

## ARTICLE XVIII GENERAL PROVISIONS

### SECTION 1800. CONFLICTING REGULATIONS:

Whenever any provisions of this Ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or Ordinance shall govern.

### SECTION 1801. SCOPE:

1. No building or structure, or part thereof, shall hereafter 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.
2. It shall be unlawful for any person or business to engage in any activity, conduct, use, or venture in the City that is contrary to federal, state, or local laws or ordinances, including violations of the City of Auburn Hills Zoning Ordinance or Code of Ordinances, and any statutes and codes adopted or utilized by the City.

*(Amended: 10-04-10 per Ordinance No. 830)*

### SECTION 1802. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURE AND PREMISES:

1. Intent  
It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.  
It is recognized that there exist within the Districts established by this Ordinance structures and uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such structures and uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.  
A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the District involved.  
To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.  
Provided further, nothing in this Ordinance shall be deemed to require a change in any site plan approved under Ordinance No. 282 as amended, and any such site plan shall remain valid and in full force and effect for all purposes including the issuance of Building Permits and Certificates of Occupancy. Further, any interpretations and changes other than major changes shall be made under the prior Ordinance which was effective at the time of the approval of such site plan.

2. Nonconforming Lots

In any District in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. Variance to yard requirements shall be obtained through approval of the Board of Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and areas as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

3. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than seventy-five (75) percent of replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifested, arranged, or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - D. If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.
  - E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. Repairs and Maintenance  
On any building devoted in whole or in part of any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the replacement value of the building, provided that the cubic content of the building as it was existing at the time of passage or amendment of this Ordinance shall not be increased.  
Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a said condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
7. Uses Allowed as Conditional Uses, not Nonconforming Uses  
Any use for which a general exception or conditional approval is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such District.
8. Change of Tenancy or Ownership  
There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.
9. Acquisition of Uses or Structures  
The City Council may acquire by purchase, condemnation or otherwise, private property for the removal of nonconforming uses or structures all in accordance with the applicable provisions of Act 207, Public Acts of 1921, as amended.

#### SECTION 1803. ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- 1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main buildings.
- 2. An attached building accessory to a residential building shall not be erected in any side or front yard unless such accessory building will permit the required minimum yard setbacks as established to be met. Unattached accessory buildings shall not be allowed in the front yard.
- 3. A building accessory to a residential building, not exceeding one (1) story or fourteen (14) feet in height, may occupy not more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- 4. A detached building accessory to a residential building shall be located not closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line. In no instance shall any accessory structure be located within a dedicated easement or right-of-way.
- 5. No detached accessory building in an R-1, R-2, R-3, R-4, RM, SP, or MHP District shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other Districts may be constructed to equal the permitted maximum height of structures in said Districts subject to Planning Commission review and City Council approval.
- 6. When a building accessory to a residential building is located on a corner lot, the side lot line which is substantially a continuation of the front line of the lot to its rear, said building shall not

project beyond the front yard line required on the lot to the rear of such corner lot. An accessory building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

#### SECTION 1804. OFF-STREET PARKING REQUIREMENTS:

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed:

1. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.  
(Amended: 3-03-03 per Ordinance No. 718)  
(Amended: 1-24-05 per Ordinance No. 748)
3. Residential off-street parking spaces for single family and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. In addition, particularly in the case of cluster or multiple-family housing, parking areas shall be located within reasonable walking distance of the dwellings they are intended to serve.
4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
6. If two (2) or more buildings or land uses are under common ownership or if said ownership is not common and the respective owners thereof have acquired recordable easements appurtenant for off-street parking, said buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the requirements for the several individual uses computed separately.
7. In the instance of a dual function of off-street parking spaces where operating hours of buildings do not overlap, the City Council may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, wrecked or junked vehicles, unlicensed vehicles, or the repair of vehicles in areas designated for parking is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type.
10. When units of measurements determining the number of required parking spaces result in the requirement of fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
11. For the purposes of computing the number of parking spaces required for business uses, the definition of usable floor area shall govern unless otherwise provided by this Ordinance. If the business use is not known at the time of computation of required parking spaces, a minimum of eighty (80%) percent of the gross leasable area (GLA) shall be used for determining usable floor area (UFA). If the use is known, actual usable floor area shall be computed and utilized in the parking calculations.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. In addition, multiple use facilities shall be provided with calculations for each major use group separately. For example, hotels with banquet and conference facilities shall compute parking for these facilities separately from the employees and occupancy facilities. Industrial buildings with office facilities shall calculate parking for the office areas separately from those for the manufacturing areas. Other uses are:

#### USE

1. Residential
  - A. One family and two-family: Two (2) for each dwelling unit.
  - B. Multiple family (RM-1 and RM-2):

|                     |                                 |
|---------------------|---------------------------------|
| Efficiency Unit:    | Two (2) for each dwelling unit. |
| One-Bedroom Unit:   | Two (2) for each dwelling unit. |
| Two-Bedroom Unit:   | Two (2) for each dwelling unit. |
| Three-Bedroom Unit: | Two (2) for each dwelling unit. |

In addition to the above minimum parking requirements for one (1), two (2) and three (3) or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking. This shall be exclusive of community center, swimming pool, recreation facility, or community building parking. Parking facilities for recreation areas, community centers, swimming pools, or community buildings shall be provided separately on the basis of one (1) parking space for each five (5) dwelling units in the development, and such parking shall be in as close proximity to the use as is reasonably possible.

C. Multiple Family (RM-3):

|                   |                                 |
|-------------------|---------------------------------|
| Efficiency Unit:  | Two (2) for each dwelling unit. |
| One-Bedroom Unit: | Two (2) for each dwelling unit. |
| Two-Bedroom Unit: | Two (2) for each dwelling unit. |

This shall be exclusive of community center, swimming pool, recreation facility or community building parking. Parking facilities for recreation areas, community centers, swimming pools or community building shall be provided separately on the basis of one (1) parking space for each ten (10) dwelling units in the development, and such parking shall be in as close proximity to the use as is reasonably possible. In addition to the above minimum parking requirements for one (1), two (2) and three (3) or more bedroom units, one-half (1/2) space per unit shall be provided for visitor parking.

D. Housing for the Elderly: One (1) for each two (2) units, and one for each employee. Should units revert to general occupancy, then one and one-half (1 1/2) spaces per unit shall be provided.

E. Mobile Home Park: Refer to Article V, Section 510.

2. Institutional and Quasi-Public

- A. Churches, Temples or Fellowship Halls: One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship or assembly.
- B. Hospitals: One (1) for each one (1) bed.
- C. Convalescent Homes and Congregate Care Facilities: One (1) for each four (4) beds, plus one (1) for each employee.
- D. Elementary and Junior High Schools: One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium.
- E. Senior High Schools: One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students in addition to the requirements of the auditorium.
- F. Private Clubs, Lodge Halls or Assembly Halls: One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- G. Private golf clubs, tennis clubs, or other similar uses:  
One (1) for each two (2) member families or individuals. Where the membership is not known, a ratio of four (4) spaces for every one (1) stall or court shall be used.
- H. Golf Courses open to the general public except miniature or "par-3" courses:  
Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
- I. Fraternity or Sorority:  
One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
- J. Stadium, sports arenas, or similar places of indoor or outdoor assembly:  
One (1) for each three (3) seats or six (6) feet of benches.
- K. Theaters and Auditoriums:  
One (1) for each three (3) seats plus one (1) for each two (2) employees.
- L. Colleges, Universities and Industrially Related Teaching Facilities:

One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.

3. Business and Commercial

- A. Planned commercial shopping centers or retail clusters (with theaters) on parcels less than fifteen (15) net acres in site size:  
One (1) space for each one hundred and fifty (150) square feet of usable floor area, plus one (1) for each five (5) seats in the theater.  
All other planned commercial shopping centers or retail clusters:  
One (1) space for each one hundred and fifty (150) square feet of usable floor area.
- B. Auto Wash:  
One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time which shall be determined by dividing the length in feet in each wash line by twenty (20).
- C. Beauty parlor or barber shop:  
Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.
- D. Bowling Alleys:  
Five (5) for each one (1) bowling lane.
- E. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats:  
One (1) for each three (3) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- F. Establishments for sale and consumption, on the premises, of beverage, food, or refreshments (without dancing):  
One (1) for each fifty (50) square feet of usable floor area.  
Establishments for sale and consumption on the premises of beverages, food or refreshments (with dancing):  
One (1) for each fifty (50) square feet of usable floor area, plus one (1) for each six (6) persons allowed within the maximum occupancy load as established by City, County, or State fire, building or health codes.
- G. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses:  
One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
- H. Automobile Service Stations:  
Two (2) for each lubrication stall rack, or pit, and one (1) for each gasoline pump.
- I. Laundromats and coin operated dry cleaners:  
One (1) for each two (2) machines.
- J. Miniature "par-3" golf courses:  
Three (3) for each one (1) hole, plus one (1) for each one (1) employee.
- K. Mortuary establishments:  
One (1) for each fifty (50) square feet of usable floor space in assembly rooms, parlors and slumber rooms.
- L. Motel, hotel or other commercial lodging establishments:  
One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
- M. Motor vehicle sales and service establishments:  
One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each auto service stall in the service room.

- N. Retail stores except as otherwise specified herein:  
One (1) for each one hundred (100) square feet of usable floor space.
4. Offices
- A. Banks:  
One (1) for each one hundred (100) square feet of usable floor space.
- B. Business office or professional office except as indicated in the following items:  
One (1) for each two hundred (200) square feet of usable floor space.
- C. Professional offices of doctors, dentists, or similar professions:  
One (1) for each one hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use.
5. Industrial
- A. Industrial establishments:  
Five (5) plus one (1) divided by every one and one-half (1 1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is determined to be the greater. Space on site shall be provided for all construction workers during periods of plant construction. All individual use areas, such as office space, shall be calculated based upon applicable standards.
- B. Wholesale and Warehouse Establishments:  
Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.
6. Research/computer - office
- A. Research office (offices conducting laboratory and related research):  
One (1) for each two hundred (200) square feet of floor space.
- B. Computer office (offices conducting electronic data systems and similar operations necessitating a high volume of computer equipment and employment):  
One (1) for each one hundred (100) square feet of usable floor space.
7. Handicapped Parking:  
Handicapped parking shall be provided in accordance with the following schedule and in accordance with the 2003 Michigan Barrier Free Design Graphics Manual, as amended:

| Total Parking Spaces in Lot(s) | Required Number of Readily Accessible Spaces      |
|--------------------------------|---------------------------------------------------|
| 01 to 25                       | 1                                                 |
| 26 to 50                       | 2                                                 |
| 51 to 75                       | 3                                                 |
| 76 to 100                      | 4                                                 |
| 101 to 150                     | 5                                                 |
| 151 to 200                     | 6                                                 |
| 201 to 300                     | 7                                                 |
| 301 to 400                     | 8                                                 |
| 401 to 500                     | 9                                                 |
| 501 to 1,000                   | 2% of total parking spaces                        |
| Over 1,000                     | 20 plus 01 per 100 over 1,000 or fraction thereof |

Van accessible parking shall be provided in accordance with the ADA (America Disabilities Act)

(Amended: 1-24-05 per Ordinance No. 748)

**SECTION 1805. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

Off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefor is issued by the Building Inspector. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. No Occupancy Permit shall be issued until the parking lot has been completed.
2. Off-Street Parking Space Layout. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

| Parking Pattern           | Maneuvering Lane Width | Parking Space Width | Parking Space Depth | Total Width of One Tier of Spaces+ Maneuvering Lane | Total Width of Two Tiers of Spaces + Maneuvering Lane |
|---------------------------|------------------------|---------------------|---------------------|-----------------------------------------------------|-------------------------------------------------------|
| 0 degree parallel parking | 12'                    | 9'                  | 23'                 | 23'                                                 | 46'                                                   |
| 30 to 53 degrees          | 12'                    | 9'                  | 20'                 | 32'                                                 | 52'                                                   |
| 54 to 74 degrees          | 15'                    | 9'                  | 20'                 | 36'6"                                               | 58'                                                   |
| 75 to 90 degrees          | 24'                    | 9'                  | 18'                 | 42'                                                 | 60'                                                   |

3. Spaces, Drives, Maneuvering Lanes, and Ingress/Egress
  - A. All parking spots shall be double striped with paint, and such striping shall be at least four (4) inches in width and two (2) feet apart.
  - B. Where garages are utilized for credit toward required parking space counts, the interior dimensions shall be at least ten (10) feet in width by twenty (20) feet in depth in order to qualify. Carports shall be at least nine (9) feet in width by eighteen (18) feet in depth.
  - C. Maneuvering lanes shall be provided in accordance with Section 1805, Item 2.
  - D. All two-way drives, other than between rows of parking, shall be a minimum of twenty-two (22) feet in width.
  - E. All one-way drives adjacent to buildings shall be a minimum of twenty (20) feet in width. All other one-way drives, other than between rows of parking spaces, may be a minimum of eighteen (18) feet in width provided they are not designated as Fire Lanes by the Fire Marshall. All Fire Lanes shall be a minimum of twenty (20) feet in width.
  - F. All spaces shall be provided adequate access by means of maneuvering lanes. Driving or backing a vehicle directly from a parking space onto public road or private road easement shall be expressly prohibited.
  - G. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree parking may permit two-way movement.
  - H. Dead end drive aisles shall provide a 3-foot indentation in the perimeter landscaping to facilitate the backing up of vehicles from the last parking stalls.
  - I. Drives and maneuvering lanes shall be specifically for the safe, through movement of vehicles and shall not be used for dual purposes such as parking, whether temporary or not, loading and unloading zones, or trash removal. Trash receptacle areas shall be located on the site so as to not interfere with safe vehicular and pedestrian traffic flow.
  - J. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
  - K. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single family residential use shall be at least twenty-five (25) feet distance from any adjacent property located in any single family residential district.
  - L. On corner lots, ingress and egress to and from such lots shall be set back at least twenty-five (25) feet from the intersection of any two (2) right-of-way lines.
4. Parking Surface. The entire driving area, including parking spaces, maneuvering lanes, drives and drive approaches required under this Article and Section shall be provided with asphalt or

concrete surfacing in accordance with specifications approved by the City Council. All curb and sections shall be of concrete construction (asphalt curbs are expressly prohibited).

- A. All driving areas, as mentioned above, shall be installed prior to the issuance of a Certificate of Occupancy. When winter weather conditions preclude the completion of the driving areas, or other site improvements such as, but not limited to, landscaping, striping, walls, and like items, a temporary Certificate of Occupancy may be issued if the following conditions are met:
  1. An itemized estimate of the cost of uncompleted improvements under seal of a Michigan Registered Architect or Engineer is submitted and approved by the Community Development Department.
  2. A cash bond or irrevocable letter of credit, from a financial institution approved by the City, is submitted in an amount equal to one hundred (100) percent of the estimated cost of completion of the driving areas, landscaping and other such requirements.
  3. The driving areas, as mentioned above, shall be surfaced with a durable and dustless surface capable of supporting large, heavy emergency vehicles and also meeting the specific needs of the proposed occupancy. All work covered under this Section, when not completed due to winter weather, shall be completed no later than May 15th of the same calendar year. This date may be extended up to thirty (30) days by the Community Development Department if unusual spring weather conditions preclude timely completion.
- B. Permeable Pavement Option: The City Council, after recommendation from the Planning Commission, may allow permeable pavement systems or other similar systems which allow the natural filtration of storm water through the parking lot surface. Such systems shall require City Engineering Consultant and Fire Department approval.
5. Landscaping. Landscaping and screening surrounding and within parking lot areas shall be provided in accordance with Section 1808. Landscaping and Screening Requirements.
  - A. Where any parking lot abuts land utilized for other than planned parking purposes, and where the design and layout of the parking lot allows vehicles to abut the adjacent property line in a front or rear relationship, a raised curb eight (8) feet from the property line, together with a seven (7) foot wide greenbelt, shall be provided. In addition, any drives and/or maneuvering lanes abutting adjacent property lines shall provide a raised curb eight (8) feet from the property line, together with a seven (7) foot wide greenbelt.
  - B. The City Council, upon application by the property owner of the off-street parking area, may modify the yard where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
6. Lighting. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only. Lighting shall meet the requirements of Section 1810. Exterior Lighting.
7. Sidewalks. Sidewalks abutting buildings and/or parking spaces shall be a minimum seven (7) feet wide. Where parking spaces are located on both sides of a sidewalk, the sidewalk shall be a minimum nine (9) feet wide.
8. Valet or Bus Parking – Special Land Use Permit. When any quasi-public, industrial or business establishment proposes valet or bus parking such use shall be considered as a Special Land Use under the purview of Section 1818.
9. Landbank Parking – Special Land Use Permit. Landbank parking may be permitted under the purview of Section 1818, Special Land Uses Permitted subject to the following provisions:
  - A. Any applicant that requests landbank parking shall clearly demonstrate that the use of the property will not be expanded beyond that depicted on a site plan or schematic site plan as required by Section 1818.
  - B. It shall be the applicant's responsibility to demonstrate that the required number of parking spaces is not necessary to meet the purpose and intent of Zoning Ordinance No. 372. Findings of fact shall be presented to justify the number of landbank spaces. Upon periodic review of the use of the property by the Community Development Department, if it is determined that existing parking is not sufficient, the Planning Commission and City Council shall determine whether or not landbank parking may continue.

10. Parking Structure. Parking decks and/or structures may be permitted to satisfy off-street parking regulations under the purview of Section 1818, Special Land Uses Permitted, with the exception that municipal parking structures shall be allowed as Principal Uses Permitted in the D, Downtown District. Parking decks and/or structures are subject to the following provisions:
- A. The parking structure shall not exceed the maximum height of structures permitted by the zoning district in Article XVII. Schedule of Regulations, with the exception that municipal parking structures in the D, Downtown District shall be allowed to be constructed up to four (4) stories or fifty (50) feet in height.
  - B. The parking structure shall have a minimum setback from the common lot line a distance equal to the height of the structure, with the exception that municipal parking structures in the D, Downtown District may utilize a minimum front, side, and rear setback of up to zero (0) feet (zero lot line). Municipal parking structures in the D, Downtown District shall not be subject to frontage greenbelt and landscape requirements.
  - C. All sides of the structure shall have a finished appearance and comply with the City's Architectural Design Policy.
  - D. Lighting fixtures and equipment for a parking deck or structure shall be designed to not cause glare or illuminate adjoining properties.
  - E. The parking layout (e.g., space size, maneuvering lane width, handicapped space allocation, etc.) shall meet the requirements of this Section.

*(Amended: 1-24-05 per Ordinance No. 748)*

*(Amended: 6-17-24 per Ordinance No. 939)*

#### SECTION 1806. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in the rear or side yard in order to avoid undue interference with public use of dedicated rights-of-way. Such loading and unloading area shall be on the outside of the building, and maneuvering lanes and parking spaces may not be used as loading and unloading areas. Such loading and unloading area shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Council.

#### SECTION 1807. PERFORMANCE STANDARDS:

No use otherwise allowed shall be permitted within any District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. Smoke  
It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods aggregating four (4) minutes in any thirty (30) minutes.

##### Method of Measurement

For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

2. Dust, Dirt and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained or caused to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

##### Method of Measurement

For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

3. Open Storage

The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence no less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height, or the height of the equipment, vehicles and all materials, whichever is higher. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue.

Where the screening required is in excess of six (6) feet or where unique circumstances exist such as extreme topography, a landscaped greenbelt may be provided after review of the landscape plan by the Planning Commission and approval of the City Council. Said landscaped area shall be maintained in a neat, healthy condition.

4. Glare and Radioactive Materials

A. Glare from any process (such as similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

B. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent residential area so as to become a nuisance.

5. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

6. Noise

A. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary of property lines except that, where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from the premises may equal, but shall not exceed, such traffic noises. Within the I-1, I-2, and I-3 Districts, sound levels not exceeding seventy-five (75) decibels may be permitted.

B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.

7. Odors

Creation of offensive odors shall be prohibited.

8. Wastes

Refer to Ordinance No. 153, as amended.

9. Waste and Rubbish Dumping

Refer to Ordinance No. 196, as amended.

10. Vibration

Machines or operations which cause vibration may be permitted in the I-1 Light Industrial Districts and I-2 General Industrial Districts provided that any such machinery shall be so mounted and operated as to prevent the transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one (1) inch measured anywhere at the property line of such I-1 and I-2 Districts, and such machinery shall be so mounted and operated that no vibrations shall be perceptible without the aid of instruments at the property line of any abutting R, MHP, RM, O, B-1, SP or T&R District (Refer to Ordinance No. 196, as amended).

**SECTION 1808. LANDSCAPING AND SCREENING REQUIREMENTS:**

Whenever in this Ordinance a Site Plan is required pursuant to Section 1815, a separate Landscape Plan shall be submitted and shall include and depict all information required in the following items:

1. Screening Required for Uses Abutting R-1A through R-4, One-Family Residential Zoning Districts:A. Buffer Area and Screening

All uses (except residential developments permitted within the R-1A through R-4, One-Family Residential zoning district) shall provide and maintain on those sides abutting a R-1A through R-4, One-Family Residential zoning district a minimum fifteen (15) foot wide buffer area:

1. To provide adequate screening, the buffer area shall contain one tree (a mixture of deciduous or evergreen) for every twenty (20) linear feet of buffer zone length, rounded upward. Clustering or massing of these trees within the minimum spaces required for growth is encouraged.
2. The buffer strip shall also contain a five (5) foot high continuous obscuring screen consisting of a masonry wall, fence, plant material, berm, or any combination of these elements.
3. If a berm is used for all or part of the buffer zone, all required plant material shall be placed on top and side slope facing the exterior of the site. Berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat on the top, and with adequate protection to prevent erosion unless alternative designs are approved. Berms shall be constructed in such a manner so not to alter drainage patterns on adjacent properties, or obstruct vision for safety of ingress or egress.
4. Trees required within buffer areas shall be provided in addition to the landscaping required within this Section.

