformer, and Mechanical Equipment Screening.....	164
Section 11.08	(New Section) Standards for Plant Materials	165
Section 11.09	(New Section) Maintenance	166
Section 11.10	(New Section) Modifications	166

Article 12.	Signs.....	168
Section 12.01	(Currently Sec. 10.511.) Findings and Purpose	168
Section 12.02	(Currently Sec. 10.511.) Permits, Applications, Plans, Specifications and Revocation	169
Section 12.03	Prohibited Signs.....	170
Section 12.04	Signs Not Requiring Permits	171
Section 12.05	(Currently Sec. 10.511.) General Requirements	172
Section 12.06	Measurement of Sign Area and Height	175
Section 12.07	(Currently Sec. 10.511.) Regulations for Permitted Signs.....	175
Section 12.08	Billboards	179
Section 12.09	(Currently Sec. 10.511.) Nonconforming Signs	179
Section 12.10	(Currently Sec. 10.511.) Signs on Motor Vehicles	180
Section 12.11	(Currently Sec. 10.511.) Removal of Signs	180
Section 12.12	(Currently Sec. 10.511.) Severability	181
Article 13.	Nonconformities	182
Section 13.01	(Currently Sec. 10.503.) Nonconforming lots, uses and structures.....	182
Article 14.	Administrative Organization and Procedures.....	187
Section 14.01	(Currently Section 10.700) Administration.....	187
Section 14.02	(Currently Section 10.800) Board of Appeals.....	188
Section 14.03	(Currently Sec. 10.900.) Planning Commission.	196
Section 14.04	(Currently Sec. 10.201.) Special approval use review procedures and requirements.	196
Section 14.05	(Currently Sec. 10.514.) Site plan review.....	201
Section 14.06	(Currently Sec. 10.1000.) Amendments and Rezoning.	213
Article 15.	Violations, Penalties, and Enforcement	221
Section 15.01	(Currently Sec. 10.1100.) Repeal of prior ordinance.....	221
Section 15.02	(Currently Sec. 10.1401.) Violations.....	221
Section 15.03	(Currently Sec. 10.1402.) Public nuisance per se.	221
Section 15.04	(Currently Sec. 10.1403.) Fines, imprisonment, etc.	221
Section 15.05	(Currently Sec. 10.1404.) Each day a separate offense.	221
Section 15.06	(Currently Sec. 10.1405.) Rights and remedies are cumulative.....	221
Section 15.07	(Currently Sec. 10.1500.) Severance clause.....	222

Article 1.

Title and Scope

Section 1.01 (Currently Sec. 10.100.) Short title.

This Ordinance shall be known and may be cited as the "City of Madison Heights Zoning Ordinance."

Section 1.02 (Currently Sec. 10.502.) Scope.

No building or structure, or part thereof, shall hereinafter be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 1.03 (Currently Sec. 10.1200.) Interpretation.

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

Section 1.04 (Currently Sec. 10.1300.) Vested right.

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege, or permit.

Article 2. Definitions

Section 2.01 (Currently Sec. 10.200.) Definitions.

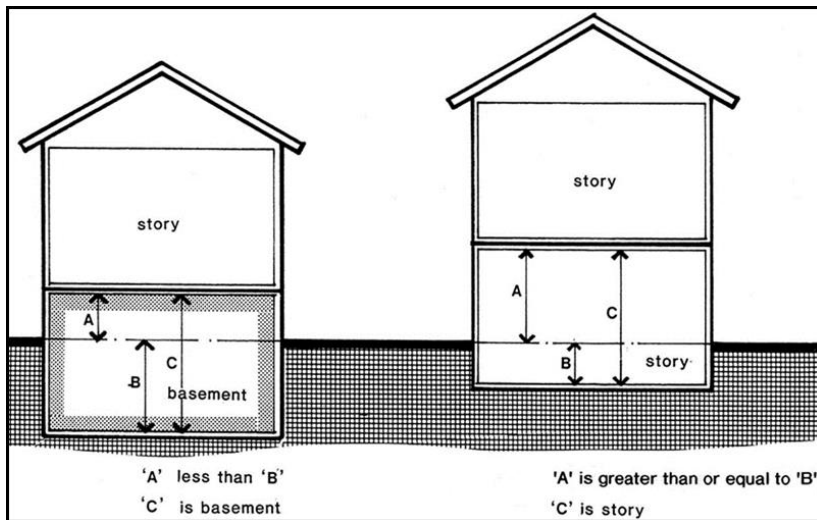
For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure" and "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," "association," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot," includes the words "plot" or "parcel;" the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

