



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

**MEMORANDUM**

**TO:** Huntington Woods Planning Commission  
Amy Sullivan, City Manager  
Hank Berry, Zoning Administrator

**FROM:** Benjamin R. Carlisle, AICP

**DATE:** October 26, 2017

**RE:** Zoning Ordinance Rewrite

The list below outlines the significant changes to the zoning ordinance as part of the zoning ordinance rewrite. A significant focus of the rewrite was reorganization and streamlining. Reorganization of the ordinance removed redundant language to make it more user-friendly and easier to understand and interpret.

**Article 1: Title, Purpose, and Legal Clauses**

- Added the following sections:
  - 1.01: Title
  - 1.02: Preamble
  - 1.03: Purpose
  - 1.04: Validity and Severability
  - 1.05: Scope and Construction of Regulations
  - 1.06: Conflict with Other Laws
  - 1.07: Repeal of Ordinance

**Article 2: Definitions**

- 2.02: Added definitions as necessary

**Article 3: Administration and Enforcement**

- Added the following sections:
  - 3.01: Zoning Administration
  - 3.02: Zoning Duties and Responsibilities
- 3.03: Consolidated all public hearing notice requirements into this section
- 3.04: Added performance guarantee requirements, which permits the City to obtain a financial guarantee (cash deposit, certified check, irrevocable bank letter of credit) to ensure that all required improvements will be completed
- Removed “Changes and Amendments Section” and incorporated into Article 13

*Zoning Ordinance Table of Contents:*

- Article 1: Title, Purpose and Legal Clauses
- Article 2: Definitions
- Article 3: Administration and Enforcement
- Article 4: District Regulations
- Article 5: Specific Use Provisions
- Article 6: General Provisions
- Article 7: Site Plan Review
- Article 8: Special Use Approval
- Article 9: Sustainable Design and Environmental Standards
- Article 10: Site Design Standards
- Article 11: Non-Conforming Lots, Uses, and Structures
- Article 12: Zoning Board of Appeals
- Article 13: Amendments

#### **Article 4: District Regulations**

- 4.03: Added graphics to illustrate the bulk regulations of each zoning district
- 4.03: Reformulated maximum house square footage
  - Created “Character Bonuses” to encourage compatible house sizes
  - Reformulated lot size bonus
- 4.03: Eliminated % minimum for sideyard setback because it made some lots difficult to build on
- 4.05: Added form-base elements to the TD, Transitional District. These elements include:
  - Require a 10-foot building placement
  - Require parking lot screening
  - Design requirements
  - Transparency
- 4.05: Created bonus provisions in TD, Transitional District to incentivize mixed-use development, lot consolidation, streetscape improvements, and dedication of an improved public plaza or open space area that tie into Woodward’s pedestrian circulation system. Bonuses include:
  - Height bonus
  - Drive-through uses
- 4.05 and 4.06: Allow the Planning Commission to require cross access in TD, Transitional District and BD, Business district
- 4.06: Reduced side yard in BD, Business District to 0-feet
- 4.06: Added design standards for BD, Business District
- 4.08: Added foster and day care uses to Residential Districts, as required in the Michigan Zoning Enabling Act
- 4.08: Made outdoor seating a permitted use in the TD, Transitional District and BD, Business District if located in front or side of a building and at least 70-feet from a residential property
- 4.08: Made gas station a special use in BD, Business District
- 4.08: Consolidated food stores and drug stores into general retail
- 4.08: Consolidated beauty parlor and barber shop into personal service
- 4.08: Revised use list for places of worship and like places of assembly to ensure ordinance is federally compliant
- 4.08: Made drive-through a Special Land Use in BD, Business District
- 4.08: Reorganized uses into one use table

#### **Article 5: Specific Use Provisions**

- Added specific use provisions for the following uses:
  - 5.02: Day care
  - 5.08: Outdoor seating
  - 5.08: Places of worship
  - 5.11: Drive-through facilities
  - 5.12: Senior and assisted living
- 5.04: Inserted existing medical marijuana provisions
- 5.06: Added additional restrictions to outdoor display of goods and materials
- 5.07: Added setback provisions for fuel stations canopies and pump stations
- 5.09: Added swingers club use to Adult Regulated Use based on City Attorney review
- 5.09: Added intent statement for Adult Regulated Uses
- 5.10: Added accessory allowed uses for golf courses
- 5.13: Inserted existing Wireless Communication provisions

- 5.14: Inserted Single-family Architectural Design Standards

#### **Article 6: General Provisions**

- 6.03: Added additional general regulations for accessory buildings, structures, and uses
- 6.04: Added additional height exceptions for roof top equipment for TD, Transitional District, BD, Business District, and PRD, Park and Recreation District
- 6.06: Added 25-foot vision clearance requirement at intersections
- Removed regulations for accessory structures for wireless communication facilities. Was grouped with the rest of the wireless communication facilities regulations.

