

ZONING ORDINANCE TEXT AMENDMENTS

CITY OF HAMTRAMCK

MARCH 2022

The purpose of this document is to provide a list of Zoning Ordinance Text Amendments approved by City Council on March 8, 2022.

Letters or words to be removed are presented in ~~striketrough~~ format; letters or words to be added are underlined. Nine areas of the ordinance have been changed.

1) Article II, Section 5 (155.007)

Section 5. Terms Defined.

Terms defined. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this subchapter, have the meanings as shown in this section.

ABANDONED SIGN. See § 155.151.

ACCESSORY BUILDING. A subordinate building customarily incidental to and located on the same lot occupied by the principal use or main building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used by a single-family to be located above a garage.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to and customarily found in connection with, such primary use.

AGRICULTURE. The tilling of soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping, and aquaculture.

ALLEY. Any public way or thoroughfare greater than ten feet but less than 16 feet in width, which has been dedicated to the public for public use.

ALTERATION. Any change, addition, or modification in construction, occupancy, or use.

AMUSEMENT CENTER. An establishment within an enclosed building offering five or more amusement devices, including, but not limited to, coin-operated electronic games, electronic dart

boards, juke boxes, shooting galleries, table games, and similar recreational diversions. Vending machines shall not be included in the count of coin-operated machines for purposes of this definition.

ANIMATED SIGN. See § [155.151](#).

ELECTRICALLY ACTIVATED. See § [155.151](#).

ENVIRONMENTALLY ACTIVATED. See § [155.151](#).

MECHANICALLY ACTIVATED. See § [155.151](#).

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units. All apartment houses are subject to any general business license and rental inspection ordinances of the city.

AUTOMOBILE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body, fender, and major engine and engine part overhaul, which is conducted in a completely enclosed building.

AUTOMOBILE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted in a completely enclosed building.

AUTOMOTIVE SELF-SERVICE STATION. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted to also include a freestanding automatic car wash.

AUTOMOBILE SERVICE STATION. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include minor automotive repair and maintenance, car wash service, and food sales.

BAR. Any business establishment that is licensed by the Michigan Liquor Control Commission to serve alcohol and does not provide a full-service dining menu.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level, shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BIOSWALE. A long, channeled depression or trench that receives rainwater runoff (such as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

BOARD. The Zoning Board of Appeals of the city as created in this chapter.

BOARDING HOUSE. A dwelling containing a single dwelling unit and not more than ten guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week and less than 12 weeks. All boarding houses are subject to any general business license and rental inspection ordinances of the city.

BREWERY. An establishment that produces barrels of ale or beer for on-site consumption and wholesale distribution, as allowed by the Michigan Liquor Control Commission.

BREW PUB. An establishment that not less than 25% of the gross sales of the restaurant during the one-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises and the brewpub license is issued in conjunction with a class C, tavern, B-Hotel, or A-Hotel license that authorizes the licensee to brew up to 18,000 barrels of beer per calendar year for sale on the premises.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE. The Michigan Building Code promulgated by the State of Michigan, as adopted by the city.

BUILDING CODE OFFICIAL. A person registered with the State of Michigan under the Building Officials and Inspectors Registration Act, Act No. 54 of the Public Acts of 1986, being M.C.L.A. §§ 338.2301 through 338.2313, and duly authorized by the city to perform inspections within the city.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the highest midpoint between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR. A person registered with the State of Michigan under Building Officials and Inspectors Registration Act, Act No. 54 of the Public Acts of 1986, beings M.C.L.A. §§ 338.2301 through 338.2313, and duly authorized by the city to perform inspections within the city.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, and other ornamental features projecting from the walls of the building or structure. Roof eaves and overhangs exceeding one foot shall be counted as part of the building line.

BUILDING, MAIN. A building in which the principle use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. This definition shall include, but not be limited to, tents, booths, and other canvass-like structures.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct, service, or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.

CITY. The City of Hamtramck, Wayne County, Michigan.

CODE OFFICIAL. The person appointed by the chief executive officer of the city who is charged with the enforcement of this chapter.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development of 100,000 to 300,000 square feet that usually contains one junior department store, a variety store or discount department store, a supermarket, and specialty stores. A community commercial center generally has between twenty and seventy retail tenants and the market support of more than 5,000 households.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and daily necessities. A convenience store located in a convenience commercial center shall not exceed 5,000 square feet.