B. Modification of Buffer Area and Screening

Because of the wide variety of land uses and the relationships between them and because of many different circumstances, the City Council, after recommendation from the Planning Commission, may reduce or waive the buffer area size and screening requirements after a detailed review and evaluation. Whenever the City Council modifies this requirement, it shall find that the following standards have been met:

1. The alternative design shall protect the character of existing and future residential development within the R-1A through R-4, One-Family Residential zoning district abutting the site from negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
2. The City Council shall determine the screening within and width of the buffer area needed to ensure compatibility with the abutting R-1A through R-4, One-Family Residential zoning district based upon one or more of the following criteria:
  - A. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, disposition and orientation of buildings on the lot.
  - B. The site has natural existing vegetation and or/topography, natural bodies of water or wetland areas, or other existing conditions which offer screening consistent with the standards set forth in this Subsection.

- C. The arrangement, design, and orientation of buildings on the site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of the project.
- 2. Site Area Landscaping Requirements
  - A. Site Area Landscaping Percentage

At least twenty-five (25%) percent of the net area of the site (exclusive of right-of-way) shall be landscaped in the B-1 District. In all other applicable districts at least twenty (20%) percent of the net area of the site shall be landscaped. Subaqueous areas and retention/detention ponds shall be totally excluded from this landscaping percentage requirement, except that wetlands, as designated on officially adopted City wetland maps, may be computed as fifty (50%) percent credit toward landscaping calculations.
  - B. Modification of Site Area Landscaping Percentage

The percentage of area in landscaping as required above may be reduced up to five (5%) percent if it can be demonstrated that a "High Quality" landscape plan is proposed. "High Quality" shall be determined by the City Council after review and recommendation by the Planning Commission. The City Council shall consider landscaping around buildings, landscaping around site entrances, landscaping in and around areas generally considered as lawn, blending and compatibility with existing natural site elements and special elements such as decorative ponds, fountains, walls, etc. The intent of "High Quality" is not to promote overplanting or high density at maturity. The petitioner shall provide a written statement on the landscape plan regarding how the landscape design meets the intent of this modification. A "High Quality" landscape plan would include, but not be limited to, deciduous and coniferous trees, shrubs, ground covers, mounds, berms, screens, annual and perennial flower beds, night time landscaping lighting, rock gardens, cobblestone accents, ponds, etc.
  - C. Site Area Tree Planting

A mixture of evergreen and deciduous trees shall be planted at a rate of one (1) tree for each one thousand (1,000) square feet of required landscape area, rounded upward, for nonresidential and multiple-family developments. Three (3) trees shall be planted per lot/unit for one-family and two-family residential subdivisions/site condominiums.
- 3. Frontage Landscaping and Greenbelt Requirements
  - A. Frontage Tree Planting

Street landscaping shall be required for residential or nonresidential developments along the public or private right-of-way line of any street, road or highway (on the site). At least one (1) evergreen or deciduous tree shall be planted for each thirty (30) linear feet of required greenbelt length, rounded upward.
  - B. Public or Private Road Frontage Greenbelt

A minimum fifteen (15) foot landscaped greenbelt area shall be provided along any public or private road (on the site), with the exception that a minimum twenty-five (25) foot landscaped greenbelt area shall be required in the T&R Districts.
  - C. Private Access Drive Frontage Landscaping and Greenbelt

Frontage landscaping shall be required along private access drives which are intended to service more than one business, but not designed as a private road. At least one (1) evergreen or deciduous tree shall be planted for each thirty (30) linear feet of required greenbelt length, rounded upward, along a minimum ten (10) foot wide landscape greenbelt area.
- 4. Parking Interior Landscape Area Requirements
  - A. Each separate interior landscaped area shall be adequately planted and maintained, and shall be located in such a manner as to divide and break up the expanse of paving, define parking areas, delineate vehicular circulation areas and separate them from parking areas of any off-street parking area containing more than six (6) parking spaces.
  - B. The minimum landscape area permitted shall be one hundred (100) square feet. The minimum size in any one direction shall be eight (8) feet.
  - C. Landscaping material, excepting trees, shall be maintained not to exceed three (3) feet in height.

- D. For every twenty (20) spaces in a row which do not immediately adjoin a landscaped screen greenbelt or buffer zone, a minimum of one (1) deciduous shade tree, with a minimum landscaped area of one hundred (100) square feet each, shall be provided.
- E. There shall be a maximum distance of one hundred and eighty (180) feet between any tree or tree group, and another tree or tree group, within the parking site.
5. Plant Material and Landscape Element Standards
- A. Non-living materials. No plant materials used to satisfy the planting requirements of this Ordinance shall be comprised of non-living materials, such as petrochemical plants. No polyethylene film shall be used under non-living, decorative landscape materials such as stone, woodchips and gravel in a manner which will cause erosion of the decorative materials. Such nonliving materials shall not exceed twenty (20) percent of the minimum landscape area requirements (refer to Item 2).
- B. Landscape Tree. A landscape tree shall be a canopy tree (deciduous or evergreen) or understory tree, with a straight trunk, northern grown, hardy to Zone 5, and State Department of Agriculture Nursery Grade No. 1 or better. Trees shall also be tolerant of site soil conditions, known insects, and diseases.
1. Canopy trees shall be a minimum of two and one half (2½") inch caliper for deciduous trees and eight (8') foot height for evergreen trees, unless otherwise stipulated in the Recommended Tree List as adopted by the City Council.
  2. Understory trees shall be a minimum of two (2") inch caliper for single stem trees or a minimum of eight (8') foot height for multiple stem trees.
- C. Tree Diversity. To provide for a thorough mix of trees indigenous to this area, and to avoid problems encountered in the past with monoculture, disease, and insects (for example, Dutch Elm disease / American Elm and Emerald Ash Borer / Ash Tree) the maximum percentage of tree species and genus permitted for landscape trees are governed to the following sliding scale:
1. 1-10 Landscape Trees – No Diversity Required
  2. 11-50 Landscape Trees - 25% species / 50% genus
  3. 51-100 Landscape Trees – 20% species / 40% genus
  4. 101+ Landscape Trees – 10% species / 20% genus
- D. Prohibited Trees: In order to promote native plant species diversity, reduce susceptibility to storm damage, and to prevent the loss of habitat due to the spread of naturalized non-native plant species, the following species will be prohibited in planting plans:
- |                          |                                  |
|--------------------------|----------------------------------|
| (Acer negundo)           | Boxelder                         |
| (Acer saccharinum)       | Silver Maple                     |
| (Ailanthus altissima)    | Tree of Heaven                   |
| (Betula pendula)         | European White Birch             |
| (Catalpa speciosa)       | Catalpa                          |
| (Elaeagnus angustifolia) | Russian-olive                    |
| (Elaeagnus umbellata)    | Autumn-olive                     |
| (Fraxinus spp.)          | Ash                              |
| (Ginkgo biloba)          | Ginkgo (female only)             |
| (Gleditsia triacanthos)  | Common Honeylocust               |
|                          | (Thornless Cultivars acceptable) |
| (Maclura pomifera)       | Osage-orange                     |
| (Morus alba)             | White Mulberry                   |
| (Populus species)        | Poplars                          |
| (Robinia pseudoacacia)   | Black Locust                     |
| (Rhamnus carthartica)    | Common Buckthorn                 |
| (Rhamnus frangula)       | Glossy Buckthorn                 |
| (Salix species)          | Willows                          |
| (Ulmus pumila)           | Siberian Elm                     |
- E. Shrubs and Hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting, or two (2) feet in spread if plants are low growing evergreens. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken visual screen within a maximum of two (2) years after the time of planting.

- F. Vines. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.
  - G. Ground Cover. Ground cover used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season with at least three (3) plants per square foot.
  - H. Lawn Grass. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, erosion reducing net or suitable mulch, shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds and noxious pests or diseases.
  - I. Screens - Opacity. Where required to screen conflicting uses, open storage, trash receptacles, parking and vehicular use areas, and other uses as recommended by the Planning Commission and approved by the City Council, a minimum opacity shall be maintained at sixty (60) percent winter opacity, and eighty (80) percent summer opacity, within two (2) years after installation when viewed from between two (2) and ten (10) feet above ground.
  - J. Underground Irrigation System. Landscaped areas within nonresidential development sites shall be irrigated with an underground system. Residential subdivisions and condominium developments shall irrigate all landscaped common areas with an underground system. A note shall be placed on the landscape plan indicating this requirement.
7. Wall or Fence Location  
Required walls or fences shall be located on the lot line, except where underground utilities interfere, and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls or fences may be located on the opposite side of an alley right-of-way from one nonresidential district that abuts a residential district when mutually agreeable to affected property owners.
8. Wall Material and Foundation  
Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except such openings as may be approved by the Chief of Police, Fire Chief, or the Community Development Department as being necessary to provide the site with adequate police or fire protection. All walls herein required shall be constructed of masonry materials approved by the Community Development Department. Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Community Development Department, and shall be not less than four (4) inches wider than the wall to be erected.
8. Maintenance Provisions  
All landscaping shall be maintained in a healthy and orderly state free from refuse, weeds, and debris. Any dead or diseased plants shall be removed and replaced.
9. As-Installed Landscape Plan. An accurate final plan showing the location of required tree plantings and date(s) of installation is required prior to the issuance of a final certificate of occupancy.
10. Coordination with City of Auburn Hills Woodlands Preservation Ordinance  
Replacement trees required by the City's Woodlands Preservation Ordinance may be used as landscape trees required by this Section.

*(Amended: 2-04-02 per Ordinance No. 690)*  
*(Amended: 11-14-05 per Ordinance No. 763)*

#### SECTION 1809A. RESIDENTIAL AMATEUR RADIO ANTENNA STRUCTURES AND RESIDENTIAL SATELLITE DISHES:

- 1. Residential Amateur Radio Antennas:
  - A. Application and Permit  
It shall be unlawful for any person to install, construct or increase the height of any antenna support structure without first obtaining a Building Permit, except that no Building Permit shall be required if the height of the antenna support structure (excluding the

height of any building to which the antenna support structure is attached) is less than thirty-five (35) feet.

Application for a Building Permit required in Section 2003 shall be made upon such forms provided by the Department of Building Services and shall have attached thereto the following items:

- 1) A location plan for the antenna support structure.
- 2) Specifications for the antenna support structure and details of footings, guys and braces.
- 3) A copy of the applicant's homeowners or renters insurance policy.

B. Height Limits

No antenna support structure shall be installed, constructed, or increased to exceed sixty (60) feet above grade in residential districts.

C. Construction Requirements

- 1) Materials. Antenna support structures must be constructed from one (1) of the following materials: aluminum, galvanized steel, or equally weather resistant steel. All ground mounted antenna support structures exceeding thirty-five (35) feet in height shall be mounted in concrete, and erected in such a manner so as to withstand a minimum wind velocity of seventy-five (75) miles per hour (impact pressure of twenty-two and one-half (22 1/2) pounds per square foot).
- 2) The thickness of steel used in antenna support structures shall not be less than one-eighth (1/8) inch when galvanized. If not galvanized, steel shall not be less than one-fourth (1/4) inch in thickness when used structurally. Where antenna support structures are constructed of aluminum tubing, the minimum wall thickness of the tubing shall not be less than one-sixteenth (1/16) inch and such tubing, if steel, shall be galvanized on the exterior.
- 3) Electrical requirements. All antenna support structures, whether ground or roof mounted, shall be grounded. Grounding shall be in accordance with the provisions of the National Electrical Code Section 810-58, and for ground mounted antennas shall consist of a minimum of one (1) ground rod a minimum of five-eighths (5/8) inch in diameter and eight (8) feet in length. The ground conductor shall be a minimum of Number Ten (#10) gauge copper; however, in all instances, construction shall follow the manufacturer's requirement for grounding.

D. Restrictions

- 1) No antenna shall protrude in any manner upon the adjoining property without the written permission of the adjoining property owner; and no antenna shall protrude upon the public way.
- 2) Ground mounted antenna support structures may be erected only in a side or rear yard.

E. Exceptions

This Ordinance shall not affect any existing antenna support structure, utilized by Federally licensed amateur radio stations, which has been constructed and which is in place prior to the date of passage of this amendment (January 8, 1990); provided, however, that such antenna support structure must comply with the grounding requirements of Item C.3 above.

2. Residential Ground-Mounted Satellite Dishes (except for those 39.37 inches [1 meter] or less in diameter).

- A. No earth station shall be constructed in any front or side yard, but shall be constructed to the rear of the residence or main structure.
- B. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from any property line or easement.
- C. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.
- D. An earth station shall not exceed a grade height of twelve (12) feet.
- E. Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

- F. An earth station must be bonded to a grounding rod.
- 3. Residential Building-Mounted Satellite Dishes (except for those 39.37 inches [1 meter] or less in diameter).
  - A. Satellite dishes shall be mounted directly upon the principal structure.
  - B. An earth station shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
  - C. An earth station "dish" shall not exceed three (3) feet in diameter.
  - D. An earth station shall be designed to withstand a wind force of eight-five (85) miles per hour without the use of supporting guy wires.
  - E. An earth station must be bonded to a grounding rod.

#### SECTION 1809B. COMMERCIAL SATELLITE DISHES:

All commercial satellite dishes in any non-residential district shall be considered to be Special Land Uses and shall be approved by the City Council, after Public Hearing, under the provisions of Section 1818, Special Land Uses Permitted, and such uses shall be subject further to the following requirements:

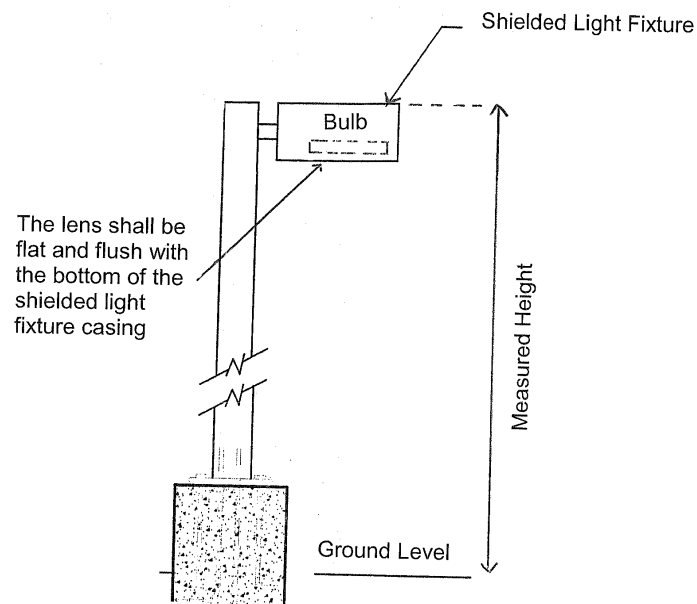
- 1. Ground-Mounted Satellite Dishes (Earth Stations) (except those 78.74 inches [2 meters] or less in diameter):
  - A. No earth station shall be constructed in any front yard, but shall be constructed to the rear or side of the main structure unless it can be demonstrated that the front yard is the only possible location capable of receiving signals, or unless it can be demonstrated that the dish can be totally screened from view from ground level; provided however, that the cost of installation of screening is not disproportionate to the cost of the satellite dish.
  - B. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from any property line or any other easement.
  - C. An earth station shall not exceed a grade height of twenty-five (25) feet.
  - D. An earth station "dish" shall not exceed thirty (30) feet (9.1 meters) in diameter.
  - E. Such earth station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
  - F. An earth station must be bonded to a grounding rod.
  - G. Such use shall be screened with berming, landscaping, a masonry wall or wooden fence approved by the City Council, provided however, that the cost of screening is not disproportionate to the cost of the satellite dish; or unless it can be demonstrated that the screening will prohibit the possible location from receiving signals.
- 2. Roof-Mounted Satellite Dishes (Earth Stations) (except those 78.74 inches [2 meters] or less in diameter):
  - A. Earth stations shall be mounted directly upon the roof of a principal structure or accessory structure.
  - B. An earth station shall not exceed a height of more than fifteen (15) feet above the roof upon which it is mounted.
  - C. An earth station "dish" shall not exceed thirty (30) feet (9.1 meters) in diameter, and shall be properly screened.
  - D. An earth station shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
  - E. An earth station must be bonded to a grounding rod.
  - F. Such use shall be screened with material architecturally compatible with the main building, provided, however, that the cost of screening is not disproportionate to the cost of the satellite dish or unless it can be demonstrated that the screening will prohibit the possible location from receiving signals.

#### SECTION 1810. EXTERIOR LIGHTING:

The purpose of this section is to protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often detrimental affects associated with the use of outdoor lighting. The standards in this section are intended to reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safety; contribute to improving visibility by requiring illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.

**Standards.** When a site plan or plat approval is required, the following conditions shall apply for exterior lighting:

1. All exterior lighting for non-residential developments shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
2. Building entryway and parking lot lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision and comfort:
  - (a) Full cut-off fixtures shall be used to prevent glare and direct illumination away from adjacent properties and streets. The lens shall be flush with the casing so that light is directed down and not sideways. Designs that result in even levels of illumination across a parking area are preferred.
  - (b) Light fixtures shall not exceed the height of the zoning district or the height of the principal building on the site on which the lighting is located, whichever is lower. Fixture height shall be measured from the grade to the top of the fixture.



**Light Pole Detail**

3. Electrical service to light fixtures shall be placed underground.
4. Flashing light shall not be permitted.
5. The use of true color rendering lamps such as metal halide and fluorescent lamps is preferred over high and low pressure sodium lamps or mercury vapor lamps.
6. Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.
7. Excessive lighting for the purposes of attraction and advertising shall not be permitted. In addition, the following requirements shall apply to gasoline service stations and other similar uses:
  - (a) Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with the casing so that light is directed down and not sideways. Fixtures shall not be mounted on the top or sides of canopies.
  - (b) The illumination of canopy sides is prohibited.

*(Amended: 11-11-02 per Ordinance No. 708)*

SECTION 1811. SIGNS:1. Findings and Purpose

It is hereby determined that a proliferation of signs in the City of Auburn Hills is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by a proliferation of signs, which restricts light and air. It is further determined that a proliferation of signs negatively affects property values and also results in an inappropriate use of land.

The purpose of this Section is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premise where the sign is located or indicates the sale or rental of such premise. It is also determined that the regulations contained in this Section and/or other applicable Sections are the minimum amount of regulation necessary to implement the purpose and intent of this Zoning Ordinance. It is also further determined that restrictions in this Section and/or other applicable Sections on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purpose.

2. Definitions.

The following definitions shall apply in the interpretation of this Section.

A. Accessory Sign (on-premise) means a sign which directs attention to any of the activities listed under the definition or sign when such activities are on the same premises as the sign. All other signs are non-accessory (off-premise) signs.

B. Area of Sign means the entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure or similar character, together with any frame or other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where the sign has two (2) or more faces, the area of all faces shall be included in computing the area of the sign, except:

1. If two (2) such faces are placed back-to-back (when on the same common vertical support or framework), the area of the sign shall be computed as the area of one (1) face. However, if such faces are of an unequal area, the larger of the two (2) faces shall determine the area.
2. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

C. Banner Sign means a sign made of fabric or any non-rigid material with no enclosing framework.

D. Changeable Copy Sign means one of the following:

1. Manual. A sign on which a copy is changed manually, such as readerboards with changeable letters or pictorials; or
2. Automatic. An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used for public service information or as a message center or readerboard.

E. Cold/Hot Air or Helium Inflatable Balloon means a temporary sign composed of a non-porous bag of tough, light material filled with unheated or heated air or helium, which may or may not float in the atmosphere.

F. Construction Sign means a sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.

- H. Directional Sign means any sign which solely serves to designate the location or direction of any place or area located on the premise on which the sign is located.
- I. Festoon Sign means a sign consisting of strings of exposed incandescent light bulbs, balloons, tinsel, pinwheels, or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.
- J. Flashing Sign means a sign which contains an intermittent or flashing, scintillating, blinking, rotating or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
- K. Freestanding Sign means a sign erected on a freestanding frame, mast, pole or pylon and not attached to a building.
- L. Frontage means the length of the property line or any one (1) premise along a public right-of-way or private road easement on which it borders.
- M. Government Sign means any temporary or permanent sign erected and maintained by the City, County, State, or Federal Government for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility.
- N. Height of A Sign means the vertical distance measured from the average surrounding grade to the highest point of a sign.
- O. Identification Sign means a sign whose copy is limited to the name and address of the occupant.
- P. Illegal Sign means a sign which does not meet the requirements of the City, County, State or Federal Government and which has not received legal nonconforming status.
- Q. Illuminated Sign means a sign that provides artificial light directly on or through any transparent or translucent material from a source of light connected with such sign, or a sign illuminated by a light with a source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.
- R. Incidental Sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.
- S. Large Format Temporary Wall Mural means a temporary sign attached directly to a building façade which is architecturally compatible with the existing building. Large format temporary wall murals may be adhesive backed, or nonadhesive backed, provided they project no more than 18 inches from the face of the building. Large format temporary wall murals shall not be considered “Billboards” as defined in this ordinance.
- T. Monument sign means a freestanding sign attached to a permanent foundation or decorative base located on the ground either horizontally or on a plane parallel to the horizon which supports the sign and not attached to or dependent on freestanding vertical support from any building, pole, or similar uprights with no exposed poles or posts for support.
- U. Mural means a design or representation painted or drawn on the exterior surface of a structure which does not advertise a business, product, service or activity. A mural that does not function as a sign is not regulated by the Zoning Ordinance.
- V. Nonconforming Sign means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or is a sign which does not conform to the sign code requirements.
- W. Outline Tubing Sign means a sign consisting of exposed glass tubing filled with neon or other material, which glows when electric current is passed through it.
- X. Owner means a person recorded as such on official records. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Community Development Department, e.g., a lease from a sign company.
- Y. Pole Sign means a freestanding sign permanently affixed to the ground by means of poles, columns, uprights, or braces.
- Z. Political Sign means a temporary sign used in connection with a local, state, or national election or referendum.