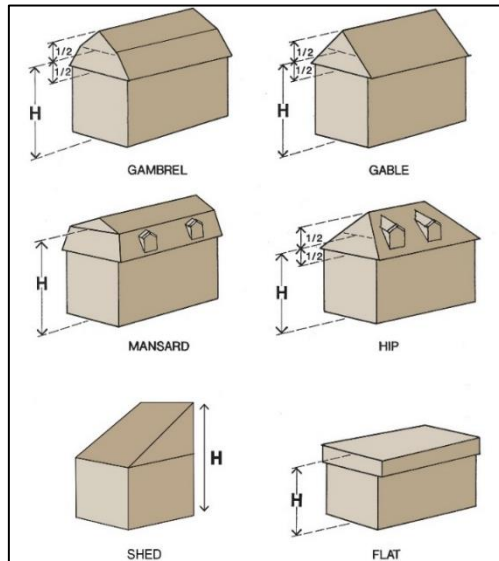
Terms not herein defined shall have the meanings customarily assigned to them.

1. [Accessory Dwelling Unit. A second, smaller dwelling unit either developed out of an existing single-family house \(such as a basement, attic, or addition\) or as part of an accessory structure \(such as a converted garage or carriage house\).](#)
2. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
3. **Alterations:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
4. **Apartments:** The dwelling units in a multiple dwelling as defined herein:
 - A. Efficiency apartment: Is a dwelling unit of not less than 250 nor more than 350 square feet of floor area consisting of not more than one room in addition to kitchen and necessary sanitary facilities.
 - B. One bedroom unit: Is a dwelling unit containing a minimum floor area of at least 450 square feet consisting of not more than three rooms, including one bedroom in addition to kitchen and necessary sanitary facilities.
 - C. Two-bedroom unit: Is a dwelling unit containing a minimum floor area of at least 600 square feet, consisting of not more than four rooms, including two bedrooms, in addition to kitchen and necessary sanitary facilities.
 - D. Three or more-bedroom unit: Is a dwelling unit wherein for each room in addition to the four rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum floor area of 600 square feet in addition to the kitchen and necessary sanitary facilities.
5. [Artisan Manufacturing: The production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products.](#)

6. **Assembly Plant:** [A second stage manufacturer who receives a partially assembled product from the manufacturer for the purpose of completing the assembly to meet certain owner specifications.](#)
7. **Automotive Sales (New):** [A facility that is engaged in the display, sale or rental of new motor vehicles.](#)
8. **Automotive Sales (Used):** [A facility that is engaged in the business of purchasing, selling, exchanging, or dealing in used motor vehicles](#)
9. **Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the bottom of the joists supporting the ceiling. A basement shall not be counted as a story.



10. **Brick and Mortar Restaurant:** A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.
11. **Building.** Is a structure, either temporary or permanent (This shall include tents and awnings situated on private property).
12. **Building official.** The Building Official of the City of Madison Heights or his authorized representative.
13. **Building, accessory:** Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
14. **Building height:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge, gable, hip, and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



15. **Building, main:** Is a building in which is conducted the principal use of the lot on which it is situated.
16. **Building line:** Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds eight feet in width and projects more than two feet beyond the foundation, the face of such projection shall form said building line. For the purposes of this Ordinance, a building line is the same as a front setback line.
17. **Commercial vehicle:** Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name, or other business identification (except "for sale" signs if otherwise permitted in this Ordinance), or which has attached to it, carries or transports, people, material, or equipment used in the conduct of any business including taxi cabs and limousines. Commercial vehicles include but are not limited to:
 - A. Truck tractor.
 - B. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
 - C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or deliver trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors.
 - D. Tow trucks.
 - E. Commercial hauling trucks.
 - F. Vehicle repair service trucks.
 - G. Snow plowing trucks.

~~18.~~ **Court:** Is an open unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extended to the front yard or front lot line or to the rear yard or rear yard lot line is an Outer Court. Any other court is an Inner Court.

~~19.~~18. **Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

~~20.~~19. **Community Recreation Centers and Private Noncommercial Recreational Areas:** A facility that is used for recreational or community activities. Community recreation centers and private noncommercial recreational areas can also include swimming pools.

~~21.~~20. **Compostables:** means leaves, grass clippings, brush, woodchips, tree limbs under two inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a special approval.

~~22.~~21. **Day Care Center:** A facility in which one (1) or more preschool or school age children or adults are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available. Day care centers will only be considered a day care center when they are state licensed.

~~23.~~22. **Day Care Home:** Care providers for small groups of children in a residential building. Day care homes will only be considered a day care home when they are state licensed.