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development with a gross leasable area of less than 100,000 square feet. Typical anchors include supermarkets and pharmacies. Neighborhood commercial centers offer convenience goods and personal services, and usually depend on the market support of more than 1,000 households.

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development having between 400,000 and 750,000 square feet of gross leasable area. A regional commercial center offers a variety of general merchandise, apparel, furniture, home furnishings, services, and recreational facilities and is built around one or more full department stores of not less than 100,000 square feet each.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers, or building contractors.

COMMERCIAL, LIGHT. ~~An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services, or restaurants.~~ An establishment or business that generally has office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in the definition are offices, coworking office space, financial services, medical and dental clinics, artisan and art studio space.

COMMERCIAL RETAIL SALES AND SERVICE. ~~Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods. Stores selling, leasing or renting consumer, home and business goods or providing commercial services to the public. Examples include banks, barber / beauty shops, fitness clubs and print stores; also included are retail establishments engaged in the sale of art, furniture, electronics and general merchandise.~~

COMMERCIAL RETAIL SALES, FOOD. Any establishment selling food or beverages for consumption off-premises either immediately or with further preparation. Such establishments may include, but not be limited to, supermarket, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments.

COMMISSION. The City Plan Commission as created by this chapter.

COMMON COUNCIL. The legislative body of the City of Hamtramck as created by the City Charter.

COMPREHENSIVE PLAN. The declaration of purposes, policies, and programs for the development of the city; also known as the Master Plan.

CONDOMINIUM. A single-dwelling unit in a multi-unit dwelling or structure that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONFLICT OF INTEREST. When a member of the Plan Commission or Zoning Board of Appeals, who is asked to make a decision as part of the appropriate Board or Commission, has a financial interest in the person or corporation making the request, owns property or resides within 300 feet of the area in question, or is related to the person making the request within the second-degree of blood or marriage.

CONSTRUCTION. The erection, reconstruction, alteration, conversion, repairing, moving, or equipping of any building.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping, and sanitation as required by this chapter, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent,

monastery, dormitory, fraternity, or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of the same building.

CULTURAL SERVICES. A library, museum, or similar use displaying, preserving, and exhibiting objects or community and cultural interest in one or more of the arts or sciences.

DAY CARE, FAMILY. The keeping for part-time care or instruction or both, whether or not for compensation, of six or fewer children at any one time within a dwelling, not including members of the family residing on the premises. All family day care facilities are subject to any general business license and rental inspection ordinances of the city.

DAY CARE, GROUP. An establishment for the care or instruction or both, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools, and adult care facilities are included in this definition. Such establishment shall be licensed by the state. All group day care facilities are subject to any general business license and rental inspection ordinances of the city.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DISTILLERY. An establishment that manufactures spirits, not to exceed 60,000 gallons annually of all brands combined for on-site consumption, for off-premises consumption, and may sell spirits to the Michigan Liquor Control Commission who resells spirit products through the spirit distribution system.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING. A building that contains one or two dwelling units that is used, intended, or designed to be used, rented, leased, sublet, or hired out to be occupied for living purposes.

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances or other spaces or both. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, SINGLE-FAMILY. A detached dwelling unit with kitchen and sleeping facilities designed for occupancy by one family.

DWELLING, SINGLE-FAMILY ATTACHED. A group of three or more single-family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this chapter, dwellings such as semi-detached and rowhouses, shall be deemed a single-family attached dwelling.

DWELLING, TWO-FAMILY. A detached dwelling unit with kitchen and sleeping facilities designed for occupancy by two families.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above the lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations.

FARM ANIMALS. Animals other than household pets that shall be permitted to, if permitted, be kept and maintained for commercial production and sale or family food production, education, or recreation, or all of the above. Farm animals are identified by these categories: large animals, e.g. horse and cattle; medium animals, e.g. sheep and goats; or small animals, e.g. rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, and pigeons.

FLOOR AREA, GROSS. The sum of the horizontal areas of the floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks and porches when covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE. A building or portion of a building not more than 576 square feet in area and not exceeding 15 feet in height at the midway point between the eaves and the ridge, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are primarily stored or kept.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five feet from the building.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment, or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, school, hospitals, jails, or prisons.