- AA. Portable Sign means a sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters and/or hitches for towing, without a permanent mounting foundation (see sandwich sign and temporary sign).
  - BB. Premise means the contiguous land in the same ownership, which is not divided by a public street.
  - CC. Projecting Sign means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building face.
  - DD. Real Estate Sign means a sign pertaining to the sale, lease or rental of a building or land.
  - EE. Real Estate Development Sign means a sign designed to promote the sale or lease of lots, homes or building spaces in a real estate development that is under construction.
  - FF. Residential Identification Sign means a monument sign that identifies the name of a residential development (e.g. single-family subdivision/condominium, multi-family development, or mobile home park).
  - GG. Roof Sign means a sign erected upon, against or directly above a roof, on top of, or above the parapet of a building.
  - HH. Rotating or Moving Sign means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
  - II. Sandwich Sign means a sign that consists of two boards upon which a message is posted, which is hinged at the top and open at the bottom so that the boards can lean against each other when placed on the ground (see portable sign and temporary sign).
  - JJ. Sign means a structure, device, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, poster, trade flag or representation, illuminated or non-illuminated, which is visible from a public place, including, but not limited to, highways, streets, alleys, or public property, or is located on private property and exposed to the public, which directs attention to a product, service, object, place, activity, person, institution, business, facility, locale, event, attraction, organization, or solicitation.
  - KK. Sign Maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
  - LL. Sign Permit means an authorization duly issued by the Community Development Department of the City of Auburn Hills allowing the erection of a sign.
  - MM. Sign Structure means any arrangement of materials which are either designated for, or are capable of, being affixed with a sign.
  - NN. Temporary Sign means a sign which is limited in the time permitted, and is not permanently affixed, including, but not limited to, devices such as balloons, flags, searchlights or spotlights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type and strings of lights.
  - OO. Visual Clearance Triangle - The triangle area located at a corner, intersection, or driveway that is required for proper visibility from a motorized vehicle or by a pedestrian.
  - PP. Wall Sign means a sign which is attached directly to the exterior wall of a building, and which does not project more than eighteen (18) inches from the wall, with the face of the sign running on a parallel plane to the plane of the building wall.
  - QQ. Window Sign means a sign installed inside or outside a window and intended to be viewed from the outside.
3. Permits Required, Application and Compliance Certificate
- A. Permits Required: All signs of any configuration shall be established only after approval of the Community Development Department, compliance with all applicable Codes and Ordinances, and, if required, issuance of a permit or permits. A permit shall also be required when a sign is structurally altered, changed from an accessory to a non-accessory sign (or vice-versa), the sign structure is repaired or re-erected, or the sign is moved or reconstructed. Permit fees shall be established by resolution of the City Council.
  - B. Application: Applications for sign permits shall be made upon forms provided by the Community Development Department for this purpose and shall contain the following information:

1. Name, address and telephone number of the applicant.
  2. Name, address and telephone number of the property owner of the property upon which the sign is proposed to be erected.
  3. Location of the building, structure, or lot to which the sign is to be attached or erected.
  4. Position of the sign in relation to nearby buildings, structures, property lines and existing or proposed rights-of-way or private road easements.
  5. Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground.
  6. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Auburn Hills.
  7. Name and address of the sign erector.
- C. Signs Requiring Special Land Use Permit. The following signs are allowed as a Special Land Use under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission. Said signs are subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills. Signs requiring Special Land Use Permit are also subject to Sign Permit approval from the Community Development Department:
1. Automatic Changeable Copy Signs. Such signs shall meet the following requirements:
    - a. Permitted Locations: All businesses located in the O, B-1, and B-2 zoning districts; banks, credit unions, and hotels in the T&R district; and municipal facilities, places of worship, colleges, schools, and hospitals located in the SP District and R-1A thru R-4 districts.
    - b. Sign Style, Height, Width, and Setback: The automatic changeable copy component shall be integrated into a low profile monument sign with a brick or stone base or decorative two-post style sign. The sign shall not exceed ten (10) feet in height and twelve (12) feet in width. The sign shall be setback a minimum of ten (10) feet from the front property line.
    - c. Copy Sign Area: The maximum area of the automatic changeable copy sign component shall not exceed sixty (60) square feet and such area shall not exceed seventy-five (75%) percent of the total sign area (excluding the base), whichever is less.
    - d. Brightness Control and Resolution: The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. LED signs shall have a pixel pitch of 25 mm or less.
    - e. Minimum Interval: The message copy shall appear in intervals of no less than fifteen (15) seconds.
    - f. Movement Restriction: The use of animation, or flashing, scrolling or blinking characters is prohibited.
    - g. Hours of Operation: The automatic changeable copy component of the sign may only operate during the hours that the business is open, or from 6:00 a.m. until 10:00 p.m., whichever is less. This provision shall not apply to public emergency alerts. The City Council may allow extended hours of sign operation where it is determined that no negative impact is anticipated to residential areas.
    - h. Exception - Automatic Changeable Copy Fuel Price Signs. For purposes of clarification, this subsection shall not apply to fuel price signs. Such signs shall require an administrative sign permit and meet the applicable requirements of this ordinance. Because of the nature of such signage, the price copy may be displayed in a single color in the manner found in an electronic message center, or may utilize mechanical means of

altering the copy. The copy message shall only reflect changes in the sales price of such fuels. The fuel price sign component shall not exceed fifty (50%) percent of the total area of any individual sign.

(Amended: 11-17-08 per Ordinance No. 811)

(Amended 11-12-14 per Ordinance No. 864)

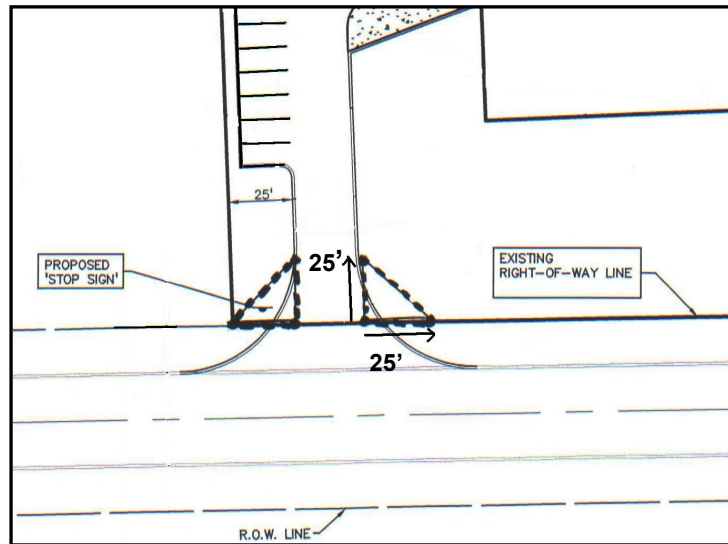
2. Billboards.

- a. Purpose: For the purpose of regulating excess signage, encouraging the positive economic development of the City, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, and promoting a positive community appearance as part of a concerted City-wide effort to protect and enhance the aesthetics of the community, billboards are herein regulated.
- b. Standards. Billboards shall meet the following regulations which are designed to prevent their overconcentration, improper placement, and excessive height, bulk, number, and area. It is intended that billboards be located away from residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.
  1. Permitted Locations. Billboards shall only be permitted on property zoned I-1, Light Industrial District that directly abuts I-75 R.O.W.
  2. Sign Spacing. No billboard shall be erected within a four thousand (4,000) foot radius of any other billboard.
  3. Separation from Residential. A billboard pole shall not be erected closer than one thousand (1,000) feet of a one-family residential zoning district.
  4. Height. A billboard shall not exceed a height of fifty-five (55) feet above the natural grade of the ground on which the billboard is located. Height shall be measured from grade to the top of the billboard.
  5. Size. The total area of a billboard shall be limited to an area of fourteen (14) feet in height by forty-eight (48) feet in width (672 square feet).
  6. Setback. A billboard pole shall not be erected closer than twenty-five (25) feet from any property line and fifty-five (55) feet from any structure located on or off the premise upon which the billboard is located.
  7. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises.
  8. LED Digital Display. An LED digital display (automatic changeable copy sign) may be utilized on a billboard provided:
    - a) The display shall have a pixel pitch of twenty (20) mm or less.
    - b) The display will not use animation, flashing, scrolling, or blinking and will display only static messages.
    - c) The rate of change between static messages will not exceed more than one (1) change per eight (8) seconds.
    - d) The display shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. If complaints arise in regard to display brightness, the sign owner shall work in good faith with the City Community Development Department to address the concerns in a timely fashion.
    - e) The sign owner shall coordinate with the City Police Department and/or other local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the governmental agency that issues the information.

- f) The sign owner shall provide to the City Police Department and Community Development Department contact information for person(s) who will be available to be contacted at any time and who are able to turn off the electronic sign promptly if a malfunction occurs.
    - g) Twenty-four (24) hour operation of the display shall be permitted.
    - h) Approval of the display shall be subject to submittal, and acceptance by the City Council, of a development agreement detailing the conditions relating to the use restrictions of the sign and other mutually agreed upon items between the owner and City.
  - 9. Variation. A variance from the provisions of this Section, including the conversion of an existing static billboard to a LED digital display billboard, shall only be permitted in exchange for a recognizable net public benefit via Section 1830. Planned Unit Development Option. The decision to approve such a variation shall be at the sole discretion of the City Council and an applicant shall not have the right to seek relief from this section to the Zoning Board of Appeals.

*(Amended 1-25-16 per Ordinance No. 872)*
- 3. Roof-Mounted Signs. Roof-mounted signs shall not exceed the height of the roof one-half (1/2) the distance between the eave (or soffit) and peak. Such signs shall be prohibited on the top of the roof, and shall only be allowed on the face of a mansard, hip, gambrel or gable roof. Signs are expressly prohibited on the top of flat roofs. In no instance shall the height of the sign exceed the maximum height of the zoning district in which located.
- D. Signs Requiring a Sign Permit. The following signs are allowed subject to Sign Permit approval from the Community Development Department and must adhere to the restrictions set forth in this ordinance:
  - 1. Freestanding Signs and Wall Signs
    - a. Freestanding Signs. Freestanding signs shall meet the following requirements:
      - 1. General Requirements.
        - a) Setback. Signs shall have a minimum setback equal to the height of the sign, but no closer than three (3) feet to the R.O.W.
        - b) Number. Signs shall be limited to one (1) sign per vehicle entrance, not including directional signs.
        - c) Visual Clearance Triangle. No sign shall be permitted in the visual clearance triangle. For the purposes of this Section, the visual clearance triangle shall further mean the area formed at the intersection of any street right-of-way lines (including driveway curb cuts and private road easement lines) by a straight line drawn between said lines at a distance along each line of twenty-five (25) feet from their point of intersection. Entry-way boulevard medians shall be also included in this measurement.
      - Exceptions.
        - i. Directional and government signs.
        - ii. Freestanding signs which are six (6) feet or less in height may be placed within the visual clearance triangle of an entryway boulevard median provided the sign is setback a minimum ten (10) feet from the R.O.W.

### Example of Visual Clearance Triangle



- e) **Consideration for Adjacent Residential Areas.** Signs in a non-residential zoning district shall not be located closer than one hundred (100) feet to the boundary of a one-family residential district. In the event that a parcel of land has less than sufficient frontage to comply with this provision, freestanding signs shall be located as far from the one-family district as feasible.
- b. **Single Family Dwelling Units.** Single family dwelling units may have one (1) identification Sign not to exceed two (2) square feet in area.
- c. **Residential Identification Signs.** Residential identification signs are low profile monument signs with a brick or stone base or decorative two-post style signs. Said signs are subject to the following requirements:
1. Signs shall not exceed six (6) feet in height and shall be constructed of durable materials.
  2. Signs shall meet freestanding sign setbacks.
  3. Signs shall not exceed thirty-two (32) square feet.
- d. **Non-Dwelling Uses in the Residential Districts.** Signs for land uses such as private schools, churches, and other similar uses permitted within the residential districts are subject to the following requirements:
1. Freestanding signs shall not exceed six (6) feet in height and shall be designed as low profile monument signs with a brick or stone base or decorative two-post style signs.
  2. Signs shall meet freestanding sign setbacks.
  3. Total sign area shall not exceeding two (2) square feet for each ten (10) feet, or fraction thereof, of lot frontage, or twenty (20) square feet per net acre for sites larger than one (1) acre, whichever is greater.
  4. No freestanding sign may exceed sixty-four (64) square feet in size.
  5. No wall sign may exceed one-hundred (100) square feet in size.
- e. **Non-Residential Zoning Districts.** Signs for land uses in non-residential districts are subject to the following:
1. No freestanding sign shall exceed twenty (20) feet in height.
- Intent. The City of Auburn Hills encourages the use of monument or decorative two-post style signs. If a pole sign is utilized, the*

- steel support pole shall be wrapped with a compatible sign material equal to thirty (30%) percent of the width of the sign.*
2. Total sign area not exceeding eight (8) square feet for each ten (10) feet or fraction thereof of lot frontage, or eighty (80) square feet per net acre for sites larger than one (1) acre, whichever is greater.
  3. Signs in no case may exceed one hundred and fifty (150) square feet per sign.
  - f. Downtown District. See Sections 907(7) and 1811D(7) for additional requirements and restrictions related to signs in the Downtown District.
  - g. Sign Area Allocation. Where a premise has more than one (1) occupant, the permitted sign area shall be apportioned in the same percentage as the usable floor area occupied by each occupant to the total usable floor area of the building. The sign area permitted for each use as allocated above may be divided between a number of signs as desired by the occupant, but in no case may the total of the individual sign areas exceed the total permitted area to which the occupant is entitled.
  2. Manual Changeable Copy Signs. Manual changeable copy signs, including fuel price signs, shall not exceed fifty (50%) percent of the total area of any individual sign.
  3. Grand Opening/Annual Sale Signs. Grand opening/annual sale signs shall be permitted with the approval of the Community Development Department. Grand opening signs shall be limited to a newly opened business for a maximum one (1) month period. Annual sale signs shall be established for a maximum of two (2) weeks in any twelve (12) months period per business. Businesses obtaining a grand opening or annual sale sign permit shall be permitted up to a twenty (20) percent sign increase over the normally permitted sign area for the limited time period. Signs listed in Subsections 5H, 5I, 5J, 5K, and 5L above may be permitted during the limited time period.
  4. Construction Signs. Temporary construction signs are limited to one sign per development. The size shall not be more than thirty-two (32) square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later. The sign shall be confined to the site of the construction and shall be removed at the time any certificate of occupancy is issued, or the work is completed, whichever is earlier. The sign shall not exceed twelve (12) feet in height and shall meet freestanding sign setback requirements.
  5. Real Estate Development Signs. Signs pertaining to residential real estate development within the City may be established on a temporary basis after obtaining a permit, subject to the following:
    - a. One (1) sign, not to exceed eighty (80) square feet in area, with a height not to exceed twelve (12) feet, may be placed at each vehicle entrance on site.
    - b. Signs, with a size not to exceed six (6) square feet in area, and a height not to exceed five (5) feet, may also be located on-site to direct the public to models, sales or rental offices.
    - c. Non-accessory signs, with an amount not to exceed sixty-four (64) square feet in area or twelve (12) feet in height, may be erected on land with frontage on a major thoroughfare having an existing or proposed right-of-way of at least one hundred and twenty (120) feet when intended to direct the public to said developments. Non-accessory signs advertising the same real estate development shall be spaced no closer than four thousand (4,000) feet on the same side of the right-of-way. A temporary one (1) year permit shall be granted, and a two hundred and fifty (\$250) dollar cash bond shall be paid at the time of initial application in order to ensure the proper maintenance of said sign, which is subject

- to forfeiture in the event that signs are not maintained or removed after permit expiration. After initial issuance, such sign permits may be renewed with a twenty-five (\$25) dollar yearly inspection fee.
- d. Signs permitted by this Section shall be removed six (6) months after the time at which any approved units on the site receive ninety (90%) percent Temporary Certificates of Occupancy, or six (6) months after construction on the site has stopped, whichever comes first.
  - e. Signs shall meet freestanding sign setback requirements.
6. Real Estate Signs for MHP, Multiple-Family Residential, and Non-Residential Properties. Signs indicating the premise for sale or rent when such signs are a maximum of thirty-two (32) square feet, with the provision that there shall be only one (1) such sign for each parcel of land. The sign shall not exceed twelve (12) feet in height and shall meet freestanding sign setback requirements.
7. Sandwich Signs in the Downtown District. Sandwich signs shall be allowed in the Downtown District subject to the following standards:
- a. The sign is permitted on a public sidewalk in the Downtown District, provided a maximum of five (5) feet of unobstructed, pedestrian access along the sidewalk is maintained. Adequate space shall be provided for vehicle entry between on-street parking spaces and the sign.
  - b. The sign shall be constructed of durable materials.
  - c. The sign shall have a maximum two (2) faces, each face ten (10) square feet or less in area. The maximum height shall be four (4) feet.
  - d. The sign shall only be displayed during business hours.
  - e. One (1) sign per occupied storefront shall be permitted.
8. Large Format Temporary Wall Murals. Large format temporary wall murals shall be permitted, subject to the following requirements:
- a. A large format temporary wall mural shall be allowed for up to two hundred and forty (240) days. No building may erect large format temporary wall murals more than four (4) times in a calendar year. Except as provided in Subsection 1 below, the maximum allowed time per calendar year for all wall mural signs shall be two hundred and forty (240) days.
    - 1. Tall Building Exception: Buildings taller than ten (10) stories located on sites with frontage on I-75 or M-59 shall be allowed to erect an unlimited number of large format temporary wall murals, three hundred and sixty-five (365) days a year. The maximum allowed time per wall mural sign shall be two hundred and forty (240) days.
  - b. Only one (1) large format temporary wall mural per site may be erected at any time.
  - c. Large format temporary wall murals may only be erected after obtaining a Sign Permit from the Community Development Department. Large format temporary wall murals must meet all related requirements in the Building Code, including wind loading and flammability requirements. An applicant whose Sign Permit application is denied by the Community Development Department based upon the requirements in this section may appeal in writing said denial to the City Council. The City Council shall hold a hearing on the appeal in a timely manner and shall allow the applicant and other interested parties to appear and present evidence. Denials based upon the Building Code or the Fire Code may be appealed to the Construction Board of Appeals. The Community Development Department shall notify the City Council, in writing, of any Sign Permits for large format temporary wall murals approved or denied under this section. Applicants for a Sign Permit must have the written authorization of the property owner to erect a large format temporary wall mural.

- d. Temporary lighting may be used to illuminate large format temporary wall murals provided the lighting does not cause glare onto adjoining properties or onto public or private roads, or otherwise create a nuisance or a safety hazard. Portable lighting, powered by generators, must not be located adjacent to any residential property and must not produce noise which exceeds the performance standards stated in Section 1807(6) of the Zoning Ordinance.
- e. Large format temporary wall murals must be an accessory sign and pertain to the business on site (i.e., service provided or product produced). Non-accessory large format temporary wall murals shall be prohibited. Further, large format temporary wall murals shall not be used to advertise an event, unless the event is charitable in nature.
- f. Large format temporary wall murals shall only be fabricated out of perforated window film or vinyl mesh. Vinyl mesh installations must meet the requirements of the Building Code.
- g. Large format temporary wall murals of the American Flag are exempt from the time constraints of this ordinance, provided a report is provided to the Community Development Department by the applicant of the condition of the mural every sixty (60) days. No additional text, pictures, or any other information shall be permitted on the large format temporary wall mural of the American Flag.

*(Amended: 9-10-12 per Ordinance No. 12-852)*

- E. Compliance Certificate Required: All signs shall be inspected upon installation and, if found to comply with this Section, the sign shall be issued a Certificate of Compliance. The following provisions shall also apply:
- 1. Inspections: The Community Development Department shall cause existing signs to be inspected periodically if deemed necessary to determine continuation of compliance with the provisions of this Section(s).
  - 2. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Community Development Department cannot easily remove material to see the fastenings and material used, the sign erector must advise the Community Development Department so that an inspection may be made before concealment.
  - 3. Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Section(s), the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Section(s) within thirty (30) days of notice.
  - 4. Unsafe Signs: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within forty-eight (48) hours of notification. Failure to remove or repair shall authorize the City to remove or repair said sign. No sign shall be erected so that any part including cables, guys, or other such supporting devices will be within six (6) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard. Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, and free from weeds, rubbish, and inflammable material. The owner of any property on which a sign is placed and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof. Any sign which the Community Development Department determines to be unsafe structurally, an obstruction to drivers' visibility, or not in conformance with the provisions of this Section, shall be repaired or immediately removed.
  - 5. Responsibility: The owner shall assume full responsibility for the maintenance and/or removal of signs. In the instance that a sign is vacated, or is determined to be unsafe as indicated in Item 4 above, the cost of removal, or repair, if that burden is placed upon the City, shall be assessed to the property owner.

6. Discontinued Use. In the event that a use to which a sign is accessory is discontinued, such sign, or signs, shall be removed within thirty (30) days of such discontinuance. Supporting structures may be left intact upon approval of the Community Development Department.
4. Permits Not Required  
For purposes of this Section(s) a permit shall not be required, but compliance with this Section(s) must prevail, for any of the following signs:
  - A. Identification Sign. A sign which is less than three (3) square feet in area, and which is intended in message to convey street numbers or the name of a person or persons, but in no instance a business, occupying a premise.
  - B. Government Sign. Signs not to exceed six (6) square feet in area, which in message warns of danger, prohibition or regulation, regulates parking, or informs of any historical significance.
  - C. Residential Real Estate Signs. Signs indicating the premise for sale or rent when such signs are a maximum of six (6) square feet in area for all residential districts, with the provision that there shall be only one (1) such sign for each parcel of land.
  - D. Outline Tubing Sign. Outline tubing signs are limited to (1) sign which states the words "open" and/or "closed" or "vacancy" and/or no vacancy" only, which shall be limited to two (2) square feet.
  - E. Incidental Signs on Vehicles. Signs mounted on motor vehicles which are operable and currently licensed. When such vehicles are parked, the primary purpose of such parking shall not be sign display. If vehicles are parked for the purpose of advertising, such advertising shall be restricted to only the establishment on the premise where the vehicle is parked, and such vehicle advertisement shall be considered a Special Land Use and shall adhere to the requirements of Section 1818, Special Land Uses Permitted.
  - F. Window Signs. Accessory signs designed to be visible through windows of structures when the area of such signs does not exceed thirty (30%) percent of the window area.
  - G. Incidental Signs. Incidental signs which are visible only from the premise upon which located. Such signs shall not be counted toward the area allocated for the site.
  - H. Political Signs. Political signs when pertaining to a public election shall be located only on private property with the property owner's consent. Such signs shall be removed not later than seven (7) days after the election.
  - I. Directional / Informational Signs. Any directional informational signs required for the purpose of orientation, or any other government sign, when established by the City, County, State or Federal Government.
5. Prohibited Signs
  - A. No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape or means of ingress/egress.
  - B. No signs, except those established and maintained by the City, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be located on, project into, or overhang any public property. The City Council may grant an exception in any City right-of-way. Prohibited signs shall be removed by appropriate City personnel.
  - C. Flashing or intermittent illumination of signs shall be prohibited.
  - D. Rotating or moving signs.
  - E. Animated signs.
  - F. Projecting signs.
  - G. No sign or advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or other work, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
  - H. Portable signs, except grand opening/annual sale signs.
  - I. Cold, hot air or helium inflatable balloons, except grand opening/annual sale signs.
  - J. Festoon signs or banners, except grand opening/annual sale signs.
  - K. Searchlights or spotlights, except for grand openings or annual sales, or where such lights are permitted as a Special Land Use in accordance with Section 1818.
  - L. Temporary signs, except grand opening/annual sale signs.