~~24.~~23. **District:** Is a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

~~25.~~24. **Drive-in:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved rather than within a building or structure.

~~26.~~25. **Drive-Thru:** A business (such as a bank or restaurant) that is designed so that customers can be served while remaining in their cars.

~~27.~~26. **Dwelling, multiple-family:** Is a building or portion thereof, designed exclusively for occupancy by three or more families living independently of each other (Refer to "apartments" definition for dwelling unit types.)

- A. **Apartment building:** A residential structure containing three or more dwelling units, but not a row house or terrace.
- B. **Row house:** A two story of three or more attached one family dwellings, not more than two rooms deep, each unit of which extends from the foundation or basement to the roof.
- C. **Terrace:** A one- or two-story row of three or more attached one-family dwellings, not more than two rooms deep, and having the total dwelling space on one floor.

~~28.~~27. **Dwelling, one-family:** Is a building designated exclusively for and occupied exclusively by one family.

~~29.~~28. **Dwelling, two-family:** Is a building designed exclusively for occupancy by two families, living independently of each other.

~~30.~~29. **Dwelling unit:** Is a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

~~31.~~30. **Erect.** To build, construct, attach, hang, place, suspend, affix, paint or alter.

~~32.~~31. **Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and like, shall be considered a part of erection.

33-32. Essential services: Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; or wireless cellular or personal communications service (PCS) telecommunications antenna towers.

34-33. Family:

- A. One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit, i.e., biological family.
- B. Any collective number of individuals living together in one house under one head, whose relationship is of permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary or resort-seasonal in character or nature, i.e., functional family.

35-34. Fence: a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter. ~~A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s) which does not exceed six feet in height.~~

- A. **Ornamental fence** shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.
- B. **Partition fence** shall mean a fence located along the line dividing two lots or parcels of land whether subject to an easement or not.
- C. **Privacy fence** shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way.

36-35. Floor area: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

37-36. Floor area, usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or utilities and sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor space to be used for servicing vehicles in automobile service establishments and public garages shall be considered as usable floor area.

38-37. Financial Institution: Any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

39-38. Garage, private: An accessory building ~~not over one story or 15 feet in height~~ used for parking or storage of motor vehicles, but not for commercial servicing or repair.

40-39. Gasoline service station: Is a place for the dispensing, sale, or offering for sale of motor fuels directly to the users of motor vehicles, the sale of minor accessories, the repair of motor vehicles when performed

within a completely enclosed building. The outside storage of any vehicles motorized or not, other than those vehicles being used for transportation by the employees and management and those vehicles waiting immediate service or repair may be permitted provided such use is approved under section 10.319(3), and such other activities whose external, physical effects could extend beyond the property line. Prohibited activities include, but [are] not limited to, the following: Vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, upholstery work and auto glass work.

- ~~41.~~40. **General Retail:** Business that sells retail goods, including but not limited to groceries, meats, dairy products, baked goods or other foods, dry goods, and hardware.
- ~~42.~~41. **Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.
- ~~43.~~42. **Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
- ~~44.~~43. **Health Club:** An establishment which provides health club services or facilities which purport to improve or maintain the user's physical condition or appearance through exercise. The term may include, but shall not be limited to, a spa, exercise club, exercise gym, or a health studio.
- ~~45.~~44. **Housing for the elderly:** A planned housing development or facility for elderly residents, defined for purposes of this ordinance as individuals who have attained the age of 50 years or couples of which either spouse has attained the age of 50 years, except as may be otherwise provided for in any applicable state or federal laws or regulations.
- A. **Congregate elderly living units:** Housing for the elderly that consists of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounge(s).
 - B. **Convalescent home:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.
 - C. **Independent elderly living units:** Housing for the elderly that includes attached or detached cottage-type dwellings, townhouses, or apartments.
- ~~46.~~45. **Incubator Workspaces:** Provides physical workspace and facilities resources to startups and established businesses.
- ~~47.~~46. **Independent Senior Housing:** Independent senior living communities are housing designed for seniors 55 and older.
- ~~48.~~47. **Indoor Gun Range:** A specialized indoor facility specifically for firearm usage qualifications, training, practice or competitions.
- ~~49.~~48. **Indoor Recreational Business:** A business that provides an indoor facility with usable indoor space designated for indoor play. Examples include but are not limited to video arcades, trampoline parks, and bowling alleys. Indoor gun ranges are not considered an indoor recreational business.
- ~~50.~~49. **Junkyards:** Is an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
- ~~51.~~50. **Kennel, commercial:** Any lot or premises on which four or more dogs are confined or kept either for sale, breeding, boarding, training, or sporting purposes or otherwise.