HABITABLE SPACE (ROOM). Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

HAZARDOUS MATERIALS. Any material that constitutes a physical or health hazard.

HOME OCCUPATION. The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including related facilities, laboratories, outpatient departments, training facilities, and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc. for family use only (noncommercial) with cages, pens, etc.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking, driveway areas, graveled areas, sidewalks and paved recreation areas.

IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the city, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. **IMPROVEMENTS** do not include the entire project that is the subject of zoning approval.

INDUSTRIAL OR RESEARCH PARK. A tract of land developed according to a site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

JUNK YARD. Any land area including buildings thereon used primarily for the outdoor abandonment, collection, dismantling, salvaging, and storage of inoperable vehicles or machinery, waste paper, rags, scrap metal, or other discarded materials which may or may not be offered for sale in whole or in part.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LABORATORY.

(a) A place devoted to experimental, routine, or basic study such as testing and analytical operations, and in which manufacturing of products, except prototypes for test marketing, is not performed.

(b) A place devoted to experimental study, such as testing and analyzing. Manufacturing of products is not permitted within this definition.

LANDSCAPING. The finishing and adornment of unpaved yard areas, materials, and treatment that generally includes naturally growing elements such as grass, trees, shrubs, and flowers. These treatments shall be permitted also to include the use of logs, rocks, fountains, water features, and contouring of the earth. Any combination of living plants, such as trees, shrubs, vines, groundcover, flowers, or grass.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other hoofed animals.

LOADING BERTH. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is 528 square feet in area.

LOT. A single parcel of land (N.B. this definition shall require lot combinations for large projects occurring on contiguous lots owned by the same person.).

LOT, CORNER. A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

LOT COVERAGE. The amount of a lot, stated in terms of percentage, that is covered by all structures located thereon. This shall be deemed to include all buildings or structures covered by a permanent roof, including porches, breezeways, patio roofs, and the like, whether open box-type or lathe roofs or both, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences.

LOT DEPTH: The average distance between the front lot line and rear lot line.

LOT LINE. A boundary line of a lot.

LOT LINE, FRONT. The exterior line along the right-of-way of a road on which a lot fronts or abuts.

LOT LINE, REAR. The lot line that is parallel or nearly parallel to the front lot line.

LOT LINE, SIDE. Any lot line not a front lot line or rear lot line, that generally crosses a front lot line or rear lot line.

LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the County Registrar of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The average distance between side lot lines.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust, or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MAYOR. The chief executive officer of the city, whether the official designation of his or her office is Mayor, City Manager, or otherwise.

MICROBREWERY. A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 18,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

MINING. The physical excavation, filling, and grading of any lot other than normal maintenance.

MODULAR HOME. A structure transportable in one or more sections, not built on a chassis, constructed according to the Building Code, and designed to be used as a dwelling unit with a permanent foundation when connected to the required facilities.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services, spaces for funeral services and informal gatherings, or display of funeral equipment, or all of the above.

MOTEL, HOTEL. Any building containing six or more guestrooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which guests occupy for sleeping purposes.

NONCONFORMING LOT. A lot which width, area, or other dimension did not conform to the regulations when this chapter or subsequent amendment became effective.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing when this chapter or subsequent amendment became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the effective date of this chapter, or affecting amendment, which was designed, erected, or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. See **USE, NONCONFORMING.**

NON K-12 SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial, trade or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum.

OPEN AIR BUSINESS USES. Uses not conducted from a wholly enclosed building and operated for profit, including the following uses:

- (a) Bicycle, trailer, motor vehicle, mobile home, boat or home equipment sale or rental service, including used automobile sales.
- (b) Outdoor display and sale of garages, swimming pools, and similar structures.
- (c) Retail sales of fresh fruit, vegetables, and other perishable foods. Permitted agricultural retail sales and temporary produce sales uses are not classified as open air business uses.
- (d) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (e) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park, outdoor swimming pools and skating rinks or similar recreational use.

OPEN SPACE. Land areas that are not occupied by building, structure, parking areas, streets, alleys, or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office, and work areas, for the parking of an automobile.