#### **Article 7: Site Plan Review**

- 7.01: Edited Intent Section
- 7.03: Added submittal requirements for commercial site plans
- 7.03: Added provision to allow Zoning Administrator authority to request additional plans or studies as deemed necessary
- 7.06: Added requirement that site plans within R1 and RT districts must comply with Single-family Architectural Design Standards

#### **Article 8: Special Use Approval**

- 8.01: Edited Intent Section
- 8.02: Clarified that a site plan is required for a Special Use
- 8.02: Clarified Planning Commission actions and procedures to review a Special Use
- Removed Wireless Communication Standards and moved to article 5
- 8.03: Revised Special Use standards to be consistent with best practices
- 8.05: Clarified the timeframe for abandonment of a Special Use
- 8.06: Added amendment procedures

#### **Article 9: Sustainable Design and Environmental Features**

- 9.02: Added stormwater standards
- 9.03: Added solar energy system standards
- 9.04: Added odor language
- 9.04: Added fire and explosive hazard language

#### **Article 10: Site Design Standards**

##### **10.02: Landscaping:**

- 10.02.A: Added Landscape Plan submittal requirements
- 10.02.B.3: Permit the Planning Commission to approve a combination of landscaping and a solid opaque wall or fence where such a combination provides more effective screening when residential abuts non-residential properties.
- 10.02.E: Specify plant composition such as use of native species and the use of varied landscape material
- 10.02.E: Specify the required minimum size of landscaping at time of planting

##### **10.03: Trash Enclosures. This is a new section**

- 10.03.B: Establish standards including location, screening requirements, and hours of pickup

**10.04: Equipment Screening. This is a new section**

- 10:04.B.1: Establish standards for screening of rooftop equipment including location and materials
- 10.04.B.2: Establish standards for screening of at-grade equipment including location and materials

**10.05: Lighting**

- 10:05.B.1: Establish standards for lighting of residential property including allowable lighting types, and the requirement to screen all visible light sources or direct light source away from adjacent properties
- 10.05.C: Establish standards for lighting of residential property
- 10.05.C.1: Establish Lighting Plan requirements
- 10.05.C.2: Establish standard for free standing (pole mounted) lights. Regulations include requirement for fully shielded or fully screened light fixture, maximum lighting levels interior to the site and along property levels, maximum pole height, and requirement to turn off lights after business hours.
- 10.05.C.3: Establish standards for building-mounted lights. Regulations include requirement for fully shielded or fully screened light fixture, and maximum lighting levels interior to the site and along property levels.
- 10.05.C.4: List prohibited lighting types which include search lights; and flashing, moving or intermittent type lighting
- 10.05.C.5: List lighting types that are exempt from lighting regulations which include sports fields, holiday decorations, pedestrian walkway lighting, ornamental low voltage lighting, street lights, traffic control devices, municipal lights, and temporary emergency lights

**10.06: Parking**

- 10:06.E: Added or amended parking requirements for the following uses:
  - Banks, credit unions, or savings and loans: 1 space per 200 sq/ft plus 2 spaces for each non drive-through ATM
  - Drive through for non restaurant uses: 4 stacking spaces
  - Clubs, lodge halls, skating rinks, exhibition halls and similar buildings: 1 space per 3 persons within maximum occupancy load
  - Retail sales, business or service shops, including drug stores, grocery stores, hardware stores, florists, photography studios, publishing and printing establishments, and other similar uses: 1 space per every 250 sq/ft of floor area
  - Theaters, auditoriums, places of worship, and similar buildings: 1 space per 2 seats based on maximum seating capacity
  - Restaurants, coffee shops or similar establishments for the sale and consumption of food, beverages or refreshments: 1 space for each 2 seats
  - Vehicle fueling/multi-use station: 1 space for each 125 square feet of net floor area, plus 2 parking spaces per fueling station
  - Dance and Exercise Studio: 1 space per maximum class size plus 1 parking space for each employee in the largest working shift
  - Health fitness centers, athletic clubs, and other similar uses : 1 space for each 200 square feet of floor area