52-51. Loading space: An off-street space on the same lot with a building, or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

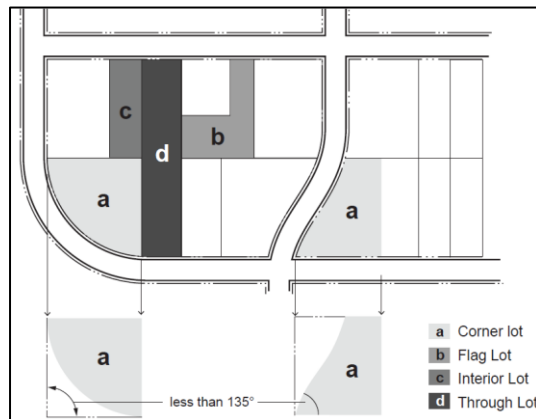
53-52. Lot: Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

54-53. Lot, corner: A lot where the interior angle of two adjacent sides as the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

55-54. Lot, flag: A lot of shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.

56-55. Lot, interior: Any lot other than a corner lot.

57-56. Lot, through double frontage: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double through frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.



58-57. Loft Dwelling: A dwelling unit that was converted to residential use from a commercial, manufacturing, or warehouse use.

59-58. Lot area: The total horizontal area within the lot lines of the lot.

60-59. Lot coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

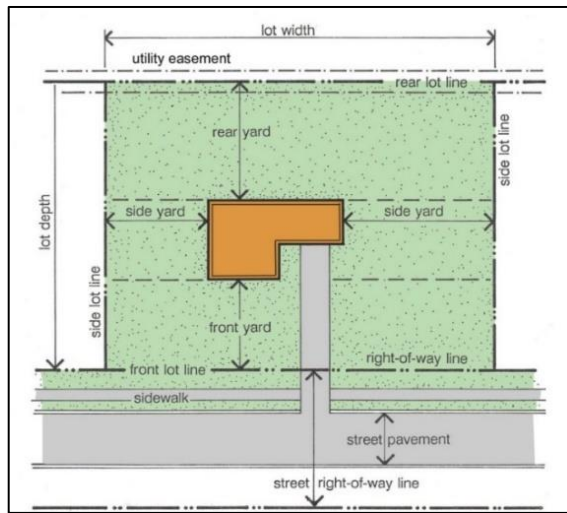
61-60. Lot depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

62-61. Lot of record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which exists as so shown or any part of such parcel held in record ownership separate from that of the remainder thereof.

63-62. Lot lines: The lines bounding a lot as defined herein.

- A. **Front lot line:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, that line separating said lot from that street which is designated as the front street in the plat or in an application for a building permit or zoning approval.
- B. **Rear lot line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot
- C. **Side lot line:** Any lot lines other than the front lot line or rear lot line.
 - 1) Exterior lot line or side street lot line: A side lot line separating a lot from a street.
 - 2) Interior lot line: A side lot line separating a lot from another lot or lots.

64-63. Lot width: The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines.



65-64. Major thoroughfare: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. For purposes of this Ordinance, major thoroughfares shall be considered to be section line roads and roads of 120 feet right-of-way or more.

66-65. Manufacturing: Establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. Examples include the manufacture, compounding, processing, packaging or treatment of such products as: Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops. Examples also include the manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metal or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

67-66. Master plan: Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the City of Madison

Heights, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the ~~plan commission~~ planning commission and/or the city council.

~~68. **Mezzanine:** Is an intermediate floor in any story occupying an area not to exceed one-third of the floor area of such story.~~

~~69.~~ 67. **Medical Office:** Any outpatient facility or Physician's office utilized by a Health Professional. Medical offices also encompass laboratories.

~~70.~~ 68. **Medical Supply Store:** Establishment selling items for medical use that are suitable for use in a health care facility or in the home and that are disposable or semi-disposable and are non-reusable.

~~71.~~ 69. **Metal Plating, Buffing, and Polishing:** Premises on which metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodized, colored or otherwise coated or finished.

~~72.~~ 70. **Mixed-Use Developments:** A building or structure used, designed or intended for use for both residential and non-residential uses.

~~73.~~ 71. **Mobile Food Court:** A private property which has been approved under the provisions of this Ordinance for the operation of two (2) or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.

~~74.~~ 72. **Mobile Food Site:** A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.

~~75.~~ 73. **Mobile Food Vehicle:** A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream trucks).

~~76.~~ 74. **Mobile Food Vendor:** An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.

~~77.~~ 75. **Motel:** A series of attached, semidetached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

~~78.~~ 76. **Motor Vehicle Repair and Service Facilities** ~~Motor vehicle maintenance service facility.~~ A facility where routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service.