PERSON. Individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

PERVIOUS SURFACE. Surface that allows infiltration of precipitation into the soil.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, under general guidelines. A PUD includes cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this chapter through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or building to be erected, the location of the lot in relation to abutting streets, and other such information.

POOLS (SWIMMING), HOT TUBS, AND SPAS.

ABOVE-GROUND/ON GROUND POOL. See **PRIVATE SWIMMING POOL.**

BARRIER. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See **PRIVATE SWIMMING POOL.**

IN-GROUND POOL. See **PRIVATE SWIMMING POOL.**

POWER SAFETY COVER. A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

PRIVATE SWIMMING POOL. Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in residential zones and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of the structure.

PRIVATE SWIMMING POOL, OUTDOOR. Any private swimming pool that is not an indoor pool.

PUBLIC SWIMMING POOL. Any swimming pool other than a private swimming pool.

SPA. See **PRIVATE SWIMMING POOL.**

PORCH. A covered or uncovered entrance to a building or roofed structure projecting from the exterior wall or walls of a principal structure and supported by piers, posts or columns and commonly open to weather.

PREMANUFACTURED UNIT. A structure, transportable of a minimum of two sections that has a certificate of acceptability issued under the rules set forth in the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, being M.C.L.A. §§ 125.1501 through 125.1531 of the Michigan Compiled Laws.

PRODUCTION FILMING. All activity attendant to staging or shooting (videotaping or filming or digital recording) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on private property.

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer, or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court, or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste, or hazardous waste.

PUBLIC WAY. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a Board or Commission.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food, or the sale of equipment related to the enclosed uses, or both. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theaters, laser tag, video arcades, dance halls, gymnasiums, indoor sporting centers, and related amusements.

RECREATION, OUTDOOR. An area free of buildings, except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

RECREATIONAL VEHICLES. A vehicle used for recreational activities, including, but not limited to, boats, wave runners, travel trailers, all-terrain vehicles, motorcycles, snowmobiles, racecars, dune buggies, campers, motor homes, and travel trailers.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, and bottles, and other such materials.

REGISTERED DESIGN PROFESSIONAL. An architect or engineer registered or licensed to practice professional architecture or engineering under the Occupational Code, Act No. 299 of the Public Acts of 1980, being M.C.L.A. §§ 339.2001 through 339.2014.

REHABILITATION CENTER (HALFWAY HOUSE). An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL, AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civil, or philanthropic purposes, or the purpose for which persons regularly assemble.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

REPAIR SERVICES. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

RESTAURANT. An establishment whose principal business is the sale of food or beverages or both to customers in a ready to consume state and whose principal method of operation includes one of the following characteristics:

(a) Customers are normally provided with an individual menu and are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed.

(b) A cafeteria-type operation where food and beverages are consumed within the restaurant building.

RESTAURANT, FAST FOOD. An establishment that sells food or beverages or both already prepared for consumption within the restaurant building or off-premises as a carryout order packaged in paper, styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.

RESTAURANT, TAKE OUT. An establishment that sells food or beverages or both already prepared for consumption intended to be taken off the premises for consumption.

ROAD FRONTAGE. The length of the lot line that borders a public road.

SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g. beauty school or modeling school).

SETBACK. The minimum required open-space between the property line and the building line.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service, including the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of observers.

SIGNS, COMMUNITY. Temporary on- or off-premises signs generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on a building. These signs are solely of a decorative, festive, or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a city based nonprofit organization.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SPECIAL LAND USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

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

SOLAR ENERGY SYSTEM. Any solar collector, other solar energy device or any structural design feature, mounted on a building or on the ground, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, water heating or electricity.

STATE. The State of Michigan and its various branches and administrative agencies.

STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being M.C.L.A. §§ 400.701 to 400.737, that provides resident services or care for six or fewer persons under 24-hour supervision for persons in need of that supervision or care.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as

defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

STREET, PRIVATE. A right-of-way or easement in private ownership not dedicated or maintained as a public street that affords the principal means of access to two or more sites.

STRUCTURAL CHANGES. Any construction or renovation to an existing structure other than repairs. Also, a change in a mechanical system that involves an extension, addition, or change to the arrangement, type or purpose of the original installation of the system.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot, or parcel of land into two or more lots, plats, sites, or other divisions of land.