- M. No sign shall be located on any street corner or site access drives which would obscure the vision of drivers or pedestrians, or conflict with traffic control signals.
  - N. Signs on trailers.
  - O. Painted signs directly on walls of buildings.
  - P. Signs utilizing LCD (Liquid Crystal Display), television, video projection, or other similar technology.
6. Nonconforming Signs
- A. Intent: It is the intent of this Section(s) to encourage eventual elimination of signs that, as a result of the adoption of this Ordinance, became nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Section(s). It is the intent, therefore, to administer this Section(s) to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property rights.
  - B. Continuance: A nonconforming sign may be continued and shall be maintained in good condition, but shall not be:
    - 1. Replaced or changed to another nonconforming sign.
    - 2. Structurally altered so as to prolong the life of the sign.
    - 3. Expanded.
    - 4. Re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50%) percent of the estimated replacement cost.
    - 5. Re-established after the business to which it is devoted is discontinued ninety (90) days or longer.
    - 6. Refurbished if the estimated expense of maintenance exceeds fifty (50%) percent of the estimated replacement cost.
7. Sign Illumination
- A. No sign shall be illuminated by other than approved electrical devices and shall be installed in accordance with the requirements of the regulations adopted by the City of Auburn Hills. No open spark or flame may be used for display purposes unless specifically approved by the Community Development Department. Searchlights or spotlights for advertisement or illumination are expressly prohibited, except for annual sales or grand openings. Illuminated signs shall have such illumination directed or shielded so as to not interfere with the vision of persons on the adjacent parcels of land or streets.
  - B. Any lighting for the illumination of signs shall be directed away from, and shall be shielded from, any adjacent residential area.
8. Non-Residential Non-Accessory Signs
- Non-accessory signs may be located only within "I" Districts, subject to the following:
- A. There may be no more than one (1) such sign per lot of record.
  - B. Non-accessory signs are to be included within the maximum size limitations as established within each "I" District and shall comply with all other restrictions applicable to accessory signs.

*(Amended: 4-02-07 per Ordinance No. 799)*  
*(Amended: 3-15-10 per Ordinance No. 827)*

#### SECTION 1812. USE RESTRICTIONS:

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the Multiple Family District, or percentage of lot occupancy in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

#### SECTION 1813. STORAGE OF VEHICLES, MACHINERY AND LIKE ITEMS:

- 1. Commercial Vehicles and Equipment:
  - A. Public Property. A person shall not park or store any commercial vehicle or commercial equipment on public property located in any zoning district, including, but not limited to,

public streets, stub streets, rights-of-way, bike paths, greenbelts, and planting areas between bike paths and streets, except as provided in sub-paragraph D below.

- B. Residential Districts. A person may park or store one (1) allowed commercial vehicle outside of an enclosed building in a residential zoned district as an accessory use, subject to the following conditions:
1. Use by the Resident of the Dwelling. The allowed commercial vehicle is used as a means of transportation of a resident of the dwelling which is necessarily used in their employment, business or profession.
  2. Prohibited Commercial Vehicles. The vehicle shall not be a step/cube van; ambulance; delivery, box, flatbed, platform, refrigerator, tow, dump, fire, garbage, utility, stake, or cube truck; transport vehicle, tractor unit, cab forward, semi-tractor with or without a trailer; bus or limousine; or commercial or construction equipment, trailer, utility trailer, or any similar vehicle and equipment.
  3. Allowed Commercial Vehicles. The allowed commercial vehicle is a commercial vehicle other than as specified in paragraph B.2, above, such as pickup trucks, passenger/cargo-style vans, sport utility vehicles, passenger cars, and similar type vehicles with a single rear axle, which may also include allowed accessories. The vehicle shall be parked in the front, side, or rear yard on an improved surface per Section 1813(3). Allowed accessories shall mean equipment attached to an allowed commercial vehicle that does not extend the vehicle to more than eleven (11) feet in height or longer than twenty-two (22) feet in length including the overhang of roof top equipment. Roof accessory racks, but not side racks, shall be allowed. Pick-up truck contractor caps are allowed provided the cargo bed of the pick-up truck is not altered. A plow on the front and a spreader on the rear of a pick-up truck may be attached even if the vehicle is extended beyond twenty-two (22) feet in length. Signage may be permitted on the vehicle provided the advertising is directly related to the vehicle's use.
  4. Exception for Commercial-Related or Non-Recreational Equipment Use Utility Trailers. One (1) utility trailer utilized for commercial use and/or non-recreational equipment shall only be permitted to be parked or stored outside of an enclosed building in a residentially zoned district in the side and rear yard. Business advertising may be displayed on the utility trailer. The utility trailer shall only be parked and/or stored on an approved improved surface and shall be screened from the view of the street and adjacent properties. The City shall prepare and provide to requesting property owners a list of acceptable screening methods. The vehicle shall be setback at least ten (10) from any side and rear lot line and shall not be placed in a drainage or utility easement.
- C. Non-Residential Districts. A person shall not park or store any commercial vehicle or commercial equipment on private property in any non-residential district except as provided in subparagraph D below, or unless the vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In this event, parking or storage must comply with all other City codes and ordinances.
- D. Exception. A person may park or store a commercial vehicle or commercial equipment in any zoning district, where the parking or storage is limited to vehicles or equipment used by persons engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.
2. Parking and Storage of Recreational Vehicles in Residential Districts:
- A. Definition of Recreational Vehicle. For purposes of this section, a recreational vehicle means any vehicle self-propelled or capable of being towed and primarily designed and constructed to provide recreational uses, or to provide temporary living quarters for camping, or recreational travel, which normally would be required to be licensed by the State of Michigan. A recreational vehicle includes, but is not limited to; utility trailer utilized for recreational equipment, trailer coach; camping trailer; full-tent trailer; motor home; pickup (slide-in) camper; boat, personal watercraft, snowmobile, and all-terrain

vehicle (ATV). Where recreational vehicle(s) are placed on or within a utility trailer, they will together be considered one (1) recreational vehicle.

B. Parking and Storage Standards.

A person may park or store recreational vehicles in a residential district as an accessory use on a lot of record, subject to the following conditions:

1. Permitted Location. Recreational vehicles may be parked or stored only in the side or rear yard on an approved surface. Parking of recreational vehicles in the front yard shall be prohibited, except for temporary parking as permitted in subsection (a) below. For purposes of clarification, no part of a recreational vehicle may extend beyond the front plane of a dwelling when parked or stored in the side yard.
  - a. Temporary Parking Exception. A person may park one (1) recreational vehicle on an improved surface in the driveway of a front yard for the purposes of loading, unloading, or cleaning for a period of time not to exceed forty-eight (48) hours. Temporary parking is subject to the requirements of this section. At no time shall any unmounted camper enclosure, or any boat or other recreational equipment not mounted on a utility trailer be parked or stored within any front yard.
2. Setback. Recreational vehicles shall be placed at least ten (10) feet from the side and rear lot line, with the additional restriction that recreational vehicles which exceed ten (10) feet in height shall be placed at least fifteen (15) feet from the side and rear lot line. No recreational vehicle shall be placed in a drainage or utility easement.
3. Parking Surface and Lot Coverage The parking surface used for the outdoor parking or storage of recreational vehicles shall conform with the requirements of Sections 1813(3) and 1813(4).
4. State Licensed and Vehicle Condition. Recreational vehicles shall be owned, rented, or leased by an owner or occupant of the property on which the recreational vehicles are parked or stored and shall be currently licensed. All recreational vehicles parked and/or stored outside of an enclosed accessory structure shall be kept in a state of proper repair and secured to prevent unauthorized entry. No recreational vehicle may have its wheels removed or be affixed to the ground so as to prevent its ready removal. Temporary coverings such as tarps or cloth screens are not permitted on recreational vehicles. Fitted covers are permitted and may be used as long as they are specifically designed for the vehicle or utility trailer.
5. Visitor Parking. A property owner or occupant may permit a visitor to park a single RV on their lot subject to the requirements of this section. The maximum stay for all visitor RV's combined shall not exceed seven (7) consecutive days, not to exceed fourteen (14) days per calendar year. A RV may be temporarily connected to water and electricity during the visit. A RV shall not be connected to a sanitary sewer line at any time.
6. Living Quarters. A RV shall not be used for living quarters with the exception of visitor parking.
7. Converted Recreational Vehicles. Non-traditional recreational vehicles, including, but not limited to, converted busses, converted trucks, converted step vans/box trucks, and converted trailers shall be prohibited effective September 28, 2020, with those non-traditional recreational vehicles that existed on properties prior to September 28, 2020 having to comply with the requirements of Section 34-159 of the City Code of Ordinances.

3. Vehicle Parking on Approved Surface

A vehicle shall not be parked on the lawn of a side yard, rear yard, or front yard. A vehicle shall be parked on gravel, cement, asphalt, or brick surface, constructed in accordance with the City approved design standards and shall be kept in a proper state of repair, and maintained free of hazardous conditions. The intent of this provision is to eliminate the blighting factors associated with the indiscriminate parking of vehicles on the lawn. The City has determined that such

parking is unsightly, causes the loss of ground cover and erosion, provides potential environmental hazards, and could potentially impede emergency vehicle/personnel access to a structure. Further, the parking and storage of vehicles shall not cause a nuisance, blight conditions, or detract from the character of the property or the neighboring properties.

4. Vehicle Lot Coverage in Residential Side and Rear Yards. The parking and storage of all vehicles, including the surface areas on which they are located, may occupy not more than thirty (30) percent of the combined side and rear yards of a residential property, provided that in no instance shall the area utilized for the outside storage of all vehicles in the side and rear yards exceed the square footage of the ground floor area of the main building.

*(Amended: 11-13-06 per Ordinance No. 789)*

*(Amended 9-28-20 per Ordinance No. 918)*

#### SECTION 1814. ENVIRONMENTAL REQUIREMENTS:

The City of Auburn Hills has natural features and characteristics which must be preserved wherever possible. The City's growth, development and increasing demands have and may encroach upon, despoil, pollute and eliminate many of the natural characteristics, features and resources including watercourses, wetlands, trees, vegetation and the like. If the natural features and characteristics are preserved and protected, as nearly as possible, in an undisturbed and natural condition, it will be in the best interest of the health, safety and welfare of the existing and future residents of the City as it will provide important physical, aesthetic, recreational and economic benefits. Proper regulations and provisions for the protection and preservation of the environmental features of the City will provide for the absorption of air pollutants and contamination, reduce excessive noise, and mental and physical damage related to noise pollution, protect against erosion, siltation and flooding, preserve areas of natural beauty, recreation and irreplaceable heritage for existing and future residents.

1. It being of extreme importance to protect woodlands and trees in the City, the applicant for any site plan and/or plat containing over twenty (20) acres shall take appropriate action to preserve and replace trees. The following information shall be presented in writing with any proposed site plan and/or plat:
  - A. Specification of the location of existing stands of trees or existing individual trees.
  - B. Specification of the location of trees to be retained.
  - C. Specifications for protection of the trees to be retained during development.
  - D. Specification for grading and drainage to assure the preservation of the trees to be retained.
  - E. Details of steps to be taken for reforestation and afforestation.
2. The applicant for any rezoning, site plan and/or plat for twenty (20) acres or more shall submit with said site plan and/or plat an Environmental Impact Statement which shall address the following:
  - A. Provide relevant information on the environmental impact of the rezoning, platting, site plan approval, or other actions which will have a significant effect on the environment.
  - B. Consideration of the characteristics of the land, and the interest of the community at large, as well as the petitioner's interest.
  - C. Steps to be taken during development to limit the impact on the environment.
3. The Planning Commission shall recommend denial of the site plan, plat or rezoning to the City Council unless the materials submitted under this Section demonstrate that the applicant has taken all reasonable steps to protect the environment consistent with the development of the site as permitted pursuant to the terms of this Ordinance.

#### SECTION 1815. SITE PLAN REVIEW:

1. A site plan shall be submitted and approved as set forth in this Section before the issuance of a building permit and before any new building construction or development, any new construction of usable floor area, any change in use of usable floor area, any special or conditional land use or activity, parking change, drainage change or change in ingress or egress, except in the case of construction limited to one (1) single-family home for location on a lot in a previously approved subdivision or plat, or a previously approved acreage parcel. Before issuance of a building permit, or the beginning of a building construction or development related to a second or

subsequent single-family home on a lot in an approved subdivision or plat, a previously approved acreage parcel or a previously approved site condominium, a site plan shall be submitted and approved as set forth in this Section.

All site plans shall be approved by the City Council after recommendation by the Planning Commission after compliance with the requirements of this Ordinance, except the Building Inspector may, after consultation with the other departments and agencies of the City, unless it appears necessary to ensure compliance with this Ordinance, approve without submittal to the Planning Commission any site plan involving alterations, modifications, improvements and minor additions to existing structures. The Planning Commission may waive required site plan items which, in the opinion of the Commission, are not necessary to achieve the objectives of this Section and this Ordinance, and may require the submission of an informational sketch detailing the same.

Any property owner denied site plan approval by the Zoning Administrator may appeal to the City Council for a final determination. All site plans shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four inches by thirty-six inches (24" x 36"), with the plan drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100'). All site plans shall be drawn to scale.

2. Every site plan submitted for approval shall be in accordance with the requirements of this Ordinance.
3. The following information shall be included, as applicable as possible, either on the site plan or in written or other graphic form (also see Items 4 or 5). A note will suffice in many instances, such as on signage:
  - A. Proprietor's name and address.
  - B. Name of the City.
  - C. Title block
  - D. Northpoint and scale
  - E. Legal description (including lot number or metes and bounds). The Sidwell Number shall be in the lower right-hand corner of the site plan. If part of a Lot Number or part of a Parcel Sidwell Number is indicated as a description, a full sealed metes and bounds description shall be provided. Reference may only be made to Part of a Parcel Sidwell Number if a Site Plan has been previously used for the larger parcel.
  - F. Location sketch (one inch [1"] equals two thousand feet [2,000'])
  - G. Professional seal (Architect, Engineer, Surveyor, Landscape Architect or Planner).
  - H. Topography (fifty feet [50'] beyond site at two foot [2'] contour intervals).
  - I. Lot lines and building lines within one hundred feet (100').
  - J. Lot lines and property line dimensions.
  - K. Centerline, and existing and proposed right-of-way lines.
  - L. Acceleration, deceleration and passing lanes.
  - M. Zoning classification, including abutting parcels.
  - N. Drainage courses and floor areas.
  - O. Tie to major thoroughfare or section corner.
  - P. General utility information.
  - Q. Floor plans and elevations.
  - R. Sign height and details, or note that "all signs shall meet the requirements of Ordinance No. 372."
  - S. Total floor area and usable floor area.
  - T. Parking calculations and method of paving.
  - U. Parking dimensions, including handicapped.
  - V. Light details, including height, or a note.
  - W. Loading and unloading area.
  - X. Trash receptacle and/or grease pit and method of screening, including height, gate and concrete pad.
  - Y. Greenbelt paralleling right-of-way.
  - Z. Landscape plan.
  - AA. Indicate vegetation (see Woodlands Ordinance No. 483 and Wetlands Ordinance No. 482).

- BB. Screening for ground-mounted transformers.
  - CC. Fire lane signage or note.
  - DD. Pathway paralleling right-of-way.
  - EE. Screening for roof-mounted mechanical equipment.
  - FF. Environmental Impact Statement (if required).
  - GG. Front, side and rear yard dimensions.
  - HH. Greenbelt adjacent to property lines.
  - II. Provide the note "Not Construction Drawings."
  - JJ. Gross and net acreage figures.
  - KK. Add a note that parking spaces shall be double striped.
  - LL. Details indicating the location of abandoned well sites and the method of closure in conformance to Oakland County Health Department requirements.
  - MM. Frontage landscaping calculations.
  - NN. Receptacle setback and pad size.
  - OO. Lighting calculations
  - PP. Will there be fire walls or suppression systems installed?
  - QQ. Is a Land Division or combination required?
  - RR. Revision Date.
  - SS. Add a note that there will be no pallet storage, overnight vehicles or trailer storage.
  - TT. Indicate ingress/egress to all properties on the opposite side of the street.
- NOTE: See items 4 and 5 below also.
4. The following information shall be included, as applicable as possible, either on the site plan or in written or other graphic form. A note will suffice in many instances, such as on signage. In the case of single family detached condominiums, two (2) family, multiple family, mobile home (See Rule 938 of the Mobile Home Commission Rules), housing for the elderly, or single family cluster development, the following information shall be required:
    - A. Density calculations.
    - B. Gross and net acreage figures (net is minus right-of-way).
    - C. Designation of units by type of buildings.
    - D. Interior sidewalks (five (5) feet for handicapped) and sidewalks within right-of-way (eight (8) foot wide pathway along major thoroughfares).
    - E. Typical floor plans.
    - F. Building elevations.
    - G. Hydrant locations.
    - H. Exterior lighting locations and method of shielding (or a note).
    - I. Carport locations and details.
    - J. If provided, trash receptacle location and method of shielding (six (6) foot high masonry screen).
    - K. Transformer pad location and method of shielding.
    - L. Front, side and rear yard dimensions.
    - M. Building length dimension.
    - N. Parking spaces.
    - O. Obscuring wall or berm locations, and cross-sections, where required.
    - P. Landscape Plan.
    - Q. Dedicated road or service drive lengths.
    - R. Community building details and method of fencing the swimming pool, if applicable.
    - S. Entrance details, including signs (or a note that signs shall meet Ordinance requirements).
  5. In the case of quasi-public, commercial, industrial, special purpose, and parking development, the following additional information shall be required:
    - A. Landscape Plan (twenty-five percent [25%] of the net site area in the B-1 District, or twenty percent (20%) of the net site area in all other applicable districts (refer to Section 1808).
    - B. Front, side and rear yard dimensions.
    - C. Loading and unloading areas.
    - D. Total and usable floor area.

- E. Building elevations.
  - F. Parking spaces and calculations (based on both employees and usable floor area).
  - G. Berm or obscuring wall locations and cross-sections.
  - H. Gross and net acreage figures (net is minus right-of-way).
  - I. Interior sidewalks (five (5) feet for handicapped), and exterior sidewalk locations (eight (8) foot wide pathway one (1) foot inside right-of-way along major thoroughfares).
  - J. Hydrant locations.
  - K. Designation of fire lanes and "No Parking or Standing - Fire Lane" signs.
  - L. Exterior lighting locations and method of shielding (details of the lighting fixtures shall be provided in a site plan or a note that lighting shall be shielded).
  - M. Trash receptacle location and method of shielding (six (6) foot high masonry screen).
  - N. Transformer pad location and method of shielding.
  - O. Entrance details, including signs, to include details of signs such as specific height, whether lighted, type of sign, location, etc. (or a note that signs shall meet Ordinance requirements).
  - P. For industrial development, research office uses, or automobile service stations, the quantity and quality of industrial waste.
  - Q. Propane tank locations and methods of shielding; and any overhead utilities.
  - R. Run-off calculations and method of retention.
  - S. An indication of the recognition of the requirements of Section 1818, if applicable.
  - T. Additional requirements may be found in the following Sections:
    - 1) Sections 1701 and 1702, Schedule of Regulations.
    - 2) Sections 1804 and 1805, Parking Requirements and Standards.
    - 3) Section 1806, Loading and Unloading.
    - 4) Section 1808, Greenbelts, Walls and Landscaping.
    - 5) Section 1825, Waste Storage and Receptacles.
6. A site plan which meets the requirements of the Ordinance of the City of Auburn Hills shall be approved. The City Council may grant site plan approval with conditions when it determines that the site plan, with the satisfaction of the conditions, would meet the requirements of the City's Ordinances. In the event of a conditional approval by the City Council, an application for a building permit may be made provided a revised site plan is attached incorporating, graphically or otherwise, the conditions imposed by the City Council. An application for a building permit for approved or conditionally approved site plans shall be made in accordance with the provisions of Article XX of this Ordinance.
7. In the process of reviewing the site plan, the Planning Commission and the City Council shall determine that there has been compliance with the following requirements before approval:
- A. All requirements and standards of this Ordinance, and other City Ordinances, shall have been met.
  - B. The location and design of driveways providing vehicular ingress to and egress from the site shall promote safety and convenience of both vehicular and pedestrian traffic both within the site and on access and adjoining streets.
  - C. The traffic circulation features within the site and the location of automobile parking areas are designed to avoid common traffic problems and promote safety.
  - D. There shall be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - E. The proposed development shall not have an unreasonable detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed, and the larger area of which the parcel is a part.
8. The Planning Commission and City Council may further require such additional information as would be necessary in pursuance of these objectives, and the same shall be provided.
9. Any site plans receiving approval shall be effective for a period of one (1) year, or the life of a Building Permit obtained pursuant to the approved site plan, whichever is longer. If construction is not within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the City Council, and before the extension is granted there is

- compliance with all applicable site plan requirements that are in effect at the time of the extension.
10. All site plan applications before the Planning Commission shall comply with the following provisions with regard to public notification.
- A. Notice shall be published in the Oakland Press not less than 15 days before the date the application will be considered for approval.
  - B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 1,000 feet of the property and to the occupants of all structures within 1,000 feet of the property regardless of whether the property or occupant is located in the City of Auburn Hills. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall state all of the following:
    - 1) Describe the nature of the request.
    - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - 3) State when and where the request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.