A. **Motor vehicle repair facilities (light repairs).** A facility where motor vehicle engine repair is conducted. Prohibited activities include, but are not limited to, motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar heavy-duty repair.

B. **Motor vehicle repair facilities (heavy repairs).** A facility where all uses and activities permitted as a motor vehicle light repair facility and a motor vehicle maintenance service facility or where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted.

~~79.~~ 77. **Natural Areas:** Areas that contain ecological, geological, or other features of scientific, scenic, or natural history value. Including related display or educational facilities, field trails for nature study and hiking as well as other uses normally associated with nature areas.

~~80-78.~~ **Noncombustible material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

~~81-79.~~ **Nonconforming structure building:** A structure building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional regulations provisions of this Ordinance ~~nor to the use regulations of the district in which it is located.~~

~~82-80.~~ **Nonconforming use:** A use which lawfully occupied a building or land at the time this Ordinance or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

~~83-81.~~ **Nursing or convalescent home:** Is a structure with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

~~Off-premises sign.~~ A sign other than an on-premises sign.

~~84-82.~~ **Off-street parking lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

~~On-premises sign.~~ A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

~~85-83.~~ **One-Family Attached/ Townhome.** A housing unit connected to another housing unit, generally with a shared wall, that provides living space for one household or family.

~~86-84.~~ **Opacity.** The quality of not letting light pass through.

~~87-85.~~ **Open-air business front store.** A business establishment, other than a drive-in or gasoline service station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.

~~88-86.~~ **Outdoor Recreational Business:** A business providing facilities for golf, amusement parks, carnivals, or other similar sports or recreation activities.

~~89-87.~~ **Outdoor Storage:** The keeping of any goods, materials, or equipment outside of a Building.

~~90-.~~ **Outdoor accessory use:** A use, which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but it is not limited to, uses such as those that follow:

~~A. —Storage of merchandise normally carried in stock in connection with a business or industrial use unless such storage is excluded in the applicable district regulations.~~

~~B. —Storage of goods used in or produced by industrial uses or related activities unless such storage is excluded in the applicable district regulations.~~

~~C. —Uses clearly incidental to a principal use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.~~

~~91-88.~~ **Painting, Varnishing, and Undercoating Shops:** Establishments engaged in the painting, varnishing, and undercoating of motor vehicles.

~~92-89.~~ **Parking space:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

~~93-90.~~ **Personal service establishment:** An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including those regulated adult uses as listed in

section **10.502(A)**. Personal service establishments may include, but are not limited to, barber shops, beauty shops, copy centers, florist shops, locksmiths, home furnishings, photo finishing services, stationers, [tattoo parlors](#), and shoe repair shops.

94.91. Pharmacy: [A drug store in which drugs and medicines are sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.](#)

95.92. Principal structure: A structure or building wherein a use for which the district is designated is conducted and/or which is used for occupancy.

96.93. Professional Office: [A facility which provides professional services but does not include financial, office support, health or government services. Typical uses include the offices of architects, engineers, lawyers, accountants or photographers.](#)

97.94. Public utility: Is any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

98.95. Recycling drop-off center: means an unmanned site containing one or more self contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

99.96. Recyclable materials: means high grade paper, glass, plastic, newspaper, corrugated paper and other materials as may be specified in conditions established as part of a special approval.

100.97. Recycling processing facility: means a facility designed and used for the collection, sorting, processing and temporary storage of recyclable materials; and the redistribution of processed materials to off-site locations for re-use. As used herein processing means changing the physical or chemical character by separation, treatment or other means, so as to make it re-usable as a resource.

101.98. Recycling transfer facility: means a structure used for the transfer of recyclable materials from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected recyclables.

102.99. Religious Institution: [Any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, including day care centers.](#)

103.100. Restaurant: An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast-food restaurant, sit-down restaurant, bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, fast food:** A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and in which the patron consumes while seated in the restaurant or off the premises. Fast food restaurants may include drive-through and take-out establishments.
- B. **Restaurant, sit-down:** A business establishment in which a patron purchases food or beverages, which is then prepared after the patron's order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.
- C. **Bar/lounge:** An establishment which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks.

104.101. Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

105.102. Sight-obscuring: Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or

balusters (which shall not exceed four inches in width) equals or exceeds the width of said boards, slats, etc., measured at 90-degree angles.