- Medical clinics, outpatient centers, 24-hour urgent care centers, etc.: 2 spaces per exam or outpatient procedure/operating room, plus 1 space per laboratory or recovery room, plus 1 space per 1 employee
- 10.06.E: Permit flexibility in parking application through shared parking or parking deviations granted by the Planning Commission
- 10.06.G: Establish a parking maximum section
- 10.06.J: Added parking lot dimension standards
- 10.06.J.3 and 4: Permit reductions in parking stall lengths if they overhang 7 foot sidewalk or greenbelt

**10.07: Off-Street Loading and Unloading: This is a new section**

- 10.07: Establishes number, location, and dimensions of required off-street loading spaces
- 10.07.G: Permits the Planning Commission the authority to reduce/eliminate off-street loading requirements through the Site Plan review process

**10.08: Access Management: This is a new section**

- 10.08: Establishes general access management regulations
- 10.08.B.3: Permits the Planning Commission to require cross-access between sites

**10.09: Pedestrian Access: This is a new section**

- 10.09: Establishes general pedestrian access management
- 10.09.C: For any redeveloped non-residential site, requires at a minimum a bike rack that can accommodate two (2) bicycles

**10.10: Fences, Walls, and Hedges**

- 10.10: Moved definitions into Article 2: Definitions
- 10.10.B: Established parameters for fence height and location:
  - A fence cannot be located in a front yard
  - A fence up to 6 feet high is permitted along the rear property and along the side property line in rear yard with adjacent property owner consent.
  - Permit a 6-foot high fence between residential and non-residential property
  - Permit an 8-foot high fence between residential and non-residential properties that are utility yards
  - A connecting fence (fence from side yard fence to house) is permitted if it does not encroach more than 50% of the house depth. Existing ordinance requires that a connecting fence cannot be forward of the rear corner of the house unless enclosing an area where a side door exists.
  - Requires that a fence in a side yard shall not be located next to a driveway on an adjacent parcel to permit full use of such driveway
- 10.10.C: Added provisions for privacy screens. Privacy screen means a type of fence that is a substantially opaque barrier intended to screen a selected use or particular area in a private residential yard, often used to screen patios, hot tubs, etc.
- 10.10.E: Mandates 50% opacity for fences but permits a reduction in opacity if located adjacent to public ROW, or needed to enclose pool or hot tub
- 10.10.F: Eliminates the allowance of walls on residential properties greater than 30 inches unless such property is adjacent to a utility yard
- 10.10.N: Added Zoo fencing as adopted by City Commission

### **10.11: Signs**

- 10.11: Added new sections including intent, construction standards, prohibited signs, signs permitted in all districts without permit, removal of signs, and enforcement
- 10.11.C: Illumination
  - Light source cannot be visible from adjacent property
  - Must be turned off after 11:00 pm.
- 10.11.D: Added list of prohibited signs
- 10.11.F: Added list of signs permitted in all districts however each sign still has standards
- 10.11.F: Added “protected by the First Amendment of the United States Constitution” clause
- 10.11.H: Signs in TD and BD District
  - Increased allowable sign area from a maximum of 100 square feet to 125 square feet
  - Permit additional signage for buildings with multiple stories
  - Limit lots to only one ground sign
  - Added window signage allowances
  - Added parameters for menu board signage
  - Added parameters for vehicle fueling station signage
  - Added parameters for temporary banners and sandwich board signs

### **Article 11: Non-Conforming Lots, Uses, and Structures**

- 11.01: Edited Intent Section
- 11.02: Added Non-conforming lots of record
- 11.03: Added best practice language to non-conforming use
- 11.04: Added best practice language for non-conforming structures
- 11.05: Added repair and maintenance section
- 11.06: Added change in ownership and tenancy provision

### **Article 12: Zoning Board of Appeal**

- 12.02: Added Commissioner removal language
- Added Rules Governing the Zoning Board of Appeals
  - 12.03: Voting Procedures
  - 12.03: Representation
  - 12.03: Time Limit
- 12.04: Clarified Delegated Duties
- 12.04: Added the allowance to grant use variances
- 12.04: Added use variance standards
- 12.04: Added required findings for variance by type
- 12.04: Added rules and procedure section
- 12.05: Added site plan requirements for any variance that also need site plan approval

### **Article 13: Amendments**

- 13.03: Clarified standards for amendment review
- 13.05: Added conditional rezoning procedures
- 13.07: Added annual report requirement

*Ben R. Carl*

---

**CARLISLE/WORTMAN ASSOC., INC.**

**Benjamin R. Carlisle, AICP, LEED AP**

**Principal**