*(Amended: 7-24-06 per Ordinance No. 781)*

#### SECTION 1816. RESIDENTIAL ENTRANCEWAY:

In all zoning districts, so called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single family subdivisions, multiple housing projects, or mobile home parks, may be permitted and may be located in a required yard provided that such entranceway structures shall comply with all codes and Ordinances of the City, and be approved by the Building Inspector and a permit issued.

#### SECTION 1817. DWELLING OR BUSINESS IDENTIFICATION:

Each dwelling unit or business establishment in the City of Auburn Hills shall have a clearly identifiable street address attached to the main structure or visible from the right-of-way which shall consist of numbers or letters on a contrasting background, and said address shall be maintained in good condition at all times. A clearly marked temporary sign showing the street number and identification of the site shall be provided at a conspicuous location from the beginning of construction to occupancy.

#### SECTION 1818. SPECIAL LAND USES PERMITTED:

The intent of this section is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of the special nature of such uses or their particular location in relation to neighboring properties, require a stricter level of review by the City.

- 1. All special land use permit applications require a public hearing before the Planning Commission. Notice of the hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.
  - A. Notice shall be published in the Oakland Press not less than 15 days before the date the application will be considered for approval.
  - B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 1,000 feet of the property and to the occupants of all structures within 1,000 feet of the property regardless of whether the property or occupant is located in the City of Auburn Hills. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall state all of the following:

- 1) Describe the nature of the request.
  - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3) State when and where the request will be considered.
  - 4) Indicate when and where written comments will be received concerning the request.
2. In the instance of decisions on special land uses referred and in all other instances in this Ordinance where discretionary decisions must be made by the City Council, after Planning Commission public hearing and recommendation, the requirements and standards as particularly set forth in this Ordinance concerning the matter for decision shall be followed, and said discretionary decision shall so be based upon findings that:
  - A. The proposed land use or activity shall comply with local ordinances and State and Federal statutes.
  - B. The location of the land use shall be proper for the activity proposed. It shall:
    - 1) Use the land in accordance with its character.
    - 2) Limit the improper use of land.
    - 3) Provide protection for the preservation of existing natural resources.
    - 4) Avoid overcrowding of population.
    - 5) Conserve the public funds for public improvements and services to conform with the most advantageous use of land, resources, and property.
  - C. The proposed use shall not cause transportation, safety, or congestion problems. The Planning Commission shall consider:
    - 1) The location and design of driveways providing ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
    - 2) The traffic circulation features within the site and the location of automobile parking areas.
    - 3) The adequacy of the existing surrounding transportation system to handle the added vehicular activity proposed by the new use without undue congestion and safety problems.
  - D. The proposed use or activity shall meet the following utility requirements:
    - 1) An adequate supply of safe drinking water.
    - 2) Adequate sanitary and storm sewage disposal system.
    - 3) Utility connections.
    - 4) Surface drainage requirements.
    - 5) Trash and refuse collection and disposal.
    - 6) Protection of the petitioner and the surrounding community from dangerous or hazardous operations which may be brought about by the use or activity.
  - E. There shall be adequate necessary public services. These shall include:
    - 1) Educational facilities.
    - 2) Recreational facilities.
    - 3) Fire protection.
    - 4) Police protection.
  - F. The decision will promote the intent and purpose of this Zoning Ordinance.
  - G. The land use or activity authorized shall be compatible with the adjacent uses of land, the natural environment and the capacity of public services and facilities affected by the land use.
  - H. The land use or activity shall be consistent with the public health, safety and welfare of the City.
3. A schematic feasibility plan, or at the prerogative of the petitioner, a site plan, under the requirements of Section 1815, shall be submitted with an application for a special land use or activity. A schematic plan shall contain sufficient information to allow the City Council, Planning Commission, or designated official to ascertain whether or not the special land use will meet the criteria outlined in the following paragraphs. If the special land use or activity is tentatively approved by the City, a site plan shall be submitted in accordance with Section 1815, and upon

- approval of the site plan, the special land use is granted for that site plan only, and expires if the plan expires.
4. In each case when a decision on a special land use is made, the City Council may deny, approve or approve with conditions. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specified the basis for the decision, and any conditions imposed, and shall be made part of the official record, remaining unchanged except on a mutual consent of the approving authority and the land owner. A record shall be kept on any change in conditions.
  5. A request for approval of a special land use or activity, or use or activity requiring a discretionary decision, shall be granted only if each request is in compliance with the standards stated in this Zoning Ordinance.
  6. Reasonable conditions may be required with the approval of a special land use, or other land uses and activities permitted by discretionary decision. Conditions imposed shall meet all of the following requirements:
    - A. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
    - C. Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
  7. The Planning Commission and City Council may further require such additional information as would be necessary in pursuance of the objectives, and the same shall be provided.
  8. The decision on a special land use or activity, or a use requiring a discretionary decision by the City Council may be appealed to the Oakland County Circuit Court.

*(Amended: 7-24-06 per Ordinance No. 781)*

#### SECTION 1819. EXCAVATION AND FILLING OF LAND:

The moving of topsoil, subsoil, sand, gravel, rock, aggregate, earth and other similar materials, and the depositing and dumping of sand, gravel, earth, rock, stone, concrete, minerals, and other similar materials, and the filling of land with rubbish, garbage or other similar waste material shall be allowed only, except as otherwise provided, by Permit of the City Council after referral to the Planning Commission, and shall be subject to the provisions set forth hereinafter, the Zoning Ordinance, Ordinance No. 260, as amended, and all other City Ordinances, regulations, standards, and codes relating to said activities. No permit shall be required: (1) for excavations for the construction of buildings and structures for which a building permit has been issued; (2) for the moving, grading or leveling of earth or rock materials by a property owner solely upon his property and not removed to other contiguous property, it is not a commercial operation, and no more than five (5) acres are involved on the total piece of property; (3) for the filling of land for purposes of construction where the land is low and in need of fill so long as the fill does not contain any refuse, is not a commercial operation, and not more than five (5) acres are involved on the total piece of property or; (4) for the removal of soil when no more than twenty (20) cubic yards are removed in any calendar year.

##### 1. Purpose of These Provisions:

- A. The removing of topsoil, subsoil, sand, gravel, and other materials and the filling of land with refuse results in the emission of noise, dirt, dust and odors and said operations cause permanent changes in the topographical and geological characteristics of land and further, because of said changes, said operations create dangers and hazards by virtue of shifting earth, standing water, filtration into the underground water systems, and other like considerations. In recognition of the fact that the promotion of the public health, safety, and general welfare of the residents of Auburn Hills and the preservation of the City resources and the prevention of nuisances and hazards require reasonable control of the operations, it is deemed necessary that said operation be regulated.

- B. The filling of land with refuse or rubbish shall be prohibited in any District other than an LF Landfill District. Further, all such land filling will be further identified with one of the following:
- H - Hazardous - toxic or dangerous
  - S - Sanitary - household
  - BI - Biologically inert - foundry sand, fly ash, wood, etc.
  - TI - Totally inert - asphalt, cement, etc.
2. Application:  
An applicant for a permit or for a renewal of a permit for any of the uses under this Section shall deposit such fees and/or costs as are required by Resolution of the City Council and shall submit an application to the Building Department. The Building Department will forward the application to the Planning Commission.
3. Public Hearing and Referral to Planning Commission:  
Before the Council takes action on a permit application for any property not previously under a permit, and for any renewal of a permit, the Planning Commission shall hold a Public Hearing for findings and recommendations on whether the granting of the permit or renewal of a permit, as proposed, would permanently impair the intended land use or potential of the property in question, or detrimentally affect the adjoining properties, or be inconsistent with the planning and zoning of the area where the proposed operation is to be located.
4. Bonds and Insurance  
Bonds and insurance shall be provided as outlined in the Soil Excavation & Landfill Ordinance, Section 6A.
5. Soil Excavation and Landfill Ordinance:  
Any permit issued pursuant to this Ordinance shall be subject to compliance with, and operations and/or activities under a permit shall conform with, the Soil Excavation and Landfill Ordinance No. 260. It is the express intention of this Ordinance and the Soil Excavation and Landfill Ordinance that they be read as being consistent and enforced together for the best interests of the residents and property owners of the City of Auburn Hills.
6. Specific Requirements Where Applicable:  
The application and granting of any permit under this Section shall comply with, and be subject to, the following specific requirements, whenever applicable:
- A. Excavation and Removal:  
Processing of materials mined from any property shall be permitted only in an I-3 Industrial District. Processing shall mean altering the material.
  - B. Filling, Depositing, and Dumping:  
The filling of land with refuse or rubbish shall be prohibited in any District other than an LF Landfill District.

#### SECTION 1820. TEMPORARY CONSTRUCTION:

Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year if prior approval is obtained from the Building Department. A second year may be allowed if there appears to be no unreasonable delay in the activities, and appears to be a necessity.

Temporary construction activities with or without temporary buildings shall be defined as construction activities other than actual construction of buildings approved pursuant to a Building Permit. They include, but not by way of limitation, a construction yard for the development of a subdivision or multiple project, a cement or asphalt making operation for streets or roads in the City, and other similar activities.

The Building Department shall determine, before issuing a Permit, whether the proposed temporary construction building and/or construction activity is necessary and, if it is necessary, that it should be located at the proposed location. The Building Department shall also find that the proposed activity does not place excessive use on any sanitary sewer and/or water systems, nor create a hazardous fire condition. In granting the approval, the Building Department may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. As a condition of approval, the Building Department shall require the posting of a cash bond, corporate surety bond or letter of credit to guarantee compliance with the Zoning Ordinance and all other applicable City Ordinances, standards, rules and regulations, and a property clean-up of the site at a time indicated in the permit. The fees to be

charged for the issuance of the Permit and for inspections by the City shall be as set by Resolution of the City Council. The applicant shall also file with the City, Comprehensive Liability Insurance in amounts of One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per occurrence.

Activities allowed pursuant to this Section shall conform to the following requirements:

1. All roads used for ingress and egress, on or off the site, shall be kept dust free by chemical substances, water and/or by hardtopping with cement or bituminous substance.
2. Work areas shall be kept clean and clear.
3. Work areas shall be posted with the owner's and operator's name and phone number.
4. Work yards shall be fenced or otherwise made safe.
5. Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet therefrom in either direction to warn motorists.

#### SECTION 1821. TEMPORARY EVENTS

The purpose of this section is to establish procedures for evaluating, permitting, and regulating non-reoccurring, limited-term events which occur outside of a primary structure on non-residential zoned property or residential zoned property with approved non-residential uses (e.g., churches/places of worship and schools).

1. Temporary Event Permit Applicability and Review Procedures.
  - A. Permit Required. A person shall not hold a temporary event in the City of Auburn Hills without a temporary event permit issued by the City Council or Director of Community Development in accordance with this Ordinance with the exception that a permit is not required for any City sponsored or co-sponsored event.
  - B. Regulations Applying to All Temporary Events. The following regulations apply to all temporary events:
    1. Events shall operate in compliance with all applicable ordinances and regulations of City of Auburn Hills, and applicable County, State, and Federal laws and regulations.
    2. Events in which a person or persons offer merchandise, services, or food for sale or rent or takes or attempts to take orders for merchandise, services, and/or food shall comply with Chapter 22 of the Auburn Hills City Code, as amended.
    3. All lighting shall be shielded away from abutting occupied property.
    4. All uses shall be on a site adequate in size to accommodate the use intended and participants anticipated.
    5. Amplified sound generated by the event, measured at the boundary of the property, shall not exceed the decibel limits referenced in Section 1807(C).
    6. An event activity shall not take place within thirty (30) feet of the perimeter of the area. All activities may be required to be adequately screened as considered necessary to protect abutting property.
    7. The applicant or responsible party shall allow an authorized City enforcement officer to enter and inspect the premises at any reasonable time, and failure to allow inspection may constitute a violation of this Section.
    8. An authorized City enforcement officer may close an event if applicable ordinances and regulations of City of Auburn Hills, and applicable County, State, and Federal laws and regulations are found to be violated and/or until said provisions, including any conditions attached to the permit, have been fully met.
    9. Any person who violates the provisions of this Section may be responsible for a municipal civil infraction; subject to the Schedule of Fines adopted by the 52-3 District Court, plus costs and other sanctions, for each offense per Section 2013. Penalties, Sanctions, and Remedies for Zoning Ordinance Violations.
  - C. Permit Application and Review. Where a temporary event permit is required, the person responsible for the event shall file an application with the Community Development Department for review. The application shall be submitted together with a sketch plan and written material which contain the following:
    1. A scale of not less than one (1) inch equals one hundred feet (1" = 100').
    2. Date, including revisions, and north arrow.

3. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
  4. Size, location, and details of temporary structures (e.g. tents, bleachers, grandstands, etc.).
  5. The locations of all existing structures and lot lines within one hundred feet (100') of the subject property.
  6. The location of all existing and proposed drives and parking areas, and the method of dust and traffic control.
  7. The location of any signs, and the dimensions and plans of such signs.
  8. The names and addresses of the persons responsible for the preparation of the sketch plan, and the proprietor. The owner of the property must sign an affidavit of ownership, and if the property is to be used by other than the owner, an affidavit from the owner must be presented verifying permission to use the property.
  9. The location of all outdoor lighting facilities.
  10. Front, side and rear yard dimensions.
  11. The number of parking spaces and layout.
  12. Method of screening the use from abutting property.
  13. Designation of the location of firefighting equipment (firefighting equipment is mandatory and shall be subject to the review of the Fire Chief).
  14. Certificate of Insurance with the City of Auburn Hills named as an additional insured (amount to be determined by the Community Development Department).
  15. Method and plan for trash removal.
  16. Plan for managing and placing of sanitary facilities.
  17. Requested police involvement
  18. Duration of activity (dates and hours of operation).
  19. Any other items necessary to conform to current City Ordinances.
- D. Review and Inspection Fees. With the filing of an application, a fee shall be paid to the City in an amount specified by resolution of the City Council, intended to cover all fees, including inspection and monitoring fees. If other fees are required to be expended in reviewing the application, a further fee payment shall be made in an amount determined by the Community Development Department based upon the nature and extent of the study and/or consultations.
- E. Internal Review for Completeness. The Community Development Department, in consultation with applicable City departments and consultants, shall review the temporary event permit application to verify that all required information has been provided. The City may require additional information in regard to hazard analysis, contingency plans, crowd and traffic control, and other related event planning items consistent with FEMA's *Special Events Contingency Planning* manual depending on the nature of the event.
- F. Administrative Review. The Director of Community Development may approve a temporary event permit in those instances where the event lasts no longer than four (4) days when, in the reasonable exercise of his/her discretion, he/she has determined that:
1. The temporary event plan meets the requirements of this Section.
  2. The temporary event is anticipated to not generate substantial noise, traffic, vibration, congestion, light, dust, smoke, odor or similar results.
- For purposes of clarification, the Director of Community Development may forward a temporary event permit application, which lasts no longer than four (4) days, to the City Council for public hearing and formal review based on the location, type, or size of event.
- G. Public Hearing and Formal Review. For temporary events which last longer than four (4) days or events forwarded by the Director of Community Development for review, the City Council, after Planning Commission public hearing and recommendation, shall issue a temporary event permit when, in the reasonable exercise of its discretion, it has determined that:
1. The temporary event plan meets the requirements of this Section.
  2. The temporary event is anticipated to not generate substantial noise, traffic, vibration, congestion, light, dust, smoke, odor or similar results.

- H. Permit Conditions. The Community Development Department (administrative review) or City Council (formal review) may attach to the granting of the permit any reasonable conditions considered necessary to ensure the intent of this Ordinance will be fulfilled and to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills.

*(Amended: 6-04-07 per Ordinance No. 801)*

**SECTION 1822. USE OF, AND MAINTENANCE OF, PROPERTY AS APPROVED:**

1. No owner, tenant, occupant, or person shall use, or allow to be used all or a part of any property which was the subject of an approval required by this Ordinance except in compliance with the terms of the approval or permit granted. An example, not by way of limitation, is using only areas designated for parking for parking purposes, and not some other area of the property.
2. The owner, tenant, occupant or person in charge of any property which was the subject of an approved site plan shall maintain the property and the improvements thereon in accordance with the approved site plan, or an approved amendment thereof. The duty to maintain shall include the duty to maintain in a condition substantially similar as approved, including the duty to replace, if necessary, all improvements such as, but not by way of limitation, all greenbelts, plantings, walls, fences, paving, trash receptacles, handicapped parking areas, and the like.

**SECTION 1823. STRUCTURES TO HAVE STREET ACCESS:**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**SECTION 1824. MORE THAN ONE PRINCIPAL STRUCTURE ON LOT:**

In any District other than one family residential, more than one structure having a permitted or permissible principal use maybe erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. In this circumstance, where ingress/egress drives or parking maneuvering lanes are mutually utilized by different occupants, irrevocable easement agreements must be provided with the site plan.

**SECTION 1825. WASTE RECEPTACLE AND COMPACTOR ENCLOSURES**

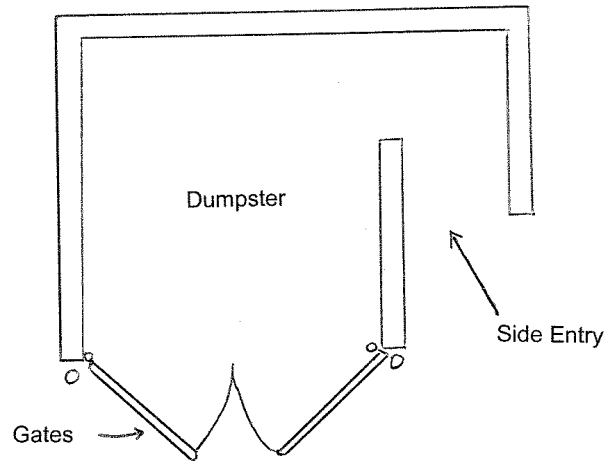
Every building used for human habitation or occupancy shall be equipped with receptacles for the storage of garbage, rubbish, materials intended to be recycled, and other waste materials generated by such use. The storage capacity of such receptacles shall be equal to or exceed the volume of such garbage, rubbish and waste materials that can reasonably be expected to be generated in a fourteen (14) day period. Such receptacles shall be rodent proof, in good condition and capable of being emptied directly into the collection vehicle. No occupant, owner, lessee or agent of a building shall permit or cause the storing or accumulation of rubbish, waste or garbage in other than such receptacles.

In nonresidential areas, whenever site plan or revised site plan approval is required, waste receptacle and compactor enclosures shall be designed, constructed, and maintained according to the following requirements:

1. All waste receptacles and compactors shall be screened from view with a minimum six (6) foot high masonry wall. In addition, the wall shall be at least one (1) foot above the height of the receptacle or compactor. The enclosure shall be constructed of durable materials (i.e., brick or decorative concrete masonry units) which would complement the material of the principal structure.
2. The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend eight (8) feet beyond the base or gate to support the front axle of a refuse collection vehicle.
3. Gates shall be provided and may be of wood construction as noted below, and shall be obscuring. Wood obscuring material may be used on gates provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use by the Building Official. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, and Redwood. The framing supporting the wood obscuring material shall be of heavy-duty metal construction.

4. Waste receptacle enclosures shall be at least fifteen (15) feet from any building or property line. Trash compactor enclosures may be placed within fifteen (15) feet of a building subject to compliance with the Fire Code.
5. A side entry shall be provided on waste receptacles and compactor enclosures to allow employee access to the receptacle without opening the gates.

### Example of a Side Entry on an Enclosure



6. Screening of large dock feed compactors (i.e., rear feed from the loading dock) utilized by businesses within the B-2, T&R, I-1, I-2, and I-3 Districts shall be at the discretion of the City Council. The City Council in exercising its discretion shall take into consideration the visibility of the compactor to the general public and parcel configuration. A recommendation for mitigating the visual impact of a large dock feed compactor is to match the compactor to the color of the building along with supplemental screening.
7. Waste receptacles and compactor enclosures shall be located only in the side or rear yard, except when a parcel has multiple road frontage (i.e., parcel lies between two or more road right-of-ways). When a project has multiple road frontage, the location of the receptacle enclosure shall be at the discretion of the City Council. The City Council in exercising its discretion as to the location of the enclosure shall take into consideration visibility to the general public, traffic circulation within the project site, and parcel configuration.
8. Landscape plantings may be required by the City Council, where appropriate, along the wall of the enclosure to better screen the waste receptacle or compactor and enhance the view of the site.
9. The owner and tenant of a building rented for use or occupancy, whether residential or other use, shall take such measures as are reasonably necessary for compliance with these requirements, and failure to comply with these requirements shall be deemed a violation of the Ordinance by both the owner and the tenant.
10. Trash pick-up for nonresidential and multiple family residential uses which abut property zoned R-1A, R-1, R-2, R-3, and R-4 One-Family Residential District, shall only be permitted as provided in Chapter 54. Solid Waste of the City of Auburn Hills Code of Ordinances, as amended.
11. Enclosure gates and dumpster lids shall be kept closed at all times when not in use.

*(Amended: 11-11-02 per Ordinance No. 709)*

*(Amended: 3-20-06 per Ordinance No. 773)*

#### SECTION 1826. EMERGENCY TEMPORARY PERMITS:

In the event a residential structure is damaged by fire, flood, tornado, or similar disaster, to the extent that it cannot be occupied, the Building Department may issue a permit to locate on the premises, a temporary mobile unit subject to the following:

1. A sewage disposal means satisfactory to the City of Auburn Hills and/or the Oakland County Health Department must be available to service the unit.
2. A potable water supply shall be available to the unit.

3. The unit shall be installed in a manner consistent with the provisions of applicable plumbing, heating, electric, and structural codes.
4. The location of the unit shall be such that it poses no hazard to the site or vision for vehicles, and in no case shall the unit be closer than ten (10) feet to any lot line.

This permit shall be issued for a maximum of thirty (30) days with one (1) thirty (30) day extension allowed. Further time must be approved by the City Council. In the event of such a disaster to a non-residential structure, a permit may be issued for a temporary mobile unit to house personnel for a period of thirty (30) days.

1. The unit and its location shall be shown on a site plan and is subject to approval of the Auburn Hills Fire Department and Auburn Hills Building Department. The considerations for approval shall include proximity to other structures and lot lines. Such items to be considered are anticipated parking requirements, space available for firefighting activities, potential for increased traffic hazard, accessibility to the unit for visitors and other factors involving public safety.
2. Available to the unit shall be a means of sewage disposal and potable water meeting with the approval of the City of Auburn Hills and/or the Oakland County Health Department.
3. The unit shall be installed consistent with applicable electrical, plumbing, heating and structural codes.