TEMPORARY BUILDING OR USE. A structure or use permitted by the Building Code Official to exist during periods of construction of the principal use or for special events, not to exceed six months. Two extension periods of six months each are allowed.

THEATRE. A building used primarily for the presentation of live stage productions, performances, or motion pictures.

TOWNHOUSES. A row of three or more attached single-family dwellings, not more than two and one-half stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

UNENCLOSED PORCH. A porch or upper balcony that is not closed in any way by glass, opaque panel, or any other material, and has no enclosing features higher than 42 inches above the floor of the porch except the roof, roof supports, and railing.

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, NONCONFORMING. A use that lawfully occupied a building or land at the time this chapter became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution, or other entity.

USE, TEMPORARY. A use that is authorized by this chapter to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractor's offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE. A deviation granted by the Zoning Board of Appeals, as created in this chapter, from the use and dimensional requirements established by this code only for reasons established in this chapter.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise, or equipment are stored for eventual distribution.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this chapter.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line.

ZONING APPROVAL. A document signifying compliance with the provisions of this chapter as to use, height, bulk, setback, parking, and all other dimensional requirements.

2) Article V, Section 1.03 (155.050)

In the R district, only the following uses shall be permitted, subject to the limitations of the special land use process as prescribed by this Ordinance:

- a. Apartment houses with more than 6 units;
- b. Bars;
- c. Boarding houses;
- d. ~~Brewery;~~
- e. ~~Brewpub;~~
- f. ~~Confectioneries and delicatessens;~~
- g. Commercial, Light
- h. Commercial Retail Sales and Services;
- i. Commercial Retail Sales, Food;

- j. Cultural Services;
- k. Day care, family;
- l. Day care, group;
- ~~m. Distillery;~~
- ~~n. Grocery stores;~~
- ~~o. Medical and dental clinics;~~
- p. Microbrewery;
- q. Mixed-use buildings containing a residential single-family dwelling or dwellings and no more than one of the special land uses identified in this section;
- r. Mortuary, funeral homes;
- s. Motel, Hotel;
- t. Non K-12 School, Commercial;
- u. Production filming;
- v. Repair Services;
- w. Restaurant;
- x. State licensed residential facilities.

3) Article XIII, Section 3 (155.187)

A. General Standards.

The following general standards shall be applied by the Commission to all special land use requests:

- a. The proposed special land use shall be of such location, size, and character that it shall be in harmony with the appropriate and orderly development of the surrounding neighborhood and vicinity and applicable regulations of the zoning district (including but not limited to any applicable performance standards) in which it is to be located.
- b. The proposed use shall be of a nature that shall make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relations to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- c. The proposed use shall be designed as to the location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
- d. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature, and height of walls, fences, and landscaping shall not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- e. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses.

- f. The proposed use offers a service or benefit for the public convenience at the proposed location.
- g. The proposed use is so designed, located, planned, and to be operated that the public health, safety, and welfare shall be protected.
- h. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within the zoning district, and shall be in harmony with the general purpose and intent of this Ordinance.
- i. Consideration will be given to the hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- j. Consideration will be given to compatibility with the Master Plan. The proposed special land use shall be consistent with the general principles and objectives of the adopted Hamtramck Master Plan.
- k. Consideration will be given to public services. The proposed use shall not exceed the capacity of existing and available public services, including, but not limited to utilities, public roads, and police and fire services. Provision of stormwater management or green infrastructure on-site, over and above the specific requirements of this ordinance, may be required as a condition of a special use approval.

B. Eligible Uses and Activities.

The following additional standards shall be applied by the Commission to uses if authorized as a special land use in a district:

- ~~a. Automotive self-service stations shall be permitted if the combined number of automotive self service stations and automotive service stations within the City does not exceed five, and the use shall be on a lot that had a legal automotive self-service or service station within the year previous to its future use. Automotive self-service stations shall not abut a residential use.~~
- ~~b. Automotive service stations shall be permitted if the combined number of automotive self service stations and automotive service stations within the City does not exceed five, and the use shall be on a lot that had a legal automotive self service or service station within the year previous to its future use. Automotive service stations shall not abut a residential use.~~
- ~~c. Bars with a Class C liquor license without a dance/entertainment permit shall be permitted in the R district if such bar is not less than 800 feet away from public owned and operated parks, recreation centers, swimming pools, and playgrounds, public governmental services such as administrative facilities, police and fire stations, libraries, schools and colleges, parochial, private, or charter elementary, junior high, and high schools, religious, cultural, and fraternal activities, congregate residences, and state licensed residential facilities, and any other establishment holding Class C liquor licenses.~~
- ~~d. Boarding houses in R districts shall be permitted if there is one on-site parking location per each rented unit and that a boarding house shall have no more than four rented units.~~
- ~~e. Confectioneries and delicatessens shall be permitted in the R district if its gross floor area does not exceed 800 square feet.~~
- ~~f. Family and group day care centers and state licensed residential facilities shall be permitted if there are no dormitory facilities on the premises, the outdoor play area is fenced in or~~

~~screened by a heavily planted greenbelt from any abutting residential use, and that for each child cared for, there shall be provided, equipped, and maintained on the premises a minimum of 150 square feet of useable outdoor play area with a minimum total area of fifteen hundred square feet per facility, such facility shall be no closer than 1,000 feet from a similar facility.~~

- ~~g. Grocery stores without a SDM liquor license shall be permitted in the R district if the gross floor area does not exceed 800 square feet.~~
- ~~h. Light manufacturing uses shall not be directly adjacent to a residential use in a C2 district.~~
- ~~i. Medical and dental clinics shall only be permitted in the R district in buildings that are not less than three stories high.~~
- ~~j. Mortuary and funeral homes in the R district shall be permitted if it is within 500 feet of a religious institution.~~
- ~~k. Open storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber, if such use is located not less than two hundred feet from any R or RM district.~~
- ~~l. Parking lots cannot abut a residential use, be greater than sixty feet wide, or no two parking lots may abut each other.~~
- ~~m. Towers in the I district shall be setback, from the nearest building not associated with the tower directly, one foot for every one foot in height of the tower.~~
- ~~n. Townhouses in a residential district shall not be required to have front or side yard setbacks, and townhouses shall not be bordered on each end by single or two family dwellings.~~

Commercial Zones:

- a. Light manufacturing uses shall not be directly adjacent to a residential use in a C2 district.

Industrial Zone:

- a. Towers in the I district shall be setback, from the nearest building not associated with the tower directly, one foot for every one foot in height of the tower.

Residential Zones (R and/or RM):

- a. Bars with a Class C liquor license without a dance/entertainment permit shall be permitted in the R district if such bar is not less than 800 feet away from public owned and operated parks, recreation centers, swimming pools, and playgrounds, public governmental services such as administrative facilities, police and fire stations, libraries, schools and colleges, parochial, private, or charter elementary, junior high, and high schools, religious, cultural, and fraternal activities, congregate residences, and state licensed residential facilities, and any other establishment holding Class C liquor licenses.
- b. Boarding houses in R districts shall be permitted if there is one on-site parking location per each rented unit and that a boarding house shall have no more than four rented units.
- c. "Commercial, Light" in the R district shall exclude overnight stay, 24-hour emergency and 24-hour urgent care facilities.
- d. Commercial uses in R may be permitted if the gross floor area does not exceed 3000 square feet.

- e. “Commercial Retail Sales Establishment, Food” in R shall not sell liquor or have a SDM liquor license.
- f. Family and group day care centers and state licensed residential facilities shall be permitted if there are no dormitory facilities on the premises, the outdoor play area is fenced in or screened by a heavily planted greenbelt from any abutting residential use, and that for each child cared for, there shall be provided, equipped, and maintained on the premises a minimum of 150 square feet of useable outdoor play area with a minimum total area of fifteen hundred square feet per facility, such facility shall be no closer than 1,000 feet from a similar facility.
- g. Mortuary and funeral homes in the R district shall be permitted if it is within 500 feet of a religious institution.
- h. “Motels, Hotels” in R shall be limited to eight rooms.
- i. Townhouses in a residential district shall not be required to have front or side yard setbacks, and townhouses shall not be bordered on each end by single- or two-family dwellings.