~~106.103.~~ **Sign:** Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state, or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this Ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

- A. **Abandoned sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted.
- B. **Bench signs:** A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.
- C. **Billboard:** A freestanding sign, whether utilized as a principal use of the property or as a secondary use, which exceeds 100 square feet in area. An outdoor sign, whether placed individually or on a T-type, V-type, back-to-back or double-faced display, erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located.
- D. **Decorative Post Signs:** A low-profile freestanding sign mounted on two poles at the outermost sides of the sign face.
- E. **Ground sign:** A freestanding sign supported by one or more uprights, braces, poles or pylons, located in or upon the ground and not attached to any building. Ground signs comprise of monument signs and decorative post signs. A ground sign includes a pole or pylon sign.



- F. **Marquee sign:** A sign attached to or hung from a canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
- G. **Monument sign:** Freestanding sign mounted to the ground that does not have any exposed poles or pylons.
- H. **Mural sign:** A single sign that is painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign.
- I. **Portable sign:** Any sign not permanently attached to the ground or a building.
- J. **Projecting sign:** A sign other than a marquee which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.



- K. **Pylon Sign:** [Freestanding outdoor sign with either one or two poles for support.](#)
- L. **Roof sign:** A sign which is erected, constructed, painted, placed or maintained on any portion or surface of the roof of a structure. [A sign attached to a mansard roof is counted as a wall sign, not a roof sign.](#)
- M. **Temporary sign:** A free-standing sign, banner or other device, constructed of cloth, canvas, fabric, plastic, wood, paper or other material, with or without a structural frame, or any other sign intended for a limited period of display.
- N. **Wall sign:** A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be in a plane parallel to the building wall or structure. Wall signs shall also include signs placed on approved awnings and canopies. [A sign attached to a mansard roof is counted as a wall sign, not a roof sign.](#)



- O. **Window Sign:** [A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.](#)



P. [Yard Sign. A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground.](#)

107-104. **Sign erector:** Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.

108-105. **Source separated:** means recyclable materials that are separated at the source of generation.

109-106. **Story:** Is the part of a building (~~except a mezzanine as defined herein~~)-included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent by cubic content is below the height level of the adjoining ground.

110-107. **Story, half:** Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet six inches.

111-108. **Street:** Is a public or private road including, but not limited to, public and private roads that are dedicated or platted, or private access easements; all measurements with reference to which shall commence at the right-of-way line.

112-109. **Structure:** Anything constructed or erected and designed for a permanent location on the ground, except screening and retaining walls and pavement.

113-110. **Temporary building or use:** Is a structure or use permitted by the city council to exist during periods of construction of the main building or use, or for special events.

114-111. **Trailer coach (mobile home):** Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

115-112. **Trailer court:** Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

116-113. **Trucking Facilities:** [An establishment where trucks and/or transports are stored, rented, leased, kept for hire, or parked for a fee or from which trucks and/or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.](#)

117-114. **Use:** Is the purpose for which land or a building is designed, arranged, or intended, or for which land or a building is or may be occupied.

118-115. **Use, accessory:** Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

119-116. **Use, main:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

120-117. **Veterinarian Clinic:** [An establishment providing the services of a veterinarian, and facilities for the medical treatment, examination, surgery, diagnosis, grooming, general health care, and observation of domestic animals and birds.](#)

121-118. **Wall, (fence):** A completely obscuring structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

122-119. **Warehousing:** [The storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption.](#)

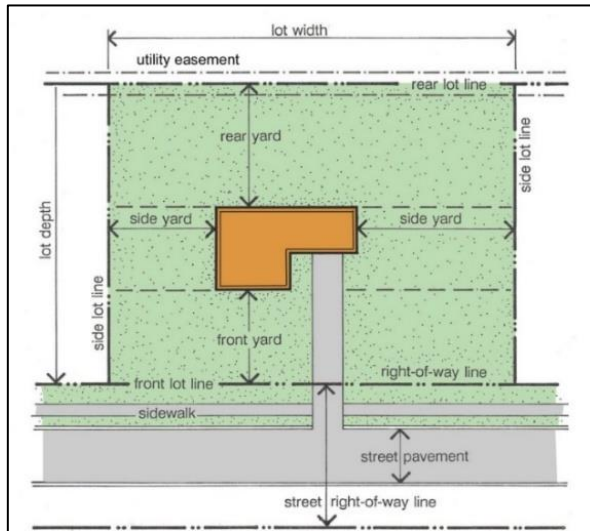
123.120. **Wholesale Establishments:** Any facility where goods are exclusively or principally sold for re-sale and/or where goods are sold for consumption and/or use in another business.

124.121. **Yard waste transfer facility:** means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

125.122. **Yard waste composting facility:** means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than 24 hours.