Any extension beyond the thirty (30) days of the permit must be with the approval of the City Council who shall consider the impact of this structure on the surrounding area, the safety of visitors and employees, and the hardship involved to the petitioner if his business use on this parcel must be interrupted.

In no case shall the interests of the petitioner be placed above the safety of the public or the interests of the business community in the surrounding area.

A cash or surety bond of One Thousand (\$1,000.00) Dollars shall be posted with the City Treasurer prior to permit issuance to assure compliance with all pertinent regulations including timely removal of the unit at the expiration of the permit.

Such bond may be used without further proceedings to repay the City for all costs involved in obtaining compliance. The bond will be refunded upon approval of Building Department inspection certifying that the property has been restored to a clean and neat condition, and after the unit has been removed from the site.

#### SECTION 1827. SIMILAR PRINCIPAL USES PERMITTED:

The Zoning Administrator shall consider the following factors in determining whether a use shall be permitted as a principal permitted use based upon a similarity to specifically listed principal permitted uses within a particular zoning district:

1. Similarity of the proposed use to existing and permitted principal uses in terms of:
  - A. Purpose.
  - B. Intensity.
  - C. Generation of:
    1. Noise,
    2. Odor,
    3. Vibration,
    4. Light,
    5. Congestion.
  - D. Aesthetics.
  - E. Demand for public services and facilities.
2. Compatibility of the proposed use with existing and permitted principal uses in terms of:
  - A. Aesthetics.
  - B. Demand for public services.
  - C. Demand for public facilities.
  - D. Generation of:
    1. Noise,
    2. Odor,

3. Vibration,
4. Light,
5. Congestion, including but not limited to, traffic and pedestrian congestion.
3. Whether the proposed use would change the character of the use district as contemplated by the terms of this Ordinance.
4. Whether the proposed use would adversely affect the public health, safety and welfare of the community at large.

A plot plan under Section 2002 or a site plan under Section 1815 may be required by the Zoning Administrator if necessary for a proper consideration of the factors listed in this Section.

#### SECTION 1828. SIMILAR SPECIAL LAND USES PERMITTED:

The Zoning Administrator shall consider the following factors in determining whether a use shall be considered a special land use based upon similarity to specifically listed special land uses within a particular zoning district:

1. Similarity of the proposed special land use to existing and permitted special land uses in terms of:
  - A. Purpose,
  - B. Intensity,
  - C. Generation of:
    1. Noise,
    2. Odor,
    3. Vibration,
    4. Light,
    5. Congestion.
  - D. Aesthetics,
  - E. Demand for public services and facilities.
2. Compatibility of the proposed special land use with the existing and permitted special land uses in terms of:
  - A. Aesthetics.
  - B. Demand for public services.
  - C. Demand for public facilities.
  - D. Generation of:
    1. Noise,
    2. Odor,
    3. Vibration,
    4. Light,
    5. Congestion, including but not limited to, traffic and pedestrian congestion.
3. Whether the proposed land use would change the character of the use district as contemplated by the terms of this Ordinance.
4. Whether the proposed use would adversely affect the public health, safety and welfare of the community at large.

A plot plan under section 2002 or a site plan under Section 1815 may be required by the Zoning Administrator if necessary for a proper consideration of the factors listed in this Section.

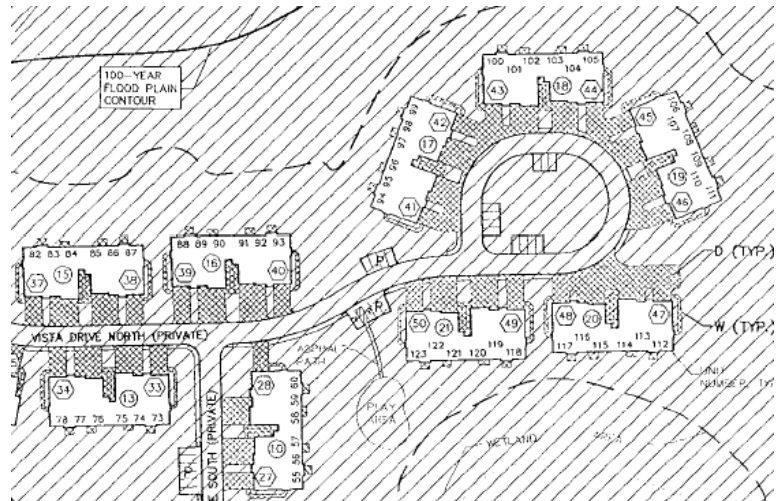
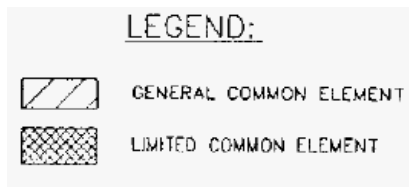
If the Zoning Administrator determines that a use can be considered as a special land use based upon its similarity to a specifically permitted special land use within a particular district, then the proposed use shall meet the requirements applicable to that permitted special land use to which it is similar, as well as the additional criteria of Section 1818.

#### SECTION 1829. CONDOMINIUM REGULATIONS.

1. Intent.  
The intent of this Section is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design and overall density to property divided and developed by other methods.
2. Definitions.

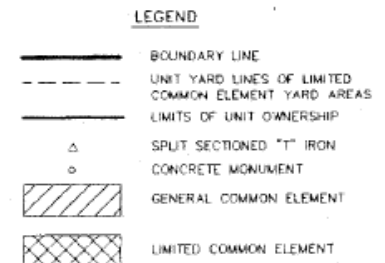
- A. Except as otherwise provided by this Section, the following words and phrases, as well as any other words or phrases used in this Section which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; "general common elements"; and "master deed."
- B. For the purpose of this Section, certain words, terms and phrases shall be defined as follows:
1. **Conventional condominium** - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. In regard to residential development, the term "conventional condominium" shall be used to describe a condominium development with two or more one-family housing units in one structure.

### Conventional Condominium - Example



2. **Site condominium** - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot. The term "site condominium" is used to describe a condominium development with detached one-family housing or nonresidential units.

### Site Condominium - Example



3. Compliance with Zoning Ordinance Requirements.
  - A. Conventional condominium units shall be permitted subject to the requirements of Section 1815, Site Plan Review and other applicable City ordinances and polices, provided that such residential units meet the minimum lot size/area requirements as required in Section 1701(g) for multiple-family residential structures. Buildings must be setback from the site's boundaries and from other buildings as required in Sections 1700 and 1701(h) for multiple-family residential structures. In the case of non-residential uses, all applicable zoning requirements shall be met and buildings shall be setback from the site's boundaries and from other buildings as required for the zoning district in which the parcel is located.
  - B. Site condominium units shall be permitted subject to the requirements of Section 1815, Site Plan Review and other applicable City ordinances and polices, provided that such units are built as though each unit were on a condominium unit in lieu of an individual lot, as in the case of a one-family or non-residential subdivision. The condominium unit shall conform to the bulk and density the requirements of the respective residential or nonresidential zoning district in which the project is proposed. All other requirements for one-family residential and non-residential development shall be met including maximum height of structures, minimum yard setbacks, minimum floor area per unit, minimum parking requirements, maximum percentage of lot area (building envelope) coverage, minimum landscaping requirements, and all other applicable requirements.
4. Site Plan Review.

The review process for condominium site plans shall comply with those procedures for provided in Section 1815. Site Plan Review. In addition, a draft development agreement shall be provided by the applicant at the time of condominium site plan review.
5. Additional Requirements.
  - A. Condominium roads. Roads shall require direct access and direct connection to a public road from the project site. All public or private roads within a condominium project shall conform to the standards and specifications established by the City of Auburn Hills for public and private road design and maintenance. Condominium roads shall be located within an approved and dedicated right-of-way of sufficient width and design to accommodate street pavement, sidewalks or paved pedestrian paths, and all necessary utilities.
  - B. Pathways and sidewalks. Pathways shall be provided along exterior boundary roads shall be eight (8) feet wide as designated in the City's Parks & Recreation Master Plan. Sidewalks shall be constructed to City standards and shall be no less than five (5) feet in width on both sides of interior roads.
  - C. Master deed. Upon approval by the City Council, the petitioner shall provide necessary copies of the proposed master deed and any additional documentation, to be recorded with the Register of Deeds, for review and approval by the City Attorney, with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, retention, woodland, wetland, and other natural areas and common areas in the project.
  - D. Development agreement. Upon approval by the City Council, the petitioner shall provide necessary copies of the development agreement, to be recorded with the Register of Deeds, which states the commitments proposed on the site plan and any commitments stated on the record at public meetings.
  - E. Recording of documents. No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building construction or grading permits shall be issued by the Community Development Department until the project's master deed / by-laws and final development agreement are approved by the City Attorney and recorded with the Register of Deeds.
  - F. Financial guarantee. No building construction or grading permits shall be issued by the Community Development Department until the applicant deposits with the Community Development Department cash, a certified check or irrevocable bank letter of credit, whichever the City selects, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set based on cost estimates provided

by the applicant and agreed upon with the City's Consulting Engineer. The Director of Community Development shall release funds for the payment of work as it is completed and approved by the City. Improvements shall be provided by the applicant in accordance with the standards and requirements established in this Section and/or any other such standards and requirements which may, from time to time, be established by ordinance or published rules of the City.

6. Building Permits.

- A. Prior to the issuance of building permits for individual units, the petitioner shall demonstrate approval by City, County, and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage, and other utilities.
- B. Building permits shall be required for individual building sites.
- C. Notwithstanding the above, the Community Development Director, upon review and recommendation by the Building Official, may issue building permits for up to four (4) model homes or ten (10) percent of the total number of sites, whichever is less, prior to completion of all roads, water supply, sewage disposal, storm drainage, and other utilities for the whole project. The issuance of said permits shall be provided if roads, water supply, sewage disposal, storm drainage, and other utilities to service the site used for model homes are completed and determined to be acceptable for use. Certificates of occupancy for such homes shall be limited for model purposes until such time as all such improvements are completed and determined acceptable for use.
- D. Prior to issuance of temporary or final certificates of occupancy, the petitioner shall comply with the requirements for performance guarantees contained in Section 2007 of this Ordinance.
- F. With respect to each building envelope/unit, within ninety (90) days following final inspection of the improvement, the petitioner shall submit to the Community Development Department an "as built" survey which complies with the requirements of MCL 560.125-126; MSA 26.430(125-126), including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetlands, floodplain, and/or floodway. Monuments shall be located in the ground with the requirements MCL 560.125; MSA 26.430(125).

7. Fees.

Fees for review of plans under this Section shall be established by resolution of the City Council.

8. Amendments to Master Deed.

- A. Proposed amendments or changes to an approved master deed shall be submitted to the Community Development Department for review. The Director of Community Development, after consultation with the City Attorney and City Assessor, may approve the proposed amendment if it is determined that the proposed modification is minor in nature, does not violate Ordinance requirements, and does not substantially affect the overall character of the plan.
- B. If the Director of Community Development determines the proposed amendment is substantial in nature, the amendment shall be forwarded to the Planning Commission and City Council for review in accordance with procedure outlined in Subsection 4.

*(Amended: 1-24-05 per Ordinance No. 747)*

SECTION 1830. PLANNED UNIT DEVELOPMENT OPTION:

1. Authority.

The Planned Unit Development (PUD) option is established in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006). Development permitted under this section is only upon terms agreeable to the City of Auburn Hills. The decision to approve its use is at the sole discretion of the City Council.

2. Conditions That Create PUD Eligibility.

A proposed development is eligible for the PUD option if it provides a recognizable net public benefit to the health, safety, and welfare of the residents of the City of Auburn Hills and accomplishes one or more of the following:

- A. Permits flexibility in the regulation of land development.

- B. Encourages innovation in land use and variety in design, layout, and type of structures constructed.
  - C. Achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
  - D. Encourages useful open space.
  - E. Provides better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Auburn Hills.
3. Criteria for Qualification.  
In determining whether the proposed PUD provides a recognizable net public benefit and meets one or more Conditions that Create PUD Eligibility, the Planning Commission and the City Council may consider the following:
- A. Unique factors related to a particular site.
  - B. Preservation of unique site design features.
  - C. Architectural design quality and innovation.
  - D. Construction of homes that are accessible and visitable for people of all ages and abilities by utilizing universal design elements and features in accordance with Section 1836.
  - E. Extent and type of landscaping.
  - F. Preservation, enhancement, or restoration of natural resources such as trees, slopes, and wetland areas.
  - G. Preservation or enhancement of historic resources.
  - H. Provision of open space or public plazas or features and/or financial contribution to assist with the creation and maintenance of off-site public spaces and improvements.
  - I. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions such as topography, shape, etc.
  - J. Effective transition between higher and lower density uses, and/or between non-residential and residential uses.
  - K. Commitment to construct a project that obtains certification from the U.S. Green Building Council or similar nationally recognized green building program.
  - L. Shared vehicular access between properties or uses.
  - M. Complementary mix of uses or a variety of housing types.
  - N. Mitigation to offset impacts on public facilities such as road and utility improvements and/or the contribution to the City of equipment and/or assets.
  - O. Redevelopment of sites where an orderly change of use is desirable.
  - P. Installation of plug-in electric vehicle charging stations for use by employees and visitors in accordance with Section 1834 and/or the installation of other infrastructure for alternative fuel vehicles.
  - Q. Creation of a plug-in electric vehicle ready residential development with garages and/or carports prepped for charging stations in accordance with Section 1834.
  - R. Any other factor that contributes to Conditions that Create PUD Eligibility.
4. Exception.  
A PUD option may not be used if the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
5. Uses Permitted.
- A. A land use plan may be proposed for the area to be included within the proposed PUD. The land use plan shall be defined by the districts of the zoning ordinance which are to be applicable to the parts of the PUD area.
  - B. Principal Uses Permitted and Special Land Uses Permitted shall be allowed within the districts identified on the PUD Plan, except that some uses may be specifically prohibited from districts designated on the PUD Plan. The City Council may permit uses not permitted in the district if specifically noted on the PUD Plan. Conditions applicable to Principal Uses Permitted and Special Land Uses Permitted shall be used as guidelines for design and layout, but may be varied by the City Council provided that such conditions are indicated on the PUD Plan.
  - C. Nonresidential uses may be permitted in residentially zoned areas. Residential uses may be permitted in non-residentially zoned areas. Densities or lot sizes which are different from the applicable district(s) and the mixing of land uses that would otherwise not be

permitted are permitted; provided, other required objectives are met and the resulting development is eligible for the PUD option.

6. Height, Bulk, Density and Area Standards.

The standards as to height, bulk, density, and setbacks of each zoning district shall be applicable within each specific district area designated on the plan, except as specifically modified and noted on the PUD Plan.

7. Submittal Procedures.

Approval of a PUD shall include two (2) steps - Step One and Step Two, as described in this subsection. In an effort to expedite the PUD review process, an applicant may seek Step One and Step Two approvals concurrently, provided all the applicable information listed in this section, including a draft Development Agreement, and other applicable ordinances are submitted concurrently. The Planning Commission may recommend and the City Council may require changes or place conditions on the approval of the proposed PUD and the Development Agreement.

A. Step One Review: Submission of PUD Plan (Qualification)

1. A person owning or controlling land in the City of Auburn Hills may make a Request to Approve (application) for a PUD. The application shall request a determination as to whether a parcel qualifies for the PUD option based on the Conditions that Create PUD Eligibility.
2. An application shall be made to the Community Development Department for review and recommendation by the Planning Commission and shall include:
  - a. A certified boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (scale: not smaller than one [1] inch equals one hundred [100] feet).
  - b. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, bodies of water, wetlands and unbuildable areas (scale: not smaller than one [1] inch equals one hundred [100] feet).
  - c. A PUD Plan indicating the following at a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100'):
    - i. Land use areas requested in the PUD Plan.
    - ii. Vehicular circulation including major drives and the location of vehicular access points.
    - iii. Preliminary proposals as to cross sections and as to public or private streets.
    - iv. Transition treatment, including minimum building setbacks to land adjoining the proposed PUD and between different land use areas within the proposed PUD.
    - v. The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height and proposed building facade and building elevation.
    - vi. The general location of residential unit types, densities and lot sizes by area.
    - vii. The general location of all woodlands, wetlands, water, and water courses and proposed water detention areas.
    - viii. The boundaries of open space areas that are to be preserved and reserved and an indication of the proposed ownership thereof.
    - ix. A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
    - x. A preliminary grading plan, indicating the extent of grading including any areas which are not to be graded or disturbed.
    - xi. A preliminary utility plan including an indication of the contemplated water distribution, storm and sanitary sewer plan.

- xii. Any deed restrictions or restrictive covenants associated with the property.
  - xiii. All easement locations.
  - xiv. A written statement explaining in detail the full intent of the applicant, also indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
- 3. After holding a public hearing in accordance with the notice requirements of Section 1815, the Planning Commission shall report its findings and make its recommendations to the City Council on the PUD Plan. The Planning Commission shall make a determination whether:
  - a. The PUD Plan promotes the land use goals and objectives of the City of Auburn Hills.
  - b. The PUD Plan is eligible for the PUD option.
  - c. All applicable provisions of this section have been met. Insofar as any provision of this section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this section shall apply to the lands embraced within a PUD area.
  - d. There is, or will be at the time of initial development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are adequate.
- 4. The City Council shall review the PUD Plan and make a final determination as to the proposed plan's adherence to the above stated objectives and requirements.
  - a. If the Council grants the application, the applicant shall prepare a Development Agreement setting forth the conditions upon which the approval is based. The Development Agreement shall be submitted for approval at the time of PUD Step Two review.
  - b. Once an area has been included within a PUD Plan and the PUD Plan has been approved by the City Council, development may not take place in the plan area nor may any use be made of the plan area except in accordance with the PUD Plan or in accordance with an amendment approved by the City Council.
  - c. An approved PUD Plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and recording in the County records an affidavit so stating. The approval of the PUD Plan shall terminate upon such recording.
  - d. The applicant shall obtain PUD Step Two approval from the City Council within one (1) year from the date of PUD Step One approval by the City Council, or the PUD Plan approval shall expire and be null and void. However, the City Council may grant an extension for a specified period upon good cause shown if such a request is made to the City Council before the expiration of the initial period.
- B. Step Two Review: Submission of Final Plats, Site Plans and Schedule for Completion of the Approved PUD
  - 1. Before any permits are issued for any activity within the area of an approved PUD, final plats or site plans for a project area shall be submitted to the Community Development Department for review and recommendation by the Planning Commission and final City Council approval of the following:
    - a. Review and approval of site plans shall comply with Section 1815 as well as this section, except as otherwise modified in the approved plan. Review and approval of plats shall comply with the City of Auburn Hills Subdivision Control Ordinance and other applicable ordinances.

- b. Before approving of any final plat or plan, the City Council shall determine that:
  - i. All portions of the project area shown upon the approved PUD Plan for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD Step One approval.
  - ii. The final plats or site plans are in conformance with the Development Agreement and PUD Plan.
  - iii. Provisions have been made within the Development Agreement to provide for the financing of any improvements shown on the final PUD Plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the Development Agreement.
- 2. Plans for tree removal permit and wetland permit review shall be submitted at the time of PUD Step Two review.
- 3. Construction shall commence within one (1) year from the date of PUD Step Two approval by the City Council and shall proceed substantially in conformance with the construction schedule set forth by the applicant and approved by the City Council in the Development Agreement. If construction has not commenced within one (1) year from the date of PUD Step Two approval by the City Council, approval of the PUD Plan shall expire and be null and void. However, an extension for a specified period may be granted by the City Council upon good cause shown if such a request is made to the City Council before the expiration of the initial period.

The applicant shall have eighteen (18) months from the commencement of construction to complete the overall development proposed within the PUD Plan. The City Council may authorize a greater time period than eighteen (18) months to complete a PUD Plan at its discretion upon request of the applicant at the time of PUD Step Two approval, as documented in the Development Agreement. The City Council may consider the project's scale, construction complexity, or other contributing factors when authorizing a construction time period greater than eighteen (18) months in length. If the PUD Plan is not completed within eighteen (18) months or the extended time frame authorized by the City Council, the City Council may terminate the PUD Plan approval after a public hearing. However, an extension for a specified period may be granted by the City Council upon good cause shown if such a request is made to the City Council prior to the expiration of the initial period.

If the City Council terminates the PUD Plan approval after construction commences, then the applicant shall, at its own cost, remove all incomplete structures and foundations from the site and restore the site as directed by staff in accordance with City Ordinances. If the applicant fails to restore the site as directed, then the City Manager or their designee shall be authorized to take any reasonable action to enforce the City Council's order, including but not limited to legal action, invoicing the applicant for work performed by the City that the applicant fails to complete and to place a lien against the property if the applicant does not pay such costs incurred by the City.

- 8. Fees.  
Fees for review of PUD Plans under this section shall be established by resolution of the City Council.
- 9. Interpretation of Approval.  
Approval of a PUD Plan under this section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City Council

and the applicant. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretations or any decisions regarding a project reviewed under this section.

10. Amendments to the City-Approved PUD Plan.

The applicant may request modifications to the City-Approved PUD plan as follows:

- a. The Director of Community Development may approve minor modifications to the City-Approved PUD Plan that do not:
  - i. materially change the parking layout or;
  - ii. materially increase the total square footage or density of the proposed buildings.
- b. The minor modifications proposed by the applicant pursuant to this subsection shall be consistent with the City-Approved PUD Plan and Approval Requirements and shall not adversely affect the character or quality of the development.
- c. Modifications to the City-Approved PUD Plan that the Director of Community Development, in their sole discretion, deems material shall be reviewed for approval by the City Council.