Other / General

- a. Automotive self-service stations shall be permitted if the combined number of automotive-self service stations and automotive service stations within the City does not exceed five, and the use shall be on a lot that had a legal automotive self-service or service station within the year previous to its future use. Automotive self-service stations shall not abut a residential use.
- b. Automotive service stations shall be permitted if the combined number of automotive- self service stations and automotive service stations within the City does not exceed five, and the use shall be on a lot that had a legal automotive self-service or service station within the year previous to its future use. Automotive service stations shall not abut a residential use.
- c. Open storage yards of construction contractor’s equipment and supplies, building materials, sand, gravel, or lumber, if such use is located not less than two hundred feet from any R or RM district.
- d. Parking lots cannot abut more than one residential use; cannot be greater than 64 feet wide, and no two parking lots may abut each other. Parking lots shall manage the first inch of stormwater on site.

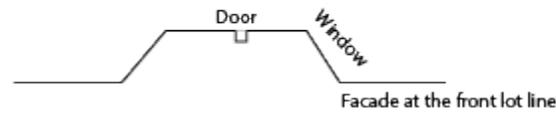
4) Article VI, Section 1.06 and Section 2.06 (155.065 & 155.066)

VI – 1.06. Structure and Site Requirements.

The structure and site requirements listed in this section shall apply only to commercial uses:

- a. All new buildings shall be constructed within one foot of the front lot line and side lot line on corner lots. Entryways may be recessed to allow for traditional storefront entryways consistent with the district character. See diagram below.

Diagram of a Traditional Storefront Entryway



2.06. Structure and Site Requirements.

- a. All new buildings shall be constructed within one foot of the front lot line. All new buildings on corner lots shall also be constructed within one foot of the side lot line. Entryways may be recessed to allow for traditional storefront entryways consistent with the district character.

5) Article V, Section 1.06 (155.050)

V – 1.06. Structure and Site Requirements.

- a. All new single- and two-family dwelling units shall have a two-car garage on the same lot. Two off-street parking spaces may be provided in lieu of a garage. Pervious surfaces may be used, including porous asphalt and permeable pavers. Gravel and other loose aggregates are prohibited.

6) Article XII, Section 2.02.3 and Section 2.03.2 (155.166)

XII – 2.02. Preliminary Site Plan Review.

- 2.02.1. *Scope.* A site plan submitted to the City for preliminary site plan review shall contain all of the information set forth in the preliminary site plan data checklist included in this section. Adequate engineering data to establish engineering feasibility of utilities proposed is required, however, detailed engineering plans and detailed landscaping plans are optional at this stage in the process.
- 2.02.2. *Fees.* A fee as determined from time to time by resolution of the Common Council shall accompany any application for site plan approval, preliminary or final. Such fee may be utilized by the City to determine if the development shall conform to the applicable City ordinances, policies and standards, and for investigation and report of any objectionable elements.
- 2.02.3. *Initiating the Process.* To initiate the preliminary site plan review process, the applicant shall submit the following information to the Building Code Official fifteen (15) days prior to the next regularly scheduled Common Council meeting:
 - a. ~~Ten (10) copies (please fold) of the site plan;~~ Two (2) copies (please fold) of the site plan and one digital copy;
 - b. ~~Ten (10) copies of the site plan application form;~~ Two (2) copies of the site plan application form;
 - c. ~~Ten (10) copies of the completed preliminary site plan data checklist;~~ Two (2) copies of the completed site plan data checklist;
 - d. Payment of all applicable fees.

Completed application packets shall be distributed by the Building Code Official to the Common Council and other appropriate departments and agencies.

XII – 2.03. Final Site Plan Review.

2.03.1. *Fees.* A fee as determined from time to time by resolution of the Common Council shall accompany any application for site plan approval, preliminary or final. Such fee may be utilized by the City to determine if the development shall conform to the applicable City ordinances, policies and standards, and for investigation and report of any objectionable elements.

2.03.2. *Initiating the Process.* Within six months of the granting of preliminary site plan approval, the applicant may initiate the final site plan review process by submitting the following information to the Building Code Official fifteen (15) days prior to the next regularly scheduled Common Council meeting:

- a. ~~Ten (10) copies (please fold) of the site plan;~~ Two (2) copies (please fold) of the site plan and one digital copy;
- b. ~~Ten (10) copies of the site plan application form;~~ Two (2) copies of the site plan application form;
- c. ~~Ten (10) copies of the completed preliminary site plan data checklist;~~ Two (2) copies of the completed site plan data checklist;
- d. Payment of all applicable fees.