126.123. **Yards:** Is an open space of prescribed width or depth, adjacent to a lot or property line, on the same land with an existing or proposed building, group of buildings, or structure, which open space lies in the area between the building, group of buildings, or structure and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, or defined below:

- A. **Front yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or street and the nearest point of the closest structure. Where the lot does not abut a public or private street and is served by a private easement, the front lot line shall be the lot line abutting the easement.
- B. **Rear yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.
- C. **Side yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



127.124. **Zoning exceptions and variances:**

- A. **Exception:** Also known as Special Exception, Special Use or Special Approval. A use permitted when the facts and conditions specified in this Ordinance as those upon which the exception is permitted are found to exist by the appropriate administrative officer or legislative body.

- B. **Exceptions in this Ordinance appear as Special Approvals.** These land uses could not be conveniently allocated solely to one zoning district, the effects of such uses could not or cannot be definitely foreseen and/or the use itself could not have been foreseen. Any use not listed in a specific zoning district requires Special Approval. The appropriate administrative or legislative body may require that specific conditions be complied with upon the grant of a special approval. Standards for determining if a special approval should be granted are set out in [section 10.805](#) of this Ordinance.
- C. **Variance:** A modification of the literal provisions of the Zoning Ordinance granted where strict enforcement would cause undue hardship and/or practical difficulty owing to circumstances unique to the individual property for which the variance is granted. A variance is not justified unless it can be shown that compliance with the Ordinance would create an undue hardship and/or practical difficulty due to unique circumstances applying to the property.

Article 3.

Zoning Districts and Map

Commented [HW1]: Make first 2 pages portrait, not landscape

Section 3.01 (Currently Sec. 10.301.) Districts.

For the purpose of this Ordinance, the City of Madison Heights is hereby divided into the following districts:

1. R-1 One-Family Residential District
2. R-2 One-Family Residential District
3. R-3 One-Family Residential District
4. R-T Two-Family [Townhouse](#) Residential District
5. R-M Multiple-Family Residential District
6. O-1 Office Building District
7. B-1 Local Business District
8. B-2 Planned Business District
9. B-3 General Business District
- [10. MUI Mixed Use Innovation](#)
- [10-11. CC City Center \(See \[Section xxx\]\(#\)\)](#)
- [11-12. M-1 Light Industrial District](#)
- [12-13. M-2 Heavy Industrial District](#)
- ~~13. P-1 Vehicular Parking District~~
- ~~14. P-2 Vehicular Parking District~~

~~15-14.~~ 14. H-M Mobile Homes District

~~16-15.~~ 15. H-R High Rise District

~~17. R-C Condominium Residential District~~

~~18-16.~~ 16. N-P Natural Preservation District

Section 3.02 (Currently Sec. 10.302.) Boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map which accompanies this Zoning Ordinance and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

1. Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads, or such lines extended, and the limits of the City of Madison Heights.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion, by the board of appeals, after recommendation by the ~~plan-commission~~[planning commission](#).

Section 3.03 (Currently Sec. 10.303.) Zoning of vacated areas.

Whenever any street, alley or other public way within the City of Madison Heights shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

Section 3.04 (Currently Sec. 10.304.) Zoning of annexed areas.

Any area annexed to the City of Madison Heights shall immediately upon such annexation, be automatically classified as an R-1 District until a zoning map for said area has been adopted by the city council. The ~~plan-commission~~[planning commission](#) shall recommend appropriate zoning for such area within three months after the matter is referred to the ~~plan-commission~~[planning commission](#) by the city council.

~~Section 3.05 (Currently Sec. 10.305.) District requirements.~~

All buildings and uses in any district shall be subject to the provisions of section 10.500, "General Provisions," and section 10.600, "General Exceptions."

Section 3.06Section 3.05 (New Section) Permitted Use Table

Key:

P = Principal Uses Permitted

S = Uses Permitted on Special Approval

A = Accessory Use

[blank] = Not Permitted

Land Use	R-1	R-2	R-3	R-T	R-M	O-1	B-1	B-2	B-3	MUI	M-1	M-2	H-M	H-R	N-P	Use Standards
Residential Uses																
Accessory Dwelling Unit						S			A	A						
Day Care Home (six children of fewer)	P	P	P	P												
Home Offices and Home Occupations	A	A	A	A	A											
Independent Senior Housing														S		
Loft Dwelling Unit										P	P	P				
Mobile Homes or Trailer Coaches													P			
Multiple-Family Dwellings					P											
Nursing or Convalescent Home					S											
One-Family Attached/ Townhome				P	P					S						
One-Family Detached Dwellings	P	P	P	P	P										P	
Two-Family Dwellings				P	P											
Commercial Uses																
Auto Wash									S	S						
Automotive Sales (New)									P	P	S	S				
Automotive Sales (Used)									S	S	P	P				
Bar/Lounge							S	S	S	P	S	S		S		
Business or Trade Schools						P			P	P	P	P		P		

Commented [HW2]: Color to align with zoning map designation

Commented [HW3]: Special land use in MUI?