*(Amended: 5-15-00 per Ordinance No. 661)*

*(Amended: 8-27-01 per Ordinance No. 685)*

*(Amended: 12-15-09 per Ordinance No. 824)*

*(Amended: 2-27-17 per Ordinance No. 887)*

*(Amended: 6-17-24 per Ordinance No. 939)*

SECTION 1832. WIRELESS COMMUNICATION FACILITIES

Wireless communication facilities shall meet the following standards and requirements:

- A. The facilities shall not be demonstrably injurious to the adjacent area or otherwise detrimental to the public health, safety and welfare.
- B. The applicant shall demonstrate the need for the proposed facilities to be located as proposed based upon the presence of one or more of the following factors:
  1. Proximity to an interstate or major thoroughfare.
  2. Areas of population concentration.
  3. Concentration of commercial, industrial, and/or other business centers.
  4. Areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions.
  5. Other specifically identified reason creating facility need.
  6. Topography.
- C. The facility shall be located and designed to be harmonious with the surrounding area. Equipment shelters shall be screened with staggered 8 ft. evergreen trees.
- D. Wireless communication facilities shall be of a design such as a monopole, steeple, bell tower, or other form which is compatible with the existing character of the proposed site and general area as approved by the City.
- E. All wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields.
- F. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- G. The following additional standards shall be met:
  1. The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure).
  2. Where the proposed support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure and accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
  3. There shall be unobstructed access to the support structure, which may be provided through an easement. This access is necessary for maintenance of the facility and will have a width and location determined by such factors as: the location of adjacent thoroughfares, and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

4. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
  5. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and recommend so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding structures. It shall be the responsibility of the applicants to maintain the wireless communication facility in a neat and orderly condition.
  6. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.
  7. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
  8. The proposal shall be reviewed in conformity with the co-location requirements below.
  9. The application shall include a Certification by a State of Michigan Registered Engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
  10. The application shall include a description of security to be posted at the time of receiving a Building Permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash, (2) surety bond, (3) letter of credit, or (4) an agreement in a form approved by the attorney for the City and recordable at the Office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the City in securing removal.
- H. Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
1. The provider entity being considered for co-location will undertake to pay market rent or other market compensation for co-location.
  2. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  3. The co-location being considered is technologically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the City.
- I. Requirements for co-location shall be met as follows:
1. A Special Land Use Permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
  2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
  3. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
  4. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City and, consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval

for a new wireless communication support structure within the City for a period of five (5) years from the date of the failure or refusal to permit the co-location, unless such party shall seek and obtain a variance from the Zoning Board of Appeals upon a showing that a new facility is clearly necessary in order to operate the respective communication system, considering all feasible alternatives.

J. Removal requirements shall be as follows:

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
2. The situations in which removal of a facility is required, as set forth in Paragraph 1 above, may be applied and limited to portions of a facility.
3. When a facility has not been used for one hundred eighty (180) days, the property owner or persons who had used the facility shall immediately notify the Community Development Department, apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

K. Administrative Review

1. Co-location of antennae placed upon a building, structure or an existing wireless communication facility (tower or monopole), within those zoning districts said use is permitted, and where an existing antennae has been authorized, may be reviewed and approved administratively by the Community Development Director, provided that the criteria of this section are met. In addition, antennas shall be painted to be integral with the structure and equipment shall be screened from view.

*(Amended: 7-11-05 per Ordinance No. 755)*

*(Amended: 11-11-02 per Ordinance No. 711)*

### SECTION 1833. CITIZEN PARTICIPATION REQUIREMENTS

The intent of this section is to: 1) ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community; 2) ensure that interested citizens have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and 3) facilitate ongoing communication between the applicant and interested citizens throughout the application review process. The requirements outlined in this Section shall apply in addition to any notice provisions required elsewhere in this Ordinance.

The citizen participation requirement is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

Whenever in this Ordinance a rezoning, special land use permit, site plan, or planned unit development is proposed on property within one thousand (1,000) feet of property zoned R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One-Family Residential district, the following requirements shall be met:

1. Step One: Advance Notification of the Proposal

The applicant shall provide written notification of their proposal via first class mail to property owners and occupants within one thousand (1,000) feet of the subject property and other interested parties who have requested notification of said proposal using mailing labels provided by the Community Development Department. Examples of letters written by past applicants are

available for reference. The applicant shall review the content of their letter with the Community Development Department prior to distribution. The letter shall be mailed at least twenty-one (21) days prior to the public meeting.

If contact is made regarding a proposal, an applicant shall consult and may elect to meet with the interested person(s) prior to the public meeting. The applicant shall consult with the Community Development Department prior to scheduling the meeting.

2. Step Two: Citizen Participation Report

The applicant shall provide a written report to the Community Development Department stating the results of their citizen participation effort no later than seven (7) days prior to the public meeting. This report will be attached to the informational packet provided to the Planning Commission and City Council. At a minimum, the citizen participation report shall include the following information:

- A. Details of techniques the applicant used to involve the public, including:
  - 1. The date the letter was mailed, how many letters were mailed, and who responded to the letter.
  - 2. If contact is made with an interested person, provide the date and nature of communication.
  - 3. If an informational meeting is conducted, provide the date and location of the meeting and who attended.
- B. A summary of concerns, issues, and problems expressed during the process, including:
  - 1. The substance of the concerns, issues, and problems.
  - 2. How the applicant has addressed or intends to address concerns, issues, and problems expressed during the process.
  - 3. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

*(Added: 1-06-03 per Ordinance No. 714)  
 (Amended: 3-03-03 per Ordinance No. 720)  
 (Amended: 8-04-08 per Ordinance No. 809)*

## SECTION 1834. ELECTRIC VEHICLE INFRASTRUCTURE

1. Intent.

The intent of this section is to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates.

2. Definitions:

For the purposes of this Section, the following definitions shall apply.

- A. Accessible electric vehicle charging station means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- B. Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- C. Battery electric vehicle means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
- D. Charging levels means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:
  - 1. Level-1 is considered slow charging. Voltage including the range from 0 through 120.
  - 2. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.
  - 3. Level-3 is considered fast or rapid charging. Voltage is greater than 240.
- F. Electric vehicle means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive

purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.

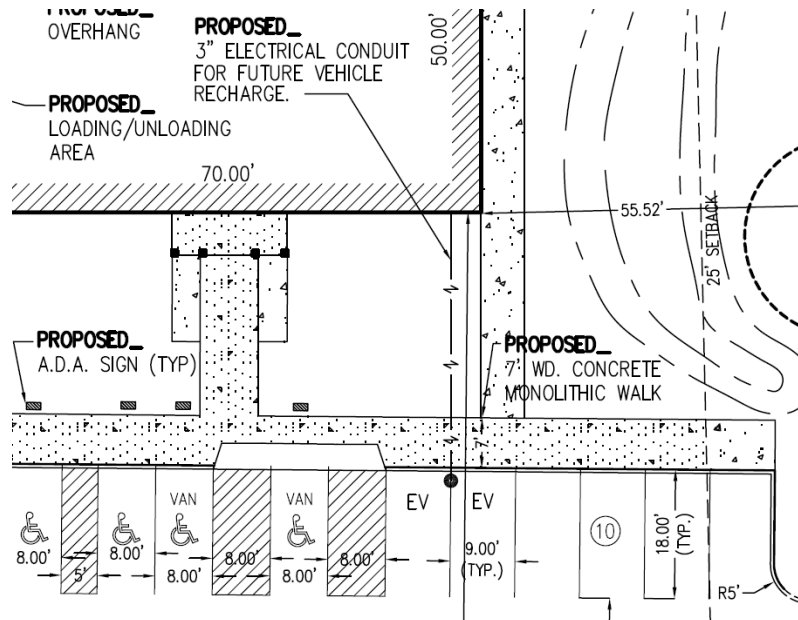
- G. Electric vehicle charging station means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level-1 or Level-2 charging equipment is permitted outright as an accessory use to any principal use.
  - H. Electric vehicle charging station – private restricted use means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
  - I. Electric vehicle charging station – public use means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).
  - J. Electric vehicle infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
  - K. Electric vehicle parking space means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
  - L. Non-electric vehicle means any motor vehicle that does not meet the definition of electric vehicle.
  - M. Plug-in hybrid electric vehicle means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
3. Permitted Locations
- A. Level-1 and Level-2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Community Development Department.
  - B. Level-3 electric vehicle charging stations are permitted in the B-2, T&R, I-1, and I-2 districts, when accessory to the primary permitted use. Installation shall be subject to permit approval administered by the Community Development Department.
  - C. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station for zoning purposes. Installation shall be subject to Special Land Use approval and located in zoning districts which permit gasoline service stations.
4. Readiness Recommendations
- A. Residential  
In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.  
*Commentary: Industry experts have advised the City of Auburn Hills that 60% to 70% of electric vehicle charging will occur at the owner's home at night. Retrofitting a home for electric vehicle charging is considerably more expensive than the cost of including the capacity at the time of construction. To minimize the unnecessary cost to retrofit a home, the City considers electric vehicle readiness in new home construction a high priority.*

B. Non-Residential

In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% percent of the total parking spaces be prepared for such stations.

It is noted and understood that large-sized parking areas (e.g., Chrysler Group, LLC Headquarters, Great Lakes Crossing Outlets, The Palace of Auburn Hills, Oakland University, etc.) may require less electric vehicle charging stations than recommended above to accommodate the anticipated market demand.

*Commentary: If the property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is encourage sites to be "roughed-in" with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.*



**Example Site Plan - "Rough-In" of Electric Vehicle Charging Stations**

6. General Requirements for Multi-Family Residential and Non-Residential Development

A. Parking

1. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces required in accordance with Section 1804.
2. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

B. Accessible Spaces

It is strongly encouraged, but not required, that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-

free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

C. Lighting

Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.

D. Equipment Standards and Protection

1. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

2. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.

E. Usage Fees

The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

F. Signage

1. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.

2. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to Chapter 70. Traffic and Vehicles, Article III. Uniform Traffic Code of the Auburn Hills City Code.

G. Maintenance

Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

*(Added: 7-11-11 per Ordinance No. 836)*

## SECTION 1835. OIL AND GAS WELLS

The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall only be permitted in the I-1, Light Industrial, I-2, General Industrial, and I-3, Heavy Industrial districts subject to the terms and conditions of this section and shall not be permitted in any other districts. Further, hydraulic fracturing and/or fracking shall be expressly prohibited within the City.

1. Application. The petitioner shall file an application with the City describing the proposed location and activities. No drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall occur until the Community Development Department has issued a permit.

2. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City before the City issues a permit under this section. Conformance with State and Federal laws, statutes, rules, and regulations including obtaining the required permit from the Supervisor of Wells shall also apply to, but are not limited to, the plugging of wells and all material used and work done in connection with the exploring for, producing, marketing, and transporting of petroleum products as well as the disposition and removal of any byproducts utilized and associated with said activities.

3. Associated Permits and Approvals. The permit required by this section for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other

provision of this Zoning Ordinance, Auburn Hills City Code, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.

4. Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells shall not be located within 1,000 feet of a residential zoned building used for the purposes of residing in, religious institution, public or private school, child care facility, or hospital. The measurement of the setback shall be made from the center of the wellhead in a straight line, without regard to intervening structures or objects, to the closest exterior point of the adjacent building. This section shall not be construed to prohibit directional or horizontal drilling under said property where lawfully permitted by the Michigan Department of Environmental Quality (MDEQ). The edge of the well pad site shall meet the minimum building setback requirements of the district or Building and Fire Codes, whichever is greater.
5. Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.
6. Landscaping. Staggered twelve (12) foot tall evergreen trees shall be placed around the perimeter of the well site with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be irrigated and maintained.
7. Lighting. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally in compliance with Section 1810. Exterior Lighting.
8. Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 1807. Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation the following additional information and standards will be required.
  - A. Noise. Prior to the issuance of a permit and the commencement of operations, the petitioner shall submit a noise management plan, as approved by the City, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generating equipment. The noise management plan shall include:
    1. Identify operation noise impacts.
    2. Provide documentation establishing the ambient noise level prior to construction.
    3. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
      - a. Nature and proximity of adjacent development, location, and type
      - b. Seasonal and prevailing weather patterns, including wind directions
      - c. Vegetative cover on or adjacent to the site
      - d. Topography
  - B. Dust, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly, or unsafe.
  - C. Vehicle Routes for Truck Traffic. Construction vehicles and trucks, excluding pick-up trucks, associated with drilling and/or production operations shall be restricted to Class A roads designated by the City Department of Public Works.
  - D. Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department

- with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation.
9. Permitted Construction Activity Hours. Construction activities associated with establishing of the wellhead shall be eligible for an exception by the City Manager in accordance with the City's Hours of Construction Activity Ordinance provided such activities are in compliance with applicable laws and permits.
  10. Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time to enter upon the premises covered by any permit issued pursuant to this section for the purpose of making inspections thereof to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.
  11. Operator Information and Incident Reporting. The operator shall notify the City of the following:
    - A. Any changes to the name, address, and phone number of the operator within five (5) working days after the change occurs.
    - B. Any changes to the name, address, and phone number of the person(s) designated to receive notices from the City within five (5) working days after the change occurs.
    - C. Any "incident reports" or written complaints submitted to the Michigan Department of Environmental Quality (MDEQ), the Supervisor of Wells, or other regulating agency within thirty (30) days after the operator has notice of the existence of such reports or complaints.
  12. Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.
  13. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.
  14. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing shall only be permitted as a Special Land Use Permit in the I-2, General Industrial and I-3, Heavy Industrial districts.
  15. Cash Bond. The petitioner shall deposit a cash bond with the Community Development Department in the amount of \$25,000 per well to ensure faithful completion of required improvements and remediation of potential damage to road and infrastructure resulting in oil and gas drilling and related activities.
  16. Restitution. When the City's Emergency Services Department or any persons authorized to enforce this section and or any sections of the Auburn Hills City Code addressing oil and gas drilling and related activities are called to respond to any emergency or incident which was the result of a violation of federal, state or local regulation governing and/or pertaining to oil and gas drilling and/or related activities, or from negligence, the responsible person or entity shall reimburse the City of Auburn Hills for all costs incurred as a result of responding to and addressing the emergency or incident.

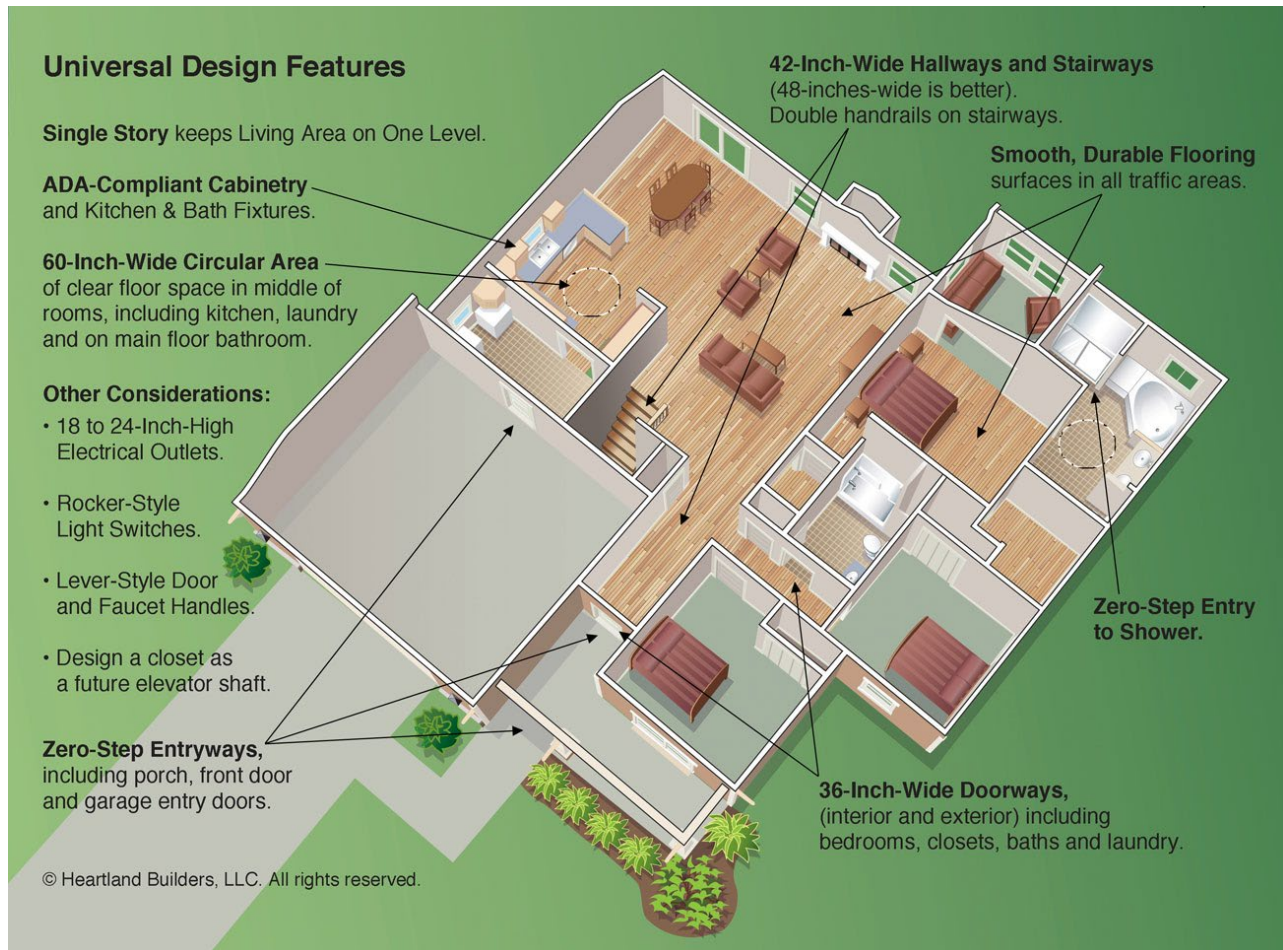
(Added: 4-21-14 per Ordinance No. 859)  
(Amended: 9-08-14 per Ordinance No. 860)

*space reserved – see next page*

**SECTION 1836. UNIVERSAL DESIGN AND VISITABILITY**

The intent of this section is to strongly encourage, but not require, the implementation of universal design elements and features in new homes where feasible.

Universal design elements and features can be seamlessly integrated into the construction of a new home so that it is functionally accessible for people of all ages and abilities. The goal is to discretely remove the physical barriers that are often found in traditional home design, that limit people with short or long term disabilities (living within or visiting), without making the home look institutional or aesthetically unappealing.

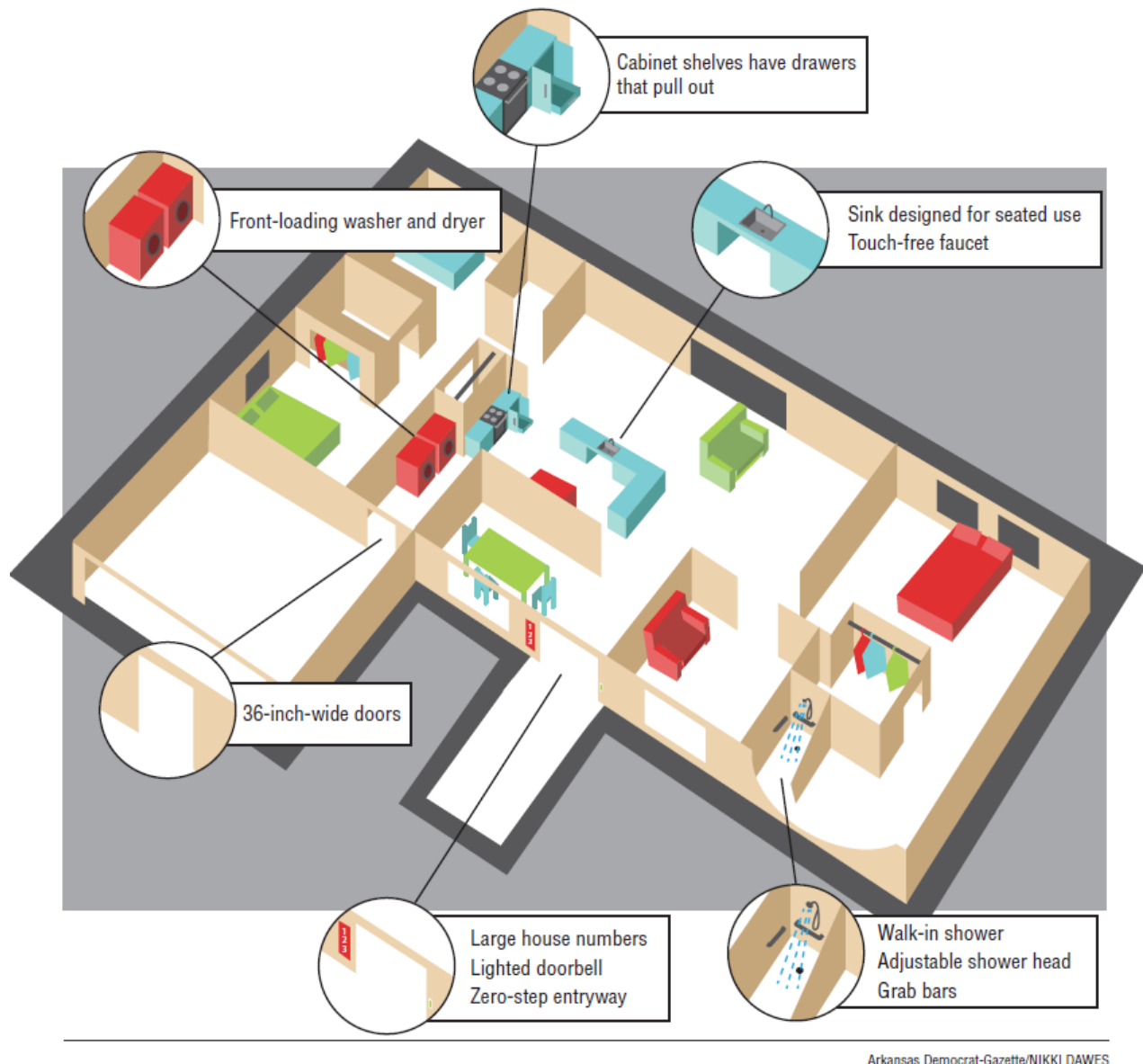


**Illustration #1 of Universal Design Elements and Features**

*Used with permission from Heartland Builders, LLC*

AARP and many disability advocates encourage home builders to utilize universal design elements and features as they enable people to “age in place” and remain in their homes throughout their lifespan, even as their needs change over time.