7) Article VI, Section 2.02 (155.066)

VI – 2.02. Permitted Uses.

In the CBD, all business establishments shall be retail or service establishments that deal directly with customers. All goods produced on the premises shall be sold at retail on the premise. Only the following uses shall be permitted subject to the provisions of this Ordinance:

- a. Accessory buildings and uses as identified in this article;
- b. Amusement centers;
- c. Bakeries;
- d. Bars;
- e. Brewery;
- f. Brewpub;
- g. Business or financial services, unless specifically addressed as a special land use in this district or specifically prohibited by this Ordinance;
- h. Butchers that do not process live farm animals;
- i. Clothing stores;
- j. Coffee houses;
- k. Commercial, light;
- l. Commercial retail sales and services, unless specifically addressed as a special land use in this district or specifically prohibited by this Ordinance;
- m. Commercial retail sales, food;
- n. Confectioneries;
- o. Cultural services;
- p. Delicatessens;

- q. Distillery;
- r. Fabric stores;
- s. Florists;
- t. Fruit and vegetable stores;
- u. Grocery stores;
- v. Hardware stores;
- w. Motel, hotel;
- x. Production Filming;
- y. Restaurants;
- z. Restaurants, take-out;
- aa. Specialty gift stores;
- bb. Theatres.
- cc. Establishments with sidewalk cafes on public sidewalks.
- dd. Mixed-use commercial and residential uses provided that the commercial use is a permitted use in the CBD.

8) Article VI, Section 1.02 (155.065)

VI – 1.02. Permitted Uses.

1.02.1. Residential Uses. In the C2 District, only the following residential uses shall be permitted subject to the provisions of this Ordinance:

- a. Accessory buildings and uses as identified in this article;
- b. Condominiums;
- c. Dwellings, single-family detached;
- d. Dwellings, two family;
- e. Public owned and operated parks and outdoor recreation facilities and open space;
- f. Public services;
- g. Parochial, private, public, or charter elementary, junior high, and high schools;
- h. Religious, cultural, and fraternal activities;
- i. Congregate residences;
- j. State licensed residential facilities;
- k. Townhouses; and
- l. Home occupations as defined in Section IX-11.02.

1.02.2. Commercial Uses. In the C2 District, only the following commercial uses shall be permitted subject to the provisions of this Ordinance:

- a. Amusement centers;
- b. Bakeries;
- c. Bars;
- d. Brewery;
- e. Brewpub;
- f. Business or financial services, unless specifically addressed as a special land use in this district or specifically prohibited by this Ordinance;
- g. Butchers that do not process live farm animals;
- h. Commercial, light;
- i. Commercial retail sales and services, unless specifically addressed as a special land use in this district or specifically prohibited by this Ordinance;
- j. Commercial retail sales, food

- k. Commercial schools;
- l. Confectioneries;
- m. Delicatessens;
- n. Distillery;
- o. Grocery stores;
- p. Laundromats;
- q. Mortuary, funeral home;
- r. Motel, hotel.
- s. Museums;
- t. Open Air Business Uses;
- u. Production Filming;
- v. Professional offices, such as medical and dental clinics, accountants, and attorneys at law;
- w. Restaurants, take-out;
- x. Restaurants;
- y. Theatres.
- z. Establishments with sidewalk cafes on public sidewalks; and
- aa. Mixed-use commercial and residential uses provided that the commercial use is a permitted use in the C2 district.

9) Article VI, Section 2.06 f.1. (155.066)

f. All new buildings and additions or structural alterations to the footprint of existing buildings shall be found to be architecturally compatible with adjacent buildings. Any existing building which façade shall be altered after the effective date of this Ordinance or any subsequent amendment shall conform to the guidelines listed in this subsection, except that no zoning permit shall be issued until the plan commission has approved of the proposed changes to the façade and is assured of its compliance with this Ordinance. This subsection shall not apply to regular maintenance of front facades. In making such a determination, the following shall be considered:

- 1. Not less than 90 percent of the exterior finish material on all facades that face a street shall be limited to glass, brick, cut stone or coarsely textured stucco. On the second story and above, no more than ten percent E.I.F.S. shall be permitted. Vinyl siding shall not be allowed.