Land Use	R-1	R-2	R-3	R-T	R-M	O-1	B-1	B-2	B-3	MU1	M-1	M-2	H-M	H-R	N-P	Use Standards
Commercial Kennels						P	P	P			S					
Day Care Center						P	P	P		P	P	P				
Financial Institution						S			S							
Funeral Homes									S							
Gasoline Service Station							S	S	S	S						
General Retail							P	P	P	P				P		
Health Club										P	P	P				
Hospital					S	P										
Hotels and Motels									S	S				P		
Incubator Kitchen							P			P						
Indoor Gun Range									S	S	S	S				
Indoor Recreational Business							S	P	P	P	P	P		P		
Medical Office						P	P			P	P	P				
Medical Supply Store						S				S						
Microbreweries and Distilleries										S	P	P				
Mobile Food Court (principal use)						S	S	S	S	S	S	S				
Mobile Food Site (accessory use)						A	A	A	A	A	A	A				
Motor Vehicle Repair and Service Facilities								S	S	S	S					
Open Air Business								P	S	S						
Outdoor Recreational Business									P	P						
Outdoor Theater									S	S	S					
Personal Service Establishment						S	P	S	P	P				P		
Pharmacy						S								P		
Professional Office						P	P			P	P	P		P		
Race tracks											S					
Restaurant						S	P	P	P	P	P	P		P		
Self-Storage Facilities										S	S					
Theaters, Assembly Halls, Concert Halls, or similar places								P		P						
Vehicle Repair									S	P	P	P				
Veterinarian Clinic						S			S	S	P	P				
Industrial Uses																

Commented [HW2]: Color to align with zoning map designation

Land Use	R-1	R-2	R-3	R-T	R-M	O-1	B-1	B-2	B-3	MU	M-1	M-2	H-M	H-R	N-P	Use Standards
Artisan Manufacturing										S		P				
Assembly Plant											S	S				
Building Material Outlets											S	S				
Incubator Workspaces										P	P	P				
Industrial Tool and Equipment Sales, Service, Storage, and Distribution											S					
Lumber Yards											S	S				
Manufacturing										P	P	P				
Metal Plating, Buffing and Polishing											S	S				<u>Section 9.01</u>
Painting, Varnishing, and Undercoating Shops										P	S	S				
Production, Processing, Cleaning, Servicing, Testing, Repair or Storage of Materials, Goods, or Products										P		P				<u>Section 9.01</u>
Trucking Facilities											P	P				
Warehousing										S	P	P				
Wholesale Establishments										S	P	P				
Public & Quasi-Public Uses																
Community Recreation Centers and Private Noncommercial Recreational Areas	S	S	S	P						P	S					
Libraries	S	S	S	P					P							
Municipal Office Buildings	S	S	S	P					P	P						
Municipal Service Buildings	S	S	S	P					P	P						
Private Clubs or Lodges									P	P				P		
Public, Parochial, and Private Elementary, Intermediate Schools, and/or High Schools offering courses in general education, not operated for profit	S	S	S	P												

Commented [HW2]: Color to align with zoning map designation

Land Use	R-1	R-2	R-3	R-T	R-M	O-1	B-1	B-2	B-3	MU	M-1	M-2	H-M	H-R	N-P	Use Standards
Public Utility	S	S	S	P		P	S		P					P		
Publicly Owned and Operated Parks, Parkways, and Recreational Facilities	P	P	P	P						P			P			
Recycling Drop-Off Center								S	S	S						
Recycling Transfer and Processing Facilities										S	S	S				
Religious Institutions	S	S	S	P		P		P		P						
Television and Radio Towers											S					
Yard Waste Transfer and Composting Facilities										S	S	S				
Other Uses																
Accessory Buildings, Structures, and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Adult-Use Marihuana Safety Compliance Facility						P										
Adult-Use Marihuana Facility											P	P				
Conservation of soil, vegetation, water, fish, and wildlife in their natural state.															P	
EV Charging Facility or Vehicle Fueling										S						
Medical Marihuana Safety Compliance Facility						P										
Medical Marihuana Facility											P	P				
Mixed-Use Developments									P	P	P	P				
Natural Areas															P	
Temporary buildings and uses for construction purposes for a period not to exceed one year	S	S	S	P												

Commented [HW2]: Color to align with zoning map designation