The City recognizes that in some cases it may be cost-prohibitive to retrofit an existing home to remove the physical barriers that prevent a person or family from remaining in their home as they age. Thus, this initiative is a priority of the City, as outlined in its Age-Friendly Action Plan, to raise awareness that such expenses can be significantly reduced when considered early in the design stage and subsequently incorporated into the initial construction cost of a home.



**Illustration #2 of Universal Design Elements and Features**

*Used with permission from Nikki Dawes*

As an incentive for developers to incorporate universal design elements and features into their development proposals, the City offers streamlined permitting and eligibility for consideration of zoning flexibility via the Planned Unit Development Option as outlined in Section 1830.

To be considered for Planned Unit Development Option eligibility, 75% or more of the homes in a proposed development must include the following minimum universal design elements and features:

1. Zero-step front door entryway
2. First floor master bedroom and bathroom with zero-step entry to shower
3. 36-inch wide doorways and 42-inch wide hallways
4. 60-inch wide maneuvering radius in the kitchen and bathrooms
5. First floor laundry room

*(Added: 2-27-17 per Ordinance No. 886)*

**SECTION 1837. DATA CENTERS****1. Purpose and Intent**

The purpose of this Section is to establish reasonable, predictable, and enforceable standards governing the siting, design, construction, operation, and expansion of Data Centers within the City of Auburn Hills in order to:

- A. Promote high-quality investment, expand the City's tax base, create employment opportunities, and support economic development by accommodating appropriately located Data Centers within designated zoning districts.
- B. Protect residents, businesses, public infrastructure, and surrounding property owners from potential adverse impacts associated with Data Center development and operation, including, but not limited to, noise, low-frequency sound, vibration, visual impacts, hazardous material storage, and demands on municipal utilities and public services.
- C. Establish measurable, objective, and enforceable operational performance standards, including post-construction verification of noise, low-frequency sound, utility usage, and other operational characteristics that may affect surrounding properties.
- D. Promote the efficient use of energy and natural resources through sustainable building design, energy-efficient equipment, stormwater best management practices, and cooling technologies that minimize potable water consumption, with a preference for closed-loop or other low-water-use cooling systems where feasible.
- E. Require coordination with electric, water, sewer, and other applicable utility providers to verify that adequate infrastructure capacity exists or will be provided by the applicant, and that facility operations will not adversely affect the reliability or availability of municipal services.
- F. Recognize that Data Centers may require substantial land area and electrical infrastructure while generating comparatively few permanent employment opportunities. Accordingly, the standards of this Section are intended to balance the City's long-term economic development objectives, preserve limited T&R, Technology and Research District land and available electrical infrastructure for employment-intensive uses, and prohibit new Data Center developments within said District except when approved by the City Council through the Planned Unit Development Option in Section 1830 and in accordance with the applicable standards of this Section.
- G. Recognize that the City is approaching build-out of its industrial land supply and encourage Data Center development through the adaptive reuse of existing industrial buildings and underutilized industrial properties rather than on the City's limited remaining vacant industrial land.

**2. Definitions**

For purposes of this Section, the following definitions apply. Where a term is not defined in this Section, the definition set forth elsewhere in this Ordinance, or its plain meaning, shall control.

- A. **Data Center**. A building, or portion of a building, whose primary use is to house computer systems, servers, and associated components, including cooling, power distribution, backup generation, and network infrastructure, for the storage, processing, management, or distribution of data, whether operated by a single user, colocation provider, or multiple tenants. A Data Center does not include computer systems, server rooms, network equipment rooms, telecommunications closets, or similar facilities that are clearly incidental and subordinate in floor area, electrical demand, and function to another lawful principal use on the same zoning lot, primarily support the operations of that principal use, and are not operated or marketed principally as a data-processing, hosting, storage, or colocation facility.
- B. **Designed Electrical Load Capacity**. The maximum electrical load, expressed in Megawatts, that a Data Center is designed to accommodate at Ultimate Build-Out, including information technology equipment, cooling systems, electrical distribution equipment, backup power systems, and all supporting infrastructure, as demonstrated by electrical engineering plans, utility service agreements, manufacturer specifications, or other documentation acceptable to the City.
- C. **Megawatt**. A unit of electrical power equal to one thousand (1,000) kilowatts or one million (1,000,000) watts, used in this Section to express Designed Electrical Load Capacity.
- D. **Ultimate Build-Out**. The maximum reasonably anticipated development intensity of a Data Center site, including all existing, proposed, approved, reserved, entitled, or reasonably foreseeable future phases, buildings, additions, increases in Designed Electrical Load Capacity, mechanical systems, emergency generation, and related infrastructure, regardless of whether all phases are proposed for immediate construction.

- E. Ambient Sound Level. The A-weighted sound pressure level, expressed in dB(A), representing the existing background sound environment at the property boundary or other measurement location designated by this Ordinance.
  - F. Tonal Component. A discrete, audible frequency or narrow frequency band that is readily distinguishable from the surrounding broadband sound, as determined in accordance with ANSI/ASA S12.9 or a successor standard approved by the City.
  - G. Backup Generator. Any diesel, natural gas, or other fuel-fired engine-generator set installed to provide emergency or standby electrical power to a Data Center during a utility outage or other interruption of normal electrical service.
3. Existing Data Centers  
Any Data Center lawfully operating on the effective date of this Section shall be considered lawful and conforming solely as to the data center use and may continue subject to its approved site plan, Development Agreement, and other applicable approvals. Nothing in this subsection shall cause a nonconforming structure or site condition to become conforming or authorize an expansion except in accordance with this Section. No increase in the maximum approved electrical capacity, measured in Megawatts, gross floor area, or Backup Generator capacity, shall be permitted unless authorized by an amendment to the recorded Development Agreement approved by the City Council. For any lawfully operating Data Center on the effective date of this Section that is not subject to a Development Agreement, any increase in designed electrical load capacity, gross floor area, cooling system equipment, or backup generator capacity shall comply with the requirements of this Section.
4. Applicability and Permitted Locations
- A. Permitted Locations. A citywide evaluation of potential Data Center locations was conducted to identify sites capable of accommodating the use while protecting surrounding land uses and making efficient use of existing and planned infrastructure. The evaluation included consultation with the electric utility regarding available electrical service capacity and the practicality of extending service, and considered the following factors:
    - 1) Compatibility with surrounding land uses, including protection of residential neighborhoods and avoidance of conflicts with existing and planned development;
    - 2) Potential operational impacts, including continuous equipment noise from cooling systems and emergency generator testing;
    - 3) Availability of necessary infrastructure, including electrical service, fiber optic and telecommunications systems, and municipal utilities;
    - 4) Sufficiency of parcel size and configuration to accommodate the proposed use and potential future expansion;
    - 5) Existing development patterns and consistency with the goals and objectives of the City's Master Land Use Plan;
    - 6) Visual compatibility with surrounding development; and
    - 7) Efficient use of public infrastructure and services in a manner that promotes the public health, safety, and welfare.

Accordingly, Data Centers, as defined in this Section, shall be permitted only on the properties identified in the following Table 1 subject to Special Land Use approval.

**Table 1**

| Address            | Sidwell Number | Zoning District         |
|--------------------|----------------|-------------------------|
| 1681 Harmon Road   | 14-03-100-043  | I-1, Light Industrial   |
| 3985 Giddings Road | 14-03-100-047  | I-1, Light Industrial   |
| 1750 Summit Drive  | 14-03-100-052  | I-1, Light Industrial   |
| 1751 Summit Drive  | 14-03-100-051  | I-1, Light Industrial   |
| 1700 Brown Road    | 14-03-100-028  | I-1, Light Industrial   |
| 1750 Brown Road    | 14-03-100-024  | I-2, General Industrial |

- B. Planned Unit Development Option. New Data Centers and expansions to existing Data Centers in locations other than those identified in Table 1 above may be considered only through approval of

a Planned Unit Development (PUD) in accordance with Section 1830. Approval of a PUD for a new Data Center or the expansion of an existing Data Center shall be at the sole discretion of the City Council, following a recommendation from the Planning Commission. An applicant shall have no right to appeal the requirements of this section to the Zoning Board of Appeals.

5. Data Center Review Criteria

In addition to the Special Land Use review criteria set forth in Section 1818 or PUD review criteria set forth in Section 1830, as applicable, the Planning Commission and City Council shall consider the following Data Center-specific criteria when evaluating an application:

- A. Compatibility of anticipated noise, vibration, lighting, and visual impacts with adjacent and nearby land uses.
- B. Adequacy of the proposed acoustic mitigation measures, including equipment selection, screening, building orientation, and site layout, based on the required pre-construction acoustic study.
- C. Adequacy of existing and proposed emergency and utility infrastructure to serve the facility without adversely affecting service reliability for existing customers.
- D. Consistency and adequacy of the proposed Backup Generator testing and operating protocols.
- E. Whether the applicant has disclosed the Ultimate Build-Out of the site and demonstrated that the facility can comply with all applicable standards of this Section at Ultimate Build-Out, rather than only during the initial phase of development.

6. Application Requirements

In addition to the standard site plan submission requirements, an application for a Data Center shall include the following information to demonstrate compliance with this Section:

- A. A pre-construction acoustic study prepared in accordance with subsection (7.A).
- B. A written statement describing the Ultimate Build-Out of the site, including the maximum anticipated Designed Electrical Load Capacity, total floor area, and the number, size, and location of all proposed mechanical equipment, cooling systems, electrical infrastructure, and Backup Generators, regardless of whether all phases are proposed for immediate construction.
- C. The utility-related information and documentation required by subsection 11(A), below.
- D. A narrative describing the proposed water supply and cooling system, including anticipated water demand, water source, wastewater generation, and discharge methods, if applicable.
- E. A Development Agreement, drafted by the City Attorney and signed by the applicant, together with any supporting documentation necessary to demonstrate compliance with this Section.

7. Noise and Acoustic Standards

This subsection is intended to directly address operational noise concerns typically associated with Data Centers, including mechanical equipment, cooling systems, electrical infrastructure, and Backup Generators. Because pre-construction predictive modeling cannot fully account for actual operating conditions, both pre-construction and post-construction requirements shall apply.

- A. Pre-Construction Acoustic Study. Prior to Special Land Use or PUD approval and site plan approval, the applicant shall submit an acoustic study prepared by a qualified acoustical engineer that:

- 1) Documents existing Ambient Sound Levels at the Data Center property lines and at any Residential District boundary located within one thousand (1,000) feet of the site, based on measurements representative of both daytime and nighttime conditions.
- 2) Models the anticipated sound level contribution of the proposed facility at full Ultimate Build-Out, including all mechanical, cooling, electrical, and Backup Generator equipment, at the Data Center property lines and at any Residential District boundary located within one thousand (1,000) feet of the site.
- 3) Identifies any anticipated Tonal Component, low-frequency noise, vibration, or other sound characteristics that may increase the perceptibility or impact of facility noise and proposes specific mitigation measures, including equipment selection, enclosures, barriers, screening, and equipment orientation.
- 4) Demonstrates compliance with the performance standards of subsection 7.B, including any applicable adjustments for Tonal Components, low-frequency noise, or other characteristics that increase noise perception.

- B. Performance Standards.

- 1) The facility shall comply with the noise performance standards of Section 1807.6.

- 2) Where residentially zoned or residentially used property is located within one thousand (1,000) feet, the City Council may impose a more restrictive numerical sound limit or additional mitigation as a condition of approval only upon a finding, supported by the required acoustic study, that the condition is necessary to satisfy Sections 1818 and 1837.7. Any such condition shall identify the applicable numerical limit, measurement location, measurement duration, time period, and adjustment for Tonal Components or low-frequency sound.
- 3) Tonal Components, low-frequency noise, vibration, or other characteristics that increase the perceptibility or impact of facility noise may require additional mitigation, even where overall dB(A) limits are satisfied. Any additional mitigation required under this paragraph shall be supported by the acoustic study, stated in specific and enforceable terms, and reasonably necessary to satisfy Sections 1818 and 1837.7.
- 4) Compliance measurements shall be conducted in accordance with industry-recognized environmental sound measurement practices using properly calibrated equipment and under conditions reasonably calculated to produce reliable and repeatable results.
- C. Post-Construction Acoustic Verification. Pre-construction modeling shall not be considered conclusive evidence of continued compliance. Accordingly:
  - 1) Within ninety (90) days of the facility first achieving substantial operation, defined as IT load reaching fifty percent (50%) or more of the initial phase's Designed Electrical Load Capacity, the applicant shall commission and submit to the City an independent post-construction acoustic verification study performed under representative operating conditions at the highest reasonably achievable load at the time of testing, at the same measurement locations used in the pre-construction acoustic study, but in no event later than twelve (12) months after issuance of the certificate of occupancy, unless the City approves a later date for good cause.
  - 2) If the post-construction study demonstrates non-compliance with subsection 7.B, the applicant shall submit and implement a mitigation plan subject to City approval and shall complete a follow-up verification study within one hundred eighty (180) days confirming compliance.
  - 3) The City may require an additional verification study, at the applicant's expense, following any subsequent expansion, significant equipment replacement, change in operational characteristics, or substantiated complaint.
  - 4) The Development Agreement for any Data Center shall include the City's right to conduct, or retain a third party to conduct, unannounced sound level monitoring at the applicant's expense not more than twice per calendar year, unless additional monitoring is warranted due to a substantiated complaint or compliance concern.
- D. Complaint Response Protocol. The operator shall designate a local or readily reachable point of contact responsible for responding to noise complaints. The operator shall respond to any complaint referred by the City within one (1) business day. Three (3) or more substantiated complaints within any twelve (12) month period shall require a mandatory re-verification study under subsection 7.C at the operator's expense.
8. Backup Generators and Emergency Power

Backup Generators are necessary infrastructure but are also a principal source of potential nuisance complaints if not properly regulated. Accordingly:

  - A. Routine, non-emergency testing and load-bank testing of Backup Generators shall occur only Tuesday through Thursday between 11:00 a.m. and 3:00 p.m., excluding federal holidays.
  - B. Routine testing shall not exceed thirty (30) minutes per Backup Generator per week, except where additional operation is required due to a documented mechanical or operational necessity. Testing exceeding this limitation shall require advance written notice to the City.
  - C. The operator shall provide the City with written notice at least seventy-two (72) hours in advance of any scheduled testing outside routine parameters, including annual load-bank testing.
  - D. Backup Generators shall be equipped with exhaust silencers and, where necessary to comply with subsection 7, acoustic enclosures, barriers, or other approved mitigation measures.
  - E. Nothing in this subsection shall restrict Backup Generator operation during an actual utility outage or bona fide emergency.

- F. Fuel storage shall comply with all applicable fire code requirements and Michigan Department of Environment, Great Lakes, and Energy (EGLE) requirements. Prior to occupancy, the applicant shall provide the Fire Department with a site-specific pre-incident plan.
9. Visual Impact, Screening, and Fencing
- A. All Backup Generators, transformers, mechanical equipment, including chillers, condensing units, and other cooling equipment, and other utility equipment located outside of a building shall be screened from view from any public or private roadway and any adjacent property through a combination of building design, opaque walls or fencing, and landscaping. Screening shall be of sufficient height and opacity to substantially conceal the equipment and achieve compliance with the noise and acoustic standards of subsection 7.
- B. Where equipment is located on the roof of a building, screening shall be accomplished through a parapet wall, screen wall, or comparable architectural enclosure of sufficient height to conceal the equipment from view at grade from adjacent public streets, private roads, and properties. Such screening shall be visually consistent with the building's architecture.
- C. Perimeter security fencing shall not exceed eight (8) feet in height, exclusive of approved anti-climb security features. Fencing shall be located behind the required landscape buffer adjacent to any public street right-of-way or private road easement. Barbed wire, razor wire, concertina wire, electrified fencing, and similar security devices are prohibited.
- D. Building facades visible from a public street, private road, or adjoining property shall incorporate architectural articulation, including variations in materials, offsets, reveals, fenestration, or comparable design elements. No building facade shall consist of an unarticulated blank wall exceeding one hundred (100) feet in length.
- E. Where a Data Center involves conversion of an existing building rather than new construction, subsection 9.D shall apply only to new construction, building additions, or facade areas materially altered as part of the conversion. For an existing facade retained without material alteration that does not meet subsection 9.D, the Planning Commission and City Council may approve alternative compliance upon finding that literal compliance is not structurally or economically feasible and that the proposed alternative, which may include landscaping, decorative screening, wall treatments, lighting, or comparable mitigation, reasonably advances the visual compatibility purposes of this Section.
10. Water Supply and Cooling Systems
- A. The applicant shall identify the proposed cooling technology, including air-cooled, evaporative, liquid, hybrid, or other systems, and provide an estimate of average and peak daily water demand at Ultimate Build-Out.
- B. Where municipal water or sanitary sewer capacity may be affected, the applicant shall coordinate with the City's Department of Public Works and the City's consulting engineer to demonstrate adequate capacity exists or will be provided at the applicant's expense.
- C. Data Centers are encouraged to use closed-loop dry cooling or other water-efficient cooling technologies to minimize potable water consumption. Where potable municipal water is proposed for non-contact cooling purposes, the applicant shall demonstrate why more water-efficient alternatives are not technically or economically feasible.
- D. Water efficiency and long-term water demand may be considered by the Planning Commission and City Council as part of Special Land Use or PUD review.
11. Electrical Infrastructure Impact
- A. The applicant shall request and, if provided by the serving electric utility, submit written confirmation that adequate electrical capacity exists or can be made available to serve the facility at full Ultimate Build-Out. The applicant shall also request that the utility identify any necessary infrastructure improvements, the costs assigned to the applicant under the utility's applicable tariffs, rules, and applicable law, and whether the proposed service is anticipated to adversely affect service reliability or impose additional costs on existing customers. If the utility declines or is unable to address any of these matters in writing, the applicant shall document its request and the utility's response and submit any other reasonably available utility correspondence, service-availability determination, engineering study, or service agreement addressing the requested service.

- B. Any electric substation, transmission, or distribution infrastructure required solely to serve the facility shall be constructed at the applicant's expense and shall be sited and screened consistent with subsection 9 to the extent reasonably possible when located on the same or adjacent parcel.

12. Emergency Services and Public Safety

- A. The applicant shall provide a written emergency response plan and meet with the Fire Department and Police Department to review site access, fire suppression systems, hazardous materials, including fuel storage and battery systems, and any specialized equipment or training necessary to respond safely to an incident at the facility.
- B. The applicant shall provide and periodically update as-built emergency response information, including site plans, shutoff locations, and hazardous materials inventory, to the Community Development Department and Fire Department.
- C. Any lithium-ion or other battery energy storage system shall comply with applicable fire code requirements for stationary storage battery systems and shall be reviewed by the Building Official and Fire Chief prior to installation.

13. Parking and Loading

As part of its approval of a Special Land Use or PUD, the City Council may, following review and recommendation by the Planning Commission, approve a modification of the otherwise applicable parking or loading requirements only upon written findings that the number and design of the proposed spaces or loading areas are adequate for the facility's maximum anticipated employment, visitors, deliveries, maintenance, and emergency operations at Ultimate Build-Out; that the modification will not impair access, circulation, public safety, or neighboring property; and that all applicable accessible-parking and fire-access requirements remain satisfied.

14. Required Disclosure of Future Build-Out

- A. An applicant shall disclose all planned, approved, or reasonably foreseeable future phases, expansions, and increases in electrical capacity associated with the site. The disclosure shall provide sufficient information for the City to evaluate the facility's full potential build-out. A material misrepresentation or omission discovered before final approval may constitute grounds for denial or the imposition of appropriate conditions. A material misrepresentation or omission discovered after approval shall constitute a violation subject to the enforcement and revocation procedures in the Development Agreement.
- B. The Planning Commission and City Council shall evaluate the application based on the anticipated Ultimate Build-Out of the facility and may condition approval of an initial phase on a demonstration that subsequent phases can comply with all applicable requirements of this Section.

15. Development Agreement

A Development Agreement is required for every Data Center facility and shall be a condition of Special Land Use or PUD approval. The Development Agreement shall establish enforceable obligations, restrictions, performance standards, and commitments applicable to the facility. The Development Agreement shall be recorded against the property, shall run with the land, and shall bind the applicant, property owner, operator, and their successors and assigns. The provisions listed below establish the minimum required contents of the Development Agreement and shall not limit the City's authority to require additional terms, conditions, restrictions, financial assurances, monitoring requirements, or obligations reasonably related to the proposed development, anticipated impacts, or Special Land Use or PUD approval. At a minimum, the Development Agreement shall address:

- A. A description of the project, including the applicant, property owner, operator, site location, and general nature and scope of the proposed Data Center use.
- B. The planned Designed Electrical Load Capacity, in Megawatts, for the initial phase and Ultimate Build-Out of the site.
- C. A reference to the approved site plan governing the facility, including the date of approval and any subsequent amendments.
- D. The specific noise performance standards, mitigation requirements, and post-construction verification requirements applicable to the site, which may be more, but not less, restrictive than subsection 7.
- E. Generator testing protocols specific to the site.
- F. Operational conditions applicable to the facility, including hours of routine testing, maintenance, delivery activity, and other site-specific operational restrictions.

- G. The City's right of periodic inspection and monitoring, at the operator's expense, as described in subsection 7.
- H. Remedies for noncompliance, including written notice of the violation, a reasonable opportunity to cure, enforcement proceedings, and, where warranted, revocation of the Special Land Use approval or enforcement of the PUD approval and Development Agreement. Except where immediate action is necessary to address an imminent threat to public health or safety, the City shall provide written notice to the operator and property owner identifying the alleged violation and allowing not less than thirty (30) days to cure. If the violation cannot reasonably be cured within thirty (30) days, the cure period may be extended if the operator commences corrective action within that period and diligently proceeds to completion. If a material violation remains uncured, the City Council may revoke the Special Land Use approval following notice and a public hearing. Any revocation shall be supported by written findings that the violation is material, remains uncured, and cannot be adequately addressed through a lesser enforcement remedy. Nothing in this subsection limits the City's authority to pursue any other remedy authorized by this Ordinance, the Development Agreement, or applicable law.
- I. Any additional project-specific provisions, conditions, representations, restrictions, performance standards, or commitments that the City determines are necessary to protect the public health, safety, and welfare or implement the intent of this Section, including commitments made by the applicant during the Special Land Use or PUD review process, all of which shall be binding upon the operator and its successors and assigns.

*(Added: 8-24-26 per Ordinance No. 951)*